

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania Wastewater, Inc. :  
Pursuant to Sections 1102 and 1329 of the :  
Public Utility Code, for approval of the :  
Acquisition by Aqua of the wastewater system : A-2023-3041695  
Assets of the Greenville Sanitary Authority :  
Situated within the Borough of Greenville, :  
Hempfield Township, and West Salem Township, :  
Mercer County, Pennsylvania :

**PREHEARING ORDER**

This Order memorializes the agreements, rulings, and results of the discussion of various procedural matters addressed at the prehearing conference held on July 17, 2024.

*Procedural History*

On November 17, 2023, Aqua Pennsylvania Wastewater, Inc. (“Aqua”) filed an Application with the Pennsylvania Public Utility Commission (“Commission”) seeking approval to acquire the wastewater system assets of the Greenville Sanitary Authority (“GSA”). The Application was docketed at A-2023-3041695.

On December 1, 2023, the Office of Small Business Advocate (“OSBA”) filed a Protest against the Application.

On December 8, 2023, the Office of Consumer Advocate (“OCA”) filed a Protest against the Application.

On June 3, 2024, Keith Gabage (“Mr. Gabage”) filed a Protest against the Application.

On June 17, 2024, GSA filed a Petition to Intervene in this proceeding. On the same date, the Borough of Greenville (“the Borough”) filed a Petition to Intervene in this proceeding.

On June 21, 2024, the Commission accepted the Application for filing.

On June 24, 2024, the Commission’s Bureau of Investigation and Enforcement (“I&E”) entered its appearance in this proceeding.

On June 25, 2024, the Commission issued a Prehearing Conference Notice, scheduling a prehearing conference for July 17, 2024, and officially assigning this matter to the undersigned Administrative Law Judges.

On June 26, 2024, the Commission issued a Prehearing Conference Order. The Order directed parties to file prehearing memoranda by July 16, 2024.

On July 6, 2024, notice of the Application was published in the Pennsylvania Bulletin. The notice provided a deadline of July 16, 2024, for Protests and Petitions to Intervene.

On July 12, 2024, Aqua filed a Petition for Protective Order.<sup>1</sup>

On July 12, 2024, the Commission issued a Telephonic Public Input Hearing Notice, scheduling a public input hearing for July 30, 2024, to begin at 6:00 p.m.<sup>2</sup>

Pursuant to the Prehearing Conference Order, prehearing memoranda were filed by Aqua, GSA, the Borough, OCA, OSBA, and I&E.

### Prehearing Conference

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<sup>1</sup> Aqua’s Petition for Protective Order was granted on July 18, 2024.

<sup>2</sup> Prior to the prehearing conference, the parties via email agreed to the date, time, and format of this public input hearing.

On July 17, 2024, the prehearing conference was held as scheduled. The following parties were represented by counsel: Aqua, GSA, the Borough, OCA, OSBA, and I&E. This Prehearing Order memorializes the agreements made during the prehearing conference.

ORDER

THEREFORE,

IT IS ORDERED:

Petitions

1. That the Petition to Intervene filed by the Greenville Sanitary Authority is granted.
2. That the Petition to Intervene filed by the Borough of Greenville is granted.

Litigation Schedule

3. That the following litigation schedule is adopted:

<u>Date</u>	<u>Event</u>
July 26, 2024	Other Parties' Direct Testimony
July 30, 2024	Telephonic Public Input Hearing at 6 p.m.
August 2, 2024	Rebuttal Testimony
August 9, 2024	Surrebuttal Testimony
August 9, 2024	All-Party Testimony Responsive to Telephonic Public Input Hearing Testimony

August 13, 2024	Written Rejoinder Testimony
August 15 and 16, 2024	Telephonic evidentiary hearings, to begin at 9 a.m. each day
August 27, 2024	Main Briefs
September 5, 2024	Reply Briefs or submission of joint settlement petition executed by representatives of parties thereto, together with all parties' statements in support of joint petition/settlement

Discovery

4. The Commission's discovery regulations are modified as follows:
  - a. Answers to written interrogatories shall be served in-hand within seven (7) calendar days of service. Discovery and discovery-related pleadings propounded after 12:00 noon on a Friday or after 12:00 noon on any business day immediately preceding a state holiday will be deemed served on the next business day for purposes of determining the due date of the responses and responsive pleading.
  - b. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served to the ALJs in writing within five (5) days of service of the interrogatories. Objections to interrogatories served on a Friday shall be communicated orally within four (4) calendar days, and unresolved objections shall be served to the ALJs in writing within six (6) days of service of the interrogatories.
  - c. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of the written objections.
  - d. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
  - e. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within seven (7) calendar days.
  - f. Requests for admissions will be deemed admitted unless answered within seven (7) calendar days or objected to within four (4) calendar days of service.

g. Discovery-related pleadings, such as objections, motions, or answers, served on a Friday or the day before a holiday recognized by the Commission will be deemed to have been served on the following business day for purposes of tracking due dates.

#### Service

5. That a service list of the parties is attached to this Order. Any changes or corrections should be communicated to the ALJs as soon as possible, via e-mail. The undersigned ALJs' email addresses are [mhoyer@pa.gov](mailto:mhoyer@pa.gov) and [alphonarno@pa.gov](mailto:alphonarno@pa.gov).

6. That the parties may serve documents electronically to meet any required due date. Documents served electronically shall be followed by service of a hard copy to Protestant Keith Gabage. Documents served electronically need not be followed by service of a hard copy to any other party.

7. That the parties may arrange service amongst themselves as they agree.

#### Written Testimony/Stipulations/CSI

8. That the parties comply with the Commission's requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412.

9. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

10. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234. All stipulations

entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearing in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

11. That the parties should do their best to avoid the use of Confidential Security Information (CSI), as defined by 35 P.S. § 2141 *et seq.*, in this proceeding. Where possible, the parties should develop alternative means of introducing information into the record, such as joint stipulations or redaction when proposing testimony or exhibits. If the parties cannot avoid the use of CSI, the parties are to contact the undersigned in advance of any submission, and prior to the evidentiary hearing.

#### Settlement

12. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this proceeding. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility. If a settlement is reached, a joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and served on the presiding officer.

#### Briefs

13. A separate Briefing Order will be timely issued, consistent with 52 Pa. Code § 5.501 *et seq.*

#### Modification

14. That any provision of this Prehearing Order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa. Code § 5.223(a).

Date: July 22, 2024

\_\_\_\_\_/s/  
Mark A. Hoyer  
Deputy Chief Administrative Law Judge

\_\_\_\_\_/s/  
Alphonso Arnold III  
Administrative Law Judge

**A-2023-3041695 - APPLICATION OF AQUA PENNSYLVANIA WASTEWATER, INC.  
PURSUANT TO SECTIONS 1102 AND 1329 OF THE PUBLIC UTILITY CODE FOR:  
APPROVAL OF THE ACQUISITION BY AQUA OF THE WASTEWATER SYSTEM  
ASSETS OF THE GREENVILLE SANITARY AUTHORITY (“GSA”) SITUATED  
WITHIN THE BOROUGH OF GREENVILLE, HEMPFIELD TOWNSHIP, AND WEST  
SALEM TOWNSHIP, MERCER COUNTY, PENNSYLVANIA**

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