

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	R-2024-3050208
Office of Consumer Advocate	:	C-2023-3050613
Office of Small Business Advocate	:	C-2023-3050625
	:	
v.	:	
	:	
Newtown Artesian Water Company	:	

PREHEARING ORDER #1

On July 19, 2024, Newtown Artesian Water Company (“NAWC” or “Company”) filed proposed Supplement No. 158 to Tariff Water – Pa. P.U.C. No. 9 (“Supplement No. 158”), with a proposed effective date of September 18, 2024. The rates set forth therein, if approved by the Commission, would increase NAWC’s annual jurisdictional revenues by \$922,419, or 14.1%.

On August 7, 2024, the Office of Consumer Advocate (“OCA”) filed a Formal Complaint at Docket No. C-2023-3050613 along with a Public Statement.

On August 8, 2024, the Office of Small Business Advocate (“OSBA”) filed a Formal Complaint at Docket No. C-2023-3050625 along with a Public Statement.

On August 13, 2024, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed its Notice of Appearance.

On August 22, 2024, the Commission issued a Suspension Order that initiated an investigation into the lawfulness, justness, and reasonableness of the proposed rate increase in this filing in addition to the Company’s existing rates, rules, and regulations, assigned this matter to

the OALJ for further proceedings as appropriate, and suspended the effective date of the tariff until April 18, 2025.

A Prehearing Conference Order issued on August 29, 2024, directed the parties to file and serve a Prehearing Memorandum on or before noon on September 6, 2024, and scheduled a telephonic Prehearing Conference on September 9, 2024 at 10:00 A.M.

The prehearing conference was held as scheduled. This order memorializes certain procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

1. That the parties of record as of this date are NAWC, OCA, OSBA and I&E.

2. That the following litigation schedule is adopted:

Prehearing Conference	September 9, 2024
Public Input Hearings	October 7, 2024 (at 1:00 p.m. and 6:00 p.m.)
Non-Company Direct Testimony	October 10, 2024
Rebuttal Testimony	November 1, 2024
Surrebuttal Testimony	November 15, 2024
Rejoinder Outlines	November 19, 2024 (by noon).
Evidentiary Hearings	November 20 and 22, 2024
Main Briefs	December 13, 2024
Reply Briefs	December 27, 2024

3. That public input hearings shall be held on Monday, October 7, 2024, at 1:00 p.m. and 6:00 p.m.

- Monday, October 7, 2024– An in-person hearing will be held at the following time and location:

1:00 p.m. – Council Rock School District
Administration Building
(Chancellor Center)
30 N. Chancellor Street
Newtown, PA 18940

- Monday, October 7, 2024– A telephonic dial-in hearing will begin at 6:00 p.m.

Toll-free Bridge Number: 1-866-560-8322
PIN Number: 36676820

4. That NAWC shall publish notice of the date, time and registration instructions for the public input hearings in at least one newspaper of general circulation in NAWC’s service territory, weekly, for two consecutive weeks. NAWC is further ordered to file proof of publication with the Commission’s Secretary’s Bureau. NAWC is further ordered to publish notice of the public input hearings on its website, social media and through any other electronic means available.

5. That the parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission’s procedures for formal discovery, as herein modified.

6. That before rebuttal testimony is served, the deadlines shall be as follows:

A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.

B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.

C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.

D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.

E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.

G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

7. That after rebuttal is served, the deadlines shall be reduced as follows:

A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.

B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in

writing within three (3) calendar days of service of the interrogatories and/or requests for production.

C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of written objections.

D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of such motions.

E. Requests for admission shall be deemed admitted unless answered or objected to within five (5) calendar days of service.

F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

8. That the modifications state above shall take effect during the on-the-record prehearing conference and apply to all future discovery requests served on and after the date of the Prehearing Conference (September 9, 2024).

9. That any interrogatories or requests for admissions that were outstanding as of the date of the Prehearing Conference are due no later than 10 calendar days after the Prehearing Conference.

10. That pursuant to 52 Pa. Code §5.341(b), the parties must not send the presiding officer discovery material or cover letters, unless attached to a motion to compel.

11. That all motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If

a motion to compel fails to contain such certification, the presiding officer will contact the parties and direct them to pursue informal discovery.

12. That the parties comply with the Commission's requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412. These include, but are not limited to, the requirement that written testimony must be accompanied by all exhibits to which it relates. Written testimony shall be marked with numerical, sequential statement numbers. Oral direct, rebuttal or surrebuttal testimony or witnesses not identified in a party's prehearing memorandum shall not be permitted, except by permission for good cause.

13. That technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. The parties are to agree on a list of common acronyms and use them consistently in all written testimony and briefs.

14. That no written testimony will be admitted into evidence unless accompanied by a verification of affidavit of the witness.

15. 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.

16. That the parties shall comply with the provisions of 52 Pa. Code § 5.243(e) which prohibit the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

17. 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 precious 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 hearings 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.

18. That the evidentiary hearings in this matter constitute formal legal proceedings and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

19. Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa.Code §§ 5.76; 5.243.

20. That parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding.

21. That after the hearing, it is the responsibility of the parties to, in a timely manner, provide their admitted exhibits to the court reporter for addition to the record. Questions regarding how to submit your exhibits should be directed to the court reporter. Failure to timely submit exhibits to the court reporter may result in those exhibits being excluded from the record. Exclusion of exhibits from the record will preclude the presiding officer from relying on the exhibits as part of his/her determination on the merits.

22. That the parties are to confer among themselves in an attempt to resolve all or some of the issues associated with these Complaints. The parties are reminded it is the

**R-2024-3050208 et al. – PENNSYLVANIA PUBLIC UTILITY COMMISSION v.
NEWTOWN ARTESIAN WATER COMPANY**

Revised: August 29, 2024

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