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Whitney E. Snyder
717.703.0807
[wesnyder@hmslegal.com](mailto:wesnnyder@hmslegal.com)

Aaron D. Rosengarten
717.703.0808
adrosengarten@hmslegal.com

501 Corporate Circle, Suite 302, Harrisburg, PA 17110 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

October 21, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Application For Certificate Of Public Convenience And All Necessary Approvals Nunc Pro Tunc For Mainlines, Manholes & Wastewater Treatment Inc. To Provide Wastewater Services To Portions Of Girard Township and Waterford Township, Erie County, Pennsylvania, Approval Of Affiliated Interest Agreement, And All Other Approvals As May Be Necessary Or Proper, Including an Affiliated Interest Agreement; Docket Nos. A-2024-3050786; **MMWT PREHEARING CONFERENCE MEMORANDUM**

Dear Secretary Chiavetta:

Enclosed for filing is Mainlines, Manholes & Wastewater Treatment Inc.'s ("MMWT") Prehearing Conference Memorandum. Copies have been served according to the certificate of service.

If you have any questions regarding this filing, please do not hesitate to contact me.

Very truly yours,

/s/ Whitney E. Snyder

Whitney E. Snyder
Aaron D. Rosengarten

*Counsel for
Mainlines, Manholes & Wastewater Treatment Inc.*

WES/das

Enclosures

cc: Honorable Katrina L. Dunderdale (kdunderdal@pa.gov)
Mary G. Swarner, Legal Assistant (mswarner@pa.gov)
Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application For Certificate Of Public :
Convenience And All Necessary Approvals :
Nunc Pro Tunc For Mainlines, Manholes : Docket No. A-2024-3050786
& Wastewater Treatment Inc. To Provide :
Wastewater Services To Portions Of Girard :
Township and Waterford Township, Erie :
County, Pennsylvania, Approval Of :
Affiliated Interest Agreement, And All Other :
Approvals As May Be Necessary Or Proper, :
Including an Affiliated Interest Agreement :

**MAINLINES, MANHOLES & WASTEWATER TREATMENT INC.’S
PREHEARING CONFERENCE MEMORANDUM**

TO THE HONORABLE KATRINA L. DUNDERDALE:

Pursuant to Your Honor’s October 7, 2024 Prehearing Conference Order and 52 Pa. Code § 5.222(d), Mainlines, Manholes & Wastewater Treatment, Inc. (“MMWT” or the “Company”) submits this Prehearing Conference Memorandum.

I. HISTORY

On August 16, 2024, MMWT filed an application for certificate of public convenience and all necessary approvals nunc pro tunc to provide wastewater services to portions of Girard Township and Fairview Township, Erie County, Pennsylvania, approval of Affiliated Interest Agreement, and all other approvals as may be necessary or proper, including an Affiliated Interest Agreement.

On August 19, 2024 the Pennsylvania Public Utility Commission (“Commission”) issued a Secretarial Letter and bulletin notice directing MMWT to serve copies of the Application upon:

- Each city, borough, town, township, county and related planning office, which is included, in whole or in part, in the proposed service area;

- A water or wastewater utility, municipal corporation or authority which provides water or wastewater collection, treatment, and disposal service to the public and whose service area abuts or is within 1 mile of the service area proposed in the application; and,
- The Office of Consumer Advocate, Office of Small Business Advocate, and the Department of Environmental Protection’s central and regional offices.

MMWT was further directed to publish the enclosed notice once a week for two consecutive weeks in a newspaper having a general circulation in the area involved and file proof of publication with the Commission on or before September 16, 2024.

On August 23, 2024 MMWT filed a letter advising the Commission that the Application was served via Certified Mail on the Office of Consumer Advocate (“OCA”), Office of Small Business Advocate (“OSBA”), Grant Rosul in the Commission’s Bureau of Investigation and Enforcement, Office of Special Assistant, Department of Environmental Protection (Central Office), Department of Environmental Protection (Northwest Regional Office), Girard Township (Erie County) and Fairview Township (Erie County). MMWT also notified the Commission that the municipalities and utility companies listed on the certificate of service have been served with the referenced Application.

On August 28, 2024 the OSBA filed a Notice of Appearance of Rebecca Lyttle.

On August 28, 2024 MMWT filed an Amended Application for certificate of public convenience and all necessary approvals nunc pro tunc to provide wastewater services to portions of Girard Township and Waterford Township, Erie County, Pennsylvania, approval of Affiliated Interest Agreement, and all other approvals as may be necessary or proper, including an Affiliated Interest Agreement (“Amended Application”). MMWT advised the original application mistakenly listed Fairview Township instead of Waterford Township; MMWT is not seeking to serve Fairview Township.

On September 9, 2024 the Commission issued a Secretarial Letter and bulletin notice directing MMWT to serve copies of the Amended Application upon:

- Each city, borough, town, township, county and related planning office, which is included, in whole or in part, in the proposed service area;
- A water or wastewater utility, municipal corporation or authority which provides water or wastewater collection, treatment, and disposal service to the public and whose service area abuts or is within 1 mile of the service area proposed in the application; and,
- The Office of Consumer Advocate, Office of Small Business Advocate, and the Department of Environmental Protection's central and regional offices.

MMWT was further directed to publish the enclosed notice once a week for two consecutive weeks in a newspaper having a general circulation in the area involved and file proof of publication with the Commission on or before October 7, 2024.

On September 10, 2024, the OSBA filed a Protest, Notice of Intervention, Public Statement and Verification.

On September 13, 2024, the Commission's Bureau of Technical Utility Services' ("TUS") propounded TUS Data Requests Set I on MMWT and directed that responses be filed within ten business days.

On September 20, 2024 the Commission issued a Call-In Telephone Prehearing Conference Notice scheduling this matter for an Initial Call-In Telephonic Prehearing Conference for Tuesday, October 22, 2024 at 9:00 AM.

On September 23, 2024, MMWT filed an Affidavit proving publication of the required notice in *The Erie Times-News* on September 11 and September 18, 2024.

On October 3, 2024, MMWT filed Responses to the Bureau of Technical Utility Services' Data Requests, Set I, Nos. 1 and 2.

On October 7, 2024, Your Honor issued the Prehearing Conference Order.

On October 15, 2024, MMWT filed an Unopposed Motion for Stay requesting Your Honor to stay the proceeding for 90 days to allow MMWT and OSBA to continue settlement discussions and allow the Company to continue gathering and submitting information that the Commission requested be submitted in connection with the Amended Application.

II. ACCEPTANCE OF SERVICE

Counsel for MMWT consents to electronic service and proposes the parties agree to accept service of all documents by email by 4:30 PM as satisfying in-hand delivery. Service of documents in this proceeding shall be accepted on behalf of MMWT by:

Whitney E. Snyder, Attorney I.D. No. 316625
Aaron D. Rosengarten, Attorney I.D. No. 329506
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
717.236.1300
wesnyder@hmslegal.com
adrosengarten@hmslegal.com

Counsel for MMWT requests that any electronic service list utilized by the parties in this proceeding include Whitney E. Snyder (wesnyder@hmslegal.com) and Aaron D. Rosengarten (adrosengarten@hmslegal.com) MMWT is willing to extend the same courtesy upon request of any other party for any e-mails or electronic service to the parties.

III. PRIMARY SPEAKER FOR THE PREHEARING CONFERENCE

Whitney Snyder will be the primary speaker for MMWT

IV. ISSUES

MMWT submits that granting it a certificate of public convenience is in the public interest. MMWT is owned and operated by the same people who own Springhouse Waterworks, an already certificated public utility. Additionally, MMWT has been providing safe, adequate, and reasonable service and will continue to do so upon the granting of a certificate of public convenience. There

is no other provider of wastewater services for the customers MMWT currently serves and the granting of a certificate of public convenience will allow MMWT to continue providing service to its customers.

V. WITNESSES AND SUBJECT OF TESTIMONY

Should MMWT present testimony in this proceeding, MMWT expects to offer the following witness to testify:

Stacy Luciano
Manager
Mainlines, Manholes & Wastewater Treatment, Inc.
9214 Tannery Road
Girard, PA 16423

VI. PROCEDURAL SCHEDULE

MMWT believes that the issues in this proceeding can be resolved by way of settlement. MMWT filed an Unopposed Motion for Stay respectfully requesting Your Honor to stay the proceeding for 90-days to engage in settlement discussions and submit additional information requested by the Commission before establishing a litigation schedule.

If the Motion is granted, the parties would also provide monthly status updates to Your Honor providing status updates. If, at the conclusion of the 90-day period the parties want to litigate this proceeding, the parties will propose a litigation schedule.

MMWT submits that this process is appropriate as it would conserve the time and expenses associated with the litigation.

VII. DISCOVERY

MMWT will work with OSBA to determine if any necessary modifications to the Commission's discovery regulations are needed if a litigation schedule is established.

VIII. SETTLEMENT

MMWT and the OSBA are currently engaged in settlement discussions in accordance with 52 Pa. Code § 5.231(a).

Respectfully submitted,

/s/ Whitney E. Snyder

Whitney E. Snyder, PA ID 316625

Aaron D. Rosengarten, PA ID 329506

HMS Legal LLP

501 Corporate Circle, Suite 302

Harrisburg, PA 17110

Phone: 717.236.1300

wesnyder@hmslegal.com

adrosengarten@hmslegal.com

Counsel for

Mainlines, Manholes & Wastewater Treatment Inc.

Dated: October 21, 2024

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

BY EMAIL:

Rebecca Lyttle, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor Forum Place
Harrisburg, PA 17101
relyttle@pa.gov

/s/ Whitney E. Snyder

Whitney E. Snyder
Aaron D. Rosengarten

Dated this 21st day of October, 2024