

**BEFORE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania	:	
Wastewater, Inc. Pursuant to Sections 507,	:	
508, 1102 and 1329 of the Public Utility	:	A-2022-3033138
Code for Approval of its Acquisition of the	:	
Wastewater System Assets of the City of	:	
Beaver Falls	:	

PREHEARING CONFERENCE ORDER

A telephonic prehearing conference is scheduled in this case for **Wednesday, January 29, 2025, at 1:30 p.m.** To participate in the conference,

- You must dial the toll-free bridge number listed below
- You must enter a PIN number when instructed to do so, also listed below
- You must speak your name when prompted
- The telephone system will connect you to the conference

Toll-free Bridge Number: **1.877.874.1047**
PIN Number: **11738422**

There is a statutory six-month deadline for final Commission action in this proceeding. Cooperation among the parties throughout this proceeding will be both necessary and expected to meet this deadline. Accordingly, the parties are hereby directed to comply with the following requirements:

1. Parties must serve me directly (electronically at fbrady@pa.gov and to my Legal Assistant Pam McNeal at pmcneal@pa.gov and by hard copy if service of hard copies is necessary) with any document you file in this proceeding. If you send any document or correspondence, you must send a copy to all other parties in the case. The current service list is attached to this order. My correct mailing address is:

Administrative Law Judge F. Joseph Brady
PA Public Utility Commission
801 Market Street, 4th Floor
Philadelphia, PA 19107

2. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §§ 5.221- 5.224, and in particular, § 5.222(d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(1) The preparation must include submission of a prehearing memorandum and list:

- (i) The presently identified issues.
- (ii) The names and addresses of the witnesses.
- (iii) The proposed area of testimony of each witness.

(2) The preparation may include:

- (i) Development of a proposed procedural schedule.
- (ii) Advance study of all relevant materials.
- (iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added.)

3. Each party must prepare and distribute a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses, proposed litigation schedule, and the subject of their testimony by **Noon, 12:00 p.m., on Tuesday, January 28, 2025**. The Reply Brief deadline for the litigation schedule shall be April 4, 2025. This date cannot be moved.

4. The Parties are directed to confer regarding the scheduling of a public input hearing(s) and to propose a date(s) and time for each agreed upon public input hearing.

Applicant shall provide the agreed upon locations, date(s) and time(s) of any agreed upon public input hearings in its prehearing memorandum.

5. Please review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, *inter alia*, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages participants to exchange information on an informal basis. We urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the participation of the presiding officers for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

The regulations relating to discovery are modified by this order because of the expedited nature of this proceeding in advance of the prehearing conference 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.

The above discovery modifications only apply to discovery requests made after the date of this order.

6. Pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number, business telefacsimile number (if any), and business e-mail address (if any) of the person they wish to include on the service list.

7. Parties shall be limited to those persons or entities who: (1) file a protest or petition to intervene pursuant to 52 Pa.Code §§ 5.51, 5.71-76 (or a notice of intervention for those entities with a statutory right of participation) and (2) attend the initial prehearing conference. After the prehearing conference, intervention is limited to those persons or entities granted party status pursuant to 52 Pa.Code §§ 5.71-5.76, as set forth in *Re: Mercer Gas Company*, 71 Pa. PUC 19 (1989), and *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980).

8. Petitions to intervene, if not untimely or otherwise defective on their face, shall be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.

9. Pursuant to 52 Pa.Code §§ 1.21-1.23, you may represent yourself if you are an individual or a sole proprietorship, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, corporation, limited liability company, association, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity,

municipality or other political subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *pro hac vice* represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall ensure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

10. The parties are to confer among themselves in an attempt to resolve all or some of the issues associated with this Petition. 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. 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 along with a CD in searchable PDF format, and both a paper copy and electronic copy in Word document or a compatible format served on the presiding officers.

11. Absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the date, time and location thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and an order or ruling with respect thereto.

Dated: January 14, 2025

_____/s
F. Joseph Brady
Administrative Law Judge

**A-2022-3033138 - APPLICATION OF AQUA PENNSYLVANIA WASTEWATER, INC.
PURSUANT TO SECTION 507, 508, 1102 AND 1329 OF THE PUBLIC UTILITY CODE
FOR APPROVAL OF ITS ACQUISITION OF THE WASTEWATER SYSTEM ASSETS
OF THE CITY OF BEAVER FALLS.**

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