

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ryan Flynn o/b/o	:	
Liquid Management	:	
	:	
v.	:	C-2024-3047272
	:	
Pennsylvania American Water Co. - Wastewater	:	

ORDER DENYING PETITION FOR ISSUANCE OF SUBPOENAS

On November 20, 2024, the Complainant filed a Petition for Issuance of Subpoenas pursuant to Section 5.421(a)(2) of the Commission’s regulations, 52 Pa. Code § 5.421(a)(2), to secure the attendance of Joe Woodard, Mary Johnson, Joel Mitchell, Christina Bohensky, and Erin K. Fure, to testify at the evidentiary hearing scheduled for February 12, 2025, in the above captioned matter.¹

The Complainant identifies Joe Woodard as Senior Director, Eastern Pennsylvania Operations for Respondent, Mary Johnson as head of the Resolution Department for Respondent, Joel Mitchell as Senior Project Manager for Respondent, Christina Bohensky as EPA Compliance Specialist for Respondent, and Erin K. Fure as former counsel for Respondent. The relevance, materiality and scope of the witnesses’ testimony was set forth in the Petition.

No objections have been received against the Petition, however, as noted below, the Petition does not include a certificate of service that indicates upon whom the Petition was served.

¹ On December 18, 2024, the evidentiary hearing was rescheduled from December 3, 2024, to February 12, 2025.

The Commission's authority to issue subpoenas to compel the testimony of witnesses is contained in Sections 309 of the Public Utility Code:

The commission, or its representative, shall have the power, in any part of this Commonwealth, to subpoena witnesses, to administer oaths, to examine witnesses, or to take such testimony, or compel the production of such books, records, papers, and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation, or hearing, held by it, and to do all necessary and proper things and acts in the lawful exercise of its powers or the performance of those duties.

66 Pa.C.S. § 309. *See also* 66 Pa.C.S. § 331(d)(2) (authorizing presiding officers to issue subpoena).

The Commission's regulations address the form of a written application or petition for subpoena (52 Pa. Code § 5.421(b)) as well as requirements for service of the written petition (52 Pa. Code § 5.421(c)). The Petition filed by the Complainant does not contain a notice that a response or objection to the petition shall be filed with the Commission and presiding officer within 10 days of service of the petition (52 Pa. Code § 5.421(b)(3)), nor does it include a certificate of service (52 Pa. Code § 5.421(b)(5)). Regarding service, the regulations state that the petition shall be served to the party, person or individual to be subpoenaed (52 Pa. Code § 5.421(c)(1)) and the person or individual for whom the subpoena is sought when the person is not a party to the case (52 Pa. Code § 5.421(c)(5)). As the Complainant indicates that Erin K. Fure is former counsel for Respondent and thus not a current employee of Respondent, she is not a party to the case and as such should be served with the Petition individually, along with service of the Petition to Respondent. Given the failure of the Petition to include a certificate of service, it is unknown if the Petition was served upon Attorney Fure and the Respondent.

Given these above defects in the Petition, it will be denied in the Ordering paragraphs below.

**C-2024-3047272 - RYAN FLYNN v. PENNSYLVANIA AMERICAN WATER COMPANY-
WASTEWATER**

Revised 11/22/2024

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