

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania	:	A-2022-3033138
Wastewater, Inc. pursuant to Sections 1102	:	
and 1329 of the Public Utility Code for:	:	
(1) approval of the acquisition by Aqua of the	:	
wastewater system assets of the City of Beaver	:	
Falls situated within the City of Beaver Falls	:	
Eastvale Borough, and West Mayfield Borough,	:	
Beaver County, Pennsylvania; (2) approval of	:	
the right of Aqua to begin to offer, render,	:	
furnish and supply wastewater service to the	:	
public in the City of Beaver Falls, Beaver	:	
County, Pennsylvania; (3) an order	:	
approving the acquisition that includes the	:	
ratemaking rate base of the City of Beaver Falls	:	
wastewater system assets pursuant to Section	:	
1329(c)(2) of the Public Utility Code; and (4)	:	
request for Approval of Contracts, between Aqua	:	
and the City of Beaver Falls, Pursuant to Section	:	
507 of the Public Utility Code	:	

PREHEARING ORDER

On February 17, 2023, the Applicant, Aqua Pennsylvania Wastewater, Inc. (“Aqua”), filed an application with the Pennsylvania Public Utility Commission (“Commission”) requesting: (1) approval of the acquisition by Aqua of the wastewater system assets of the City of Beaver Falls (“Beaver Falls”); (2) the approval of the right of Aqua to begin to offer, render, furnish and supply wastewater service to the public in Beaver Falls; (3) that the Commission include in its order approving the acquisition, the ratemaking rate base of Beaver Falls wastewater system assets as determined under §1329(c)(2) of the Public Utility Code, 66 Pa.C.S. §1329(c)(2); (4) that the Commission issue certificates for filing, pursuant to §507 of the Public Utility Code, 66 Pa.C.S. § 507, for certain municipal contracts that Aqua included in the Application (to the extent necessary), including new service agreements that Aqua will negotiate and enter into with Big Beaver Borough, West Mayfield Borough, White Township, North

Sewickley Township, Eastvale Borough, Patterson Township, and Patterson Heights Borough (the “Contributing Municipalities”) prior to Closing and which will replace any prior agreements; and (5) that the Commission allows certain existing agreements between Aqua and the Contributing Municipalities to be modified because the agreements contain a rate formula that is inconsistent with the rates charged by Beaver Falls to the Contributing Municipalities.

On March 17, 2023, the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance, as well as a Notice of Intervention & Protest, Public Statement, and Verification.

On March 20, 2023, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed a Notice of Appearance.

On April 5, 2023, West Mayfield Borough, Patterson Heights Borough, Patterson Township, and White Township (collectively, “Municipal Protestants”) filed Protests. The Municipal Protestants also filed a Joint Verified Letter Request to Reject Aqua’s Application as Incomplete or Hold in Abeyance and Request for Expedited Response on April 5, 2023.

On June 28, 2023, the Commission conditionally accepted the above-captioned application.

On February 13, 2024, Patterson Heights Borough, Patterson Township, West Mayfield Borough, and White Township filed Notices of Withdrawal of Protest and Letters of Consent to Sale of the City of Beaver Falls Wastewater Collection and Treatment Systems to Aqua.

On March 28, 2024, Aqua filed an Amended Application.

On April 4, 2024, the Commission issued a Secretarial Letter withdrawing the Commission’s conditional acceptance of the application.

On April 17, 2024, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance.

On June 27, 2024, the Commission issued a Secretarial Letter conditionally accepting the Amended Application.

On August 21, 2024, Aqua filed a letter advising the Commission of its provision of individualized notice of the proposed acquisition to its water and wastewater customers.

On September 23, 2024, Chris Perkins filed a Protest to the Amended Application.

On October 10, 2024, Keith Gabage filed a Protest to the Amended Application.

On December 23, 2024, Aqua filed a Letter and Certificate of Service verifying service of the Amended Application upon the designated entities, and a proof of publication.

On December 30, 2024, the Commission issued a Secretarial Letter accepting Aqua’s filing of the Amended Application.

By Notice dated December 30, 2024, a Telephonic Prehearing Conference was scheduled for January 29, 2025, and the matter was assigned to me.

On January 6, 2025, the City of Beaver Falls, Pennsylvania, filed Notices of Appearance.

On January 14, 2025, a Prehearing Order was issued advising the parties of the date and time of the scheduled Prehearing Conference and informing them of the procedures applicable to this proceeding.

On January 28, 2025, Aqua, OCA, I&E, OSBA, and Beaver Falls filed Prehearing Memoranda.

On January 29, 2025, the Prehearing Conference was held as scheduled. Aqua, OCA, I&E, OSBA, and Beaver Falls, appeared and were represented by counsel. In addition, Protestant Keith Gabage appeared *pro se*.

This order memorializes certain procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

1. That the active parties of record as of this date are Aqua, OCA, I&E, OSBA, Beaver Falls, and Keith Gabage.
2. That the following schedule is adopted:

<u>Event</u>	<u>Date</u>
Other Parties Direct Testimony	February 14, 2025
Telephonic Public Input Hearings	February 20, 2025, 1:00 pm and 6:00 pm
In-person Public Input Hearings	February 26, 2025, 1:00 pm and 6:00 pm
Rebuttal Testimony	February 24, 2025
Surrebuttal Testimony	March 4, 2025
Written Rejoinder	March 7, 2025
Telephonic Evidentiary Hearings	March 10, 2025
Main Briefs	March 18, 2025
Reply Briefs / Submission of Joint Settlement Petition along with supporting documents	March 25, 2025

3. That the March 10, 2025 hearing will be held telephonically and commence at 9:00 a.m. Parties will complete the daily witness listing and cross-examination grid as directed.

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

5. That parties may serve documents electronically by 4:30 p.m. to meet any required due date, with the provision that large documents not able to be transmitted electronically may be hand-delivered to the parties located in Harrisburg on the due date and received the next business day by parties located outside Harrisburg.

6. That discovery shall be conducted according to the Commission's rules and regulations at 52 Pa. Code § 5.321 et seq, subject to the following modifications, beginning after the service of other parties' Direct Testimony:

- 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 three (3) 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.

7. That parties serving any testimony include with each piece of testimony the electronic workpapers, cited studies, and other documents relied on by the witness on the same date such testimony is served.

8. That the parties are required to attempt to resolve discovery disputes among themselves prior to seeking a resolution from the Administrative Law Judge.

9. That discovery disputes may be resolved via telephone conference with the Administrative Law Judge without the need for filing a motion to compel, although the propounding party may choose to file a formal motion to compel.

10. 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.

11. That all briefs shall comply with the requirements of 52 Pa. Code §§ 5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa. Code § 5.501(a), all main briefs, regardless of length, must contain:

- A. A table of contents;
- B. A history of the proceeding;
- C. A discussion;
- D. Proposed findings of fact (with record citations to transcript pages or exhibits where supporting evidence appears);
- E. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and
- F. Proposed ordering paragraphs specifically identifying the relief sought.

Please note 52 Pa. Code § 5.501(e) requires that “[b]riefs shall be as concise as possible.”

**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.**

Revised: January 29, 2025

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