

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water :
Company under Sections 1102(a) and 1329 of :
the Pennsylvania Public Utility Code, 66 Pa C.S. :
§§ 1102(a) and 1329, for approval of (1) the :
transfer, by sale, to Pennsylvania-American :
Water Company, of substantially all of the :
assets, properties and rights related to the :
wastewater treatment plant and collection system : A-2025-3052983
owned and operated by the Elizabeth Borough :
Municipal Authority, (2) the rights of :
Pennsylvania-American Water Company to :
begin to offer or furnish wastewater service to :
the public in the Borough of Elizabeth, and :
portions of the Borough of Lincoln, and the :
Townships of Elizabeth and Forward, in :
Allegheny County, Pennsylvania :

PREHEARING CONFERENCE ORDER

A telephonic prehearing conference in this case is scheduled for **Tuesday, June 3, 2025, at 10:00 a.m.** The undersigned Administrative Law Judges will preside. To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing.

Toll-Free Telephone Number: **866-759-6860**

PIN Number: **71568747**

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. All parties must serve us electronically (egannon@pa.gov and sthaas@pa.gov) with any document you file in this proceeding. If you send us any documents or correspondence, you must also send copies to all other parties in the case. For your convenience, a copy of the Commission's current service list of the parties is enclosed with this Order.

2. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, 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, trust, association, or governmental agency or 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).

3. Failure of a party to attend the Prehearing Conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached and any order or ruling with respect thereto, including but not limited to the litigation schedule established for this case. 52 Pa. Code §§ 5.222(e), 5.224.

4. Petitions to intervene that are filed prior to the Prehearing Conference on June 3, 2025 will be addressed during the conference. Petitions to intervene that are filed after the Prehearing Conference on June 3, 2025, 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.

5. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222. Be prepared to discuss possibilities for settlement, discovery issues, service among parties and all other procedural issues relevant to this proceeding. In addition, note subsection (d), which provides, in part:

(d) Parties and counsel will be expected to attend the conference, fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and

substantive, and fully authorized to make commitments with respect thereto. 52 Pa. Code § 5.222.

6. The parties are directed to confer prior to the Prehearing Conference to discuss and attempt to agree on a litigation schedule and any proposals for a public input hearing(s).

7. As noted above, there is a statutory deadline for final Commission action in this proceeding. The following schedule was established using the model litigation schedule set forth in the Commission’s July 21, 2016 Tentative Implementation Order at Docket No. M-2016-2543193 as a guide:

Prehearing Conference	June 3 (Tuesday)
Evidentiary hearings (in-person, Harrisburg)	June 16 (Monday) and June 17 (Tuesday)
Receipt of transcript	June 18 (Wednesday)
Main Briefs	July 3 (Thursday) by 12:00 p.m.
Reply Briefs and Close of Record	July 16 (Wednesday)
Recommended Decision	August 22

The parties may request revised evidentiary hearing and main brief dates by submitting a request to the undersigned presiding officers prior to the Prehearing Conference and as soon as possible. Those dates may be revised at or prior to the Prehearing Conference, with all parties’ agreement. If the parties are unable to agree on a schedule for submission of pre-served testimony, deadlines may be imposed by the presiding officers.

8. Unless otherwise established by the presiding officers, all filing and service deadlines in this proceeding are by 4:30 p.m. on the due date.

9. All filings and pre-served testimony,¹ and any accompanying schedules and exhibits, should be emailed to the presiding officers in PDF and native formats (Word and

¹ This requirement also applies to testimony and exhibits submitted by Pennsylvania-American Water Company with its Application.

Excel). No hard copies should be served to the presiding officers unless materials are not available electronically.

10. Given the need to provide reasonable and sufficient notice to the public about any scheduled public input hearings, the parties are encouraged to submit any requests for public input hearings to the undersigned presiding officers prior to the Prehearing Conference and as soon as possible. Any requests should include proposed date, time, location, and notice to the public about the hearings.

11. Parties should review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, *inter alia*, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties are expected to pursue resolution of discovery issues among themselves; motions to compel should be filed only after such efforts have failed. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

12. The following expedited discovery deadlines are established for discovery served on and after May 12, 2025. All discovery deadlines are met by electronic service and filing (where applicable) by 4:30 p.m. on the due date.

a. Answers to written interrogatories shall be served within five (5) calendar days of service.

b. Objections to interrogatories shall be communicated orally within two (2) calendar days and in writing within three (3) calendar days of service of the interrogatories.

c. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within two (2) 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 two (2) calendar days of service of such motions.

e. Responses to requests for document production and entry for inspection and other purposes must be served within five (5) calendar days.

f. Requests for admissions will be deemed admitted unless answered or denied within three (3) calendar days of service.

g. Discovery and all discovery-related pleadings, such as objections, motions, or answers, served after 12:00 p.m. on a Friday or after 12:00 p.m. 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.

When compliance with discovery deadlines is not possible despite the parties' best efforts, the party who cannot comply with the deadline should contact the requesting party to so advise and for the parties to work together to address the requests and responses on a reasonably timely basis.

13. Each party must e-file and serve by email, prior to **noon on Monday, June 2, 2025**, a Prehearing Conference Memorandum which sets forth the history of the proceeding; the issues you intend to present; a listing of your proposed witnesses and the subject of their testimony; and a proposed litigation schedule. 52 Pa. Code § 5.222(d). The prehearing memoranda shall be provided to the undersigned presiding officers by email and in PDF and Word formats.

14. Commission policy promotes settlements. 52 Pa. Code § 5.231(a). The parties are encouraged to commence settlement discussions as early as possible. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks.

Date: May 12, 2025

/s/
Erin L. Gannon
Administrative Law Judge

/s/
Steven K. Haas
Administrative Law Judge

A-2025-3052983 - Application of Pennsylvania-American Water Co. pursuant to Sections 507, 1102, 1329 of the Public Utility Code to Acquire the Wastewater System Assets of Elizabeth Borough Municipal Authority

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