

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF INVESTIGATION	:	
AND ENFORCEMENT	:	
	:	C-2025-3056912
v.	:	
	:	
NYCE CONSTRUCTION SERVICES, INC.	:	

PREHEARING ORDER FOR IN-PERSON HEARING

AND NOW, this 19th day of September, 2025 it is hereby ORDERED:

1. DATE AND TIME OF HEARING. An initial in-person hearing will be held in this case on:

Wednesday, November 12, 2025, beginning at 10:00 AM

Presiding: **Administrative Law Judge Emily A. Farren**
 Keystone Building
 400 North Street
 Harrisburg, PA 17120
 Phone: 717-787-1399 || Fax: 717-213-6812

Location: **Hearing Room 3**
 Keystone Building, 1st Floor
 400 North Street
 Harrisburg, PA 17120

2. FAILURE TO APPEAR. You must attend the hearing and present evidence on the issues raised in the pleadings. You may lose the case if you do not take part in this hearing and present evidence on the issues raised. You should plan to arrive at the hearing no later than 9:45 AM.

3. CONTINUANCES. You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5B SERVING DOCUMENTS below. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request (or if you do not know).

4. PRESENTING EXHIBITS. If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to the Presiding Officer at efarren@pa.gov and one (1) copy each must be sent to every other party pursuant to paragraph 5B SERVING DOCUMENTS below. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.¹ **Do not include account numbers or any other personally identifiable information (PII), such as social security numbers, in your documents or exhibits. It is the parties’ responsibility to redact any PII contained within a document or exhibit before submitting it into the record.** Do not file your proposed documents or exhibits with the Secretary’s Bureau. However, you should file a Certificate of Service with the Secretary’s Bureau indicating you sent the proposed documents or exhibits to every other party.

Note that attachments to your Complaint or Answer are not admitted into the record unless submitted separately. Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your complaint.

If you do not have access to email, you must mail your proposed exhibits to me at the mailing address below (see paragraph No. 5), and to every other party at their mailing address

¹ By way of example, mark your exhibits with your last name, in numerical order (LAST NAME Exhibit 1, LAST NAME Exhibit 2, etc.).

(see Service List attached). All copies must be received at least five (5) business days before the hearing.

5. FILING AND SERVING DOCUMENTS. When you file a document, you must provide the original to the PUC and serve a copy to the other party or parties. Instructions on how to file with the PUC and serve other parties are provided below.

A. FILING DOCUMENTS

(1) E-FILING. To file with the PUC, the PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC’s website at: <https://www.puc.pa.gov/filing-resources/efiling>

(2) PAPER FILING. If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents may be hand delivered or sent to:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

(3) CONFIDENTIAL MATERIAL. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Filings containing confidential or proprietary material may also be submitted through the Commission’s Share Point File system. These filings should be followed by a hard copy to the Commission’s file. Filers should contact the Secretary’s Bureau in advance to set up a Share Point File before submitting the filing.

B. SERVING DOCUMENTS

(1) SERVING OTHER PARTIES. When you file documents with the PUC, you must also serve a copy on the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the other party has agreed to electronic service. For your convenience, a copy of the PUC's current service list of all parties to this proceeding is enclosed with this Order.

(2) SERVING THE PRESIDING OFFICER. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to the Presiding Officer at efarren@pa.gov.

If you do not have access to email, you must serve me by mail, addressed to:

Emily A. Farren
Administrative Law Judge
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120

6. DOMESTIC VIOLENCE VICTIM. If you are a domestic violence victim and you want to be considered for protections that may be available to domestic violence victims, you must submit a copy of your Protection from Abuse (PFA) Order or other Court Order issued by a Pennsylvania court, which provides evidence that you are a domestic violence victim. You should mark this Order as "CONFIDENTIAL." In the case of these Orders, we will take precautions to ensure that your address is not made public.

7. REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney representing you. All others, including a partnership, corporation, limited liability company, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. 52 Pa. Code §§ 1.21, 1.22. And, unless you are an attorney, you may not represent someone else.

8. BURDEN OF PROOF. The Complainant (the one filing the Complaint) bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC. 66 Pa.C.S. § 332(a).

9. CONTACT INFORMATION. If your email address or telephone number changes during the course of the proceeding, you must immediately update the Office of Administrative Law Judge by calling 717-787-1399.

10. ACCOMMODATION. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten (10) business days prior to your hearing to submit your request.

Scheduling Office: 717-787-1399

TTY-based Telecommunications Relay Service number
for persons with a hearing and/or speech impairment: 711

11. SETTLEMENT. The PUC's policy is to encourage settlements. 52 Pa. Code § 5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

12. VIOLATIONS. A finding of a violation of a PUC Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa.C.S. § 3301 or other provision of the Public Utility Code.

13. HEARING PROCEDURES. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC's Rules of Practice and Procedure at 52 Pa. Code Chapters 1, 3, and 5.

Please be sure to participate from a location where background noise will be minimized, and the reception is clear.

Date: September 19, 2025

_____/s/_____
Emily A. Farren
Administrative Law Judge

C-2025-3056912 - PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF INVESTIGATION AND ENFORCEMENT v. NYCE CONSTRUCTION SERVICES, INC.

GRANT ROSUL ESQUIRE
PA PUBLIC UTILITY COMMISSION
400 NORTH STREET - 3RD FLOOR
HARRISBURG PA 17120
717.783.5243

grosul@pa.gov

Served via eService September 19, 2025

SHAUN FROSHOUR
NYCE CONSTRUCTION SERVICES, INC.
1542 WEST BROAD STREET
QUAKERTOWN PA 18951

shaun@nyceconstruction.com

Served via Email September 19, 2025

KEVIN T. FOGERTY ESQUIRE
LAW OFFICES OF KEVIN T. FOGERTY
1275 GLENLIVET DRIVE SUITE 150
ALLENTOWN PA 18106

610.366.0950

kfogerty@fogertylaw.com

Served via eService September 19, 2025

(Counsel for NYCE Construction Services, INC.)