

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	P-2024-3051855
Bureau of Investigation and Enforcement	:	I-2024-3051857
	:	
v.	:	
	:	
Conneaut Lake Park Water Corporation, Inc.	:	

PREHEARING ORDER # 3

On August 31, 2023, Conneaut Lake Park Water Corporation, Inc. (“CLPWC” or “Company”) filed proposed Supplement No. 1 to Tariff – Water Pa. P.U.C. No. 1 to become effective October 31, 2023, at Docket No. R-2023-3041575. Simultaneously with the base rate filing (“rate case”), CLPWC filed a Petition for Approval of a Metering Exception (“metering petition”) at Docket No. P-2023-3042648. The parties to the rate case included: CLPWC, the Commission’s Bureau of Investigation and Enforcement (“I&E”), the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), several individual customers, and approximately 67 Conneaut Lake residents represented by Joshua D. Brown, Esquire.

On July 1, 2024, Administrative Law Judges (“ALJs”) Eranda Vero and Arlene Ashton issued a Recommended Decision recommending that the Commission approve a settlement agreement (“Settlement”) reached between the parties in the rate case. The Settlement contained certain provisions wherein I&E agreed to initiate a Section 529¹ proceeding no later than three months after entry of a Commission Order.

On August 1, 2024, the Commission entered an Order approving the Settlement.

¹ 66 Pa. C.S. § 529.

Pursuant to the terms of the Settlement, I&E filed a Petition on October 28, 2024 requesting that the Commission open a Section 529 Investigation into whether the Commission should order a capable public utility to acquire Conneaut Lake Park Water Corporation, Inc. owned by Todd Joseph.² On November 5, 2024, Aqua Pennsylvania, Inc. (“Aqua”) filed a Petition to Intervene which was subsequently granted. On November 12, 2024, OCA filed a Notice of Intervention and Public Statement, and an Answer in Support of I&E’s Petition. That same day, OSBA filed a Petition to Intervene and Public Statement, and CLPWC filed an Answer to I&E’s Petition.

A telephonic Prehearing Conference was held on November 13, 2024, before ALJs Vero and Ashton during which the parties agreed to engage in discovery and settlement discussions and to provide a monthly status report to the ALJs. Additionally, OCA repeated its request from its Prehearing Memorandum that a separate settlement judge be assigned to this proceeding, to which the other parties either agreed with or did not object.

On November 15, 2024, CLPWC mailed a Notice of Acquisition Instigation to all its customer via U.S. First Class Mail, pursuant to 66 Pa. C.S. § 529(h). Proof of Notice was filed with the Commission on November 18, 2024.

On November 25, 2024, an Order was entered granting OCA’s request and assigning ALJ Gail Chiodo to serve as the Settlement Judge in this proceeding.

Following several months of discovery and settlement negotiations, the parties filed their Tenth Joint Status Report on September 19, 2025, informing the ALJs that settlement efforts were at an impasse and requesting that a prehearing conference be scheduled.

² See I&E Petition for Section 529 Investigation, p. 8.

By Order dated September 24, 2025, settlement negotiations with ALJ Chiodo were terminated and the proceeding was referred to ALJ Vero³ for adjudication.

A Further Telephonic Prehearing Conference Notice issued on October 2, 2025, informed the parties that a second prehearing conference was scheduled to take place on October 17, 2025. Prehearing Conference Order #2 was issued on October 7, 2025, instructing the parties to file prehearing memoranda by no later than October 15, 2025.

The second prehearing conference was held as scheduled on October 17, 2025. Among other, the parties discussed the litigation schedule, public input hearings, discovery modifications and the status of Aqua in this proceeding. Aqua's counsel requested additional time to discuss and finalize the litigation schedule with the rest of the parties. The request was granted.

My email dated October 28, 2025, counsel for Aqua submitted a proposed procedural schedule agreed to by all the parties in this proceeding.

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

THEREFORE,

IT IS ORDERED:

Petitions and Motion

1. That the Petition to Intervene filed by Aqua Pennsylvania, Inc. on November 4, 2024, is granted.

³ On March 28, 2025, a Judge Change Notice informed the parties that ALJ Vero would be the presiding judge in this proceeding.

Litigation Schedule

2. That the following litigation schedule is adopted:

Public Input Hearings – Week of January 19, 2026 (one telephonic and one in-person)

Direct Testimony - Friday, February 20, 2026

Rebuttal Testimony - March 16, 2026

Surrebuttal testimony - April 6, 2026

Written Rejoinder - April 20, 2026

Evidentiary Hearings - Week of April 20, 2026 (four days, in-person, in Harrisburg)

Main Briefs - May 13, 2026

Reply Briefs - May 27, 2026

Discovery

3. That the parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission's procedures for formal discovery, as herein modified.

4. Prior to the service of rebuttal testimony, the parties shall exercise their *best efforts* to comply with the following deadlines:

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) 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 five (5) business days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

5. After rebuttal testimony is served, the parties shall exercise their *best efforts* to comply with the following deadlines:

- 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 three (3) business 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 three (3) business 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

Pre-filed Written Testimony

6. That the parties comply with the Commission's requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412. These include, but are not limited to, the requirement that written testimony must be accompanied by all exhibits to which it relates. Written testimony shall be marked with numerical, sequential statement numbers. Oral direct, rebuttal or surrebuttal testimony or witnesses not identified in a party's prehearing memorandum shall not be permitted, except by permission for good cause.

7. That technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **The parties are to agree on a list of common acronyms and use them consistently in all written testimony and briefs.**

8. That no written testimony will be admitted into evidence unless accompanied by a verification of affidavit of the witness.

9. 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.

10. That the parties shall comply with the provisions of 52 Pa. Code § 5.243(e) which prohibit the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

11. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

12. That the evidentiary hearings in this matter constitute formal legal proceedings and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

13. Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa.Code §§ 5.76; 5.243.

14. That parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding.

Briefs and Reply Briefs

15. That the parties must comply with 52 Pa. Code §§5.501, et seq., regarding the preparation and filing of briefs. Service can be made electronically by no later than 4:30 p.m. on the dates listed. Parties are directed to e-mail me a copy of their as-filed briefs in ADOBE or other compatible PDF format in addition to a WORD-formatted document. The format of the briefs served electronically on the parties may be as requested by the parties.

16. 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 facts (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.

52 Pa. Code § 5.501(e) requires that “Briefs shall be as concise as possible.” Page limitations on briefs will be discussed on or before the last day of hearing.

17. That if a party does not file a reply brief, it will be assumed that the party does not dispute the assertions, contentions or arguments made by the other parties in their main briefs. While it is not necessary in a reply brief to repeat a particular argument or discussion contained in the main brief, the reply brief should note where the responsive argument is located in the main brief and how it responds to the other parties’ assertions, contentions or arguments.

18. That any brief not filed and served on or before the date fixed therefore will not be accepted for filing, except by permission for good cause.

Settlement and Stipulations

19. That the parties are to confer among themselves in an attempt to resolve all or some of the issues associated with these Complaints. The parties are reminded it is the Commission’s policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly

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BUREAU OF INVESTIGATION AND ENFORCEMENT v. CONNEAUT LAKE PARK
WATER CORPORTION INC**

Revised: November 5, 2025

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