



MICHAEL D. GALLAGHER
SEAN M. GALLAGHER

www.gallagher.legal

attys@gallagher.legal

110 East Diamond Street, Suite 101
Butler, Pennsylvania 16001
Phone: 724-282-3141
Fax: 724-282-7378

November 6, 2025

(Via electronic filing)

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

***RE: Petroleum Valley Regional Water Authority v.
East Brady Borough
Complaint Docket No.: C-2024-3051609***

Dear Secretary Chiavetta:

Attached for electronic filing please find a Motion in Limine to Preclude Evidence of Rate Increase Calculations or Justifications for Rate Increase on behalf of Petroleum Valley Regional Water Authority regarding the above-captioned matter.

Copies have been served on the parties as indicated on the Certificate of Service.

Very truly yours,

/s/ Michael D. Gallagher

Michael D. Gallagher

MDG:mt
Attachment

cc: Administrative Law Judge Jeffrey A. Watson *(Via email)*
Amy R. Schrepf, Esquire *(Via email and Regular Mail)*
Petroleum Valley Regional Water Authority
Attn: Rayne Brothers, Secretary *(Via email)*

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY
REGIONAL WATER AUTHORITY

COMPLAINT DOCKET NO.:
C-2024-3051609

Complainant,

v.

EAST BRADY BOROUGH,

Respondent.

**MOTION IN LIMINE TO PRECLUDE EVIDENCE
OF RATE INCREASE CALCULATIONS OR
JUSTIFICATIONS FOR RATE INCREASE**

Filed on Behalf of Complainant:

**PETROLEUM VALLEY REGIONAL
WATER AUTHORITY**

Counsel of Record for this Party:

Michael D. Gallagher, Esquire
PA ID No. 59237

Sean M. Gallagher, Esquire
PA ID No. 318872

GALLAGHER LAW GROUP
110 East Diamond Street
Butler, PA 16001-5999
(724) 282-3141

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**MOTION IN LIMINE TO PRECLUDE EVIDENCE OF RATE INCREASE CALCULATIONS
OR JUSTIFICATIONS FOR RATE INCREASE**

AND NOW, comes the Complainant, Petroleum Valley Regional Water Authority (hereinafter "PVRWA"), by and through its attorney, Gallagher Law Group and Michael D. Gallagher, Esquire, and files the herein Motion in Limine to Preclude Evidence of Rate Increase Calculations or Justifications for Rate Increase as follows:

1. A Complaint was filed by PVRWA with the PUC on October 10, 2024, averring that Respondent, East Brady Borough (hereinafter "EBB"), imposed a 118% rate increase on PVRWA on March 19, 2024, retroactive to March 2, 2024, which said rate increase was unreasonable and discriminatory and therefore invalid in contravention of 66 Pa. C.S. §§ 1301 and 1304 of the Pennsylvania Public Utility Code.
2. EBB filed Preliminary Objections on the basis of jurisdiction, which were dismissed by the Administrative Law Judge by Order dated December 31, 2024.
3. EBB filed an Answer which denied the material allegations on January 16, 2025.
4. Pre-hearing Motions, including Motions in Limine, are due on November 7, 2025, of which this Motion is timely filed.

5. On April 11, 2024, the undersigned counsel for PVRWA submitted a Right to Know Request to EBB. EBB submitted its Response to PVRWA on May 16, 2024. A copy of the Request and Response is attached hereto as Exhibit "1".

6. In Request No. 6, PVRWA submitted the following Request to EBB:

Copies of all documents, including without limitation, engineering studies or reports, cost estimates and/or construction estimates upon which East Brady Borough imposed a surcharge on Petroleum Valley Regional Water Authority.

7. In its Response, EBB admitted:

No records exist.

8. As set forth above, EBB specifically admitted that it has no documentary evidence to support any rate increase, let alone a 118% rate increase. It follows then that there existed no basis for a rate increase in March of 2024, except a rate increase based on speculation.

9. Any attempt to submit documentation would either be (a) disallowed as being contrary to the specific admission set forth in EBB's Response to PVRWA's Open Records Request; or (b) an attempt at ex post facto justification, whose probative value would be far outweighed by the prejudice to PVRWA as a result of such speculation.

WHEREFORE, showing these things, Complainant, Petroleum Valley Regional Water Authority, respectfully requests the Administrative Law Judge to enter an Order precluding the submission of any evidence by East Brady Borough or its witnesses to support any calculations or justifications for the rate increase.

Respectfully submitted,

GALLAGHER LAW GROUP

By: /s/ Michael D. Gallagher
Michael D. Gallagher, Esquire
PA I.D. No. 59237

Sean M. Gallagher, Esquire
PA I.D. No. 318827

*Solicitors for Complainant,
Petroleum Valley Regional
Water Authority*

110 East Diamond Street
Butler, PA 16001
(724) 282-3141

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

ORDER

AND NOW, this ____ day of _____, 2025, upon Complainant, Petroleum Valley Regional Water Authority's Motion in Limine to Preclude Evidence of Rate Increase Calculations or Justifications for Rate Increase, said Motion is GRANTED. It is hereby Ordered that East Brady Borough or its witnesses are precluded from offering any evidence to support any calculations or justifications for the 118% rate increase of March 19, 2024.

Jeffrey A. Watson,
Administrative Law Judge

EXHIBIT "1"

Gallagher Law Group

From: Gallagher Law Group
Sent: Thursday, April 11, 2024 12:33 PM
To: ebboro@zoominternet.net
Cc: Sean Gallagher
Subject: Right-to-Know Request
Attachments: RtK to EBB 04 11 2024.pdf

Dear Right-to-Know Officer:

Please see the attached Right-to-Know Request Form on behalf of Attorney Michael Gallagher.

Thanks,

Mary for Mike Gallagher



110 East Diamond Street, Suite 101
Butler, PA 16001
attys@gallagher.legal
724-282-3141



Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: East Brady Borough (Attn: AORO)

Date of Request: April 11, 2024 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Name: Michael D. Gallagher, Esquire Company (if applicable): Gallagher Law Group

Mailing Address: 110 East Diamond Street, Suite 101

City: Butler State: PA Zip: 16001 Email: attys@gallagher.legal

Telephone: 724-282-3141 Fax: 724-282-7378

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

See attached page

- DO YOU WANT COPIES?** Yes, printed copies (default if none are checked)
 Yes, electronic copies preferred if available
 No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? Yes (may be subject to additional costs) No
RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than \$100 (or) \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

ATTACHMENT TO OPEN RECORDS REQUEST

1. Chapter 110 sub facilities report for years 2021 through 2023 pertaining to Rimersburg.
2. Records pertaining to peak flow and average daily flows for the years 2021 through 2023.
3. Copy of intermunicipal agreement between East Brady Borough (EBB) and Rimersburg.
4. Copy of EBB's most recent allocation study or permit.
5. Minutes of East Brady Borough and/or East Brady Water & Sewer Authority for the period October 1, 2023, to April 9, 2024.
6. Copies of all documents, including without limitation, engineering studies or reports, cost estimates and/or construction estimates upon which East Brady Borough imposed a surcharge on Petroleum Valley Regional Water Authority.
7. Copy of the Press Release issued by the Borough pertaining to its April 2, 2024, Council meeting.
8. Copies of all correspondence, including electronic, between Senate Engineering/LSSE and East Brady Borough or any of its elected or appointed officials for the period November 1, 2023, to April 9, 2024.
9. Copies of all Notices sent to Petroleum Valley Regional Water Authority advising it of a rate increase.
10. Copies of all invoices submitted to East Brady Borough by the law firm of Andrews & Price, LLC for the period January 1, 2023, to March 31, 2024.
11. Copies of all emails by and between the Members of East Brady Borough Council or East Brady Water & Sewer Authority pertaining to the increase in rates for the period October 1, 2023, to April 9, 2024.
12. Copies of any permits, permit applications and grant applications that pertain to the new well proposed by EBB.

Mike Gallagher

From: ebboro@zoominternet.net
Sent: Thursday, May 16, 2024 3:38 PM
To: Gallagher Law Group
Cc: 'Amy Schrempf'
Subject: Right to Know response
Attachments: 2021 Subfacility Report.pdf; 2022 Subfacility Reports.pdf; 2023 Subfacility Reports.pdf; Average Water use 2021 2022 & 2023.xlsx; Min & Max water 2021-2023.pdf; Rimersburg bulk water agreement.pdf; Water Allocation permit.pdf; FOR IMMEDIATE RELEASE.docx; Andrews Price invoices 1-1-23 to 3-31-24.pdf

Here is the information you requested in a Right to Know Request dated April 11, 2024.

1. Chapter 110 sub facilities report for years 2021 through 2023 pertaining to Rimersburg.
See attached.
2. Records pertaining to peak flow and average daily flows for the years 2021 through 2023.
See attached.
3. Copy of intermunicipal agreement between East Brady and Rimersburg.
See attached.
4. Copy of EBB's most recent allocation permit.
See attached.
5. Minutes of East Brady Borough for the period October 1, 2023 to April 9, 2024
Our meeting minutes can be found on our website: www.eastbradyborough.com
6. Copies of all documents, including without limitation, engineering studies or reports, cost estimates and or construction estimates upon which East Brady imposed a Surcharge on PVRWA.
No records exist.
7. Copy of press release issued by the Borough pertaining to its April 2, 2024 Council meeting.
See attached.
8. Copies of all correspondence, including electronic, between Senate Engineering/LSSE and East Brady Borough or any of its elected or appointed officials for the period November 1, 2023 to April 9, 2024.
This request is denied due to being too voluminous. If you reduce your scope to a specific subject it may be reconsidered.
9. Copies of all Notices sent to PVRWA advising it of a rate increase.
No records exist.
10. Copies of all invoices submitted to East Brady Borough by the law firm of Andrews & Price, LLC for the period January 1, 2023 to March 31, 2024.
See attached.
11. Copies of all emails by and between the members of the East Brady Borough Council pertaining to the increase in rates for the period October 1, 2023 and April 9, 2024.
No records exist.
12. Copies of any permits, permit applications and grant applications that pertain to the new well proposed by EBB.
No records exist.

This fulfills the Right to Know Request.

Sincerely,
Susan Buechele

Susan D. Buechele

East Brady Borough

Secretary/Treasurer

(724) 526-5531 Work

(724) 954-7080 Mobile

(724) 526-3504 Fax

ebboro@zoominternet.net

502 Ferry Street, Suite 15

East Brady, PA 16028

COMMONWEALTH OF PENNSYLVANIA

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the following persons, in the manner indicated below on November 6, 2025:

Amy R. Schrempf, Esquire
Solicitor for East Brady Borough
Andrews & Price LLC
1500 Ardmore Boulevard, Suite 506
Pittsburgh, PA 15221
(Via email aschrempf@andrewsandprice.com
and Regular Mail)

/s/ Michael D. Gallagher
Michael D. Gallagher, Esquire
Sean M. Gallagher, Esquire