

COMMONWEALTH OF PENNSYLVANIA



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March 6, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Application of the City of Pittston, Nunc
Pro Tunc, Pursuant to 66 PA. C.S.
§ 1102(A), for a Certificate of Public
Convenience to offer, furnish, render, and
supply wastewater service to the public in
certain portions of the Borough of Duryea,
the Borough of Hughestown and Pittston
Township, all in Luzerne County,
Pennsylvania
Docket No. A-2026-3059911

Dear Secretary Homsher:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

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

Respectfully submitted,
/s/ Harrison W. Breitman
Harrison W. Breitman
Senior Assistant Consumer Advocate
PA Attorney I.D. # 320580
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Enclosures

cc: The Honorable Christopher P. Pell (**email only:** cpell@pa.gov)
The Honorable Barbara Shadie Nause (**email only:** bshadienau@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

In re: Application of the City of Pittston, :
Nunc Pro Tunc, Pursuant to 66 PA. C.S. § :
1102(A), for a Certificate of Public : Docket No. A-2026-3059911
Convenience to offer, furnish, render, and :
supply wastewater service to the public in :
certain portions of the Borough of Duryea, :
the Borough of Hughestown and Pittston :
Township, all in Luzerne County, :
Pennsylvania

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Conference Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 6th day of March, 2026.

SERVICE BY E-MAIL ONLY

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Counsel for:
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Consumer Advocate

Dated: March 6, 2026

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of the City of Pittston,	:	
<i>Nunc Pro Tunc</i> , Pursuant to 66 PA. C.S. §	:	
1102(A), for a Certificate of Public	:	
Convenience to offer, furnish, render, and	:	Docket No. A-2026-3059911
supply wastewater service to the public in	:	
certain portions of the Borough of Duryea,	:	
the Borough of Hughestown and Pittston	:	
Township, all in Luzerne County,	:	
Pennsylvania	:	

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 333 of the Public Utility Code, 66 Pa.C.S. Section 333, and in response to the Prehearing Conference Order issued by Administrative Law Judges (ALJs) Christopher P. Pell and Barbara Shadie Nause in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

On January 16, 2026, the City of Pittston (Pittston or the City) filed an Application at the above-referenced docket for a Certificate of Public Convenience, *Nunc Pro Tunc*, seeking Commission approval to provide wastewater service in certain portions of the Borough of Duryea, the Borough of Hughestown, and Pittston Township, all in Luzerne County, Pennsylvania. On January 20, 2026, by Secretarial Letter, Pittston was directed, *inter alia*, to publish a Commission-prescribed Notice of Application and to serve the Notice on certain parties.

On February 12, 2026, the OCA filed a Protest and Public Statement. On February 13, 2026,

the Bureau of Investigation and Enforcement (I&E) filed a Notice of Appearance, Pennsylvania American Water Company (PAWC) and the Borough of Hughestown also filed Petitions to Intervene. Wyoming Valley Sanitary Authority (WVSA) filed a Petition to Intervene on February 16, 2026. On February 19, 2026, by Secretarial Letter, Pittston was directed to provide responses to data requests by the Commission's Bureau of Technical Utility Services. On February 25, 2026, the parties received notice that a Prehearing Conference would be held on March 11, 2026. On February 26, 2026, the ALJs issued a Prehearing Order.

II. ISSUES

Based upon a preliminary analysis of the Application, the issues that OCA anticipates including in its investigation of Pittston's application are:

- whether a *de facto* public utility can charge any rates without a Commission-approved tariff;
- whether a *de facto* public utility can increase rates without Commission approval; and
- whether refunds are appropriate.

OCA anticipates other issues may arise and may be pursued once discovery has been conducted, and the OCA reserves the opportunity to present any new, unanticipated issues at that time. In addition, the OCA reserves the right to raise issues and respond to issues raised by other parties, as necessary to protect the interests of Pittston's customers in Borough of Duryea, the Borough of Hughestown, and Pittston Township.

III. WITNESSES

The OCA intends to present the direct, rebuttal and surrebuttal testimony, as may be necessary, of LeeAnn M. Wise in this proceeding. To expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be e-mailed directly to OCA's counsel and Ms. Wise at the following e-mail address:

InternalOCAPAWCPittston1329@paoca.org. The OCA specifically reserves the right to call additional witnesses, as necessary. As soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case, all parties of record will be notified.

IV. SERVICE ON THE OCA

The OCA will be represented in this proceeding by Senior Assistant Consumer Advocate Harrison W. Breitman, and Assistant Consumer Advocates Ryan Morden and Olivia M. Spergel.

The OCA only requires e-service at the following e-mail address:

Harrison W. Breitman
Ryan Morden
Olivia M. Spergel
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The OCA reserves the right to request paper copies if necessary. The OCA asks that the electronic service to the parties and ALJs Pell and Nause meet all service requirements so that paper copies are not required.

V. PUBLIC INPUT HEARINGS

The OCA is not aware of any specific consumer requests for public input hearings in this matter to date. If the OCA becomes aware of substantial consumer interest, the OCA will promptly notify the ALJs and parties to request a public input hearing be scheduled.

VI. DISCOVERY

The OCA has issued one set of interrogatories in this proceeding under the existing Commission regulatory timeframe. In order to effectively investigate and adequately develop a record

on these issues, the OCA requests the following discovery modifications be approved for discovery from the date of this Prehearing Conference forward:

- 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.

After rebuttal is served, the OCA proposes that the deadlines should be reduced as follows:

- 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.

VII. SCHEDULE

The OCA requests that setting the litigation schedule be deferred at this time in hope of achieving settlement.

VIII. SETTLEMENT

The OCA will participate in settlement discussions with the parties.

Respectfully Submitted,

/s/ Olivia M. Spergel

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Dated: March 6, 2026

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