



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

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
I&E Prehearing Memorandum

Dear Secretary Homsher:

Enclosed for electronic filing please find the Prehearing Memorandum of the Bureau of Investigation and Enforcement (I&E) in the above-captioned proceeding.

Copies are being served on parties per the attached Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Michael Podskoch'.

Michael A. Podskoch, Jr.
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 330132
(717) 783-6151
mpodskoch@pa.gov

MAP/nb
Enclosures

cc: Deputy Chief Administrative Law Judge Christopher P. Pell (*via email – cpell@pa.gov*)
Administrative Law Judge Barbara Shadie Nause (*via email – bshadienau@pa.gov*)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 : Docket No. A-2026-3059911
portions of the Borough of Duryea, the :
Borough of Hughestown and Pittston :
Township, all in Luzerne County, :
Pennsylvania :

**PREHEARING MEMORANDUM OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

**TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE CHRISTOPHER P.
PELL AND ADMINISTRATIVE LAW JUDGE BARBARA SHADIE NAUSE:**

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) respectfully submits the following Prehearing Memorandum in the above-captioned proceeding.

The Bureau of Investigation and Enforcement Prosecutor in this proceeding will be Michael A. Podskoch, Jr. Contact information is as follows:

By mail: Michael A. Podskoch, Jr.
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

By e-mail: mpodskoch@pa.gov

By telephone: (717) 783-6151

I. INTRODUCTION

On January 16, 2026, the City of Pittston (“Pittston”) filed an Application for a Certificate of Public Convenience, *Nunc Pro Tunc*, pursuant to Section 1102(a) of the Public Utility Code, seeking approval from the Commission for Pittston to continue to offer, furnish, render, and supply wastewater collection and conveyance service to the public in certain portions of the Boroughs of Duryea and Hughestown and Pittston Township, Luzerne County, Pennsylvania, that connect with Pittston’s stormwater and sanitary wastewater collection system.

On February 12, 2026, the Office of Consumer Advocate (“OCA”) filed a Protest and Public Statement. On February 13, 2026, I&E filed its Notice of Appearance. That same day, the Borough of Hughestown (“Hughestown”) and Pennsylvania-American Water Company (“PAWC”) filed Petitions to Intervene, respectively. On February 16, 2026, the Wyoming Valley Sanitary Authority (“WVSA”) filed a Petition to Intervene and Protest.

A telephonic Prehearing Conference is scheduled on March 11, 2026, at 10:00 a.m. before Deputy Chief Administrative Law Judge (“ALJ”) Christopher P. Pell and Administrative Law Judge Barbara Shadie Nause.

II. ISSUES

The following list represents I&E’s preliminary determination of the potential issues in this proceeding:

1. Whether the rates charged by Pittston to customers in the Boroughs of Duryea and Hughestown and Pittston Township were unjust or unreasonable or were in violation of any regulation or order of the Commission.

2. Whether the Commission should order Pittston to refund customers pursuant to and in accordance with 66 Pa. C.S. § 1312.¹

The listing is as complete as can be made at this time. I&E specifically reserves the right to address other issues as it deems appropriate if any such relevant issues arise.

III. WITNESSES

It is currently expected that I&E may call the following expert witnesses without being limited thereto:

1. Vanessa Okum, Fixed Utility Financial Analyst
2. Esyan Sakaya, Fixed Utility Valuation Engineer

The I&E witnesses may be contacted through the information listed above for Mr. Podskoch. The witness list is provided without the benefit of complete discovery or analysis of the positions of the other parties to this proceeding. Accordingly, I&E reserves the right to call additional witnesses or withdraw the name of the witnesses listed above.

IV. EVIDENCE

I&E expects to present all written direct, rebuttal, and surrebuttal testimony and accompanying exhibits at the evidentiary hearings. Moreover, I&E intends to rely on the

¹ 66 Pa. C.S. § 1312(a) provides:

If, in any proceeding involving rates, the commission shall determine that any rate received by a public utility was unjust or unreasonable, or was in violation of any regulation or order of the commission, or was in excess of the applicable rate contained in an existing and effective tariff of such public utility, the commission shall have the power and authority to make an order requiring the public utility to refund the amount of any excess paid by any patron, in consequence of such unlawful collection, within four years prior to the date of the filing of the complaint, together with interest at the legal rate from the date of each such excessive payment. In making a determination under this section, the commission need not find that the rate complained of was extortionate or oppressive. Any order of the commission awarding a refund shall be made for and on behalf of all patrons subject to the same rate of the public utility. The commission shall state in any refund order the exact amount to be paid, the reasonable time within which payment shall be made, and shall make findings upon pertinent questions of fact.

Company's filing, supplemental testimony, answers to data requests and interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, any other relevant Commonwealth agency letters or reports, general financial market information sources, and other public documents and reports. However, there may be issues of law or Commission policy that are not properly the subject of testimony or factual issues that are clear on the record and need not be supported by testimony. I&E thereby reserves the right to dispense with testimony when, in its opinion, an issue can be adequately addressed through briefing.

V. DISCOVERY

I&E has not proposed any discovery modifications. I&E will work with the parties to determine the appropriate discovery modifications in this proceeding.

VI. SCHEDULE

I&E will work with the parties and the ALJs to develop a procedural schedule.

VII. PUBLIC INPUT HEARINGS

To the extent that public input hearings be deemed necessary, I&E proposes the use of telephonic public input hearings to encourage increased participation by ratepayers.

VIII. SERVICE OF DOCUMENTS

I&E requests that all documents in this proceeding be served on:

Michael A. Podskoch, Jr., Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
mpodskoch@pa.gov

For purposes of satisfying in-hand requirements for discovery responses, prepared testimony, briefs, and other documents during this proceeding, and consistent with Commission regulations and policy, I&E proposes to both only serve and accept electronic delivery of documents.

IX. SETTLEMENT

I&E will maintain an open dialogue and is willing to make good faith efforts to successfully resolve this matter through settlement. In the event settlement discussions fail to result in a full and complete resolution of the matter, I&E is prepared to fully or partially litigate this proceeding.

Respectfully submitted,



Michael A. Podskoch, Jr.
Prosecutor
PA Attorney ID No. 330132

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dated: March 6, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 : Docket No. A-2026-3059911
certain portions of the Borough of Duryea, :
the Borough of Hughestown and Pittston :
Township, all in Luzerne County, :
Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Prehearing Memorandum** dated
March 6, 2026, in the manner and upon the persons listed below.

Served via Electronic Mail Only

Elizabeth Preate Havey, Esq.
Robert Ernst, Esq.
James Rodgers, Esq.
Dilworth Paxson LLP
1650 Market Street, Suite 1200
Philadelphia, PA 19103
epreatehavey@dilworthlaw.com
rernst@dilworthlaw.com
jrogers@dilworthlaw.com

E. Lee Stinnett II, Esq.
Isaac P. Wakefield, Esq.
Luke X. Gibson, Esq.
Salzmann Hughes, P.C.
1801 Market Street, Suite 300
Camp Hill, PA 17011
lstinnett@salzmannhughes.com
iwakefield@salzmannhughes.com
lgibson@salzmannhughes.com

Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108-1166
abakare@mcneeslaw.com

Thomas Wyatt, Esq.
Matthew S. Olesh, Esq.
Obermayer Rebmann Maxwell & Hippel LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102
thomas.wyatt@obermayer.com
matthew.olesh@obermayer.com

Erin K. Fure, Esq.
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
erin.fure@amwater.com

Harrison W. Breitman, Esq.
Ryan Morden, Esq.
Olivia M. Spergel, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
hbreitman@paoca.org
rmorden@paoca.org
ospergel@paoca.org

Steven Gray, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov



Michael A. Podskoch, Jr.
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 330132
(717) 783-6151
mpodskoch@pa.gov