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March 6, 2026

VIA PUC E-FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
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:

I represent Applicant, the City of Pittston, in the above-captioned matter, and I attach for filing an initial prehearing conference memorandum. As evidenced by the enclosed Certificate of Service, Honorable Christopher Penn, Honorable Barbar Shadie Nause and all parties identified on the Prehearing Conference Order Service List will be served, as indicated.

Thank you for your prompt attention to this matter.

Sincerely yours,

/s/ Elizabeth Preate Havey

Elizabeth Preate Havey

EPH:vh
Enclosure

cc: Hon. Christopher P. Pell (via email, cpell@pa.gov)
Hon. Barbara Shadie Nause (via email, bshadienau@pa.gov)
Prehearing Conference Order Service List (via eService)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**IN 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 A-2026-3059911

**PREHEARING MEMORANDUM OF THE CITY OF PITTSTON IN SUPPORT OF
APPLICATION FOR A
CERTIFICATE OF PUBLIC CONVENIENCE, *NUNC PRO TUNC***

Applicant City of Pittston (“Applicant”), by and through its counsel, Dilworth Paxson, LLP, submits this Prehearing Memorandum in Support of its Application for a Certificate of Public Convenience, *Nunc Pro Tunc*, pursuant to 66 Pa. C.S. § 1102(a) (the “Pittston Application”), seeking approval from the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) for Applicant to offer, furnish, render, and supply wastewater service to the public in certain portions of the Boroughs of Hughestown and Duryea and the Township of Pittston.

This Prehearing Memorandum is submitted pursuant to the February 26, 2026 Order of Honorable Christopher P. Pell, Deputy Chief Administrative Law Judge in connection with the Prehearing Conference scheduled for March 11, 2026 (the “Order”).

I. BACKGROUND AND HISTORY OF THE PROCEEDING

The Application was filed on January 16, 2026. The Pittston Application is intended to bring Pittston into compliance with PUC regulations regarding the provision of wastewater service

to a number of customers situated on or near to the boundaries of the City. In addition to the compliance purpose, the Pittston Application is related to, and in anticipation of, the PUC's approval of the Application Under Section 1329 of Pennsylvania American Water Company ("PAWC") for the acquisition of the wastewater system owned by Pittston docketed at No. A-2025-3056419.

Pittston seeks a certificate of public convenience for the continued provision of wastewater service to long-time existing customers in certain portions of the Boroughs of Hughestown and Duryea and the Township of Pittston, all of which are located on or near the geographic boundaries of Applicant.

At the time of filing, pursuant to 52 Pa. Code §3.501, the Pittston Application with exhibits was served upon each municipality, county and related planning office which is included, in whole or in part, in the requested service territory, a wastewater utility, municipal corporation or authority which provides wastewater collection to the public and whose service area abuts the service area proposed in the application, the statutory advocates, and DEP's central and regional offices.

In response to the Pittston Application, the Office of Consumer Advocate ("OCA") filed a Protest with a Public Statement. Wyoming Valley Sanitary Authority ("WVSA"), the Borough of Hughestown and PAWC have filed Petitions to Intervene. Applicant has no objection to these Petitions to Intervene. In addition to the Intervention, WVSA filed a Protest to which Applicant intends to object unless WVSA withdraws the Protest. WVSA has informed Applicant that it intends to withdraw the Protest in opposition to the Pittston Application.

II. DISCOVERY

The parties have been engaging in discovery cooperatively. Applicant has received discovery from OCA and the Bureau of Technical Utility Services ("TUS"). Applicant has already

responded to OCA's requests and is in the process of finalizing its responses to the data requests from TUS. Pittston is not proposing any discovery modifications at this time.

III. POSSIBILITY OF SETTLEMENT

The Applicant and Intervenors have agreed to engage in settlement discussions. Applicant believes there is a strong possibility of settlement.

IV. ISSUES

The legal standard for the issuance of a certificate of public convenience is that the certificate is necessary or proper for the service, accommodation, convenience, or safety of the public. 66 Pa. C.S. § 1103(a). A certificate of public convenience *nunc pro tunc* for the Applied-For-Territory will bring Applicant into compliance with the Commission's interpretation of the requirements of the Pennsylvania Public Utility Code. Compliance will serve as an example to other municipalities that may find themselves in a similar situation to that of Applicant. Moreover, customers in the Applied-For Service Territory will benefit from the protection of the Public Utility Code and Commission oversight. These customers will not experience any type of interruption of service. Continued service in the Applied-For Service Territory by Applicant is appropriate from a technical and cost perspective because Applicant has the technical wherewithal to continue to service the Applied-For Service Territory and can do so cost effectively given the proximity of Applicant's sewer lines. Further, continuation of service to customers in the Applied-For-Service Territory is necessary for their accommodation, convenience and safety as those customers do not have access to alternative wastewater service. Thus, the Applicant is providing an important public service.

V. HEARING TIME

Please see Applicant's response to paragraph Section VI. below.

VI. WITNESSES

With Pittston's Application, Applicant filed (i) Direct Testimony of David Hines, Chief Financial Officer and Director of Public Works and Fixed Assets of Applicant; and (ii) Direct Testimony of Donald Totino, Senior Project Manager at Pennoni Associates, Inc. and currently serving as a project engineer for Applicant. Applicant does not have any additional witnesses at this time.

VII. SCHEDULE

Applicant is not proposing a litigation schedule at this time. The Applicant and Intervenors have conferred and agree that a further prehearing conference should be held at a convenient time in approximately 30 days to give the parties an opportunity to collaboratively engage in discovery and to address possible resolution of this matter.

Respectfully Submitted,

Elizabeth Preate Havey

Elizabeth Preate Havey, Esq. (PA ID 80793)
James J. Rodgers, Esq. (PA ID 21635)

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*Counsel for Applicant,
City of Pittston*

**BEFORE THE
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**IN RE: APPLICATION OF THE CITY
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DOCKET A-2026-3059911

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the City of Pittston's electronically filed *Initial Prehearing Conference Memorandum* upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Honorable Christopher P. Pell
Deputy Chief Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
cpell@pa.gov
via email

Honorable Barbara Shadie Nause
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
bshadienau@pa.gov
via email

Secretary Matthew Homsher
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room N-201
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via eService

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Office of Small Business Advocate
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*Counsel for the Borough of Hughestown
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Erin Fure, Esquire
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Mechanicsburg, PA 17055
*Counsel for PAWC
via eService*

Dated this 6th day of March, 2026

/s/ Elizabeth Preate Havey
Elizabeth Preate Havey, Esquire
Counsel for the Applicant, City of Pittston