

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of City of Pittston, <i>Nunc Pro Tunc</i> ,	:	
Pursuant to 66 Pa.C.S. § 1102(A), for a	:	A-2026-3059911
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	:	

PREHEARING ORDER #1

On January 16, 2026, the City of Pittston filed with the Commission its Application for a Certificate of Public Convenience, Nunc Pro Tunc, pursuant to 66 Pa.C.S. 1102(a), seeking approval from the Commission for the Applicant 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 the Applicant's system.

On January 20, 2026, a Secretarial Letter was issued directing the Applicant to serve copies of the Application: on each city, borough, town, township, county and related planning office, which is included, in whole or in part, in the proposed service area; a water or wastewater utility, municipal corporation or authority which provides water or wastewater collection, treatment, and disposal service to the public and whose service area abuts or is within 1 mile of the service area proposed in the Application; and the Office of Consumer Advocate, the Office of Small Business Advocate, and the Department of Environmental Protection's central and regional offices. The Applicant was further directed to file proof of service on all of the aforementioned entities with the Commission. Proof of service was filed on January 22, 2026.

Additionally, the Applicant was directed to publish a notice once a week for two consecutive weeks in a newspaper having a general circulation in the area involved and file proof

of publication with the Commission. Proof of Publication was filed on February 17, 2026, showing that notice was published in the Sunday Dispatch on January 25, 2026, and again on February 1, 2026.

In addition, the Commission published notice of the filing in the January 31, 2026, *Pennsylvania Bulletin*, 56 Pa.B. 737. Formal Protests and Petitions to Intervene were due on or before February 16, 2026.

On February 12, 2026, the Office of Consumer Advocate (OCA) filed a Protest to the Application.

On February 13, 2026, the Bureau of Investigation and Enforcement (I&E) entered an appearance on behalf of Michael Podskoch.

Also on February 13, 2026, the Borough of Hughestown and Pennsylvania American Water Company (PAWC) filed their respective Petitions to Intervene.

On February 16, 2026, the Wyoming Valley Sanitary Authority (WVSA) filed a Petition to Intervene and a Protest.

No other Protests or Petitions to Intervene were filed.

On March 9, 2026, the WVSA filed a Notice of Withdrawal of Protest. In the Withdrawal, WVSA indicated that the Protest was being withdrawn without prejudice because certain clarifications were received that prompted the withdrawal. WVSA requested to remain a party to these proceedings for purposes of monitoring the case and participating in any settlement.

By Initial Telephonic Prehearing Conference Notice issued on February 25, 2026, an Initial Call-In Telephonic Prehearing Conference was scheduled for March 11, 2026, at 10:00

a.m. and the matter was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge Barbara Shadie Nause.

The prehearing conference convened as scheduled on March 11, 2026. Counsel for the City of Pittston, I&E, OCA, the Borough of Hughestown, PAWC, and WWSA participated.

This Prehearing Order sets forth the procedural matters addressed during the Prehearing Conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petitions to Intervene filed by Wyoming Valley Sanitary Authority, the Borough of Hughestown and Pennsylvania American Water Company are granted.
2. That the active parties of record as of the date of this Prehearing Order are City of Pittston, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Borough of Hughestown, Pennsylvania American Water Company and Wyoming Valley Sanitary Authority.
3. That Wyoming Valley Sanitary Authority's March 9, 2026 Withdrawal of Protest is granted.¹

¹ Although Wyoming Valley Sanitary Authority's withdrawal request was granted, Wyoming Valley Sanitary Authority also filed a Petition to Intervene and will remain an active party of record through its Intervention.

4. That the active parties shall receive all documents and shall copy all other active parties on documents they file with the Commission or serve on us. The active parties are expected to conduct discovery, attend hearings, or present or cross-examine witnesses, as appropriate. The active parties shall serve the documents so that the documents are received in-hand by the active parties and us no later than 4:30 p.m. on the dates listed. Active parties may serve the documents via e-mail to meet this requirement. Active parties shall not file testimony with the Commission but shall file a certificate of service.

5. That our informal e-mail distribution list for the active parties in this proceeding is as follows. Any changes or corrections should be communicated to us, via e-mail, as soon as possible. Please include our legal assistants, Pamela McNeal and Eric Ball, on anything you send to us.

Party	Counsel	e-mail
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OALJ	Eric Ball	eball@pa.gov

6. That discovery shall be conducted according to the Commission’s rules and regulations at 52 Pa. Code § 5.321 *et seq*, subject to the following modifications:

Effective March 11, 2026:

- 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:

- 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.

7. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373, as modified above. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. All motions to compel shall contain a certification by counsel setting forth the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel does not contain this

certification, the parties will be directed to pursue informal discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

8. 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 administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

9. That a litigation schedule has not been proposed in this proceeding at this time as the parties have agreed that a further prehearing conference should be held. This will allow time for the parties to engage in discovery and to discuss the possibility of settlement.

10. That a hearing notice was issued on March 11, 2026, establishing a Second Telephonic Prehearing Conference for Monday, April 20, 2026, at 10:00 a.m.

11. That the parties should do their best to avoid the use of **Confidential Security Information (CSI)**, as defined by 35 P.S. § 2141 et seq., in this proceeding. Where possible, the parties should develop alternative means of introducing information into the record, such as joint stipulations or redaction when proposing testimony or exhibits. If the parties cannot avoid the use of CSI, the parties are to contact the presiding ALJs in advance of any submission, and prior to the evidentiary hearing.

12. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this proceeding. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore this possibility. If a settlement is reached, a joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and served on us.

13. That the parties shall comply with the procedural rules and regulations discussed herein.

14. That any provision of this order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: March 19, 2026

/s/
Christopher P. Pell
Deputy Chief Administrative Law Judge

/s/
Barbara Shadie Nause
Administrative Law Judge

A-2026-3059911 (APPLICATION OF CITY OF PITTSTON FOR AN EXPEDITED CERTIFICATE OF PUBLIC CONVENIENCE, NUNC PRO TUNC.

Revised: March 12, 2026

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