



April 1, 2026

VIA E-FILING

Dawn Kurtz Crompton

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Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Application of Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (Water Division), Pursuant to Section 1102(a) of the Pennsylvania Public Utility Code, for Approval of (1) the Right to Offer, Render, Furnish or Supply Water Service To the Public in an Additional Portion of Hazle Township, together with portions of Sugarloaf Township and West Hazleton Borough, all in Luzerne County, Pennsylvania and (2) the Abandonment of Portions of its Water Service Territory in Hazle Township, Luzerne County, Pennsylvania; Docket No. A-2026-3059809

Motion to Strike Protestant Logan's Opposition to CAN DO, Inc.'s Supplemental Answers to Bureau of Technical Utility Services Data Requests, Set 1

Dear Secretary Homsher:

On behalf of the Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (Water Division) ("CAN DO"), enclosed please find the Motion to Strike Protestant Logan's Opposition to CAN DO, Inc.'s Supplemental Answers to Bureau of Technical Utility Services Data Requests, Set 1. Copies have been served as shown on the attached Certificate of Service.

The petition does not contain an averment of fact not appearing of record, and therefore a verification has not been included consistent with 52 Pa. Code § 1.36(a).

Thank you for your attention to this filing. If you have any questions, please feel free to contact me.

Sincerely,

Cozen O'Connor

By: Dawn Kurtz Crompton
Counsel for **Greater Hazleton Community
Area New Development Organization Inc.
t/a CAN DO, Inc. (Water Division)**

Enclosures

Matthew L. Homsher, Secretary

April 1, 2026

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cc: Administrative Law Judge Emily A. Farren
Administrative Law Judge Steven K. Haas
Per Certificate of Service
Joseph Lettiere, President and CEO, CAN DO
Raiana Nichols, Director of Utilities, CAN DO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Greater Hazleton Community :
Area New Development Organization Inc. t/a :
CAN DO, Inc. (Water Division), Pursuant to :
Section 1102(a) of the Pennsylvania Public : Docket No. A-2026-3059809
Utility Code, for Approval of (1) the Right to :
Offer, Render, Furnish or Supply Water :
Service To the Public in an Additional Portion :
of Hazle Township, together with portions of :
Sugarloaf Township and West Hazleton :
Borough, Luzerne County, Pennsylvania and :
(2) the Abandonment of Portions of its Water :
Service Territory in Hazle Township, Luzerne :
County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of April, 2026 served a true copy of the foregoing **Motion to Strike Protestant Logan’s Opposition to CAN DO, Inc.’s Supplemental Answers to Bureau of Technical Utility Services Data Requests, Set 1** upon the parties, listed below and in the manner described below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Via E-mail and First Class Mail

Lisa Logan
293 Tomhicken Road
Sugarloaf, PA 18249
Lisalogan2662@gmail.com

Respectfully submitted,



Dawn Kurtz Crompton, Esq.
Counsel for *Greater Hazleton Community Area
New Development Organization Inc. t/a CAN DO,
Inc. (Water Division)*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Borough, Luzerne County, Pennsylvania and :
(2) the Abandonment of Portions of its Water :
Service Territory in Hazle Township, Luzerne :
County :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO THE REGULATIONS OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AT 52 PA. CODE § 5.103, YOU MAY FILE AN ANSWER TO THE ENCLOSED MOTION TO STRIKE WITH THE SECRETARY'S BUREAU OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AT THE FOLLOWING ADDRESS:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – Filing Room (2nd Floor)
P.O. Box 3265
Harrisburg, PA 17105-3265

AN ANSWER MAY BE FILED WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE OF THIS MOTION TO STRIKE. FOR MORE INFORMATION REGARDING THE FILING OF AN ANSWER, PLEASE CONTACT THE SECRETARY'S BUREAU AT (717) 772-7777. A COPY OF ANY ANSWER SHOULD BE SERVED ON THE UNDERSIGNED COUNSEL.

[Signature appears on next page.]



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Area New Development Organization Inc. t/a
CAN DO, Inc. (Water Division)*

Date: April 1, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Greater Hazleton Community :
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of Hazle Township, together with portions of :
Sugarloaf Township and West Hazleton :
Borough, all in Luzerne County Pennsylvania :
and (2) the Abandonment of Portions of its :
Water Service Territory in Hazle Township, :
Luzerne County, Pennsylvania :

**MOTION TO STRIKE PROTESTANT LOGAN’S
OPPOSITION TO CAN DO, INC.’S SUPPLEMENTAL ANSWERS TO
BUREAU OF TECHNICAL UTILITY SERVICES DATA REQUESTS, SET 1**

Pursuant to 52 Pa. Code § 5.103, Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (Water Division) (“CAN DO”) files this Motion to Strike the *Opposition to CAN DO, Inc.’s Supplemental Answers to Bureau of Technical Utility Services Data Requests, Set 1 (Nos. 1-20)*, Docket No. A-2026-3059809, submitted by Lisa Logan, *Pro Se Protestant* (the “Objections”). CAN DO respectfully requests that Administrative Law Judges Emily A. Farren and Steven K. Haas (the “ALJs”) strike the Objections because the Objections are procedurally improper and violate CAN DO’s fundamental administrative due process rights.

In support, CAN DO states as follows:

I. Introduction and Summary

1. This proceeding concerns CAN DO’s Application for Approval of (1) the Right to Offer, Render, Furnish or Supply Water Service To the Public in an Additional Portion of Hazle Township, together with portions of Sugarloaf Township and West Hazleton Borough,

Luzerne County, Pennsylvania (the “Expansion”), and (2) the Abandonment of Portions of its Water Service Territory in Hazle Township, Luzerne County, Pennsylvania and East Union Township, Schuylkill County, Pennsylvania (the “Abandonment”), which was initially filed on January 14, 2026 (the “Initial Application”).

2. As set forth in the Application, the Expansion is requested to serve a customer with domestic water and fire service on a parcel located in Hazle Township, Sugarloaf Township, and West Hazleton Borough, which is adjacent to CAN DO’s existing service territory at the Humboldt Industrial Park (the “Requested Service Territory”). The Application also requested to abandon service to portions of CAN DO’s existing service territory in Hazle Township and East Union Township, where customers currently receive water service from other public water systems or from private wells.

3. On January 22, 2026, CAN DO filed an amended application that revised Exhibit 6’s designation from Confidential Security Information to Confidential Information.

4. On February 13, 2026, Protestant Lisa Logan filed a Protest in this matter.

5. On February 18, 2026, the Bureau of Technical Utility Services (“TUS”) served CAN DO with Data Request Set 1 (“Data Requests”).

6. On March 6, 2026, CAN DO filed Preliminary Objections to the Logan Protest, seeking dismissal due to lack of standing.

7. On March 9, 2026, Protestant Logan filed an Answer to CAN DO’s Preliminary Objection to her Protest.

8. On March 9, 2026, CAN DO filed its partial answers to the TUS Data Requests.

9. On March 19, 2026, CAN DO amended its Application to withdraw the request to abandon a portion of CAN DO's service territory located on the border of Hazle Township and East Union Township (the "Amended Application"). Among other things, the Initial Application requested Pennsylvania Public Utility Commission ("Commission") approval to abandon a portion of CAN DO's service territory located on the border of Hazle Township and East Union Township. CAN DO believed this territory was served by Aqua Pennsylvania, Inc. ("Aqua"). It came to CAN DO's attention that Aqua does not serve this territory. Consequently, CAN DO filed the Amended Application to withdraw the request to abandon this territory. This change removed any proposed changes to CAN DO's service territory in East Union Township.

10. On March 20, 2026, CAN DO requested an extension of time to file supplemental answers to the TUS Data Requests.

11. On March 20, 2026, the ALJs denied CAN DO's Preliminary Objections to the Logan Protest.

12. On March 25, 2026, the parties participated in a prehearing conference which set Evidentiary Hearing dates for September 3-4, 2026.

13. On March 26, 2026, CAN DO filed its supplemental answers to the TUS Data Requests ("Supplemental Responses"). Copies were sent to a member of TUS Staff and the Protestant.

14. On March 27, 2026, CAN DO filed a Petition for a Protective Order pursuant to 52 Pa. Code § 5.365 for the protection from public disclosure of certain trade secrets or other confidential information ("Confidential Information") that CAN DO has included in its application in the above matter and which CAN DO anticipates submitting to and exchanging

with the Pennsylvania Public Utility Commission (“Commission”) and the parties during the course of these proceedings.

15. On March 29, Protestant Logan filed the Objections. The Objections contain legal arguments, make certain factual representations, and include three mine maps as exhibits. No verification was attached to the Objections.

16. On March 30, 2026, Protestant Logan filed the *Answer of Lisa Logan, Pro Se Protestant in Opposition to CAN DO, Inc.'s Petition for Protective Order, Docket No. A-2026-3059809, submitted by Lisa Logan, Pro Se Protestant* requesting, *inter alia*, that the ALJs deny the Petition for a Protective Order.

II. CAN DO’s Motion to Strike the Objections to the Supplemental Responses

17. CAN DO respectfully requests that the ALJs strike the Objections in their entirety as procedurally inappropriate for the reasons set forth below.

18. Commission regulations permit Commission Staff, such as TUS, to conduct discovery (designated as “Staff Data Requests”) prior to formal Commission action initiating a proceeding. 52 Pa. Code § 5.331(c).

19. A utility receiving Staff Data Requests is required to answer them fully and completely. *Id.* To comply with this obligation, CAN DO filed a partial response to Staff’s Data Requests and a Supplemental Response.

20. Nothing in Commission regulations permits a third party such as a Protestant to file a response to a utility’s responses to Staff’s Data Requests.

21. The Objections: incorrectly characterize CAN DO’s Supplemental Responses as admissions of fact; inappropriately present contested factual inferences regarding land use, engineering feasibility, safety, and environmental impacts; improperly attach

unverified exhibits (including three mine maps) without authentication or foundation; and inappropriately request that the ALJs evaluate the credibility, completeness, and technical adequacy of CAN DO's Supplemental Responses.

22. Nothing in Commission regulations permit CAN DO to respond to the inaccuracies in the Objections.

23. The Objections were improperly sent to the ALJs and violate fundamental principles of administrative due process. Although styled as an opposition to CAN DO's Supplemental Responses, the Objections present evidence to the ALJs outside the evidentiary hearing process and violate fundamental principles of administrative due process applicable to adjudications before the Commission. The Objections do not raise procedural discovery disputes; instead, the Objections improperly present unsworn factual assertions, unverified exhibits, legal conclusions, and legal argument on the ultimate issues in this matter.

24. Administrative due process requires that disputed facts forming the basis of Commission determinations be: (1) introduced through sworn testimony or admissible exhibits; (2) subject to objection and cross-examination; and (3) decided only upon the evidentiary record developed at hearing.

25. Protestant's Objections circumvent these protections by attempting to litigate factual disputes through motion practice and discovery advocacy, thereby depriving CAN DO of its due-process right to confront, test, and contextually respond to factual allegations in an evidentiary setting.

26. The Objections inappropriately expose the ALJs to extra-record material. The Supplemental Responses were submitted in response to the TUS Data Requests and,

pursuant to Commission regulations, the ALJs were not copied on CAN DO's Supplemental Responses.

27. Each of the issues raised in the Objections require factual and legal determinations that should be exclusively reserved for consideration by the ALJs at the Evidentiary Hearing. The ALJs should not be prematurely exposed to material that has not been admitted into evidence, especially so when CAN DO has not yet been afforded due process in fully developing the record.

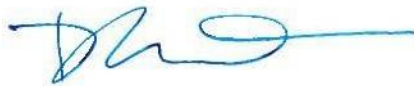
28. As such, the Objections violate fundamental principles of administrative due process and should be struck in their entirety as procedurally inappropriate.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, CAN DO respectfully requests that the ALJs:

- (a) GRANT CAN DO's Motion to Strike; and
- (b) Strike the *Opposition to CAN DO, Inc.'s Supplemental Answers to Bureau of Technical Utility Services Data Requests, Set 1 (Nos. 1-20), Docket No. A-2026-3059809, submitted by Lisa Logan, Pro Se Protestant* in its entirety.

Respectfully submitted,



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Date: April 1, 2026