

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|--|---|---------------------------|
| 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 | : | Docket No. A-2026-3059809 |
| 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 | : | |

ORDER GRANTING MOTION TO STRIKE

In this proceeding, the Greater Hazleton Community Area Development Organization, Inc. t/a CAN DO, Inc. (Water Division) (CAN DO) is seeking Commission authority to provide 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, as well as to abandon water service to a portion of its authorized territory in Hazle Township, Luzerne County, Pennsylvania. On February 13, 2026, Lisa Logan filed a Protest to CAN DO's application.

On February 18, 2026, the Commission's Bureau of Technical Utility Services (TUS) served CAN DO with its Set I data requests. On March 9, 2026, CAN DO served partial answers to the TUS Set I data requests. Subsequently, on March 26, 2026, CAN DO served its supplemental answers to the TUS Set I data requests.

On March 29, 2026, Lisa Logan filed an opposition to CAN DO's supplemental answers to the TUS Set I data requests. In her opposition, Ms. Logan asserts that CAN DO's answers are deficient in a number of ways including, but not limited to, (1) they do not address

unresolved land use issues, (2) they do not demonstrate public convenience and necessity, (3) they lack supporting evidence about the abandonment request, and (4) environmental and water resource considerations are not addressed.

On April 1, 2026, CAN DO filed a Motion to Strike Ms. Logan's opposition. In its Motion, CAN DO argues, among other things, that the Commission's regulations do not allow for third parties to object to or challenge the sufficiency of another party's responses to TUS data requests, and that Ms. Logan is improperly attempting to litigate factual disputes through motion practice and discovery advocacy. CAN DO argues that Mr. Logans' objections violate fundamental principles of due process and should be struck in their entirety as administratively inappropriate. On April 6, 2026, Ms. Logan filed an Answer to CAN DO's Motion in which she requests that the Motion be denied.

We will grant CAN DO's Motion and strike from the record Ms. Logan's opposition to CAN DO's supplemental answers to the TUS data requests. We agree with CAN DO that the Commission's discovery regulations provide no mechanism by which a party that did not propound discovery requests made to a different party may object to or otherwise challenge the sufficiency of the answers provided to the propounding party. The Commission's regulations provide procedures for the propounding party, TUS in this case, to question the sufficiency of answers it receives and/or to propound follow-up requests if it seeks additional information. *See* 52 Pa. Code §§ 5.331-5.332. The regulations simply do not, however, allow a third party to challenge the sufficiency of those responses.

In addition, discovery responses are not evidence in a case. Ms. Logan argues that the supplemental responses provided by CAN DO do not support certain positions asserted by CAN DO in its application. As the Applicant, it is CAN DO's burden to prove by a preponderance of the evidence that it has met all of the evidentiary criteria necessary for approval of the application. The fact that its supplemental responses may not constitute such proof is of no consequence at this stage of the proceeding. Ms. Logan will have a full opportunity at an evidentiary hearing to challenge the sufficiency of the evidence presented by

CAN DO in support of its application and may argue that the company has not met its evidentiary burden of proof.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of the Greater Hazleton Community Area Development Organization, Inc. t/a CAN DO, Inc. to Strike Protestant Lisa Logan's Opposition to CAN DO's Supplemental Answers to the Bureau of Technical Utility Services Data Requests, Set 1 is granted.

2. That Protestant Lisa Logan's Opposition to CAN DO, Inc's. Supplemental Answers to the Bureau of Technical Utility Services Data Requests, Set 1 is stricken from the record in this proceeding.

Date: April 22, 2026

/s/
Steven K. Haas
Emily A. Farren
Administrative Law Judges

**A-2026-3059809 - APPLICATION OF GREATER HAZLETON COMMUNITY AREA
NEW DEVELOPMENT ORGANIZATION INC. T/A CAN DO, INC., PURSUANT TO
SECTION 1102(A) OF THE CODE, FOR APPROVAL OF (1) THE RIGHT TO OFFER,
RENDER, FURNISH OR SUPPLY WASTER 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) ABANDONMENT OF PORTIONS OF ITS WATER SERVICE
TERRITORY IN HAZLE TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA AND
EAST UNION TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA**

(Revised 3/27/2026)

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Served via eService April 22, 2026

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Served via eService April 22, 2026