

COMMONWEALTH OF PENNSYLVANIA



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July 15, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Office of Consumer Advocate,
Office of Small Business Advocate
v.
Veolia Water Company, Inc.
Docket Nos. C-2025-3058865,
C-2025-3058757

Dear Secretary Homsher:

Attached for electronic filing please find the Office of Consumer Advocate's Answer to Veolia's Motion in Limine in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Christy M. Appleby
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Enclosures

cc: The Honorable Chad L. Allensworth (**email only:** callenswor@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. C-2025-3058865
	:	
Veolia Water Company, Inc.	:	
	:	

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Answer to Veolia's Motion in Limine, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 15th day of July, 2026.

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office of Small Business Advocate	:	
and Office of Consumer Advocate	:	
	:	Docket Nos. C-2025-3058757
v.	:	C-2025-3058865
	:	
Veolia Water Pennsylvania, Inc.	:	

**ANSWER OF THE OFFICE OF CONSUMER
ADVOCATE TO THE MOTION IN LIMINE OF
VEOLIA WATER PENNSYLVANIA, INC. TO LIMIT
THE SCOPE OF TESTIMONY PROVIDED AT THE
PUBLIC INPUT HEARINGS**

Pursuant to Section 5.103(c) of the Public Utility Commission’s regulations, 52 Pa. Code Section 5.103 (c), the Pennsylvania Office of Consumer Advocate (OCA) hereby files this Answer to the Motion in Limine (Motion) of Veolia Water Pennsylvania, Inc. (VWPWA or Company) to limit the scope of testimony provided at the public input hearings scheduled in this matter. The OCA submits that the Motion should be denied because the testimony that VWPA seeks to limit is vital public input into the adequacy, reasonableness, and quality of the service provided to customers by VWPA and will have a chilling effect on the ability of the public to provide testimony, not only in the matter at hand but in subsequent public input hearings in the future. In support of its Answer, the OCA submits as follows:

I. INTRODUCTION

On July 6, 2026, VWPA filed its Motion in Limine to Limit the Scope of the Public Input Hearings in this Proceeding to include only testimony from consumers that is related to the Complaints filed by the Office of Consumer Advocate (OCA) and Office of Small Business

Advocate (OSBA), as well as by limiting the areas, timeframe and substance of the testimony consumers may provide to the Public Utility Commission (Commission). In its Motion in Limine, VWPA specifically requests to limit testimony from the public: (a) limiting the scope of the public input hearings to those issues raised in the complaints, (b) defining an applicable timeframe to which consumers are allowed to provide testimony, (c) defining a geographic scope of testimony, and (d) excluding irrelevant categories of testimony, exhibits and arguments. VWPA avers that the Complaints filed by OCA and OSBA are discreet in nature and only relate to specific operational events within a defined timeframe and geographic location.¹ “Admission of evidence beyond that scope would not assist the Commission in resolving the issues presented and would instead risk expanding the proceedings into generalized inquiries concerning unrelated matters.”² The OCA submits that VWPA’s Motion in Limine should be denied.

II. BACKGROUND

On November 19, 2025, the OSBA filed a Formal Complaint against VWPA asserting that VWPA may have violated its obligations under Section 1501 of the Public Utility Code (Code), 66 Pa. C.S. Section 1501. On November 25, 2025, the OCA filed a Notice of Intervention in this matter and filed a separate Formal Complaint against VWPA asserting that VWPA did not adequately maintain its system and did not adequately respond to the quality-of-service issues required by Section 1501 of the Code.

This proceeding concerns a series of operational events that occurred in VWPA’s service territory between June 22, 2025, and the fall of 2025 that resulted in high turbidity, water

¹ VWPA Motion at ¶ 18.

² *Id.*

discolorations, and lack of potable drinking water quality, impacting customers in Lower Paxton Township, Susquehanna Township, and Marysville Borough.³

On December 11, 2025, VWPA filed an Answer and New Matter to the OSBA Complaint and filed a Preliminary Objection. On December 16, 2025, VWPA filed an Answer and New Matter to the OCA Complaint, and filed a Motion for Consolidation, requesting consolidation of the proceedings at Docket Nos. C-225-2058757 (OSBA Complaint) and C-2025-3058865 (OCA Complaint). On December 23, 2025, the Company filed letters indicating that VWPA agreed to extend the deadline for OSBA and OCA to file their respective replies to the New Matter to January 21, 2026. The matter was assigned to the Office of Administrative Law Judge and subsequently assigned to Administrative Law Judge Chad Allensworth.

On December 29, 2025, the Commission issued an Order granting the unopposed extension for OSBA to file its Reply to New Matter until January 21, 2026, and on January 6, 2026, the Commission issued an Order granting the unopposed extension for OCA to file its Reply to New Matter until January 21, 2026. On January 13, 2026, the Commission issued an Order granting VWPA's Motion to consolidate the OSBA and OCA Complaints and issued an Order granting in part and denying in part VWPA's Preliminary Objection. The OCA and OSBA both filed Answers to the New Matter, respectively, on January 21, 2026. On January 26, 2026, the Commission issued a Prehearing Order setting forth a Prehearing Conference on April 14, 2026.

The OCA and the OSBA requested that the Commission hold public input hearings in this matter in their respective Prehearing Conference Memoranda. VWPA in its Prehearing Conference

³ The timeframe surrounding the events is unclear, as media reports and subsequent complaints to the OCA indicate that issues persisted at a minimum through the fall of 2025, and potentially beyond. *See* <https://www.msn.com/en-us/news/us/veolia-water-tells-customers-not-to-drink-the-water-after-months-of-saying-it-was-safe/ar-AA1MH1eh?ocid=winnp2fptaskbar&cvid=4f8e4227a4934592b01685d42a6e28e2&ei=40> (Last accessed Tuesday, January 20, 2026).

Memorandum stated that it had held several open house sessions with the public during the time of the water quality events and that it did not believe that further public input in this matter was warranted.⁴ The OCA argued that the open house sessions are not equivalent to public input hearings and are not a part of the record of this proceeding.⁵ The parties argued their positions on public input hearings during the Prehearing Conference held on April 14, 2026. The ALJ ordered that public input hearings be held.

Subsequently, the parties negotiated dates on which the public input hearings would be held, as well as the location, times, and the form of the Notice for Public Input Hearings. On June 23, 2026, the parties submitted the previously negotiated Notice for Public Input Hearings.⁶ The parties met again to discuss VWPA's request to limit the scope of the public input hearings, however no agreement was reached.

III. ARGUMENT

The legal standard for a Motion in Limine is that the Motion "may be presented in a pending matter when exclusion is sought in order to ensure the elimination of anticipated prejudicial evidence, to remove extraneous issues from the underlying proceeding, to preclude references to prejudicial matters, or to prevent encumbering the record with immaterial matters." *Commonwealth of Pa. v. Pikur Enterprises, Inc.*, 596 A. 2d 1253 (Pa. Cmwlth. 1991). VWPA argues that pursuant to the above the public input hearing testimony should be limited in its scope. However, this argument is premature and only serves to chill the public's ability to provide information that may be relevant to the proceedings. VWPA has anticipated since the very beginning of these proceedings, months before any member of the public has been given the

⁴ See VWPA Motion at ¶ 3 and VWPA Prehearing Conference Memorandum at 7.

⁵ Tr. 16-18.

⁶ See VWPA Motion, Exh. 1.

opportunity to testify, that the public input witnesses will provide irrelevant information. This prejudicial opinion of the public's potential testimony is unfounded. For the reasons set forth below, VWPA has failed to meet the standard for the Motion in Limine.

The parties have already limited the scope of the public input hearings through the Notice that has been published in this matter. The parties agreed to issue a Notice that states:

The Pennsylvania Public Utility Commission ("PUC") will conduct four Public Input Hearings concerning the complaints filed by the Office of Consumer Advocate ("OCA") and the Office of Small Business Advocate ("OSBA") regarding the service quality provided by Veolia Water Pennsylvania, Inc. ("VWPA") during the period between June 22, 2025 and September 30, 2025 in portions of Susquehanna Township, Lower Paxton Township, Swatara Township, and Marysville Borough. These hearings are intended to receive public comment regarding the adequacy, efficiency, safety and reasonableness of service and facilities provided during the above-referenced period in the identified locations, including:

1. service interruptions, water quality concerns, and operational responses;
2. Veolia's customer service and communications; and
3. Veolia's remedial actions.

The public input hearings are intended to address only those issues raised in the complaints.⁷

The Company's proposed limitations would further narrow the scope of testimony allowed.

The parties and the Commission have already made the scope of these proceedings clear through the Notice to the public in this matter. The Company now attempts to further limit and intimidate the public by placing even more restrictions on what topics individuals are allowed to testify to. Moreover, changes to further limit the scope of testimony that can be provided by the public would only serve to confuse customers who are testifying. Any objections that the Company has with individual consumer testimony can be addressed as the issue arises and does not need to be addressed via the Motion in Limine.

⁷ See VWPA Motion Exh. 2, and June 23, 2026, email to ALJ.

The Commission already has a process for addressing public input hearing testimony that is outside the scope of the proceeding. The consumer should be permitted to provide the testimony in full, and the Company may object at the time of the public input hearing. The parties to this proceeding retain all rights to advocate for their respective positions, and the ALJ has the authority to strike any testimony that the ALJ deems subject to appropriate objections.

This process is consistent with the manner in which the Commission conducts its rate case hearings. Although applicable to rate case public input hearings, the Commission's general policy on public testimony should apply to this case as well.⁸ In particular, the Policy Statement provides:

(e) On-the-record testimony, to the extent it is relevant, material and competent, will be considered as evidence by the presiding officer and the Commission, subject to the customary rules of procedure and evidence.

(f) The presiding officer will make every attempt to give consumers full opportunity to provide input into the case.⁹

While the instant proceeding is a complaint proceeding, the same principles of relevancy, materiality, and competency should be applied to any testimony from the public, and consumers should be given a full opportunity to provide input into the case without undue restrictions. Otherwise, consumers' testimony may be chilled.

These principles are detailed in the tips provided by the Commission to the public regarding public input hearings. According to the tips, "Public hearing proceedings provide interested parties with the opportunity to discuss and share concerns and expand on issues with the Commission in a public forum."¹⁰ Further "Public Input Hearings are fundamental proceedings for Commissioners to reach the soundest judgement and decision as possible."¹¹ At this time, none of the parties know

⁸ See 52 Pa. Code 69.321.

⁹ *Id.*

¹⁰ See: https://www.puc.pa.gov/media/1703/24_public-input-hearing.pdf

¹¹ *Id.*

what any member of the public could possibly provide as evidence or testimony in this matter. Attempting to limit the scope of what a person may believe to be important information could result in individuals being intimidated out of providing the OCA, OSBA and more importantly, the Commission with evidence that is directly relevant to these complaints. Providing testimony before an ALJ, numerous attorneys, and ones peers in the community is intimidating in its own right, to grant VWPA's Motion in Limine would only serve to confuse and prevent citizens from voicing their opinions, thoughts, and experiences with respect to the quality of services issues they may have experienced.

The Company's Motion in Limine seeks to prejudge the testimony provided by consumers and is unnecessary and confusing for consumers. The parties have agreed to, and the ALJ has already approved, that the public input hearings will take place. And that same agreement includes the scope of the issues to be presented. To otherwise now further limit consumer testimony would unduly impact consumer testimony.

The consumer testimony presented at a public input hearing may be difficult to parse out in a manner that does not impact the ability for the consumer to offer testimony. For example, a consumer may testify regarding persistent problems with accessing the call center during the Summer and Fall of 2025. However, that customer may have also experienced similar problems at another point in time. Systemic problems with a call center or inadequate service may be exacerbated by high call volumes during times of more widespread service quality issues as alleged in the OCA and OSBA Formal Complaints.

Interestingly, VWPA cites to 52 Pa. Code Section 5.403, stating that the ALJs have been granted the authority to control the receipt of evidence including:

- 1) Ruling on the admissibility of evidence.
- 2) Confining the evidence to the issues in the proceeding and impose,

where appropriate:

- i. Limitations on the number of witnesses to be heard.
 - ii. Limitations of time and scope for direct and cross examinations.
 - iii. Limitations on the production of further evidence.
 - iv. Other necessary limitations.
- b. The presiding officer will actively employ these powers to direct and focus the proceedings *consistent with due process*.¹²

Despite referencing the ability of the ALJ to admit relevant evidence and focus the proceedings, VWPA argues that is not enough. VWPA, like any other party, has the right to object to any evidence that it believes to be irrelevant or not within the scope of the proceedings. In turn, the ALJ is granted the authority to determine if such objections should be sustained.¹³ VWPA argues that the ALJ should limit the scope, but that it should be the party to determine what that scope is, not the ALJ.

VWPA has presented the Commission with no evidence that its concerns are reasonable.¹⁴ In fact, VWPA does not present an actual *reason* in its Motion for why it feels that these public input hearings should be limited in scope beyond that set forth in the public input hearing notice. The VWPA Motion states that the testimony should be limited to the Complaints, but it provides no information or evidence that the public input hearing testimony will go beyond the scope of the issues identified in the Complaints.¹⁵ Moreover, despite this description in the Motion, VWPA does not explain *why* it is important that evidence be limited. The OCA's Complaint specifically states that the facts alleged are pursuant to its informal investigation and requested relief is designed to ensure that the problems that caused the discolored water is resolved. VWPA's Motion essentially asks the Commission and the ALJ to proceed with the public input hearings as is routine

¹² 52 Pa. Code § 5.403 (emphasis added).

¹³ *Id.*

¹⁴ See VWPA Motion in Limine generally.

¹⁵ See VWPA Motion Section C and D ¶¶ 20-28.

for any matter before the Commission. Without any evidence or explanation providing a reason to further restrict testimony, the OCA submits this Motion must be denied.

The public's full and complete testimony in this matter is relevant and material to the issues presented in this proceeding. The public's full and complete testimony may be substantial enough to support any Commission decision on this matter. Accordingly, VWPA's Motion in Limine is without merit and should be denied.

III. CONCLUSION

WHEREFORE, for the reasons set forth above, the Office of Consumer Advocate respectfully requests that Veolia Water Pennsylvania's Motion in Limine to limit the scope of the evidentiary hearing and to limit the scope of the public input hearing testimony be denied.

Respectfully submitted,

/s/ Christy M. Appleby

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DATED: July 15, 2026

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	:	
Veolia Water Pennsylvania, Inc.	:	

VERIFICATION

I, Darryl Lawrence, Consumer Advocate, hereby state that the facts set forth in my Answer are true and correct to the best of my knowledge, information, and belief, and that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: July 15, 2026

Signature: /s/ Darryl A. Lawrence
Darryl A. Lawrence

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