



COMMONWEALTH OF PENNSYLVANIA

July 20, 2026

E-FILED

The Honorable Chad Allensworth
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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

Enclosed please find the OSBA's Answer to the Motion in Limine of Veolia Water Pennsylvania, Inc. to Limit the Scope of Testimony at the Public Input Hearings, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-referenced proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Enclosures

cc: PA PUC, Secretary Matthew L. Homsher
Jason Hails / Roger Cathcart
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMISSION**

Office of Small Business Advocate	:	
	:	Docket No. C-2025-3058757
v.	:	
	:	
Veolia Water Pennsylvania, Inc.	:	
Office of Consumer Advocate	:	
	:	Docket No. C-2025-3058865
v.	:	
	:	
Veolia Water Pennsylvania, Inc.	:	

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

On July 6, 2026, Veolia Water Pennsylvania, Inc. (“Veolia” or the “Company”), pursuant to 52 Pa. Code §§ 5.103, 5.243, and 5.403, filed a Motion in Limine (“Motion”) to move for an Order limiting the scope of the Pennsylvania Public Utility Commission (“Commission”) public input hearings (“Public Input Hearings”). These hearing are to allow consumers to testify about how the Company’s water discoloration affected them pursuant to matters set forth in the allegations in the formal complaints (“Complaints”) filed by the Office of Small Business Advocate (“OSBA”) and the Office of Consumer Advocate (“OCA”) in this matter.

Veolia seeks an extraordinary remedy that would restrict the evidence the Commission may hear before any testimony has even been presented. Motions in Limine are intended to exclude clearly inadmissible evidence, not to prevent the Commission from hearing relevant testimony from affected consumers. Veolia asks this Court to silence witnesses based upon

speculation that their testimony may extend beyond the Company's preferred timeframe. That is not the purpose of a Motion in Limine.

For the reasons set forth below, OSBA files this Answer in Opposition to the Company's Motion and requests that the Honorable Administrative Law Judge Chad L. Allensworth (the "ALJ") deny limiting the scope of permissible testimony at the Public Input Hearings as follows:

I. INTRODUCTION AND SUMMARY OF ARGUMENT

On November 19, 2025, OSBA filed a Complaint against the Company. The OSBA Complaint states that the time period the Company's water was discolored was as follows:

- Allegedly it began on June 22, 2025.¹
- April through August 2025, a Company consumer reported water discoloration.²
- As of September 10, 2025, the Company's consumers were still reporting water discoloration.³
- As of October 24, 2025, Veolia was still having water discoloration issues.⁴

In its Motion, the Company misrepresented the Complaint's timeframe as only from June 22, 2025, through October 24, 2025.⁵ As stated above, that is incorrect. The OSBA's Complaint continually stated that the exact dates are unknown. Accordingly, the scope of any testimony concerning the Complaint, should not be limited to the Company's stated timeframe. Such a limitation would prevent the Commission from developing a complete factual record regarding the extent, duration, and impact of the Company's water discoloration.

¹ OSBA Complaint p.2 para. 5-6.

² Id. para. 8.

³ OSBA Complaint p. 4, para. 15.

⁴ Id. para. 16.

⁵ Company Motion in Limine p. 6, para. 20-22, p. 7, para. 23.

Administrative proceedings are intended to develop facts, not artificially restrict them. Veolia's requested limitations would effectively silence consumers whose experiences do not neatly fit within the Company's self-selected timeline. Consumers cannot be expected to know the precise date the Company's water quality problems began or ended. Their testimony regarding when discoloration first appeared, how long it persisted, and the effects it had on their businesses is precisely the evidence these Public Input Hearings are intended to collect.

II. ANSWER: VEOLIA'S ARGUMENT TO RESTRICT TIMEFRAME HAS NO MERIT.

Veolia's Motion repeatedly assumes that OSBA pled a fixed and finite period of water discoloration. It did not. The Complaint expressly alleges that the dates are approximate and based upon information known at the time of filing. The purpose of discovery and Public Input Hearings is to determine the actual scope of the Company's conduct. Veolia improperly attempts to convert preliminary allegations into an evidentiary limitation. Nothing in the Complaint prevents evidence demonstrating that discoloration began earlier or continued later.

A. Legal Standard For Motion In Limine

The Company cites multiple cases such as *Pa. Pub. Util. Comm'n v. PPL Electric Utilities Corporation*⁶, to further their argument to exclude testimony that is outside the scope of the proceeding.⁷ The case's opinion, however, was in regard to excluding **expert testimony** not relevant to the company's petition. As the ALJ stated, "...has not been developed or supported sufficiently for even a superficial introduction of it, let alone a meaningful evaluation"⁸ In OSBA's Complaint, it states 'alleged', not absolute, dates of discoloration; this is more than a superficial introduction. The upcoming public input

⁶ Docket Nos. R-2015-2469275 *et al.*, at 7-10 (ALJ Colwell Sixth Prehearing Order issued July 14, 2015).

⁷ Company Motion in Limine p.4, para. 13.

⁸ Docket Nos. R-2015-2469275 *et al.*, at 10.

hearings are to determine if the discoloration started earlier and/or later than the company alleges.

Questions regarding whether an individual consumer ultimately fall within the scope of the Complaint are fact-specific determinations that should be made after the testimony is presented, not before. Veolia improperly asks the Court to make blanket exclusions based upon hypothetical testimony that has not yet occurred. Such speculative rulings are inconsistent with the purpose of Motions in Limine.

B. Scope of the Complaints

Veolia sites case law concerning complaints that are legally insufficient as well as the issue of whether there is a variance between the complaint and a later theory.⁹ In the instant case, Veolia incorrectly states that the OSBA Complaint listed a defined timeline.¹⁰ The OSBA has pled a suspected, but not known, date range. The fact that the discoloration may have exceeded this date range is not a new theory.

The Company admits that it has a right to object to specific testimony at the hearings.¹¹ If testimony from its consumers is limited to the Company's perceived specific timeframe, it would prevent consumers from informing the Commission that the discoloration occurred earlier and or continued later that the Company alleges.

C. Evidence Gathered At The Public Input Hearings Concerning A Continual Course Of Discoloration Conduct Is Relevant And Within The Scope Of The Proceeding.

The Company states that the Complaint defined the start date as June 22, 2025, and that it continued at least up to October 24, 2025.¹² This is simply incorrect. As stated

⁹ Veolia Motion in Limine p.5, para. 17.

¹⁰ Id. p.6, para. 18.

¹¹ Id. para. 19.

¹² Id. para. 20.

above, the Complaint clarifies that the start date is unknown when it described that start date as “alleged” and the Complaint never defined when it ended.¹³

D. Evidence Gathered At The Public Input Hearings Are Not Limited.

Please see OSBA’s Answer to paragraph C. above. As a further Answer to Company (f.)¹⁴ instead of “not pertaining to time” replace with “not pertaining to water discoloration.” OSBA agrees with Company’s (g.) argument¹⁵ that we will not consider matters currently in other proceedings.”

Public Input Hearings are not trials. They exist so the Commission can hear directly from affected consumers regarding their experiences. The Commission routinely gives such testimony whatever weight it deems appropriate. Excluding testimony before it is heard frustrates the very purpose of Public Input Hearings and deprives the Commission of potentially significant evidence concerning the scope and duration of the Company’s conduct. The upcoming Public Input Hearings are intended to give a voice to the Company’s consumers so that they can testify about how the water discoloration affected them.

E. Testimony From Persons With Standing Is Relevant.

It is for the ALJ to determine whether a person is within the nexus of the Complaint. OSBA agrees that evidence should be excluded where its probative value is outweighed by the danger of unfair prejudice and the confusion of issues, *See* 52 Pa. Code § 5.401. The Complaint’s issues are straight forward; that its consumers suffered water discoloration for a continuous period of time. A consumer testifying that they

¹³ OSBA Complaint p.2 para. 5-6.

¹⁴ Veolia Motion in Limine p. 8, para. 25(f.).

¹⁵ Id. para. 25(g.).

suffered discoloration in May of 2025 and/or continued after October 24, 2025, is neither confusing the issues nor unfairly prejudicing the Company.

Veolia identifies no actual prejudice that would result from allowing consumers to testify. If any individual testimony ultimately proves irrelevant, the Company remains free to object at the hearing, and the Administrative Law Judge may assign whatever weight is appropriate. The speculative possibility that some testimony may extend beyond Veolia's preferred timeframe does not justify excluding categories of testimony before they are offered.

III. RELIEF REQUESTED

Veolia has failed to demonstrate that the testimony it seeks to exclude is irrelevant, inadmissible, or unfairly prejudicial. Instead, the Motion asks the Court to limit the factual record before it has been developed and to prevent affected consumers from fully describing their experiences. The Commission is best served by hearing the evidence and determining the appropriate weight to assign it, rather than excluding relevant testimony in advance.

WHEREFORE, for the above reasons, Veolia has not met the legal standard necessary for the extraordinary relief it seeks. The OSBA respectfully requests that your Honor:

- A. Allow testimony on issues regarding water discoloration.
- B. Not define the applicable timeframe, or in the alternative, define it as beginning in 2025 without an ending date.
- C. Not define the geographical scope beyond that it must be in Veolia's territory.
- D. Include testimony that concerns the water discoloration.
- E. Include testimony of Veolia's consumers.

- F. Issue Pre Hearing Instructions that those testifying must be Veolia's consumers and on the issue of water discoloration and how it affected them.
- G. Grant other such relief your Honor deems just.

Respectfully submitted,

/s/ Rebecca Lyttle

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Dated: July 20, 2026

VERIFICATION

I, NazAarah Sabree, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 07/20/26

NazAarah Sabree

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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	:	Docket No. C-2025-3058757
v.	:	
	:	
Veolia Water Pennsylvania, Inc.	:	

Office of Consumer Advocate	:	
	:	Docket No. C-2025-3058865
v.	:	
	:	
Veolia Water Pennsylvania, Inc.	:	

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: July 20, 2026

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