

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

INTERIM ORDER
DENYING MOTION IN LIMINE

Procedural History:

On or about November 19, 2025, the Office of Small Business Advocate (“OSBA”) filed a Formal Complaint (“OSBA complaint”) against Veolia Water Company, Inc. (“Veolia”) at Docket No. C-2025-3058757. The OSBA complaint asserts that Veolia has or may have violated its obligations to furnish and maintain adequate, efficient, safe and reasonable services and facilities in compliance with Section 1501 of the Public Utility Code (“Code”), 66 Pa.C.S. § 1501.

On November 25, 2025, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention in the matter at Docket No. C-2025-3058757.

Also, on November 25, 2025, OCA filed a Formal Complaint (“OCA complaint”) against Veolia at Docket No. C-2025-3058865. The OCA complaint asserts that Veolia did not adequately maintain its system to avoid operational issues and/or did not adequately respond to the quality-of-service issues as required by Section 1501 of the Code, 66 Pa.C.S. § 1501.

On December 11, 2025, Veolia filed its Answer and New Matter to the OSBA complaint denying the material averments of the OSBA complaint. Also, on December 11, 2025, Veolia filed a Preliminary Objection (“PO”) to the OSBA complaint.

On December 16, 2025, Veolia filed its Answer and New Matter to the OCA complaint. Also, on December 16, 2025, Veolia filed a Motion for Consolidation of matters at Docket Nos. C-2025-3058757 and C-2025-3058865.

On December 16, 2025, OSBA filed its Answer to Veolia’s PO.

Veolia, OSBA and OCA (collectively referred to as “the Parties”) agreed to extend the deadline for OSBA and OCA to reply to Veolia’s New Matter. Extensions were subsequently granted for OSBA and OCA to respond to the New Matter.

On January 13, 2026, the matters at Docket Nos. C-2025-3058757 and C-2025-3058865 were consolidated and Veolia’s PO was granted in part. Specifically, OSBA’s request for reimbursement for damages was stricken and summarily dismissed from the OSBA complaint.

On January 21, 2026, OSBA and OCA filed replies to Veolia’s New Matter.

A Prehearing Conference was held as scheduled on April 14, 2026 with all the Parties in attendance and represented by counsel. During the prehearing conference, OCA and OSBA argued that public input hearings should be held and Veolia did not believe public input hearings were necessary in this matter. *See* Tr. 13-23 for this discussion. After concluding that public input hearings should be held, a discussion was next held regarding when and how they should take place. *Id.* at 23-34.

On June 25, 2026, a Prehearing Order was entered memorializing the procedural matters decided and agreed upon from the Prehearing Conference, including a litigation schedule. This Order also directed that two public input hearings would be held on July 28

and 29, 2026, one in-person hearing and one telephonic hearing respectively.

On June 29, 2026, Veolia filed a Petition for a Protective Order. Neither OCA nor OSBA filed a timely response to the Petition for a Protective Order.

On July 7, 2026, Veolia filed a Motion in Limine (“Motion”) seeking to establish limits to the scope of the public input hearings scheduled for July 28, 2026 and July 29, 2026.

On July 15, 2026, OCA filed its Answer opposing the Motion.

On July 20, 2026, an Interim Order was issued granting Veolia’s Petition for a Protective Order and a Protective Order was issued.

Also, on July 20, 2026, OSBA filed its Answer opposing the Motion.

Discussion:

In its Motion, Veolia reiterated the arguments it made at the Prehearing Conference that public input hearings are not warranted since having public input hearings in this type of case are atypical and the public input hearing risk expansion of issues beyond those that have been properly raised in the OCA and OSBA complaints. Motion ¶ 5. Veolia also submits that the Parties agreed to include in the Public Input Hearing Notice that:

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.

Motion ¶ 9.

Veolia further avers that despite reaching an agreement on the public input notice language, the parties were unable to agree on an appropriate scope of limitations with respect to the public input hearings. Motion ¶ 10.

In Veolia's view, the Complaints in these proceedings concern discrete operational events and alleged service quality issues occurring within a defined timeframe and geographic scope. Motion ¶ 18. As such, Veolia argues that an order should be issued with the following limitations:

- A. Limit the scope of the public input hearings to those issues raised in the Complaints;
- B. Confine the applicable timeframe to events occurring between June 22, 2025 and October 24, 2025;
- C. Define the geographic scope to issues arising within the affected service areas identified in the Complaints'
- D. Exclude irrelevant categories of testimony and exhibits, including: (i) service quality outside the affected service areas; (ii) service quality within the affected service areas but occurring outside of or not pertaining to the time period between June 22, 2025 and October 24, 2025; (iii) customer service concerns not pertaining to the time period between June 22, 2025 and October 24, 2025; (iv) remedial actions taken by the

Company other than in response to service quality between June 22, 2025 and October 24, 2025; (v) claims for monetary damages or reimbursement not pertaining to the time period between June 22, 2025 and October 24, 2025; (vi) general rate concerns or individual billing disputes not pertaining to the time period between June 22, 2025 and October 24, 2025; and (vii) matters currently pending in other proceedings before the Commission.

E. Limit testimony to relevant participants with a direct and substantial nexus to the service, events, locations, and time period at issue, and exclude, limit, or strike testimony from individuals lacking such nexus.

F. Issue pre-hearing instructions addressing the aforementioned limitations and advise that testimony that becomes irrelevant, repetitive, or outside the scope of this proceeding may be excluded, limited, or stricken.

G. Grant such other relief as deemed appropriate.

Motion pp. 10-11.

In OCA's Answer to the Motion, it argues that the parties have already made the scope of the proceedings clear through the notice to the public and any objections from Veolia can be addressed as the issues arise. OCA's Answer to the Motion, p. 5. OCA further argues that Veolia's claims are premature and only serve to chill the public's ability to provide information. OCA's Answer to the Motion, p. 4. OCA contends that Veolia has not presented any evidence to establish that its concerns are reasonable or why the evidence should be limited. OCA's Answer to the Motion, p. 8. OCA requests the Veolia's Motion be denied.

In OSBA's Answer to the Motion, it argues that Veolia erroneously concludes that OSBA pled a fixed and finite period of water discoloration. OSBA's Answer to the Motion, p. 3-4. OSBA further argues that the fact that the discoloration may have exceeded the date range proposed by Veolia does not constitute a new theory. OSBA's Answer to the Motion, p. 4. OSBA states that Veolia does not identify any actual prejudice that would result from allowing

customers to testify, the Company remains free to object at the hearings and requests the following specific relief:

- 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. OSBA's Answer to

Motion pp. 6-7.

I agree with OCA and OSBA that Veolia has failed to establish a need to strictly limit the scope of the public input hearings in this matter beyond what has been indicated in the public input hearing notice. I find that advanced topic limitation is a premature and an unnecessary measure in this matter. The parties, along with the presiding officer, have other tools available that allow for the creation of a clear and complete record of the public input hearings. Moreover, the public can be further informed about the scope of the proceeding through the presiding officer's and counsel's statements at the hearing and the presiding officer can still exclude any irrelevant evidence from the record. Further, any specific objection to a specific individual's testimony can be addressed in the context of the public input hearing notice, OSBA and OCA's complaints, and the proposed witness' testimony.

Accordingly, Veolia's Motion in Limine will be denied.

THEREFORE,

IT IS ORDERED:

1. That the Motion in Limine filed by Veolia Water Pennsylvania, Inc. at Docket Nos. C-2025-3058757 and C-2025-3058865 is denied.

Date: July 21, 2026

/s/
Chad L. Allensworth
Administrative Law Judge

C-2025-3058757 - OFFICE OF SMALL BUSINESS ADVOCATE v. VEOLIA WATER PENNSYLVANIA INC

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