

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2017-2595853
	:	
Pennsylvania American Water Company	:	
	:	
The Pennsylvania Office of Consumer Advocate	:	
	:	
v.	:	C-2017-2603058
	:	
Pennsylvania American Water Company	:	
	:	
The Pennsylvania Office of Small Business Advocate	:	
	:	
	:	
v.	:	C-2017-2603512
	:	
Pennsylvania American Water Company	:	

SECOND PREHEARING ORDER

In accordance with the provisions of 52 Pa. Code § 5.483, the purpose of this Order is to confirm certain agreements among the parties and related rulings made during the Prehearing Conference in these cases on May 25, 2017. That hearing was convened to identify and resolve any procedural issues raised to that point, to identify any discovery issues and to establish any modification of the Commission’s discovery rules that may be appropriate in this matter, and to develop a procedural schedule.

As a result of the prehearing conference, the following points have been agreed upon:

A. LITIGATION SCHEDULE

The parties agreed to the following litigation schedule:

August 9, 2017	Direct Testimony (Other Parties) Due
August 22, 2017	Initial Formal Settlement Conference
August 31, 2017	Rebuttal Testimony Due
September 7, 2017	Follow-up Formal Settlement Conference
September 13, 2017	Surrebuttal Testimony Due (Accounting/revenue requirement)
September 15, 2017	(Cost of service and misc. issues)
September 18, 21-22, 25-26, 2017	Hearings in as yet to be assigned hearing room, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA
September 28, 2017	Record close
October 6, 2017	Main Briefs Due
October 16, 2017	Reply Briefs Due

All documents, including testimony and briefs, shall be due in-hand on or before 4:30 p.m. on the date due. Service on those due dates may be done electronically, so long as a hard copy arrives by first class mail to counsel and the Presiding Officer as soon as possible thereafter.

We will accept service of documents electronically and ask that the documents be formatted in WORD and EXCEL. In the event that your office cannot provide the documents in WORD and EXCEL, please notify us what word processing or spreadsheet formats are used. Keep in mind that any document received electronically may not match the originals in size and page numbers because of differences created by printers and margins on page set ups. I also note that with this Order we are distributing the “Office of Administrative Law Judge Special

Instructions for Briefs and Exceptions in Major General Rate Increase Proceedings,” to the parties.

B. DISCOVERY MODIFICATIONS

The parties discussed and agreed to changes to the Commission’s rules of discovery. Discovery will be conducted in accordance with the Commission’s regulations at 52 Pa. Code, Chapter 5, Subchapter D, subject to the following modifications:

- (1) Discovery requests, motions to compel and responses are to be served electronically as well as on paper.
- (2) After a Motion to Compel and Reply have been filed, if the objections that are the subject of the Motion are not resolved, counsel will alert the presiding officer by e-mail of the need for a ruling, and a conference call will be scheduled. The presiding officer may make a ruling over the telephone and not reduce it to writing unless requested to do so.
- (3) Answers to written interrogatories to be served in-hand within ten (10) calendar days of service of the interrogatories. Discovery propounded after 12:00 noon on a Friday or the day before a holiday will be deemed served on the next business day for purposes of determining the due date of the responses.
- (4) Objections to interrogatories to be communicated orally within three (3) days of service; unresolved objections to be served in writing within five (5) days of service of interrogatories.
- (5) Motions to dismiss objections and/or direct the answering of interrogatories to be filed with the ALJ within three (3) days of service of written objections.
- (6) Answers to motions to dismiss objections and/or direct the answering of interrogatories to be filed within three (3) days of service of such motions.
- (7) Rulings over such motions to be issued, if possible, within seven (7) days of filing of the motion.

(8) Responses to requests for document production, entry for inspection, or other purposes to be served in-hand within ten (10) calendar days.

(9) Requests for admission be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.

(10) Answers to on-the-record data requests to be served in-hand within seven (7) calendar days of the request.

The parties should use their best efforts to respond to discovery and any appropriate motions.

C. SERVICE LIST

The following attorneys have been designated for inclusion on the official service list:

Anthony C. DeCusatis, Esq.	Pennsylvania-American Water Company
Christine Maloney Hoover, Esq.	Office of Consumer Advocate
Elizabeth Rose Triscari, Esq.	Office of the Small Business Advocate
Gina L. Miller, Esq.	Bureau of Investigation and Enforcement
Adeolu A. Bakare, Esquire	PAWC Large Users Group

D. PUBLIC INPUT HEARINGS

Public input hearings shall be scheduled as follows:

July 24, 2017 (1:00 p.m.)	Washington, PA
July 24, 2017 (6:00 p.m.)	Pittsburgh, PA
July 25, 2017 (1:00 p.m.)	Uniontown, PA
July 27, 2017 (1:00 p.m.)	Harrisburg, PA (“Smart Hearing” Hearing Room 1)

July 27, 2017 (6:00 p.m.) Camp Hill, PA
August 1, 2017 (1:00 p.m.) Wilkes Barre/Scranton, PA
August 1, 2017 (6:00 p.m.) East Stroudsburg, PA
August 3, 2017 (1:00 p.m.) Coatesville, PA
August 3, 2017 (6:00 p.m.) Reading, PA

ORDER

THEREFORE,

IT IS ORDERED:

1. That all testimony and briefs shall be distributed and hearings held in accordance with the schedule set forth above in Part A.
2. That the Commission's rules of discovery are hereby modified in accordance with the revisions set forth above in Part B.
3. That the following individuals are designated to receive service of documents from the undersigned for their respective clients:

Anthony C. DeCusatis, Esq.	Pennsylvania-American Water Company
Christine Maloney Hoover, Esq.	Office of Consumer Advocate
Elizabeth Rose Triscari, Esq.	Office of the Small Business Advocate
Gina L. Miller, Esq.	Bureau of Investigation and Enforcement
Adeolu A. Bakare, Esquire	PAWC Large Users Group

4. That a formal hearing in this matter shall be scheduled for September 18, 21-22, 25-26, 2017, in Harrisburg, Pennsylvania.

5. That public input hearings shall be scheduled for:

- July 24, 2017 (1:00 p.m.) Washington, PA
- July 24, 2017 (6:00 p.m.) Pittsburgh, PA
- July 25, 2017 (1:00 p.m.) Uniontown, PA
- July 27, 2017 (1:00 p.m.) Harrisburg, PA (“Smart Hearing” Hearing Room 1)
- July 27, 2017 (6:00 p.m.) Camp Hill, PA
- August 1, 2017 (1:00 p.m.) Wilkes Barre/Scranton, PA
- August 1, 2017 (6:00 p.m.) East Stroudsburg, PA
- August 3, 2017 (1:00 p.m.) Coatesville, PA
- August 3, 2017 (6:00 p.m.) Reading, PA

Date: June 14, 2017

Dennis J. Buckley
Administrative Law Judge

Benjamin J. Myers
Administrative Law Judge

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Revised 6/8/17 (newly added to list)

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