



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

June 9, 2017

Via E-Filing

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of Aqua Pennsylvania Wastewater, Inc. Pursuant to Sections
1102 and 1329 of the Public Utility Code for Approval of its Acquisition of
the Wastewater System Assets of Limerick Township
Docket No. A-2017-2605434

Dear Secretary Chiavetta:

Enclosed please find the Bureau of Investigation and Enforcement's (I&E)
Motion to Expedite Discovery in the above-captioned proceeding.

Copies are being served on parties as identified in the attached certificate of
service. If you have any questions, please contact me at (717) 783-6156.

Sincerely,

Carrie B. Wright
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney I.D. #208185

Phillip C. Kirchner
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney I.D. #313870

CBW/PCK/sea
Enclosure

cc: Certificate of Service
ALJ Steven Haas

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Aqua Pennsylvania :
Wastewater, Inc. Pursuant to Sections :
1102 and 1329 of the Public Utility Code : Docket No. A-2017-2605434
for Approval of its Acquisition of the :
Wastewater System Assets of Limerick :
Township :

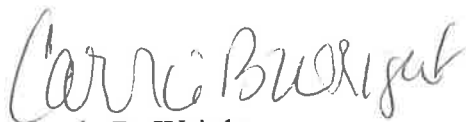
CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Motion to Expedite Discovery** dated June 9, 2017, either personally, by first class mail, electronic mail, express mail and/or by fax upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

Thomas T. Niesen Esquire
Thomas Niesen & Thomas LLC
212 Locust Street
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Prosecutor
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PA Attorney I.D. #208185

Phillip C. Kirchner
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney I.D. #313870

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania	:	
Wastewater, Inc. Pursuant to	:	
Sections 1102 and 1329 of the Public	:	
Utility Code for Approval of its	:	Docket No. A-2017-2605434
Acquisition of the Wastewater	:	
System Assets of Limerick Township	:	
	:	

**MOTION OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT TO
EXPEDITE DISCOVERY**

By Secretarial Letter dated May 31, 2017, the Commission acknowledged receipt of the Application of Aqua Pennsylvania Wastewater, Inc. (“Aqua” or “Company”) for approval of: 1) the acquisition of the wastewater systems assets of Limerick Township situated within a portion of Limerick Township and within a portion of the Borough of Royersford, Montgomery County, Pennsylvania, 2) the right of Aqua to begin to offer, render, furnish and supply wastewater service to the public in a portion of Limerick Township, Montgomery County, Pennsylvania, and 3) for an order approving the acquisition that includes the ratemaking rate base of the Limerick Township wastewater system assets pursuant to Section 1329(c)(2) of the Public Utility Code.

Section 1329 (d)(2) requires the Commission to issue a final order within six months of the filing satisfying the outlined filing requirements. In its Final Implementation Order the Commission recognized that “due to the six-month time line required by Section 1329, normal time lines must be compressed.”¹ The Commission

¹ *Implementation of Section 1329 of the Public Utility Code*, Docket No. M-2016-2543193, p. 32 (Order entered October 27, 2016).

further stated, “We would expect the proposed modifications to recognize the requirements of due process in a particular proceeding and, at the same time, be tailored to the development of a full and complete record for the Commission’s review.”² In this particular proceeding, the statutory six month deadline for a Commission Order would end on or about November 30, 2017. However, the Commission currently has only one Public Meeting scheduled for the month of November which is set to occur on November 8, 2017. This effectively takes another twenty-two days out of the already compressed six-month schedule.

Accordingly, given the time constraints and the Commission’s desire for a full and complete record, the Bureau of Investigation and Enforcement (“I&E”) respectfully requests approval of the following procedural modifications:

1. Your Honor has the authority, pursuant to 66 Pa. C.S. § 331(d)(7), to “dispose of procedural requests....”
2. I&E cannot wait until the prehearing conference to request a ruling on these procedural matters because the model timeline for Act 1329 proceedings contemplates that other parties file direct testimony two days after the prehearing conference. Two days between the prehearing conference and I&E’s submission of direct testimony would not provide I&E and other parties sufficient time to conduct discovery.

² *Implementation of Section 1329 of the Public Utility Code*, Docket No. M-2016-2543193, p. 35 (Order entered October 27, 2016).

3. Pursuant to 52 Pa. Code § 5.349(e), the response time for discovery in this proceeding is 20 days after service of said discovery. However, § 5.349(e) states that this time period may be modified by the presiding officer.

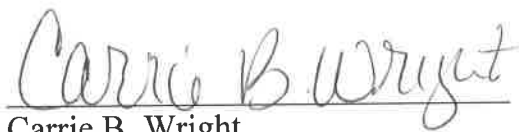
4. The following procedural modifications are appropriate:

- a. Answers to written interrogatories shall be served in-hand within three (3) calendar days of service. Discovery and discovery-related pleadings propounded on a Friday or on any business day immediately preceding a state holiday will be deemed served on the next business day for purposes of determining the due date of the responses and responsive pleadings.
- b. Objections to interrogatories shall be communicated orally within one (1) calendar days of service of the interrogatories; unresolved objections shall be served to the ALJ in writing within two (2) calendar days of service of the interrogatories.
- c. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within two (2) calendar days of service of the written objections.
- d. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within two (2) calendar days of service of such motions.
- e. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within three (3) calendar days.

- f. Requests for admissions will be deemed admitted unless answered within three (3) calendar days or objected to within two (2) calendar days of service.
- g. Discovery-related pleading, such as objections, motions, or answers, served on a Friday or the day before a holiday recognized by the Commission will be deemed to have been served on the following business day for purposes of tracking due dates.

WHEREFORE, the Bureau of Investigation and Enforcement respectfully requests that the discovery rules be modified as outlined above. Additionally, I&E respectfully requests that the Office of Administrative Law Judge rule on this motion in an expedited manner so that a full and complete record can be presented to the Commission.

Respectfully submitted,



Carrie B. Wright

Prosecutor

PA Attorney ID # 208185

Phillip Kirchner

Prosecutor

PA Attorney ID # 313870

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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Dated: June 9, 2017