**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water : A-2017-2606103

Company-Wastewater under Section 1329 of the :

Pennsylvania Public Utility Code, 66 Pa. C.S. :

§ 1329, for approval of the use for ratemaking :

purposes of the lesser of the fair market value or the :

negotiated purchase price of The Municipal :

Authority of the City of McKeesport's assets related :

to its wastewater collection and treatment system :

and other related transactions. :

**PREHEARING CONFERENCE ORDER**

An initial prehearing conference in this case is scheduled for Thursday, July 13, 2017, at 10:00 a.m. Pittsburgh parties, please report to Hearing Room 2018, Suite 220, Piatt Place, 301 Fifth Avenue, Pittsburgh, PA 15222, where the undersigned presiding officer will preside telephonically. Harrisburg parties, please report to Hearing Room 2, Plaza Level, Commonwealth-Keystone Building, 400 North Street, Harrisburg, Pennsylvania 17120. There is a statutory six-month deadline for final Commission action in this proceeding. The last Commission public meeting for action on this application is December 7, 2017. Therefore, the operable deadline in this proceeding is December 7, 2017. Cooperation among the parties throughout this proceeding will be both necessary and expected in order to meet this deadline. The parties are hereby directed to comply with the following requirements:

1. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §5.221- §5.224, and in particular, §5.222(d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added.)

2. Each party must prepare and distribute a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony by **2:30 p.m., Wednesday, July 12, 2017**.

3. Please review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, inter alia, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322, which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer’s participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371‑5.372.

The regulations relating to discovery are modified by this order because of the expedited nature of this proceeding in advance of the prehearing conference as follows:

1. Answers to written interrogatories shall be served in-hand within seven (7) calendar days of service. Discovery and discovery-related pleadings propounded after 12:00 noon on a Friday or after 12:00 noon 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 pleading.
2. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served to the ALJ in writing within five (5) days of service of the interrogatories. Objections to interrogatories served on a Friday shall be communicated orally within four (4) calendar days, and unresolved objections shall be served to the ALJ in writing within six (6) days of service of the interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of the written objections.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
5. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within seven (7) calendar days.
6. Requests for admissions will be deemed admitted unless answered within seven (7) calendar days or objected to within four (4) calendar days of service.
7. Discovery-related pleadings, 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.

The above discovery modifications only apply to discovery requests made after the date of this order.

4. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

5. As noted above, there is a statutory six-month deadline for final Commission action in this proceeding. The non-negotiable due date for reply briefs in this proceeding is **Friday, September 1, 2017**. Parties should use the model litigation schedule set forth in the Commission’s July 21, 2016 Tentative Implementation Order at Docket No. M-2016-2543193 as a guide for establishing an agreeable litigation schedule in advance of the conference.

6. You must serve the undersigned Administrative Law Judge directly with a copy of any document that you file in this proceeding (electronically at [mhoyer@pa.gov](mailto:mhoyer@pa.gov) and by hard copy). If you send me any correspondence or document, you must send a copy to all other parties.

Date: June 23, 2017 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mark A. Hoyer Deputy Chief Administrative Law Judge

**A-2017-2606103 - APPLICATION OF PENNSYLVANIA-AMERICAN WATER COMPANY-WASTEWATER UNDER SECTION 1329 OF THE PENNSYLVANIA PUBLIC UTILITY CODE, 66 PA. C.S. § 1329, FOR APPROVAL OF THE USE FOR RATEMAKING PURPOSES OF THE LESSER OF THE FAIR MARKET VALUE OR THE NEGOTIATED PURCHASE PRICE OF THE MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT'S ASSETS RELATEDTO ITS WASTEWATER COLLECTION AND TREATMENT SYSTEM AND OTHER RELATED TRANSACTIONS.**

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ALLEGHENY COUNTY COURTHOUSE

436 GRANT STREET

PITTSBURGH PA 15219

ALLEGHENY COUNTY PLANNING COMMISSION

ALLEGHENY COUNTY COURTHOUSE

436 GRANT STREET

PITTSBURGH PA 15219

CITY OF MCKEESPORT

COUNCIL PRESIDENT

500 FIFTH AVENUE SECOND FLOOR

MCKEESPORT PA 15123

CITY OF MCKEESPORT

PLANNING COMMISSION

500 FIFTH AVENUE SECOND FLOOR

MCKEESPORT PA 15123

MAYOR MICHAEL CHEREPKO

CITY OF MCKEESPORT

500 FIFTH AVENUE SECOND FLOOR

MCKEESPORT PA 15123

CITY OF DUQUESNE

COUNCIL PRESIDENT

12 SOUTH SECOND STREET

DUQUESNE PA 15110

CITY OF DUQUESNE

PLANNING DEPARTMENT

12 SOUTH SECOND STREET

DUQUESNE PA 15110

CITY OF DUQUESNE WATER COMPANY

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PORT VUE BOROUGH

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PORT VUE PA 15133

PORT VUE BOROUGH

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PORT VUE PA 15133

BOROUGH OF DRAVOSBURG

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WEST MIFFLIN PA 15122

WEST MIFFLIN BOROUGH

PLANNING COMMISSION

1020 LEBANON ROAD

WEST MIFFLIN PA 15122

LIBERTY BOROUGH

BOROUGH MANAGER

2921 LIBERTY WAY

MCKEESPORT PA 15133

LIBERTY BOROUGH

PLANNING COMMISSION

2921 LIBERTY WAY

MCKEESPORT PA 15133

WHITE OAK BOROUGH

COUNCIL PRESIDENT

BOROUGH BUILDING

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WHITE OAK PA 15131

WHITE OAK BOROUGH

PLANNING COMMISSION

BOROUGH BUILDING

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NORTH VERSAILLES PA 15137

NORTH VERSAILLES TOWNSHIP

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GLASSPORT BOROUGH

MANAGER

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GLASSPORT PA 15045

GLASSPORT BOROUGH

PLANNING COMMISSION

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COUNCIL PRESIDENT

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ELIZABETH PA 15037

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MUNICIPAL AUTHORITY OF WESTMORELAND COUNTY

124 PARK AND POOL ROAD

NEW STANTON PA 15672

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL

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SOUTHWEST REGION

400 WATERFRONT DRIVE

PITTSBURGH PA 15222-4745

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