



motion, “for the past month, the undersigned attorney has focused his efforts on resolving the complaint proceeding rather than working on the responses to the requests for information.”

Counsel for the Complainant has filed a response objecting to an extension of 21 days. He has however, agreed to a ten-day extension of time. As stated in the Complainant’s response, he did not join in the motion seeking an extension and, “. . . disagrees with the water district’s characterization as to the status of the parties’ settlement negotiations.” As also noted in his response, this case has been pending on the Commission’s docket since July 26, 2017, and is the result of unsuccessful efforts over a number of years by the Complainant to bring water service to his property. An objective analysis of the historical facts of this case could lead a reasonable person to conclude that delay over time has been a deliberate strategy of the Muhlenberg District. This case is scheduled for a hearing on the merits on October 16, 2018, and a three-week delay in providing needed information to both the Commission staff and the Complainant is patently unreasonable and would seriously compromise the hearing date.

The Commission expects its Orders to be strictly adhered to by the parties and their counsel. Efforts expended in pursuing a negotiated resolution to this dispute are neither a valid nor an acceptable excuse for choosing to ignore and failing to comply with the Commission’s Order. It is obvious that the Muhlenberg District has known for some time that it did not intend to file its discovery responses by the August 8, 2018 deadline, but instead of filing a timely motion for extension or supplying a portion of the information requested it waited until the afternoon before the responses were due to seek additional time necessitated by its own intentional conduct. Had counsel to the Complainant not

acquiesced in a ten-day extension, the Commission would have been inclined to deny the Muhlenberg District's motion outright and entered a show cause order against it and its commissioners individually. Although the Commission considers the motion for an extension of time to lack merit, the Muhlenberg District will be granted additional time to respond to the outstanding discovery. The Commission expects the responses to be complete and answered in good faith.

IT IS THEREFORE ORDERED that:

1. The Muhlenberg District shall file full and complete responses to informational requests propounded by the Complainant and the Commission's staff on or before Friday, August 17, 2018.

2. Failure to comply with the requirements of this order may result in additional action by the Commission designed to ensure that the terms of its Orders are complied with.

By the Commission



ATTEST:

  
Executive Director

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