



December 23, 2016

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Governor of Pennsylvania

Re: Final Decision on Application by the City of Waukesha: Hearing Process

Dear Mr. Kent and Ms. Hutchison:

I am writing on behalf of the Great Lakes and St. Lawrence River Basin Water Resources Council (“Compact Council”) with regard to the hearing being conducted by the Compact Council pursuant to Section 7.3.1 of the Compact. The hearing pertains to the Final Decision issued by the Compact Council on June 21, 2016, on the application by the City of Waukesha (“Waukesha”) for approval of a Diversion and an Exception.

By way of background, on August 19, 2016, the Great Lakes and St. Lawrence Cities Initiative (“Cities Initiative”) submitted a Request for Hearing regarding the Final Decision and on September 16, 2016, submitted a Written Statement in support of its Request. To further the hearing process, by letter dated October 19, 2016, Compact Council instructed Cities Initiative to file a substantive brief that, among other things, shows that it is an “aggrieved person,” identifies the alleged factual and legal errors in the Compact Council’s Final Decision, provides citations to the specific portions of the administrative record upon which Cities Initiative relies, offers any other information that Cities Initiative deems relevant and sets forth the reasons supporting any request for oral argument.

**David Naftzger**  
Executive Director

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In response to Compact Council’s October 19, 2016 letter, on December 19, 2016, Cities Initiative submitted its “Supplement to Written Statement in Furtherance of Request for Hearing and Compact Council Consideration” (“Supplemental Written Statement”). In this submission, Cities Initiative requested the opportunity to provide oral testimony to the Compact Council and expressed the view that Compact Council’s administrative record should include all documents from the full Wisconsin record. Based on this submission, Compact Council

understands that the Cities Initiative does not seek to supplement the existing administrative record with any documents beyond those in Wisconsin's administrative record. Compact Council will consider whether to add to its administrative record all or some of the portions of the Wisconsin record not already included in the Compact Council's administrative record. Compact Council also reserves decision until a later date on the question of whether Cities Initiative is an "aggrieved person" within the meaning of Section 7.3.1 of the Compact.

On December 22, 2016, Waukesha, the municipality that submitted the application for the Diversion at issue in this hearing, requested an opportunity to participate in the hearing proceeding as a party. The Compact Council grants this request.

In furtherance of the hearing process, I am attaching a briefing schedule for the submission of the remaining briefs in the hearing process. As reflected in the schedule, Waukesha is granted until January 23, 2017 to submit a response to the Cities Initiative's written statements. Where applicable, Waukesha must cite to the specific portions of the administrative record upon which it relies as support for the statements and arguments in its brief. In turn, the Cities Initiative is granted until February 6, 2017 to reply to Waukesha's response if it chooses to do so. After receipt of such response and any reply by Cities Initiative, Compact Council will schedule oral argument to provide an opportunity for the Cities Initiative and Waukesha to argue the points made in their written submissions. This briefing schedule and all previously submitted materials as well as any response and reply will be posted to the [www.waukeshadiversion.org](http://www.waukeshadiversion.org) website.

Both the response and reply should be submitted to the Compact Council via the Secretariat at [pjohnson@cglslgp.org](mailto:pjohnson@cglslgp.org). Please do not hesitate to contact either myself or Peter Johnson should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Naftzger". The signature is stylized and cursive.

David Naftzger  
Executive Director

## HEARING SCHEDULE

Action	Date of Action
Great Lakes-St. Lawrence River Basin Water Resources Council's ("Compact Council") Final Decision on Waukesha Diversion Application Issued	Tuesday, June 21, 2016
Request for Hearing submitted by Great Lakes and St. Lawrence Cities Initiative ("Cities Initiative") less than 90 days after Compact Council Final Decision Issued	Friday, August 19, 2016
Response letter sent from Compact Council to Cities Initiative acknowledging receipt of Request for Hearing within 90 days of issuance of Final Decision.	Tuesday, August 30, 2016
Cities Initiative submits written statement to Compact Council	Friday, September 16, 2016
Compact Council directs Cities Initiative to submit brief within 45 days in support of its Request for Hearing.	Wednesday, October 19, 2016
Compact Council grants Cities Initiative extension to file brief no later than December 19, 2016	Monday, November 28, 2016
Supplemental Written Statement Submitted by Great Lakes and St. Lawrence Cities Initiative	Monday, December 19, 2016
Briefing Schedule and Procedures Published	Friday, December 23, 2016
City of Waukesha Response to Cities Initiative Brief due	Monday, January 23, 2017
Cities Initiative Reply due	Monday, February 6, 2017