



**Elizabeth Rose Triscari**

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November 12, 2019

**VIA ELECTRONIC FILING**

Ms. Rosemary Chiavetta, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**In Re: Indian Springs Water Company – Docket No. M-2019-3011972**

Dear Secretary Chiavetta:

Pursuant to Administrative Law Judge Steven K. Haas Prehearing Order dated October 30, 2019, enclosed please find the Prehearing Memorandum of Pennsylvania-American Water Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Elizabeth Rose Triscari

jrh

enclosures

cc: The Honorable Steven Haas (*via electronic mail and overnight mail*)

All Parties on the Attached Certificate of Service (*via electronic and first-class mail*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Indian Springs Water Company Section 529 : M-2019-3011972  
Investigation :

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**PREHEARING CONFERENCE MEMORANDUM OF  
PENNSYLVANIA-AMERICAN WATER COMPANY**

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Pennsylvania-American Water Company (“PAWC”), pursuant to 52 Pa. Code §5.22(d) and in compliance with the Prehearing Conference Order of the Honorable Administrative Law Judge (“ALJ”) Steven K. Haas, dated October 30, 2019, hereby files this Prehearing Conference Memorandum in the above captioned matter, and states as follows:

**I. INTRODUCTION & PROCEDURAL HISTORY**

On August 8, 2019, the Pennsylvania Public Utility Commission (“Commission”) entered an Order initiating an investigation pursuant to 66 Pa. C.S. § 529, into whether the Commission should order a capable public utility to acquire the Indian Springs Water Company (“ISWC”) water system (“529 Proceeding”). By that same order, the Commission appointed PAWC as receiver for ISWC for the pendency of the 529 Proceeding. On August 19, 2019, PAWC began its role as receiver for ISWC.

On August 16, 2019, counsel for ISWC entered a notice of appearance and letter petition requesting an expedited hearing.

The Office of Consumer Advocate filed a notice of intervention and public statement on August 21, 2019.

An initial prehearing conference was held on August 27, 2019, rather than an expedited hearing, at which time the parties discussed notice to customers and proximate providers.

The Commission's Bureau of Investigation and Enforcement ("I&E") entered a notice of appearance on August 29, 2019.

Notice to ISWC customers of the 529 Proceeding and PAWC's receivership was mailed by PAWC, as receiver for ISWC, on September 30, 2019. The Commission's Secretary served notice to proximate service providers and proximate municipalities on October 1, 2019. Both notices set a date to intervene of October 21, 2019.

On October 21, 2019, Glen Summit Company filed a Petition to Intervene.

A notice was issued on October 23, 2019, establishing a prehearing conference for this matter for Wednesday, November 13, 2019 at 10:00 a.m. in Hearing Room 4 of the Commonwealth Keystone Building in Harrisburg. ALJ Haas issued a Prehearing Conference Order on October 30, 2019.

## **II. COUNSEL**

Counsel for PAWC is:

Elizabeth Rose Triscari, Esq. (PA ID 306921)  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
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## **III. SERVICE OF DOCUMENTS**

PAWC's attorney is authorized to accept service on behalf of PAWC in this proceeding. PAWC requests hard copies of documents be served on Elizabeth Rose Triscari at the address above. PAWC agrees to receive service of documents electronically in this proceeding.

**IV. ISSUES & PAWC'S POSITION**

The ultimate issue in this proceeding is whether the Commission should order the acquisition of ISWC by a capable public utility pursuant to Section 529 of the Public Utility Code, or if other viable alternatives exist. Many customers of ISWC have drilled wells and disconnected from the water system or have plans to do so. PAWC, with ISWC's cooperation, are working to identify how many customers would remain after all planned wells are completed. Given the cost of the system improvements that would be required to bring the system into regulatory compliance and the few customers that may remain, abandonment of service may be the most economically feasible alternative for ISWC, provided that all customers have an alternative source of potable water, such as a well. The parties have discussed that alternative and are in settlement discussions to attempt to resolve the issues in this proceeding.

**V. WITNESSES**

PAWC has not at this time identified any witnesses. PAWC reserves the right to call witnesses, if necessary, and agrees to notify Judge Haas and the parties immediately should PAWC determine any witnesses will be called.

**VI. LITIGATION SCHEDULE**

PAWC requests that a litigation schedule not be adopted at this time to allow the parties to discuss a possible settlement of all issues and avoid costly litigation. PAWC will work with Judge Haas and all parties to develop a mutually agreeable litigation schedule if a settlement is not achieved.

V. SETTLEMENT

PAWC is willing to participate in settlement discussions in this matter and as previously mentioned such discussion have already commenced.

Respectfully submitted,

By: Elizabeth Rose Triscari  
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Dated: November 12, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Indian Springs Water Company Section 529 : M-2019-3011972  
Investigation :

**CERTIFICATE OF SERVICE**


I hereby certify that I am this day serving the above-referenced Prehearing Memorandum upon the persons and in the manner indicated below, which service satisfies the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**Service by electronic and first-class mail addressed as follows on November 12, 2019**

Christine Hoover, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923

Richard A. Kansaskie, Esquire  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, Second Floor  
Harrisburg, PA 17120

Louise A. Knight, Esquire  
3610 Logan Court, Unit 3B  
Camp Hill, PA 1011

  
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Phone: 717-550-1574

Dated: November 12, 2019