



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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December 31, 2018

Via Electronic Filing

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

In re: Dockets Nos. C-2018-2644592, P-2018-3006216, I-2018-3006498
Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Winola Water Company

Dear Secretary Chiavetta:

We are counsel to Aqua Pennsylvania, Inc. in the above matter and are submitting, via electronic filing with this letter, the Company's Prehearing Conference Memorandum in accordance with the Prehearing Conference Order of Deputy Chief Administrative Law Judge Cheskis dated December 17, 2018. Copies of the Prehearing Conference Memorandum are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

cc: Certificate of Service (w/encl.)
Alexander R. Stahl, Esq. (via email, w/encl.)

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Deputy Chief Administrative Law Judge
Joel H. Cheskis, Presiding**

Pennsylvania Public Utility Commission	:	Docket No. C-2018-2644592
Bureau of Investigation and	:	Docket No. P-2018-3006216
Enforcement,	:	Docket No. I-2018-3006498
Complainant	:	
	:	
v.	:	
	:	
Winola Water Company,	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM OF
AQUA PENNSYLVANIA, INC.**

Aqua Pennsylvania, Inc. (“Aqua” or the “Company”) files this Prehearing Conference Memorandum in the above captioned proceeding regarding the Initial Prehearing Conference to be held on January 7, 2019.

I. INTRODUCTION

This proceeding concerns a Section 529 investigation into whether the Public Utility Commission (“Commission”) should order a capable public utility to acquire Winola Water Company (“WWC”). Aqua has been placed on the service list for the matter and may be a potential proximate utility pursuant to Section 529(h) of the Public Utility Code, 66 Pa. C.S. § 529(h). Aqua filed a Petition to Intervene in the proceeding on December 31, 2018.

An Initial Prehearing Conference is scheduled for January 7, 2019, with Deputy Chief Administrative Law Judge Joel H. Cheskis presiding. By Prehearing Conference Order dated

December 17, 2018, Judge Cheskis directed the submission of Prehearing Conference Memoranda on or before December 31, 2018.

II. SERVICE ON AQUA

Aqua is represented in this proceeding by Thomas T. Niesen, Esquire. Please list Mr.

Niesen on the service list as follows:

Thomas T. Niesen, Esquire
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212 Locust Street, Suite 302
Harrisburg, PA 17101
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III. POSSIBLE SETTLEMENT

Aqua is willing to participate in settlement discussions.

IV. MODIFICATIONS TO DISCOVERY REGULATIONS

Aqua is not proposing any modifications to discovery regulations.

V. LITIGATION SCHEDULE

Aqua will work with Judge Cheskis and the parties to develop a mutually agreeable litigation schedule.

VI. WITNESSES

Aqua does not anticipate calling any witnesses at this time. However, Aqua reserves the right to call witnesses, if necessary, and agrees to notify Judge Cheskis and the parties immediately should the Company determine any witnesses will be called.

VII. ISSUES AND SUB ISSUES

The central issue to this investigation is whether the Commission shall order a capable public utility to acquire WWC. Aqua submits that the Commission does promote the acquisition

of smaller systems by larger viable systems and that the public interest may be served by a Section 529 acquisition of WWC. Aqua, however, submits that other capable public utilities are closer to WWC's service area and could more easily and efficiently incorporate and serve the customers of WWC. The Commission has directed Pennsylvania American Water Company to serve as Receiver as WWC.

Respectfully submitted,



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Counsel for Aqua Pennsylvania, Inc.

DATED: December 31, 2018

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Deputy Chief Administrative Law Judge
Joel H. Cheskis, Presiding**

Pennsylvania Public Utility Commission	:	Docket No. C-2018-2644592
Bureau of Investigation and	:	Docket No. P-2018-3006216
Enforcement,	:	Docket No. I-2018-3006498
Complainant	:	
	:	
v.	:	
	:	
Winola Water Company,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 31st day of December, 2018, served a true and correct copy of the foregoing Prehearing Conference Memorandum of Aqua Pennsylvania, Inc., upon the persons and in the manner listed below:

VIA ELECTRONIC MAIL AND/OR FIRST CLASS MAIL, POSTAGE PREPAID

The Honorable Joel H. Cheskis
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Suez Water Pennsylvania Inc
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