



COMMONWEALTH OF PENNSYLVANIA

February 1, 2023

E-FILED

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

**Re: Community Utilities of Pennsylvania, Inc. Application of Community Utilities of Pennsylvania Inc., for Certificates of Public Convenience under Sections 1102(a)(3) and 1103 of the Public Utility Code And All Other Approvals Necessary Under the Public Utility Code for Approval of a Merger of Equals Transaction.
Docket Nos. A-2022-3036744, A-2022-3036745**

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Mr. Kevin Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Community Utilities of	:	
Pennsylvania Inc., for Certificates of Public	:	
Convenience Under Sections 1102(1)(3) and	:	
1103 of the Public Utility Code and All Other	:	Docket Nos. A-2022-3036744 (Wastewater)
Approvals Necessary Under the Public Utility	:	A-2022-3036745 (Water)
Code for Approval of a Merger of Equals	:	
Transaction	:	
	:	
	:	

**OFFICE OF SMALL BUSINESS ADVOCATE
PREHEARING MEMORANDUM**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in this matter is Assistant Small Business Advocate Sharon E. Webb. Please address all correspondence in this matter as follows:

Sharon E. Webb
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut St, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
swebb@pa.gov

II. FILING BACKGROUND

This proceeding involves requests filed by Corix Infrastructure Inc. (US) (“Corix Us”), and SW Merger Acquisition Corp. (“SWMAC”) on November 9, 2022. The *Applications* request approval for a merger of SWNAC and Corix US into newly formed Intermediate NEWCO, which will indirectly own 100% of CUPA, and all of the regulated water and wastewater utilities currently owned by Corix Infrastructure Inc., to create a larger, stronger water and wastewater company. Application at 1.

The OSBA filed a Notice of Intervention on December 12, 2022.

II. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Kevin C. Higgins
Principal, Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, Utah 84111
(801) 355-4365
(801) 521-9142 – Fax
khiggins@energystrat.com

The OSBA will participate in the case to assure that the interests of small business customers of the utility are adequately represented and protected.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through cross-examination of witnesses appearing for those parties and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the small business consumers would be unjustifiably different than or disproportionate to the impact on another class of customers, or otherwise lacking in

reasonableness or basic fairness. The Joint Application raises issues of concern, relative to rates for acquired customers, following the closing of the proposed acquisition, that may require the Commission to reject the Proposed Acquisition or to approve it only after imposing conditions. The OSBA submits that further information is required to determine the impact on small business customers.

The OSBA reserves the right to pursue additional issues after reviewing the Joint Applicants testimony and as issues arise throughout the proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

VI. HEARING AND BRIEFING SCHEDULE

The OSBA will continue to cooperate with other parties to develop a mutually acceptable procedural schedule.

Respectfully submitted,

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID # 73995

Office of Small Business Advocate
555 Walnut Street, 1st Floor
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(717) 783-2525
(717) 783-2831 (fax)

Dated: February 1, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Community Utilities of Pennsylvania Inc., for Certificates of Public Convenience Under Sections 1102(1)(3) and 1103 of the Public Utility Code and All Other Approvals Necessary Under the Public Utility Code for Approval of a Merger of Equals Transaction	:	
	:	
	:	
	:	Docket Nos. A-2022-3036744 (Wastewater)
	:	 A-2022-3036745 (Water)
	:	
	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless other noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Mary D. Long.
Administrative Law Judge
Pennsylvania Public Utility Commission
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Pittsburgh, PA 15222
malong@pa.gov

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DATE: February 1, 2023

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995