



COMMONWEALTH OF PENNSYLVANIA

May 20, 2024

E-FILED

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

**Re: Venango Water Company – Ex Parte Emergency Order Naming Aqua
Pennsylvania, Inc. as Receiver, Docket No. M-2023-3042180 / Section 529
Investigation of Venango Water Company, Docket No. I-2023-3042312 / I&E
Petition to Request the Commission Open a Section 529 Investigation into the
Acquisition of Several Small Water and Sewer Utilities Owned by the Blaine
Edwin Rhodes Estate, Docket No. P-2024-3045205**

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/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Enclosures

cc: Kevin Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Venango Water Company – Ex Parte Emergency Order Naming Aqua Pennsylvania, Inc. as Receiver	:	Docket No. M-2023-3042180
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Section 529 Investigation of Venango Water Company	:	Docket No. I-2023-3042312
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I&E Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Several Small Water and Sewer Utilities Owned by the Blaine Edwin Rhodes Estate	:	Docket No. P-2024-3045205
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**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

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 (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). To discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to these proceedings. Representing the OSBA in the above-referenced matter are Assistant Small Business Advocates Rebecca Lyttle and Steven C. Gray.

Please address all correspondence in that matter as follows:

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Assistant Small Business Advocate
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Harrisburg, PA 17101
(717) 783-2525
sgray@pa.gov

II. FILING BACKGROUND

On August 11, 2023, the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) issued an Ex Parte Emergency Order at Docket No. M-2023-3042180 (“Receivership Order”) naming Aqua Pennsylvania, Inc. (“Aqua” or the “Company”) as Receiver for the Venango Water Company (“VWC”). The VWC system serves approximately 215 customers and is comprised of two spring sources (Bellows and Shaffer Springs), one storage tank, and approximately 7 miles of mains. The Receivership Order was ratified by the Commission through its Ratification Order entered on August 24, 2023. Aqua was directed to assume its Receivership role on August 12, 2023. Included within the Commission’s Receivership Order, the Company was directed to “[s]ubmit an initial status report to the Commission within 60 days of assuming operations and then quarterly thereafter to detail any relevant updates pursuant to duties and responsibilities assigned through receivership.”

Aqua submitted its Initial Status Report on October 11, 2023.

Aqua submitted its Second Status Report on January 9, 2024.

Aqua submitted its Third Status Report (“Status Report”) on March 9, 2024.

On January 3, 2024, the Bureau of Investigation and Enforcement (“I&E”) filed a Petition to Request the Commission Open a second Section 529 Investigation into the Acquisition of Several Small Water and Sewer Utilities Owned by the Blaine Edwin Rhodes Estate (“529 Petition”) at Docket No. P-2024-3045205.

The OSBA filed a Protest and Notice of Intervention in both Dockets on March 3, 2024.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

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

Kevin C. Higgins
Principal, Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, Utah, 84111
Office: 801-355-4365
KHiggins@energystrat.com

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

After an initial review of the materials submitted by in this matter, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether Aqua will be able to provide adequate service to the VWC service territory and the service territories set forth in the 529 Petition; and
2. Whether Aqua will incur significant expenses providing service to these various service territories.

The OSBA reserves the right to pursue additional issues that may arise throughout this 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.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the OSBA is working with the parties to develop a procedural schedule.

Respectfully submitted,

/s/ Rebecca Lyttle
Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID # 201399

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

Dated: May 20, 2024

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

**BEFORE THE
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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise 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 Mark A. Hoyer
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/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney I.D. No. 201399

DATE: May 20, 2024