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May 20, 2024

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

In re: Venango Water Company – Ex Parte Emergency Order  
Naming Aqua Pennsylvania, as Receiver  
Docket No. M-2023-3042180

Section 529 Investigation of Venango Water Company  
Docket No. I-2023-3042312

Section 529 Investigation of Sugarcreek Water Company,  
West Hickory Water Company, Plumer Water Company,  
Fryburg Water Company, Cooperstown Water Company  
and Blaine E. Rhodes Sewer Company  
Docket No. P-2024-3045205

Dear Secretary Chiavetta:

Enclosed please find the attached Prehearing Memorandum of Pennsylvania-American Water Company in the above-referenced proceeding.

If you should have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Rose Triscari".

Elizabeth Rose Triscari

cc: Honorable Administrative Law Judge Mark A. Hoyer (*via electronic mail*)  
All Parties on the Attached Certificate of Service (*via electronic mail*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Venango Water Company – Ex Parte	:	
Emergency Order Naming Aqua	:	Docket No. M-2023-3042180
Pennsylvania, as Receiver	:	
	:	
Section 529 Investigation of Venango Water	:	
Company	:	Docket No. I-2023-3042312
	:	
Section 529 Investigation of Sugarcreek	:	
Water Company, West Hickory Water	:	
Company, Plumer Water Company, Fryburg	:	Docket No. P-2024-3045205
Water Company, Cooperstown Water	:	
Company and Blaine E. Rhodes Sewer	:	
Company	:	

**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).

**SERVED VIA ELECTRONIC MAIL ON MA 20, 2024**

<p>Christy M. Appleby, Esquire Office of Consumer Advocate 555 Walnut Street 5th Floor Forum Place Harrisburg, PA 17101-1923 <a href="mailto:CApplby@paoca.org">CApplby@paoca.org</a></p>	<p>Rebecca Lyttle, Esquire Steven C. Gray, Esquire Office of Small Business Advocate Forum Place 555 Walnut Street, 1st Floor Harrisburg, PA 17101 <a href="mailto:relyttle@pa.gov">relyttle@pa.gov</a> <a href="mailto:sgray@pa.gov">sgray@pa.gov</a></p>
<p>Scott B. Granger, Esquire Michael Podskoch, Esquire Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, Pennsylvania 17120 <a href="mailto:sgranger@pa.gov">sgranger@pa.gov</a> <a href="mailto:mpodskoch@pa.gov">mpodskoch@pa.gov</a></p>	<p>Alexander Stahl, Esquire Aqua Pennsylvania, Inc 762 W. Lancaster Avenue Bryn Mawr, PA 19010 <a href="mailto:astahl@aquaamerica.com">astahl@aquaamerica.com</a></p>

Anthony D. Kanagy, Esquire Post & Schell, P.C. 7 North Second Street, 12th Floor Harrisburg, PA 17101 <a href="mailto:akanagy@postschell.com">akanagy@postschell.com</a>	Gregory J. Merkel, Esquire Dale Woodard, Esquire Gent McFate Law Firm 1030 Liberty Street Franklin, PA 16323 <a href="mailto:merkel@dwgmlaw.com">merkel@dwgmlaw.com</a>
Joseph J. Ferguson, Esquire Cressman Erde Ferguson 300 Arch Street Meadville, PA 16335 <a href="mailto:jferguson@cressmanerdelaw.com">jferguson@cressmanerdelaw.com</a>	Rouseville Borough c/o Joseph Dengel 64 Main Street P.O. Box 317 Rouseville, PA 16344 <a href="mailto:rouseville@verizon.net">rouseville@verizon.net</a>
Randall Rhodes Venango Water Company PO Box 397 Reno, PA 16343 <a href="mailto:vwc-rlr@pa.rr.com">vwc-rlr@pa.rr.com</a>	Courtney L. Shultz, Esquire Saul Ewing, LLC 1500 Market Street, 38 <sup>th</sup> Floor Philadelphia, PA 19102 <a href="mailto:Courtney.schultz@saul.com">Courtney.schultz@saul.com</a>

Respectfully submitted,

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**Attorney for Pennsylvania-American Water  
 Company**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Section 529 Investigation of Sugarcreek	:	
Water Company, West Hickory Water	:	
Company, Plumer Water Company, Fryburg	:	Docket No. P-2024-3045205
Water Company, Cooperstown Water	:	
Company and Blaine E. Rhodes Sewer	:	
Company	:	

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

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Pennsylvania-American Water Company ("PAWC"), pursuant to 52 Pa. Code §5.222(d) and in compliance with the Prehearing Conference Order of the Honorable Administrative Law Judge ("ALJ") Mark A. Hoyer, dated May 7, 2024, hereby files this Prehearing Memorandum in the above-captioned proceedings, and states as follows:

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On August 11, 2023, at Docket Nos. M-2023-3042180 and I-2023-3042312, an Ex-Parte Emergency Order was issued which instituted an investigation into whether the Pennsylvania Public Utility Commission ("Commission") should order a capable public utility to acquire the Venango Water Company ("Venango") owned by the Blaine Edwin Rhodes Estate ("Rhodes Estate") and directed Aqua Pennsylvania, Inc. ("Aqua") to act as Receiver of Venango.

On January 3, 2024, the Bureau of Investigation and Enforcement ("I&E") filed a

Petition requesting that the Commission open a Section 529 Investigation into whether the Commission should order a capable public utility to acquire any or all of the other small water and wastewater utilities owned by the Rhodes Estate in addition to Venango (together with Venango, the “Rhodes Utilities”) assigned Docket No. P-2024-3045205.

On February 15, 2024, I&E filed a Petition for Consolidation pursuant to 52 Pa. Code §§5.41 and 5.81 to formally consolidate Docket Nos. M-2023-3042180, I-2023-3042312 and P-2024-3045205.<sup>1</sup>

On March 15, 2024, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention and Public Statement in this proceeding.

OSBA filed a Notice of Intervention, Public Statement and Verification on April 3, 2024.

On April 1, 2024, PAWC filed a Petition to Intervene in this proceeding.

On May 2, 2024, an Initial Telephone Prehearing Conference Notice was issued scheduling a prehearing conference for May 21, 2024 at 10:00am before ALJ Hoyer.

On May 7, 2024, a Prehearing Conference Order was issued.

## II. COUNSEL

Counsel for PAWC is:

Elizabeth Rose Triscari, Esquire (PA ID No. 306921)  
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Mechanicsburg, PA 17055  
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<sup>1</sup> *Venango Water Company – ExParte Emergency Order Naming Aqua Pennsylvania, Inc as Receiver* (Docket No. M-2023-3042180), *Section 529 Investigation of Venango Water Company* (Docket No. I-2203-3042312) and *I&E Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Several Small Water and Sewer Utilities Owned by Blaine Edwin Rhodes Estate* (Docket No. P-2024-3045205).

### **III. SERVICE OF DOCUMENTS**

PAWC's attorney is authorized to accept service on behalf of PAWC in this proceeding. PAWC agrees to receive service of documents electronically in this proceeding and requests that all listed counsel for PAWC receive electronic service.

### **IV. ISSUES**

The ultimate issue in this proceeding is whether or not the Commission should order the acquisition of any or all of the Rhodes Utilities by a capable public utility pursuant to Section 529 of the Public Utility Code. Section 529(a) lists six determinations that must be made by the Commission, after notice and an opportunity to be heard, to order such an acquisition. In making these determinations, Section 529(c) delineates several factors which the Commission shall consider.

PAWC, as a capable and proximate water and wastewater provider to the Rhodes Utilities, may be directly affected by the outcome of this proceeding if it is established that the acquisition of the Rhodes Utilities would be in the public interest and in compliance with the provisions of Section 529.

### **V. WITNESSES**

PAWC has not identified any witnesses at this time or determined whether it will be submitting testimony.

### **VI. LITIGATION SCHEDULE**

PAWC will work with ALJ Hoyer and all parties to develop a mutually agreeable litigation schedule.

**VII. SETTLEMENT**

PAWC is willing to participate settlement discussions in this matter.

Respectfully submitted,



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Date: May 20, 2024