



COMMONWEALTH OF PENNSYLVANIA

September 10, 2024

**E-FILED**

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

**Re: Application For Certificate Of Public Convenience And All Necessary Approvals Nunc Pro Tunc For Mainlines, Manholes & Wastewater Treatment Inc. To Provide Wastewater Services To Portions Of Girard Township and Fairview Township, Erie County, Pennsylvania, Approval Of Affiliated Interest Agreement, And All Other Approvals As May Be Necessary Or Proper, Including an Affiliated Interest Agreement/ Docket No.: A-2024-3050786**

Dear Secretary Chiavetta:

Enclosed please find the Protest, Notice of Intervention, Public Statement and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, 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



2. Representing the OSBA in this proceeding is:

Rebecca Lyttle, Esq.  
Assistant Small Business Advocate  
Office of Small Business Advocate  
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3. The MMWT's Application was filed with the Pennsylvania Public Utility Commission ("PUC") on August 16, 2024, and then amended on August 28, 2024, under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a).

4. MMWT is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. MMWT is owned by the Luciano family, which also owns Springhouse Water Works, Inc., a Pennsylvania certificated public utility. MMWT currently provides service to 17 customers, as follows: Two Mobile Home Park Customers and fifteen Commercial Customers.

5. MMWT is a sister company ("affiliate" and/or "subsidiary") to Springhouse Water Works Inc., a certificated water public utility, Imperial Point Mobile Park, Imperial Point Mobile Home Park, LLC, and Waypoint Property Management, LLC. Some of these subsidiaries provide assistance to MMWT in the form of various goods and services and will continue to do so. MMWT is seeking Commission approval of an Affiliated Interest Agreement

6. Section 1102(a) of the Public Utility Code, 66 Pa. C.S. § 1102(a), permits a public utility to undertake certain actions only upon Commission approval evidenced by a certificate of public convenience.

Among the activities that require Commission approval is the following:

(3) For any public utility or an affiliated interest of a public utility . . . to acquire from, or to transfer to, any person or corporation . . . by any method or device whatsoever, including the sale or transfer of stock and including a consolidation, merger, sale or lease, the title to, or the possession or use of, any tangible or intangible property used or useful in the public service.

66 Pa. C.S. § 1102(a)(3).

6. When a certificate of public convenience is required under Section 1102, Section 1103(a) of the Public Utility Code, 66 Pa. C.S. § 1103(a), allows the Commission to issue the certificate only upon a finding or determination that the granting of such certificate is “necessary or proper for the service, accommodation, convenience, or safety of the public.” According to the Pennsylvania Supreme Court, satisfying this standard requires the Commission to find that a proposed acquisition would “affirmatively promote the ‘service, accommodation, convenience, or safety of the public’ in some substantial way.” *City of York v. Pennsylvania Public Utility Commission*, 449 Pa. 136, 141, 295 A.2d 825, 828 (Pa. 1972). In addition, Section 1103(a) allows the Commission to impose upon its issuance of a certificate of public convenience “such conditions as it may deem to be just and reasonable”.

7. The Application raises issues of concern that may require the Commission to reject the proposed transaction or to approve it only after imposing conditions. Of particular concern is whether the transaction would unreasonably increase wastewater rates of the Township’s small business customers.

8. The OSBA reserves the right to raise additional issues as they arise throughout this proceeding.

**WHEREFORE**, the OSBA respectfully requests that the Commission reject the Application as filed.

In the alternative, the OSBA respectfully requests that the Commission conduct a full investigation, including evidentiary hearings, into the Application.

Respectfully submitted,

*/s/ Rebecca Lyttle*

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

For: NazAarah Sabree  
Small Business Advocate

Commonwealth of Pennsylvania  
Office of Small Business Advocate  
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555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101

Date: September 10, 2024



2. Representing the OSBA in this proceeding is:

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Respectfully submitted,

/s/ Rebecca Lyttle  
Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney I.D. 201399

For: NazAarah Sabree  
Small Business Advocate

Commonwealth of Pennsylvania  
Office of Small Business Advocate  
Forum Place  
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Harrisburg, PA 17101

Date: September 10, 2024



The Small Business Advocate files this Public Statement to protect the interests of the Townships' small business customers that could be affected by the request set forth in the Petition.

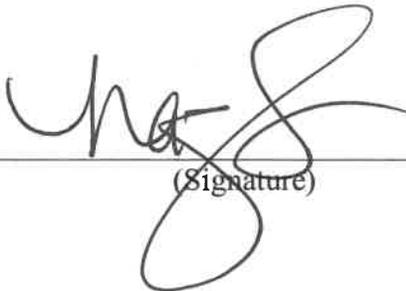
The Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of proposals set forth in the Petition. The Small Business Advocate will ask the Commission to deny any aspect of the Petition that are not proven to be lawful, just, reasonable, and non-discriminatory.

Dated: September 10, 2024

**VERIFICATION**

I, NazAarah Sabree, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: September 10, 2024

  
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(Signature)

