

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO
Consumer Advocate

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October 8, 2024

Via Electronic Filing

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

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 Joint Petition for Interim Emergency Order of the Office of Consumer Advocate and the Bureau of Investigation and Enforcement.

The Joint Petitioners request that its Interim Emergency Petition be treated in an expedited manner, with shorter timeframes than provided for in Section 3.6, 3a, and 3.7 as set forth in Paragraph 23 of the attached Petition. See 52 Pa. Code §§ 3.6, 3.6a, 3.7. The Joint Petitioners respectfully request that the timeframes be shortened to three days for the filing of

October 8, 2024
Page 2

an answer (10/11), nine days for a hearing (10/15), and the issuance of an order within twelve days of the filing of the Joint Petitioners' Interim Emergency Petition.

Copies have been served as indicated on the enclosed Certificate of Service.

Sincerely,

/s/ Christy M. Appleby
Christy M. Appleby
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682
cappleby@paoca.org

Enclosures:

cc: The Honorable Mark A. Hoyer (**email only:** mhoyer@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

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

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

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's and Bureau of Investigation and Enforcement's Joint Petition for Interim Emergency Order, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below. This document was filed electronically on the Commission's electronic filing system.

Dated this 8th day of October, 2024.

SERVICE BY E-MAIL ONLY

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SERVICE BY E-MAIL ONLY(Continued)

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Blaine E. Rhodes Sewer Company
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/s/Christy M. Appleby
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PA Attorney I.D. # 85824
CAppleby@paoca.org

Counsel for:
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555 Walnut Street
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Phone: (717) 783-5048

October 8, 2024

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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

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

JOINT PETITION FOR ISSUANCE OF AN INTERIM
EMERGENCY ORDER ON AN EXPEDITED BASIS

I. INTRODUCTION

The Office of Consumer Advocate (OCA) and Bureau of Investigation and Enforcement (I&E) (collectively Joint Petitioners) jointly submit this Petition for Issuance of an Interim Emergency Order (Interim Emergency Order) pursuant to Section 3.6 of the Public Utility Commission regulations. See 52 Pa. Code § 3.6. **The Joint Petitioners request that their Interim Emergency Petition be treated in an expedited manner, with shorter timeframes than provided for in Section 3.6, 3a, and 3.7 as set forth below in Paragraph 23. See 52 Pa. Code §§ 3.6, 3.6a, 3.7.**

On or about September 24, 2024, Attorney Joseph Ferguson, counsel for Randall Rhodes, Kevin Rhodes and Cinda Walentosk (collectively the Rhodes) sent a notice to Gregory Merkel, counsel to Desiree Rhodes (Executrix of Rhodes Estate) (attached as Exhibit A). The letter stated

that effective October 25, 2024, the Rhodes would be turning over files regarding the operation of Venango Water Company, Sugar Creek Water Company, Plumer Water Company. The Rhodes brothers, Randall and Kevin, (Rhodes brothers) have served as operators of the utilities. Mr. Merkel provided a copy of Exhibit A to Deputy Chief Administrative Law Judge Mark Hoyer and the parties to this proceeding on September 26, 2024. A similar letter was sent to the Department of Environmental Protection by Attorney Ferguson (attached as Exhibit B). In Exhibit A, the Rhodes brothers informed the parties that they were resigning from their position as the certified system operator and current officers of the Rhodes Utilities effective October 31, 2024. They also indicated that they were withdrawing their Petition in Orphans' Court to remove Ms. Rhodes as the Executrix of the Estate

After consultation with counsel for the Executrix of the Estate, it is also the Joint Petitioners' understanding the Executrix of the Estate has been unable to secure a new system operator. The Joint Petitioners respectfully request that the Commission grant this Interim Emergency Petition in the above-referenced docket asking for the appointment of a receiver pursuant to Section 529 (g), 66 Pa. C.S. 529(g), in advance of October 31, 2024, for the reasons set forth below.

Background

The proceeding involves the consolidated dockets involving the Section 529 proceedings for Venango Water Company (Venango) and the Sugarcreek Water Company, West Hickory Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company, and Blaine E. Rhodes Sewer Company (collectively, the Rhodes Utilities). Venango and the Rhodes Utilities have a common owner, the Rhodes Estate. The instant Petition involves only the need for

emergency intervention for the operation of the Rhodes Utilities. Venango's operation has been previously placed under a receivership. Aqua Pennsylvania operates as the receiver for Venango.¹

Rhodes Utilities

On January 3, 2024, the Commission's Bureau of Investigation and Enforcement (I&E) filed a Petition (Petition) requesting that the Commission initiate an investigation under Section 529 of the Public Utility Code, 66 Pa. C.S. § 529, to determine whether the Commission should order a capable public utility to acquire any or all of the certificated small water and wastewater utilities collectively referred to as the Rhodes Utilities (listed above). In the Petition, I&E avers that the Rhodes Utilities were previously owned and operated by Blaine Edwin Rhodes, deceased 2020, and are currently owned and operated by the Rhodes Estate. I&E explained that the Bureau of Technical Utility Service (TUS) had identified that each of the Rhodes Utilities had been issued notices of violations and/or deficiencies by DEP and had referred the matter to I&E for investigation.

In its Petition, I&E also averred that the current officers of the Rhodes Estate previously sought to cease their roles as certified system operators of the Rhodes Utilities as of December 31, 2023. As noted above, the Rhodes brothers have now given their notice of resignation effective October 31, 2024.

¹ Venango is a certificated public utility and provides water service to approximately 550 people in Venango County, PA. On July 20, 2023, the Commission's Bureau of Technical Utility Services (TUS) received a notification from the Pennsylvania Emergency Management Agency (PEMA) that the Pennsylvania Department of Environmental Protection (DEP) required Venango to issue a "Do Not Consume" Advisory due to possible contamination of the water supply impacting the Bellows Spring water source.

On August 11, 2023, the Commission issued an Ex Parte Emergency Order Naming Aqua Pennsylvania, Inc. as Receiver of Venango. An investigation of Venango was further ordered under Section 529 of the Public Utility Code because Venango has not provided safe and adequate water service under Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501. Venango does not have the financial capability to make necessary repairs to provide adequate service, and as such it is not a viable system. The purpose of this investigation is to determine whether the Commission should order a capable public utility to acquire Venango.

The following table summarizes the issues identified with each of the respective utilities in I&E’s Petition

Company	Number of Customers	Violations
Sugarcreek	67 residential, 1 commercial, and 3 public customers	a. Violation of 25 Pa. Code Section 109.3304(a) regarding monitoring and reporting. b. Violation of 25 Pa. Code Section 109.703(a) regarding chlorine disinfection c. 20 minor deficiencies. d. A June 27, 2023 DEP inspection of the Sugarcreek system resulted in multiple violations of the Safe Drinking Water Act and its regulations. ²
West Hickory	172 residential customers, 3 commercial customers, and 2 public customers	17 minor deficiencies impacting the Groundwater Under Direct Influence (GUIDI) sources, treatment plant and general chemical addition, distribution system, water storage, pumps and controls, monitoring and reporting, and system management. ³
Plumer	53 residential customers, 1 commercial customer, and 4 public customers	Plumer will lose its certified operator. ⁴

² I&E Petition Exhibit G.

³ I&E Petition Exhibit D.

⁴ I&E Petition Exhibit J.

Fryburg	165 residential customers, 15 commercial, and 6 public customers	<p>a. Violation of 109.703(a) for failure to monitor and record water levels and flow rates to Well #1.</p> <p>b. Nineteen minor deficiencies that impacted the groundwater and GUDI sources, treatment plant and general chemical addition, chemical addition, corrosion control, iron and manganese treatment and fluoride, ion exchange, ae ration and activated carbon, distribution system, water storage and system management.⁵</p>
Cooperstown	127 residential customers	<p>a. 2 violations of 25 Pa. Code Section 109.304(a) regarding monitoring and reporting,</p> <p>b. 2 violations of 25 Pa. Code Section 10903(a) regarding chlorine disinfection, and</p> <p>c. Nineteen minor deficiencies</p> <p>d. A June 14, 2023 DEP inspection of the Cooperstown system also resulted in the observation of multiple violations of the Safe Drinking Water Act and its regulations.⁶</p>

⁵ I&E Petition Exhibit D.

⁶ I&E Petition Exhibit F.

Venango	179 residential, 26 commercial, 4 industrial, and 5 public customers.	Do Not Consume Advisory ⁷
Blaine E. Rhodes Sewer Company (Sewer Service)	180 residential, 25 commercial, 4 industrial, and 5 public customers	4 instances of non-compliance ⁸

On February 15, 2024, I&E filed a Petition for Consolidation of the Venango Section 529 Investigation and the Rhodes Utilities Section 529 Investigation.

An initial Prehearing Conference was held on February 20, 2024. Pursuant to ALJ Hoyer's directive, the matters were consolidated.

The OCA filed a Notice of Intervention on March 15, 2024. On April 1, 2024, Pennsylvania-American Water Company (PAWC) filed a Petition to Intervene, and the Office of Small Business Advocate (OSBA) filed a Notice of Intervention on April 4, 2024.

On April 14, 2024, the Commission issued a Notice of the consolidated Section 529 proceedings to proximate providers.

II. INTERIM EMERGENCY PETITION

1. On January 23, 2024, as stated above, I&E filed a Petition requesting that the Commission issue an order authorizing the acquisition of the Rhodes Utilities pursuant to Section 529.

2. An initial Prehearing Conference was held on February 20, 2024 before ALJ Hoyer.

3. On May 7, 2024, ALJ Hoyer issued a Prehearing Conference Order in the above-captioned proceeding that set forth the procedural schedule.

4. Pursuant to the procedural schedule, I&E submitted the Direct Testimony of Ethan Cline and Christopher Keller on August 1, 2024.

⁷ I&E Petition, p. 5, ¶15.

⁸ I&E Petition Exhibit C.

5. On August 30, 2024, the OCA submitted the Direct Testimony of Morgan DeAngelo. Aqua also submitted its Direct Testimony of William C. Parker and Stephen Clark.

6. On September 11, 2024, Aqua filed a Motion to Suspend the Procedural Schedule or Alternatively Grant an Extension to the Procedural Schedule due to then pending litigation regarding the removal of the Executrix of the Estate. Motion, ¶ 16.

7. Subsequent to the Motion, counsel for the Rhodes Brothers filed Exhibit A indicating that they were resigning effective October 31, 2024, and had withdrawn the action to remove the Executrix of the Estate.

8. A status conference before ALJ Hoyer was held on October 7, 2024 to determine whether an alternative procedural schedule should be established or the matter should be stayed. ALJ Hoyer polled the parties on the status conference call. OSBA, PAWC, and the Rhodes brothers' counsel indicated that they did not oppose the Petition. DEP counsel stated that they did not oppose and would support the proposal. Aqua stated that the Company was still evaluating its position, particularly if it was to be named receiver. Counsel for the Executrix of the Estate stated that his client was unable on a trip to Europe, and he had been unable to confirm the estate's position.

9. On October 7, 2024, DEP filed a letter in support the proposal to appoint a receiver. The letter is attached as Exhibit C.

10. The Rhodes Utilities have an ongoing obligation, pursuant to its certificate of public convenience, to provide service to its customers until the resolution of the Section 529 proceeding. 66 Pa. C.S. §§ 1101, 1102, 1501.

11. Without a qualified certified system operator, it is likely that the Rhodes Utilities will cease providing water and wastewater service to its customers on November 1, 2024.

12. Due to the imminent cessation of water and wastewater service by the Rhodes Utilities, the OCA respectfully requests a receiver be appointed to ensure the customers continue to receive service and to ensure that the Rhodes Utilities do not cease providing service to its customers effective on November 1, 2024.

13. Pursuant to Section 529(g), 66 Pa. C.S. § 529(g), the Commission may take action to ensure that customers of a small water utility will receive safe and adequate service. Section 529(g) provides as follows:

(g) Appointment of receiver.- The commission may, in its discretion, appoint receiver to protect the interests of the customers of the small water or sewer utility. Any such appointment shall be by order of the commission, which order shall specify the duties and responsibilities of the receiver.

66 Pa. C.S. 529(g).

14. The Commission has previously appointed receivers in emergency situations such as this,⁹ including Aqua as receiver for the Rhodes utilities' sister company, Venango.

15. The Joint Petitioners submit that this case is similar to *Venango*, *Winola*, and *Indian Springs* in that the Rhodes Utilities are not able to provide safe, adequate and reasonable service to its customers. To date, the Rhodes Utilities have not addressed the problems facing its system,

⁹ Winola Water Company (WWC) provided service to 10 year-round and 25 seasonal customers around Lake Winola in Overfield Township, Wyoming County, Pennsylvania. The DEP directed WWC to notify its customers that its water was not safe for consumption due to cadmium and lead exceeding the maximum allowable levels. *Ex Parte Emergency Order*, Docket No. P-2018-300216 and C-2018-2644592, *slip op.* at 1 (Nov. 29, 2018, ratified Dec. 6, 2018 (*Winola*)). WWC failed to take action to correct the water conditions and failed to provide an alternative source of potable water to its customers. I&E filed a Petition for an *Ex Parte Emergency Order* requesting the Commission to appoint a receiver to operate WWC. *Id.* The Commission determined that in order to protect the health, safety, and welfare of WWC's customers, the appointment of a receiver was necessary. *Id.* at 5.

Indian Springs Water Company (Indian Springs) provided water service to approximately 54 customers in the community of Glen Summit in Fairview Township, Luzerne County, Pennsylvania. *In re: The Indian Springs Water Co.*, Docket No. M-2019-3011972, Opinion and Order (Aug. 8, 2019)(*Indian Springs*). Since 2015, the DEP has issued ten Notices of Violation to Indian Springs for various noncompliant items, including lead and copper exceedances and unsanitary water system conditions. *Indian Springs* at 1-2. Based upon these violations, the Commission determined a receiver was necessary to correct the problems which would lead to Indian Springs providing unsafe, inadequate or unreasonable water service to its customers and the public. *Id.* at 2.

and the problems will be increased due to the loss of the certified operator as of October 31, 2024. To the Joint Petitioners' knowledge, there is currently no plan in place to address the significant potential for loss of service for customers at the end of the month.

16. The Joint Petitioners submit that their right to relief is clear. The Commission has the authority to appoint a receiver pursuant to Section 529(g). 52 Pa. Code § 3.2(b).

17. The Joint Petitioners submit that the need for relief is immediate because it appears that the Rhodes Utilities will not have a certified system operator after October 31, 2024. 52 Pa. Code § 3.2(b).

18. The Joint Petitioners submit that the injury to the customers of the Rhodes Utilities is irreparable if the Joint Petitioners' requested relief is not granted. 52 Pa. Code § 3.2(b). Without water and wastewater service, the public health and safety of the Rhodes Utilities' customers will be compromised. The continued provision of water and wastewater service is critical.

19. The Joint Petitioners submit that the relief requested in the Joint Petitioners' Interim Emergency Petition is not injurious to the public interest. 52 Pa. Code § 3.2(b). Granting the Joint Petitioners' Interim Emergency Petition will, in fact, support the public interest by ensuring the continued provision of water and wastewater service to the Rhodes Utilities' customers.

20. Aqua has already been appointed as Receiver for Venango and given the similarity of interests and ownership across all of the Blaine Rhoades Utilities the Joint Petitioners submit that it should also be appointed Receiver of the remaining Rhoades Utilities.

21. The Joint Petitioners submit that Aqua Pennsylvania is financially, managerially, and technically capable to serve the Rhodes Utilities' customers and a capable PUC jurisdictional water and wastewater utility that is a proximate public utility as required under Section 529.

21. It appears that the Rhodes Utilities do not have a plan that would result in the hiring of a certified operator by November 1, 2024. The Joint Petitioners respectfully request that the Commission direct Aqua Pennsylvania to act as a receiver to operate the Rhodes Utilities until the resolution of the 529 proceeding.

22. The timeframe for interim emergency relief is short, requiring answers to be filed within five days of the filing of the Petition (52 Pa. Code § 3.6a), a hearing within ten days of the filing of the Petition, and an interim emergency order within fifteen days of the filing of the Petition. 52 Pa. Code § 3.7.

23. The Joint Petitioners respectfully request that the timeframes be further shortened to three days for the filing of an answer (10/11), nine days for a hearing (10/15), and the issuance of an order within twelve days of the filing of the Joint Petitioners' Interim Emergency Petition. This even more expedited treatment would permit the Receiver to have approximately 13 days to work with Rhodes Utilities before the October 31, 2024 deadline.

III. CONCLUSION

For the reasons set forth in this Interim Emergency Petition and for the protection of the health, safety, and welfare of the Rhodes Utilities' customers, the Joint Petitioners respectfully request that the Commission immediately appoint a receiver to ensure the continued provision of water service to Rhodes Utilities customers.

Respectfully submitted,

/s/ Christy M. Appleby

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/s/ Michael Podskoch, Jr.

Michael A. Podskoch, Jr.
Scott B. Granger
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DATED: October 8, 2024

Exhibit A



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www.shaferlaw.com

September 25, 2024

Gregory J. Merkel, Esquire
Dale Woodard Gent McFate Law Firm
1030 Liberty Street
Franklin, PA 16323

Re: Blaine Rhodes Estate

Dear Attorney Merkel:

As you are aware, my clients have withdrawn their Petition against Desiree seeking to have her removed as Executrix, and I am enclosing herewith a copy of the Order of September 23, 2024, granting the same.

In doing so, Randall, Kevin, and Cinda intend to resign their positions and roles within Venango Water Company, Sugarcreek Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company, West Hickory Water Company, and B.E. Rhodes Sewer Company. The resignations are effective October 31, 2024, and copies of the same are enclosed herewith. The original resignations have been mailed directly to you, but you probably have not received those yet.

In an effort to facilitate a smooth transition, they are preparing the information you requested in your letter of October 18, 2023, some of which I believe has already been provided. Any items that have not been provided to you will be provided upon request. In order to avoid issues relating to the delivery of business records or files, my clients will deliver all physical files to your office on or about October 25, 2024, unless directed in writing to deliver those files elsewhere. In turn, my clients will not be turning over keys to the office containing those files as those offices are personally owned and operated by my clients and they do not intend to permit access to those offices to anyone.

If you have any questions or concerns, please feel free to contact my office.

Sincerely,

Joseph J. Ferguson, Esquire

JJF/sjj

Enc. - as stated.

cc - Kevin Rhodes (w/copy of enc.)

MEADVILLE OFFICE: 890 Market Street, Meadville, Pennsylvania 16335 • p. (814)724-4540 • f. (814)724-4545

CONNEAUT LAKE OFFICE: 10744 State Highway 18, Conneaut Lake, Pennsylvania 16316 • p. (814)382-5888 • f. (814)213-0888

TITUSVILLE OFFICE: 212 West Central Avenue, Titusville, Pennsylvania 16354 • p. (814)827-2789 • f. (814)827-4676

ERIE OFFICE: 2890 Copperleaf Drive, Suite 100, Erie, Pennsylvania 16509 • p. (814)871-6411 • f. (814)724-4545

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE:

ESTATE OF BLAINE E. RHODES,
DECEASED

R.O.W. NO. 61-20-117

52-2022

ORDER OF COURT

AND NOW, this 23rd day of September, 2024, upon consideration of the foregoing MOTION FOR LEAVE TO WITHDRAW PETITION FOR RULE TO SHOW CAUSE WHY EXECUTOR SHOULD NOT BE REMOVED filed by Petitioners in the above-captioned matter, it is hereby **ORDERED AND DECREED** that said Motion is granted, and the hearing scheduled for October 2, 2024 on said Petition is hereby cancelled.

BY THE COURT,

ORPHANS' COURT DIVISION
COURT OF COMMON PLEAS



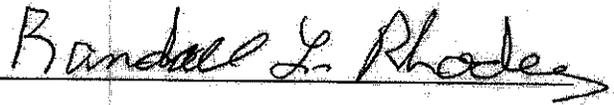
2024 SEP 24 AM 9:27

FILED FOR RECORD

Dear Desiree,

I am writing to notify you that I am formally resigning from my roles and positions within Venango Water Company, Sugarcreek Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company, West Hickory Water Company, and B.E. Rhodes Sewer Company effective October 31, 2024.

I look forward to coordinating with the Estate to ensure a smooth transition during this notice period.

A handwritten signature in cursive script that reads "Randall L. Rhodes". The signature is written in black ink and is positioned above a horizontal line that ends in a small arrowhead pointing to the right.

Randall Rhodes

Dear Desiree,

I am writing to notify you that I am formally resigning from my roles and positions within Venango Water Company, Sugarcreek Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company, West Hickory Water Company, and B.E. Rhodes Sewer Company effective October 31, 2024.

I look forward to coordinating with the Estate to ensure a smooth transition during this notice period.

Kevin S. Rhodes

Kevin Rhodes

Dear Desiree,

I am writing to notify you that I am formally resigning from my roles and positions within Venango Water Company, Sugarcreek Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company, West Hickory Water Company, and B.E. Rhodes Sewer Company effective October 31, 2024.

I look forward to coordinating with the Estate to ensure a smooth transition during this notice period.

Cinda Walentoski

Cinda Walentoski

Exhibit B



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jferguson@shaferlaw.com
www.shaferlaw.com

September 27, 2024

Melissa Carver, Sewer Sanitarian
PA Dept. of Environmental Protection
230 Chestnut Street
Meadville, PA 16335

Dear Ms. Carver:

Please be advised that Randall Rhodes, Kevin Rhodes, and Cinda Walentoski have resigned their roles within Venango Water Company, Sugarcreek Water Company, Plumer Water Company, Fryburg Water Company, Cooperstown Water Company, West Hickory Water Company, and B.E. Rhodes Sewer Company. The resignations are effective October 31, 2024. Notices of said resignations have been provided to Desiree Rhodes, Executrix of the Estate of Blaine E. Rhodes. As you may know, The Estate of Blaine E. Rhodes is the current owner of the above-referenced entities.

If you have any questions or concerns, please contact my office.

Sincerely,

Joseph J. Ferguson, Esquire

JJF/sjj
cc: Kevin S. Rhodes

RECEIVED
SEP 29 2024
Environmental Protection
Northwest Regional Office

Exhibit C



October 7, 2024

Ms. Christy M. Appleby, Senior Assistant Consumer Advocate
PA Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923

Re: Docket No. M-2023-3042180
Rhodes Water and Wastewater Systems

Dear Ms. Appleby:

On September 30, 2024, the Department of Environmental Protection (“DEP”) was notified, via a letter dated September 27, 2024, that effective October 31, 2024, Mr. Randall Rhodes, Mr. Kevin Rhodes, and Ms. Cinda Walentoski will no longer be the certified operators for the following water and wastewater systems:

Venango Water Company (PWSID No. 6610014)	Sugarcreek Water Company (PWSID No. 6610029)
Plumer Water Company (PWSID No. 6610011)	Cooperstown Water Company (PWSID No. 6610017)
Fryburg Water Company (PWSID No. 6160030)	West Hickory Water Company (PWSID No. 6270002)
B.E. Rhodes Sewer Company	

The resignation letter stated that the same information has been provided to Ms. Desiree Rhodes, Executrix of the Estate of Blaine E. Rhodes.

Based on the information identified above, DEP believes that it will be nearly impossible for Ms. Rhodes to find appropriately certified operators for the water and wastewater systems identified above, excepting Venango Water Company, which is currently being operated by Aqua Pennsylvania, Inc. (“Aqua”) under a Receivership Order issued by the Public Utility Commission in 2023. In addition, since the appointment of Aqua as the receiver for Venango Water Company, DEP has received little or no communication from Ms. Rhodes regarding the operation of the remaining water and wastewater systems. All communication for the remaining water and wastewater systems has only been through Messrs. Rhodes and Ms. Walentoski.

Therefore, to ensure the water and wastewater systems continue to be operated pursuant to DEP regulations and to ensure customers can maintain continuity of services through these water and wastewater systems, DEP supports the appointment of a receiver on an emergency basis for the water and wastewater systems identified above, excepting Venango Water Company.

Ms. Appleby

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October 7, 2024

If you have specific questions concerning this matter, please contact Nicholas Maskrey by telephone at 814.332.6070 or via electronic mail at nmaskrey@pa.gov, or me by telephone at 814.332.6072 or via electronic mail at mpostlewai@pa.gov.

Sincerely,



Matthew D. Postlewaite
Regional Manager
Safe Drinking Water Program

cc: Christy M. Appleby, Consumer Advocate (pdf only)
Judge Mark A. Hoyer, PUC (pdf only)
Scott Granger, PUC I&E (pdf only)
John Van Zant, PUC (pdf only)
E. Kicher thru J. Dickey, P.E., DEP (pdf only)
R. Kirby thru J. Blashaw DEP (pdf only)
N. Maskrey DEP (pdf only)
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