

ROBERT MIX LAW

Robert Mix, Esquire

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October 21, 2024

VIA ELECTRONIC FILING

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

In re: I & E Petition to Request the Commission Open a
Section 529 Investigation into the Acquisition of Rock
Spring Water Company - Docket No. P-2024-3051313

Dear Secretary Chiavetta:

Enclosed please find the attached Petition to Intervene of the State College Borough
Water Authority for filing in the above-referenced proceeding.

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

ROBERT MIX LAW

By: 

Robert A. Mix, Esquire

Enclosure

cc: All Parties on the Attached Certificate of Service (in the manner specified)

David Screven, Esquire - Chief Counsel - Law Bureau (via electronic mail)

Office of Special Assistants (via electronic mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VIA ELECTRONIC FILING

In re: I & E Petition to Request the
Commission Open a Section 529
Investigation into the Acquisition of Rock
Spring Water Company

Docket No. P-2024-3051313

Docket No. I-2024-

**PETITION TO INTERVENE OF THE STATE COLLEGE BOROUGH
WATER AUTHORITY
IN SECTION 529 INVESTIGATION**

Pursuant to 52 Pa. Code §§ 5.71-5.75, the State College Borough Water Authority (hereafter SCBWA) hereby files this Petition to Intervene in the above-captioned proceeding. In support of its petition, the SCBWA states as follows:

1. The name and address of SCBWA are:

State College Borough Water Authority
1201 West Branch Road
State College, PA 16801

2. SCBWA's attorney in this matter is:

Robert A. Mix, Esquire
211 Kimport Avenue
Boalsburg, PA 16827
Attorney ID # 16164
Phone: (814) 880-2366
E-mail: bmix470@gmail.com

3. The SCBWA is a Pennsylvania municipal authority duly organized and existing under the Municipality Authorities Act of 1935, as amended, and has a business address of 1201 West Branch Road, State College, Pennsylvania 16801. It is engaged in the business of operating a public water system supplying potable water to its residential, commercial and industrial

customers in Benner, College, Ferguson, Harris and Patton Townships and the State College Borough in Centre County, Pennsylvania.

4. SCBWA currently serves approximately 15,050 connections throughout its service area.

5. Rock Spring Water Company is a Pennsylvania corporation having a business address of 1750 Tadpole Road, Pennsylvania Furnace, Pennsylvania 16865. It is a public utility within the meaning of the applicable Pennsylvania statutes and code, operating under the name Rock Spring Water Company (hereafter Rock Spring) and, pursuant to a certificate of public convenience issued by the Pennsylvania Public Utility Commission (hereafter Commission), is engaged in the business of supplying potable water to its residential, commercial and industrial customers in Ferguson Township in Centre County, Pennsylvania

6. Rock Spring currently serves approximately 494 connections throughout its service area.

7. On September 20, 2024, the Bureau of Investigation and Enforcement (hereafter Bureau) filed a Petition requesting that the Commission open a Section 529 Investigation into the acquisition of the Rock Spring (hereafter Petition).

8. In its Petition the Bureau is requesting that the Commission initiate proceedings to determine whether a competent utility should be directed to acquire Rock Spring. The Petition outlines Rock Springs' failure to comply with applicable statutory and regulatory standards, including but not limited to, multiple monitoring and reporting violations and multiple violations to the Safe Drinking Water Act.

9. On June 13, 2013 the Commission adopted a Recommended Decision of Administrative Law Judge Susan Colwell to Approve the Joint Settlement (Joint Settlement) of all issues in the Rate Base Case filed by Rock Spring.¹

¹ See, Pennsylvania Public Utility Commission vs. Rock Spring Water Company, Docket No. R-2012-2336662 (Order entered June 13, 2013)

10. This Joint Settlement included many stipulations including requiring Rock Spring to make efforts to sell the system to a competent buyer and notify the Office of Consumer Advocate and the Bureau of the status of any negotiations, offers or discussions.

11. As of this writing Rock Spring has failed to comply.

12. The Bureau is requesting the Commission issue an Emergency Order and appoint a competent public utility as receiver to take over the day-to-day operations of Rock Spring.

13. The Commission's regulations allow intervention where a Commonwealth agency, such as the SCBWA, has an interest in the proceeding which may be directly affected, and which is not adequately represented by existing parties, and as to which the agency may be bound by the action of the Commission in the proceeding or when participation of the agency may be in the public interest. 52 Pa. Code § 5.7(b).

14. As a proximate water provider to Rock Spring, SCBWA may be directly affected by the outcome of this proceeding and no other party can adequately represent it in this proceeding, and, therefore, SCWBA's Petition should be granted.

WHEREFORE, the State College Borough Water Authority respectfully requests that the Commission grant its Petition to Intervene.

Respectfully submitted,

ROBERT MIX LAW

By: 

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Boalsburg, PA 16827
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Solicitor for the State College
Borough Water Authority
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In re: I & E Petition to Request the
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Docket No. P-2024-3051313

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VIA ELECTRONIC FILING

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the above-referenced Petition to Intervene 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 OCTOBER 21, 2024

Jacob D. Guthrie, Esquire
Emily A. Farren, Esquire
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SERVED VIA FIRST-CLASS MAIL ON OCTOBER 21, 2024

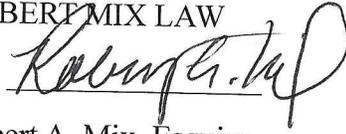
J. Roy Campbell
Rock Spring Water Company
1750 Tadpole Rd.
Furnace, PA 16865

Raymond Myers, Chairman
Huntingdon Area Water and Sewer Authority
81555 Deforrest Road
Huntingdon, PA 16652

Respectfully submitted

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