

ROBERT MIX LAW

Robert Mix, Esquire

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October 28, 2024

VIA ELECTRONIC FILING

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

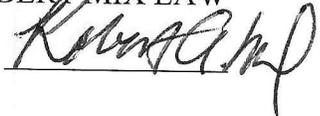
In re: I & E Petition to Request the Commission Open a
Section 529 Investigation into the Acquisition of Rock
Spring Water Company - Docket No. P-2024-3051313

Dear Secretary Chiavetta:

Enclosed please find my Notice of Appearance on behalf of the State College Borough
Water Authority and the Pre-hearing Conference Memorandum 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: 

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**

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-

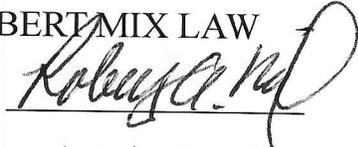
VIA ELECTRONIC FILING

NOTICE OF APPEARANCE

Please note the entry of my appearance on behalf of the State College
Borough Water Authority in the above-captioned proceeding.

Respectfully submitted

ROBERT MIX LAW

By: 

Robert A. Mix, Esquire
211 Kimport Avenue
Boalsburg, PA 16827
Attorney ID # 16164
Solicitor for the State College
Borough Water Authority
Phone: (814) 880-2366
E-mail: bmix470@gmail.com

VIA ELECTRONIC FILING

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: I & E Petition to Request the
Commission Open a Section 529
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Spring Water Company

Docket No. P-2024-3051313

Docket No. I-2024-

**STATE COLLEGE BOROUGH WATER AUTHORITY'S
PRE-HEARING CONFERENCE MEMORANDUM**

NOW COMES the State College Borough Water Authority pursuant to 52 PA Code Section 5.222 and submits this pre-hearing conference memorandum.

A. HISTORY OF THE PROCEEDINGS

1. Rock Spring Water Company (Rock Spring) is a “public utility” as that term is defined in 66 Pa.C.S.A. Section 102 and, pursuant to a certificate of public convenience issued by the Pennsylvania Public Utility Commission (Commission), has been engaged in the business of providing water service to the public in rural Ferguson Township, Centre County, Pennsylvania since 1947.
2. At present Rock Spring provides public water service to approximately 1000 customers in its service area.
3. On September 20, 2024, the Commission’s Bureau of Investigation and Enforcement (Bureau) filed a Petition to Request the Commission open a Section 529 Investigation into the Acquisition of the Rock Spring Water Company (529 Petition) with the Commission.
4. In support of the 529 Petition the Bureau alleges that Rock Spring has violated and / or refused to comply with various standards, rules, regulations and orders of the Commission and the Pennsylvania Department of Environmental

Protection (DEP). Paragraphs 13 through 30 of the 529 Petition are incorporated herein by reference.

5. The Office of Consumer Advocate and the Office of Small Business Advocate filed Notices of Intervention on October 9, 2024 and October 22, 2024, respectively.
6. Pennsylvania American Water Company, Inc. (PA American), Aqua Pennsylvania, Inc. (Aqua PA) and the State College Borough Water Authority (Borough Authority) filed Petitions to Intervene on October 11, 2024, October 17, 2024 and October 22, 2024, respectively.
7. By Order dated October 15, 2024 the Honorable John M. Coogan, Administrative Law Judge, scheduled a Pre- Hearing Conference to be held before him on October 30, 2024 at 10:00 AM.

B. NOTICE TO NECESSARY PARTIES (66 PA. C. S. A. SECTION 529(h))

With one exception, the Borough Authority believes that all parties contemplated by 66 PA. C. S. A. Section 529(h) have been served with a copy of the Petition. That exception is DEP.

It is unknown whether Rock Springs has notified its customers of the filing of the Petition as required by 66 Pa. C. S. A. Section 522 (h).

C. SERVICE ON THE BOROUGH AUTHORITY

The Borough Authority will be represented by its solicitor, Robert A. Mix, Esquire, in this proceeding and it agrees to accept electronic service of documents filed in this proceeding *via* electronic service on him. His contact information is as follows:

Robert A. Mix, Esquire
Robert Mix Law
211 Kimport Avenue
Boalsburg, PA 16827
Phone: (814) 880-2366
E-mail: bmix470@gmail.com;
bmix@lmgrlaw.com

D. ISSUES TO BE PRESENTED

1. Whether Rock Spring has violated and / or refused to comply with various standards, rules, regulations and orders of the Commission and DEP as alleged more specifically in Paragraphs 13 through 30 of the 529 Petition.
2. Whether Rock Spring has the willingness and the financial, managerial and technical capability to furnish and maintain adequate, efficient and reasonable service and facilities for its customers now and in the future.
3. Whether the alternatives to acquisition of Rock Springs, set forth in by 66 Pa. C. S. A. Section 522 (b), are impractical or not economically feasible?
4. Whether the Commission should appoint a Receiver to protect the interests of Rock Spring's customers?
5. Whether the Commission should appoint a capable public utility to acquire Rock Spring and, if so, which capable public utility?

E. LIST OF WITNESSES AND SUBJECT OF THEIR TESTIMONY

The Borough Authority intends to call the following persons as witnesses:

1. Brian Heiser, Executive Director of the Borough Authority. His business address is State College Borough Water Authority, 1201 West Branch Road, State College, PA 16801 His telephone number is (814) 238-6766 and his e-mail address is brian@scbwa.org. Mr. Heiser will testify as to the history and current operation of the Authority, to include its service area, facilities, infrastructure, managerial and technical abilities, finances and related matters.
2. Katie McCaulley, Assistant Executive Director of the Borough Authority. Her business address is State College Borough Water Authority, 1201 West Branch Road, State College, PA 1680. Her telephone number is (814) 238-6766 and her e-mail address is katie@scbwa.org. Ms. McCaulley will testify as to the history and current operation of the Authority, to include its service area, facilities, infrastructure, managerial and technical abilities, finances and related matters.

3. Jeffrey Kern, Chairman of the Borough Authority. His business address is c/o State College Borough Water Authority, 1201 West Branch Road, State College, PA 1680. His telephone number is (814) 238-6766. Mr. Kern will testify will testify as to the history and current operation of the Authority, to include its service area, facilities, infrastructure, managerial and technical abilities, finances and related matters.
4. Mark Glenn, P.E., President of Gwin, Dobson & Forman. Mr. Glenn is the Borough Authority's consulting engineer. His business address is Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive, Altoona Pennsylvania 16602. His telephone number is (814) 943-5214. Mr. Glenn will testify as to his assessment of the Rock Spring's water system, its current operation, facilities and infrastructure and needed improvements to that system.

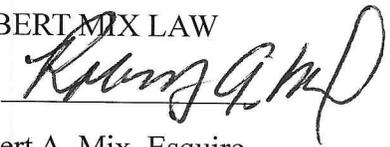
The Borough Authority reserves the right to call additional witnesses necessary to respond to discovery materials and testimony or other evidence presented at any hearing. If it choses to call any additional witnesses, it will notify the Court and Counsel accordingly.

F. SETTLEMENT DISCUSSIONS

The Borough Authority is willing to participate in settlement discussions in this proceeding.

Respectfully submitted

ROBERT MIX LAW

By: 

Robert A. Mix, Esquire
211 Kimport Avenue
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Attorney ID # 16164
Solicitor for the State College
Borough Water Authority
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: I & E Petition to Request the
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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the attached Notice of Appearance and a Prehearing Conference Memorandum on behalf the State College Borough Water Authority 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 28, 2024

Jacob D. Guthrie, Esquire
Emily A. Farren, Esquire
Office of Consumer Advocate
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Harrisburg, PA 17101-1923
JGuthrie@paoca.org
EFarren@paoca.org

NazAarah Sabree, Director
Rebecca Lyttle, Esquire
Office of Small Business Advocate
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ra-sba@pa.gov
relyttle@pa.gov

Carrie B. Wright, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission Bureau
of Investigation and Enforcement
Commonwealth Keystone Building
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carwright@pa.gov

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762 W. Lancaster Avenue
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James C. Cagle
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Elizaabeth Rose Triscari
Teresa Harrold, Esquire
David D. Zambino, Esquire
Jonathan P. Nase, Esquire
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jnase@amwater.com

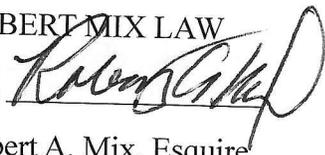
SERVED VIA FIRST-CLASS MAIL ON OCTOBER 28, 2024

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

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

Respectfully submitted

ROBERT MIX LAW

By: 

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Borough Water Authority
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