



**VIA E-FILING**

October 28, 2024

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

**Re: The Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement Petition to Request the Commission Open a Section 529 Investigation Into the Acquisition of Rock Springs Water Company  
Docket No. P-2024-3051313**

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum of Aqua Pennsylvania, Inc. in the above captioned matter.

If you have any questions regarding this filing, please contact me at 610-645-1130.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Stahl", is written over the word "Sincerely,".

Alexander R. Stahl  
Regulatory Counsel

cc: Certificate of Service

Enclosure

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**The Honorable John M. Coogan, Presiding**

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

**PREHEARING MEMORANDUM OF AQUA PENNSYLVANIA, INC.**

AND NOW, come Aqua Pennsylvania, Inc. (“Aqua”) and submits this Prehearing Memorandum in connection with the Telephonic Prehearing Conference scheduled to be held in the above captioned matter on October 30, 2024.

**I. BACKGROUND**

This proceeding concerns the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) Bureau of Investigation and Enforcement’s (“I&E”) Petition filed on September 20, 2024 to Request the Commission Open a Section 529 Proceeding Investigation into the Acquisition of Rock Springs Water Company (“Petition”).

On October 9, 2024, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention.

On October 10, 2024, Aqua filed a Notice of Appearance of Attorney Alexander R. Stahl.

On October 10, 2024, Pennsylvania-American Water Company (“PAWC”) filed a Petition to Intervene.

On October 11, 2024, the Secretary’s Bureau issued a Notice of Initial Telephonic Prehearing Conference to be held on October 30, 2024 at 10:00 AM and that Administrative Law Judge (“ALJ”) John M. Coogan was presiding over the matter.

On October 15, 2024, ALJ Coogan issued a Prehearing Conference Order requiring parties to file prehearing memorandum on October 28, 2024 by 4:30 PM.

On October 16, 2024, Aqua filed a Petition to Intervene in the proceeding.

## **II. COUNSEL**

Counsel for Aqua in this matter is:

Alexander R. Stahl, Esq. (PA ID No. 317012)  
Regulatory Counsel  
Aqua Services, Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
Tel: 610-645-1130  
Email: [astahl@aquamerica.com](mailto:astahl@aquamerica.com)

## **III. SERVICE OF DOCUMENTS**

Aqua's counsel is authorized to receive service of documents on behalf of Aqua in this proceeding. Aqua agrees to receive service of documents electronically at the email address listed above.

## **IV. LIST OF ISSUES AND AQUA'S POSITION IN REGARD TO THEM**

Section 529(a) presents a "general rule" list of several determinations for the Commission to address in a Section 529 investigation. In conjunction with Section 529(a), Section 529(c) identifies several "factors" for the Commission to consider in making a determination pursuant to Section 529(a). Those factors are:

- (1) The financial, managerial and technical ability of the small water or sewer utility.
- (2) The financial, managerial and technical ability of all proximate public utilities providing the same type of service.
- (3) The expenditures which may be necessary to make improvements to the small water or sewer utility to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service.

- (4) The expansion of the franchise area of the acquiring capable public utility so as to include the service area of the small water or sewer utility to be acquired.
- (5) The opinion and advice, if any, of the Department of Environmental Resources as to what steps may be necessary to assure compliance with applicable statutory or regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service.
- (6) Any other matters which may be relevant.

66 Pa. C.S. § 529(c).

Aqua is a capable water public utility that provides service proximate to the Rock Spring system. A decision regarding whether a capable public utility should acquire Rock Spring would directly affect Aqua if the Commission determines that the Aqua is a capable public utility that should acquire the system. Aqua submits that its closest system is approximately 50 miles away from the Rock Spring system, and there are other capable public utilities or municipal corporations that are closer to the system, and therefore, in a better position to integrate operations of the Rock Spring system.

The Company is not aware of any other proximate water utilities that should be served notice under Section 529(h), 66 Pa. C.S. § 529(h).

#### V. WITNESSES

At this time, Aqua anticipates calling the following witnesses:

Stephen Clark  
Operations Director of Greater Pennsylvania  
Aqua Pennsylvania, Inc.  
1775 North Main Street  
Honesdale, PA 18431

Mr. Clark will address operational matters. Aqua asks that any and all contact with Mr. Clark be through counsel.

Aqua reserves the right to call additional witnesses, as necessary, and agrees to notify ALJ Coogan and the parties promptly should Aqua determine that additional witnesses will be called.

**VI. DISCOVERY**

Aqua does not propose any modification to the discovery regulations set forth in 52 Pa. Code § 5.321 et seq.

**VII. LITIGATION SCHEDULE**

Aqua will work with ALJ Coogan and the parties to develop a mutually agreeable litigation schedule.

**VIII. SETTLEMENT**

Aqua is willing to make a good faith effort to resolve this matter through settlement.

Respectfully submitted,

**AQUA PENNSYLVANIA, INC.**



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Alexander R. Stahl, Esq.  
Regulatory Counsel  
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762 W. Lancaster Ave.  
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[astahl@aquaamerica.com](mailto:astahl@aquaamerica.com)  
*Counsel for Aqua Pennsylvania, Inc.*

Date: October 28, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 28th day of October, 2024, served a true and correct copy of the foregoing document upon the persons and in the manner set forth below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**VIA ELECTRONIC MAIL**

The Honorable John M. Coogan  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
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jcoogan@pa.gov

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*Counsel for State College Borough Water  
Authority*

**VIA U.S. MAIL**

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1750 Tadpole Rd.  
Furnace, PA 16865

Raymond Myers, Chairman  
Huntingdon Area Water and Sewer Authority  
8155 Deforrest Road  
Huntingdon, PA 16652



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Alexander R. Stahl

Dated: October 28, 2024