



COMMONWEALTH OF PENNSYLVANIA

October 28, 2024

E-FILED

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

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 for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-referenced 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 # 201399

Enclosures

cc: Kevin Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). To discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Rebecca Lyttle. Please address all correspondence in that matter as follows:

Rebecca Lyttle, Esq.
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
relyttle@pa.gov

II. FILING BACKGROUND

On September 20, 2024, the Pennsylvania Public Utility Commission (“Commission” or “PUC”), by and through its Bureau of Investigation and Enforcement (I&E), to petition the Commission pursuant to Sections 5.1 and 5.41 of Commission Regulations to open a Section 529 investigation into whether the Commission should order a capable public utility to acquire Rock Spring Water Company (“Rock Spring” or “Company”).

On October 9, 2024, the Office of Consumer Advocate filed an Intervention.

On October 9, 2024, the Office of Consumer Advocate served interrogatories to Rock Spring, Set 1.

On October 10, 2024, counsel for Aqua Pennsylvania, Inc. entered their appearance.

On October 10, 2024, counsel for Pennsylvania-American Water Company filed a Petition to Intervene.

On October 16, 2024, counsel for Aqua Pennsylvania, Inc. filed a Petition to Intervene.

On October 16, 2024, the Office of Consumer Advocate served interrogatories to Veolia Water; Pennsylvania-American Water Company; and Aqua Pennsylvania, Inc., that could be interested in acquiring Rock Spring. I&E has also identified, in its Petition, several other water companies that are located near, and/or in, the relevant territory and that might be interested in acquiring Rock Spring.

On October 21, 2024, counsel for State College Borough Water Authority filed a Petition to Intervene.

On October 23, 2024, the Office of Consumer Advocate re-served interrogatories to Rock Spring, Set 1.

On October 24, 2024, additional counsel for Pennsylvania-American Water Company entered their appearance.

On October 24, 2024, additional counsel for Pennsylvania-American Water Company entered their appearance.

The OSBA filed its Notice of Intervention on October 23, 2024.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case in this proceeding will be:

Kevin C. Higgins
Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, Utah 84111
(801) 355-4365
khiggins@energystrat.com

The OSBA will participate in this proceeding to assure that the interests of small business customers are adequately represented and protected.

After an initial review of the materials submitted by the Parties, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether Rock Spring has furnished and maintained adequate, efficient, and reasonable service and facilities and if such service shall be reasonably continuous and without unreasonable interruptions or delay.
2. If it the Commission rules that another water company should acquire Spring Rock; would the following occur:
 - a. Would the Commission establish a bidding process;
 - b. Would potential buyers file separate applications; and

- c. Would all applications be consolidated under the current docket number.
3. Whether all hearings are to be held telephonically.

The OSBA reserves the right to pursue additional issues that may arise throughout this proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. The OSBA requests that email delivery of documents also be provided to its witness identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter settlement discussions at the appropriate phase of this proceeding.

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, there has not been a briefing schedule established. The OSBA requests that the upcoming holidays be taken into consideration.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID # 201399

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

Dated: October 28, 2024

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

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable John Coogan
Administrative Law Judge
Pennsylvania Public Utility Commission
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Harrisburg, PA 17120
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Carrie B. Wright, Esquire
Deputy Chief Prosecutor
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DATE: October 28, 2024

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