



GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 28, 2024

VIA ELECTRONIC FILING

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

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 Commonwealth of Pennsylvania, Department of Environmental Protection's Pre-Hearing Conference Memorandum at the above-referenced proceeding.

Should you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Amanda K. Chaplin".

Amanda K. Chaplin
Assistant Counsel

Enclosure: (Pre-Hearing Conference Memorandum)

c: Parties of Record

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND ENFORCEMENT,	:	
	:	P-2024-3051313
v.	:	I-2024-
	:	
ROCK SPRING WATER COMPANY	:	
	:	

**PRE-HEARING CONFERENCE MEMORANDUM
OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to the Pre-Hearing Conference Order issued on October 15, 2024, in the above-captioned proceeding, by the Honorable Administrative Law Judge John M. Coogan of the Office of Administrative Law Judge of the Pennsylvania Public Utility Commission (“Commission”), and pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and the Commission’s regulations at 52 Pa. Code § 5.221-5.224, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), submits the following Pre-hearing Conference Memorandum.

I. Introduction

On September 20, 2024, the Pennsylvania Public Utility Commission, 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 (“Petition”). In its Petition, the Bureau asks the Commission to investigate whether a capable public utility should acquire Rock Spring Water Company (“Rock Spring”). Rock Spring owns a public water system that serves approximately 1,000 people with approximately 494 connections. In its Petition, the Bureau outlines how Rock Spring has failed to comply with the Joint Settlement at *Pa. P.U.C. v.*

Rock Spring Water Company, Docket No. R-2012-2336662, including failure to reduce its unaccounted-for water loss, failure to install isolation valves, and failure to make efforts to sell the public water system and provide the status of those negotiations to the Bureau and the Office of Consumer Advocate. The Petition also outlines the failure of Rock Spring to comply with various Department enforcement actions.

The Office of Consumer Advocate filed a Notice of Intervention on October 9, 2024. Pennsylvania American Water Company filed a Petition to Intervene on October 10, 2024. Aqua Pennsylvania, Inc. filed a Petition to Intervene on October 16, 2024. State College Borough Water Authority filed a Petition to Intervene on October 21, 2024. The Office of Small Business Advocate filed a Notice of Intervention on October 23, 2024. The Department filed its Petition to Intervene on October 28, 2024.

II. Issues

The Department is participating in this proceeding to ensure that the public water system is brought back into compliance with the Safe Drinking Water Act, 35 P.S. § 721.1 *et seq.*, and the rules and regulations promulgated thereunder, as well as to ensure the protection of the environment. Potential issues to be addressed by the Section 529 investigation include, but are not limited to, Rock Spring's managerial fitness to operate the public water system; Rock Spring's financial capability to operate the public water system; Rock Spring's failure to comply with enforcement actions, orders, the Safe Drinking Water Act, 35 P.S. § 721.1 *et seq.*, and Department rules and regulations; Rock Spring's failure to comply with any orders by the Commission and its regulations; whether the Commission should order a capable public utility to acquire Rock Spring, and if so, which public utility; a purchase price for Rock Spring; and the work that will need to be done to bring the public water system back into

compliance.

III. Witnesses

The Department anticipates providing testimony from the following Department witnesses:

Chad Miller, Environmental Program Manager
Sasha Minium, Environmental Group Manager
Mark Accettulla, Sanitarian Supervisor
Nathan White, Sanitarian
Department of Environmental Protection
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701

Each Department staff member listed above is familiar with Rock Spring, the enforcement history of the Department concerning Rock Spring, and the deficiencies of the public water system. The Department intends to offer its opinion and advice as to what steps may be necessary to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety, or reasonableness of utility service pursuant to 66 Pa. C.S. § 529(c)(5).

IV. Proposed Schedule

The Department will work with the Administrative Law Judge and the parties to develop a procedural schedule in this matter.

V. Public Input Hearings

The Department is not requesting public input hearings at this time.

VI. Discovery

The Department does not have a discovery rule modifications request at this time.

VII. Department Counsel and Service on the Department

The Department will be represented in this proceeding by the attorney listed below:

Amanda Chaplin, PA I.D. No. 314076
Assistant Counsel
Northcentral Regional Office

208 West Third Street, Suite 101
Williamsport, PA 17701
E-mail: achaplin@pa.gov

The Department will accept email service without provision of hard copy. It is requested that materials available electronically be served upon the following email address: achaplin@pa.gov.

VIII. Settlement

The Department will participate in settlement discussions in this matter.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Amanda Chaplin, PA I.D. No. 314076

Assistant Counsel

Northcentral Regional Office

208 West Third Street, Suite 101

Williamsport, PA 17701

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Fax: 570-327-3565

Date: October 28, 2024

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
INVESTIGATION AND ENFORCEMENT,

v.

ROCK SPRING WATER COMPANY

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: P-2024-3051313
: I-2024-
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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving this Prehearing Conference Memorandum upon the persons and in the manner indicated below, which service satisfies the requirements of 52 Pa. Code § 1.54.

SERVED VIA ELECTRONIC MAIL ON OCTOBER 28, 2024

The Honorable John Coogan Administrative Law Judge Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building Harrisburg, PA 17120 jcoogan@pa.gov	Elizabeth Rose Triscari, Esquire Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055 elizabeth.triscari@amwater.com
Jacob D. Guthrie, Esquire Emily A. Farren, Esquire Office of Consumer Advocate 555 Walnut Street 5th Floor Forum Place Harrisburg, PA 17101-1923 JGuthrie@paoca.org EFarren@paoca.org	Rebecca Lyttle, Esquire Office of Small Business Advocate Forum Place 555 Walnut Street, 1st Floor Harrisburg, PA 17101 ra-sba@pa.gov
Carrie B. Wright, Deputy Chief Prosecutor Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, Pennsylvania 17120 carwright@pa.gov	Alexandar R. Stahl, Esquire Aqua Pennsylvania, Inc 762 W. Lancaster Avenue Bryn Mawr, PA 19010 astahl@aquaamerica.com

James C. Cagle Veolia Water 310 Allentown Blvd., Suite 104 Harrisburg, PA 17112 james.cagle@veolia.com	Robert A. Mix, Esquire Robert Mix Law 211 Kimport Avenue Boalsburg, PA 16827 Bmix470@gmail.com
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SERVED VIA FIRST-CLASS MAIL ON OCTOBER 28, 2024

J. Roy Campbell Rock Spring Water Company 1750 Tadpole Road Pennsylvania Furnace, PA 16865	Raymond Myers, Chairman Huntingdon Area Water and Sewer Authority 81555 De Forrest Road Huntingdon, PA 16652
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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



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Date: October 28, 2024