

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation & Enforcement	:	
Petition to Request the Commission Open	:	P-2024-3051313
Section 529 Investigation into the	:	
Acquisition of Rock Spring Water Company	:	

PREHEARING ORDER # 1

On September 20, 2024, the Pennsylvania Public Utility Commission’s (Commission) Bureau of Investigation and Enforcement (I&E) filed a Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Rock Spring Water Company (Petition).

On October 9, 2024, the Office of Consumer Advocate (OCA) filed a Notice of Intervention. On October 10, 2024, Pennsylvania-American Water Company (PAWC) filed a Petition to Intervene.

On October 11, 2024, a hearing notice was issued establishing a telephonic prehearing conference for Wednesday, October 30, 2024 at 10:00 a.m. and assigning me as the Presiding Officer. A Prehearing Conference Order was issued on October 15, 2024 setting forth rules that would govern the prehearing conference.

On October 16, 2024, Aqua Pennsylvania, Inc. (Aqua) filed a Petition to Intervene. On October 21, 2024, State College Borough Water Authority (SCBWA) filed a Petition to Intervene. On October 23, 2024, the Office of Small Business Advocate

(OSBA) filed a Notice of Intervention. On October 28, 2024, the Commonwealth of Pennsylvania, Department of Environmental Protection (DEP) filed a Petition to Intervene.

No party filed an answer to I&E's Petition.

On October 28, 2023, prehearing memoranda was filed by the following parties: I&E, OCA, OSBA, PAWC, Aqua, SCBWA, and DEP. On October 29, 2024, Veolia Water Pennsylvania, Inc. (Veolia) filed a prehearing conference memorandum.

The prehearing conference was convened on October 30, 2024, as scheduled. The following parties were present and represented by the following counsel: Carrie Wright, Esquire, for I&E; Emily Farren, Esquire, and Jacob Guthrie, Esquire, for the OCA; Rebecca Lyttle, Esquire, for the OSBA; Jonathan Nase, Esquire, Elizabeth Triscari, Esquire, and Teresa Harrold, Esquire, for PAWC; Alexander Stahl, Esquire, for Aqua; Robert Mix, Esquire for SCBWA; Amanda Chaplin, Esquire, for DEP; and Karen Moury, Esquire, for Veolia. J. Campbell Roy, President of Rock Spring Water Company, appeared, but was not represented by counsel.

This Prehearing Order sets forth the procedural matters addressed during the Prehearing Conference.

Ferguson Township, Franklin Township, and the Huntingdon Area Water and Sewer Authority are receiving this Prehearing Order because they have been identified as entities that should receive notice of this proceeding under 66 Pa. C.S. § 529(h). If Ferguson Township, Franklin Township, and the Huntingdon Area Water and Sewer Authority would like to apply to become parties to this proceeding, directions for filing a Petition to Intervene are outlined below in Ordering Paragraph 1.

ORDER

THEREFORE,

IT IS ORDERED:

1. If Ferguson Township, Franklin Township, or the Huntingdon Area Water and Sewer Authority would like to apply to become parties to this proceeding, Petitions to Intervene shall be filed within 30 days of the date of this order. If a Petition to Intervene is not received within 30 days of the date of this order, non-parties will be removed from the service list.

2. That the Petitions to Intervene filed by Pennsylvania-American Water Company; Aqua Pennsylvania, Inc.; State College Borough Water Authority; and the Commonwealth of Pennsylvania, Department of Environmental Protection; are granted.

3. That the parties of record as of the date of this Prehearing Order are Rock Spring Water Company; the Bureau of Investigation and Enforcement; the Office of Consumer Advocate; the Office of Small Business Advocate; Pennsylvania-American Water Company; Aqua Pennsylvania, Inc.; State College Borough Water Authority; and the Commonwealth of Pennsylvania, Department of Environmental Protection.

4. **That the parties must be represented by an attorney to participate in the formal hearing process, e.g., filing and responding to pleadings, presentation of testimony and evidence, participation in evidentiary hearings, and submission of briefs. See 52 Pa. Code § 1.21.**

5. That, pursuant to 66 Pa. C.S. § 529(h), Rock Spring Water Company shall provide notice to its customers of the initiation of this proceeding in the same manner in which the Company is required to notify its customers of proposed general rate increases. Such notice should be provided within 30 days of the date of this order. Once notice is provided, Rock Spring Water Company shall provide proof of notice to the undersigned and the other active parties to this proceeding.

6. That the parties shall receive all documents and shall copy all other parties on documents they file with the Commission or serve on the undersigned. The parties shall serve the documents so that the documents are received in-hand by the parties and the undersigned no later than 4:30 p.m. on the dates listed. Parties may serve the documents via e-mail to meet this requirement as long as a party has consented to exclusively receive electronic service. Parties that have not consented to exclusively receive electronic service should also be served by first-class mail. Parties shall not file testimony with the Commission but shall file a certificate of service.

7. That the following schedule is adopted for this proceeding:

I&E Direct Testimony	January 23, 2025
Other Parties' Direct Testimony	February 20, 2025
Rebuttal Testimony	March 20, 2025
Surrebuttal Testimony	April 17, 2025
Evidentiary Hearings (telephonic)	April 29 & 30, 2025
Main Briefs	May 20, 2025
Reply Briefs	June 5, 2025

8. That testimony shall be presented in written form and shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers.

9. That the April 29 and 30, 2025 evidentiary hearings will be held telephonically. The initial day will commence at 10:00 a.m.; the subsequent day will commence at 9:00 a.m. An evidentiary hearing notice will be issued and published on the Commission's website. Parties will complete the daily witness listing and cross-examination grid as directed.

10. That any evidentiary hearing in this matter constitutes a formal legal proceeding and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

11. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

12. That all parties shall comply with the provisions of 52 Pa.Code § 5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

13. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373, as modified above. The parties are encouraged to cooperate and exchange

information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. All motions to compel shall contain a certification by counsel setting forth the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel does not contain this certification, the parties will be directed to pursue informal discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

14. That the parties shall stipulate any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

15. That the parties should do their best to avoid the use of **Confidential Security Information (CSI)**, as defined by 35 P.S. § 2141 et seq., in this proceeding. Where possible, the parties should develop alternative means of introducing information into the record, such as joint stipulations or redaction when proposing testimony or exhibits. If the parties cannot avoid the use of CSI, the parties are to contact the presiding ALJ in advance of any submission, and prior to the evidentiary hearing.

16. That a briefing order with further instructions will be issued following the evidentiary hearings in this case.

17. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this proceeding. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore settlement.

18. That the parties shall comply with the procedural rules and regulations discussed herein.

19. That any provision of this order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: November 5, 2024

/s/
John M. Coogan
Administrative Law Judge

P-2024-3051313 - PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF INVESTIGATION & ENFORCEMENT PETITION TO REQUEST THE COMMISSION OPEN A SECTION 529 INVESTIGATION INTO THE ACQUISITION OF ROCK SPRING WATER COMPANY

Revised: November 1, 2024

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