

November 11, 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:

Attached please find the Petition to Intervene of Ferguson Township in the above-referenced matter.

Please contact me with any questions. Thank you.

Sincerely,

BABST, CALLAND, CLEMENTS AND
ZOMNIR, P.C.

By: /s/ Elizabeth A. Dupuis
Elizabeth A. (Betsy) Dupuis, Esquire

EAD/ams

Enclosure

cc: All Parties on Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VIA ELECTRONIC FILING

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

**PETITION TO INTERVENE
OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA**

Pursuant to 52 Pa. Code § 5.71-5.76, the Pennsylvania Public Utility Commission’s (“Commission”) and the Administrative Law Judge’s Pre-Hearing Order dated November 5, 2024 to the above docket, the Township of Ferguson, Centre County Pennsylvania (“FERGUSON”), a second class Township and a Home Rule Municipality, hereby petitions to intervene in the above-captioned proceeding. In support thereof, FERGUSON submits as follows:

1. The name and contact information of the Petitioner is as follows:

Township of Ferguson
3147 Research Drive
State College, PA 16801

2. The names and contact information for FERGUSON’s counsel for receiving service

of all documents in this proceeding are:

Elizabeth A. Dupuis, Esquire
Morgan M. Madden, Esquire
Babst, Calland, Clements & Zomnir, P.C.
330 Innovation Blvd., Suite 302
State College, PA 16803
(814) 867-8055
(814) 867-8051 fax
bdupuis@babstcalland.com
mmadden@babstcalland.com

FERGUSON agrees to accept electronic service to the attorneys listed above.

3. FERGUSON is a second-class Township and Home Rule Municipality located in Centre County, Pennsylvania.

4. On September 20, 2024, the Bureau of Investigation and Enforcement (“BUREAU”) filed a Petition requesting that the Pennsylvania Utility Commission (“COMMISSION”) open a Section 529 Investigation (“PETITION”) into the acquisition of Rock Spring Water Authority (“ROCK SPRING”).

5. The PETITION requests that the COMMISSION commence proceedings to investigate whether a competent utility should be directed to acquire ROCK SPRING given failures by ROCK SPRING to comply with applicable statutory and regulatory standards including, but not limited to, violations of the Safe Drinking Water Act.

6. The PETITION requests that the COMMISSION issue an emergency order authorizing the appointment of a receiver to take over the day-to-day operations of ROCK SPRING to bring the system into compliance.

7. ROCK SPRING is currently situated in FERGUSON and nearly all of its customers are residents and constituents of FERGUSON.

8. FERGUSON has a right to intervene in this proceeding pursuant to 52 Pa. Code § 5.72(a).

9. The COMMISSION’s regulations permit intervention where a person has an interest in the proceeding that “may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code § 5.72(a)(2). The regulations also permit

participation of the person where it is in the public interest. 52 Pa. Code § 5.72(a)(3). “Person” includes governmental entities, municipalities, or other political subdivisions. 52 Pa. Code § 1.8.

10. FERGUSON, therefore, on behalf of itself, its municipal constituents, and the individuals who rely on ROCK SPRING’s services, has an interest in this matter and the continued operations of ROCK SPRING to provide water services to its customers.

11. FERGUSON has a direct and substantial interest in the issues raised in this proceeding and, accordingly, seeks to intervene in this proceeding to protect those interests.

12. FERGUSON’s interests in this matter are unique from and not adequately represented by other parties that may seek to intervene or those that are presently parties to the proceeding.

13. FERGUSON’s intervention is in the public interest and FERGUSON is uniquely positioned to aid the COMMISSION in the arrangements regarding ROCK SPRING’s continued water service to its customers.

14. FERGUSON timely submits the instant Petition in accordance with the deadline set forth in the November 5, 2024, Pre-Hearing Order for filing petitions to intervene.

15. FERGUSON reserves the right to refine its position upon consideration of the testimony and discovery submitted going forward.

WHEREFORE, FERGUSON respectfully requests that the COMMISSION grant its

Petition to Intervene.

Dated: November 11, 2024

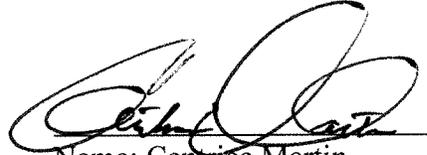
Respectfully submitted,

/s/ Elizabeth A. Dupuis, Esquire
Babst Calland Clements & Zomnir, P.C.
330 Innovation Blvd., Suite 302
State College, PA 16803
bdupuis@babstcalland.com
mmadden@babstcalland.com
(814) 867-8055
(814) 867-8051 *fax*

Counsel for the Township of Ferguson

VERIFICATION

I, Centrice Martin, Manager, on behalf of the Township of Ferguson, hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Name: Centrice Martin
Title: Manager
Township of Ferguson

Date: 11-7-2024

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Petition to Intervene upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Electronic Service:

The Honorable John Coogan
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
jcoogan@pa.gov

Glenn P. Masser, Esquire
Assistant Counsel
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701
gmasser@pa.gov
*Counsel for Commonwealth of Pennsylvania
Department of Environmental Protection*

Jacob D. Guthrie, Esquire
Emily A. Farren, Esquire
Office of Consumer Advocate
555 Walnut Street 5th Floor
Forum Place
Harrisburg, PA 17101-1923
OCARockSpring@paoca.org

Elizabeth Rose Triscari, Esquire
Teresa K. Harrold, Esquire
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
Elizabeth.triscari@amwater.com
Teresa.harrold@amwater.com
*Counsel for Pennsylvania-American Water
Company*

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

Rebecca Lyttle, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
relyttle@pa.gov

Phoebe Youhanna, Esq.
Veolia Water Company
461 From Road, Suite 400
Paramus, NJ 07652
Phoebe.youhanna@veolia.com
Counsel for Veolia Water

David P. Zambito, Esquire
Jonathan P. Nase, Esquire
Cozen O'Connor
17 North Section Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com
*Counsel for Pennsylvania American Water
Company*

Amanda Chaplin, Esquire
Commonwealth of Pennsylvania
Department of Environmental Protection
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701
achaplin@pa.gov

Robert A. Mix, Esquire
Robert Mix Law
211 Kimport Avenue
Boalsburg, PA 16827
Bmix470@gmail.com
bmix@lmgrlaw.com
*Counsel for State College Borough Water
Authority*

Alexander R. Stahl, Esquire
Aqua Servies, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
astahl@aquaamerica.com
Counsel for Aqua Pennsylvania, Inc.

A copy of the foregoing Petition to Intervene was also served on all interested parties of record via first class, U.S. mail:

J. Roy Campbell
Rock Spring Water Company
1750 Tadpole Road
Pennsylvania Furnace, PA 16865
Rsw5@comcast.net

Franklin Township
20 Municipal Lane
Landenberg, PA 19350

Raymond Myers, Chairman
Huntingdon Area Water & Sewer Authority
81555 Deforrest Road
Huntington, PA 16652

By: /s/ Elizabeth A. Dupuis
Elizabeth A. Dupuis, Esquire
Pa. I.D. No. 80149
bdupuis@babstcalland.com

Babst, Calland, Clements & Zomnir, P.C.
330 Innovation Blvd., Suite 302
State College, PA 16803
(814) 867-8055
(814) 867-8051 *fax*