



COMMONWEALTH OF PENNSYLVANIA

November 12, 2024

E-FILED

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

Re: The Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement's Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Conneaut Lake Park Water Corporation, Inc. / Docket Nos. P-2024-3051855 & I-2024-3051857

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 proceedings.

Copies will be served on all known parties in these proceedings, 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**

**The Pennsylvania Public Utility Commission’s :
Bureau of Investigation and Enforcement’s : Docket Nos. P-2024-3051855
Petition to Request the Commission Open a : I-2024-3051857
Section 529 Investigation into the Acquisition :
of Conneaut Lake Park Water Corporation, Inc. :**

**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 October 28, 2024, the Pennsylvania Public Utility Commission (“Commission”), by and through its Bureau of Investigation and Enforcement (“I&E”), petitioned the Commission, pursuant to Sections 5.1 and 5.41 of Commission Regulations, to open a Section 5292 investigation into whether the Commission should order a capable public utility to acquire Conneaut Lake Park Water Corporation, Inc (“Company”).

The Office of Small Business Advocate (“OSBA”) filed its notice of Intervention on November 12, 2024.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding is:

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 in this matter, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether the Company 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 the Commission rules that another water company should acquire the

Company; would the following occur:

- a. Would the Commission establish a bidding process;
 - b. Would potential buyers file separate applications; and/or
 - 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 witnesses 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 has not discussed a settlement.

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.

The OSBA will agree have a mediator assigned to this matter.

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: November 12, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission's :
Bureau of Investigation and Enforcement's : **Docket Nos. P-2024-3051855**
Petition to Request the Commission Open a : **I-2024-3051857**
Section 529 Investigation into the Acquisition :
of Conneaut Lake Park Water Corporation, Inc. :

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 Eranda Vero
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
evero@pa.gov

The Honorable Arlene Ashton
Administrative Law Judge
Pennsylvania Public Utility Commission
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Allison Kaster, Esquire
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Conneaut Lake Joint Municipal Authority
9888 State Highway 285
P.O. Box 277
Conneaut Lake, PA 16316
office@cljma.com

DATE: November 12, 2024

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