

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	P-2024-3051855
Bureau of Investigation and Enforcement	:	I-2024-3051857
	:	
v.	:	
	:	
Conneaut Lake Park Water Corporation, Inc.	:	

**PREHEARING MEMORANDUM
OF
CONNEAUT LAKE PARK WATER CORPORATION, INC.**

1. Introduction

Conneaut Lake Park Water Corporation, Inc. ("the Company") is represented in this matter by MacDonald, Illig, Jones & Britton, LLP, specifically by Attorney Mark J. Shaw. Contact information is as follows:

By Mail: 100 State Street, Suite 700
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By Email: mshaw@mijb.com
By Telephone: (814) 870-7607

2. Background

As part of a settlement reached by the parties, recommended by the ALJs and approved by the Commission in the Rate Case, the parties agreed as follows:

The Bureau of Investigation and Enforcement shall initiate a Section 529 proceeding of the Public Utility Code no later than three (3) months after entry of a Commission Order. I&E agrees that it will not seek any fines or penalties against CLPWC for any alleged violations of the Public Utility Code, or PUC rules and regulations, by CLPWC that occurred prior to the date of the Commission's approval of the Settlement Agreement. CLPWC reserves the right to challenge the acquisition and present evidence proving its ability to render adequate, efficient, safe, and reasonable service at just and reasonable rates.

This proceeding was filed pursuant to that settlement. While the Company is reserving its rights to continue to own and operate the system and provide evidence that it can do so, it prefers to simply sell the system for a reasonable price to a capable utility as may be determined by the Commission. As such, the Company requests that the any discovery against the Company be stayed while the parties proceed to negotiate a settlement in this proceeding under which the water system will be sold for a reasonable price and at just compensation.

The Company suggests that an effort at settlement discussion be taken before any active litigation occurs.

3. Issues

The issues in this case are as follows:

- a. Whether the six (6) factors justifying the Commission to order a capable public utility to acquire the water system have been met?
- b. Whether any of the five (5) alternative to an acquisition order are available?
- c. What is a reasonable price for the acquisition of the water system?
- d. Whether the Company can prove that it has the ability to render adequate, efficient, safe and reasonable service at just and reasonable rates?
- e. Whether the proximate public utility providing the same type of service as the Company can prove its financial, managerial or technical inability to acquire and operate the small water or sewer utility to avoid being ordered to acquire the Company?

4. Potential Witnesses

- a. Todd Joseph
- b. Christopher R. Greenberg, Certified Operator, Keystone Water Systems, LLC (Operations)
- c. An undetermined valuation expert

The Company witnesses may be contacted through counsel for the Company. The witness list is provided without the benefit of complete discovery or analysis of the positions of potential other parties to this proceeding. Accordingly, the Company reserves the right to call additional witnesses or withdraw the name of the witnesses listed above.

5. Evidence

The Company expects to present all written direct, rebuttal and surrebuttal testimony and accompanying exhibits at the evidentiary hearing.

6. Discovery

The Company will work with the other parties to ensure an smooth and efficient discovery process. The Company does not request any discovery modifications at this time other than the Company requests that discovery be stayed while the parties seek to negotiate a settlement to this proceeding.

7. Schedule

The Company will work with the parties and the Administrative Law Judges, to develop a schedule in this proceeding.

8. Service of Documents

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the Company agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. The Company also requests that all parties serve an electronic copy of all interrogatory responses upon the Company.

9. Settlement

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

The Company agrees with the suggestion of the OCA that the OALJ appoint a settlement judge to assist in the settlement of this matter.

Respectfully submitted,



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Attorneys for Conneaut Lake Park Water
Corporation, Inc.

Dated: November 12, 2024

CERTIFICATE OF SERVICE

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

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