



COMMONWEALTH OF PENNSYLVANIA

January 28, 2025

**E-FILED**

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

**Re: Joint Application of Pennsylvania American Water Company and Corner Water Supply and Service Corporation Pursuant to Section 1102 of the Public Utility Code, for approval of (1) the transfer to Pennsylvania American Water Company, by sale, of all property of Corner Water Supply and Service Corporation used and useful in the public service; (2) the right of Pennsylvania-American Water Company to begin to offer, render, furnish and supply water service to the public in portions of Elk and Paint Townships in Clarion County, Pennsylvania, and (3) the abandonment by Corner Water Supply and Service Corporation of all water service / Docket Nos. A-2025-3052745 and A-2025-3052747**

Dear Secretary Chiavetta:

Enclosed please find the Protest, Notice of Intervention, Public Statement, and Verification, 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 No. 201399

*Enclosures*

cc: Kevin Higgins  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Joint Application of Pennsylvania</b>	<b>:</b>	<b>Docket Nos. A-2025-3052745</b>
<b>American Water Company and Corner</b>	<b>:</b>	<b>A-2025-3052747</b>
<b>Water Supply and Service Corporation</b>	<b>:</b>	
<b>Pursuant to Section 1102 of the Public</b>	<b>:</b>	
<b>Utility Code, for approval of (1) the</b>	<b>:</b>	
<b>transfer to Pennsylvania American Water</b>	<b>:</b>	
<b>Company, by sale, of all property of</b>	<b>:</b>	
<b>Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation used and useful in the public</b>	<b>:</b>	
<b>service; (2) the right of Pennsylvania-</b>	<b>:</b>	
<b>American Water Company to begin to</b>	<b>:</b>	
<b>offer, render, furnish and supply water</b>	<b>:</b>	
<b>service to the public in portions of Elk and</b>	<b>:</b>	
<b>Paint Townships in Clarion County,</b>	<b>:</b>	
<b>Pennsylvania, and (3) the abandonment</b>	<b>:</b>	
<b>by Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation of all water service</b>	<b>:</b>	

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**PROTEST OF THE  
OFFICE OF SMALL BUSINESS ADVOCATE**

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The Office of Small Business Advocate (“OSBA”) files this Protest with respect to the above-captioned Joint Application to the Pennsylvania Utility Commission (“PUC” or “Commission”) on December 31, 2024, by Pennsylvania-American Water Company (“PAWC”) and Corner Water Supply and Service Corporation (“Corner”) for approval of: (1) the transfer to PAWC, by sale, of all property of Corner used and useful in the public service; (2) the right of PAWC to begin to offer, render, furnish and supply water service to the public in portions of Elk and Paint Townships in Clarion County, Pennsylvania, and (3) the abandonment by Corner of all water service. Furthermore, PAWC requests approval to make effective upon closing a pro forma tariff. In support of this Protest, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interests of small business consumers as a party in proceedings before the Commission.

2. Representing the OSBA in these proceedings is:

Rebecca Lyttle, Esq.  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1st Floor  
Harrisburg, Pennsylvania 17101  
[relyttle@pa.gov](mailto:relyttle@pa.gov)

3. Pennsylvania American Water Company is a regulated public utility corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, and is engaged in the business of collecting, treating, storing, supplying, distributing, and selling water to the public, and collecting, treating, transporting, and disposing of wastewater for the public.

4. Corner Water is a regulated public utility corporation since December 2, 1960, organized and existing under the laws of the Commonwealth of Pennsylvania engaged in treating, storing, supplying, distributing, and providing water service to approximately, 605 customers of which 355 are residential, 83 are commercial, 5 are industrial, 2 are public fire service, and 160 are “other” (customers in two mobile home park communities) within portions of Elk and Paint Townships, Clarion County.

5. On September 25, 2024, Corner and PAWC entered into an agreement, to sell most of the assets, properties, and rights of Corner Water’s System to PAWC.

6. Corner’s customers are already being served by PAWC as their wastewater provider in the Paint-Elk Sewer system.

7. The Public Utility Code, 66 Pa. C.S. § 1329, permits a public utility to undertake certain actions only upon Commission approval evidenced by a certificate of public convenience when a water system is being acquired (upon agreement of the acquiring and selling utilities), to establish a fair market value of the selling utility by utilizing the list of utility valuation experts maintained by the Commission, and to require the acquiring utility to submit to the Commission the following information when acquiring a water system prior to the Commission's decision to approve or deny the proposed acquisition of a public utility and issue a certificate of public convenience:

- (i) Copies of the two appraisals performed by the utility valuation experts under §1329(a) of the Public Utility Code, 66 Pa.C.S. §1329(a).
- (ii) The purchase price of the selling utility as agreed to by the acquiring public that will be included in its rate base.
- (iii) The ratemaking rate base determined pursuant to §1329(c) of the Public Utility Code, 66 Pa.C.S. §1329(c).
- (iv) The transaction and closing costs incurred by the acquiring public utility that will be included in its rate base.
- (v) A tariff containing a rate equal to the existing rates of the selling utility at the time of the acquisition and a rate stabilization plan, if applicable to the acquisition.

§1329(d) of the Public Utility Code, 66 Pa.C.S. § 1329(d).

8. The Public Utility Code, 66 Pa. C.S. § 1102(a), permits a public utility to undertake certain actions only upon Commission approval evidenced by a certificate of public convenience. Among the activities that require Commission approval is the following:

- (3) For any public utility or an affiliated interest of a public utility . . . to acquire from, or to transfer to, any person or corporation . . . by any method or device whatsoever, including the sale or transfer of stock and including a consolidation, merger, sale or lease, the title to, or the possession or use of, any tangible or intangible property used or useful in the public service.

Pa. C.S. § 1102(a)(3).

9. When a certificate of public convenience is required under Section 1102, Section 1103(a) of the Public Utility Code, 66 Pa. C.S. § 1103(a), allows the Commission to issue the certificate only upon a finding or determination that the granting of such certificate is “necessary or proper for the service, accommodation, convenience, or safety of the public.” According to the Pennsylvania Supreme Court, satisfying this standard requires the Commission to find that a proposed acquisition would “affirmatively promote the ‘service, accommodation, convenience, or safety of the public’ in some substantial way.” *City of York v. Pennsylvania Public Utility Commission*, 449 Pa. 136, 141, 295 A.2d 825, 828 (Pa. 1972). In addition, Section 1103(a) allows the Commission to impose upon its issuance of a certificate of public convenience “such conditions as it may deem to be just and reasonable”.

10. The Joint Application raises issues of concern that may require the Commission to reject the proposed transaction or to approve it only after imposing conditions. Of particular concern is whether the transaction would unreasonably increase water rates of Corner’s small business customers.

11. The OSBA reserves the right to raise additional issues as they arise throughout this proceeding.

**WHEREFORE**, the OSBA respectfully requests that the Commission reject the Joint Application as filed.

In the alternative, the OSBA respectfully requests that the Commission conduct a full investigation, including evidentiary hearings, into the joint Application.

Respectfully submitted,

*/s/ Rebecca Lyttle*

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Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399

For:  
NazAarah Sabree  
Small Business Advocate

Commonwealth of Pennsylvania  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101

Dated: January 28, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Joint Application of Pennsylvania</b>	<b>:</b>	<b>Docket Nos. A-2025-3052745</b>
<b>American Water Company and Corner</b>	<b>:</b>	<b>A-2025-3052747</b>
<b>Water Supply and Service Corporation</b>	<b>:</b>	
<b>Pursuant to Section 1102 of the Public</b>	<b>:</b>	
<b>Utility Code, for approval of (1) the</b>	<b>:</b>	
<b>transfer to Pennsylvania American Water</b>	<b>:</b>	
<b>Company, by sale, of all property of</b>	<b>:</b>	
<b>Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation used and useful in the public</b>	<b>:</b>	
<b>service; (2) the right of Pennsylvania-</b>	<b>:</b>	
<b>American Water Company to begin to</b>	<b>:</b>	
<b>offer, render, furnish and supply water</b>	<b>:</b>	
<b>service to the public in portions of Elk and</b>	<b>:</b>	
<b>Paint Townships in Clarion County,</b>	<b>:</b>	
<b>Pennsylvania, and (3) the abandonment</b>	<b>:</b>	
<b>by Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation of all water service</b>	<b>:</b>	

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**NOTICE OF INTERVENTION  
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

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The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention with respect to the filing (“Joint Application”) to the Pennsylvania Utility Commission (“PUC”) on December 31, 2024, by Pennsylvania-American Water Company (“PAWC”) and Corner Water Supply and Service Corporation (“Corner”) for approval of (1) the transfer to Pennsylvania American Water Company, by sale, of all property of Corner Water Supply and Service Corporation used and useful in the public service; (2) the right of Pennsylvania-American Water Company to begin to offer, render, furnish and supply water service to the public in portions of Elk and Paint Townships in Clarion County, Pennsylvania, and (3) the abandonment by Corner Water Supply and Service Corporation of all water service. Furthermore, PAWC requests approval to make effective upon closing, a pro forma tariff supplement.

This filing is made pursuant to Section 1102 (related to certificates of public convenience), and 1329 (determination of fair market value for ratemaking purposes) of the Pennsylvania Public Utility Code (“Code”), 66 Pa. C.S. §§ 1102, 1329.

In support of this Notice of Intervention, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Commission.
2. Representing the OSBA in these proceedings is:

Rebecca Lyttle, Esq.  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1st Floor  
Harrisburg, Pennsylvania 17101  
[relyttle@pa.gov](mailto:relyttle@pa.gov)

Respectfully submitted,

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

For:  
NazAarah Sabree  
Small Business Advocate

Commonwealth of Pennsylvania  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101

Dated: January 28, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Joint Application of Pennsylvania</b>	<b>:</b>	<b>Docket Nos. A-2025-3052745</b>
<b>American Water Company and Corner</b>	<b>:</b>	<b>A-2025-3052747</b>
<b>Water Supply and Service Corporation</b>	<b>:</b>	
<b>Pursuant to Section 1102 of the Public</b>	<b>:</b>	
<b>Utility Code, for approval of (1) the</b>	<b>:</b>	
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<b>Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation used and useful in the public</b>	<b>:</b>	
<b>service; (2) the right of Pennsylvania-</b>	<b>:</b>	
<b>American Water Company to begin to</b>	<b>:</b>	
<b>offer, render, furnish and supply water</b>	<b>:</b>	
<b>service to the public in portions of Elk and</b>	<b>:</b>	
<b>Paint Townships in Clarion County,</b>	<b>:</b>	
<b>Pennsylvania, and (3) the abandonment</b>	<b>:</b>	
<b>by Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation of all water service</b>	<b>:</b>	

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**PUBLIC STATEMENT OF THE  
OFFICE OF SMALL BUSINESS ADVOCATE**

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The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“PUC”) or any other agency or court.

The Office of Small Business Advocate (“OSBA”) files this Public Statement with respect to the above-captioned Joint Application to the Pennsylvania Utility Commission (“PUC” or “Commission”) on December 31, 2024, by Pennsylvania-American Water Company (“PAWC”) and Corner Water Supply and Service Corporation (“Corner”) pursuant to Section 1102 of the Public Utility Code, for approval of (1) the transfer to Pennsylvania American Water Company, by sale, of all property of Corner Water Supply and Service Corporation used and useful in the public service; (2) the right of Pennsylvania-American Water Company to begin to offer, render, furnish and supply water service to the public in portions of Elk and Paint Townships in Clarion County, Pennsylvania, and (3) the abandonment by Corner Water Supply and Service Corporation of all water service. Furthermore, Pennsylvania-American requests approval to make effective upon closing a pro forma tariff.

This filing is made pursuant to Sections 1102 (related to certificates of public convenience), and 1329 (determination of fair market value for ratemaking purposes) of the Pennsylvania Public Utility Code (“Code”), 66 Pa. C.S. §§ 1102, 1329.

The Small Business Advocate files this Public Statement to protect the interests of the Corner’s small business customers that could be affected by the request set forth in the Joint Application.

The Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of proposals set forth in the Joint Application. The Small Business Advocate will ask the Commission to deny any aspect of the Joint Application that are not proven to be lawful, just, reasonable, and non-discriminatory.

Dated: January 28, 2025

**VERIFICATION**

I, NazAarah Sabree, hereby state that the facts set forth herein above 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 held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: January 28 2025

  
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(Signature)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Joint Application of Pennsylvania</b>	<b>:</b>	<b>Docket No. A-2025-3052745</b>
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<b>Pursuant to Section 1102 of the Public</b>	<b>:</b>	
<b>Utility Code, for approval of (1) the</b>	<b>:</b>	
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<b>of Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation used and useful in the</b>	<b>:</b>	
<b>public service; (2) the right of</b>	<b>:</b>	
<b>Pennsylvania-American Water</b>	<b>:</b>	
<b>Company to begin to offer, render,</b>	<b>:</b>	
<b>furnish and supply water service to the</b>	<b>:</b>	
<b>public in portions of Elk and Paint</b>	<b>:</b>	
<b>Townships in Clarion County,</b>	<b>:</b>	
<b>Pennsylvania, and (3) the abandonment</b>	<b>:</b>	
<b>by Corner Water Supply and Service</b>	<b>:</b>	
<b>Corporation of all water service</b>	<b>:</b>	

**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 Charles E. Rainey, Jr.  
Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[crainey@pa.gov](mailto:crainey@pa.gov)

Patrick Cicero, Esquire  
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Office of Consumer Advocate  
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Clearfield, PA 16830  
[eecummings@clfdlaw.com](mailto:eecummings@clfdlaw.com)

Date: January 28, 2025

*/s/ Rebecca Lyttle*  
\_\_\_\_\_  
Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399