

ROBERT MIX LAW

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February 13, 2025

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

In 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:

Enclosed please find the attached Answer and New Matter of the State College Borough Water Authority to the Petition for the Issuance of an Interim Emergency Order of the Office of Consumer Advocate and a Certificate of Service with reference thereto for filing in the above-referenced proceeding.

If you should have any questions, please feel free to contact me.

ROBERT MIX LAW

By: 

Enclosure

cc: All Parties on the Attached Certificate of Service (in the manner specified)

David Screven, Esquire - Chief Counsel - Law Bureau (via electronic mail)

Office of Special Assistants (via electronic mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In 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

Docket No. I-2024-

VIA ELECTRONIC FILING

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the State College Borough Water Authority's Answer and New Matter to the Office of Consumer Advocate's Petition for Issuance of an interim Emergency Order upon the persons and in the manner indicated below, which service satisfies the requirements of 52 Pa. Code §1.54 (relating to service by a party).

SERVED VIA ELECTRONIC MAIL ON February 13, 2025

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The Honorable John M. Coogan  
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*(Administrative Law Judge)*

Respectfully submitted

ROBERT MIX LAW

By: 

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Borough Water Authority  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In 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

Docket No. I-2024-

**STATE COLLEGE BOROUGH WATER AUTHORITY'S  
ANSWER AND NEW MATTER TO THE OFFICE OF CONSUMER  
ADVOCATE'S PETITION FOR ISSUANCE OF AN INTERIM  
EMERGENCY ORDER**

NOW COMES the State College Borough Water Authority and serves this Answer and New Matter to the Office of Consumer Advocate's Petition for Issuance of an Interim Order.

**ANSWER**

**I. BACKGROUND**

**A. Section 529 Proceeding**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted on Information and belief.

**B. Emergency Petition for Appointment of Receiver filed in the  
Court of Common Pleas.**

8. Admitted.
9. Admitted.

10. Admitted.

11. Denied. On February 5, 2025 the Court issued an Order denying Rock Spring Water Company's Emergency for Appointment of a Receiver on the basis of lack of jurisdiction.

**II. INTERIM EMERGENCY PETITION.**

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Neither admitted nor denied inasmuch as the averments state a conclusion of law to which no answer is required.

19. Admitted that the Office of Consumer Advocate requests that a receiver be appointed on an emergency basis due to a potential imminent cessation of adequate, sufficient and safe and reasonable water service by Rock Spring Water Company (Rock Spring) and to ensure that Rock Spring customers continue to receive water service.

20. Neither admitted nor denied inasmuch as the averments state a conclusion of law to which no answer is required.

21. To the extent the averments are consistent with the cited Orders they are admitted. To the extent they are not, they are denied. The cited Orders are incorporated herein by reference.

22. Neither admitted nor denied inasmuch as the averments are legal argument to which no answer is required.

23. Admitted that the Public Utility Commission has the authority to appoint a receiver pursuant to the cited authorities. The remaining averments are neither admitted nor denied inasmuch as the averments state a conclusion of law to which no answer is required.

24. It is admitted that if the current owners of Rock Spring are incapable of managing its water system to provide adequate, sufficient, safe and reasonable water service to its customers or effectively participating in the 529 proceeding, the need for relief is immediate.

25. It is admitted that if the current owners of Rock Spring are incapable of managing its water system to provide adequate, sufficient, safe and reasonable water service to its customers or effectively participating in the 529 proceeding, the need for relief is irreparable.

26. It is admitted that if the current owners of Rock Spring are incapable of managing its water system to provide adequate, sufficient, safe and reasonable water service to its customers or effectively participating in the 529 proceeding, the appointment of a receiver would not be injurious to the public interest.

### **III. IDENTIFICATION OF POTENTIAL RECEIVERS.**

27. Admitted.

28. Neither admitted nor denied inasmuch as the averments state a conclusion of law to which no answer is required.

29. Neither admitted nor denied inasmuch as the averments state a conclusion of law to which no answer is required.

30. Admitted.

31. Admitted. By way of further answer, the averments of paragraph 40 through 42 below are incorporated herein by reference.

32. Neither admitted nor denied inasmuch as the averments state a conclusion of law to which no answer is required.

33. Neither admitted nor denied inasmuch as the averments state a conclusion of law to which no answer is required.

34. Neither admitted nor denied. After reasonable investigation the Authority is without information or knowledge sufficient to permit it to admit or deny the averment.

35. Admitted.

#### **NEW MATTER**

36. The Authority is a municipal authority which owns and operates a water system providing water service to its approximately 15, 000 customers in State College Borough and Benner, College, Ferguson, Harris and Patton Townships, Centre County, Pennsylvania. The Authority serves a population of approximately 73,000 people.

37. Since the early 1960's the Authority has provided water service to customers in various parts of Ferguson Township

**38.** In 2000 the Authority purchased the assets of the Ferguson Township Water Authority and, since that time, has provided water service to customers in various parts of Ferguson Township, the same township in which Rock Spring's water system is located.

**38.** The Authority is technically, managerially and financially able to operate Rock Spring's water system in a manner that would provide its customers with adequate, sufficient, safe and reasonable water service.

**39.** The Authority has entered into a Letter of Intent with Rock Spring to negotiate toward a purchase of its water system.

**40.** The Authority is unwilling to accept an appointment as Receiver of Rock Spring if, by doing so, it is required to apply for and obtain a certificate of public convenience, whether temporary or permanent, from the PUC and, by doing so, subject itself to the jurisdiction of and regulation by the PUC.

**41.** The Authority would be willing to accept an appointment as Receiver of Rock Spring provided the PUC allows the Court of Common Pleas of Centre County to issue an Order making such an appointment and such Order includes provisions relieving the Authority from liability for damages arising from existing conditions and providing that the Authority shall not be required to advance its own funds

to maintain, repair and replace the Rock Spring water system.

#### IV. CONCLUSION

For the foregoing reasons, the State College Borough Water Authority respectfully requests that the Public Utility Commission:

- (1) If warranted, order that a Receiver be appointed for Rock Spring Water Company;
- (2) If warranted, authorize and recommend that the State College Borough Water Authority be appointed Receiver of Rock Spring Water Company;
- (3) Pursuant to the primary jurisdiction doctrine, permit the Court of Common Pleas of Centre County to issue an Order appointing the State College Borough Water Authority as Receiver for the Rock Spring Water Company, which includes the above provisions.

Respectfully submitted

ROBERT MIX LAW

By: 

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VERIFICATION

I, Brian C. Heiser, state that I am the Executive Director of the State College Borough Water Authority, that I am acquainted with the facts set forth in the foregoing Answer and New Matter to the Office of Consumer Advocate's Petition for Issuance of an Interim Emergency Order, that the same are true and correct to the best of my knowledge, information and belief; and I expect to be able to prove the same at a hearing to be held in this matter, and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

2/13/2025

Date

Brian C. Heiser

Brian C. Heiser