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February 17, 2025

VIA E-FILE

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
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 for filing with the Pennsylvania Public Utility Commission is the Prehearing Conference Memorandum of Corner Water Supply and Service Corporation. A copy of this filing is being served in accordance with the attached Certificate of Service.

Please contact me should you have any questions or concerns regarding this filing. Until that time, I shall remain.

Very truly yours,

Eric E. Cummings, Esquire

EEC/sms

Enclosures: Prehearing Conference Memorandum
Certificate of Service

cc: As Noted on Attached Certificate of Service



I. INTRODUCTION AND PROCEDURAL HISTORY

On September 25, 2024, PAWC and Corner Water entered into an Asset Purchase Agreement (hereinafter referred to as the “APA”) by which PAWC agreed to purchase all of the assets, properties, and rights of Corner Water’s water system (other than the Excluded Assets as defined in *Section 1.4 of the APA*).

On December 31, 2024 (*posted January 2, 2025*), PAWC and Corner Water filed a joint application (hereinafter referred to as the “Application”) which asked the Commission to approve the transfer, by sale, to PAWC, which included all property and rights of Corner Water which were used or useful in the rendering of public services, in accordance with the APA under Section 1102(a) of the Public Utility Code, 66 Pa C.S. § 1102(a). In the Application, PAWC also requested the Commission to grant PAWC the right to offer or furnish water service to the public in portions of Elk and Paint Townships, Clarion County, Pennsylvania, that are currently served by Corner Water and for Corner Water to abandon providing water service to those portions of the public it currently serves.

On January 2, 2025, a Secretarial Letter and Bulletin issued by Secretary Rosemary Chiavetta.

On January 17, 2025, Rebecca Lyttle, Esquire, on behalf of the Office of Small Business Advocate (hereinafter referred to as “OSBA”), filed a Notice of Appearance in this proceeding.

On January 28, 2025, the OSBA, filed a Protest, Notice of Intervention, Public Statement and Verification in this proceeding. Then, on January 29, 2025, the OSBA filed an Amended Protest, Amended Notice of Intervention, and Amended Public Statement in this proceeding.

On February 4, 2025, the Bureau of Technical Utility Services issued TUS Data Request Set 1.

On February 3, 2025 (*posted February 4, 2025*), PAWC filed its Proof of Publication.

On February 13, 2025, Steven C. Gray, Esquire, on behalf of the OSBA, filed a Notice of Appearance as additional counsel in these proceedings.

On February 13, 2025, PAWC submitted a letter requesting 10 additional days to submit the completed data request.

On February 13, 2025, Notice of Prehearing Conference by Telephonic Participation was issued for Prehearing Conference to occur on Wednesday, February 19, 2025, at 11:00 A.M.

On February 14, 2025, the Office of Consumer Advocate (hereinafter referred to as “OCA”) filed a Notice of Intervention.

On February 14, 2025, OCA filed its Protest Nunc Pro Tunc and Public Statement Nunc Pro Tunc.

II. COUNSEL

Counsel for Corner Water is:

Eric E. Cummings, Esquire (PA ID NO. 206194)
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III. SERVICE OF DOCUMENTS

Corner Water’s attorney is authorized to accept service on behalf of Corner Water in this proceeding. Corner Water agrees to receive service of documents electronically in this proceeding and requests that all listed counsel for Corner Water receive electronic service.

IV. ISSUES

Corner Water submits that the transfer of all of Corner Water's assets, properties, and rights related to its water system to PAWC (the "Transaction") is necessary or proper for the service, accommodation, convenience, or safety of the public. PAWC submits that the Transaction provides affirmative public benefits of a substantial nature and that PAWC, as an existing public utility, is presumed to possess the legal, financial, and technical fitness to own and operate Corner Water's water system (the "System"). PAWC is the largest investor-owned water and wastewater service provider in this Commonwealth. Contrarily, Corner Water is an operation, small in nature and smaller in budget flexibility.

V. WITNESSES

Corner Water has not submitted direct testimony and exhibits in this case as of this writing but expects to have the following witnesses in this case:

MR. THOMAS WEAVER

Mr. Weaver is the sole shareholder and is the President of Corner Water. The business address is 113 Oakwood Lane, Shippenville, Pennsylvania, 16254, Clarion County, and the business telephone number is (814) 226-7360. Mr. Weaver will explain why the Transaction is in the public interest and provide testimony regarding the public benefits for the Transaction. Furthermore, Mr. Weaver will describe why the Application should be promptly approved and explain, to the best of his knowledge, why PAWC is legally, financially, and technically fit to acquire and operate the System.

Corner Water respectfully reserves the right to supplement this list and, enter into the record supplemented testimony or evidence believed relevant or in response to the testimony or evidence of a named party hereto.

VI. LITIGATION SCHEDULE

The parties are presently engaged in discussions aimed at obviating the need for litigation. At this juncture, none of the positions espoused by the parties appear particularly extreme or unprecedented. Corner Water operates as a relatively small enterprise, with a budget substantially more modest than its industry counterparts. The financial and temporal demands of both preparing for and participating in litigation would impose a disproportionate burden on its limited resources and “boots on the ground”.

In light of the apparent willingness of the parties to engage in settlement discussions, Corner Water respectfully submits that, unlike in most cases, the prospect of settlement, rather than the potentially superfluous costs, time and energy of protracted litigation, merits serious consideration by this Honorable Court. In the interest of judicial economy and to avoid the unnecessary depletion of resources, Corner Water requests that a status conference be scheduled in forty-five (45) days, at which time the Court may assess whether a formal litigation timetable is warranted.

VII. DISCOVERY RULES

This case does not have a statutory deadline. Consequently, Corner Water does not believe there is a need for any modification of the Commission’s discovery rules.

VIII. SETTLEMENT

Corner Water is willing to participate in settlement discussions in this matter.

[Signature Page to Follow]

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Eric E. Cummings", is written over a horizontal line. The signature is somewhat stylized and loops back.

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Dated: February 18, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**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 No. A-2025-3052745
A-2025-3052747**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the **Prehearing Memorandum for Corner Water Service and Supply Corporation** have been served via email (*unless otherwise noted below*) in accordance with the requirements of 52 Pa. Code § 1.54 (*relating to service by a participant*) upon the following:

SERVED VIA ELECTRONIC MAIL ON FEBRUARY 18, 2025

The Honorable Emily DeVoe
Administrative Law Judge
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place
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Pittsburgh, PA 15222
edevoe@pa.gov

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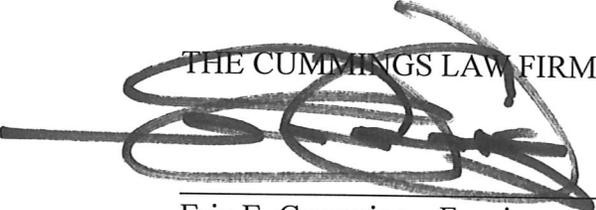
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THE CUMMINGS LAW FIRM, LLC

Date: January 18, 2025


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