



COMMONWEALTH OF PENNSYLVANIA

July 18, 2025

E-FILED

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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 Homsher:

Enclosed for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-referenced proceeding.

Copies will be served on all known parties in this proceeding, 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
Rebecca Forbes
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

I&E Petition to Request the Commission :
Open a Section 529 Investigation into the : **Docket No. P-2024-3051313**
Acquisition of Rock Spring Water Company :

**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 are Assistant Small Business Advocates Rebecca Lyttle and Steven Gray. 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
relyttle@pa.gov

Steven Gray, Esq.
Senior Attorney
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov

II. FILING BACKGROUND

On September 20, 2024, the Pennsylvania Public Utility Commission (“Commission”), by and through its Bureau of Investigation and Enforcement (“I&E”), petitioned the Commission to open a Section 529 investigation into whether the Commission should order a capable public utility to acquire the Rock Spring Water Company (“Rock Spring” or “Company”).

The OSBA filed a Notice of Intervention on October 23, 2024.

On February 20, 2025, Administrative Law Judge (“ALJ”) John M. Coogan issued his *Order Granting Petition for Issuance of an Interim Emergency Order and Certifying Material Question to the Commission*.

On March 21, 2025, the Commission entered an Order answering the ALJ’s Material Question in the affirmative and granted the *Interim Emergency Order*.

On June 27, 2025, ALJ Coogan lifted the stay in this proceeding and directed that a prehearing conference be held on July 23, 2025.

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
Principal, Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, UT 84111
khiggins@energystrat.com

Rebecca Forbes
Consultant, Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, UT 84111
RForbes@energystrat.com

The OSBA will participate in this proceeding to ensure that the interests of small business customers are adequately represented and protected.

After a review of the proceeding to date, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

- (1) Whether Rock Spring 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 it the Commission rules that another water company should acquire Spring Rock, whether the following occur:
 - (a) Whether the Commission establish a bidding process.
 - (b) Whether potential buyers would be required to file separate applications.
 - (c) Whether those applications would be consolidated under the current docket number.

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

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

copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the OSBA is working with the parties to develop a procedural schedule.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle, Esq.
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

Dated: July 18, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

I&E Petition to Request the Commission :
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Acquisition of Rock Spring Water Company :

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 John Coogan
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
jcoogan@pa.gov

Carrie B. Wright, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Harrisburg, PA 17120
carwright@pa.gov

Melanie Joy El Atieh, Esquire
Jacob D. Guthrie, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
OCARockSpring@paoca.org

Elizabeth Rose Triscari, Esquire
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
elizabeth.triscari@amwater.com

Alexander R. Stahl, Esquire
Aqua Pennsylvania Inc.
762 W Lancaster Ave
Bryn Mawr, PA 19010
astahl@aquaamerica.com

J. Roy Campbell
Rock Spring Water Company
1750 Tadpole Road
Furnace, PA 16865
rsw5@comcast.net

Robert A. Mix, Esquire
Robert Mix Law
211 Kimport Avenue
Boalsburg, PA 16827
bmix470@gmail.com

Teresa K. Harrold, Esquire
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
teresa.harrold@amwater.com

James N. Bryant, Esquire
Carolyn M. Larrabee, Esquire
Bryant Larrabee, P.C.
107 East Main Street
P.O. Box 551
Millheim, PA 16854
Jnbryant1@verizon.net
cmlarrabee@centrecountylaw.com

David P. Zambito, Esquire
Jonathan P. Nase, Esquire
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com

Amanda Chaplin, Esquire
Glenn P. Masser, Esquire
Department of Environmental Protection
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701
achaplin@pa.gov
gmasser@pa.gov

Elizabeth A. Dupuis, Esquire
Morgan M. Madden, Esquire
Babst, Calland, Clements & Zomnir, P.C.
330 Innovation Blvd., Suite 302
State College, PA 16803
bdupuis@babstcalland.com
mmadden@babstcalland.com

DATE: July 18, 2025

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