



GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 3, 2025

VIA ELECTRONIC FILING

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

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 Judge Coogan:

Enclosed please find the Department of Environmental Protection's Application for Issuance of a Subpoena. Copies are being served on all parties of record per the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me at (570) 321-6568 or achaplin@pa.gov.

Sincerely,

Amanda K. Chaplin
Assistant Counsel

Enclosures (Application for Issuance of a Subpoena)

c: Matthew L. Homsher, PUC Secretary
Parties

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement :
Petition to Request the Commission Open : P-2024-3051313
Section 529 Investigation into the :
Acquisition of Rock Spring Water Company :

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
APPLICATION FOR THE ISSUANCE OF A SUBPOENA**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), by and through its undersigned counsel, pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and the Commission’s regulations at 52 Pa. Code § 5.421, and respectfully submits the following Application for the Issuance of a Subpoena:

Procedural History:

1. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. § 721.1-721.17 (“Safe Drinking Water Act”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17; and the rules and regulations promulgated thereunder.

2. Rock Spring Water Company (“Rock Spring”) is a Pennsylvania corporation maintaining a mailing address of 1750 Tadpole Road, Pennsylvania Furnace, Pennsylvania 16865. Rock Spring is a “public utility” as that term is defined by 66 Pa. C.S. § 102 as it is engaged in providing water service to the public pursuant to a certificate of public convenience issued in 1947 by the Commission.

3. Rock Spring owns a public water system that serves approximately 1,000 people with approximately 494 connections.

4. On September 20, 2024, the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (“I&E”) filed a Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of the Rock Spring Water Company.

5. The Office of Consumer Advocate (“OCA”) filed a Notice of Intervention on October 9, 2024. Pennsylvania American Water Company (“PAWC”) filed a Petition to Intervene on October 10, 2024. Aqua Pennsylvania, Inc. (“Aqua”) filed a Petition to Intervene on October 16, 2024. State College Borough Water Authority (“SCBWA”) filed a Petition to Intervene on October 21, 2024. The Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention on October 23, 2024. The Department filed its Petition to Intervene on October 28, 2024.

6. On October 30, 2024, Administrative Law Judge John M. Coogan (“ALJ Coogan”) conducted a pre-hearing conference and subsequently issued a Pre-Hearing Order on November 5, 2024, which granted the Petitions to Intervene and set a procedural schedule.

7. Ferguson Township filed its Petition to Intervene on November 12, 2024. On December 2, 2024, ALJ Coogan issued Pre-Hearing Order #2, which granted Ferguson Township’s Petition to Intervene.

8. On December 11, 2024, Bryant Larrabee, P.C. filed a Notice of Appearance for Rock Spring.

9. On February 6, 2025, OCA filed a Petition for Issuance of an Interim Emergency Order (“Emergency Petition”) requesting the Commission to appoint a receiver for Rock Spring. OCA identified Aqua, PAWC, and SCBWA as potential receivers for Rock Spring.

10. On February 7, 2025, ALJ Coogan issued a Pre-Hearing Order for telephone hearing Regarding Petition for Interim Emergency Order, which scheduled a hearing on February 14, 2025. That same day, the Department, counsel for Rock Spring, and PAWC each filed an Answer to the Emergency Petition. On February 13, 2025, SCBWA filed an Answer and New Matter to the Emergency Petition.

11. On February 14, 2025, ALJ Coogan conducted a hearing on the Emergency Petition. After the hearing, ALJ Coogan issued a Briefing Order, which ordered the parties to file Briefs by February 18, 2025.

12. On February 18, 2025, the OSBA filed a Letter in Lieu of Brief. That same day, the Department, PAWC, Aqua, SCBWA, I&E, OCA, and counsel for Rock Spring each submitted a Brief. Additionally, J. Roy Campbell, President, and Elizabeth Campbell, Secretary, wrote a letter on behalf of Rock Spring, despite being represented by counsel.

13. On February 20, 2025, ALJ Coogan issued an Order that granted the Emergency Petition and appointed PAWC as receiver. ALJ Coogan also certified the following material question to the Commission for interlocutory review: whether granting the OCA's Emergency Petition and the appointment of PAWC as receiver for Rock Spring was necessary and proper?

14. On February 26, 2025, the Department and OCA each filed a letter indicating they would not be filing a Brief for the interlocutory review of the material question certified to the Commission. On February 27, 2025, both SCBWA and PAWC filed a Brief addressing the material question certified to the Commission.

15. On March 6, 2025, Bryant Larrabee, P.C. filed a Motion to Withdraw as Counsel for Rock Spring citing irreconcilable differences between counsel and the company.

16. On March 13, 2025, Chairman Stephen M. DeFrank and Commissioner John F. Coleman, Jr. entered a Joint Motion affirming the question certified to the Commission that granted the Emergency Petition and appointed PAWC as receiver. However, the Commission directed Rock Spring to work expeditiously with SCBWA to negotiate an asset purchase agreement to sell Rock Spring's assets to SCBWA and file an Abandonment Application within 90 days of the Order formalizing the Joint Motion.

17. On March 17, 2025, PAWC filed a Motion to Stay the Proceeding as the 90-day deadline would conclude after the deadline set for the filing of reply briefs, and the execution of an Asset Purchase Agreement and the filing of an Abandonment Application could change the position of parties or result in the resolution of this matter.

18. On March 19, 2025, ALJ Coogan issued an Order that granted the Motion to Stay the Proceedings. The Order also suspended the litigation schedule established in Pre-Hearing Order #1 and required the parties to file a status report either five days following Rock Spring's filing of an Application for Approval of Abandonment of its Certificate of Public Convenience, or 95 days following the entry of the Commission's Opinion and Order answering the material question.

19. On March 21, 2025, the Commission issued its Opinion and Order formalizing the Joint Motion, which granted the Emergency Petition and appointed PAWC as receiver for Rock Spring.

20. On May 20, 2025, PAWC provided an initial Status Report as receiver for Rock Spring.

21. On June 19, 2025, PAWC filed a letter that requested a pre-hearing conference be scheduled as 90 days had passed without Rock Spring and SCBWA able to come to an agreement for the sale of the water system, and Rock Spring had not filed a Certificate of Abandonment.

22. On June 27, 2025, ALJ Coogan issued an Order scheduling a pre-hearing conference for July 23, 2025, and requiring each party to file a Pre-Hearing Conference Memorandum by July 18, 2025.

23. On July 18, 2025, the Department, OCA, OSBA, I&E, PAWC, SCBWA, and Aqua each filed a Pre-Hearing Conference Memorandum.

24. On July 23, 2025, ALJ Coogan conducted a telephonic pre-hearing conference and subsequently issued Pre-Hearing Order #3 on July 24, 2025, which set forth a procedural schedule and scheduled an in-person evidentiary hearing in this matter for October 20 and 21, 2025.

25. On July 25, 2025, the Commission issued the in-person evidentiary hearing notice.

26. On July 28, 2025, Attorney Rodney A. Beard entered his appearance as counsel for Rock Spring.

27. On September 2, 2025, Ferguson Township filed a letter requesting a public input hearing for this matter.

28. On September 9, 2025, the Commission issued an in-person public input hearing notice, which scheduled public input hearings on September 30, 2025. That same day ALJ Coogan issued Pre-Hearing Order #4 adjusting the procedural schedule due to the public input hearings, but the evidentiary hearing remains scheduled for October 20 and 21, 2025.

29. On September 30, 2025, ALJ Coogan conducted the public input hearings in this matter.

Application:

30. An evidentiary hearing is currently scheduled for October 20 and 21, 2025, at the Keystone Building in Harrisburg, Pennsylvania.

31. The Department requests this Honorable Commission to issue a Subpoena to ensure the attendance of its witness, Nathan White, at the evidentiary hearing as he has changed employment and is no longer with the Department.

32. Mr. White's last day of employment with the Department was July 23, 2025.

33. Mr. White's business address is 1201 West Branch Road, State College, Pennsylvania 16801.

34. Mr. White was the Department's Sanitarian for the Centre County area, who regularly inspected the Rock Spring water system as part of his job duties and authored numerous inspection reports and notices of violation that the Department provided to ALJ Coogan and the parties as exhibits for the upcoming evidentiary hearing.

35. Mr. White is still willing to testify on behalf of the Department and submitted verified written testimony on the Department's behalf dated August 25, 2025 (DEP Statement No. 3).

36. The Department served said direct written testimony on ALJ Coogan and the parties on August 27, 2025, along with its other written witness testimonies and exhibits as required by Pre-Hearing Order #3.

37. The Department conferred with Mr. White, and he does not object to the issuance of the Subpoena.

38. The Department conferred with counsel for the following: I&E, OCA, OSBA, PAWC, SCBWA, Aqua, Ferguson Township, and Rock Spring. All parties indicated they did not have an objection to the issuance of the Subpoena.

39. Mr. White does not need to bring any documentation to the evidentiary hearing as the Department will provide all exhibits.

40. The Department will serve the Subpoena upon Mr. White and provide an Affidavit of Service to the Commission and the parties upon completion of service.

41. A draft Subpoena for Mr. White is attached to this Application as Exhibit A.

WHEREFORE, the Department respectfully requests that this Honorable Commission issue a Subpoena to its witness, Nathan White, for the evidentiary hearing scheduled for October 20 and 21, 2025, in this matter.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

/s/Amanda Chaplin
Amanda Chaplin, PA I.D. #314076
Assistant Counsel

Glenn Masser, PA I.D. #315921
Assistant Counsel
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701
E-mail: achaplin@pa.gov

Date: October 3, 2025

EXHIBIT A



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In the Matter of: Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement **Docket No.** P-2024-3051313
Petition to Request the Commission Open
Section 529 Investigation into the
Acquisition of Rock Spring Water Company

SUBPOENA

To: Nathan White, 1201 West Branch Road, State College, PA 16801
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to Keystone Building
(place)
, at 400 North Street, Harrisburg,

Pennsylvania, on October 20 and 21, 2025, at 10:00 o'clock, in the above case, to testify
(date)
on behalf of the Department of Environmental Protection and to remain until excused;

2. And bring with you and produce the following: N/A

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date _____

Administrative Law Judge

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement :
Petition to Request the Commission Open : P-2024-3051313
Section 529 Investigation into the :
Acquisition of Rock Spring Water Company :

PROPOSED ORDER

AND NOW, this _____ day of October, 2025, upon consideration of the Commonwealth of Pennsylvania, Department of Environmental Protection’s Application for the Issuance of a Subpoena, the Application is GRANTTED.

1. The Commission will issue a Subpoena for the Department’s witness, Nathan White, for the evidentiary hearing scheduled for October 20 and 21, 2025.

2. The Department will serve the Subpoena upon Mr. White and provide an Affidavit of Service to the Commission and the parties to this matter.

BY THE COMMISSION

Administrative Law Judge

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement :
Petition to Request the Commission Open : P-2024-3051313
Section 529 Investigation into the :
Acquisition of Rock Spring Water Company :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing Application for Issuance of a Subpoena, via electronic mail upon the persons listed below:

SERVED VIA ELECTRONIC MAIL ON OCTOBER 3, 2025

Carrie B. Wright, Deputy Chief Prosecutor Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, Pennsylvania 17120 carwright@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 (Counsel for Ferguson Township)
Melanie Joy El Atieh, Esquire Jacob D. Guthrie, Esquire Office of Consumer Advocate 555 Walnut Street 5th Floor Forum Place Harrisburg, PA 17101-1923 OCARockSpring@paoca.org	Rebecca Lyttle, Esquire Steven Gray, Esquire Office of Small Business Advocate Forum Place 555 Walnut Street, 1st Floor Harrisburg, PA 17101 relyttle@pa.gov sgray@pa.gov
Elizabeth Rose Triscari, Esquire Teresa K. Harrold, Esquire Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055 elizabeth.triscari@amwater.com teresa.harrold@amwater.com (Counsel for Pennsylvania-American Water Company)	Alexandar R. Stahl, Esquire Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010 astahl@aquaaamerica.com (Counsel for Aqua Pennsylvania, Inc.)

<p>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 (Counsel for Pennsylvania-American Water Company)</p>	<p>Robert A. Mix, Esquire Robert Mix Law 211 Kimport Avenue Boalsburg, PA 16827 Bmix470@gmail.com (Counsel for State College Borough Water Authority)</p>
<p>Rod Beard, Esquire Beard Law Company 101 N Allegheny Street Bellefonte, PA 16823 rod@beardlawco.com (Counsel for Rock Spring Water Company)</p>	<p>The Honorable John Coogan Administrative Law Judge Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building Harrisburg, PA 17120 jcoogan@pa.gov</p>
<p>Nathan White 1201 West Branch Road State College, PA 16801 whitenatem@gmail.com</p>	

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

/s/Amanda Chaplin
Amanda Chaplin, PA I.D. #314076
Assistant Counsel

Glenn Masser, PA I.D. #315921
Assistant Counsel
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701
Telephone: (570) 321-6568
E-mail: achaplin@pa.gov

Date: October 3, 2025