

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

SUBPOENA ORDER

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

On October 9, 2024, the Office of Consumer Advocate (OCA) filed a Notice of Intervention. On October 10, 2024, Pennsylvania-American Water Company (PAWC) filed a Petition to Intervene.

On October 11, 2024, a hearing notice was issued establishing a telephonic prehearing conference for October 30, 2024 at 10:00 a.m. and assigning me as the Presiding Officer. A Prehearing Conference Order was issued on October 15, 2024 setting forth rules that would govern the prehearing conference.

On October 16, 2024, Aqua Pennsylvania, Inc. (Aqua) filed a Petition to Intervene. On October 21, 2024, State College Borough Water Authority (SCBWA) filed a Petition to Intervene. On October 23, 2024, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention. On October 28, 2024, the Commonwealth of Pennsylvania, Department of Environmental Protection (DEP) filed a Petition to Intervene.

No party filed an answer to I&E's Petition.

The prehearing conference convened on October 30, 2024, as scheduled. Counsel for I&E, OCA, OSBA, PAWC, Aqua, SCBWA, DEP, and Veolia Water Pennsylvania, Inc. appeared. J. Campbell Roy, President of Rock Spring Water Company (RSWC), appeared, but was not represented by counsel.

On November 5, 2024, I issued Prehearing Order #1, setting forth the procedural matters addressed during the October 30, 2024, Prehearing Conference, including establishment of a litigation schedule.

On November 11, 2024, Ferguson Township filed a Petition to Intervene.

On December 2, 2024, I issued Prehearing Order #2, granting Ferguson Township's Petition to Intervene.

On January 15, 2025, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing for the Petition for April 29 and 30, 2025 at 10:00 a.m.

On February 6, 2025, the OCA filed a Petition for Issuance of an Interim Emergency Order (Interim Emergency Petition) pursuant to 52 Pa. Code §§ 3.1–3.11.

On February 7, 2025, the Commission issued a telephonic hearing notice setting a formal call-in telephonic hearing for the Interim Emergency Petition for February 14, 2025 at 10:00 a.m. In anticipation of that hearing, I issued a prehearing order on February 7, 2025 setting forth various rules that would govern that proceeding.

On February 11, 2025, PAWC and DEP filed answers to the Interim Emergency Petition. On February 13, 2025, SCBWA filed an answer and new matter to the Interim Emergency Petition.

On February 14, 2025, the telephone hearing on the Interim Emergency Petition was held. Counsel for I&E, RSWC, OCA, OSBA, PAWC, Aqua, DEP, SCBWA, and Ferguson

Township appeared at the hearing. I&E, OCA, DEP, PAWC, Aqua, and SCBWA entered testimony and exhibits into the record at the February 14, 2025 evidentiary hearing regarding the OCA's Interim Emergency Petition.¹

On February 14, 2025, I issued a Briefing Order, directing parties that briefs may be filed by February 18, 2025. On February 18, 2025, I&E, RSWC, OCA, PAWC, Aqua, DEP, and SCBWA filed briefs. On February 18, 2025, OSBA filed a letter in lieu of a brief.

On February 20, 2025, I issued an order granting the Interim Emergency Petition and certifying the Material Question to the Commission of whether it was appropriate to grant the Interim Emergency Order and appoint PAWC as receiver for RSWC.

On February 27, 2025, PAWC and SCBWA filed briefs on the Material Question.

On March 5, 2025, counsel for RSWC filed a Motion to Withdraw as Counsel.

On March 13, 2025, the Commission voted 5-0 to adopt a Joint Motion by Chairman Stephen M. DeFrank and Commissioner John F. Coleman, Jr. (Joint Motion) which, among other things, answered the Material Question in the affirmative, and directed RSWC to negotiate in earnest for the transfer of its water system to SCBWA and, if an agreement is reached, to file within 90 days of entry of an Opinion and Order an Application for Approval of Abandonment of its Certificate of Public Convenience (Abandonment Application).

On March 17, 2025, PAWC filed a Motion to Stay the Proceeding (Motion to Stay). PAWC's Motion to Stay indicated that no party to this proceeding, i.e., I&E, OCA, OSBA, Aqua, DEP, SCBWA, Ferguson Township, or RSWC opposed the Motion to Stay.

On March 19, 2025, I issued an order granting the Motion to Stay. The order suspended the litigation schedule established by the November 5, 2024 Prehearing Order, and directed that, five

¹ The evidence entered into the record on behalf of I&E was first submitted on January 23, 2025, pursuant to the November 5, 2024 Prehearing Order.

days following RSWC's filing of an Abandonment Application, or 95 days following entry of the Commission's Opinion and Order answering the Material Question, whichever occurs first, all parties shall file a status report at the docket of this proceeding, either separately or jointly, to include the parties' understanding of what issues are still in dispute and the need for further proceedings. Also on March 19, 2025, the Commission issued a notice cancelling the initial telephonic hearing for the Petition for April 29 and 30, 2025 at 10:00 a.m.

On March 21, 2025, the Commission entered its Opinion and Order adopting the Joint Motion.

On June 19, 2025, PAWC filed a letter stating that SCBWA and RSWC have not reached an agreement and, because 90 days have passed without an agreement between SCBWA and RSWC and no Abandonment Application has been filed, PAWC requested that a further prehearing conference be scheduled. No other status reports were filed.

On June 27, 2025, a hearing notice was issued establishing a further telephonic prehearing conference for July 23, 2025 at 10:00 a.m. Also on June 27, 2025, a Prehearing Conference Order was issued, setting forth rules that would govern the July 23, 2025, prehearing conference.

On July 18, 2025, prehearing memoranda were filed by the following parties: I&E, OCA, OSBA, PAWC, Aqua, SCBWA, and DEP.

The prehearing conference convened on July 23, 2025, as scheduled. The following parties were present and represented by the following counsel: Carrie Wright, Esquire, for I&E; Jacob Guthrie, Esquire, for the OCA; Rebecca Lyttle, Esquire, for the OSBA; Elizabeth Triscari, Esquire, for PAWC; Alexander Stahl, Esquire, for Aqua; Robert Mix, Esquire for SCBWA; Amanda Chaplin, Esquire, and Glenn Masser, Esquire, for DEP; Rodney Beard, Esquire, for RSWC²; and Elizabeth Dupuis, Esquire, for Ferguson Township.

² Mr. Beard subsequently entered his notice of appearance in this proceeding on July 29, 2025.

On July 24, 2025, I issued Prehearing Order #3, setting forth the procedural matters addressed during the July 23, 2025 Prehearing Conference, including establishment of a new litigation schedule.

On September 2, 2025, Ferguson Township filed a letter to the docket of this proceeding, requesting a public input hearing on September 30, 2025. On September 9, 2025, I issued Prehearing Order #4, modifying the litigation schedule to include the public input hearings and extend the due date for filing of pre-served surrebuttal testimony.

On September 30, 2025, two in-person public input hearings were held in Ferguson Township.

On October 3, 2025, DEP filed an Application for the Issuance of a Subpoena (Subpoena Application or Request). The Subpoena Application seeks issuance of a subpoena to ensure the attendance of its witness, Nathan White, at the evidentiary hearing because he has changed employment and is no longer with DEP. DEP avers that Mr. White is still willing to testify on behalf of DEP and submitted verified written testimony on DEP's behalf dated August 25, 2025 (DEP Statement No. 3). In its Request, DEP states that Mr. White does not object to issuance of a subpoena, and counsel for I&E, OCA, OSBA, PAWC, SCBWA, Aqua, Ferguson Township, and RSWC do not object to the issuance of a subpoena.

The Commission has the authority to subpoena witnesses and compel the production of documents. 66 Pa.C.S. § 309 (“The commission, or its representative, shall have the power, in any part of this Commonwealth, to subpoena witnesses, ... or compel the production of such books, records, papers and documents as it may deem necessary or proper...”); *see also*, 66 Pa.C.S. §§ 331(d)(2) and 333(j); 52 Pa. Code § 5.421. The Request by DEP for the appearance of its former employee as a witness in this proceeding is reasonable and consistent with the Public Utility Code and Commission regulations.

The certificate of service attached to the Subpoena Application indicated that the application was served on the parties to this proceeding and Mr. White. Commission regulations

provide 10 days for filing of an objection to the Request. 52 Pa. Code § 5.421(f). However, DEP indicated in its request that neither Mr. White nor the parties to this proceeding object to the Subpoena Application. The Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Therefore, considering the lack of objections and approaching evidentiary hearings, I will act on the Subpoena Application prior to the end of 10 days. As DEP's Subpoena Application is reasonable and unopposed, it will be granted.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Commonwealth of Pennsylvania, Department of Environmental Protection's Application for the Issuance of a Subpoena filed on October 3, 2025, is granted;
2. That the attached subpoena³ to Nathan White to appear at the Keystone Building, Hearing Room 2, 400 North Street, Harrisburg, Pennsylvania, on October 20 and 21, 2025 at 10:00 a.m., to testify on behalf of the Department of Environmental Protection, and to remain until excused, is hereby issued; and
3. That the Department of Environmental Protection will serve the subpoena upon Nathan White and provide an Affidavit of Service to the Commission and the parties to this matter.

Date: October 8, 2025

/s/
John M. Coogan
Administrative Law Judge

³ The original, signed subpoena will be mailed directly to DEP.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
Petition to Request the Commission Open
a Section 529 Investigation into the
Acquisition of Rock Spring Water Company

Docket No. P-2024-3051313

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)
Hearing Room 2, at 400 North Street, Harrisburg
Pennsylvania, on October 20 and 21, 2025, at 10:00 a.m. 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). **If the subpoena is personally served, the original subpoena, bearing or accompanied by the authorized return, affidavit or statement, shall be returned to the undersigned.**

BY THE COMMISSION

Date 10/8/25

/s/ John M. Coogan
Administrative Law Judge

P-2024-3051313 - PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF INVESTIGATION & ENFORCEMENT PETITION TO REQUEST THE COMMISSION OPEN A SECTION 529 INVESTIGATION INTO THE ACQUISITION OF ROCK SPRING WATER COMPANY

Revised: October 7, 2025

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