



COMMONWEALTH OF PENNSYLVANIA

October 15, 2025

E-FILED

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

Re: The Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement's Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Conneaut Lake Park Water Corporation, Inc. / Docket Nos. P-2024-3051855 & I-2024-3051857

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 proceedings.

Copies will be served on all known parties in these proceedings, 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 # 201399

Enclosures

cc: Kevin Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**The Pennsylvania Public Utility Commission’s :
Bureau of Investigation and Enforcement’s : Docket Nos. P-2024-3051855
Petition to Request the Commission Open a : I-2024-3051857
Section 529 Investigation into the Acquisition :
of Conneaut Lake Park Water Corporation, Inc. :**

**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 is Assistant Small Business Advocates Rebecca Lyttle. 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

II. FILING BACKGROUND

On October 28, 2024, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission filed a Petition requesting that the Commission open a Section 529¹ Investigation into whether the Commission should order a capable public utility to acquire Conneaut Lake Park Water Corporation, Inc. (“Conneaut”) owned by Todd Joseph.

On November 5, 2024, Aqua Pennsylvania, Inc. (“Aqua”) filed a Petition to Intervene which was subsequently granted. On November 12, 2024, the Office of Consumer Advocate (“OCA”), filed a Notice of Intervention and Public Statement, and an Answer in Support of I&E’s Petition. That same day, OSBA filed a Petition to Intervene and Public Statement, and Conneaut filed an Answer to I&E’s Petition.

A telephonic Prehearing Conference was held on November 13, 2024, before Administrative Law Judges (“ALJ”) Eranda Vero and Arlene Ashton² during which the parties agreed to engage in discovery and settlement discussions and to provide a monthly status report to the ALJs. Additionally, OCA repeated its request from its Prehearing Memorandum that a separate settlement judge be assigned to this proceeding, to which the other parties either agreed with or did not object to. On November 25, 2024, an Order was entered granting OCA’s request and assigning Administrative Law Judge Gail Chiodo to serve as the settlement judge in this proceeding.³

¹ 66 Pa. C.S. § 529.

² On March 28, 2025, a notice was provided that ALJ Vero would be the presiding judge in this proceeding.

³ That same day, a Corrected Order was issued correcting the Order’s service date.

On December 13, 2024, the parties submitted a Joint Initial Status Report. On January 13, 2025, the parties submitted a Second Joint Status Report. On February 13, 2025, the parties submitted a Third Joint Status Report. On March 13, 2025, the parties submitted a Fourth Joint Status Report. On April 11, 2025, the parties submitted a Fifth Joint Status Report. On May 13, 2025, the parties submitted a Sixth Joint Status Report. On June 13, 2025, the parties submitted a Seventh Joint Status Report. On July 11, 2025, the parties submitted an Eighth Joint Status Report. On August 13, 2025, the parties submitted a Ninth Joint Status Report.

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

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

After an initial review of the materials submitted by the Parties, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

- (1) Whether Conneaut is a distressed water company.
- (2) Whether the proposed transaction will result in the provision of safe, adequate, and reasonable service at just and reasonable rates for the small business customers of Conneaut.
- (3) Whether the water service rates will increase for the Conneaut small business customers.

(4) Whether the proposed transaction will result in substantial affirmative benefits for the customers of Conneaut.

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 date⁴ 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 copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

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

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

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
Assistant Small Business Advocate
Attorney ID No. 201399

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA. 17101

Dated: October 15, 2025

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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 Eranda Vero
Administrative Law Judge
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DATE: October 15, 2025

/s/ Rebecca Lyttle

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