

COMMONWEALTH OF PENNSYLVANIA



DARRYL A. LAWRENCE
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
(800) 684-6560

 @pa_oca
 /pennoca
FAX (717) 783-7152
consumer@paoca.org
www.oca.pa.gov

October 15, 2025

Via Electronic Filing

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 Conneaut Lake Park Water
Corporation, Inc.

Docket Nos. P-2024-3051855
I-2024-3051857

Dear Secretary Homsher:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison W. Breitman
Assistant Consumer Advocate
Pa. Attorney I.D. # 320580
HBreitman@paoca.org

Enclosures:

cc: The Honorable Eranda Vero (**email only**: evero@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :
 : Docket Nos. P-2024-3051855
 v. : I-2024-3051857
 :
 :
Conneaut Lake Park Water Corporation, Inc. :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 15th day of October, 2025.

SERVICE BY E-MAIL ONLY

Rebecca Lyttle, Esq.
Steven C. Gray, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor Forum Place
Harrisburg, PA 17101
relyttle@pa.gov
sgray@pa.gov
Counsel for Office of Small Business Advocate

Jamestown Municipal Water and Sewer Authority
406 Jackson Street
P.O. Box 188
Jamestown, PA 16134
jamestown@zoominternet.net

Mark J. Shaw, Esq.
MacDonald Illeg Jones & Britton LLP
100 State Street, Suite 700
Erie, PA 16507-1459
mshaw@mijb.com
Counsel for Conneaut Lake Park Corporation, Inc.

Adam J. Williams, Esq.
Michael A. Podskoch, Jr., Esq.
Allison C. Kaster, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120
adawilliams@pa.gov
mpodskoch@pa.gov
akaster@pa.gov
Counsel for I&E

SERVICE BY E-MAIL ONLY

Alexander R. Stahl, Esq.
Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010
astahl@aquaaamerica.com
Counsel for Aqua Pennsylvania, Inc.

John F. Povilaitis, Esq.
Alan M. Seltzer, Esq.
Buchanan Ingersoll & Rooney, PC
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357
john.povilaitis@bipc.com
alan.seltzer@bipc.com
Counsel for Aqua Pennsylvania, Inc.

George Malloy
213 Cobblestone Drive
Pittsburgh, PA 15237
shellyhuf@hotmail.com

James Tolbert
21986 Russet Drive
Meadville, PA 16335
jtolbert@zoominternet.net

SERVICE BY FIRST-CLASS MAIL ONLY

Municipal Authority of Conneaut Lake
395 High Street
P.O. Box 345
Conneaut Lake, PA 16316

Vernon Township Water Authority
16678 McMath Avenue
Meadville, PA 16335

Greenville Water Authority
44 Clinton Street
Greenville, PA 16125

Sharon Arneson
1218 Forest Avenue
New Kensington, PA 15068

Conneaut Lake Borough
395 High Street
P.O. Box 198
Conneaut Lake, PA 16316

Summit Township
10956 Plum Street
Harmonsburg, PA 16422

Linesville Municipal Water Authority
103 W. Erie Street
Linesville, PA 16424

Saegertown Water Department
603 Erie Street
P.O. Box 558
Saegertown, PA 16433

Douglas Smith
12554 Reed Avenue
Conneaut Lake, PA 16316

Tera Powell
719 10th Street
New Brighton, PA 15066

Erin Wells, Esq.
DEP NORTHWEST REGIONAL OFFICE
230 Chestnut Street
Meadville, PA 16335

Sadsbury Township
9888 State Highway 285
Conneaut Lake, PA 16316

Respectfully Submitted,

/s/ Harrison W. Breitman
Harrison W. Breitman
Assistant Consumer Advocate
Pa. Attorney I.D. # 320580
HBreitman@paoca.org

Jacob D. Guthrie
Assistant Consumer Advocate
Pa. Attorney I.D. # 334367
JGuthrie@paoca.org

Ryan Morden
Assistant Consumer Advocate
Pa. Attorney I.D. # 335679
RMorden@paoca.org

Janna E. Williams, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 319584
JWilliams@paoca.org

Counsel for:
Darryl A. Lawrence
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Telephone: (717) 783-5048
Facsimile: (717) 783-7152

Dated: October 15, 2025

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

I&E Petition to Request the	:	Docket No. P-2024-3051855
Commission Open a Section 529	:	I-2024-3051857
Investigation into the Acquisition of	:	
Conneaut Lake Park Water Corporation, Inc.	:	
	:	

PREHEARING CONFERENCE MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to the Prehearing Conference Order # 2 issued on October 7, 2025, in the captioned proceeding, by the Honorable Administrative Law Judge (ALJ) Eranda Vero of the Office of Administrative Law Judge (OALJ) of the Pennsylvania Public Utility Commission (Commission), and pursuant to Section 333 of the Public Utility Code (Code), 66 Pa. C.S. Section 333, and the Commission’s regulations at 52 Pa. Code Sections 5.221-5.224, the Pennsylvania Office of Consumer Advocate (OCA) submits the following Prehearing Conference Memorandum.

I. PROCEDURAL HISTORY

This matter involves the proceeding commenced by the Commission’s Bureau of Investigation & Enforcement (I&E) on October 28, 2024, pursuant to Section 529 of the Public Utility Code, 66 Pa. C.S. Section 529, when I&E filed the captioned Petition (Petition) with the Commission seeking the acquisition of Conneaut Lake Park Water Corporation, Inc. (CLPWC or Company) by a capable public utility. CLPWC serves approximately 165 customers, 162 of whom are residential customers. The purpose of the Petition was to determine whether the Commission should open an investigation to order a capable public utility to acquire CLPWC.

In CLPWC's most recent rate proceeding, I&E, along with CLPWC, the OCA, the Office of Small Business Advocate (OSBA), and at least 68 customer complainants, agreed that I&E would file the instant Petition to explore the possible purchase of CLPWC by a managerially, technically, and financially fit public utility, municipal corporation, or authority. *Pa. PUC v. Conneaut Lake Park Water Corp.*, Docket Nos. R-2023-3041575 et al., Order (Aug. 1, 2024); Petition ¶ 34. In support of the Petition, I&E provided evidence from CLPWC's most recent rate case which demonstrated that the Company's customers were receiving inadequate service due to poor customer service and quality of service, and that the Company's owner threatened to terminate customers' service in retaliation for their involvement in the rate proceeding or other personal matters. Petition ¶ 30. Further, CLPWC was, at the time of its recent rate case, in violation of several requirements of the Public Utility Code and Commission regulations, including its failure to provide metered water service to its residential customers. Petition ¶ 28.

Aqua Pennsylvania, Inc. (Aqua) filed a petition to Intervene on November 5, 2024. The OCA filed a Notice of Intervention, a Public Statement, and an Answer on November 12, 2024. Also on November 12, 2024, the OSBA filed a Notice of Appearance, Notice of Intervention, and Public Statement.

ALJs Eranda Vero and Arlene Ashton convened a Prehearing Conference on November 13, 2024. In its Prehearing Conference Memorandum, the OCA indicated that it would participate in settlement discussions, and it preferred the assignment of a settlement judge rather than a mediator because of the issues involved in the proceeding. *Pa. PUC v. Conneaut Lake Parker Water Corp.*, Docket Nos. P-2024-3051855; I-2024-3051857, Order (Nov. 25, 2024).

A separate settlement Judge, ALJ Gail Chiodo was assigned to serve as the settlement judge via Order dated November 25, 2024. *Id.* ALJs Vero and Ashton remained the adjudicatory judges. On

March 28, 2025, the parties received a Judge Change Notice, noting that ALJ Vero would preside over the matter.

A Settlement Conference was held on January 16, 2025. The parties continued settlement negotiations and exchanged discovery. The matter has not been resolved, and the parties requested a Prehearing Conference Order to discuss a possible litigation schedule and other procedural matters on September 19, 2025. *Pa. PUC v. Conneaut Lake Parker Water Corp.*, Docket Nos. P-2024-3051855; I-2024-3051857, Order (Mar. 28, 2025). On September 24, 2025, ALJ Chiodo, after consultation with the Chief ALJ referred this matter to ALJ Vero for further proceedings and resolutions and terminated the settlement negotiations. *Id.*

On October 7, 2025, the parties received Prehearing Conference Order # 2, scheduling a Prehearing Conference for October 17, 2025, and directing the parties to file and serve Prehearing Conference Memorandum on October 15, 2025.

II. ISSUES

The OCA is participating in this proceeding to ensure that the interests of CLPWC's ratepayers are protected. Based upon its investigation and review of the filing, the issues to be addressed in the Section 529 proceeding include, but are not limited to, the following:

- Whether CLPWC is in compliance with Pennsylvania Department of Environmental Protection and/or Commission orders and regulations.
- Whether CLPWC currently provides safe, adequate, efficient, and reasonable service, including, but not limited to, the availability of water, the potability of water, the palatability of water (including taste and odor) or the provision of water at adequate volume and pressure.
- To the extent that CLPWC does not currently provide safe, adequate, efficient, and reasonable service, identifying the root cause behind service deficiencies, examining potential solutions to such deficiencies, and estimating costs associated with those solutions.

- Whether CLPWC's management and personnel have the financial, managerial, and technical capabilities to furnish and maintain adequate, efficient, safe and reasonable service now and in the future at a reasonable cost to its 170 customers.
- Whether other large, financially, technically, and legally fit public utilities will be able to provide and maintain adequate, efficient, safe and reasonable service and facilities in the future if ordered to acquire CLPWC's water system at a reasonable cost to customers.
- Whether the Commission should order a capable public utility to acquire CLPWC; if so, which capable public utility should be ordered to acquire CLPWC,
- The reasonableness of any purchase price for CLPWC.
- Which expenditures may be necessary to make improvements to the small water or sewer utility to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service.
- Whether any alternatives to the acquisition are reasonable, including but not limited to the reorganization of CLPWC under new management; the entering of a contract with another public utility or a management or service company to operate CLPWC; the appointment of a receiver to assure the provision of adequate, efficient, safe and reasonable service and facilities to the public; the merger of CLPWC with one or more other public utilities; and the acquisition of CLPWC by a municipality, a municipal authority or a cooperative.

III. WITNESSES

At this time, the OCA intends to present the written direct, rebuttal, and surrebuttal testimonies, as may be necessary, of the below witness:

LeeAnn M. Wise
Senior Regulatory Analyst
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923

The OCA specifically reserves the right to call additional witnesses, as necessary. If the OCA determines that additional witnesses will be necessary for any portion of its case, it will notify all parties of record promptly.

IV. PROPOSED SCHEDULE

The OCA is continuing to work with the parties on a procedural schedule that is a reasonable compromise of the parties’ competing interests within the time afforded for litigation of this matter. The OCA proposes the following schedule:

Public Input Hearings	Week of January 12, 2026
Direct Testimony	Wednesday, January 28, 2026
Rebuttal Testimony	Wednesday, February 25, 2026
Surrebuttal Testimony	Wednesday, March 18, 2026
Rejoinder Testimony (Written)	Monday, March 30, 2026
Evidentiary Hearings	Tuesday, March 30 though Thursday, April 2
Main Brief	Tuesday, April 28, 2026
Reply Brief	Tuesday, May 12, 2026

The OCA requests that the dates included in any litigation schedule in this matter be considered “in-hand” dates and that electronic service on the due date will satisfy the “in-hand” requirement.

V. PUBLIC INPUT HEARING

The OCA will be prepared to discuss public input hearings at the prehearing conference. Given the issues raised in I&E’s October 28, 2024, 529 Petition, the size of the customer base, and correspondence received, the OCA respectfully requests that both in-person and telephonic public input hearings be held for CLPWC’s customer base impacted by this rate filing.

Attached as Appendix A is the OCA’s proposed draft Notice for the Public Input Hearing (to be completed with details as determined by the presiding ALJs). The OCA requests the following:

- A. Given the engagement of the Company’s customer base relative to its small size, a total of four (4) Public Input Hearings be held, two in-person and two telephonic.

B. The in-person public input hearings include a combination of daytime and evening hearings at a location with accessible and free parking or easy access to public transportation if available.

C. The telephonic public input hearings include a combination of daytime and evening hearings.

D. Pre-registration be either encouraged or required for telephonic hearings only, and if required, pre-registration be required by 10:00 a.m. on the day of the telephonic Public Input Hearing at which the witness seeks to testify.

E. Hearing exhibits be required to be submitted to the ALJs by 10:00 a.m. the day before the Public Input Hearing at which the witness seeks to testify.

F. The Commission's notice of the Public Input Hearings will include the phone numbers and access codes necessary for participants to use to fully access all telephonic Public Input Hearings.

G. CLPWC will be required to, at a minimum, generate a notice of the Public Input Hearings that contains are relevant information as to date, time, location, and phone numbers and access codes and further be required to advertise the notice: (1) in the general readership section (not legal section) of local newspapers within the service territory; (2) on its website; and (3) in social media posts which the CLPWC utilizes to advertise generally.

H. That the other parties involved in the proceeding, including the OCA, be permitted to review these public input announcements prior to their publication and distribution and have input into which publications the ads are placed.

VI. OCA COUNSEL / SERVICE ON THE OCA

The OCA will be represented in this case by the attorneys listed below:

Harrison Breitman, Assistant Consumer Advocate
Ryan Morden, Assistant Consumer Advocate
Janna Williams, Assistant Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Email: CLPWC529@paoca.org

The OCA will accept email service without provision of a hard copy. To the extent that materials are available electronically, it is requested that copies be served upon all the following group email: CLPWC529@paoca.org.

For the purposes of the Prehearing Conference, Harrison Breitman will be the primary attorney speaking on behalf of the OCA.

VII. SETTLEMENT

The OCA remains willing to participate in further settlement discussions in this matter.

VIII. DISCOVERY

In conjunction with its proposed schedule, the OCA proposes the following modifications to the Commission's procedural rules regarding discovery. The OCA requests that the Presiding Officer direct that the modifications will take effect when addressed during the on the record prehearing conference and apply to all future discovery requests served on and after the date of the prehearing conference on October 17, 2025. The OCA also requests that any outstanding interrogatories or requests for admissions are due no later than 10 calendar days after the Prehearing Conference to the extent such responses are due later than such date, in accordance with Paragraph A below.

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within five (5) business days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

After rebuttal is served, the OCA proposes that the deadlines should be reduced as follows:

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.
- E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
- F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

IX. PREHEARING PROCEDURES

The OCA requests that the ALJ in their Prehearing Conference Order and Evidentiary Hearing Notice clarify that:

- A. Evidentiary hearing exhibits need not include all pre-served testimony which is circulated to the ALJs and parties in this proceeding in accordance with the above-referenced procedural schedule. However, such pre-served testimony may be identified for

movement into the record at the hearing through an inventory of pre-served testimony which is provided as a hearing exhibit.

B. Evidentiary hearing exhibits may be provided to the ALJs and parties by **10 am the day before** the start of evidentiary hearings with the exception of hearing exhibits related to rejoinder which may be provided by the end of the day that they are presented.

C. For evidentiary hearings conducted in-person, evidentiary hearing exhibits may be sent to the court reporter electronically. This is in the interest of the environment and saving ratepayers money from the expenditure of printing voluminous hard copies.

D. For evidentiary hearings conducted in-person, attorneys may submit requests to the ALJs:

i. Five days before the start of the evidentiary hearings for permission for witnesses to appear telephonically. This is in the interest of judicial economy and saving ratepayer dollars from expenditures for witness travel, lodging and boarding; or

ii. Two days before the start of evidentiary hearings for permission for Attorneys to appear telephonically if the only matter at hand is moving evidence into the record.

X. CONCLUSION

The OCA respectfully requests that the Honorable ALJ Eranda Vero grant the OCA's requests stated herein regarding the procedural schedule, public input hearings, discovery modifications, and prehearing procedures.

Respectfully submitted,

/s/ Janna E. Williams

Janna E. Williams

Assistant Consumer Advocate

Pa. Attorney I.D. # 319584

JWilliams@paoca.org

Harrison W. Breitman

Assistant Consumer Advocate

Pa. Attorney I.D. # 320580

HBreitman@paoca.org

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717) 783-5048

Ryan Morden

Assistant Consumer Advocate

Pa. Attorney I.D. # 335679

RMorden@paoca.org

Dated: October 15, 2025

Counsel for:

Darryl A. Lawrence

Consumer Advocate

OCA APPENDIX A

NOTICE OF IN-PERSON AND TELEPHONIC PUBLIC INPUT HEARINGS

Section 529 Investigation into the Acquisition of Conneaut Lake Park Water Corporation, Inc.

Docket Nos.
P-2024-3051855
I-2024-3051857

The Pennsylvania Public Utility Commission (PUC) will conduct four Public Input Hearings concerning the potential that it may order a capable public utility to acquire Conneaut Lake Park Water Corporation pursuant to Section 529 of the Pennsylvania Public Utility Code.

Presiding Officers: Administrative Law Judge Eranda Vero

IN-PERSON PUBLIC INPUT HEARINGS

Pre-registration is not required.

Date: [Here]

Time: [Here]

Location: [Here]

Date: [Here]

Time: [Here]

Location: [Here]

TELEPHONIC PUBLIC INPUT HEARINGS

Pre-registration is [encouraged/required]. Read below.

Date: [Here]

Time: [Here]

Pre-registration is [encouraged/required] by [same day] at 10AM.

Date: [Here]

Time: [Here]

Pre-registration is [encouraged/required] by [same day] at 10AM.

Toll-free Conference Number: xxx.xxx.xxxx

PIN Number: xxxxxxxx

- You must dial the toll-free Conference number above
- You must enter the PIN number above when instructed
- You must speak your name when prompted, and press #
- Then, the telephone system will connect you to the hearing

PRE-REGISTRATION FOR TELEPHONIC PUBLIC INPUT HEARINGS: To testify at the telephonic Public Input Hearings, pre-registration is [encouraged/required] by [day of the hearing] at 10AM. Failure to pre-register could result in you not being called to testify by the PUC judge. To pre-register to testify by telephone, please contact the PUC Judge’s Legal Assistant, [name], by email at [email address] or by phone at [xxx.xxx.xxxx] and provide the requested information.

NEED ASSISTANCE WITH PRE-REGISTRATION? If you need assistance pre-registering to testify, you may have someone register for you, but they will need to provide the PUC Judge all the information listed above. Additionally, if more than one person in your household would like to testify, one person may pre-register for other individuals in the same household by providing the PUC Judge’s Legal Assistant with the above-listed information for each individual.

REQUESTS FOR INTERPRETERS: If you require an interpreter, please pre-register as soon as possible. If you register too close to the hearing date, we may not have enough time to arrange for an interpreter. If you request an interpreter, the PUC will make reasonable efforts to have one present. AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

HEARING EXHIBITS: If you have any hearing exhibits to which you will refer during the hearing, please email them to the PUC Judge’s Legal Assistant, [name], at [email address]. The PUC Judge will forward your exhibits to all the parties. Exhibits for the public input hearing must be received by the PUC Judge by [the day before the hearing] at 10AM.

QUESTIONS? The Pennsylvania Office of Consumer Advocate (OCA) represents the interests of utility customers before the PUC. If you have questions about the public input hearings or the Company’s requested rate increases, please contact the OCA toll free at 1-800-684-6560 or by email at consumer@paoca.org. Additionally, the OCA can help customers pre-register for the Public Input Hearings.

OTHER WAYS TO BE HEARD: If you want to be heard about the proposed rate increases but do not want or cannot testify at the Public Input Hearings, you may file a formal complaint or comment to the proposed rate increases. Please visit the PUC’s website to use the applicable form available at <https://www.puc.pa.gov/complaints/formal-complaints/>