

# Buchanan

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October 15, 2025

## VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

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

Dear Secretary Homsher:

Enclosed for filing please find the Prehearing Conference Memorandum of Aqua Pennsylvania, Inc. ("Aqua") in the above-captioned proceeding, as directed by ALJ Vero's Second Prehearing Order.

Copies are being served in accordance with the attached Certificate of Service. Please contact me with any questions or concerns.

Sincerely,

BUCHANAN INGERSOLL & ROONEY PC

By: 

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John F. Povilaitis, Esquire

JFP/psm  
Enclosure  
cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING CONFERENCE MEMORANDUM OF AQUA PENNSYLVANIA, INC.**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ERANDA VERO:**

Aqua Pennsylvania, Inc. (“Aqua”) hereby submits this Prehearing Conference Memorandum in accordance with 52 Pa. Code § 5.222 of the regulations of the Pennsylvania Public Utility Commission (“PaPUC” or “Commission”) and the October 7, 2025, Prehearing Conference Order #2 of Administrative Law Judge Eranda Vero (“ALJ”) in connection with the telephonic Prehearing Conference to be held on October 17, 2025, at 10:00 a.m.

**I. PROCEDURAL HISTORY**

On October 28, 2024, the Commission’s Bureau of Investigation & Enforcement (“I&E”) filed with the PaPUC a *Petition to Request the Commission Open a Section 529 Investigation into the Acquisition of Conneaut Lake Park Water Corporation, Inc.* (“Petition”). The Petition requests the Commission to open an investigation under Section 529 of the Public Utility Code (“Code”), 66 Pa. C.S. § 529, to determine whether the Commission should order a “Capable Public Utility”, as defined in Section 529(m) of the Code<sup>1</sup> to acquire Conneaut Lake Park Water Corporation, Inc. (“CLPWC”). According to the Petition, CLPWC is a certificated Pennsylvania small water public utility that is allegedly in violation of various provisions of the Code and the Commission’s

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<sup>1</sup> 66 Pa.C.S. § 529(m).

regulations and therefore needs to be investigated under the requirements of Code Section 529. Petition ¶28.

Aqua was identified in the Petition as being a potentially capable proximate water service provider to CLPWC. Petition ¶38.

On November 5, 2024, Aqua filed a Petition to Intervene in this proceeding.

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, the Office of Small Business Advocate (“OSBA”) filed a Petition to Intervene and Public Statement, and CLPWC filed an Answer to I&E’s Petition.

A telephonic Prehearing Conference was held on November 13, 2024, before ALJs Eranda Vero and Arlene Ashton<sup>2</sup> during which the parties agreed to engage in discovery and settlement discussions and to provide a monthly status report to the ALJs. Additionally, the 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 the OCA’s request and assigning Administrative Law Judge Gail Chiodo to serve as the settlement judge in this proceeding.<sup>3</sup>

Since December 13, 2024, the parties have submitted a total of ten Joint Status Reports to the ALJs. As noted in the various Status Reports, the parties have engaged in settlement negotiations, met privately to address possible settlement and participated in an informal settlement conference with ALJ Chiodo on January 16, 2025. Further, on January 21, 2025, CLPWC and Aqua met at CLPWC’s water treatment plant for a site inspection.

The parties have been engaged in active discovery related to a possible settlement.

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

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

After the parties were unable to reach any agreement to settle this matter, they requested that a second prehearing conference be convened to address a litigation schedule and related matters.

The Commission has not issued any order or taken any other action addressing whether the Petition states a *prima facie* case under Code Section 529.

## **II. NOTICE TO AQUA AND CLPWC'S CUSTOMERS**

In Prehearing Conference Order #2, the parties were directed, among other things, to address the adequacy of notice in accordance with Code Section 529(h). Prehearing Conference Order #2, ¶2. Aqua acknowledges that it was provided notice and a copy of the Petition and is identified as a potentially capable utility under Code Section 529. However, Aqua does not have sufficient information to discern if the notice requirements of Code Section 529(h) have been fully satisfied since those requirements largely apply to I&E as the moving party on the Petition and CLPWC as the subject public utility.

Aqua expects that CLPWC has addressed or will address at the Prehearing Conference the required notice to its customers of the initiation of this proceeding in accordance with Code Section 529(h).

## **III. BURDEN OF PROOF**

Given the current posture of this proceeding, and subject to the filing of and any decision on any preliminary and dispositive motions, it may be necessary to determine and confirm who has the burden of proof with respect to the issues in the proceeding prior to establishing any litigation schedule. Importantly, certain burden of proof issues are addressed in Code Section 529(i). 66 Pa.C.S. § 529(i). Among other things, I&E has the burden of proving that CLPWC should be acquired by a Capable Public Utility and that such acquisition is in the public interest.

CLPWC has the burden of “proving its ability to render adequate, efficient, safe and reasonable service at just and reasonable rates” if it believes such to be the case. 66 Pa. C.S. §529(i)(1). And Aqua would have the burden of proving its financial, managerial or technical *inability* to acquire and operate CLPWC. 66 Pa. C.S. §529(i)(2). These varying burdens may dictate different filing dates for direct and rebuttal testimony and the approach to the litigation schedule as discussed further below.

#### **IV. PROPOSED DISCOVERY AND LITIGATION SCHEDULE**

Aqua does not propose any modifications to the discovery regulations set forth in 52 Pa. Code § 5.321 et seq. Aqua is prepared to work with CLPWC and the other parties to establish a discovery and litigation schedule that is mutually beneficial and acceptable to the presiding ALJ.

The threshold legal issue of whether I&E can demonstrate that CLPWC should be acquired by a Capable Public Utility has not yet been determined by the Commission in this proceeding. To allow that determination to be made, Aqua requests that a phased procedural schedule be set that allows that threshold issue to be fully addressed since it may not be necessary to reach any other issues in the proceeding. Aqua currently anticipates pursuing discovery relating to whether Code Section 529 applies to CLPWC. At the completion of discovery directed to that issue, the Parties may either file dispositive motions on that issue or continue with full adjudication of that issue via the presentation of evidence, hearings, briefing and an Initial Decision by the Administrative Law Judge so that the Commission’s view of that issue can be determined.

In the event the Commission determines that a Capable Public Utility should acquire CLPWC, a procedural schedule would be established for resolving the remaining issues in the case. Aqua, as having been identified as a potentially Capable Public Utility under Code Section

529, is prepared to fully participate in in the proceeding as necessary and appropriate and as may be further directed by the ALJ.

## V. ISSUES AND WITNESSES

The following is a preliminary list of potential issues in this proceeding. Aqua reserves the right to identify and address other issues as the proceeding progresses.

- Is CLPWC capable of providing just, reasonable and adequate service at reasonable rates and otherwise satisfy all other legal requirements necessary for its continued provision of utility service to the public?
- Whether the Commission should order a capable public utility to acquire CLPWC?
- Consideration of the six elements in Code Section 529(a).
- Consideration of the five alternatives in Code Section 529(b).
- Consideration of the five factors in Code Section 529(c).
- Whether appointment of a Receiver under Code Section 529(g) is appropriate.
- The tariff rates applicable to CLPWC customers prospectively in consideration of Code Section 529(f).

At this time, Aqua anticipates calling the following witness for the phase of the proceeding that addresses whether CLPWC should be acquired by a Capable Public Utility:

Stephen Clark  
Operations Director of Greater  
Pennsylvania  
Aqua Pennsylvania, Inc.  
1775 North Main Street  
Honesdale, PA 18431

William C. Packer  
Vice President, Rates, Regulatory and  
Regional Controller  
Aqua Pennsylvania, Inc.  
762 W. Lancaster Ave.  
Bryn Mawr, PA 19010

Mr. Clark will address operational matters and Mr. Packer will address financial matters. Aqua requests that any and all contact with Mr. Clark and Mr. Packer be through counsel.

Aqua reserves the right to call additional witnesses, as necessary, and agrees to notify the ALJ and the parties promptly should Aqua determine that additional or different witnesses will be called.

## **VI. OTHER MATTERS**

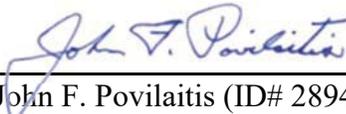
To the extent there is no opposition to Aqua's pending Petition to Intervene at the time of the Prehearing Conference, Aqua requests that the ALJ enter an order granting Aqua full rights to intervene and participate in all aspects of this proceeding.

## **VII. SETTLEMENT**

As of the present time, and as represented in the most recent Status Report, Aqua does not believe there is a reasonable prospect of settling this matter at this time.

Respectfully submitted,

Date: October 15, 2025



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*Counsel for Aqua Pennsylvania, Inc.*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

**SERVICE BY E-MAIL ONLY**

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Meadville, PA 16335

Greenville Water Authority  
44 Clinton Street  
Greenville, PA 16125

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

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10956 Plum Street  
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Date: October 15, 2025

  
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