

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Pike County Light and	:	
Power Company, Leatherstocking Gas Company,	:	
LLC, Corning Energy Corporation, ACP Series 3	:	
Partnership L.P., Argo Capital Platform (P) 2017,	:	
L.P., Argo Capital Platform (K) Series 3, L.P.,	:	A-2025-3055264
ACP Crotona Holdings L.P., ACP Crotona Corp.,	:	A-2025-3055265
Argo Infrastructure Partners LLC and Apollo	:	A-2025-3055335
Global Management, Inc. for a Certificate of	:	
Public Convenience under sections 1102(A)(3)	:	
and 1103 of the Public Utility Code and all other	:	
necessary approvals to effect an indirect change	:	
of control of Pike County Light and Power	:	
Company's and Leatherstocking Gas Company's	:	
parent company, Corning Energy Corporation	:	

**INITIAL DECISION**

Before  
Charece Z. Collins  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants the Joint Petition for Termination and Withdrawal of Proceeding since the Petition is signed by all parties, unopposed, and doing so is in the public interest.

## HISTORY OF THE PROCEEDING

On May 19, 2025, Pike County Light and Power Company, Leatherstocking Gas Company, LLC, Corning Energy Corporation, ACP Series 3 Partnership L.P., Argo Capital Platform (P) 2017, L.P. Argo Capital Platform (K) Series 3, L.P., ACP Crotona Holdings L.P., ACP Crotona Corp., Argo Infrastructure Partners LLC and Apollo Global Management, Inc. (Joint Applicants) filed with the Pennsylvania Public Utility Commission (Commission) an Application to request approval from the Commission for Apollo's proposed acquisition of the Argo Entities (Application) under Sections 1102(a)(3) and 1103 of the Pennsylvania Public Utility Code at docket numbers A-2025-3055264, A-2025-3055265 and A-2025-3055335. Upon completion, the proposed acquisition will result in a new controlling interest in Corning, which is the direct parent of Pike and Leatherstocking. The Application was published in the *Pennsylvania Bulletin* on May 30, 2025 (Vol. 55, Issue 22), with a protest deadline of June 16, 2025.

On June 13, 2025, the Office of Consumer Advocate (OCA) filed a Notice of Intervention, Protest and Public Statement through its attorney, Harrison Breitman, Esquire.

On June 16, 2025, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance, Notice of Intervention and Public Statement through its attorney, Steven C. Gray, Esquire.

No other complaints or petitions to intervene have been filed.

On August 5, 2025, the Commission served a notice establishing an initial telephonic prehearing conference for this matter for August 12, 2025 at 10:00 a.m. and assigning me as the presiding officer.

I served a prehearing conference order on August 5, 2025, setting forth the rules and expectations for the conference.

On August 11, 2025, OCA filed a Notice of Appearance through its attorney, David T. Evrard, Esquire.

The telephonic prehearing conference was held as scheduled on August 12, 2025. Counsel appeared on behalf of the Joint Applicants, I&E, OCA and OSBA. A procedural schedule was set at the Conference, and an evidentiary hearing was scheduled for November 5, 2025.

Pursuant to the procedural schedule, on November 5, 2025, a telephonic evidentiary hearing was held as scheduled and evidence was admitted into the record. Counsel appeared on behalf of the Joint Applicants, I&E, OCA and OSBA.

Pursuant to the procedural schedule, on December 5, 2025, the Joint Applicants submitted a Joint Petition for Settlement signed by all parties.

On January 16, 2026, counsel for the Joint Applicants advised me via email that the purchase agreement had been terminated and the transaction would not be proceeding. In a subsequent email, counsel for the Joint Applicants further advised that they would be submitting a petition to withdraw by January 30, 2026.

On January 30, 2026, the Joint Applicants, the OCA and the OSBA (collectively referred to as Joint Petitioners) submitted to the Commission a Joint Petition for Termination and Withdrawal of Proceeding (Joint Petition) pursuant to 52 Pa. Code § 5.94(a).

The ten-day objection period for the Joint Petition expired on February 9, 2026. No objections to the Joint Petition were filed.

The record closed on February 9, 2026, following the expiration of the objection period. The Joint Petitioners' Joint Petition is now ripe for review.

### FINDINGS OF FACT

1. The Joint Petitioners are the Joint Applicants, OCA and OSBA.
2. The Joint Applicants are Pike County Light and Power Company, Leatherstocking Gas Company, LLC, Corning Energy Corporation, ACP Series 3 Partnership L.P., Argo Capital Platform (P) 2017, L.P., Argo Capital Platform (K) Series 3, L.P., ACP Crotona Holdings L.P., ACP Crotona Corp., Argo Infrastructure Partners LLC and Apollo Global Management, Inc.
3. On May 19, 2025, the Joint Applicants filed an Application with the Commission.
4. On June 13, 2025, OCA filed a Notice of Intervention, Protest and Public Statement.
5. On June 16, 2025, OSBA filed a Notice of Intervention, Protest and Public Statement.
6. On January 30, 2026, the Joint Petitioners submitted to the Commission a Joint Petition for Termination and Withdrawal of Proceeding.

7. The ten-day objection period for the Petition expired on February 9, 2026.
8. No objections to the Joint Petition were filed.

### DISCUSSION

Commission regulations permit the withdrawal of pleadings in a contested proceeding:

**§ 5.94. Withdrawal of pleadings in a contested proceeding.**

(a) Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 10 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

52 Pa. Code § 5.94(a).

Here, Joint Petitioners stated that the change of control relief sought in this proceeding, including the Settlement, could not occur if the Transaction did not close by January 10, 2026. The Joint Petitioners further explained that under the Transaction Agreement, if the Transaction proposed by the Joint Applicants did not close by January 10, 2026, the Application could be terminated. Joint Petition ¶¶ 10-11. As noted, there were no objections to the Joint Petition. To the contrary, all parties to this proceeding agreed to and signed the Petition. There is no purpose in requiring the Joint

Petitioners to pursue this matter at this time, and there is no prejudice to any party in allowing the withdrawal.

As the Joint Applicants cannot proceed with the proposed Joint Application, and they do not wish to pursue the Joint Application further, continuing with this proceeding would serve no purpose. Furthermore, the Joint Petitioners advised that the termination and withdrawal of this proceeding, as requested in the Joint Petition, will have no impact to the customers of the Utilities or the rates charged to them. The Utilities will continue to be managed and operated in the same manner and with the same personnel who are presently doing so. Service to customers will continue at current rates. Joint Petition ¶ 17. It is therefore in the public interest to allow the Joint Applicants to withdraw their Joint Application. Moreover, the Joint Petition was signed by all parties to this proceeding. No objections were filed. As a result, the requirements of Section 5.94(a) of the Commission's regulations governing withdrawal of pleadings in contested proceedings have been satisfied, and the Joint Petitioners' Petition for Termination and Withdrawal of Proceeding will therefore be granted.

#### CONCLUSIONS OF LAW

1. Withdrawal of a pleading in a contested proceeding is permitted under Commission regulations. 52 Pa. Code § 5.94.

2. After considering a Petition to withdraw, any objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted. 52 Pa. Code § 5.94(a).

3. Granting the Joint Petitioners' Petition for Termination and Withdrawal of Proceeding is in the public interest.

