

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held June 18, 2026

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Joint Application of American Water Works Company, Inc., Essential Utilities, Inc., Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., Peoples Natural Gas Company LLC and Alpha Merger Sub, Inc. for a Certificate of Public Convenience under Sections 1102(a)(3) and 2210(c) of the Public Utility Code and All Other Necessary Approvals to Effect a Change of Control of Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., and Peoples Natural Gas Company LLC

A-2025-3058927
A-2025-3058928
A-2025-3058929

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Interlocutory Review (Petition),¹ filed by Mr. Francisco, pursuant to Section 5.301, *et seq.*, of the Commission’s Regulations, 52 Pa. Code § 5.301, *et seq.*, on May 20, 2026, in the above-captioned proceeding. The Petition seeks interlocutory review of the *May 2026 Interim Order* denying the Petitioner’s request to intervene in these proceedings. Petition at 1. On June 8, 2026, the American Water Works Company, Inc. (American Water), Essential Utilities, Inc. f/k/a Aqua America, Inc. (Essential), Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc. (together, Aqua PA), Peoples Natural Gas Company LLC (Peoples) and Alpha Merger Sub, Inc. (Merger Sub) (collectively, Joint Applicants) filed a brief opposing the Petition.² For the reasons discussed below, we shall deny the Petition.

¹ On May 20, 2026, Luis Francisco (Mr. Francisco or Petitioner) filed with the Commission a petition seeking reconsideration of the Interim Order issued by Administrative Law Judges Emily I. DeVoe and Ann Quimby (ALJs) on May 5, 2026 (*May 2026 Interim Order*), which denied the Petitioner’s request to intervene in the above-captioned proceeding. On the face of the filing, it appeared that the Petitioner: (1) failed to serve the filing on the parties of record; and (2) failed to include a Certificate of Service in accordance with 52 Pa. Code § 1.54. In order to ensure due process and correct the Petitioner’s failure to serve his filing on the parties of record, on May 22, 2026, the Commission placed a Secretarial Letter on the record of the docket and served it electronically on the parties of record, along with a copy of the Petitioner’s filing. Subsequently, on May 29, 2026, the Commission issued a Secretarial Letter informing the parties that, in order to provide clarity to and protect the due process rights of all parties, the Commission, in accordance with 52 Pa. Code § 1.2, deemed the filing to be a Petition for Interlocutory Review subject to the Commission’s Regulations at 52 Pa. Code § 5.301, *et seq.* Pursuant to 52 Pa. Code § 5.302, *inter alia*, parties were given until June 8, 2026, to submit briefs supporting or opposing the Petition.

² On June 10, 2026, Mr. Francisco filed a Reply Brief in Opposition to the Joint Applicants’ Brief. However, pursuant to 52 Pa. Code § 5.302(d), the Secretarial Letter issued by the Commission on May 29, 2026, stated that “[a]dditional briefs [on this matter] will not be permitted.” Therefore, Mr. Franciscos’ Reply Brief in Opposition to the Joint Applicants’ Brief will not be considered.

I. Background and History of the Proceeding³

On November 26, 2025, the Joint Applicants filed applications (Joint Applications) to obtain the approval of the Commission under Chapters 11 and 22 of the Public Utility Code (Code) for a change of control of Aqua PA and Peoples, to be affected by the merger of Essential and Merger Sub, a wholly owned subsidiary of American Water (the Merger). The Joint Applicants also requested that the Commission approve, under Chapter 21 of the Code, 66 Pa.C.S. §§ 2101, *et seq.*, certain new affiliated interest agreements to facilitate the sharing of resources and best practices created by the Merger between American Water and Essential Utilities. *May 2026 Interim Order* at 1.

On March 12, 2026, Mr. Francisco filed a document with the Commission's Secretary's Bureau, which was attached to the docket by the Secretary's Bureau as a Petition to Intervene. The document filed by Mr. Francisco included a Certificate of Service, but it did not list all parties to this proceeding. Additionally, the document did not include a Notice to Plead. *May 2026 Interim Order* at 3.

On April 14, 2026, the ALJs issued an Interim Order to ensure that the document filed by Mr. Francisco on March 12, 2026, was served on all parties, providing a deadline for answers and objections to Mr. Francisco's filing of May 4, 2026. *May 2026 Interim Order* at 3.

On April 21, 2026, Mr. Francisco testified at a Public Input Hearing and presented five exhibits (Francisco 1-5), which were admitted without objection. *May 2026 Interim Order* at 3.

³ This Opinion and Order contains a brief procedural history relevant to the Petition and request for intervention of Mr. Francisco. *See the May 2026 Interim Order* at 1-4 for a comprehensive summary describing the background and history of this proceeding, which is incorporated herein by reference.

On April 24, 2026, Mr. Francisco sent an email to the ALJs' legal assistant, which listed the subject in the body of the email as "Urgent Motion for Ruling on Petition to Intervene." The email was neither sent to or filed with the Secretary's Bureau, nor was it emailed to the active parties to this proceeding; therefore, the ALJs forwarded the *ex parte* email to all counsel. The email was attached to the *May 2026 Interim Order* as Attachment B. *May 2026 Interim Order* at 4.

On May 4, 2026, the Joint Applicants filed an Answer to the Petition to Intervene filed by Mr. Francisco. *May 2026 Interim Order* at 4.

As discussed, *supra*, the *May 2026 Interim Order* was issued on May 5, 2026, wherein the Petitioner's request to intervene in these proceedings was denied.

On May 20, 2026, Mr. Francisco filed a petition seeking reconsideration of the *May 2026 Interim Order*. Because it appeared that the Petitioner failed to serve the filing on the parties of record and include a Certificate of Service, on May 22, 2026, the Commission placed a Secretarial Letter on the record and served it electronically on the parties of record, along with a copy of the Petitioner's filing. On May 29, 2026, the Commission issued a Secretarial Letter informing the Parties that it deemed the filing to be a Petition for Interlocutory Review subject to the Commission's Regulations at 52 Pa. Code § 5.301, *et seq.*, and provided the parties until June 8, 2026, to submit briefs supporting or opposing the Petition.

On June 8, 2026, the Joint Applicants filed a brief opposing the Petition.

II. Discussion

A. Legal Standards

As a preliminary matter, we note that any argument or issue that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consl. Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, Univ. of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).⁴

1. Interlocutory Review

During a proceeding, and pursuant to the provisions of 52 Pa. Code § 5.302, a party may seek interlocutory review and answer to a material question which has arisen or is likely to arise. The standards for interlocutory review are well established. *See* 52 Pa. Code § 5.302(a). Section 5.302(a) of the Commission's Regulations requires that the petitioning party "state . . . the compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding." The pertinent consideration is whether interlocutory review is necessary to prevent substantial prejudice – that is, the error and any prejudice flowing therefrom could not be satisfactorily cured during the normal Commission review process.

Joint Application of Bell Atlantic Corp. and GTE Corp., Docket No.

A-310200F0002, *et al.* (Opinion and Order entered June 14, 1999) (*Application of Bell Atlantic Corp.*); *Pa. PUC v. Frontier Communications of Pa. Inc.*, Docket No.

⁴ *See also Metropolitan Edison Co. v. Pa. PUC*, 22 A.3d 353 (Pa. Cmwlth. 2011), *appeal denied*, 22 A.3d 353 (Pa. 2012) (citing *Wheeling & Lake Erie Railway Company v. Pa. PUC*, 778 A.2d 785, 794 (Pa. Cmwlth. 2001) for the proposition that the Commission is not required to expressly consider all of the arguments set forth by the parties in its Order).

R-00984411 (Opinion and Order entered February 11, 1999) (*Pa. PUC v. Frontier*);
In re: Knights Limousine Service, Inc., 59 Pa. P.U.C. 538 (1985) (*Knights Limousine*).

Pursuant to 52 Pa. Code § 5.303, the Commission may take one of the following courses of action on requests for interlocutory review and answer to a material question:

- (1) Continue, revoke or grant a stay of proceedings if necessary to protect the substantial rights of the parties.
- (2) Determine that the petition was improper and return the matter to the presiding officer.
- (3) Decline to answer the question.
- (4) Answer the question.

52 Pa. Code § 5.303.

Generally, Petitions for Interlocutory Review are not favored, as the preferred approach is to permit proceedings to move forward in the normal course to provide all parties, the presiding officer, and the Commission with a full opportunity to develop the record, brief issues, and present arguments at each stage. *Re: Philadelphia Gas Works Universal Service and Energy Conservation Plan*, Docket No. M-00072021 (Opinion and Order entered October 23, 2009) at 3.

Under case law construing Section 5.302(a) of the Commission's Regulations, 52 Pa. Code § 5.302(a), the "compelling reasons" for interlocutory review are the reasons establishing that such review is necessary to either prevent substantial prejudice or to expedite the conduct of the proceeding. In other words, a petition under Section 5.302(a) must allege compelling reasons why any alleged prejudice flowing

therefrom could not be rectified during the normal Commission review process.

Application of Bell Atlantic Corp.; Pa. PUC v. Frontier; Knights Limousine Service, Inc.

The Commission has stated that it does not routinely grant interlocutory review, except upon a showing by the petitioner of extraordinary circumstances or compelling reasons. Such a showing may be made by a petitioner by establishing that, without such interlocutory review, some harm would result which would not be reparable through normal avenues, that the relief sought should be granted now, rather than later, and that granting interlocutory review would prevent substantial prejudice or expedite the proceeding. *Pa. PUC v. Philadelphia Gas Works*, Docket Nos. P-2009-2097639 and R-2009-2139884 (Opinion and Order entered April 15, 2010) (*PGW Order*).

2. Intervention

A petition to intervene may be brought when there is a claim of a right or interest of such a nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. 52 Pa.Code § 5.72(a). Such circumstances exist when there is a right conferred by statute, when an interest is present that may be directly affected and is not adequately represented by existing participants when the petitioner may be bound by the action of the Commission in the proceeding, or when another interest of such nature that participation of the participant may be in the public interest exists. *Id.*

Petitions to intervene must set out clearly and concisely the following:

(1) the facts from which the alleged intervention right or interest of the petitioner can be determined; (2) the grounds of the proposed intervention; and (3) the petitioner's position regarding the issues in the proceeding. 52 Pa. Code § 5.73(a).

B. May 2026 Interim Order

The ALJs explained that in Mr. Francisco’s request to intervene, the Petitioner averred that he is “a primary bondholder under the **Mortgage of 1941 (Exhibit 4.1.17) and Supplement No. 63 (May 2025).**” *May 2026 Interim Order* at 4 (citing Petition to Intervene ¶ 2 (emphasis in original)). However, the ALJs noted that neither of these documents were attached to Mr. Francisco’s Petition to Intervene.

The ALJs stated that the Petitioner explained that “his intent is **not to obstruct or block** the proposed \$63 Billion Change of control,” but “seeks to ensure that unreported debt obligations identified in the 1941 Indenture are legally validated and addressed as part of the financial restructuring of the resulting entity.” *May 2026 Interim Order* at 5 (citing Petition to Intervene ¶ 2 (emphasis in original)). The ALJs also provided Mr. Francisco’s request for relief:

Petitioner demands a full **Forensic Audit** of the 63 Supplements to verify the total outstanding liability. Following validation, Petitioner proposes a **Settlement via Conversion**: the exchange of validated bond debt into **Preferred Shares** of the surviving corporation. These shares must carry:

- **Fixed Dividends** for perpetual family maintenance
- **Full Voting Rights** to protect Petitioner’s interest in corporate governance....

Petitioner requests that the Commission grant intervention and facilitate a stay for the specific purpose of allowing Applicants to engage in a validation process and a debt-for-equity conversion agreement, ensuring the transaction proceeds with clean financial records.

May 2026 Interim Order at 5 (citing Petition to Intervene ¶¶ 3-4 (emphasis in original)).

The ALJs further explained that a document was attached to the Petitioner’s Petition to Intervene entitled, “Schedule of Supplemental Indentures Substantially Identical to Form of Supplemental Indenture During and After 2014,” which listed fifteen “Supplemental Indentures” with dates ranging from December 1, 2014, to May 1, 2025. Also, the ALJs stated that the Petitioner, in his email of April 24, 2026, identified himself as a “Senior Lienholder of the 1911 Rutherford Heights Heritage Trust,” and referenced his testimony at the Public Input Hearing regarding “an outstanding debt liability under the 1941 Indenture.” The ALJs recited the following from the April 24, 2026, email:

A formal Forensic Audit is required to determine the exact valuation of these senior liens. I have demanded this audit from the Corporate Trustee (BNY Mellon). Until the results are disclosed, the Joint Applicants’ financial liability remains unverified in this proceeding....

[C]ounsel for the Joint Applicants continues to withhold discovery, citing my "pending" status. This prevents me from fulfilling my duty to the Trust and the public interest.

May 2026 Interim Order at 5-6.

Furthermore, the ALJs described the exhibits admitted into the record at the Public Input Hearing to appear to be documents prepared by Mr. Francisco, both Word documents and copies of emails. The ALJs noted that none of the exhibits included the signature of any individual other than Mr. Francisco or purported to be issued by any other individual or entity. The ALJs also stated that, in these documents, Mr. Francisco alleged the existence of “First Mortgage Gold Bonds,” issued and payable by Rutherford Heights Water Supply Company (Rutherford), which allegedly reached maturity in 1941, and, along with “53 unredeemed interest coupons,” remain unredeemed and in Mr. Francisco’s possession. *May 2026 Interim Order at 6.*

Upon review of Mr. Francisco’s Petition for Intervention and attached documents, the ALJs denied Mr. Francisco’s request to intervene, finding that he failed to sufficiently set forth the requirements of 52 Pa. Code § 5.73. The ALJs explained that, while the Commission’s Rules provide for liberal construction, especially in cases involving *pro se* litigants, the facts averred in the Petition for Intervention, even when considered in conjunction with and supplemented by the averments in the April 24, 2026, email and the exhibits admitted at the Public Input Hearing on April 21, 2026, fail to sufficiently establish that Mr. Francisco has an interest in this proceeding. The ALJs concluded that the Petitioner failed to clearly and concisely demonstrate a link between the Rutherford bonds that he allegedly holds and the Merger. Therefore, the ALJs denied Mr. Francisco’s Petitioner to Intervene. *May 2026 Interim Order* at 6-7.

C. Petition⁵

In the instant Petition, Mr. Francisco seeks reconsideration of the denial of his request to intervene in this proceeding in the *May 2026 Interim Order*. The Petition, which consists of 227 pages, includes: (1) one page labeled “Petition for Reconsideration and Hand-Delivery of Substantive Evidence by Luis Francisco, Pro Se;” (2) one page labeled “Pro Se Response and Objection to Joint Applicants’ Answer of May 4, 2026 to the Honorable Administrative Law Judges;” (3) two pages labeled “Pro Se Statement of Administrative Equity, Intent for Future Corporate Stability, and Formal Declaration of Lack of Legal Representation by Luis Francisco;” (4) the five exhibits that were presented by Mr. Francisco at the Public Input Hearing of April 21, 2026, and admitted

⁵ We note that the Petition does not strictly comply with Section 5.302 of our Regulations, which requires that the Petition must state, in not more than three pages, the question to be answered and the compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding. 52 Pa. Code § 5.302(a). Nevertheless, recognizing that the Petitioner is appearing *pro se*, we will accept the Petition as filed, pursuant to Section 1.2(a) of our Regulations, and consider the merits.

without objection (*i.e.*, Francisco 1-5);⁶ (5) a 107-page document entitled “Indenture of Mortgage, Dated as of January 1, 1941, Philadelphia Suburban Water Company to The Pennsylvania Company for Insurances on Lives and Granting Annuities, as Trustee, First Mortgage Bonds;” and (6) 105 pages consisting of over 50 documents, each entitled “Rutherford Heights Water Supply Company Five Per Cent First Mortgage Gold Bond” but designating different monetary values.⁷

In the document entitled “Petition for Reconsideration and Hand-Delivery of Substantive Evidence by Luis Francisco, Pro Se,” Mr. Francisco states that his Petition to Intervene was denied due to an alleged lack of physical attachments in the Commission’s electronic filing system. Mr. Francisco asserts that he is a *pro se* participant with limited technical infrastructure, and the Commission’s e-filing platform rejected his evidence due to file-size limitations for large PDF documents. The Petitioner states that he hand-delivered to the Commission’s Secretary’s Bureau the documents described above. Mr. Francisco avers that “[t]his official contact established the direct, unassailable, and perfected legal link between my physical 1911 First Mortgage Bonds and the current multi-billion dollar asset base of the Joint Applicants.” Mr. Francisco further contends that, “[p]ursuant to the federal Trust Indenture Act of 1939, my individual rights as a senior secured creditor cannot be bypassed or extinguished by this corporate merger.” As relief, the Petitioner requests that: (1) the Commission accept this filing into the official record; (2) the *May 2026 Interim Order* be vacated; (3) his Petition to Intervene be granted; and (4) a forensic audit be ordered to validate these senior obligations before the Merger proceeds. Petition at 1.

⁶ The exhibits identified as Francisco 1-5 were also attached to the *May 2026 Interim Order* as Attachment A.

⁷ These documents, each which consist of multiple pages, state a due date of May 1, 1941, and list different values. Specifically, the documents labeled as Nos. 21, 23-31, 49-54, 61-64, 133-135, 137-144, 146, 148, 245, and 248 each indicate a value of \$100. The documents labeled as Nos. 262, 273-275, 277, 280-282, 297, 303-304, 309, 333, 344-345, 369, and 676 each indicate a value of \$500.

In the document entitled “Pro Se Response and Objection to Joint Applicants’ Answer of May 4, 2026 to the Honorable Administrative Law Judges,” Mr. Francisco states that this is his formal response to the Answer filed by the Joint Applicants to his Petition to Intervene. Mr. Francisco argues that the Joint Applicants’ claim that there is a lack of records regarding the 1911 Rutherford Heights bonds is legally invalid because these obligations were absorbed into the current corporate structure. The Petitioner asserts that, under the Trust Indenture Act of 1939, a trustee cannot evade its fiduciary duty by failing to maintain records of an active, unexpired debt framework. Mr. Francisco submits that his evidence shows the existence of an After-Acquired Property Clause that means that his physical certificates represent a senior, perfected mortgage lien over the current physical infrastructure of Aqua PA, and a corporate change of control cannot legally transfer these assets with a clouded title. Mr. Francisco continues that the physical possession of the documents create a legal presumption of non-payment and ongoing default and the trustee has the burden of proof to produce original cancellation receipts. The Petitioner argues that 66 Pa.C.S. §§ 1102 and 2210 require the Commission to evaluate the financial fitness of the resulting entity of a merger and a hidden senior liability tied to the proposed transaction directly impacts the public interest and ratepayer stability, which is why this private debt dispute belongs in this proceeding. Petition at 2.

In the document entitled “Pro Se Statement of Administrative Equity, Intent for Future Corporate Stability, and Formal Declaration of Lack of Legal Representation by Luis Francisco,” Mr. Francisco states that he is appearing *pro se* in this proceeding as a Senior Secured Lienholder and requests reconsideration of his intervention. Mr. Francisco avers that his intention is aligned with the core mission of the Commission, and his objective is neither to block, disrupt, or penalize the proposed transaction, nor place a financial burden on the customers in Pennsylvania. However, the Petitioner argues that “[l]eaving an active, multi-million dollar senior secured lien unaddressed creates an immediate ‘clouded title’ over the multi-billion dollar infrastructure assets

involved in this merger,” and “allowing this transaction to proceed without resolving this framework guarantees massive corporate and financial conflict leading up to” the Merger. The Petitioner contends that addressing this debt now would prevent “future litigation that could destabilize the resulting utility entity.” The Petition avers that he is not demanding an immediate cash liquidation that would drain corporate resources; rather, the Petitioner proposes that a settlement via conversion occurs by exchanging the validated bond debt for Voting Preferred Shares of the surviving corporation, which would satisfy the historic lien, clear the asset titles, ensure corporate compliance with the Trust Indenture Act of 1939, and protect the financial fitness of the utility without impacting customers. Petition at 3.

D. Joint Applicants’ Brief in Opposition

In their brief in opposition of the Petition, the Joint Applicants assert that the Petition should be denied because it does not present a genuine question or dispute that warrants interlocutory review, and it lacks merit. The Joint Applicants argue that the Petitioner failed to satisfy the standard for interlocutory review because the Petitioner neither provided compelling reasons to support why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding, nor explained how substantial prejudice allegedly created by the *May 2026 Interim Order* cannot be cured during the normal Commission review process. Further, the Joint Applicants submit that the ALJs previously rejected the Petitioner’s argument that he has an interest in this proceeding because he failed to demonstrate a link between the exhibits he presented and the Merger. Joint Applicants’ Br. in Opposition at 5-7.

Next, the Joint Applicants contend that the Petition should be denied on its merits because the Rutherford bonds that Mr. Francisco purportedly holds have no relationship to any of the Joint Applicants and will not be affected by the Merger. The Joint Applicants reiterate their explanation of these bonds, which they previously offered

in their Answer to the Petitioner's Petition to Intervene, to support their position that none of the Joint Applicants ever acquired Rutherford, or any interest in this entity, over the course of their respective histories:

By way of summary, a 1942 Application before the Commission for the sale of the Lower Paxton Suburban Water Company to the Harrisburg Suburban Water Company states that the Harrisburg Suburban Water Company was formerly the Rutherford Water Company. The name change was the result of a reorganization under the Act of June 20, 1911 (P.L. 1092), following the foreclosure of a mortgage and the sale of the property rights and franchises of Rutherford. Over the years, Harrisburg Suburban Water Company acquired various other regional water companies. In 1962, Harrisburg Suburban Water Company merged with United Water Pennsylvania, Inc. ("United"), which was approved by the Commission on December 23, 1962 (A-90814). United later changed its name to SUEZ Water Pennsylvania, Inc. ("SUEZ") in 2015. In 2021, Veolia Environmental S.A., Veolia North America, Inc., Suez S.A., SUEZ, and SUEZ Water Bethel Inc. signed a combination agreement that went into effect in early 2022.

Joint Applicants' Br. in Opposition at 7 (citing Joint Applicants' Answer to Petition to Intervene at 2-3).

With respect to the additional documents submitted by the Petitioner, the Joint Applicants aver that those documents do not demonstrate that Mr. Francisco possesses a legally cognizable interest in this proceeding. The Joint Applicants state that the Indenture of Mortgage dated as of January 1, 1941, related to Philadelphia Suburban Water Company (a predecessor of Aqua Pennsylvania, Inc.) attached to the Petition document has no relationship to the Rutherford bonds provided by the Petitioner, and it does not make any reference to Rutherford or the Rutherford bonds. The Joint Applicants submit that this document has no relationship to any of the Joint Applicants. Joint Applicants' Br. in Opposition at 8.

Finally, the Joint Applicants argue that interlocutory review here will not expedite the conduct of the proceeding. Rather, the Joint Applicants contend that the multiple filings already made and addressed by the ALJs and the parties have required the expenditure of significant time and resources. Furthermore, the Joint Applicants aver that the Petitioner has simply re-raised the same arguments that were previously considered and rejected by the ALJs, which is not enough to meet the standard for granting interlocutory review. Joint Applicants' Br. in Opposition at 8.

E. Disposition

Pursuant to Section 5.303 of our Regulations, 52 Pa. Code § 5.303, we do not find that the Petitioner has shown such compelling and extraordinary circumstances as would warrant our granting interlocutory appeal. Nor do we find that the Petitioner has shown that his intervention in this proceeding will prevent substantial prejudice or expedite the conduct of the proceeding. *See Application of Bell Atlantic Corp.; Pa. PUC v. Frontier; Knights Limousine.* Accordingly, we find that there is no reason to grant interlocutory review because the Petitioner has not stated any compelling reasons for us to do so.

With respect to intervention, we find that the Petitioner failed to demonstrate that he has an interest in this proceeding. The Commission's Regulations at 52 Pa. Code § 5.72(a) provide that a petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. A right to intervene exists when there is a right conferred by statute. An interest exists if the interest is directly affected and not adequately represented by existing participants and the petitioner may be bound by the action of the Commission in the proceeding, or when the interest is of such nature that participation of the participant may be in the public interest. 52 Pa. Code § 5.72(a). The granting of intervention is a matter within the

discretion of the Commission. *City of Pittsburgh v. Pa. PUC*, 33 A.2d 641 (Pa. Super. 1943).

Upon review, we agree with the ALJs that Mr. Francisco failed to sufficiently set forth the requirements of 52 Pa. Code § 5.73 and establish that he has a valid interest in this merger proceeding. The Petitioner did not cite any statutory right to intervene, and we find that no such statutory right exists. The Petitioner does not allege that he is a customer of any of the Joint Applicants, and, therefore, he has no right to intervene as a customer. *See* Public Input Hearing Tr. at 137.

As the ALJs explained, Mr. Francisco averred that he is a bondholder under a mortgage indenture and a lienholder of the 1911 Rutherford Heights Heritage Trust. Although Mr. Francisco offered five exhibits for the record at the Public Input Hearing of April 21, 2026, and also attached several-hundreds of pages of documents to his Petition, a careful review of these documents fails to demonstrate any link between the bonds he allegedly holds and the Merger. Other than providing a number of documents for the record, the Petitioner failed to demonstrate a link between the documents and the proposed transaction, as well as any proof that he is specifically linked to these documents. Without such linkage, the Petitioner is unable to establish that he has an interest in the instant proceeding to satisfy the requirements for intervention. Moreover, as explained by the Joint Applicants, the documents presented by the Petitioner do not appear to have any relationship to any of the Joint Applicants and will not be affected by the Merger. Mr. Francisco did not demonstrate otherwise.

For the reasons set forth above, we conclude that the Petitioner has asserted no right or interest which will be directly affected by the outcome of this proceeding and concerning which the Petitioner may be bound by our decision in the instant proceeding. Therefore, we shall deny Mr. Francisco's Petition.

III. Conclusion

For the reasons set forth above, we shall deny Mr. Francisco's Petition for Interlocutory Review, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Interlocutory Review filed by Luis Francisco on May 20, 2026, is denied, consistent with this Opinion and Order.
2. That the Petition to Intervene in this proceeding filed by Luis Francisco on March 12, 2026, is denied, consistent with this Opinion and Order.
3. That this matter be returned to Administrative Law Judges Emily I. DeVoe and Ann Quimby for disposition in accordance with this Opinion and Order.

BY THE COMMISSION



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: June 18, 2026

ORDER ENTERED: June 18, 2026