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File #: 2270/141718

August 11, 2009

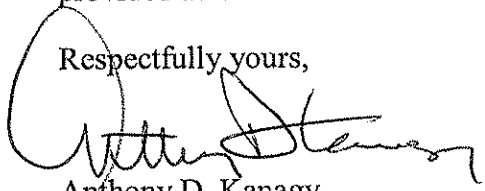
James J. McNulty  
Secretary  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
PO Box 3265  
Harrisburg, PA 17105-3265

**RE: Richard C. Shue c/o Katrina Pierce v. The York Water Company**  
**Docket No. C-2009-2120295**

Dear Secretary McNulty:

Enclosed for filing please find the Motion of The York Water Company to Join Ms. Vinnie McCoy as an Indispensable Party in the above-referenced proceeding. Copies have been provided as indicated on the certificate of service.

Respectfully yours,



Anthony D. Kanagy

ADK/skr  
Enclosures  
cc: Certificate of Service

**CERTIFICATE OF SERVICE**

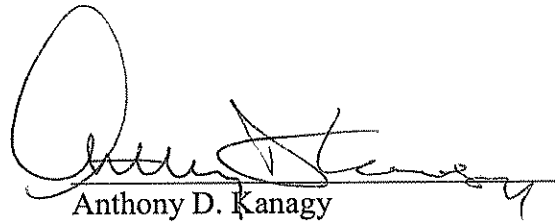
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA FIRST CLASS MAIL**

Richard C. Shue  
c/o Katrina Pierce  
115 Alder Court  
Manchester, PA 17345

Vinnie McCoy  
468 Salem Avenue  
York, PA 17404

Date: August 11, 2009



Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard C. Shue c/o Katrina Pierce,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2120295
	:	
The York Water Company,	:	
Respondent	:	

**NOTICE TO PLEAD**

You are required to file and serve a reply to this Motion within 20 days after service of this Motion, but not later than 5 days prior to the date set for the commencement of the hearing. Failure to file a timely reply to the Motion may be deemed in default, and relevant facts stated in the Motion may be deemed to be admitted.

Respectfully submitted,



Michael W. Hassell (ID # 34851)  
Anthony D. Kanagy (ID # 85522)  
Post & Schell, P.C.  
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Harrisburg, PA 17101-1601  
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Of Counsel:

Post & Schell, P.C.

Date: August 11, 2009

Attorneys for The York Water Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard C. Shue c/o Katrina Pierce,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2120295
	:	
The York Water Company,	:	
Respondent	:	

**MOTION OF THE YORK WATER COMPANY  
TO JOIN MS. VINNIE MCCOY AS AN INDISPENSABLE PARTY**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The York Water Company (“York Water” or the “Company”) hereby requests, pursuant to 52 Pa. Code § 5.103, that the Pennsylvania Public Utility Commission (“Commission”) join Ms. Vinnie McCoy as an indispensable party to this proceeding. In support of this Motion, York Water states as follows:

1. On or about July 21, 2009, Richard C. Shue c/o Katrina Pierce, Power of Attorney (“Complainant”) filed the above-captioned Complaint with the Commission. In the Complaint, the Complainant alleges that her tenant, Ms. Vinnie McCoy (“Tenant”), should be responsible for the water bills at a dwelling located at 468 Salem Avenue, York, Pennsylvania (“468 Salem Avenue”). Complainant alleges, among other things, that the dwelling currently may only be used as a single family dwelling unit.

2. York Water is filing an Answer to the Complaint contemporaneously with this Motion. In its Answer, York Water generally denies that the Tenant should be the ratepayer of record because the dwelling in question is a multi-unit building with only one water meter serving the premises. Therefore, the Company contends that under Section 1529.1 of the Public

Utility Code, 66 Pa. C.S. § 1529.1, York Water is required to list the landlord Complainant as the ratepayer of record.

3. York Water hereby requests that the Commission join the Tenant as an indispensable party in this proceeding.

4. The Supreme Court of Pennsylvania has held that "...a party is indispensable where his rights are so connected with the claims of the litigants that no decree can be made between them without impairing such rights." *Powell v. Shepard*, 381 Pa. 405, 412, 113 A.2d 261, 264-65 (1955).

5. The above-referenced Complaint concerns a dispute over whether the Complainant or the Tenant is responsible for the water bills at 468 Salem Avenue.

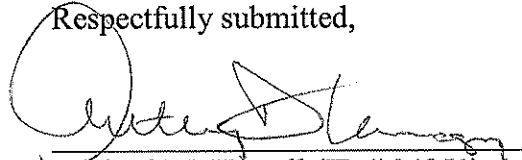
6. In the event that the Commission would find in favor of the Complainant, then the Tenant would be responsible for the water bills, including the past due balance. Therefore, Tenant's rights are directly connected to Complainant's claims, and a decision of the Commission may directly impair Tenant's rights.

7. In addition, Tenant lives at the dwelling in question. Therefore, Tenant is almost certainly aware of facts that may be relevant to this proceeding, including whether Tenant has access to the second dwelling unit at 468 Salem Avenue, whether other people have ever lived in the second unit or other potentially relevant facts. Tenant's testimony will be required to develop a complete factual record for deciding this case.

8. York Water further notes that the Commission has held that tenants are to be joined as indispensable parties in cases such as this involving foreign load. *Susan Afshari v. PPL Electric Utilities Corporation and Kim and Mike Fantazier, Indispensable Party*, Docket No. C-20055547, Order entered April 9, 2008.

WHEREFORE, The York Water Company respectfully requests that the Pennsylvania Public Utility Commission join Ms. Vinnie McCoy as an indispensable party in this proceeding.

Respectfully submitted,



Michael W. Hassell (ID # 34851)

Anthony D. Kanagy (ID # 85522)

Post & Schell, P.C.

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[akanagy@postschell.com](mailto:akanagy@postschell.com)

Of Counsel:

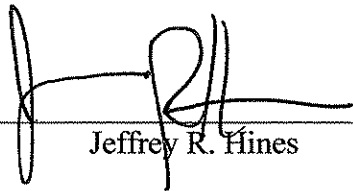
Post & Schell, P.C.

Date: August 11, 2009

Attorneys for The York Water Company

## VERIFICATION

I, Jeffrey R. Hines, President and CEO for The York Water Company, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in the matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to falsification to authorities).



Jeffrey R. Hines

Dated: August 10, 2009