

**Larry L. Wolfe**

2698 Forest Road  
York, PA 17402  
Phone 717 246-0847  
eflowyrrail@gmail.com

December 13, 2013

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: IN THE MATTER OF THE APPLICATION OF THE YORK WATER COMPANY, Under Sections 507, 1102(a)(1) and 1102(a)(3) of the Public Utility Code, for Approval of the Right of THE YORK WATER COMPANY to (1) Enter into a Municipal Contract to Acquire Certain Public Wastewater Facilities from East Prospect Borough Authority, (2) to Offer or Furnish Wastewater Service to the Public in the Borough of East Prospect and Portions of Lower Windsor Township, York County, Pennsylvania Served by East Prospect Borough Authority and (3) to Begin to Offer or Furnish Wastewater Service to the Public in Additional Portions of Lower Windsor Township, York County, Pennsylvania.

Docket No. A-2013-2394181

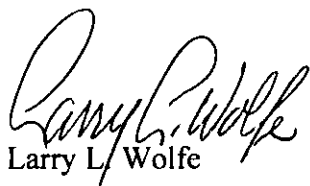
Dear Secretary Chiavetta:

Enclosed please find my Protest and Petition to Intervene in the referenced matter.

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

Please direct any questions regarding this petition to me. Thank you.

Respectfully submitted,

  
Larry L. Wolfe

Enclosures

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN THE MATTER OF THE APPLICATION OF :  
THE YORK WATER COMPANY, Under :  
Sections 507, 1102(a)(1) and 1102(a)(3) of the :  
Public Utility Code, for Approval of the Right of :  
THE YORK WATER COMPANY to (1) Enter :  
into a Municipal Contract to Acquire Certain :  
Public Wastewater Facilities from East Prospect :  
Borough Authority, (2) to Offer or Furnish :  
Wastewater Service to the Public in the Borough :  
of East Prospect and Portions of Lower Windsor :  
Township, York County, Pennsylvania Served by :  
East Prospect Borough Authority and (3) to Begin :  
to Offer or Furnish Wastewater Service to the :  
Public in Additional Portions of Lower Windsor :  
Township, York County, Pennsylvania. :

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**LARRY L. WOLFE PROTEST AND PETITION TO INTERVENE**

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Pursuant to 52 Pa. Code §§ 5.71 to 5.74, Larry L. Wolfe hereby petitions to intervene in the captioned proceeding. In support of his Protest and Petition to Intervene in The York Water Company request for expedited Public Utility Commission consideration of its Application Larry L. Wolfe (Wolfe) states as follows:

1. On November 18, 2013 The York Water Company (the Company) filed an Application (the Application) requesting expedited Public Utility Commission (the Commission) approval of:
  - a. The Company's acquisition of the public wastewater facilities of the East Prospect Borough Authority (EPBA);
  - b. An agreement of sale between the Company and the EPBA dated June 20, 2013;

c. An expansion of the Company's wastewater service territory to include areas located within East Prospect Borough and Lower Windsor Township, York County, Pennsylvania as depicted and described in certain Exhibits submitted with the Application; and,

d. A revised wastewater tariff as set forth in Exhibit A to the Application.

2. The Application predicts that residential growth within the expanded service area will, over the next few years, double the existing wastewater customer base (from approximately 400 to approximately 800). The resultant increased sewage flow will require that the existing wastewater treatment plant capacity be increased from 87,000 gallons-per-day to 175,000 gallons-per-day. According to the Company's forecast, treatment plant expansion would be needed sometime between 2018 and 2020. The EPBA states that it has insufficient experience to continue to meet the regulatory requirements associated with its wastewater obligations and is not equipped to expand its service.

3. Act 11 of February 2012, allows certain utility companies which provide water and wastewater services to request Commission approval to allocate wastewater revenue requirements to Company water ratepayers. The Company exercised that option in its May 29, 2013 rate filing with the Commission, docketed at R-2012-2336379, and incorporated in this Petition by reference. In that filing the Company requested Commission approval to have a portion of its Asbury Pointe wastewater revenue requirement allocated to water ratepayers. If the Commission approves that request, each of the Company's more than 57,000 residential water ratepayers will be required to subsidize 233 Asbury Pointe wastewater customers.

4. Title 52 Pa. Code § 69.711 establishes regulatory incentives for utilities like the Company to acquire small wastewater systems such as Asbury Pointe and the the East Prospect Borough Authority.

The Company cites that code as one reason why Commission should approve the Application.

6. Wolfe's standing in this matter derives from the fact that if the Application is approved as submitted he will be at risk of being required to subsidize the Company's wastewater operations in East Prospect Borough and Lower Windsor Township. Wolfe submits that his participation is also in the public interest inasmuch as each of the residential water ratepayers in York and Adams counties who are served by the Company are potentially impacted by the action of the Commission in this proceeding and their interest may not be adequately represented by existing participants.

5. Wolfe is a residential water ratepayer of the Company. He does not receive wastewater services from the Company. He is not a resident of East Prospect Borough or Lower Windsor Township. Wolfe is a stock holder in the Company. Wolfe has orally requested Company President, Jeffrey R. Hines, to file an amendment to the Application affirming that if the Application is approved, the Company will at no time seek Commission approval to allocate any portion of its East Prospect Borough/Lower Windsor Township wastewater revenue requirement to water ratepayers. As of the date of this filing, Mr. Hines had not responded to Wolfe's request.

7. Wolfe opposes Commission approval of the Company's Application in its present form for these reasons:

a. As indicated above, current laws, policies, and regulations encourage utility companies like The York Water Company to acquire small wastewater treatment systems. The acquiring water utility is then permitted to ask Commission approval to have Company water customers subsidize the wastewater operations—irrespective of the fact that overwhelming majority of those water customers may not be connected to the wastewater system. Wolfe knows of no law,

policy, or regulation which limits the water ratepayer's exposure with respect to the number of wastewater systems a water customer may be compelled to subsidize or the aggregate dollar amount the water ratepayer may be liable for in order to fund those subsidies. On its face, this is not just, reasonable or in the public interest.

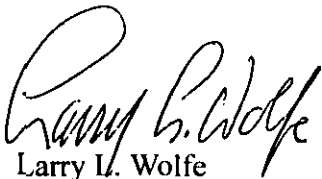
b. The Company's recent purchase of the Asbury Pointe wastewater system in East Manchester Township, together with this Application to acquire the East Prospect Borough Authority wastewater system, and the Company's agreement to purchase a wastewater treatment system in southern York County imply a strategy to add a new profit center to the corporation through the acquisition of small wastewater treatment plants. It is not unreasonable to infer that the Company will continue to pursue that strategy and capitalize on the favorable regulatory environment which encourages it to acquire wastewater systems and at the same time holds out the prospect that some portion of the cost of operating newly acquired wastewater systems can be fobbed off on water customers. The Asbury Point wastewater revenue allocation request is the first case in point. If the Commission allows the Company to acquire the EPBA system, nothing prevents the Company from asking the Commission for permission to have that system subsidized by its water customers. Similarly, when the purchase of the third wastewater system is consummated, the Company could seek permission to force its water customers to subsidize that operation. Given the foregoing, it is not unreasonable to postulate that in the near future, tens of thousands of The York Water Company water ratepayers could be subsidizing the operation of three or more wastewater treatment systems, none of which provide wastewater service to the vast majority of the water ratepayers who are subsidizing them.

8. Wolfe's position is that if the Commission approves the Application, the approval must clearly stipulate that at no time will the Commission favorably entertain a Company request to allocate

any portion of the East Prospect Borough/Lower Windsor Township wastewater system revenue requirement to Company water customers unless that class of water customers is limited solely to those who are served by that wastewater system. Please note that the Company makes no representation that the EPBA system is currently unprofitable, and it represents that the costs of system expansion to serve new residential developments will be borne by the developers; thus, conditioning Commission approval on the stipulation proposed above, imposes no hardship now or in the future for the Company.

10. For the reasons set forth herein, Larry L. Wolfe Respectfully petitions the Commission for leave to intervene in this proceeding and asks that the Commission give favorable consideration to his position.

Respectfully submitted,



Larry L. Wolfe  
2698 Forest Road  
York, PA 17402  
717 246-0847  
(Email: [wolfel2@verizon.net](mailto:wolfel2@verizon.net))

Dated: December 13, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

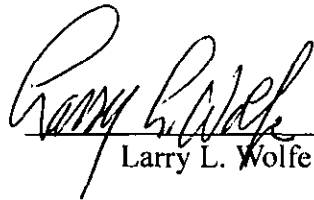
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Wastewater Service to the Public in the Borough :  
*of East Prospect and Portions of Lower Windsor* :  
Township, York County, Pennsylvania Served by :  
East Prospect Borough Authority and (3) to Begin :  
to Offer or Furnish Wastewater Service to the :  
Public in Additional Portions of Lower Windsor :  
Township, York County, Pennsylvania. :

**VERIFICATION**

I, Larry L. Wolfe, hereby state that the testimony set forth in my Protest and Petition to Intervene is true and correct to the best of my knowledge, information and belief, and that if asked orally at a hearing in this matter, my answers would be as set forth herein.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 13, 2013

  
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Larry L. Wolfe

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Larry L. Wolfe Protest and Petition to Intervene has been served by certified mail upon the following:

York County Commissioners  
One West Market Way  
Fourth Floor  
York, PA 17401

Felicia Dell  
York County Planning Commission  
100 West Market Street  
York, PA 17405

Lower Windsor Township Supervisors  
2425 Craley Road  
Wrightsville, PA 17368

Bureau of Investigation and Enforcement  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17105-3265

Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200

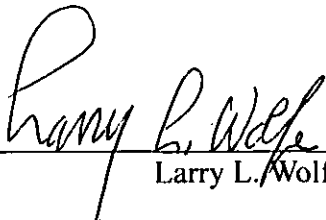
East Prospect Borough Authority  
P.O. Box 334  
East Prospect, PA 17317

Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923

Office of Small Business Advocate  
Commerce Building  
300 North Second Street, Suite 1102  
Harrisburg, PA 17101

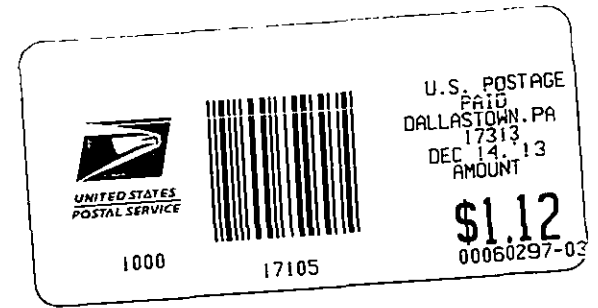
Michael W. Hassell, Esq.  
Jessica R. Rogers, Esq.  
Post & Schell, PC  
17 North Second Street - 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601

Dated: December 13, 2013

  
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WOLFE  
2698 FOREST RD.  
YORK PA 17402



ROSEMARY CHIAVETTA, SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, 2ND FLOOR NORTH  
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