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December 18, 2013

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

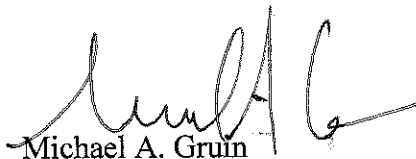
Re: *Application of the York Water Company for approval to: 1) enter into a municipal contract to acquire certain public wastewater facilities from East Prospect Borough Authority; 2) to offer or furnish wastewater service to the public in the Borough of East Prospect and portions of Lower Windsor Township, York County, served by East Prospect Borough Authority; and 3) to begin to 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 for filing on behalf of Lower Windsor Township is its Protest and Petition to Intervene in the above-captioned matter. This document has been e-filed at the Pennsylvania Public Utility Commission's website. Copies have been served in accordance with the attached Certificate of Service. If you have any questions, please do not hesitate to contact me. Thank you.

Best Regards,

STEVENS & LEE



Michael A. Gruin

Encl.

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
• Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of The York Water Company :
for approval to: 1) enter into a municipal :
contract to acquire certain public wastewater :
facilities from East Prospect Borough Authority; : Docket No. A-2013-2394181
2) to offer or furnish wastewater service to the :
public in the Borough of East Prospect and :
portions of Lower Windsor Township, :
York County, served by East Prospect Borough :
Authority; and 3) to begin to furnish wastewater :
service to the public in additional portions of :
Lower Windsor Township, York County :
Pennsylvania :

**PROTEST AND PETITION TO INTERVENE OF
LOWER WINDSOR TOWNSHIP**

Pursuant to 52 Pa. Code §§ 5.51 and 5.71 et seq., Lower Windsor Township (“Lower Windsor”) by its undersigned counsel, hereby files this Protest to the Application filed by the York Water Company (“York Water”) and Petition to Intervene. As set forth more fully below, Lower Windsor has interests which will be directly affected by the Application and which are not represented by any other participants, in that:

- York Water is seeking to expand its service territory to include additional portions of Lower Windsor Township, which will directly impact Lower Windsor and its residents; and
- Lower Windsor is party to the Intermunicipal Sewer Agreement referenced in York Water’s Application (Exhibit G to the Application), and York Water’s acquisition of the facilities of the East Prospect Borough Authority raises

questions about the fulfillment of the commitments made by the East Prospect Borough Authority under that Agreement

In support of its Protest and Petition to Intervene, Lower Windsor states and avers as follows:

1. Lower Windsor Township is a second class township organized and existing pursuant to the Second Class Township Code, 53. P.S. § 65010, et seq.

2. On or about November 18, 2013, York Water filed its Application to the Pennsylvania Public Utility Commission (“Commission”), seeking approval to acquire certain facilities of the East Prospect Borough Authority, to furnish wastewater services in certain portions of East Prospect Borough and Lower Windsor Township currently serviced by East Prospect Borough Authority, and to furnish wastewater services in certain additional portions of Lower Windsor Township.

3. Notice of the filing of York Water’s Application was published in the Pennsylvania Bulletin on December 7th, 2013.

4. Lower Windsor is represented in the above-captioned matter by the following counsel and all correspondence should be directed to them at the following addresses:

Michael A. Gruin, Esq.
PA ID No. 78625
Stevens & Lee
17 North Second Street, 16th Floor
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5. 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. The right or interest may be one of the following:

- (1) A right conferred by statute of the United States or of the Commonwealth.
- (2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.
- (3) Another interest of such nature that participation of the petitioner may be in the public interest.

6. Lower Windsor's intervention in this case satisfies the requirements of 52 Pa. Code § 5.72(a).

7. The interests of Lower Windsor and its residents will be directly affected by the outcome of the proceeding.

8. York Water is seeking to expand its service territory to include additional portions of Lower Windsor Township, and therefore, Lower Windsor and its residents will be directly impacted by the Commission's approval of York Water's Application. As such, Lower Windsor has an interest in ensuring that appropriate conditions are placed on any expansion of York Water's service territory to include additional portions of Lower Windsor Township.

9. Furthermore, Lower Windsor is party to the Intermunicipal Sewer Agreement referenced in York Water's Application (Exhibit G to the Application), along with East Prospect Borough and the East Prospect Borough Authority. The Intermunicipal Sewer Agreement sets forth the terms upon which the East Prospect Borough Authority was to provide public sanitary

sewer facilities to a proposed residential subdivision in Lower Windsor Township known as Lauxmont Meadows.

10. The lots within Lauxmont Meadows are required by the Lower Windsor Township Subdivision and Land Development Ordinance to be connected to a public sanitary sewer facility.

11. East Prospect Borough Authority made various commitments to Lower Windsor Township as part of the Intermunicipal Sewer Agreement, including a commitment to reserve sewer treatment capacity sufficient to serve the Lauxmont Meadows subdivision, a commitment to provide “pump and haul” services to the Lauxmont Meadows lots until such time as the Authority’s collection system became functional, and a commitment not to provide sanitary sewer collection or treatment to any property in Lower Windsor except as provided for in the Intermunicipal Sewer Agreement.

12. The Intermunicipal Sewer Agreement also establishes a process for the payment of engineering and legal expenses that would result from the construction of a treatment plant and collection system needed to serve the Lauxmont Meadows development.

13. York Water’s Application makes reference to the Intermunicipal Sewer Agreement and seeks Commission approval to serve the Lauxmont Meadows subdivision, but the Application does not indicate that York Water will adopt the relevant terms and conditions of the Intermunicipal Sewer Agreement between East Prospect Borough and Lower Windsor Township, nor does it state that York Water will agree to honor the commitments made by East Prospect Borough to Lower Windsor Township under the Agreement.

14. York Water's Application asserts that Lower Windsor concurs with York Water's proposed expansion of its service territory (Application, at page 9). This is not entirely accurate.

15. Lower Windsor is not necessarily opposed to York Water's acquisition of the facilities of the East Prospect Borough Authority, or the other relief sought by the Application. However, Lower Windsor would only concur to the relief sought by the Application if York Water provides assurances that the Authority's contractual commitments to Lower Windsor will be honored, and if York Water clarifies its plans for serving the proposed Lauxmont Meadows development in Lower Windsor Township to address all of the issues referenced in the Intermunicipal Sewer Agreement.

16. Lower Windsor protests the Application to the extent that it does not contain the assurances and clarifications referenced above.

17. As a party to an Agreement with East Prospect Borough Authority under which the Authority will provide wastewater services to certain portions of the Township, Lower Windsor and its residents will be directly affected by an acquisition of the Authority's facilities.

18. In addition, Lower Windsor's interests could be affected by positions or proposals submitted by other parties to this proceeding, and as such it is important for Lower Windsor to participate in the proceeding to monitor such proposals/positions and respond as necessary.

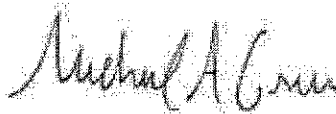
19. The interests of Lower Windsor are not represented by any other participant in this proceeding, the outcome of which will be binding upon Lower Windsor.

20. Because Lower Windsor has a direct and substantial interest in this proceeding, and because no other entity can represent Lower Windsor interests, Lower Windsor's Petition to Intervene should be granted.

WHEREFORE, Lower Windsor Township respectfully requests that its Petition to Intervene be granted and that it be accorded full party status in the above-captioned proceeding so that its concerns can be properly addressed.

Respectfully submitted,

STEVENS & LEE, P.C.



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Attorneys for Lower Windsor Township

Dated: December 18, 2013

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of The York Water Company
for approval to: 1) enter into a municipal
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Lower Windsor Township, York County
Pennsylvania

Docket No. A-2013-2394181

I, Maureen Hartman, Manager of Lower Windsor Township, verify that the factual allegations contained in the foregoing Petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



Maureen Hartman

December 18, 2013

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing Protest and Petition to Intervene on the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

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HARRISBURG PA 17101-1923

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HARRISBURG PA 17101

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YORK, PA 17401

FELICIA DELL
YORK COUNTY PLANNING COMMISSION
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DEPT. OF ENVIRONMENTAL PROTECTION
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HARRIBURG, PA 17110


MICHAEL A. GRUIN

DECEMBER 18, 2013