

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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March 5, 2019

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

Re: Application of The York Water Company –  
Wastewater for approval of the acquisition  
of the wastewater system assets owned by  
the Jacobus Borough Sewer Authority  
Docket No. A-2019-3007355

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Erin L. Gannon".

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Erin L. Gannon  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 83487  
E-Mail: [EGannon@paoca.org](mailto:EGannon@paoca.org)

Attachment

cc: Office of Administrative Law Judge  
Office of Special Assistants (email only: [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov))  
Bureau of Technical Utility Services  
Certificate of Service

\*267649

CERTIFICATE OF SERVICE

Re: Application of The York Water Company - :  
Wastewater for approval of the acquisition : Docket No. A-2019-3007355  
of the wastewater system assets owned by :  
the Jacobus Borough Sewer Authority :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 5<sup>th</sup> day of March 2019.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Richard Kanaskie, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Steven C. Gray, Esquire  
Office of Small Business Advocate  
300 North Second Street  
Suite 202  
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Michael W. Hassell, Esquire  
Devin T. Ryan, Esquire  
Post & Schell, P.C.  
17 North Second Street  
12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601



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Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
Dated: March 5, 2019  
\*267651

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of The York Water Company - :  
Wastewater for approval of the acquisition of : Docket No. A-2019-3007355  
the Wastewater System Assets Owned by the :  
Jacobus Borough Sewer Authority :

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NOTICE OF INTERVENTION

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Pursuant to 52 Pa. Code Section 5.71(a) and 71 P.S. § 309-4, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Christine Maloni Hoover  
Erin L. Gannon  
Senior Assistant Consumer Advocates  
Office of Attorney General  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923

Respectfully submitted,

  
Erin L. Gannon  
Senior Assistant Consumer Advocate

DATED: March 5, 2019  
267577

PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Acting Consumer Advocate determined to file an Intervention and participate in proceedings before the Commission involving the Application by The York Water Company - Wastewater (York).

York seeks Commission approval to acquire the wastewater collection system owned by Jacobus Borough Sewer Authority (JBSA), expand its wastewater service territory, and provide service to JBSA's existing customers. JBSA does not own its own treatment works; sanitary waste generated in and conveyed through the collection system is connected to the sanitary sewer system of Springfield Township York County Sewer Authority (STYCSA) pursuant to a 2006 municipal agreement. Attachments to the Application contain a statement by STYCSA acknowledging that that York will succeed JBSA as the party to the agreement upon closing.

On February 19, 2019, the Office of Small Business Advocate (OSBA) filed a Protest against the Application and Notice of Intervention. The OSBA noted that the Asset Purchase Agreement provides that rates for acquired JBSA customers will be frozen for a period of three years or until adjusted by the Commission, whichever is later. The OSBA raised a concern whether other York Water ratepayers would be impacted by the proposed rate freeze. The Commission's Bureau of Technical Utility Services (TUS) raised a similar concern, in discovery questions it issued to York on February 13, 2019. TUS asked how the rate freeze provision conforms to 66 Pa. C.S. § 1304, which

prohibits discrimination in rates. In its discovery, TUS also raised questions about, *inter alia*, whether JBSA is providing wastewater service outside its service territory, the facilities proposed to be transferred, and details of the sewage treatment agreement between STYCSA and JBSA.

The Office of Consumer Advocate will participate in this proceeding to ensure that adequate service is provided to existing and acquired customers at just and reasonable rates and in accordance with applicable statutes, and that the proposed transaction provides all necessary and proper customer protections which are justified, reasonable, and in accordance with sound ratemaking principles and the Public Utility Code.

JBSA provides wastewater service to 686 customers in the Borough of Jacobus, York County, Pennsylvania. As of September 30, 2018, York provides wastewater service to 2,291 customers. All of Jacobus Borough is within York Water's certificated water service territory.