



COMMONWEALTH OF PENNSYLVANIA

March 18, 2019

The Honorable Dennis J. Buckley
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
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 Administrative Law Judge Buckley:

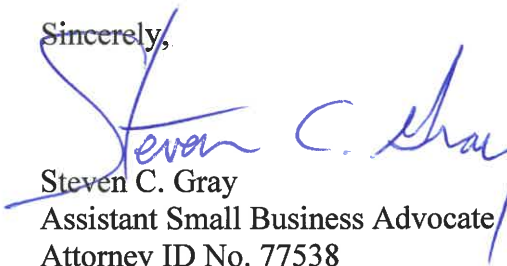
Pursuant to 52 Pa. Code Section 5.94(b), the Office of Small Business Advocate (“OSBA”) withdraws its February 19, 2019, Protest and Notice of Intervention to the January 16, 2019, *Application of The York Water Company – Wastewater for Approval of the Acquisition of the Wastewater System Assets owned by Jacobus Borough Sewer Authority* (“*Application*”).

In general, the OSBA does not object to the acquisition set forth in the *Application*. However, as set forth in Paragraph 9 of the OSBA’s Protest, this office was concerned about the rate freeze provided to the current customers of the Jacobus Borough Sewer Authority. Specifically, rates from York Water’s next base rates case may go into effect months before the Jacobus rate freeze expires.

The OSBA discussed this issue at length with counsel for York Water. Counsel for York Water explained that the acquisition agreement with Jacobus clearly states that the Pennsylvania Public Utility Commission (“Commission”) has full authority to set York Water’s rates, notwithstanding any provision set forth in the acquisition agreement. Furthermore, Counsel for York Water confirmed that all rates will be subject to review and litigation in the Company’s next base rates proceeding. The OSBA understands that York Water will be submitting a letter to the Commission to that effect.

Therefore, the OSBA is satisfied that the issues raised in its February 19th Protest have been addressed. The OSBA respectfully requests that Your Honor withdraw the OSBA's February 19th Protest.

Sincerely,



Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: PA PUC Secretary Rosemary Chiavetta
Brian Kalcic
Parties of Record

**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 : Docket No. A-2019-3007355
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 Jacobus :
Borough Sewer Authority; (2) assume a :
municipal contract currently in effect between :
Jacobus Borough Sewer Authority and :
Springfield Township, York County, Sewer :
Authority; and (3) begin to offer or furnish :
wastewater service to the public in the Borough :
of Jacobus, York County, Pennsylvania :**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).


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DATE: March 18, 2019


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