



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

---

Michael W. Hassell

mhassell@postschell.com  
717-612-6029 Direct  
717-720-5386 Direct Fax  
File #: 175354

March 21, 2019

***VIA ELECTRONIC FILING***

Honorable Dennis J. Buckley  
Administrative Law Judge  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor East  
PO 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 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 - Docket No. A-2019-3007355**

---

Dear Judge Buckley:

Enclosed is a Motion to Transfer Application to the Pennsylvania Public Utility Commission's Bureau of Technical Services in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Sincerely,

Michael W. Hassell

MWH/kl  
Enclosures

Honorable Dennis J. Buckley

March 21, 2019

Page 2

cc: Rosemary Chiavetta, Secretary  
Clinton McKinley (*via E-mail*)  
Certificate of Service

**CERTIFICATE OF SERVICE**

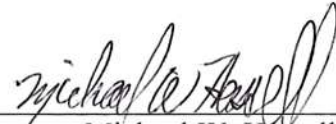
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL & FIRST CLASS MAIL**

Steven C. Gray, Esquire  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Erin Gannon, Esquire  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> floor  
Harrisburg, PA 17101

Date: March 21, 2019

  
\_\_\_\_\_  
Michael W. Hassell

**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 Jacobus :       Docket No. A-2019-3007355  
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 :

**MOTION TO TRANSFER APPLICATION  
TO THE PENNSYLVANIA PUBLIC UTILITY  
COMMISSION'S BUREAU OF TECHNICAL SERVICES**

TO THE HONORABLE DENNIS J. BUCKLEY, ADMINISTRATIVE LAW JUDGE:

In accordance with the provisions of Section 5.103 of the regulations of the Pennsylvania Public Utility Commission ("Commission"), 52 Pa. Code § 5103, The York Water Company ("York Water") respectfully moves to transfer the above-referenced Application to the Commissioner's Bureau of Technical and Utility Services ("TUS") for disposition.

**I. HISTORY OF THE PROCEEDING**

1. On January 16, 2019, York Water filed an Application for approval to acquire certain public wastewater facilities from Jacobus Borough Sewer Authority ("Jacobus Sewer"). Through the application, York Water also seeks approval to assume a municipal contract currently in effect between Jacobus Sewer and Springfield Township, York County, Sewer Authority and for authority to furnish wastewater service to the public in the Borough of Jacobus.

2. Notice of the Application was published in the February 2, 2019 issue of the *Pennsylvania Bulletin*, which directed that formal protests and petitions to intervene were to be filed on or before February 19, 2019. Notice was also published twice in a newspaper of general circulation in the proposed service area.

3. On February 19, 2019, the Office of Small Business Advocate (“OSBA”) filed a Protest.

4. On March 5, 2019, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention.

5. On March 18, 2019, York Water filed an updated response to a Data Request from TUS. Thereafter, on March 18, 2019, OSBA filed a Letter to Withdraw its Protest, and on March 19, 2019, OCA filed a Petition for Leave to Withdraw its Notice of Intervention.

## **II. REQUEST TO TRANSFER**

6. With the withdrawals of the OSBA Protest and the OCA Notice of Intervention, there is no opposition to York Water’s Application. Hearings in this case would be unnecessary and add unnecessary costs. However, the Commission must still determine whether the acquisition is in the public interest.

7. York Water believes that the most efficient course would be to return the Application to the Commission’s Bureau of TUS for appropriate resolution. *See Joint Application of Aqua Pennsylvania, Inc. and Superior Water, Inc., for Approval of the Transfer by Merger, of All Stock and Rights of Superior Water Company, Inc., to Aqua Pennsylvania, Inc.* Docket No. A-2015-2472472, Order of Administrative Law Judge Buckley dated August 11, 2015.

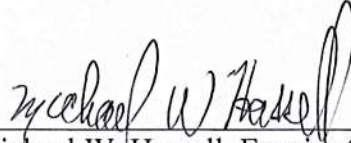
8. York Water is authorized to state that OSBA and OCA do not oppose this Motion.

### III. CONCLUSION

Therefore, The York Water Company respectfully requests that Administrative Law Judge Dennis J. Buckley transfer this matter to the Commission's Bureau of Technical Services for review and disposition of the Application.

Respectfully submitted,

Date: March 21, 2019



Michael W. Hassell, Esquire (ID #34851)

Devin T. Ryan, Esquire (ID #316602)

Post & Schell, P.C.

17 North Second Street, 12<sup>th</sup> floor

Harrisburg, PA 17101-1601

Phone: (717) 731-1970

Fax: (717) 731-1985

E-mail: [mhassell@postschell.com](mailto:mhassell@postschell.com)

E-mail: [dryan@postschell.com](mailto:dryan@postschell.com)