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File #: 178043

January 22, 2020

**VIA ELECTRONIC FILING**

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 Section 1102(a)(1) of the Public Utility Code, for approval of the right of The York Water Company to begin to offer or furnish wastewater service to the public in a portion of Straban Township, Adams County, Pennsylvania  
Docket No. A-2019-3014022**

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Dear Secretary Chiavetta:

Enclosed for filing are the Responses of The York Water Company to the Bureau of Technical Utility Services' Data Requests, Set I, Nos. A-1-2, 15-16, 29-30, 32 and 38 in the above-referenced proceeding.

Respectfully submitted,



Devin Ryan

DTR/jl  
Enclosures

cc: Matthew Lamb, Bureau of Technical Utility Services ([mlamb@pa.gov](mailto:mlamb@pa.gov))

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish or supply wastewater service to the public in a portion of Straban Township, Adams County at Docket No. A-2019-3014022

Discovery A-1:

Please provide evidence that Gettysburg Municipal Authority (GMA) has amended its statement in Exhibit G of the Application to include the areas outside of the Amblebrook Development (Amblebrook), delineated in The York Water Company – Wastewater Division (York Water-WW's) proposed service territory in Exhibit E of the Application, as not creating a conflict with GMA's service area.

Respondent:

JT Hand  
Chief Operating Officer

Response:

On September 30, 2019, representatives of York Water and Rock Creek, LLC attended a scheduled meeting with the Straban Township Board of Supervisors to discuss the process through which York Water would file an Application with the Commission to provide water and wastewater service to the proposed territory. During York Water's presentation it became apparent that there was disagreement between GMA and Straban Township concerning York Water's plan to include the areas outside of Amblebrook in the proposed wastewater service territory. Straban Township supported a wastewater service territory that included the areas outside of the Amblebrook development (see Exhibit E of the Application), while, at that time, GMA opposed the inclusion of the areas outside of the development (see Exhibit G of the Application).

However, York Water's understanding is that GMA no longer opposes including the areas outside of the Amblebrook development in the Company's proposed wastewater service territory. By email dated October 4, 2019, Straban Township's solicitor, Attorney Sam Wiser, informed York Water that he had spoken with the solicitor and Manager of GMA and that "GMA has confirmed that it has no objection to the sewer service territory desired by the Board of Supervisors" of Straban Township. A copy of the October 4, 2019 email is attached.

In addition, York Water observes that GMA was served with the above-captioned Application, as evidenced by the Certificate of Service accompanying the Application. Further, notices of the Application were published in the *Gettysburg Times* and the *Pennsylvania Bulletin*. As seen in those notices, formal protests and petitions to intervene were due by December 2, 2019. To date, GMA has not intervened or protested the Application.

**J T Hand**

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**From:** Sam Wiser <SWiser@salzmannhughes.com>  
**Sent:** Friday, October 4, 2019 2:32 PM  
**To:** J T Hand  
**Subject:** Straban Township

Good afternoon JT,

I had an opportunity to speak with the Board of Supervisors after the Amblebrook meeting on Monday and I also had the opportunity to speak with the solicitor and manager of the Gettysburg Municipal Authority regarding the York Water service area as it relates to the Amblebrook project. GMA relayed that they were not aware that the Straban Township Board of Supervisors had expressed their desires regarding the service territory. Had GMA been aware they would have involved Straban in a conversation prior to sending the correspondence to York Water. GMA has confirmed that it has no objection to the sewer service territory desired by the Board of Supervisors. GMA suggested that the tariff be submitted with the sewer service territory as submitted by the Board of Supervisors and the water service territory as desired by GMA.

I would like to discuss this concept with the Board at an upcoming meeting. The Board has its regular meeting on Monday evening and I am hoping to be able to discuss this with the Board then. I will get back to you following that discussion.

Thank you. I hope you have a great weekend.  
Sam

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish  
or supply wastewater service to the public in a portion of Straban Township, Adams  
County at Docket No. A-2019-3014022

Discovery A-2:

In page 2 of the letter from the Adams County Office of Planning and Development in Exhibit G of the Application indicates that it does not support including parcels on the east side of Hunterstown Road and immediately south of the Amblebrook site in York Water-WW's requested territory. Please explain why York Water-WW is proposing to include these parcels in its requested territory.

Respondent:

JT Hand,  
Chief Operating Officer

Response:

As part of York Water's Act 14 notification to Straban Township, York Water requested concurrence from the Township on the limits of York Water's proposed water and wastewater service territories. By letter dated May 14, 2019, Straban Township concurred with the proposed wastewater service territory as described in Attachment "A" to the Act 14 notification. A copy of the May 14, 2019 letter is attached. While the Adams County Office of Planning and Development may not support the requested wastewater service territory, the elected officials of Straban Township support York Water providing wastewater service outside the Amblebrook development, as described in Exhibit E of the Application (see answer to Discovery A-1).

# Straban Township • Adams County • Pennsylvania



## Board of Supervisors

1745 Granite Station Rd. Gettysburg, PA 17325  
Phone: (717) 334-4833 Fax: (717) 334-0061  
Email: office@strabantownship.com  
Website: www.strabantownship.com

May 14, 2019

The York Water Company  
130 East Market Street  
York, PA 17401  
Attn: Jeffrey R. Hines, P.E.  
President and Chief Executive Officer

Re: Pennsylvania Public Utility Commission  
Charter Area Expansion Request – Straban Township, Adams County

Dear Mr. Hines:

At its meeting on May 6, 2019, the Board of Supervisors approved by a vote of 2-1 to request the expanded charter area of The York Water Company as outlined in the enclosed signed concurrence letter and attached Exhibit "A" dated April 27, 2019.

If you have any questions, please do not hesitate to contact me.

Respectfully,

Robin K. Crushong, Office Manager

Enclosure

cc: Wm. F. Hill & Associates, Inc.  
Samuel E. Wiser, Jr., Esquire



"That good York water"  
SINCE 1816

# The York Water Company

April 29, 2019

Robin K. Crushong

Office Manager/Secretary-Treasurer  
1745 Granite Station Road  
Gettysburg, PA 17325

Re: York Water application to serve water and wastewater in portions of Straban Township, Adams County.

The York Water Company is submitting a request to the Pennsylvania Public Utility Commission (PUC) to expand its charter area to portions of Straban Township to provide water and wastewater service to the Amblebrook development area. York Water is proposing to expand its charter area that includes the Amblebrook development and adjacent land requested by the township.

As part of York Water's request to the PUC, we have been asked to receive input from the township to determine if York Water's proposed expansion of water and wastewater complies with the township's land use planning. York Water has reviewed the township's zoning map and is proposing to only include areas of the township that are zoned for development.

Specifically, the PUC requests that the township reviews the following questions:

1. Are there adopted municipal comprehensive plans for the townships/boroughs involved? [Yes]
2. Is there an adopted county comprehensive plan? [Yes]
3. Is there an adopted multi-municipal or multi-county comprehensive plan? [Yes]
4. Is there an adopted county or municipal zoning ordinance or joint municipal zoning ordinance? [Yes]
5. Is the proposed project consistent with these comprehensive plans and/or zoning ordinances? [Yes]
6. If the answer is "yes" to any of the above questions, provide a letter or equivalent written certification from the municipality and/or county planning agency stating that the application is consistent with the applicable comprehensive plans and zoning ordinances.

If you have any questions, please call.

Jeffrey R. Hines, P.E.  
President and Chief Executive Officer  
The York Water Company

We concur that York Water's application is consistent with the applicable comprehensive plans and zoning ordinances. See Attached Exhibit A dated 4/27/19, both red and black hatched areas.

Straban Township Signature Tony M. Sanders

Printed Name/Title Tony M. Sanders, Chair Date May 6, 2019



**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish  
or supply wastewater service to the public in a portion of Straban Township, Adams  
County at Docket No. A-2019-3014022

Discovery A-15:

The Application's Exhibit H, Section 4 indicates that Rock Creek and York Water intend to execute a Water and Sewer Agreement for each phase (Phase Agreement). Please provide copies of all draft Phase Agreements, including any executed Phase Agreements.

Respondent:

JT Hand  
Chief Operating Officer

Response:

There are no draft, or executed, phase agreements at this time.

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish or supply wastewater service to the public in a portion of Straban Township, Adams County at Docket No. A-2019-3014022

Discovery A-16:

The Application's Exhibit H, Section 8 indicates "If Applicant requires Water Work and Sewer Work to be initiated prior to Company receiving all necessary approvals, [...] Upon receipt of all necessary approvals, Company shall reimburse Applicant or pay Applicant's contractor for the actual cost of work completed". Please clarify the following:

- a. If the Applicant is requiring Water Work and Sewer Work to be initiated prior to York Water receiving all necessary approvals;
- b. If the Applicant is requiring work to be initiated, identify the work being done before York Water-WW receives all necessary approvals;
- c. Quantify any estimated costs under this Section; and
- d. Indicate whether it is York Water-WW's intent to use any of Applicant installed "Sewer Work" as part of plant in use for York Water's build out of the water system assets in future phases of Amblebrook.

Respondent:

JT Hand  
Chief Operating Officer

Response:

- a. Before York Water receives all necessary approvals, any Water Work and Sewer Work will be performed by a contractor retained by Rock Creek LLC. As stated in Section 8 of the Developer Agreement, such contractor may only initiate Water Work and Sewer Work under the review and approval of York Water at rates that are pre-approved by the Company and in accordance with York Water's specifications. Consistent with this provision, Rock Creek LLC selected a contractor who has been performing and will continue to perform Water Work and Sewer Work until York Water receives all necessary approvals.
- b. According to Rock Creek LLC, the work completed to date includes approximately 18,022 linear feet of sanitary sewer collection mains and appurtenances as well as structural components of the Wastewater Treatment Plant.
- c. At this point, York Water does not have an available estimate of the costs that have been and will be incurred by Rock Creek LLC for the Water Work and Sewer

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish  
or supply wastewater service to the public in a portion of Straban Township, Adams  
County at Docket No. A-2019-3014022

Work. If Application is approved, York Water will perform a final review and, in a future base rate proceeding, reflect all reasonable and prudent capital expenditures related to this Water Work and Sewer Work. In this Application proceeding, York Water is not requesting any ratemaking treatment for the costs that will be paid or reimbursed pursuant to Section 8 of the Developer Agreement.

d. Yes. York Water intends to use installed "Sewer Work" components as provided by Rock Creek LLC for York Water's build out of the wastewater system assets in future phases of Amblebrook.

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish or supply wastewater service to the public in a portion of Straban Township, Adams County at Docket No. A-2019-3014022

Discovery A-29:

Please provide copies of all requests for service for the area termed “Nearby Lands” in the Application’s Exhibit H, Section 1 and included in York Water-WW’s requested additional service territory in Exhibit E.

Respondent:

JT Hand  
Chief Operating Officer

Response:

The areas outside of the Amblebrook development included in the Company’s proposed wastewater service territory are the “Nearby Lands” referenced in the Developer Agreement. As explained in Footnote 2 of the Application, at the time of filing the Application, there was disagreement among Straban Township, Gettysburg Municipal Authority (“GMA”), and Adams County about further expansion of wastewater service beyond the bounds of the Amblebrook development. Although both Straban Township and Adams County support expansion outside the Amblebrook development, they disagree about the precise areas outside the development that should be provided with wastewater service. The Application reflects the area supported by Straban Township. Further, in the letter signed on September 17, 2019, GMA stated that it does not object to York Water providing wastewater service to the Amblebrook development only (see Exhibit “G” attached to the Application). After that letter was submitted, York Water was advised that GMA also no longer objects to the Company providing wastewater service to the areas outside of the Amblebrook development that are included in the Company’s proposed wastewater service territory (see answer to Discovery A-1).

As of this date, York Water has not received formal requests for wastewater service for the area termed “Nearby Lands” in the Developer Agreement. If York Water receives any such requests after the Commission approves the Company’s Application, York Water will only extend service to customers located in the “Nearby Lands” in accordance with the line extension provisions of York Water’s Commission-approved tariff.

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish  
or supply wastewater service to the public in a portion of Straban Township, Adams  
County at Docket No. A-2019-3014022

Discovery A-30:

Please provide a copy of a pro forma tariff supplement incorporating any changes required to include the requested territory in York Water-WW's effective wastewater tariff.

Respondent:

JT Hand  
Chief Operating Officer

Response:

A copy of a *pro forma* tariff supplement incorporating any changes required to include the requested territory in York Water-WW's effective wastewater tariff is attached.

**THE YORK WATER COMPANY**

**RATES, RULES AND REGULATIONS GOVERNING**

**THE PROVISION OF WASTEWATER COLLECTION, TREATMENT**

**AND/OR DISPOSAL SERVICE TO THE PUBLIC IN**

**THE BOROUGHES OF EAST PROSPECT, JACOBUS AND WEST YORK**

**AND THE**

**TOWNSHIPS OF EAST MANCHESTER (ASBURY POINTE RESIDENTIAL SUBDIVISION)**  
**AND LOWER WINDSOR IN YORK COUNTY, AND THE TOWNSHIP OF STRABAN IN**  
**ADAMS COUNTY, PENNSYLVANIA (C)**

ISSUED: xxxxxxxxxxxxxxxx

EFFECTIVE: xxxxxxxxxxxxxxxx

By: Jeffrey R. Hines  
President and CEO  
130 East Market Street  
York, Pennsylvania

(C) Indicates Change



# NOTICE

Filed in compliance with the order of the Pennsylvania Public Utility Commission of XXXXXXXXXXXX, at  
Docket No. A-XXXX-XXXXXXX.  
(SEE PAGE NO. 2)

The York Water Company  
York, Pennsylvania

Supplement No. X  
To  
Wastewater – PA P.U.C. No. 1  
XXXXX Revised Page No. 2  
Canceling  
XXXXXX Revised Page No. 2

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## LIST OF CHANGES

This tariff supplement authorizes The York Water Company – Wastewater to begin to offer or furnish wastewater service to the public in a portion of Straban Township, Adams County, Pennsylvania, in accordance with the Pennsylvania Public Utility Commission Order at Docket No. A-XXXX-XXXXXXX, entered XXXXXXXXXXXX.

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(C) Indicates Change

**PART I: SCHEDULE OF RATES AND CHARGES**

Asbury Pointe Area

A flat rate of \$62.50 per month per equivalent dwelling unit.

East Prospect and Lower Windsor Area

A metered rate (based on water consumption) as follows:

	<u>Per Month</u>	<u>Rate</u>
East Prospect and Lower Windsor area	1 <sup>st</sup> 4,000 Gals.	\$62.50
Over	4,000 Gals.	\$2.50 per 1,000 Gals.

West York Borough Area

Rate per Month

A flat rate per equivalent dwelling unit.

Residential	\$32.71
Commercial/Industrial	\$40.42

Jacobus Borough Area

A metered rate (based on water consumption) per equivalent dwelling unit as follows:

	<u>Per Month</u>	<u>Rate</u>
Jacobus Borough Area	1 <sup>st</sup> 4,000 Gals.	\$55.00
Over	4,000 Gals.	\$5.00 per 1,000 Gals.

Straban Township Area

(C)

A metered rate (based on water consumption) as follows:

	<u>Per Month</u>	<u>Rate</u>
East Prospect and Lower Windsor area	1 <sup>st</sup> 4,000 Gals.	\$62.50
Over	4,000 Gals.	\$2.50 per 1,000 Gals.

(C) Indicates Change

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish  
or supply wastewater service to the public in a portion of Straban Township, Adams  
County at Docket No. A-2019-3014022

Discovery A-32:

Please provide a breakdown of the estimated annual revenues, expenses and income for Amblebrook in the first, fifth and tenth year after the first Amblebrook WWTP is placed into service.

Respondent:

JT Hand  
Chief Operating Officer

Response:

A breakdown of the estimated annual revenues, expenses, and income for Amblebrook in the first, fifth and tenth years after the Amblebrook WWTP is placed into service is attached. These estimates are based upon end-of-phase customer counts, which approximate the first, fifth, and tenth years after the Amblebrook WTP is placed into service.

## ATTACHMENT TO DISCOVERY A-32 (WASTEWATER)

### Estimated Annual Revenue and Expense Figures for the Proposed Acquisition

#### First Year

The estimated annual revenue for the projected 435 customers (434 Residential, 1 Commercial) is calculated using York Water's Proposed Sewer rates for Straban Township, which are set forth in the Attachment to Discovery A-30.

#### Residential

Monthly Customer Charge	\$ 62.50
Monthly Consumption Charge: (over 4,000 gal.) 0 x \$0.0025 =	\$ 0.00
Monthly Charge per Customer	\$ 62.50
	X 12
Annual Charge per Customer	\$750.00
	X 434
Annual Residential Revenue	\$325,500

#### Commercial

Monthly Customer Charge	\$ 62.50
Monthly Consumption Charge: 6,000 x \$0.0025 =	\$ 15.00
Monthly Charge per Customer	\$ 77.50
	X 12
Annual Charge per Customer	\$ 930.00
	X 1
Annual Commercial Revenue	\$ 930.00

Total Annual Revenue \$326,430

Estimated expenses are calculated based on the Company's latest cost of service study performed with the latest rate filing effective March 1, 2019. The Company expects the expenses for the new Amblebrook's customers to mirror those of the current system.

O & M Expenses (34.1% of revenue)	\$111,313
Depreciation (15.2% of revenue)	49,617
General Taxes (2.1% of revenue)	6,855
Income Taxes (6.7% of revenue)	21,871
Total Operating Expenses	\$189,656
Operating Income	\$136,774

## Fifth Year

The following summary assumes that the Proposed Sewer rates for Straban Township remain in effect through the fifth year.

The estimated annual revenue for the projected 862 customers (861 Residential, 1 Commercial) is calculated using the Proposed Sewer rates and the average number of gallons per month consumed by residential and commercial repumped customers at the time of the Company's last rate filing.

### Residential

Monthly Customer Charge	\$ 62.50
Monthly Consumption Charge: (over 4,000 gal.) 0 x \$0.0025 =	\$ 0.00
Monthly Charge per Customer	\$ 62.50
	X 12
Annual Charge per Customer	\$750.00
	X 861
Annual Residential Revenue	\$645,750

### Commercial

Monthly Customer Charge	\$ 62.50
Monthly Consumption Charge: 6,000 x \$0.0025 =	\$ 15.00
Monthly Charge per Customer	\$ 77.50
	X 12
Annual Charge per Customer	\$ 930.00
	X 1
Annual Commercial Revenue	\$ 930.00
 Total Annual Revenue	 \$646,680

Estimated expenses are calculated based on the Company's latest cost of service study performed with the latest rate filing effective March 1, 2019. The Company expects the expenses for the new Amblebrook's customers to mirror those of the current system.

O & M Expenses (34.1% of revenue)	\$220,518
Depreciation (15.2% of revenue)	98,295
General Taxes (2.1% of revenue)	13,580
Income Taxes (6.7% of revenue)	43,328
Total Operating Expenses	\$375,721
 Operating Income	 \$270,959

## Tenth Year

The following summary assumes that the Proposed Sewer rates for Straban Township remain in effect through the tenth year.

The estimated annual revenue for the projected 1,140 customers (1,139 Residential, 1 Commercial) is calculated using the Proposed Sewer Rates and the average number of gallons per month consumed by residential and commercial repumped customers at the time of the Company's last rate filing.

### Residential

Monthly Customer Charge	\$ 62.50
Monthly Consumption Charge: (over 4,000 gal.) 0 x \$0.0025 =	\$ 0.00
Monthly Charge per Customer	\$ 62.50
	X 12
Annual Charge per Customer	\$750.00
	X 1,139
Annual Residential Revenue	\$854,250

### Commercial

Monthly Customer Charge	\$ 62.50
Monthly Consumption Charge: 6,000 x \$0.0025 =	\$ 15.00
Monthly Charge per Customer	\$ 77.50
	X 12
Annual Charge per Customer	\$ 930.00
	X 1
Annual Commercial Revenue	\$ 930.00
Total Annual Revenue	\$855,180

Estimated expenses are calculated based on the Company's latest cost of service study performed with the latest rate filing effective March 1, 2019. The Company expects the expenses for the new Amblebrook's customers to mirror those of the current system.

O & M Expenses (34.1% of revenue)	\$291,616
Depreciation (15.2% of revenue)	129,987
General Taxes (2.1% of revenue)	17,959
Income Taxes (6.7% of revenue)	57,297
Total Operating Expenses	\$496,859
Operating Income	\$358,321

**The York Water Company**  
**Responses to Bureau of Technical Utility Services, Water/Wastewater Division**  
**Data Request 1**

Application of The York Water Company for approval of the right of offer, render, furnish or supply wastewater service to the public in a portion of Straban Township, Adams County at Docket No. A-2019-3014022

Discovery A-38:

Please explain how approval of York Water-WW's Application is in the interest of York Water-WW's existing customers.

Respondent:

JT Hand  
Chief Operating Officer

Response:

Approval of the proposed Application will benefit the Company's existing wastewater customers because by expanding the Company's customer base, York Water's fixed wastewater costs will be spread over a greater number of customers. York Water also maintains that the Commission should take other considerations into account when determining whether the Application is necessary and proper for the service, accommodation, convenience, and safety of the public, including how:

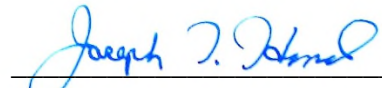
- (a) Rock Creek LLC does not hold a Certificate of Public Convenience to serve the future customers of the Amblebrook Community and is not willing to seek such approvals from the Commission. Rock Creek LLC is not willing to provide wastewater service to its customers due to the regulatory requirements necessary to provide service and the difficulties in maintaining a viable wastewater system without the experience to operate and maintain the system;
- (b) York Water will bring significant resources to the Amblebrook wastewater system and keep it in compliance with existing and proposed regulatory requirements; and
- (c) The Commission encourages utilities, such as York Water, to consolidate small wastewater systems, such as the system proposed by Rock Creek LLC. See 52 Pa. Code § 69.711.

**VERIFICATION**

I, Joseph T. Hand, being the Chief Operating Officer at The York Water Company, hereby state that the facts set forth above are 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 therein.

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: January 22, 2020

  
\_\_\_\_\_  
Joseph T. Hand