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File #: 181067

September 14, 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: Edwin M. Bankert v. The York Water Company
Docket No. C-2020-3021479**

**Andrew Kaufmann v. The York Water Company
Docket No. C-2020-3021066**

Dear Secretary Chiavetta:

Enclosed for filing is the Motion to Consolidate of The York Water Company in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/jl
Enclosures

cc: Certificate of Service
Honorable Benjamin J. Myers

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 EMAIL AND FIRST CLASS MAIL

Edwin M. Bankert
10 Dunkard Valley Road
York, PA 17403
Pbankert63@gmail.com

Andrew Kaufmann
183 Dunkard Valley Road
York, PA 17403
andylarry@aol.com

Date: September 14, 2020



Devin Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Edwin M. Bankert :
 :
 v. : Docket No. C-2020-3021479
 :
 The York Water Company :

Andrew Kaufmann :
 :
 v. : Docket No. C-2020-3021066
 :
 The York Water Company :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), ANSWERS TO MOTIONS ARE DUE WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE, UNLESS THE PERIOD OF TIME IS OTHERWISE FIXED BY THE COMMISSION OR THE PRESIDING OFFICER. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



Michael W. Hassell (ID # 34851)
Devin T. Ryan (ID # 316602)
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Of Counsel:

Post & Schell, P.C.

Date: September 14, 2020

Attorneys for The York Water Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Edwin M. Bankert	:	
	:	
v.	:	Docket No. C-2020-3021479
	:	
The York Water Company	:	

Andrew Kaufmann	:	
	:	
v.	:	Docket No. C-2020-3021066
	:	
The York Water Company	:	

**MOTION TO CONSOLIDATE OF
THE YORK WATER COMPANY**

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The York Water Company (“York Water” or the “Company”) hereby moves to consolidate the above-captioned matters pursuant to 52 Pa. Code § 5.81. The Company is requesting that the proceedings be consolidated for purposes of discovery, hearings, and adjudication because they raise common issues of fact and law.

As explained herein, these proceedings involve complaints by Edwin M. Bankert and Andrew Kaufmann (collectively, “Complainants”) regarding the water service provided to them by York Water at their respective service addresses. Complainants reside on the same street and receive water service from the same water distribution main.

The Formal Complaints filed at Docket Nos. C-2020-3021479 and C-2020-3021066 are substantially similar. Both Complainants raise concerns over a “foul odor” emanating from their water. Both Complainants reference their interactions with York Water and assert that their less

than ideal water condition is caused by their connection with the relative end of the water distribution main serving their street. Indeed, the Complainants live across the street from one another and connect to a similar part of the water distribution main. Therefore, in the interests of administrative efficiency and judicial economy, York Water believes that these matters should be consolidated.

In support of this Motion, York Water states as follows:

I. BACKGROUND

1. York Water is a public utility engaged in the business of supplying water and wastewater service in Pennsylvania subject to the regulatory jurisdiction of the Commission. *See* 66 Pa. C.S. § 102.

2. By way of background, Mr. Kaufmann's and Mr. Bankert's properties are located at 183 Dunkard Valley Road and 10 Dunkard Valley Road, respectively, in York, Pennsylvania.

3. The Complainants' properties are across the road from one another.

4. Both properties are connected to a common water distribution main that runs along Dunkard Valley Road.

5. Mr. Kaufmann's service address is the last property served by the water distribution main since the main's construction in 1955.

6. Mr. Bankert's service address is served by the same main and is also near the end of the distribution line.

7. As such, Mr. Bankert's property is likely subject to water conditions similar to that of Mr. Kaufmann's because of the common main and close proximity of connected service addresses.

8. Mr. Kaufmann filed a Formal Complaint against York Water at Docket No. C-2020-3021066 with the Commission on July 24, 2020, alleging, among other things, that his water had a foul odor.

9. Similarly, Mr. Bankert filed a Formal Complaint against York Water at Docket No. C-2020-3021479 with the Commission on August 21, 2020, alleging, among other things, his water has a foul odor.

10. Both Complainants' allege conditions that are likely due to the similar location of their end of the water distribution main connection.

II. MOTION TO CONSOLIDATE

11. York Water herein respectfully requests that the Formal Complaint proceedings at Docket Nos. C-2020-3021479 and C-2020-3021066 be consolidated for the purposes of discovery, litigation, and disposition because they are interrelated and raise common issues of law and fact.

12. In their Formal Complaints, both of the Complainants allege that York Water has failed to provide reasonable water service under Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501. (See Kaufmann Complaint ¶ 4; Bankert Complaint ¶ 4.)

13. They both raise issues regarding their water's condition due to their receipt of water service from the end of the same water distribution main. (See Kaufmann Complaint ¶ 4; Bankert Complaint ¶ 4.)

14. In fact, in both of their Complaints, the Complainants' principal issue is that the water has an alleged "[f]oul odor" purportedly caused by their receipt of water service from the end of the water distribution main. (Kaufmann Complaint ¶ 4; Bankert Complaint ¶ 4.)

15. If these cases were to proceed and not be consolidated, the Commission would, in effect, be reviewing the same alleged problem twice.

16. Also, depending on the cases' outcomes, the Commission theoretically could grant relief in the two cases that conflicts or is inconsistent.

17. Therefore, it would be a waste of administrative and judicial resources to litigate these matters separately when they raise overlapping issues of fact and law and involve litigants who are neighbors.

18. Thus, the consolidation of these proceedings will promote the efficient use of the time and resources of the parties and the Commission.

19. For these reasons, York Water respectfully requests that these proceedings be consolidated for purposes of discovery, litigation, and disposition.

III. CONCLUSION

WHEREFORE, The York Water Company respectfully requests that the Pennsylvania Public Utility Commission enter an order consolidating the Formal Complaint proceedings at Docket Nos. C-2020-3021479 and C-2020-3021066 for purposes of discovery, litigation, and disposition.

Respectfully submitted,



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Of Counsel:

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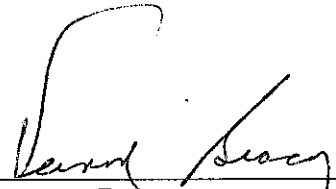
Date: September 14, 2020

Attorneys for The York Water Company

VERIFICATION

I, Vernon Bracey, Vice President – Customer Service of The York Water Company, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. 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: September 14, 2020


Vernon Bracey