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Devin Ryan

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File #: 181067

November 2, 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**

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Dear Secretary Chiavetta:

Enclosed for filing is the Prehearing Conference Memorandum 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 Elizabeth Barnes

## 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 OVERNIGHT DELIVERY

Edwin M. Bankert  
10 Dunkard Valley Road  
York, PA 17403  
[Pbankert63@gmail.com](mailto:Pbankert63@gmail.com)

Andrew Kaufmann  
183 Dunkard Valley Road  
York, PA 17403  
[andylarry@aol.com](mailto:andylarry@aol.com)

Date: November 2, 2020



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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 :

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**PREHEARING CONFERENCE MEMORANDUM OF  
THE YORK WATER COMPANY**

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**TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:**

Pursuant to 52 Pa. Code § 5.224(c), The York Water Company (“York Water” or the “Company”) hereby submit this Prehearing Conference Memorandum in the above-captioned matters, and states as follows:

**I. BACKGROUND**

On July 28, 2020, York Water was served with the Formal Complaint filed by Mr. Kaufmann against the Company at Docket No. C-2020-3021066, alleging, among other things, that his water had a foul odor.

On August 14, 2020, York Water filed an Answer and New Matter to Mr. Kaufmann’s Formal Complaint.

On August 24, 2020, York Water was served with the Formal Complaint filed by Mr. Bankert against the Company at Docket No. C-2020-3021479. Similar to Mr. Kaufmann’s

Formal Complaint, Mr. Bankert's Formal Complaint alleged, among other things, that his water has a foul odor.

On August 31, 2020, Mr. Kaufmann filed his Reply to York Water's New Matter.

On September 3, 2020, a Notice was issued scheduling a telephonic evidentiary hearing in the *Kaufmann* proceeding for October 6, 2020, before Administrative Law Judge Benjamin Myers ("ALJ Myers").

On September 14, 2020, York Water filed an Answer and New Matter to Mr. Bankert's Formal Complaint.

York Water also filed a Motion to Consolidate the *Kaufmann* and *Bankert* proceedings on September 14, 2020, because both of the cases involved the condition of the water that they receive from same York Water distribution main. Therefore, the cases were interrelated and raised common issues of law and fact.

On September 16, 2020, a Notice was issued rescheduling the telephonic evidentiary hearing in the *Kaufmann* proceeding for November 4, 2020, before Administrative Law Judge Elizabeth H. Barnes (the "ALJ").

On October 8, 2020, Mr. Bankert's Reply to York Water's New Matter was filed with the Commission.

On October 21, 2020, the ALJ issued an Order granting York Water's Motion to Consolidate and converting the November 4, 2020 evidentiary hearing in the *Kaufmann* case into a prehearing conference. Also, a Notice was issued converting the November 4, 2020 evidentiary hearing in the *Kaufmann* case into a prehearing conference.

York Water hereby files this Prehearing Memorandum pursuant to 52 Pa. Code § 5.224(c) to assist with the procedural issues that may be discussed at the prehearing conference.

**II. SERVICE OF DOCUMENTS**

York Water requests that Michael W. Hassell, Esquire, and Devin T. Ryan, Esquire, be listed on the service list on behalf of York Water. Their contact information is provided below:

Michael W. Hassell (ID # 34851)  
Devin T. Ryan (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  
Email: mhassell@postschell.com  
dryan@postschell.com

The Company agrees to receive service of documents electronically in this proceeding.

**III. DISCOVERY**

York Water proposes no modifications to the Commission's discovery rules. The Company proposes that discovery conclude prior to the date of the evidentiary hearing.

**IV. PROPOSED SCHEDULE**

York Water is generally available for a telephonic evidentiary hearing in December 2020 and January 2021, except for December 2, 9, 10, and 21 through 31, 2020, and January 1 through 4, 2021.

**V. WITNESSES**

<b>Witness</b>	<b>Subject Matter of Testimony</b>
Vernon L. Bracey Vice President – Customer Service The York Water Company 130 E. Market Street York, PA 17401 Phone: 717-718-2943	Customer service records and issues.
Timothy A. Young Distribution Superintendent The York Water Company 130 E. Market Street York, PA 17401 Phone: 717-718-2958	York Water’s distribution facilities and service laterals that provide water service to the Complainants; the condition of the water distribution main; flushing schedule for the water distribution main; replacement of the water distribution main; costs and feasibility of the Complainants’ proposals
Douglas Crawshaw Water Quality Manager The York Water Company 130 E. Market Street York, PA 17401 Phone: 717-718-2974	Water’s condition and quality; tests of water samples from the distribution main showing that the water meets all applicable standards contained in both the United States and Pennsylvania Safe Drinking Water Acts

York Water reserves the right to call additional witnesses to testify on its behalf based on other issues that may arise during the course of this proceeding.

**VI. ISSUES**

York Water believes the presently identified issue is whether York Water’s provision of water service to the Complainants, whose service locations are located at the end of the water distribution main, constitutes unreasonable and inadequate service in violation of Section 1501 of the Public Utility Code.

The Company's witnesses and evidence will demonstrate that the Company has provided reasonable and adequate water service to the Complainants at all times relevant to the Complaints.

**VII. EVIDENCE**

York Water plans to present testimony and exhibits through the witnesses outlined in Section V, *supra*, and will present other evidence as necessary to substantiate its claims and arguments.

**VIII. SETTLEMENT**

To date, no settlement discussions have been held. However, York Water is willing to work with the Complainants in an effort to fully resolve the matter through settlement, to reach a partial settlement, or to reduce the facts at issue in this case through stipulation.

Respectfully submitted,



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Michael W. Hassell (ID # 34851)  
Devin T. Ryan (ID # 316602)  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
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dryan@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: November 2, 2020

Attorneys for The York Water Company