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August 9, 2021

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

**RE: Petition of the Borough of Hanover – Hanover Municipal Water Works for
Approval of a Distribution System Improvement Charge;
Docket Nos. P-2021-3026854; C-2021-_____**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Complaint of Hanover Foods Corporation ("Hanover Foods") in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to these proceedings are being duly served via email only due to the current COVID-19 pandemic. Upon lifting of the aforementioned Emergency Order, we can provide parties with a hard copy.

Sincerely,

McNEES WALLACE & NURICK LLC

By 

Charis Mincavage

Counsel to Hanover Foods Corporation

Enclosure

c: Chief Administrative Law Judge Charles E. Rainey, Jr. (via E-mail)
Certificate of Service

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

VIA E-MAIL

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Charis Mincavage

Counsel to Hanover Foods Corporation

Dated this 9th day of August, 2021, at Harrisburg, Pennsylvania

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--------------------------------------|---|---------------------------|
| Petition of The Borough of Hanover - | : | |
| Hanover Municipal Water Works for | : | Docket No. P-2021-3026854 |
| Approval of a Distribution System | : | |
| Improvement Charge | : | |
| | : | |
| Hanover Foods Corporation | : | |
| | : | Docket No. C-2021-_____ |
| v. | : | |
| | : | |
| The Borough of Hanover – Hanover | : | |
| Municipal Water Works | : | |

COMPLAINT

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The Complainant is Hanover Foods Corporation ("Hanover Foods").
2. The names and address of the Complainant's attorneys are:

Charis Mincavage (I.D. No. 82039)
Kenneth R. Stark (I.D. No. 312945)
Jo-Anne Thompson (I.D. No. 325956)
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3. The Respondent utility is:

Borough of Hanover
Hanover Municipal Water Works
44 Frederick Street
Hanover, PA 17331

4. This Complaint is directed against the surcharge, terms, and provisions contained in the Borough of Hanover's ("Respondent" or "Borough") petition ("Petition") for the approval of the establishment of a distribution system improvement charge ("DSIC"). By this filing, the Borough is

requesting to recover costs related to the repair, replacement, and improvement of services, meters, hydrants, mains and valves, main extensions, main cleaning, and relining projects, under its proposed DSIC tariff to become effective November 1, 2021. Through its Petition, the Borough seeks to implement a surcharge of up to 5% of the amount billed to customers pursuant to Section 1553 of the Public Utility Code, 66 Pa. C.S. § 1353.

5. Hanover Foods is a food processing company located in the Borough of Hanover that uses substantial volumes of water in their manufacturing and operational processes. These water costs are a significant element of Hanover Foods' respective costs of operation. As a result, the application of a DSIC would impact Hanover Foods' cost of operations. Moreover, the effects of the ongoing COVID-19 pandemic would be further exacerbated by the application of a DSIC on larger customers such as Complainant.

6. Complainant alleges that the information and data filed in the Petition are insufficient to establish that the proposed DSIC is just, reasonable and nondiscriminatory, as required by Sections 1301 and 1304 of the Public Utility Code, 66 Pa. C.S. §§ 1301 and 1304.

7. Complainant's preliminary review of the Borough's filing indicates a need for the Commission to investigate at least the following issues:

- (a) whether the surcharge proposed is appropriate;
- (b) whether the types of property the Borough proposes to recover through the DSIC are "eligible property" within the meaning of Section 1553 of the Public Utility Code;
- (c) whether the allocation of the proposed DSIC is just, reasonable and non-discriminatory;
- (d) whether the proposed increase affecting Hanover Foods is just, reasonable and non-discriminatory.

Hanover Foods reserves the right to raise and address other issues during the course of this proceeding.

8. The relief sought by this Complaint is that:

- (a) the Commission entertain this Complaint and allow Hanover Foods to participate in this proceeding with full party status;
- (b) the Commission consolidate Hanover Food's Complaint with its investigation into the reasonableness and lawfulness of the proposed DSIC charge, terms and provisions in the Borough's DSIC filing; and
- (c) The Borough be required at hearings to adduce evidence in justification of its proposed DSIC charge and tariff revisions, and Hanover Foods be provided full opportunity to cross-examine the Borough's witnesses, present evidence and offer argument on its own behalf.

WHEREFORE, the Hanover Foods Corporation requests that the Borough of Hanover be required to answer this Complaint and that, upon a final hearing, the Pennsylvania Public Utility Commission make such order as necessary.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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Counsel to the Hanover Foods Corporation

Dated: August 9, 2021

