



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

THOMAS T. NIESEN  
Direct Dial: 717.255.7641  
tniesen@tntlawfirm.com

December 10, 2021

*Via Electronic Filing*

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

In re: Docket No. A-2021-3024681  
Application of Pennsylvania-American Water Company

Dear Secretary Chiavetta:

We are counsel to the York City Sewer Authority in the above matter and are submitting, with this letter via electronic filing, the Authority's Prehearing Memorandum in accordance with the Prehearing Conference Order of Administrative Law Judge Haas dated November 22, 2021. Copies of the Prehearing Memorandum are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

cc: Certificate of Service (w/encl.)  
Stacey R. MacNeal, Esquire (via email, w/encl.)



## I. BACKGROUND

This proceeding concerns the Application of PAWC-WD asking the Public Utility Commission (“Commission”) to approve, *inter alia*, PAWC-WD’s acquisition of substantially all of the wastewater collection and treatment system of YCSA.

YCSA owns the wastewater collection and treatment system and is the “Seller” of the system under the Asset Purchase Agreement, dated April 6, 2021, with PAWC. YCSA leases the system to the City of York and the City operates the system and provides wastewater service.

YCSA filed a Petition to Intervene in the proceeding on July 30, 2021.

Administrative Law Judge Stephen K. Haas was assigned to preside over the proceeding. A Call – In Telephonic Prehearing Conference was noticed for December 14, 2021.

Judge Haas issued a Prehearing Conference Order on November 22, 2021. Paragraph 6 of the Prehearing Conference Order directs parties to file and serve a prehearing memorandum on or before 1:00 PM on December 10, 2021.

## II. YCSA COUNSEL AND CONTACT INFORMATION

The names, business addresses, and contact information of YCSA’s attorneys are:

Thomas T. Niesen, Esquire  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101  
Tel: 717.255.7600  
tniesen@tntlawfirm.com

Stacey R. MacNeal, Esquire  
Barley Snyder  
100 East Market Street  
York, PA 17401  
717.718.7586  
smacneal@barley.com

## III. LIST OF ISSUES AND YCSA’S POSITION IN REGARD TO THEM

YCSA supports the Application of PAWC for Commission approval to acquire the wastewater collection and treatment system and will actively participate, to the extent appropriate and necessary, in pursuit of Commission approval. It anticipates that its participation will be

secondary to the participation of the City of York, which, as set forth above, is YCSA's lessee of the system and the present provider of wastewater service.

**IV. WITNESSES**

YCSA does not presently intend to call any witnesses. YCSA, however, reserves the right to call witnesses and agrees to notify Judge Haas and the parties promptly should it determine that a witness or witnesses will be called.

**V. LITIGATION SCHEDULE**

YCSA will work with Judge Haas and the parties to arrive at an appropriate and mutually agreeable litigation schedule.

Respectfully submitted,

**YORK CITY SEWER AUTHORITY**

By 

Thomas T. Niesen, Esquire  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101  
tniesen@tntlawfirm.com  
Tel. No. (717) 255-7600

Stacey R. MacNeal, Esquire  
Barley Snyder  
100 East Market Street  
York, PA 17401  
717.718.7586  
smacneal@barley.com

*Attorneys for York City Sewer Authority*

Date: December 10, 2021



Erin L. Gannon  
Senior Assistant Consumer Advocate  
Harrison G. Breitman  
Assistant Consumer Advocate  
Office of Consumer Advocate  
egannon@paoca.org  
hbreitman@paoca.org

Erin L. Fure  
Assistant Small Business Advocate  
Office of Small Business Advocate  
efure@pa.gov.com

Susan Simms Marsh, Esquire  
Pennsylvania American Water Company  
Susan.marsh@amwater.com

David P. Zambito, Esquire  
Jonathan Nase, Esquire  
Cozen O'Connor  
dzambito@cozen.com  
jnase@cozen.com

Adeolu A. Bakare, Esquire  
Vasiliki Karandrikas, Esquire  
Jo-Anne Thompson, Esquire  
McNees, Wallace & Nurick, LLC  
abakare@mcneeslaw.com  
vkarandrikas@mcneeslaw.com  
jthompson@mcneeslaw.com

Matthew Olesh, Esquire  
Obermayer Rebmann Maxwell & Hippel LLP  
matthew.olesh@obermayer.com

Michael W. Hassell, Esquire  
Devin T. Ryan, Esquire  
Post & Schell, P.C.  
mhassell@postschell.com  
druam@postschell.com



---

Thomas T. Niesen  
PA Attorney ID No. 31379