

Direct Dial: 717.255.7641 tniesen@tntlawfirm.com

December 10, 2021

Via Electronic Filing

THOMAS T. NIESEN

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.)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Honorable Steven K. Haas, Presiding

:

•

:

:

:

:

:

•

:

:

:

:

:

:

:

:

:

:

:

:

:

•

:

:

:

Application of Pennsylvania American Water Company - Wastewater Division (PAWC-WD), under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. §§ 1102(a) and 1329 (relating to enumeration of acts requiring certificate and valuation of acquired water and wastewater systems), for approval of: (1) the transfer, by sale, of substantially all of the wastewater system assets, properties and rights related to the wastewater collection and treatment system owned by the York City Sewer Authority and operated by the City of York; 2) the right of PAWC-WD to begin to offer or furnish wastewater service to the public in the City of York, Pennsylvania, and to three bulk service interconnection points located in North York Borough, Manchester Township and York Township, York, County, Pennsylvania; and (3) the right of PAWC-WD to begin to offer and furnish Industrial Pretreatment Program to qualifying industrial customers in Manchester Township, Spring Garden Township and West Manchester Township, York County Pennsylvania

Docket No. A-2021-3024681

PREHEARING MEMORANDUM OF THE YORK CITY SEWER AUTHORITY

AND NOW, comes the York City Sewer Authority ("YCSA"), by its attorneys, and submits this Prehearing Memorandum in connection with the Call – In Telephonic Prehearing Conference scheduled to be held in the above captioned matter on December 14, 2021.

I. <u>BACKGROUND</u>

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. <u>LITIGATION SCHEDULE</u>

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

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Honorable Stephen K. Haas, Presiding

:

•

:

:

:

:

:

:

:

:

:

:

•

:

:

:

:

:

•

÷

:

:

:

:

:

Application of Pennsylvania American Water Company – Wastewater Division (PAWC-WD), under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. §§ 1102(a) and 1329 (relating to enumeration of acts requiring certificate and valuation of acquired water and wastewater systems), for approval of: (1) the transfer, by sale, of substantially all of the wastewater system assets, properties and rights related to the wastewater collection and treatment system owned by the York City Sewer Authority and operated by the City of York; 2) the right of PAWC-WD to begin to offer or furnish wastewater service to the public in the City of York, Pennsylvania, and to three bulk service interconnection points located in North York Borough, Manchester Township and York Township, York, County, Pennsylvania; and (3) the right of PAWC-WD to begin to offer and furnish Industrial Pretreatment Program qualifying industrial customers in to Manchester Township, Spring Garden Township and West Manchester Township, York County Pennsylvania

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of December, 2021, served a true and correct copy of the foregoing Prehearing Memorandum of the York City Sewer Authority, upon the persons and in the

manner set forth below:

VIA ELECTRONIC MAIL, BEFORE 1 PM

The Honorable Steven K. Haas Administrative Law Judge Pennsylvania Public Utility Commission sthaas@pa.gov Carrie B. Wright, Prosecutor Bureau of Investigation and Enforcement Pennsylvania Public Utility Commission carwright@pa.gov

Docket No. A-2021-3024681

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

Susan Simms Marsh, Esquire Pennsylvania American Water Company Susan.marsh@amwater.com Erin L. Fure Assistant Small Business Advocate Office of Small Business Advocate efure@pa.gov.com

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

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

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