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December 10, 2021

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: 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 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

Dear Ms. Chiavetta:

Attached please find the Prehearing Conference Memorandum on behalf of The York Water Company, in the above-referenced proceeding. Copies are being provided per the Certificate of Service.

Rosemary Chiavetta
December 10, 2021
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Respectfully submitted,



Devin Ryan

DTR/dmc
Enclosures

cc: The Honorable Steven K. Hass

Certificate of Service

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 E-MAIL ONLY

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Erin Fure, Esquire
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Susan Simms Marsh, Esquire
PA American Water Company
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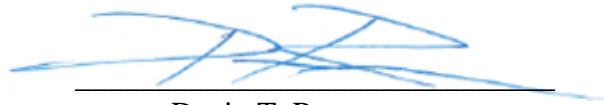
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VIA FIRST CLASS MAIL ONLY

Gary Lehman
335 Pattison Street
York, PA 17403-2415

Date: December 10, 2021

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a cursive name.

Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water :
Company under Section 1102(a) of the Pennsylvania :
Public Utility Code, 66 Pa C.S. § 1102(a), for approval :
of (1) the transfer, by sale, to Pennsylvania-American :
Water Company, of substantially all of the 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 rights of Pennsylvania American Water : Docket No. A-2021-3024681
Company 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 rights of Pennsylvania-American Water Company :
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 :

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

TO ADMINISTRATIVE LAW JUDGE STEVEN K. HAAS:

Pursuant to 52 Pa. Code § 5.224(c) and the Prehearing Conference Order dated November 22, 2021, The York Water Company (“York Water” or the “Company”) hereby submit this Prehearing Conference Memorandum in the above-captioned matter, and states as follows:

I. BACKGROUND

On July 1, 2021, Pennsylvania-American Water Company (“PAWC”) filed the above-captioned Application with the Pennsylvania Public Utility Commission (“Commission”).

On July 12, 2021, the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance, Notice of Intervention, Public Statement, and Verification.

On July 21, 2021, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed a Notice of Appearance.

On July 23, 2021, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance, Protest, and Public Statement.

On July 30, 2021, the York City Sewer Authority (“YCSA”) filed a Petition to Intervene.

On August 6, 2021, PAWC filed its Responses to the Application Completeness Review.

On August 12, 2021, the Commission issued a Secretarial Letter conditionally accepted PAWC’s Application for filing.

On August 23, 2021, PAWC filed a letter requesting a November 30, 2021 deadline for protests or petitions to intervene and setting forth a proposed litigation schedule.

On August 30, 2021, the Commission issued a Secretarial Letter stating that the protest period end date is December 13, 2021.

On October 22, 2021, PAWC filed a letter regarding the notice provided to the affected customers and all PAWC water and wastewater customers. Also on that date, PAWC filed an amendment to its Application.

On October 27, 2021, PAWC filed a letter asserting that it had complied with the Commission’s August 12, 2021 Secretarial Letter.

On October 29, 2021, the Commission issued a Secretarial Letter accepting PAWC’s Application for filing.

On November 8, 2021, the City of York (“City”) filed a Petition to Intervene.

On November 12, 2021, the Commission issued a Prehearing Conference Notice, scheduling a telephonic prehearing conference for December 14, 2021, at 10:00 AM before Administrative Law Judge Steven K. Haas (“ALJ”).

On November 22, 2021, a Prehearing Conference Order was issued by the ALJ, setting forth certain rules and requirements for the prehearing conference and the proceeding generally. The Prehearing Conference Order also directed the parties to submit prehearing memoranda on or before 1:00 PM on December 10, 2021.

On December 8, 2021, a Protest to the Application was filed by Gary Lehman.

On December 9, 2021, York Water filed its Protest to the Application.

York Water hereby files this Prehearing Conference Memorandum pursuant to the Prehearing Conference Order.

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, 12th 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 electronic service of documents in this proceeding.

III. DISCOVERY

York Water has no further changes to the discovery rule modifications set forth in the Prehearing Conference Order. York Water proposes that discovery conclude prior to the date of the evidentiary hearing.

IV. PROPOSED SCHEDULE

York Water agrees to the proposed litigation schedule developed by PAWC and the other parties.

V. WITNESSES AND ISSUES

York Water is in the process of identifying its witness(es) for this proceeding and will provide an update as soon as it is able.

As stated in York Water's Protest, York Water is concerned that the acquisition will significantly increase the rate that York Water pays for wastewater treatment service, both immediately and in the long term, the costs of which are ultimately passed onto York Water's ratepayers. As such, York Water will investigate PAWC's proposals and evaluate whether the Application presents substantial public benefits without the imposition of just and reasonable conditions pursuant to Section 1103(a) of the Public Utility Code, 66 Pa. C.S. § 1103(a).

VI. EVIDENCE

York Water plans to submit written direct testimony by the due date of December 17, 2021, and will present other evidence and testimony as necessary to substantiate its claims and arguments.

VII. INTERVENTION

York Water takes no position on the Petitions to Intervene filed in this proceeding as of December 9, 2021.

VIII. SETTLEMENT

York Water is willing to work with the parties 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,



Michael W. Hassell (ID # 34851)
Devin T. Ryan (ID # 316602)
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dryan@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: December 10, 2021

Attorneys for The York Water Company