



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE  
REFER TO OUR FILE

March 15, 2022

Docket No. A-2021-3029945  
Utility Code 230087

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HARRISBURG PA 17101-1601  
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RE: Application of The York Water Company - Wastewater for approval of the right to: (1) acquire certain wastewater facilities from Franklin County General Authority and the Letterkenny Industrial Development Authority; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Letterkenny, Greene, and Hamilton Townships, Franklin County, Pennsylvania

Dear Attorneys Hassell and Ryan:

On December 8, 2021, The York Water Company – Wastewater (York-WW) filed the above-referenced documents with the Pennsylvania Public Utility Commission. To assist the Commission in conducting the review of this Application, please respond with the information requested in the attached document.

Please forward the information to the Secretary of the Commission at the address listed below **within ten (10) business days** from the date of this letter. Make sure to reference the Docket Number listed above when filing your response. Please note that some responses may be e-filed to your case, <http://www.puc.pa.gov/efiling/default.aspx>. A list of document types allowed to be e-filed can be found at <http://www.puc.pa.gov/efiling/DocTypes.aspx>. All documents requiring notary stamps must have original signatures.

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

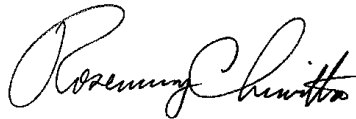
**Your answers must be verified per 52 Pa Code § 1.36.** Accordingly, you must provide the following statement with your responses:

<p><i>I, [print name of appropriate company representative], hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).</i></p> <p style="text-align: right;">Signature _____ Title _____ Date _____</p>
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Please contact the below staff person if any problems should arise that prevent a full response within ten business days or if any clarification of these data requests is needed. Please mark the materials “CONFIDENTIAL” in bold or highlighted manner if any of the requested information is deemed to be of a confidential nature.

In addition, to expedite completion of the application, please send a copy of your response to Clinton McKinley in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at [cmckinley@pa.gov](mailto:cmckinley@pa.gov). Please also direct any questions to Clinton McKinley via email or phone at 717-783-6161. Thank you in advance for your cooperation.

Sincerely,



Rosemary Chiavetta  
Secretary

Enclosure: TUS Data Request Set 1

cc: Christine Hoover, Office of Consumer Advocate (w/enclosure) [CHoover@paoca.org](mailto:CHoover@paoca.org)  
Teresa Wagner, Office of Small Business Advocate (w/enclosure) [tereswagne@pa.gov](mailto:tereswagne@pa.gov)  
Richard Kanaskie, PUC Bureau of Investigation and Enforcement (w/enclosure) [rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

## TUS Data Request Set 1

Application of The York Water Company - Wastewater for approval of the rights to: (1) acquire certain wastewater facilities from Franklin County General Authority and the Letterkenny Industrial Development Authority; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Letterkenny, Greene, and Hamilton Townships, Franklin County, Pennsylvania, at Docket No. A-2021-3029945

Note: Please restate the data request prior to providing a response. In addition, provide the name and title of the person(s) providing the response and/or information for each data request.

- A-1 Please provide copies of Franklin County General Authority's (FCGA's) 2019 audited financial statement referenced on Page 9 of the Application.
- A-2 Please provide copies of FCGA's 2019 and 2020 annual financial reports filed with the Pennsylvania Department of Community and Economic Development.
- A-3 Please provide a copy of the two most recent audited financial statements for the Letterkenny Industrial Development Authority (LIDA) and clarify whether LIDA's financial statements include assets being acquired by York-WW.
- A-4 The Application at Page 7 identified that York-WW paid FCGA and LIDA (the Sellers) \$10,000 upon execution of the Agreement toward partial reimbursement of closing costs. However, the tentative journal entries provided in the Application at Pages 9 through 10 do not appear to account for this \$10,000 expense. Please clarify the source of funds York-WW used to fund this cost and state how York-WW intends to record this cost.
- A-5 In the Application at Page 6, York-WW indicates that the portions of the requested territory that do not presently have wastewater facilities, including in Hamilton Township, are part of one federally owned parcel of land upon which the Letterkenny Army Depot is located and served by the wastewater system assets to be transferred as part of this transaction (Wastewater System). With respect to the portions of the requested territory that York-WW indicated do not presently have wastewater facilities, please clarify:
  - a. How wastewater service is currently provided to the developed properties in the portions of the requested service territory that are indicated to not presently have wastewater facilities;
  - b. Why York-WW is requesting to serve territory outside of the Sellers' existing plant footprint;
  - c. If an application for wastewater service has been submitted to York-WW or a Seller to provide wastewater service to the portions of the requested service territory that do not presently have wastewater facilities; and
  - d. The current and estimated average daily wastewater flow demand for the portions of the requested territory that do not presently have wastewater facilities for the five years following the close of this transaction.

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- A-6 Please demonstrate York-WW's ability to provide adequate wastewater collection, conveyance, treatment, and disposal capacity to meet present and future customer demands within the requested service territory using the Wastewater System. This demonstration must separately address the portion of the Wastewater System that includes the Rocket Road Wastewater Treatment Plant (WWTP) and the portion of the Wastewater System that includes the South Patrol Road WWTP.
- A-7 For the Rocket Road WWTP, National Pollutant Discharge Elimination System (NPDES) Permit No. PA0044521, please quantify the average daily and average monthly hydraulic and organic loadings generated within the requested service territory for the 2021 calendar year.
- A-8 Please provide an estimate of the future number of connections anticipated for the next 10 years within the requested service territory, broken down by the portion of the Wastewater System that includes the Rocket Road WWTP and the portion of the Wastewater System that includes the South Patrol Road WWTP.
- A-9 Please demonstrate and provide evidence the Application is consistent with the Department of Environmental Protection (DEP)-approved Act 537 Official Sewage Facilities Plan (Act 537 Plan) of each affected municipality. Please include copies of each municipality's DEP-approved Act 537 Plan and any relevant revisions or supplements and approval or exemption letters.
- A-10 The NPDES Permit No. PA0030597, provided as the Application's Exhibit L-1, expired December 31, 2021. Please provide evidence FCGA has filed a timely permit renewal with the DEP.
- A-11 In the Application at Page 11, York-WW indicated DEP has not yet approved FCGA's 2020 Municipal Waste Load Management Report (Chapter 94 Report). Please provide an update to the status of DEP's approval of FCGA's 2020 Chapter 94 Report and provide a copy of the report filed.
- A-12 Please provide a copy of FCGA's filed DEP 2019 Chapter 94 Report.
- A-13 In the Application at Page 13, York-WW indicated it will submit a permit transfer application to DEP for the transfer of the NPDES and Water Quality Management (WQM) Permits associated with the Wastewater System. Please provide copies of any existing DEP-issued WQM permits for the Wastewater System.

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- A-14 In the Application at Pages 11-12 York-WW indicated it intends to change the rates charged to customers within the requested service territory. Please provide a comparison between York-WW's proposed rates and the rates currently charged to customers within the requested service territory, by customer class. This comparison must quantify any increase or decrease in customer bills that will result from York-WW's adopting billing units (i.e., EDUs or other measurements used to determine customer charges, volumetric usage rate blocks or other measurements used to determine volumetric charges, billing frequencies, etc.) that differ from the Seller's billing units.
- A-15 Please justify how York-WW's proposed rates are just and reasonable for the provision of wastewater service within the requested service territory.
- A-16 Revised Page No. 4(a), Section A and Section B of the *pro forma* tariff supplement (Pro Forma Tariff Supplement), provided as the Application's Exhibit P, identified a reservation fee and wastewater service charge. Please provide responses for each of the following:
- a. Explain how York-WW determined the amounts for these fees;
  - b. Explain how York-WW determined these fees are just and reasonable;
  - c. For Section A, identify the amount of capacity nominated by the Sellers' existing customers and explain how York-WW would notify and charge customers for exceeding their existing nominated capacity; and
  - d. Confirm that customers will be charged the lesser of the metered rates at the top of Page 4(a) and the metered rates described in the "Metered Rate Basis" section on Page 4(b), or provide a revised *pro forma* tariff to clearly identify rate eligibility and applicability.
- A-17 Please provide a copy of all studies or similar documents used to determine the Sellers' current tapping and capacity reservation fees, including any components thereof (i.e., connection fee, customer facility fee, special purpose fee, etc.).
- A-18 Please explain how York-WW intends to account for or record capacity or similar fees previously paid by the Sellers' customers.

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- A-19 York-WW's *pro forma* tariff supplement appears to contain various changes and additions to language included in York-WW's current tariff, including changes and additions seemingly unrelated to the Application and which may affect wastewater services and rates for customers outside of York-WW's requested territory. Specifically, Pages 7 to 10(b) include changes to various York-WW tariff definitions, and Page 26 includes a new section titled Service Outside the Springfield Township and Shrewsbury Township Area. For Pages 7 to 10(b) and 26, please provide responses for each of the following:
- a. Provide the specific reasons for each change, and provide a revised *pro forma* tariff supplement that eliminates any changes that are not necessary for this Application; and
  - b. For each change that would effect changes in the terms or conditions of service rendered or to be rendered to York-WW's existing customers, or that would increase or decrease bills to York-WW's existing customers, provide either of the following:
    - i. Statements pursuant to 52 Pa. Code § 53.52(a)-(c), as applicable; or
    - ii. A revised *pro forma* tariff supplement that removes or modifies tariff language in a way that prevents changes in the terms or conditions of service rendered or to be rendered to York-WW's existing customers, and that would prevent any increase or decrease in bills to York-WW's existing customers.
- A-20 The Application's Exhibit N indicated York-WW calculated the total annual revenue for providing service within the requested territory to be \$151,164 and indicated the total was based upon a monthly charge of \$111.85 per customer per month and a usage charge of \$15.44 per 1,000 gallons for usage over 10,500 gallons. However, for 201 customers as stated in the Application at Page 2, the calculation shown indicates a monthly charge of approximately \$62.67 per customer ( $\$151,164 \div 12 \text{ months} \div 201 \text{ customers} = \$62.67$  per month per customer) and does not appear to account for the proposed usage charge. Please explain this discrepancy and amend the Application's Exhibit N to provide an estimate of the total annual revenue York-WW anticipates from providing wastewater service in the requested service territory.
- A-21 Please provide a copy of the most recent annual capital improvement plan provided by United Water Environmental Services, Inc., now SUEZ Environmental Services, Inc., referenced in Section 1.17 of the Amended and Restated Operation, Maintenance and Management Agreement for Water and Sewer Facilities, provided in the Application's Exhibit T.

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- A-22 Please provide a copy of any mandatory connection ordinances adopted by Letterkenny, Greene, or Hamilton Townships.
- A-23 Please provide a copy of FCGA's current rates, rules, and regulations for wastewater service and the resolutions adopting these rates, rules, and regulations.