
Devin Ryan

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File #: 197781

April 3, 2023

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: IN THE MATTER OF THE APPLICATION OF THE YORK WATER COMPANY, Under Sections 1102(a)(1)-(3) of the Public Utility Code, for (1) approval of the right to transfer certain public wastewater facilities and rights from Conewago Industrial Park Water & Sewer Company to The York Water Company; (2) the abandonment by Conewago Industrial Park Water & Sewer Company of wastewater service to the public in its service territory in West Donegal Township, Lancaster County; and (3) approval for The York Water Company to begin to offer, render, furnish or supply wastewater service to the public in a portion of West Donegal Township, Lancaster County, Pennsylvania
Docket Nos. A-2023-3038862 and A-2023-3038864**

Dear Secretary Chiavetta:

Attached for filing is the Prehearing Conference Memorandum of The York Water Company, in the above-referenced proceeding. Copies will be provided per the attached Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/dmc
Attachments

cc: The Honorable Mary D. Long (*via email; w/attachments*)
Certificate of Service

CERTIFICATE OF SERVICE

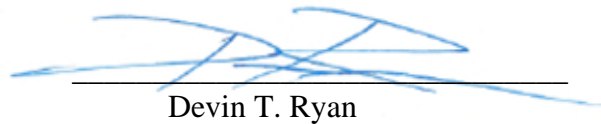
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL

Charis Mincavage, Esquire
McNees Wallace & Nurick
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P.O. Box 1166
Harrisburg, PA 17108
Cmincavage@mcneeslaw.com

Sharon E Webb Esquire
Office Of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg PA 17101
Swebb@pa.gov

Date: April 3, 2023



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN THE MATTER OF THE APPLICATION OF :
THE YORK WATER COMPANY, Under :
Sections 1102(a)(1)-(3) of the Public Utility :
Code, for (1) approval of the right to transfer :
certain public wastewater facilities and rights :
from Conewago Industrial Park Water & Sewer :
Company to The York Water Company; (2) the : Docket Nos. A-2023-3038862
abandonment by Conewago Industrial Park Water : A-2023-3038864
& Sewer Company of wastewater service to the :
public in its service territory in West Donegal :
Township, Lancaster County; and (3) approval for :
The York Water Company to begin to offer, :
render, furnish or supply wastewater service to :
the public in a portion of West Donegal :
Township, Lancaster County, Pennsylvania :

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

TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Pursuant to 52 Pa. Code § 5.224(c) and the Prehearing Conference Order dated March 21, 2023, The York Water Company (“York Water” or the “Company”) hereby submit this Prehearing Conference Memorandum in the above-captioned proceeding, and states as follows:

I. BACKGROUND

On March 7, 2023, York Water and Conewago Industrial Park Water & Sewer Company (“CIP”) (collectively, “Joint Applicants”) filed the above-captioned Joint Application pursuant to Section 1102(a)(1)-(3) of the Public Utility Code, requesting the Pennsylvania Public Utility Commission’s (“Commission”) approval for: (1) the transfer of CIP’s wastewater facilities to York Water; (2) CIP’s abandonment of wastewater service in West Donegal Township,

Lancaster County, PA; and (3) York Water's expansion of its service territory to include CIP's current certificated service territory in West Donegal Township, Lancaster, PA.

On March 13, 2023, York Water filed updated versions of Exhibits B, F, G, and H for the Joint Application.

On March 16, 2023, the Office of Small Business Advocate ("OSBA") filed its Notice of Intervention, Notice of Appearance, Protest, Public Statement, and Verification.

Notice of the Joint Application was published in the *Pennsylvania Bulletin* on March 18, 2023, and stated that Protests and Petitions to Intervene must be filed on or before April 3, 2023.

On March 21, 2023, a Telephonic Prehearing Conference Notice was issued by the Commission, scheduling a telephonic prehearing conference for April 4, 2023, before Administrative Law Judge Mary D. Long ("ALJ").

Also on March 21, 2023, the ALJ issued a Prehearing Conference Order, which directed the parties to file Prehearing Memoranda by Noon on April 3, 2023.

On March 31, 2023, the OSBA filed a Letter of Satisfaction, stating that its concerns about the Joint Application were resolved and that the OSBA does not intend to submit testimony or further pursue its Protest.

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 service of documents electronically in this proceeding.

Mr. Ryan will speak on behalf of York Water at the prehearing conference.

III. DISCOVERY

York Water does not propose any modifications to the Commission’s discovery rules.

York Water is not aware of any discovery disputes. .

IV. PROPOSED SCHEDULE

In light of the OSBA’s Letter of Satisfaction, York Water does not believe that a litigation schedule needs to be established in this proceeding. Rather, the Company maintains that the Joint Application should be transferred to the Commission’s Bureau of Technical Utility Services (“TUS”) for review as an uncontested filing.

V. WITNESSES

As stated in Section IV, *supra*, York Water does not believe that a litigation schedule will be necessary. However, to the extent that testimony by witnesses is required, York Water plans to present the following witness in support of the Joint Application.

Witness	Subject Matter of Testimony
Mark Wheeler Chief Operating Officer The York Water Company 130 E. Market Street York, PA 17401 Phone: 717-718-7545	Overview of the Joint Application; proposed acquisition; proposed abandonment of service by CIP; proposed expansion of York Water’s service territory; proposed rates; benefits of the Joint Application

York Water reserves the right to call additional witnesses to testify on its behalf based on other issues that may arise during the course of this proceeding.

VI. ISSUES

York Water believes the presently identified issue is whether the Joint Application is necessary or proper for the service, accommodation, convenience, and safety of the public. *See* 66 Pa. C.S. § 1103(a).

The Company's witnesses and evidence will demonstrate that the proposed Joint Application meets that standard and, therefore, should be approved by the Commission pursuant to its authority under 66 Pa. C.S. § 1102(a)(1)-(3).

VII. EVIDENCE

To the extent that litigation is necessary, York Water plans to submit written direct testimony of the one witness outlined in Section V, *supra*, and will present other evidence as necessary to substantiate its claims and arguments.

VIII. CONSOLIDATION

To the extent that the matters at Docket Nos. A-2023-3038862 and A-2023-3038864 have not already been consolidated, York Water does not oppose the consolidation of those dockets.

IX. SETTLEMENT

According to the OSBA's Letter of Satisfaction, the OSBA's concerns with the Joint Application were resolved, and the OSBA does not intend to submit testimony or further pursue its Protest. However, to the extent that litigation is necessary, York Water is willing to work with the parties 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: April 3, 2023

Attorneys for The York Water Company