

---

Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1985 Direct Fax  
File #: 197781

April 19, 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 York Water Company's Motion to Transfer the Joint Application to the Pennsylvania Public Utility Commission's Bureau of Technical Utility Services, in the above-referenced proceeding. Copies will be provided per the attached Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/dmc  
Attachments

Rosemary Chiavetta, Secretary  
April 19, 2023  
Page 2

cc: The Honorable Mary D. Long (*w/attachments*)  
Bureau of Technical Utility Services (*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 LLC  
100 Pine Street  
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 19, 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 :

---

**THE YORK WATER COMPANY’S MOTION TO TRANSFER THE  
JOINT APPLICATION TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION’S  
BUREAU OF TECHNICAL UTILITY SERVICES**

---

**TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:**

Pursuant to Section 5.103 of the regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code § 5103, The York Water Company (“York Water”) respectfully moves to transfer the above-referenced Joint Application to the Commission’s Bureau of Technical Utility Services (“TUS”) for review and disposition:

**I. BACKGROUND**

1. 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.

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

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

4. 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.

5. 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").

6. 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.

7. 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.

8. On April 3, 2023, Prehearing Memoranda were filed by York Water and CIP. Also, York Water filed its proof of publication, evidencing that the notice of the Joint Application was published in a newspaper of general circulation as the Commission directed.

9. On April 4, 2023, the telephonic prehearing conference was held as scheduled. The parties and the ALJ discussed the status of the Joint Application in light of the OSBA's

Letter of Satisfaction. York Water confirmed that it would be filing a Motion to Transfer the Joint Application to TUS for review and disposition.

10. No other Protests to the Joint Application have been filed.

## **II. MOTION TO TRANSFER**

11. York Water respectfully requests that the Joint Application be transferred to TUS for review and disposition.

12. TUS reviews uncontested Applications filed pursuant to Section 1102 of the Public Utility Code. *See* 66 Pa. C.S. § 1102.

13. As noted previously, OSBA has withdrawn its Protest to the Joint Application, and no other Protests have been filed.

14. Therefore, the Joint Application is now uncontested.

15. However, the Commission must still determine whether the acquisition is in the public interest.

16. Thus, York Water believes that the most efficient course would be to return the Joint Application to TUS for appropriate review and disposition.<sup>1</sup>

17. The Joint Applicants and the Commission would incur significant and unnecessary time and expense if the Joint Applicants were forced to present testimony and exhibits at evidentiary hearings in support of the now uncontested Joint Application.

18. Prior to filing the instant Motion, York Water consulted with counsel for CIP and OSBA.

---

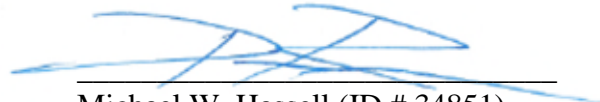
<sup>1</sup> *See Joint Application of Aqua Pa., Inc. and Superior Water, Inc., for Approval of the Transfer by Merger, of All Stock and Rights of Superior Water Co., Inc., to Aqua Pa., Inc.* Docket No. A-2015-2472472 (Order dated Aug. 11, 2015).

19. York Water is authorized to represent that both parties support this Motion.

**III. CONCLUSION**

WHEREFORE, The York Water Company respectfully requests that Administrative Law Judge Mary D. Long transfer this matter to the Commission's Bureau of Technical Utility Services for review and disposition of the Joint Application.

Respectfully submitted,



Michael W. Hassell (ID # 34851)  
Devin T. Ryan (ID # 316602)  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
Email: mhassell@postschell.com  
dryan@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: April 19, 2023

Attorneys for The York Water Company