



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

IN REPLY PLEASE
REFER TO OUR FILE

October 5, 2023

Docket Nos. A-2023-3041009 & A-2023-3041010
Utility Codes 230087 & 230280

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RE: Joint Application of The York Water Company - Wastewater and MESCO, Inc. for approval of the rights of: (1) to transfer certain public wastewater facilities from the Estate of Jane M. Alexander acting through its executors Lorinda Krause and Marstin Alexander and MESCO, Inc to The York Water Company - Wastewater; (2) the abandonment by MESCO, Inc. of wastewater service to the public in its service territory in Monaghan Township, York County, Pennsylvania; and (3) The York Water Company - Wastewater to offer, render, furnish and supply wastewater service to the public in a portion of Monaghan Township, York County, Pennsylvania at Docket Nos. A-2023-3041009 & A-2023-3041010

Dear Attorneys Hassell, Ryan, and Reynosa:

On May 30, 2023, The York Water Company – Wastewater (York Water-WW) and MESCO, Inc. (MESCO) filed the above-referenced document (Joint Application) with the Pennsylvania Public Utility Commission (Commission). For the Commission to complete its analysis of the Joint 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. All documents requiring notary stamps must have original signatures. All documents requiring notary stamps must have original signatures. The Commission strongly encourages submission through efilng with the Secretary of the Commission by opening an efilng account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efilng system at this time.

If your filing contains confidential material, you are required to either file by overnight delivery or submit to the Secretary's Share Point File system to ensure the timely filing of your submission. Filers should contact the Secretary's Bureau in advance to gain access to the Share Point File system. Make sure to reference the Docket Number listed above when filing your response. The overnight address for hard-copy or confidential responses is:

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:

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).

Signature _____
Title _____
Date _____

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 review, please send a copy of your response to James Kennedy in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at jameskenne@pa.gov. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first name being more prominent.

Rosemary Chiavetta
Secretary

Enclosure: TUS Data Request Set 3

cc: Patrick Cicero, Office of Consumer Advocate (w/enclosure), ra-oca@paoca.org
Christine Hoover, Office of Consumer Advocate (w/enclosure), choover@paoca.org
NazAarah Sabree, Office of Small Business Advocate (w/enclosure), ra-sba@pa.gov
Richard Kanaskie, Bureau of Investigation & Enforcement (w/enclosure), rkanaskie@pa.gov

TUS Data Request Set 3

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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-18. In Section 8 of the Joint Application, the Joint Applicants provided provisional journal entries for booking MESCO's wastewater system assets that also included the cost of installing a SCADA system. In the response to Data Request A-15, York Water-WW indicated that a SCADA system will no longer be installed and instead a Sensaphone autodialer will be installed. York Water-WW further provided cost estimates for equalization tank repair and inflow and infiltration evaluation. Please provide updated provisional journal entries to reflect these changes.
- A-19. The metes and bounds of MESCO as approved at Docket No. A-97666 appear to include a property that is not included in York Water-WW's requested territory map provided as Exhibit B-2. Specifically, 529 West Siddonsburg Road, also known as tax parcel 38-000-01-0001.B0-00000 (Property) appears to be within MESCO's certificated territory. Please provide responses to the following:
- a. Indicate if the owner of the Property is a current customer of MESCO;
 - b. Explain how the Property currently receives wastewater service;
 - c. Indicate if York Water-WW will be providing wastewater service to the Property if the Joint Application is approved;-
 - d. Indicate if the Joint Applicants believe that the Property owner has a claim to wastewater service from MESCO or, if the Joint Application is approved, from York Water-WW;
 - e. Indicate if a Certificate of Public Convenience was issued to MESCO approving abandonment of wastewater service to the Property;
 - f. Provide a copy of any approved Act 537 Official Sewage Facilities Planning Modules for the Property; and
 - g. Provide a copy of the approved Preliminary and Final Plans for the Memphord Estates subdivision, including a Plan recorded with the York County Recorder of Deeds under Book CC, Page 151.

TUS Data Request Set 3

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- A-20. **Data** Request A-6 asked that the Joint Applicants explain the discrepancy in size between MESCO's existing certificated territory and York Water-WW's requested territory. In the response to Data Request A-6, the Joint Applicants indicated that 30+ acres of land were sold in 2006 by the then owner. Please provide responses to the following:
- a. Please clarify who was the then owner of the land;
 - b. If MESCO was the then owner of the land, please clarify if MESCO is requesting approval, *nunc pro tunc*, for the sale of property under Section 1102(a)(3) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1102(a)(3). If so, please provide all requisite amendments, notifications, and revisions of and to the Joint Application to facilitate this change.
- A-21. In the response to Data Request A-7, York Water-WW indicated that it is its understanding that MESCO's certificated territory does not extend into Carroll Township. However, the revised Exhibit B-2, which depicts York Water-WW's requested territory, extends into Carroll Township. Further, the map provided as part of the Joint Application's Exhibit I depicts the requested territory extending into Carroll Township. Please provide responses to the following:
- a. If Exhibit B-2 accurately represents York Water-WW's requested territory, and therefore extends into Carroll Township, please provide all requisite amendments, notifications, and revisions of and to the Joint Application to facilitate this change.
 - b. If Exhibit B-2 does not accurately represent York Water-WW's requested territory, and York-WW's requested territory does not extend into Carroll Township, please provide a revised map of York-WW's requested territory that accurately reflects this.
- A-22. In the response to Data Request A-1, York Water-WW identified Water Quality Management (WQM) Permit 6796411 as the only WQM permit being transferred from MESCO to York Water-WW, and York Water-WW provided a copy of this permit as Attachment A-I-2. However, Page 1 of WQM Permit 6796411 specified that this permit was issued in June of 1997 for the construction of sewers and a pump station for 43 single family homes. Thus, it does not appear that WQM Permit 6796411 approved construction or operation of MESCO's initial wastewater collection, conveyance, treatment, and disposal facilities constructed in the mid-1970's to serve approximately 75 customers. Please provide copies of WQM Permits for MESCO's wastewater facilities, including MESCO's wastewater treatment plant, and confirm that all WQM permits for wastewater facilities will be transferred to York Water-WW.