



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

IN REPLY PLEASE
REFER TO OUR FILE

January 17, 2024

Docket No. A-2023-3044173
Utility Code 230087

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RE: Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of the York Haven Sewer Authority; and (2) begin to offer, render, furnish or supply wastewater service to the public in additional portions of York Haven Borough and Newberry Township, York County, Pennsylvania at Docket No. A-2023-3044173

Dear Attorneys Hassel, Ryan and Rulli:

On November 10, 2023, The York Water Company – Wastewater (York Water-WW) filed the above-captioned document (Application) with the Pennsylvania Public Utility Commission (Commission). For the Commission to complete its analysis of the filing, 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. The Commission strongly encourages submission through efiling with the Secretary of the Commission by opening an efiling account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efiling 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

Please note 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 the response to Matthew T. Lamb, P.E. in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at mlamb@pa.gov. Please also direct any questions to Matthew Lamb at telephone number (717) 783-1001. Thank you in advance for your cooperation.

Sincerely,



Rosemary Chiavetta
Secretary

Enclosure: TUS Data Request Set 1

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 1

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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-1. In the Application’s Section 3(a), York Water-WW indicated that the York Haven Sewer Authority (YHSA) owns and operates a public wastewater collection and treatment system (YHSA System) serving approximately 233 customers. Please provide responses to the following:
- a. Quantify the number of customer connections, by customer class and municipality, currently being served by the YHSA System;
 - b. Identify the five properties YHSA currently provides wastewater service to in Newberry Township by parcel number and property address; and
 - c. Provide the estimated number of customer connections anticipated to connect to the YHSA System within the next 5 years broken down by class, anticipated demand, municipality and individual year.
- A-2. In the Application’s Section 5, York Water-WW indicated that the Application included an Exhibit B-1 entitled “Served Newberry Township Parcel Map”. However, the Application does not appear to include a copy of Exhibit B-1. Please submit a copy of Exhibit B-1.
- A-3. In the Application’s Section 6, York Water-WW indicated that there have been no contributions toward the construction of the YHSA System. However, the tentative journal entries provided in the Application’s Section 7 (Tentative Journal Entries), Table 2: Close Project to Utility Plant has a line item for Account No. 271 labelled “Contributions in Aid of Construction” with a credit in the amount of \$640,525. Further, the Application’s Exhibit E included a copy of YHSA’s Pennsylvania Department of Environmental Protection (DEP) National Pollutant Discharge Elimination System (NPDES) Permit No. PA0081566 with an attachment entitled “York Haven Sewer Authority Revised FmHA¹ Project Financing and Annual User Rate”, dated July 27, 1983 (FmHA Attachment). The FmHA Attachment indicated the YHSA was funded by a FmHA Loan and Grant in the approximate amounts of \$609,832 and \$652,100, respectively. Please explain the apparent discrepancy between the Application indicating there have been no contributions in aid of construction and the Tentative Journal Entries and the FmHA Attachment that indicate the YHSA System was constructed with contributions.

¹ Farmers Home Administration (FmHA)

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- A-4. In the Application’s Section 7, York Water-WW indicated that the YHSA System includes four wastewater pumping stations. Please provide a copy of the DEP-approved Water Quality Management (WQM) Permits for each pump station.
- A-5. The Tentative Journal Entries indicated that York Water-WW is anticipating a Utility Plant Acquisition Adjustment of approximately \$157,239. Please provide additional details justifying the acquisition’s eligibility for an acquisition adjustment under Section 1327 of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1327(a)(1) through (9).
- A-6. The Application’s Exhibits B and C included copies of a map of the requested service territory entitled “Exhibit B-2: Proposed Territory Expansion”, dated August 7, 2023, (Requested Territory Map) and a courses and distances description of the requested service territory entitled “Exhibit B-3b: Proposed Territory Expansion w/ Metes and Bounds and Benchmark”, dated August 7, 2023 (Requested Territory Description). However, the Application along with the Requested Territory Map and Description do not appear to quantify the area of land for the requested service territory in acres. Please quantify the area of land for the requested service territory in acres.
- A-7. The Application’s Exhibit D included a copy of the Purchase Agreement for Wastewater Collection System (APA), dated July 17, 2023, by and between YHSA and York Water-WW. Considering the APA, please provide responses to the following:
- a. Provide a copy of YHSA’s Resolution approving the sale of the YHSA System to York Water-WW and authorizing a board representative to execute the APA with an attestation by the Secretary of the YHSA Board; and
 - b. Provide evidence of York Water-WW’s Board of Directors approving the acquisition of the YHSA System and authorizing a representative to execute the APA.
- A-8. The Application’s Exhibit J included a copy of a plan that appears to be a map of the YHSA wastewater collection and conveyance system (1986 YHSA System Map) with a notation that the plan conforms to construction records, dated March 3, 1986. The 1986 YHSA System Map appears to be missing any additional main extensions, pump stations and sewer laterals that may have been added to the YHSA System since 1986. Pursuant to 52 Pa. Code § 3.501(a)(2)(ii), Commission regulations require applications for certificates of public convenience to include a map or plan of suitable scale that depicts the location or route of the proposed facilities. Please provide a map of suitable scale that depicts the location or route of the YHSA System to include the identification of all pump stations and the YHSA wastewater treatment plant (YHSA WWTP) along with the elevations of the major facilities and service area.

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- A-9. The Application's Exhibit L included a copy of the estimated annual revenues and expenses for the acquisition of the YHSA System. Please provide responses to the following:
- a. The total monthly revenues of \$16,697 does not equal the sum of the monthly residential flat, commercial flat and commercial metered revenues of \$11,500, \$528 and \$519, respectively, or a total of \$12,547 ($\$11,500 + \$528 + \$519 = \$12,547$). Submit a revised Exhibit L that accurately presents York Water-WW's anticipated monthly and total annual revenues;
 - b. The estimated expenses are based on a total annual revenue of \$200,364 instead of the stated total annual revenue of \$150,564. Submit a revised Exhibit L that accurately presents York Water-WW's estimated expenses and total operating expenses; and
 - c. The net operating income of \$79,745 does not equal the difference of the total annual revenues minus the total operating expenses, or \$29,945 ($\$150,564 - \$120,619 = \$29,945$). Submit a revised Exhibit L that accurately presents York Water-WW's anticipated net operating income.
- A-10. Please provide copies of YHSA's current wastewater rates, rules, and regulations along with the associated approval resolutions and/or ordinances.
- A-11. Please provide copies of YHSA's two most recent annual financial statements filed with the Department of Community and Economic Development.
- A-12. Please provide copies of YHSA's audited financial statements for 2021 and 2022.
- A-13. Please state YHSA's definition of an equivalent dwelling unit (EDU).
- A-14. Please provide any documentation substantiating YHSA's methodology and conclusion for assigning EDU equivalency for each multi-EDU property within the requested service territory.
- A-15. If YHSA's definition of an EDU differs from York Water-WW's definition of an EDU, please submit a revised York-WW's *pro forma* tariff supplement to reflect the definition of an EDU that will be applicable to the customers within the requested territory.
- A-16. Please provide copies of York Haven Borough's and Newberry Township's DEP-approved Act 537 Official Sewage Facilities Plan (Act 537 Plans) including any updates or special studies along with copies of the associated DEP approval letters.
- A-17. Please provide copies of any DEP-approved Sewage Facilities Planning Modules that were subsequently approved after the date of approval for the Act 537 Plans.

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- A-18. Please provide a copy of YHSA's most recent Chapter 94 Municipal Wasteload Management Report for the YHSA WWTP submitted to DEP.
- A-19. Please provide copies of the monthly DEP Discharge Monitoring Reports for the YHSA WWTP for the preceding twelve-month period commencing December 2023.
- A-20. Please provide a list of all YHSA's System assets broken down by major plant categories detailing each item description along with the associated pipe diameter, material type, pipe length, and/or quantity (e.g., manholes), as appropriate. In addition, please detail the major components of the YHSA WWTP, pump stations, etc. accordingly.
- A-21. Please provide a copy of a plan of the YHSA WWTP that identifies and depicts each major plant component.
- A-22. Please identify the DEP permitted treatment capacity limits, including hydraulic and organic loading, and provide the peak day and the average daily effluent discharge rate by month for the 2023 calendar year for the YHSA WWTP.
- A-23. Please provide a 5-year compliance history with DEP for YHSA with an explanation of each violation.
- A-24. Please confirm if the York Haven Elementary School in Newberry Township is a wastewater customer of YHSA. If so, identify the location of the point of service.
- A-25. Please confirm if York Haven Borough has a mandatory connection ordinance for wastewater service and, if applicable, provide a copy of the ordinance.
- A-26. Please confirm if Newberry Township has a mandatory connection ordinance for wastewater service and, if applicable, provide a copy of the ordinance.
- A-27. Please indicate whether York Water-WW, York Haven Borough or Newberry Township will require the installation of grinder pumps by customers in the requested service territory. If York Haven Borough or Newberry Township has a mandatory grinder pump ordinance, provide a copy of the approved grinder pump ordinance.
- A-28. Please explain how customers served by YSHA receive water service and identify the entity(s), if any, that provide water service to these customers.
- A-29. Please identify any operational and/or managerial changes York Water-WW intends to make after acquiring the YHSA System.
- A-30. Please quantify York Water-WW's projected capital improvement expenses for the first five years of its ownership of the YHSA System broken down by major plant accounts and by year.

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- A-31. Please provide an estimate of York Water-WW's anticipated closing costs for the transaction and identify the source of funds that will be used to pay those costs.
- A-32. Please explain how Application approval would benefit York Water-WW's existing customers.
- A-33. Please explain how Application approval would benefit York Water-WW's proposed customers.