



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

IN REPLY PLEASE
REFER TO OUR FILE

July 12, 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:

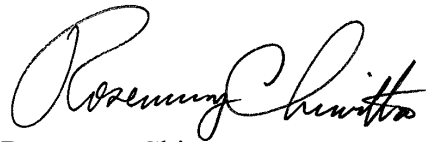
I, [print name of appropriate company representative], hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made 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 2

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
Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), akaster@pa.gov

TUS Data Request Set 2

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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-34. Data Request A-10 requested that York Water-WW provide copies of YHSA’s current wastewater rates, rules, and regulations along with the associated approval resolutions and/or ordinances. York Water-WW’s response to Data Request A-10 indicated that the minutes of YHSA Board’s February 2024 meeting which approved the current rates were not available as of the response submittal date to the Commission. Please provide a copy of YHSA’s most recent wastewater rates that were last approved by ordinance and/or resolution that include an attestation by the YHSA Board Secretary.
- A-35. Data Request A-16 requested that York Water-WW 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. York Water-WW’s response to Data Request A-16 indicated that York Haven Borough’s Act 537 Plan was last updated on May 1, 1972, and Newberry Township’s Act 537 Plan was updated February 27, 2014. However, according to YHSA, YHSA does not have copies of either plan in its records. The Commission notes that all municipalities and DEP are required to retain copies of DEP-approved Act 537 Plans including any updates or special studies. Please provide responses to the following:
- a. A copy of York Haven Borough’s Act 537 Plan dated July 1, 1983, prepared by C.S. Davidson, Inc. and approved by DEP on December 29, 1983, including any updates or special studies along with copies of the associated DEP approval letters;
 - b. A copy of Newberry Township’s Act 537 Plan including any updates or special studies along with copies of the associated DEP approval letters;
 - c. Clarification as to whether there are any required future capital expenditures in the current DEP-approved Act 537 Plans for York Haven Borough and Newberry Township that York Water-WW will be required to undertake; if so, describe them and quantify their costs; and
 - d. Verify that York Water-WW’s Application, including the requested service territory map depicted in the Application’s Exhibit C, complies with both York Haven Borough’s and Newberry Township’s Act 537 Official Sewage Facilities Plans.
- A-36. Data Request A-17 requested that York Water-WW provide copies of any DEP-approved Sewage Facilities Planning Modules (Planning Modules) that were subsequently approved after the date of approval for the Act 537 Plans. York Water-WW’s response was that there are no planning modules in YHSA’s files or records. The Commission

TUS Data Request Set 2

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

notes that all municipalities and DEP are required to retain copies of DEP-approved Planning Modules. Please provide responses to the following:

- a. Verify that DEP has not approved any Sewage Facilities Planning Modules after the date of approval for the Act 537 Plans for York Haven Borough and Newberry Township; or
 - b. Provide copies of any DEP-approved Sewage Facilities Planning Modules that were subsequently approved after the date of approval for the Act 537 Plans.
- A-37. In response to Data Request A-20, York Water-WW provided a summary of YHSA System’s assets that listed four grinder pumps installed 1986. Additionally, the Application’s Section 7 listed four wastewater pumping stations as part of the YHSA System description. However, York Waster-WW depicted five grinder pump stations in Attachment A-6-1 that included a system map (System Map) entitled “Exhibit B-4: York Haven Wastewater System”, dated January 24, 2024. Please provide responses to the following:
- a. Explain the apparent discrepancy between York Water-WW’s Application and Data Request A-20 response listing four grinder pumps and the System Map depicting five grinder pumps; and
 - b. Submit a revised Application and Data Request A-20 amending the number of grinder pumps; or
 - c. Submit a revised System Map that accurately depicts the number of grinder pumps.
- A-38. Data Request A-28 requested that York Water-WW explain how customers served by YSHA receive water service and identify the entity(s), if any, that provide water service to these customers. However, York Water-WW's response did not explain how YHSA’s Newberry Township customers receive water service. Please explain how customers served by YSHA in Newberry Township receive water service and identify the entity(s), if any, that provide water service to the Newberry Township customers.
- A-39. In response to Data Request A-30, York Water-WW provided the tentative transaction 1. Record Purchase of System that indicated a debit to Account No. 105 Construction Work in Process of \$380,000. In the Application, York Water-WW noted a total purchase price of \$330,000 for the Wastewater System Assets and \$10,000 for the reimbursement of closing costs, or total acquisition cost of \$340,000. Please provide an explanation for the \$40,000 difference ($\$380,000 - \$340,000 = \$40,000$) between the total acquisition cost of \$340,000 and the tentative transaction to Construction Work in Process of \$380,000 to record the purchase of the wastewater system.

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A-40. The Application is silent as to whether Commission approval of the Application is in the public interest. Please provide an averment as to whether approval is in the public interest and explain the reasoning for the opinion.