



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

IN REPLY PLEASE
REFER TO OUR FILE

August 6, 2024

Docket No. P-2024-3050273

Utility Code 213550

DEVIN RYAN ESQUIRE
MICHAEL W HASSELL ESQUIRE
MEGAN E RULLI ESQUIRE
POST & SHELL P C
ONE OXFORD CENTRE
301 GRANT STREET SUITE 3010
PITTSBURGH PA 15219
DRYAN@POSTSHELL.COM
MHASSELL@POSTSHELL.COM
MRULLI@POSTSHELL.COM

RE: Petition of The York Water Company for Approval of its Lead Service Line Replacement Program at Docket No. P-2024-3050273

Dear Attorneys Ryan, Hassell and Rulli:

On July 23, 2024, The York Water Company (York Water) filed the above-captioned document (Petition) 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 efile account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efile 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
Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), akaster@pa.gov

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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.

- P-1. Exhibit A of The York Water Company's (York Water's) Petition for a Lead Service Line Replacement Program (LSLR Program) included a copy of its Lead Service Line Replacement Plan (LSLR Plan). The LSLR Plan's Service Line Inventory Section does not identify the assumptions used in its service line inventory (Inventory). Pursuant to 52 Pa. Code § 65.56(a)(4), an entity shall identify assumptions in its service line inventory to the Commission. Please provide a revised LSLR Plan that identifies the assumptions used by York Water in its Inventory.
- P-2. The LSLR Plan's Service Line Inventory Section indicated that York Water's current Inventory has approximately 49,300 service lines of unknown material. Please provide responses to the following:
- a. Provide an estimate of the number of company-owned and customer-owned service lines that York Water plans to have inventoried on annual basis to determine the material type of the unknown material service lines along with a target date for completion;
 - b. Quantify the projected annual expenditure to complete the Inventory; and
 - c. Provide a revised LSLR Plan that includes an updated Service Line Inventory Section.
- P-3. The LSLR Plan's Lead Service Line Replacements Section indicated that York Water generally anticipates approximately 150 LSLRs will be completed annually. However, York Water set its LSLR cap at 400 LSLRs annually. 52 Pa. Code § 65.56(b)(2) requires that an entity's LSLR Plan include the projected number of LSLRs per year with an explanation of how the entity's projection was determined and a statement that this number is consistent with the entity's annual cap on LSLRs. Please submit a revised LSLR Plan that includes an explanation of how the projected number of LSLRs per year was determined and a statement that this number is consistent with the entity's annual cap on LSLRs.
- P-4. The LSLR Plan's Replacement Process indicated that once an LSL is identified, notification is sent to the appropriate departments, the flushing credit is applied from the date of discovery, and replacement is then prioritized. Please clarify why York Water is not including the provision of pitcher filters to all customers with identified LSLs until the completion of a LSLR as part of the process. If applicable, provide a revised LSLR Plan that includes the provision of pitcher filters.

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- P-5. The LSLR Plan's Replacement Process Section indicated that the same process is used in an emergency situation, where contact with the responsible party can be obtained and York Water moves forward with haste to complete the replacement at the time the repair is executed. This provision appears to allow for partial LSLRs depending on the success of contacting the customer and obtaining permission. Additionally, pursuant to 52 Pa. Code § 65.62, the Commission notes that any repair of a known or discovered lead service line (LSL) would be considered a partial LSLR and is strictly prohibited. Correspondingly, the Commission also notes that a water main replacement or repair, regardless of whether the main replacement activities were planned or an emergency, that reveals a LSL would require a complete LSLR prior to the service line being placed back into service as the reconnection of a LSL to a new main segment or a new Company-owned service line would be considered a partial LSLR. Please provide responses to the following:
- a. Clarify whether York Water will maintain the proper equipment and tools necessary for its staff, or if it intends to maintain third party, to complete emergency LSLRs; and
 - b. Submit a revised LSLR Plan that includes York Water's processes and procedures to address emergency repairs or replacements which reveal LSLs that eliminates any partial LSLRs and that fully describes York Water's procedures to fulfill its duty to communicate to customers and/or property owners that failure to allow York Water to complete the LSLR or to replace the customer-owned LSL concurrent with York Water replacing the main or company-owned service line will lead to termination of water service.
- P-6. Pursuant to 52 Pa. Code § 65.54(b) an entity with a Commission approved Long-Term Infrastructure Improvement Plan (LTIIP) is to include with its Lead Service Line Replacement (LSLR) program petition a modified LTIIP containing a LSLR plan as a separate and distinct component of the entity's LTIIP. While York Water filed a copy of its proposed LSLR Plan at the LTIIP docket P-2021-3028879, York Water does not appear to have modified its LTIIP in any way. Specifically, the LTIIP's Table 7, and discussion of LSLs on Page 7 were not modified. Please provide a Modified LTIIP that incorporates York Water's LSLR Plan.
- P-7. In Paragraph 25 of the LSLR Program, York Water indicated that it would update its Service Line Inventory as progress is made on completing the inventory and as new water systems are acquired. Additionally, on Page 15 of the LSLR Plan, York Water indicated that updates to York Water's LSLR Plan communications program would be provided annually. Please submit a revised LSLR Plan that clarifies the following:
- a. That until the inventory is complete, York Water shall provide detailed information regarding the progress of its service line inventory as part of its annual LSLR program report under § 65.59 (relating to LSLR program reports); and

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- b. After York Water's service line inventory is complete, it will be incorporated into the entity's next LSLR plan update under § 65.57 (relating to periodic review of LSLR plan).
- P-8. In the LSLR Plan's Communications, Outreach and Education Section, York Water identified the communication, outreach, and education efforts it has completed to date and identified the information regarding lead service lines (LSLs) available on its website. The LSL information identified as being provided on York Water's website appears to be silent on reimbursements and information and resources relating to health risks associated with lead. Per 52 Pa. Code §§ 65.56(c)(2)(ii) and (iv), A Class A public utility or an authority shall develop a LSLR section of its website within 12 months of Commission approval of its LSLR program. The website must contain information regarding reimbursement requirements and information and resources relating to health risks associated with lead. Please revise the LSLR Plan to indicate that within 12 months of approval of its LSLR program:
- a. York Water will provide reimbursement information on its website; and
 - b. York Water will provide information and resources relating to health risks associated with lead and LSLs on its website.
- P-9. The LSLR Program's Exhibit B included a copy of York Water's *pro forma* tariff supplement (Pro Forma Tariff). The Pro Forma Tariff appears to omit several requirements of Section 65.58 of Title 52. Please submit a revised Pro Forma Tariff that includes language indicating the following, as applicable:
- a. The specific length of pipe within a structure referenced in Rule 3.4.2.5., in inches or feet, for the purposes for York Water's LSLR Program;
 - b. That York Water will perfect its ownership of the portion of the service line located within the then-existing right-of-way in conformance with its Commission-approved tariff to ensure that York Water can obtain necessary permits during the planning phase of a LSLR project;
 - c. That neither a customer nor a property owner may install a partial LSLR. A partial LSLR must result in termination of service until such time as the entity can replace the entity-owned LSL under § 65.62 (relating to prohibition on partial LSLRs);
 - d. That the customer or property owner, if the customer is not the property owner, shall provide York Water at least 90 days' notice prior to replacing the customer-owned LSL;
 - e. Whether or not York Water will establish a process to address replacement of a customer-owned LSL to avoid termination of service when a property owner who is not the customer is nonresponsive to an entity's offer to replace a customer-owned LSL;

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- f. That York Water shall not connect an applicant for water service to the York Water-owned service line at a property where a customer or property owner, if the customer is not the property owner, previously refused or failed to accept an entity's offer of a LSLR until the applicant verifies the replacement of the customer-owned LSL by providing a paid invoice from a licensed contractor where applicable or a verified statement from a licensed contractor attesting to completion of the LSLR;
 - g. An explanation of York Water's method for determining the amount of reimbursement, including any restrictions on reimbursements; and
 - h. An explanation of York Water's reimbursement methods, including the forms of payment to be used by York Water to distribute reimbursements and the defined number of days by which York Water will issue a reimbursement for an eligible reimbursement request.
- P-10. Sections 3.4.2.1 and 3.4.3 of York Water's effective water tariff includes numerous provisions based on its previous Commission-approved LSLR program that do not comply with Commission regulations, specifically 52 Pa. Code §§ 65.56(c), 65.58(d), and 65.59. Please provide a revised Pro Forma Tariff that includes modifications to Sections 3.4.2.1 and 3.4.3 that comply with Commission regulations.
- P-11. Section 3.4.2.2 of the Pro Forma Tariff does not specify maximum coverage amounts under the warranty, such as a coverage amount in dollars or a provision indicating that the coverage amount is unlimited. 52 Pa. Code § 65.58(e)(3) requires the Pro Forma Tariff to include defined maximum coverage amounts under the warranty. Please provide a revised Pro Forma Tariff that is consistent with 52 Pa. Code § 65.58(e)(3) and that specifies a warranty coverage amount.
- P-12. Section 3.4.2.4 of the Pro Forma Tariff indicated that if a customer has replaced their customer-owned lead service line within four years of March 8, 2017 (on or after March 8, 2013), the company will offer a cash payment as a tiered percentage of the customer's paid invoice based on the year of replacement. However, this provision does not appear to comply with Section 65.58(d) of Title 52, 52 Pa. Code § 65.58(d). Additionally, the Pro Forma Tariff does not appear to include provisions for customers or property owners, if the customer is not the property owner, within a LSLR project area to seek reimbursement of LSLR expenses up to 125% of the average cost the entity would have incurred to perform the replacement of a similarly sized service line, not to exceed the actual cost. Please provide a revised Pro Forma Tariff that complies with the reimbursement terms pursuant to 52 Pa. Code § 65.8(d).
- P-13. Section 3.4.2.4 of the Pro Forma Tariff indicated the customer must provide to York Water a paid invoice, a certification from a certified plumber, and other documentation as determined by York Water to demonstrate that a lead customer-owned LSL was replaced. The Pro Forma Tariff appears to require the customer to meet all these requirements rather than just one criterion to demonstrate that customer-owned LSL was replaced.

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Please provide a revised Pro Forma Tariff that complies with 52 Pa. Code § 65.58(d)(1)(iii)(B).

- P-14. Sections 3.4.1 through 3.4.3 of York Water’s effective tariff include several instances referencing Docket No. P-2016-2577404 that will be superseded by the consideration of York Water’s proposed LSLR Program by the Commission at Docket No. P-2024-3050273. Specifically, pursuant to 52 Pa. Code § 65.60(a), an entity shall record LSLR costs in compliance with the National Association of Regulatory Utility Commissioners uniform system of accounts applicable to the entity. Please provide a revised Pro Forma Tariff that includes modifications to Sections 3.4.1 through 3.4.3 that comply with Commission regulations.
- P-15. The LSLR Program’s Appendix G included a copy of York Water’s consent agreement pursuant to 52 Pa. Code § 65.56(b)(6)(i). This agreement indicated that, “[the] Company warrants the workmanship of its installation of the Customer service line for a period of 12 months following the date set forth below, with [the] Company’s liability limited to the cost of repairing or replacing the Customer service line.”. This provision does not appear to fully conform with Section 3.4.2.2 of the Pro Forma Tariff, which provides for 24-month warranties for certain LSLRs conducted on or after the Commission’s approval of York Water’s LSLR Petition. Please provide a revised consent agreement form that conforms with York Water’s Pro Forma Tariff.