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File #: 207586

November 1, 2024

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

Dear Secretary Chiavetta:

Attached for filing is the Prehearing Conference Memorandum of The York Water Company in the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/dmc
Attachments

cc: The Honorable Katrina Dunderdale (*via email; w/attachments*)
Mary Swarner (*via email; 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 E-MAIL

Harrison W. Breitman, Esquire
Melanie J. El Atieh, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
HBreitman@paoca.org
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Steven C. Gray, Esquire
Senior Attorney
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov

Date: November 1, 2024



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING CONFERENCE MEMORANDUM OF
THE YORK WATER COMPANY**

TO ADMINISTRATIVE LAW JUDGE KATRINA L. DUNDERDALE:

Pursuant to 52 Pa. Code § 5.224(c) and the Prehearing Conference Order dated October 4, 2024, The York Water Company (“York Water” or the “Company”) hereby submit this Prehearing Conference Memorandum in the above-captioned proceeding, and states as follows:

I. BACKGROUND

On July 23, 2024, York Water filed the above-captioned Petition for Approval of its Lead Service Line Replacement (“LSLR”) Program. The Petition was filed in accordance with Section 1311(b) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1311(b), Chapter 65 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 65.51, *et seq.*, and the Commission’s Final Rulemaking Order regarding Act 120 of 2018 (“Act 120”) entered on March 14, 2022, at Docket No. L-2020-3019521.

On August 6, 2024, the Commission’s Bureau of Technical Utility Services (“TUS”) served its first set of data requests.

Also on August 6, 2024, the Office of Small Business Advocate (“OSBA”) filed its Notice of Appearance, Notice of Intervention, Public Statement, and Verification.

On August 9, 2024, York Water filed a letter requesting a 10-business day extension for its answers to TUS's first set of data requests.

On August 15, 2024, the Commission issued a Secretarial Letter granting the Company's request for a 10-business day extension for the answers to TUS's first set of data requests.

On August 21, 2024, the Office of Consumer Advocate ("OCA") filed its Notice of Intervention and Public Statement.

On September 4, 2024, York Water filed its answers to TUS's first set of data requests.

On September 25, 2024, the OCA filed an Amended Notice of Intervention and Public Statement.

On October 3, 2024, a Telephonic Prehearing Conference Notice was issued, scheduling a telephonic prehearing conference for 9:00 AM on November 4, 2024, before Administrative Law Judge Katrina L. Dunderdale ("ALJ").

On October 4, 2024, a Prehearing Conference Order was issued, which, among other things, directed the parties to file prehearing memoranda on or before 4:00 PM on November 1, 2024.

York Water hereby files this Prehearing Conference Memorandum pursuant to the Prehearing Conference Order.

II. SERVICE OF DOCUMENTS

York Water requests that Michael W. Hassell, Esquire, Megan E. Rulli, Esquire, and Devin T. Ryan, Esquire, be listed on the service list on behalf of York Water. Their contact information is provided below:

Devin T. Ryan, Esq.
Post & Schell, P.C.
One Oxford Centre

301 Grant Street, Suite 3010
Pittsburgh, PA 15219
dryan@postschell.com

Michael W. Hassell, Esq.
Megan E. Rulli, Esq.
Post & Schell, P.C.
17 North Second Street – 12th Floor
Harrisburg, PA 17101-1601
mhassell@postschell.com
mrulli@postschell.com

The Company agrees to receive service of documents electronically in this proceeding. Mr. Ryan will speak on behalf of York Water at the prehearing conference.

III. DISCOVERY

York Water does not propose any modifications to the Commission’s discovery rules. York Water is not aware of any discovery disputes. .

IV. PROPOSED SCHEDULE

York Water believes that the parties should explore settlement before establishing a litigation schedule. To that end, York Water proposes that the parties engage in settlement negotiations and provide a status report to the ALJ every 30 days advising whether a settlement has been reached and whether litigation schedule needs to be established. A similar approach has been taken in other LSLR proceedings pending before the Commission. *See Petition of Pennsylvania-American Water Co. for Approval of its Lead Service Line Replacement Program, Related Tariff Changes, and Modification of its Long-Term Infrastructure Improvement Plan*, Docket No. P-2024-3050263 (Prehearing Order #2 dated Oct. 17, 2024); *Petition of Aqua Pennsylvania, Inc. for Approval of its Lead Service Line Replacement Program*, Docket No. P-2023-3044459 (Prehearing Order #1 dated Feb. 8, 2024). If this approach is not acceptable, York Water will work with the other parties to develop a mutually-agreeable litigation schedule.

V. WITNESSES

Witness	Subject Matter of Testimony
Matthew Scarpato Vice President of Operations The York Water Company 130 E. Market Street York, PA 17401 Phone: 717-718-7545	Overview of the Petition; York Water's proposed tariff modifications
Shea Juergens Director, Special Initiatives The York Water Company 130 E. Market Street York, PA 17401 Phone: 717-714-6230	York Water's proposed LSLR Program

York Water reserves the right to call additional witnesses to testify on its behalf based on other issues that may arise during the course of this proceeding.

VI. ISSUES

York Water believes the presently identified issue is whether York Water's proposed LSLR program and proposed tariff modifications should be approved in accordance with Section 1311(b) of the Public Utility Code (66 Pa. C.S. § 1311(b)), Chapter 65 of the Commission's regulations (52 Pa. Code §§ 65.51-65.62), and the Commission's Final Rulemaking Order regarding Act 120 entered on March 14, 2022, at Docket No. L-2020-3019521. *See* 66 Pa. C.S. § 1103(a).

Through the testimony and exhibits of its witness(es), the Company will demonstrate that the proposed LSLR program and tariff modifications should be approved.

VII. EVIDENCE

York Water plans to submit written direct testimony of the one witness outlined in Section V, *supra*, and will present other evidence as necessary to substantiate its claims and arguments.

VIII. SETTLEMENT

As noted in Section IV, *supra*, York Water believes that the parties should explore settlement before establishing a litigation schedule. York Water is willing to work with the parties to fully resolve the matter through settlement, to reach a partial settlement, or to reduce the facts at issue in this case through stipulation.

Respectfully submitted,



Devin T. Ryan, Esq.
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Dated: November 1, 2024

Counsel for The York Water Company