

COMMONWEALTH OF PENNSYLVANIA



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November 1, 2024

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Very truly yours,

/s/ Harrison W. Breitman
Harrison W. Breitman, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Enclosures

cc: The Honorable Katrina Dunderdale (email only)
Certificate of Service

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum in the above-referenced proceeding, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 1st day of November, 2024.

SERVICE BY E-MAIL ONLY

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Respectfully submitted,

/s/ Harrison W. Breitman
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DATED: November 1, 2024

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of The York Water Company :
For Approval of tis Leave Service Line : Docket No. P-2024-3050273
Replacement Program :

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

I. INTRODUCTION

On July 23, 2024, The York Water Company (York or Company) filed with the Pennsylvania Public Utility Commission (Commission) a Petition for Approval of its Third Long-Term Infrastructure Improvement Plan (LTIIP), which included a Lead Service Line Replacement Program (LSLR Program) as a separate and distinct part of its LTIIP under Docket No. P-2024-3050273.

On August 7, 2024, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and Public Statement. On September 25, 2024, the Office of Consumer Advocate (OCA) filed a Notice of Intervention and Public Statement.

II. ISSUES

The OCA will address the following issues for the Commission’s consideration in reviewing the Petition and reaching a determination of whether the proposed LSLR improvements are prudent and cost-effective and will maintain safe, reliable, and reasonable service as required by the Public Utility Code and the Commission’s regulations (*See* 66 Pa.C.S. §§ 1301, 1311(b)(2), 1501; 52 Pa. Code §§ 65.51-65.62): (1) service line inventory; (2) prioritizing lead service line replacements; (3) emergency repairs and replacements; (4) process and procedures to obtain

acceptance of a lead service line replacement; (5) publicly accessible website; (6) York's proposed monetary annual cap to limit lead service line replacements; (7) reimbursement to customers; (8) customer outreach, and (9) tariff "step-in" rights in the situation where a property owner who is not the customer is non-responsive to the utility. The OCA reserves the right to address any other issue that is raised in the Petition based on any relevant evidence that is gathered during the discovery process.

III. WITNESSES

At this time, the OCA has not yet determined whether it will present a witness. Once the OCA determines that a witness is necessary for any portion of its case, it will notify all parties of record immediately.

IV. DISCOVERY

In order to effectively investigate and adequately develop a record in this proceeding, the OCA requests a modification to the Commission's procedural rules, 52 Pa. Code §5.321, et seq., on a going-forward basis, as set forth below:

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within five (5) business days of service of written objections.

- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within five (5) business days of service of such motions.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

V. SERVICE ON THE OCA

The OCA will be represented in this proceeding by Harrison W. Breitman, Assistant Consumer Advocate, and Melanie Joy El Atieh, Deputy Consumer Advocate. The OCA asks that all documents should be served by email on the OCA as follows:

Harrison W. Breitman
Assistant Consumer Advocate
Office of Consumer Advocate
E-Mail: HBreitman@paoca.org

Melanie Joy El Atieh
Deputy Consumer Advocate
Office of Consumer Advocate
E-Mail: MElAtieh@paoca.org

VI. PROPOSED SCHEDULE

The OCA requests the ALJ to forego setting a procedural schedule at this time and to give the parties time to potentially resolve and settle issues without the pressure of a formal litigation

schedule. The OCA requests that the ALJ schedule a status conference in 60 days so that the parties can advise the ALJ on their progress and provide the opportunity to request another status conference at a later date or set a formal litigation schedule.

VII. SETTLEMENT

The OCA is willing to participate in settlement discussions.

VIII. LEAD ATTORNEY FOR PREHEARING CONFERENCE

As directed in the Prehearing Conference Order, Harrison W. Breitman, Assistant Consumer Advocate, will speak as the lead attorney for purposes of the prehearing conference.

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison W. Breitman
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DATED: November 1, 2024

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