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File #: 126896

December 30, 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 for Declaratory Order of The York Water Company Seeking an Order Clarifying Whether Certain Customers Are Currently Within Its Certificated Service Territory and Whether the Company Owns and Is Responsible for Repairing Certain Facilities
Docket No. P-2024-**

Dear Secretary Chiavetta:

Enclosed for filing please find the Petition for Declaratory Order of The York Water Company Seeking an Order Clarifying Whether Certain Customers Are Currently Within Its Certificated Service Territory and Whether the Company Owns and Is Responsible for Repairing Certain Facilities.

Copies of this filing are being served on the Public Utility Commission's Bureau of Investigation & Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and the parties that The York Water Company believes will be affected by the Petition in accordance with 52 Pa. Code § 5.42(b), as indicated in the attached Certificate of Service.

Respectfully yours,



Megan E. Rulli

Attachments

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the filing 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) and 52 Pa. Code § 5.42(b) (relating to service of petitions for declaratory order).

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Date: December 30, 2024


Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Declaratory Order of The York :
Water Company Seeking an Order Clarifying :
Whether Certain Customers Are Currently : Docket No. P-2024-_____
Within Its Certificated Service Territory and :
Whether the Company Owns and Is :
Responsible for Repairing Certain Facilities :

**PETITION FOR DECLARATORY ORDER OF
THE YORK WATER COMPANY**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41 and 5.42 and 66 Pa. C.S. § 331(f), The York Water Company (“York Water” or the “Company”) hereby submits its Petition for Declaratory Order (“Petition”) seeking an order from the Pennsylvania Public Utility Commission (“Commission”) clarifying whether a customer is currently within the Company’s certificated service territory and whether the Company owns and is responsible for repairing certain facilities.

Specifically, York Water currently provides wastewater service to two customers residing at 1438 Worth Street, York, PA (“Service Address 1”) and 1440 Worth Street, York, PA (“Service Address 2”) (collectively, “Services Addresses”), respectively. York Water believes both properties are located in West York Borough (“West York”), as they were included in the customer list provided by West York Borough at the time of acquisition. As such, York Water began providing wastewater service to these customers on February 27, 2017, after its Commission-approved acquisition of West York’s wastewater collection system assets.¹ However, after

¹ See *Application of The York Water Co. – Wastewater (York) for approval of: (1) York to acquire certain wastewater facilities from West York Borough; and (2) the right of York to furnish wastewater service to the public in West York Borough, York County, Pennsylvania*, Docket No. A-2016-2552403 (Order entered Dec. 22, 2016) (“*West York Order*”).

comparing the points of interconnection for these customers to the map of the Commission-approved certificated service territory in that proceeding, the points of interconnection are located in West Manchester Township (beyond the West York side of the manhole at the terminus of York Water's wastewater territory) and, therefore, are located outside of the Company's wastewater service territory. Also, the Company concluded that it does not own the sewer lateral providing wastewater service to those customers.

Nevertheless, West Manchester Township, which operates its own wastewater collection system and provides wastewater service to customers within its municipal limits, contends that the customers are within York Water's certificated service territory and that the Company owns the sewer lateral. These issues are critical because: (1) the Company is only authorized to provide wastewater service to points of interconnection in its certificated service territory; and (2) the sewer lateral providing wastewater service to these customers has collapsed, but West Manchester Township disclaims ownership of the sewer lateral and refuses to repair it.

Through this Petition, York Water respectfully requests clarification whether the Service Addresses are within the Company's certificated service territory and whether the collapsed sewer lateral at issue is York Water's responsibility to repair. Such clarification is necessary to terminate a controversy and resolve uncertainty between York Water and West Manchester Township. Specifically, the Commission's declaratory order would resolve whether the Company is authorized to provide wastewater service to the two customers. If not, the customers are being provided *de facto* public utility service by York Water, in which case the Company will need to file an Application pursuant to Section 1102 of the Public Utility Code to either: (1) expand its service territory to encompass the points of interconnection in West Manchester Township; or (2) abandon its *de facto* public utility service in West Manchester Township and transfer the service

of those customers to West Manchester Township. *See* 66 Pa. C.S. § 1102(a)(1)-(2). Further, York Water maintains that West Manchester Township owns the sewer lateral at issue and that the Company did not acquire such lateral through its Application to acquire the West York Borough system at Docket No. A-2016-2552403 (“West York Application”). Thus, the Commission’s declaratory order would resolve whether the Company is responsible to repair the collapsed sewer lateral.

In support thereof, York Water states as follows:

I. BACKGROUND

1. York Water is a “public utility” as that term is defined in Section 102 of the Public Utility Code and is subject to the jurisdiction of the Commission. *See* 66 Pa.C.S. § 102.

2. Under Special Act of the Assembly of February 8, 1816, The York Water Company (“York Water” or the “Company”) was incorporated under the laws of the Commonwealth of Pennsylvania on February 23, 1816, for the purpose of supplying water in the Borough, now City of York, York County, Pennsylvania, and subsequent thereto duly extended its franchised territory from time to time so as to include 56 communities in which water service and wastewater service is now being rendered.

3. York Water currently furnishes wastewater service to the public in portions of 13 municipalities in York County, a portion of one township in Adams County, a portion of one township in Lancaster County, and a portion of three municipalities in Franklin County. The wastewater community served has an estimated population of approximately 17,000 as of December 30, 2024, with wastewater service furnished to approximately 6,575 customers as of December 30, 2024. The Company’s wastewater service territory includes West York Borough.

4. West Manchester Township (“West Manchester”) is a municipality that provides wastewater collection service to its residents within its municipal boundaries and is located adjacent to West York Borough.

II. STANDARD FOR DECLARATORY ORDER

5. Section 331(f) of the Public Utility Code states that the Commission, “in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty.” 66 Pa.C.S. § 331(f).

6. A petition for the issuance of a declaratory order to terminate a controversy or remove uncertainty must: (1) state clearly and concisely the controversy or uncertainty which is the subject of the petition; (2) cite the statutory provision or other authority involved; (3) include a complete statement of the facts and grounds prompting the petition; and (4) include a full disclosure of the interest of the petitioner. 52 Pa. Code § 5.42(a).

7. “A declaratory order should be issued only when there is no outstanding issue of fact,” and “[t]he issuance of a declaratory judgment is within the Commission’s discretion and is not a matter of right.” *Petition of The Pa. State Univ. for Declaratory Order*, 2008 Pa. PUC LEXIS 36, at *11-12 (Order entered Sept. 11, 2008) (citing *Petition of Philadelphia Gas Works for Establishment of Interim Rate Procedures and for a Declaratory Order*, Docket No. P-00001831 (Order entered Aug. 17, 2000)), *affirmed*, *The Pa. State Univ. v. Pa. PUC*, 988 A.2d 771 (Pa. Cmwlth. 2010).

III. STATEMENT OF FACTS

8. On June 6, 2016, York Water filed an Application at Docket No. A-2016-2552403 requesting Commission approval to: (1) enter into a municipal contract to acquire certain public wastewater facilities from West York Borough; (2) assume a municipal contract that, at that time,

was in effect between West York Borough and the City of York²; (3) assume a municipal contract between West York Borough and West Manchester Township³; and (4) begin to offer or furnish wastewater service to the public in West York Borough, York County, Pennsylvania.

9. As part of that proceeding, York Water filed answers to data requests propounded by the Commission's Bureau of Technical Utility Services ("TUS").

10. One of those data requests, Discovery A-17, requested a detailed map of West York Borough's facilities to be acquired by York Water.

11. York Water filed its answer to that data request on August 29, 2016, a copy of which is attached hereto as **Appendix A**.

12. As shown on that map, West York had sanitary sewer connections to West Manchester Township's wastewater system and vice versa.

13. In addition, another data request, Discovery A-16, asked the Company to provide a complete list, by major plant category, of the wastewater system assets being acquired.

14. York Water filed its answer to that data request on August 29, 2016, as well, and a copy of that response is attached hereto as **Appendix B**.

15. On December 22, 2016, the Commission entered an Order at Docket No. A-2016-2552403 approving York Water's Application.⁴

16. York Water closed on the acquisition of the West York System on February 23, 2017.

² Due to the Commission's subsequent approval of Pennsylvania-American Water Company's acquisition of the City of York's wastewater treatment and collection system at Docket No. A-2021-3024681, York Water now has a treatment agreement in place with PAWC.

³ The municipal contract between West York Borough and West Manchester Township governs the conveyance of wastewater from West Manchester Township through West York Borough's wastewater collection system to be ultimately treated by the City of York's wastewater treatment system. Pursuant to that assumed contract, York Water bills West Manchester Township for this wastewater conveyance through the Company's West York Borough system.

⁴ See note 1, *supra*.

17. On February 27, 2017, the Company began providing wastewater service to the former customers of West York Borough, including to the two customers located at the Service Addresses based upon the customer list provided by West York Borough.

18. After filing its notice of closing on February 27, 2017, the Commission granted York Water a Certificate of Public Convenience to begin to offer, render, furnish, and supply wastewater service to the public in all of West York Borough, York County, Pennsylvania.⁵

19. Beginning April 18, 2024, the Company initiated an investigation into a reported collapsed sewer lateral serving Service Address 1.

20. On May 1, 2024, York Water located a collapsed sewer lateral located in Worth Street adjacent to Service Address 1 and determined that the collapsed sewer lateral was connected to a sewer main owned by West Manchester Township. Specifically, the lateral is connected to the service connection on the West Manchester Township side of Manhole #206 (see upper left corner of page 2 of Appendix A). The collapsed sewer lateral is not connected to York Water's side of that manhole. As such, the Company concluded that: (1) the collapsed sewer lateral was located outside its certificated service territory and inside the municipal boundaries of West Manchester Township; and (2) that West Manchester Township was responsible for repairing the collapsed sewer lateral accordingly.

21. Later on May 1, 2024, York Water contacted West Manchester Township and reviewed and relayed the investigation's findings with a West Manchester Township representative in the field.

⁵ See Application of The York Water Company - Wastewater (York) for approval of: (1) York to acquire certain wastewater facilities from West York Borough; and (2) the right of York to furnish wastewater service to the public in West York Borough, York County, Pennsylvania, Docket No. A-2016-2552403 (Certificate of Public Convenience issued Feb. 28, 2017).

22. During a subsequent phone conversation between West Manchester Township and York Water on May 2, 2024, West Manchester Township informed York Water that it would not be accepting responsibility for the repairs. West Manchester Township maintained that York Water should repair the collapsed lateral because the Company bills the customer located at Service Address 1.

23. On May 6, 2024, York Water refunded the customer located at Service Address 1 for the payments made on that account since the Company's acquisition of the West York system, because the Company concluded that the point of interconnection for Service Address 1 is located in West Manchester Township and, therefore, outside the Company's certificated service territory.

24. York Water's understanding is that over the summer of 2024, West Manchester Township had conducted a partial repair of the sewer lateral to provide a temporary resolution for the Service Address 1's service issues.

25. In October 2024, York Water continued to conduct field work and identify customers' points of interconnection along the sewer main.

26. On November 14, 2024, York Water received a phone call from the customer located at Service Address 1 that the sewer back-up was occurring again.

27. That same day, York Water dispatched its personnel to clear the service lateral's blockage as a temporary resolution for the service issues.

28. A resident of Service Address 1 contacted York Water on December 17, 2024, to report a wastewater service issue. That resident was referred to West Manchester Township.

29. Based on its in-field observations and investigations, as well as the mapping and records for the West York system, York Water continues to maintain that the points of interconnection for the Service Addresses are located outside of West York Borough and inside

West Manchester Township and, therefore, outside the Company's certificated service area (see upper left corner of page 2 of Appendix A).

30. Furthermore, based on its in-field observations and investigations, as well as the records for the facilities acquired as part of the West York Application proceeding, the Company continues to assert that West Manchester Township owns the sewer lateral providing wastewater service to the Service Addresses and that York Water did not acquire that sewer lateral as part of the West York transaction (see upper left corner of page 2 of Appendix A and see page 9 of Appendix B).

31. Upon information and belief, West Manchester Township believes that the points of interconnection are located in the Company's certificated service area and that York Water owns, and is responsible for repairing, the sewer lateral.

32. York Water and West Manchester Township have an existing agreement through which York Water bills West Manchester Township, based upon volume of wastewater conveyed from West Manchester through West York Borough to PAWC's City of York treatment plant. The meter upon which the parties have always measured that "bill back" from York Water to West Manchester Township is at the Worth Street manhole (i.e., Manhole #206) around which this dispute arises.

33. The parties have monitored flow leaving West Manchester Township to the West York Borough system on the "far" side of that manhole, i.e. the West Manchester side of the manhole, in line with the terminus of York Water's wastewater service territory at that manhole.

34. The wastewater service territory map, which was submitted in the West York Application proceeding, indicates the Company's wastewater service territory does not extend

beyond the West York system's connection to Manhole #206 and into West Manchester Township. See Appendix A, p. 2.

35. In fact, the Commission specifically approved an expansion of York Water's certificated wastewater service territory to include West York's then-existing wastewater service area, which was "entirely within the Borough's municipal boundaries." *West York Order*, p. 3.

36. Any expansion of the Company's service territory beyond that area, let alone one that would overlap with West Manchester Township's service area, was neither contemplated by York Water's West York Application, nor approved in the Commission's *West York Order*. See West York Application, pp. 5, 10, 13; *West York Order*, pp. 3, 11-12.

IV. YORK WATER'S PETITION FOR DECLARATORY ORDER

37. York Water respectfully requests that the Commission issue a declaratory order stating: (1) whether the Service Addresses are located in York Water's certificated service territory; and (2) whether the collapsed sewer lateral providing wastewater service to the Service Addresses is the Company's responsibility to repair.

38. As explained previously and set forth herein, there are genuine disputes between York Water and West Manchester Township on both of these issues, and the Commission should exercise its discretion to terminate the controversies and remove the uncertainties regarding them.

A. YORK WATER IS PROVIDING *DE FACTO* PUBLIC UTILITY SERVICE TO THE SERVICE ADDRESSES

39. A genuine dispute exists between York Water and West Manchester Township as to whether the Company has certificated authority to provide wastewater service to the Service Addresses.

40. York Water maintains that the Service Addresses have points of interconnection located in West Manchester Township and, therefore, are outside the Company's certificated service territory.

41. Conversely, upon information and belief, West Manchester Township argues that the Service Addresses are located in York Water's certificated service territory by virtue of the Company's acquisition of the West York system.

42. This dispute's resolution requires a Commission ruling on the scope of the Company's certificated service territory.

43. The scope of a public utility's certificated service territory is within the Commission's subject matter jurisdiction.

44. Specifically, "[t]he Commission has jurisdiction to determine a public utility's authority under its [certificate of public convenience], as well as its 'rights to serve [a] particular territory' or obtain 'any right, power, privilege, service, franchise[,] or property.'" *Borough of Middletown v. Pa. PUC*, 301 A.3d 965, 978 (Pa. Cmwlth. 2023) (quoting *Borough of Lansdale v. Phila. Elec. Co.*, 170 A.2d 565, 567 (Pa. 1961)), *rehearing denied by Borough of Middletown v. Pa. PUC*, 2023 Pa. Commw. LEXIS 153 (Pa. Cmwlth. 2023).

45. Moreover, it is well-established that "[t]he extent of a utility's service territory may be altered only by order of the [Commission]." *Borough of Grove City v. Pa. PUC*, 505 A.2d 346, 354 (Pa. Cmwlth. 1986) (citing *W. Pa. Water Co. v. Pa. PUC*, 311 A.2d 370 (Pa. Cmwlth. 1973)).

46. Public utilities, such as York Water, cannot "begin to offer, render, furnish or supply within this Commission service of a different nature or to a different territory than that authorized by . . . [a] certificate of public convenience" or by "[a]n unregistered right, power or privilege preserved by section 103." 66 Pa.C.S. § 1102(a)(1)(i)-(ii).

47. Therefore, it is appropriate for the Commission to issue a declaratory order clarifying whether the Service Addresses are located within the Company's certificated service territory.

48. The Company seeks this clarification because York Water maintains, based on its in-field investigations and review of the record in the West York Application proceeding, the Company is providing *de facto* service to the Service Addresses.

49. A *de facto* public utility is an entity "providing a utility service to the public without a certificate of public convenience (CPC)." *Warwick Water Works v. Pa. PUC*, 699 A.2d 770, 773 (Pa. Cmwlth. 1997).

50. When the Commission finds that an entity is operating as a *de facto* public utility, the Commission orders the entity to file an Application for a certificate of public convenience either authorizing it to continue providing service or to abandon service. *See, e.g., Pa. PUC v. Tenny*, 368 A.2d 1362, 1363 (Pa. Cmwlth. 1977).

51. The provision of *de facto* utility service cannot alter the Company's certificated service territory, as only the Commission can approve expansions or abandonments of public utility service territories. *See Warwick Water Works v. Pa. PUC*, 699 A.2d 770, 774 (Pa. Cmwlth. 1997) (citations omitted); *Popowsky v. Pa. PUC*, 647 A.2d 302, 306-07 (Pa. Cmwlth. 1994) (citations omitted); *Borough of Olyphant v. Pa. PUC*, 861 A.2d 377, 385-86 (Pa. Cmwlth. 2004) (citations omitted); *see also* 66 Pa. C.S. § 1102(a)(1)-(2).

52. Therefore, the expansion or alteration of York Water's service territory can only occur after the Commission's approval of an Application filed by York Water. *See* 66 Pa. C.S. §§ 1102(a)(1)-(2), 1103.

53. In this case, York Water’s investigation into the issues with the sewer lateral revealed that the Service Addresses’ points of interconnection are located in West Manchester Township and beyond the West York system’s connection to Manhole #206.

54. However, York Water does not possess a certificate of public convenience authorizing the Company to provide wastewater service in West Manchester Township.

55. As such, York Water maintains that it is currently providing *de facto* utility service to the customers located at the Service Addresses.

56. A declaratory order stating whether the Service Addresses are located outside the Company’s certificated service territory would terminate the controversy and resolve uncertainty between York Water and West Manchester Township.

57. In particular, such a declaratory order would clarify whether the Company needs to: (1) file an Application to expand its service territory to include the portions of West Manchester Township necessary to serve those customers; or (2) file an Application to abandon service to the customers. *See* 66 Pa. C.S. § 1102(a)(1)-(2).

58. For this inquiry, the determinative factor is whether the Service Addresses’ points of interconnection are located within the Company’s certificated service territory. *See Lukens Steel Co. v. Pa. PUC*, 499 A.2d 1134, 1137 (Pa. Cmwlth. 1985).

59. As declared by the Commonwealth Court, a customer is located within a utility’s certificated service territory when it owns “property at the point of delivery in the utility’s franchise territory.” *Id.* (emphasis added); *see also Peoples Natural Gas Co. v. Pa. PUC*, 554 A.2d 585, 590-91 (Pa. Cmwlth. 1989) (citations omitted).

60. Based on this precedent, York Water’s authority to serve under its certificate of public convenience must be driven by the location of the customers’ points of interconnection, not

boundaries of the customers' property lines. In other words, the fact that a customer's property is located in West York Borough does not mean that York Water can provide wastewater service to that customer when the point of interconnection is located in West Manchester Township.

61. Here, the points of interconnection are located outside the Company's certificated territory and within West Manchester Township.

62. As confirmed by York Water, the sewer lateral serving the customers is located on the West Manchester Township side of Manhole #206 (see upper left corner of Appendix A) and is connected to a West Manchester Township-owned sewer main.

63. No certificate of public convenience authorizes York Water to provide wastewater service in West Manchester Township and beyond the West York side of Manhole #206.

64. Therefore, the Company maintains that it lacks certificated authority to provide wastewater service to the Service Addresses at their existing points of interconnection.

65. Based on the foregoing, York Water respectfully requests that the Commission issue a declaratory order stating that the Service Addresses are located outside the Company's certificated service territory.

B. YORK WATER DID NOT ACQUIRE THE SEWER LATERAL PROVIDING WASTEWATER SERVICE TO THE SERVICE ADDRESSES AND, THEREFORE, IS NOT RESPONSIBLE FOR REPAIRING THAT LATERAL

66. Relatedly, a genuine dispute exists between York Water and West Manchester Township as to whether the Company owns, and is responsible for repairing, the collapsed sewer lateral that provides wastewater service to the Service Addresses.

67. Based on its in-field investigation and review of the facilities acquired in the West York Application proceeding, York Water maintains that the sewer lateral is owned by West Manchester Township and, therefore, is the Township's responsibility to repair.

68. However, upon information and belief, West Manchester Township disagrees, asserting that the Company acquired the sewer lateral as part of the West York Application proceeding and must repair the sewer lateral.

69. This dispute’s resolution requires a Commission ruling on the facilities that were acquired (or not acquired) as part of the Commission-approved West York Application.

70. It is well-established that the Commission has primary jurisdiction over issues pertaining to public utility service and facilities. *See, e.g., PPL Elec. Utils. Corp. v. City of Lancaster*, 214 A.3d 639, 652 (Pa. 2019) (“*PPL*”) (reaffirming that the General Assembly has intended the Commission’s jurisdiction to “occupy the field of utility regulation at the state level) (citations omitted).

71. As the Pennsylvania Supreme Court held long ago in *Borough of Lansdale v. Philadelphia Electric Co.*:

No principle has become more firmly established in Pennsylvania law than that the courts will not originally adjudicate matters within the jurisdiction of the PUC. Initial jurisdiction in matters concerning the relationship between public utilities and the public is in the PUC—not the courts. It has been so held involving rates, service, rules of service, extension and expansion, hazard to public safety due to use of utility facilities, installation of utility facilities, location of utility facilities, obtaining, alerting, dissolving, abandoning, selling or transferring any right, power, privilege, service franchise or property and rights to serve particular territory.

170 A.2d 565, 566-67 (Pa. 1961) (footnotes omitted).

72. Indeed, the Commonwealth “has given the Public Utility Commission all-embrasive regulatory jurisdiction” over public utilities.” *PPL*, 214 A.3d at 659 (quoting *County of Chester v. Phila. Elec. Co.*, 218 A.2d 331, 332 (Pa. 1966) (“*Philadelphia Electric*”)).

73. “To avoid the harm that would follow from the convolution of fragmentary local regulation of public utilities, the General Assembly ‘vested in the [PUC] exclusive authority over

the complex and technical service and engineering questions arising from the location, construction and maintenance of all public utility facilities.” *Id.* (quoting *Philadelphia Electric*, 218 A.2d at 333).

74. Moreover, the Commission has exclusive authority to grant public utilities approval “to acquire from, or to transfer to, any person or corporation, including a municipal corporation, by any method or device whatsoever, including the sale or transfer of stock and including a consolidation, merger, sale or lease, the title to, or the possession or use of, any tangible or intangible property used or useful in the public service.” 66 Pa. C.S. § 1102(a)(3).

75. Additionally, Section 507 of the Public Utility Code provides that “[e]xcept for a contract between a public utility and a municipal corporation to furnish service at the regularly filed and published tariff rates, no contract or agreement between any public utility and any municipal corporation shall be valid unless filed with the commission at least 30 days prior to its effective date.” 66 Pa. C.S. § 507.

76. Therefore, a public utility cannot acquire facilities that are used or useful in the public service from a municipal corporation without receiving Commission approval pursuant to Sections 507 and 1102(a)(3) of the Public Utility Code.

77. Here, West Manchester Township evidently is convinced that the Company acquired the sewer lateral as part of the West York transaction and, therefore, must repair the sewer lateral.

78. However, based upon the Company’s investigation and review, York Water maintains that the Company did not acquire the sewer lateral providing wastewater service to the Service Addresses as part of the West York Application proceeding and that such sewer lateral is owned and, if defective, should be repaired by West Manchester Township.

79. The Commission's declaratory order would resolve who is responsible for repairing the defective sewer lateral.

80. Such a finding necessarily involves the scope of York Water's facilities and the Commission's approvals in the West York Application proceeding, both of which are issues wholly within the Commission's jurisdiction.

81. For these reasons, York Water respectfully requests that the Commission issue a declaratory order stating that the Company did not acquire the sewer lateral at issue as part of the West York Application proceeding and that York Water is not responsible to repair said lateral.

V. **CONCLUSION**

WHEREFORE, The York Water Company respectfully requests that the Pennsylvania Public Utility Commission grant the Petition for Declaratory Order and issue a declaratory order stating that: (1) the Service Addresses are located outside the Company's certificated service territory; and (2) the sewer lateral providing wastewater service to the Service Addresses is not owned by York Water and, therefore, is not the Company's responsibility to repair.

Respectfully submitted,



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Dated: December 30, 2024

Attorneys for The York Water Company

APPENDIX A

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 29, 2016

DISCOVERY A-17

The map of major facilities to be acquired, provided as the Application's Exhibit F, is not legible; please provide a scalable copy with a key explaining the color coded overlay.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

A scalable map of major facilities to be acquired is attached as a revised Exhibit F.

RECEIVED

AUG 29 2016

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

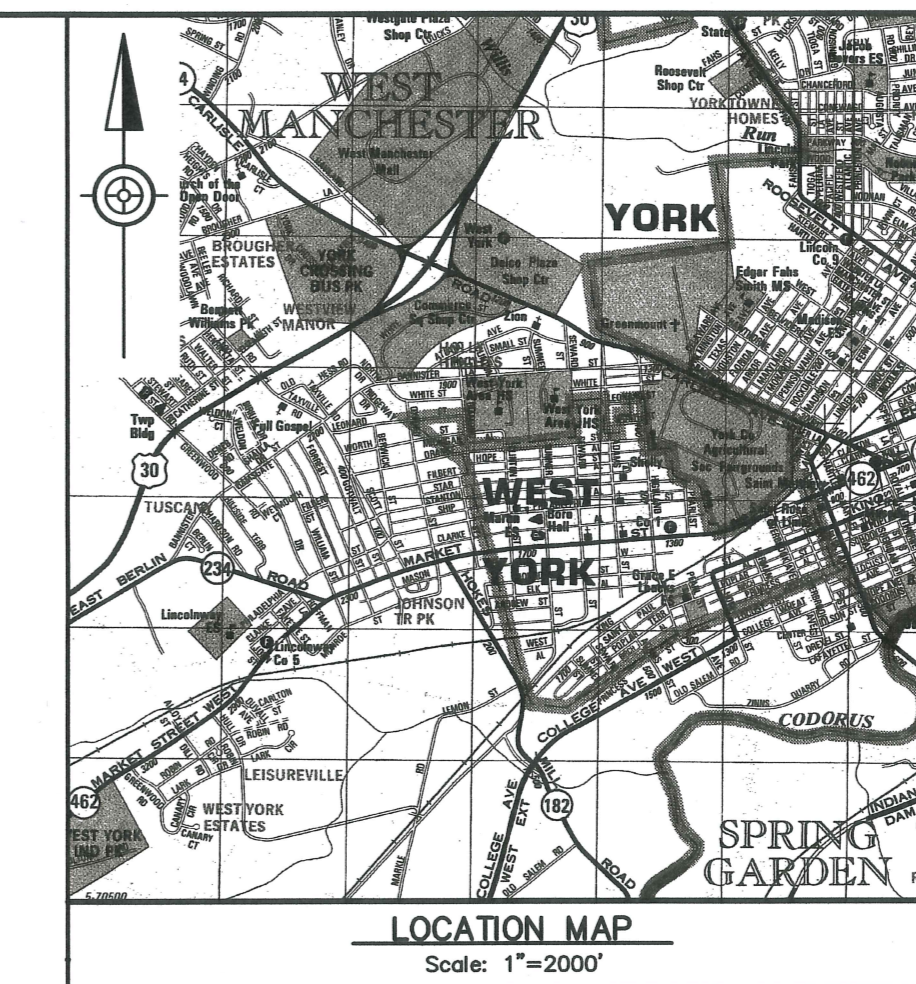
Discovery A-17
Revised Exhibit F

BUREAU OF WATER QUALITY MANAGEMENT

COLOR	PERMIT NO.	DATE OF ISSUE
	UNKNOWN	1-27-32
	UNKNOWN	6-9-36
	A-7847	4-10-41
	563-S-003	9-6-63
	A-1340	11-30-50
	8825-S	10-30-56

KEY
ANNUAL PROGRAM

	2012
	2013
	2014
	2015
	EVERY YEAR



WEST YORK BOROUGH
SANITARY SEWER SYSTEM
YORK COUNTY PENNSYLVANIA



38 NORTH DUKE STREET, YORK, PA • PHONE (717) 846-4805 • FAX (717) 846-5811
50 WEST MIDDLE STREET, GETTYSBURG, PA • PHONE (717) 337-3021 • FAX (717) 337-0782
315 W. JAMES ST., SUITE 102, LANCASTER, PA • PHONE (717) 481-2991 • FAX (717) 481-8680
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- REV. 7/24/2014
- REV. 2/7/2013
- REV. 1/15/2013
- REV. 8/31/2012
- REV. 11/16/2009
- REV. 1/05/2009
- REV. 2/25/2008
- REV. 12/7/2007
- REV. 2/18/2005
- REV. 4/22/2004
- REV. 12/18/2003
- REV. 10/30/2002
- REV. 1/9/2002
- REV. 3/7/2001
- REV. 3/27/2000
- REV. 3/13/2000
- REV. 2/15/2000

APPENDIX B

**The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 29, 2016**

DISCOVERY A-16

Appendix A of the Application's Exhibit I does not fully describe or quantify the assets being acquired and suggests that lift stations may or may not be included in the acquisition. Please provide a complete list, by major plant category, of wastewater system assets being acquired. The list should fully describe the asset and identify the asset's size, quantity, and year of installation.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

The list, as provided by West York Borough, is attached.

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AUG 29 2016

PA PUBLIC UTILITY COMMISSION
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PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

AUG 29 2016

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**Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM**

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	MANHOLE # TO MANHOLE#	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)				
				20" DIAMETER	18" DIAMETER	15" DIAMETER	12" DIAMETER	8" DIAMETER
Unknown	ALLEN TO ELEMENTARY SCH	1	138-138A					185
Unknown	ANDREW STREET	2	76-76A					100
Unknown	DEWEY STREET	5	11-2					256
Unknown	DEWEY STREET		11-67	296				
Unknown	DEWEY STREET		67-70					255
Unknown	DEWEY STREET		70-74					257
Unknown	ELK ALLEY	1	109-111					400
Unknown	FILBERT STREET	11	186-185					238
Unknown	FILBERT STREET		185-184					282
Unknown	FILBERT STREET		184-183					288
Unknown	FILBERT STREET		183-182					278
Unknown	FILBERT STREET		182-181					236
Unknown	FILBERT STREET		181-180					266
Unknown	FILBERT STREET		180-179					297
Unknown	FILBERT STREET		179-177					258
Unknown	FILBERT STREET		177-175					292
Unknown	FILBERT STREET		175-174					284
Unknown	GIANT FOOD AREA		6	69-78		279		
Unknown	GIANT FOOD AREA	78-79			205			
Unknown	GIANT FOOD AREA	79-80			100			
Unknown	GIANT FOOD AREA	80-81			109			
Unknown	GIANT FOOD AREA	81-82			167			
Unknown	GIANT FOOD AREA	82-83			350			
Unknown	HERMAN STREET	2	61-62					196
Unknown	HERMAN STREET	1	5-5A					155
Unknown	HIGHLAND AVENUE	4	49-20					275
Unknown	HIGHLAND AVENUE		20-21					90
Unknown	HIGHLAND AVENUE		21-22					272
Unknown	HOKE STREET	1	16-9					150
Unknown	KING STREET		67-68					203
Unknown	KING STREET		67-66	370				
Unknown	KING STREET		66-66A					22

Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)					
			MANHOLE # TO MANHOLE#	20" DIAMETER	18" DIAMETER	15" DIAMETER	12" DIAMETER	8" DIAMETER
Unknown	KING STREET	10	66A-63				253	
Unknown	KING STREET		63-60				284	
Unknown	KING STREET		60-58				360	
Unknown	KING STREET		58-56				302	
Unknown	KING STREET		66A-65A					33
Unknown	KING STREET		65-64					187
Unknown	KING STREET		64-61					359
Unknown	KING STREET		61-59					360
Unknown	KING STREET		59-57					302
Unknown	KING STREET		6	46-50			233	
Unknown	KING STREET	50-52				195		
Unknown	KING STREET	52-54					216	
Unknown	KING STREET	54-56					193	
Unknown	KING STREET	49-51						222
Unknown	KING STREET	51--53						192
Unknown	KING STREET	53-55						207
Unknown	KING STREET	55-57						192
Unknown	LEONARD STREET	4	207-208					192
Unknown	LEONARD STREET		208-209					350
Unknown	LEONARD STREET		209-210					322
Unknown	MONROE STREET	9	93-94					250
Unknown	MONROE STREET		94-95					264
Unknown	MONROE STREET		95-108					260
Unknown	MONROE STREET		108-107					286
Unknown	MONROE STREET		107-114					242
Unknown	MONROE STREET		114-115					265
Unknown	MONROE STREET		115-116					355
Unknown	MONROE STREET		116-117					206
Unknown	MONROE STREET		117-120					222
Unknown	NORTH ADAMS STREET	1	101-146					265
Unknown	NORTH ADAMS STREET		146-145					260
Unknown	NORTH CLINTON STREET	2	133-136					263

Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)					
			MANHOLE # TO MANHOLE#	20" DIAMETER	18"DIAMETER	15"DIAMETER	12"DIAMETER	8"DIAMETER
Unknown	NORTH CLINTON STREET	6	171-170					100
Unknown	NORTH CLINTON STREET		177-176					87
Unknown	NORTH CLINTON STREET		177-178					158
Unknown	NORTH CLINTON STREET		199-202					305
Unknown	NORTH CLINTON STREET		133-136					263
Unknown	NORTH CLINTON STREET		130-130A					76
Unknown	NORTH CLINTON STREET	2	130A-133					182
Unknown	NORTH CLINTON STREET		133-136					263
Unknown	NORTH CLINTON STREET		133-136					263
Unknown	NORTH CLINTON STREET		133-136					263
Unknown	NORTH DIAMOND STREET	0	174-201					316
Unknown	NORTH DIAMOND STREET		201-204					307
Unknown	NORTH DIAMOND STREET		204-207					277
Unknown	NORTH HIGHLAND AVENUE	2	157-156					147
Unknown	NORTH HIGHLAND AVENUE		157-158				50	
Unknown	NORTH HIGHLAND AVENUE		158-187				307	
Unknown	NORTH HIGHLAND AVENUE		187-186				40	
Unknown	NORTH HIGHLAND AVENUE		186-188				312	
Unknown	NORTH HIGHLAND AVENUE		188-189				286	
Unknown	NORTH HIGHLAND AVENUE		189-190				293	
Unknown	NORTH HIGHLAND AVENUE		148-149					270
Unknown	NORTH HIGHLAND AVENUE	2	149-150					165
Unknown	NORTH SEWARD STREET		143-164					182
Unknown	NORTH SEWARD STREET	4	164-163					168
Unknown	NORTH SEWARD STREET		182-182A					166
Unknown	NORTH SEWARD STREET		195-195A					165
Unknown	NORTH SEWARD STREET		104-142					252
Unknown	NORTH SEWARD STREET	1	142-143					271
Unknown	NORTH SUMNER STREET		139-166					180
Unknown	NORTH SUMNER STREET	3	166-167					169
Unknown	NORTH SUMNER STREET		167-168					152
Unknown	NORTH SUMNER STREET		126-140					260
Unknown	NORTH SUMNER STREET	1	139-140					265

Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)					
			MANHOLE # TO MANHOLE#	20" DIAMETER	18" DIAMETER	15" DIAMETER	12" DIAMETER	8" DIAMETER
Unknown	ORANGE STREET	11	188-192					260
Unknown	ORANGE STREET		192-193					260
Unknown	ORANGE STREET		193-194					290
Unknown	ORANGE STREET		194-195					275
Unknown	ORANGE STREET		195-196					252
Unknown	ORANGE STREET		196-197					255
Unknown	ORANGE STREET		197-198					255
Unknown	ORANGE STREET		198-199					306
Unknown	ORANGE STREET		199-200					291
Unknown	ORANGE STREET		200-201					279
Unknown	OVERBROOK	3	66-69	135				
Unknown	OVERBROOK		69-77					210
Unknown	PEARL STREET	3	86-151			265		
Unknown	PEARL STREET		151-153			257		
Unknown	PEARL STREET		153-154			295		
Unknown	POPLAR STREET	9	10-11	210				
Unknown	POPLAR STREET		11-12					344
Unknown	POPLAR STREET		12-13					268
Unknown	POPLAR STREET		13-14					267
Unknown	POPLAR STREET		14-15					345
Unknown	POPLAR STREET		15-16					333
Unknown	POPLAR STREET		16-17					195
Unknown	POPLAR STREET		17-18					202
Unknown	POPLAR STREET		18-19					244
Unknown	POPLAR STREET		19-20					174
Unknown	SOUTH ADAMS STREET	1	42-24					359
Unknown	SOUTH ADAMS STREET	2	98-97					251
Unknown	SOUTH ADAMS STREET		97-96					177
Unknown	SOUTH CLINTON STREET	2	117-121					248
Unknown	SOUTH CLINTON STREET		121-117					250
Unknown	SOUTH CLINTON STREET	3	129-121					261
Unknown	SOUTH CLINTON STREET		117-118					228

Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)					
			MANHOLE # TO MANHOLE#	20" DIAMETER	18" DIAMETER	15" DIAMETER	12" DIAMETER	8" DIAMETER
Unknown	SOUTH CLINTON STREET		118-119					111
Unknown	SOUTH HIGHLAND AVENUE	4	18-46					107
Unknown	SOUTH HIGHLAND AVENUE		90-91					251
Unknown	SOUTH HIGHLAND AVENUE		91-92					219
Unknown	SOUTH HIGHLAND AVENUE		92-93					54
Unknown	SOUTH SEWARD STREET	1	39-37					180
Unknown	SOUTH SEWARD STREET	3	105-106					296
Unknown	SOUTH SEWARD STREET		106-107					266
Unknown	SOUTH SEWARD STREET		107-109					195
Unknown	SOUTH SEWARD STREET		109-110					215
Unknown	SOUTH SUMNER STREET	2	34-29					160
Unknown	SOUTH SUMNER STREET		29-27					165
Unknown	SOUTH SUMNER STREET	3	125-122					358
Unknown	SOUTH SUMNER STREET		115-113					224
Unknown	SOUTH SUMNER STREET		113-112					163
Unknown	ST PAUL ALLEY	5	37-38					72
Unknown	ST PAUL ALLEY		29-30					220
Unknown	ST PAUL ALLEY		30-31					248
Unknown	STANTON STREET	12	158-159					263
Unknown	STANTON STREET		159-160					313
Unknown	STANTON STREET		160-161					252
Unknown	STANTON STREET		161-162					134
Unknown	STANTON STREET		162-163					165
Unknown	STANTON STREET		163-165					328
Unknown	STANTON STREET		165-167					175
Unknown	STANTON STREET		167-169					293
Unknown	STANTON STREET		169-171					285
Unknown	STANTON STREET		171-172					236
Unknown	STANTON STREET		172-173					246
Unknown	STANTON STREET	2	154-155				265	
Unknown	STANTON STREET		155-157				282	
Unknown	WEST KING STREET		47-45					352

Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)					
			MANHOLE # TO MANHOLE#	20" DIAMETER	18" DIAMETER	15" DIAMETER	12" DIAMETER	8" DIAMETER
Unknown	WEST KING STREET	11	45-42					373
Unknown	WEST KING STREET		42-40					317
Unknown	WEST KING STREET		40-39					323
Unknown	WEST KING STREET		46-44			376		
Unknown	WEST KING STREET		44-43			372		
Unknown	WEST KING STREET		43-41					317
Unknown	WEST KING STREET		41-36					323
Unknown	WEST KING STREET		36-35					117
Unknown	WEST KING STREET		35-34					268
Unknown	WEST KING STREET		34-33					260
Unknown	WEST KING STREET		33-32					263
Unknown	WEST KING STREET		39-36					26
Unknown	WEST KING STREET		45-44					26
Unknown	WEST MARKET STREET		6	74-71				
Unknown	WEST MARKET STREET	74-75						319
Unknown	WEST MARKET STREET	74-73						35
Unknown	WEST MARKET STREET	73-72						188
Unknown	WEST MARKET STREET	73-73A						92
Unknown	WEST MARKET STREET	73A-76						278
Unknown	WEST MARKET STREET	13	83-84			49		
Unknown	WEST MARKET STREET		84-86			423		
Unknown	WEST MARKET STREET		86-87					279
Unknown	WEST MARKET STREET		87-89					285
Unknown	WEST MARKET STREET		89-100					290
Unknown	WEST MARKET STREET		100-101					277
Unknown	WEST MARKET STREET		101-102					275
Unknown	WEST MARKET STREET		102-104					272
Unknown	WEST MARKET STREET		104-124					245
Unknown	WEST MARKET STREET		124-126					256
Unknown	WEST MARKET STREET		126-128					285
Unknown	WEST MARKET STREET	128-130					280	
Unknown	WEST MARKET STREET	130-131					331	

Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	MANHOLE # TO MANHOLE#	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)				
				20" DIAMETER	18" DIAMETER	15" DIAMETER	12" DIAMETER	8" DIAMETER
Unknown	WEST MARKET STREET	13	83-83A					222
Unknown	WEST MARKET STREET		83A-85					229
Unknown	WEST MARKET STREET		85-88					277
Unknown	WEST MARKET STREET		88-90					284
Unknown	WEST MARKET STREET		90-99					290
Unknown	WEST MARKET STREET		99-98					260
Unknown	WEST MARKET STREET		98-103					274
Unknown	WEST MARKET STREET		103-105					269
Unknown	WEST MARKET STREET		105-123					250
Unknown	WEST MARKET STREET		123-125					259
Unknown	WEST MARKET STREET		125-127					223
Unknown	WEST MARKET STREET		127-129					288
Unknown	WEST MARKET STREET		129-132					329
Unknown	WEST PHILADELPHIA STREET	2	134-135					223
Unknown	WEST PHILADELPHIA STREET		135-136					193
Unknown	WEST PHILADELPHIA STREET	11	153-152					280
Unknown	WEST PHILADELPHIA STREET		152-148					286
Unknown	WEST PHILADELPHIA STREET		148-148					260
Unknown	WEST PHILADELPHIA STREET		147-146					286
Unknown	WEST PHILADELPHIA STREET		144-145					262
Unknown	WEST PHILADELPHIA STREET		143-144					246
Unknown	WEST PHILADELPHIA STREET		143-141					296
Unknown	WEST PHILADELPHIA STREET		141-139					257
Unknown	WEST PHILADELPHIA STREET		139-138					240
Unknown	WEST PHILADELPHIA STREET		138-137					123
Unknown	WEST PHILADELPHIA STREET		136-137					207
Unknown	WEST PHILADELPHIA STREET	136-135					195	
Unknown	WEST PHILADELPHIA STREET	135-134					235	
Unknown	WEST POPLAR TERRACE	4	21-23					313
Unknown	WEST POPLAR TERRACE		23-24					325
Unknown	WEST POPLAR TERRACE		24-25					318
Unknown	WEST POPLAR TERRACE		25-26					318

Discovery A-16 Attachment
WEST YORK BOROUGH
SANITARY SEWER SYSTEM

INSTALL DATE	STREET NAME	NUMBER OF MANHOLE	LINEAR FEET OF EACH PIPE SIZE (TERRA COTTA)					
			MANHOLE # TO MANHOLE#	20" DIAMETER	18" DIAMETER	15" DIAMETER	12" DIAMETER	8" DIAMETER
Unknown	WEST POPLAR TERRACE	2	26-27					325
Unknown	WEST POPLAR TERRACE		27-28					204
Unknown	WEST PRINCESS STREET	7	2-1					206
Unknown	WEST PRINCESS STREET		2-3					342
Unknown	WEST PRINCESS STREET		3-4					281
Unknown	WEST PRINCESS STREET		4-5					257
Unknown	WEST PRINCESS STREET		5-6					234
Unknown	WEST PRINCESS STREET		6-7					227
Unknown	WEST PRINCESS STREET		7-8					220
Unknown	WORTH STREET	5	204-205					155
Unknown	WORTH STREET		205-206					332
Unknown	WORTH STREET		189-191					295
	SUB TOTALS	227		1,011	1,210	2,465	3,443	48,809

TOTAL 56,938

VERIFICATION

I, Matthew Scarpato, Vice President of Operations of The York Water Company, 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).

Date: December 30, 2024

Signed by:

C57DCCE9E17143B...
Matthew Scarpato