



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

IN REPLY PLEASE
REFER TO OUR FILE

June 11, 2025

Docket No. P-2024-3050185

Utility Code 210885

ROBERT SMITH PE
EVITTS CREEK WATER COMPANY
57 NORTH LIBERTY STREET
CUMBERLAND MD 21502
ROBERT.SMITH@CUMBERLANDMD.GOV

RE: Petition of Evitts Creek Water Company for Approval of its Lead Service Line
Replacement Program at Docket No. P-2024-3050185

Dear Robert Smith:

On July 19, 2024, Evitts Creek Water Company (Evitts Creek) filed the above-captioned document (LSLR Program) 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 efilings with the Secretary of the Commission by opening an efilings account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efilings 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:

Matthew L. Homsher, 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,



Matthew L. Homsher
Secretary

Enclosure: TUS Data Request Set 2

cc: Darryl Lawrence, Office of Consumer Advocate (w/enclosure), ra-oca@paoca.org
Melanie El Atieh, Office of Consumer Advocate (w/enclosure), melatieh@paoca.org
NazAarah Sabree, Office of Small Business Advocate (w/enclosure), ra-sba@pa.gov
Rebecca Lyttle, Office of Small Business Advocate (w/enclosure), relyttle@pa.gov
Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), akaster@pa.gov
Seth A. Mendelsohn, Saxton & Stump Lawyers and Consultants (w/enclosure), smendelsohn@saxtonstump.com

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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-8. On August 30, 2024, Evitts Creek Water Company (Evitts Creek) filed a revised Lead Service Line Replacement (LSLR) Program that included a revised *pro forma* tariff supplement (Pro Forma Tariff) to Tariff Water – Pa. P.U.C. No. 4, Data Responses to 52 Pa. Code § 53.52, and LSLR Plan. However, Evitts Creek did not provide responses to TUS Data Request Set 1 dated August 21, 2024, served by Secretarial Letter at Docket No. P-2024-3050185. Please provide complete responses to TUS Data Request Set 1 that restate the data request prior to providing a response. If Evitts Creek’s revised LSLR Program addresses questions identified in TUS Data Request Set 1, please include specific references to the section of the revised LSLR Program as part of Evitts Creek’s data request response.
- P-9. In Section (a)(2) of the LSLR Plan provided as the Petition’s Appendix 3, Evitts Creek indicated that, “The Utility opened meter boxes to determine what pipe materials comprise the service lines for the utility and customer owned portions. Since it was illegal to connect to lead since 1972 and all meters were upgraded since 2005, we are assuming no lead is present. We will replace any customers whose service line is identified as either lead or galvanized due to the ages of the house.” Please provide responses to the following:
- a. Confirm that Evitts Creek opened the meter boxes for all customers and was able to verify pipe material types for the customer-owned and company-owned service lines using this method;
 - b. Explain why it is reasonable for Evitts Creek to assume that all homes built during or after 1970 contained only “non-lead” service line materials realizing the ban occurred in early 1991 and the prohibition may not have been equally enforced in different geographic locations across Pennsylvania;
 - c. Clarify whether Evitts Creek, for the purposes of its service line inventory (SLI), will be assuming that all galvanized customer-owned service lines may at some point have been downstream of a lead service line; and
 - d. Verify that Evitts Creek prepared its SLI in compliance with United States Environmental Protection Agency and Pennsylvania Department of Environmental Protection guidelines.
- P-10. In Section (b)(2) of the LSLR Plan, Evitts Creek indicated that it intends to replace one LSL annually upon Commission approval of its LSLR Program. Evitts Creek indicated that it is performing this same effort in the State of Maryland and cannot commit all of its resources to PA customers until after the Maryland inventory is finalized. Additionally, Evitts Creek noted that the regulations of Maryland are still unknown at this time. However, the Commission notes that Evitts Creek is a regulated water public utility

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subject to the jurisdiction of the Commission and, therefore, may not use any potential limitations of its contracted operator, the City of Cumberland, Maryland (City), as a basis for its inability to proceed expeditiously on its LSLR Program upon approval by the Commission. Please provide a revised LSLR Plan, Section (b)(2), that removes any reference to the State of Maryland regulations and the resources required to complete a service line inventory for an out-of-state entity. If additional resources are required to comply with Commission regulations, Evitts Creek should indicate it will contract with additional entities to complete its projected number of LSLRs per calendar year.

- P-11. In Section (b)(3) of the LSLR Plan, Evitts Creek indicated that only three galvanized requiring replacement (GRR) service lines will be replaced at this time and that these will be replaced upon approval of the tariff supplement and when given approval by the landowner to do so, unless the landowner wishes to get a third-party. However, Evitts Creek indicated in the LSLR Plan's Section (b)(2), that it intends to replace one LSLR per year and in the Pro Forma Tariff's Part V, Section (4), that it will cap LSLR Projects at one customer-owned LSLR on an annual basis. The Commission notes an entity's *pro forma* tariff supplement may include an annual LSLR cap that is greater than the planned number of annual LSLRs an entity intends to complete as part of its LSLR plan. Please provide responses to the following:
- a. Clarify the projected number of LSLRs per calendar year that Evitts Creek intends to complete;
 - b. Provide a statement that this projected number is consistent with the entity's annual cap on LSLRs; and
 - c. Provide a revised LSLR Plan that reflects the same projected number of LSLRs per calendar year in each plan section, and a revised Pro Forma Tariff that includes an annual LSLR cap that is equal to or greater than the projected number of LSLRs included in the LSLR Plan.
- P-12. In Section 5 of the LSLR Plan, Evitts Creek indicated, "Evitts Creek will make contact with the property owner to provide them notice of the issue and advise them of their options." Please provide responses to the following:
- a. Clarify the methods of communication that Evitts Creek intends to utilize to make contact with customers;
 - b. Identify the number of communication attempts that Evitts Creek will make with each customer prior to considering the customers non-responsive; and
 - c. Provide copies of any communication materials that Evitts Creek will provide to customers to advise customers of their LSLR options.

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- P-13. In Section (b)(8) of the LSLR Plan, Evitts Creek indicated that specific products used in a LSLR would comply with the City of Cumberland’s standards. Please provide a copy of the City of Cumberland’s standards related to water service line installation and materials.
- P-14. In Section (c)(1) of the LSLR Plan, Evitts Creek indicated that no broadcast materials were made available to customers due to the lines being physically inspected by Evitts Creek. However, physical inspection of service lines does not alleviate Evitts Creek’s responsibility to comply with United States Environmental Protection Agency regulations at 40 CFR 141.85 (relating to public education and supplemental monitoring and mitigation requirements) which states, “A water system with lead, galvanized requiring replacement, or lead status unknown service lines must deliver public education materials to persons with a lead, galvanized requiring replacement, or lead status unknown service line as specified in paragraphs (e) and (f) of this section.” Evitts Creek has indicated that three GRR have been identified within its water distribution system. Please provide copies of any printed or broadcast materials to be distributed under the entity’s LSLR program and revise the LSLR Plan to identify the circumstances under which these materials would be distributed.
- P-15. The LSLR Plan’s Appendix 8 included a copy of Evitts Creek’s LSLR Consent Agreement Form (Consent Form). The Consent Form, as presented, requires the customers of Evitts Creek to enter into an agreement with the City and, therefore, is in direct conflict with Evitts Creek’s effective tariff. All agreements and communications must be by and between the customer and Evitts Creek, as the regulated water public utility. The City, as an Evitts Creek contractor, may not offer to replace an LSL as it is not the entity authorized by the Commission to provide water utility service in the Commonwealth of Pennsylvania. Please provide a revised Consent Form that directs all terms and conditions to be by and between the customer and Evitts Creek to include all communication being directed to Evitts Creek’s primary business address in Pennsylvania.
- P-16. The LSLR Plan’s Appendix 9 included a copy of Evitts Creek’s LSLR Refusal and Non-acceptance Procedure (Refusal Procedure). As noted above in P-15, all procedures and communications must be between the customer and Evitts Creek. Specifically, in Section 1 of the Refusal Procedure, Evitts Creek indicated the City (dba Evitts Creek) shall issue a letter to the customer [...]. Please provide a revised Refusal Procedure including the LSLR Refusal Form and LSLR Verification Form that directs all terms and conditions to be by and between the customer and Evitts Creek to include all communication being directed to Evitts Creek’s primary business address in Pennsylvania.
- P-17. Please provide evidence that Evitts Creek filed annual financial reports with the Commission for the years 2021 through 2024 pursuant to Commission regulations at 52 Pa. Code § 71.