

COMMONWEALTH OF PENNSYLVANIA



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Acting Consumer Advocate

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June 11, 2025

**Via Electronic Mail Only**

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Re: Pennsylvania Public Utility Commission

v.

The York Water Company  
Docket Nos. R-2025-3053442 (W)  
R-2025-3053573 (WW)

Dear Counsel:

Attached for electronic filing, please find the Office of Consumer Advocate's Formal Complaint and Public Statement in this proceeding.

Mike W. Hassell, Esq.  
Devin T. Ryan, Esq.  
Alice A. Wade, Esq.  
June 11, 2025  
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Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Jacob D. Guthrie  
Jacob D. Guthrie, Esq.  
Assistant Consumer Advocate  
PA Attorney I.D. # 334367  
JGuthrie@paoca.org

Enclosures

cc: The Honorable Charles E. Rainey, Jr. (email only: crainey@pa.gov)  
Office of Special Assistants (email only: ra-OSA@pa.gov)  
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Paul Zander, TUS (email only: pzander@pa.gov)  
Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket Nos. R-2025-3053442 (W)
	:	R-2025-3053573 (WW)
The York Water Company	:	
	:	

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 Formal Complaint and Public Statement, 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 11<sup>th</sup> day of June, 2025

SERVICE BY E-MAIL ONLY

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Fax: 717-783-7152

Dated: June 11, 2025

/s/ Jacob D. Guthrie  
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Counsel for:  
Darryl A. Lawrence  
Acting Consumer Advocate

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## FORMAL COMPLAINT

### 1. COMPLAINANT INFORMATION

Darryl A. Lawrence, Acting Consumer Advocate

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Dauphin County

Phone: 717-783-5048

### 2. FULL NAME OF UTILITY COMPANY:

The York Water Company  
The York Water Company – Wastewater Division  
Docket No. R-2025-3053442(Water)  
Docket No. R-2025-3053573(Wastewater)

### 3. TYPE OF UTILITY:

Water and Wastewater

### 4. COMPLAINT:

- A. On May 30, 2025, the York Water Company and the York Water Company – Wastewater Division (collectively, York or the Company) filed Supplement No. 165 to Tariff Water-Pa. P.U.C. No. 14 (Supplement No. 165) and Supplement No. 26 to Tariff Wastewater-Pa. P.U.C. No. 1 (Supplemental No. 26), respectively, to become effective August 1, 2025. A full suspension by the Public Utility Commission (Commission) would delay the increase until March 2, 2026.
- B. Through Supplement No. 165, the Company proposes a general increase in annual water revenues of \$20,311,978, or 28.9%. Through Supplement No. 26, the Company proposes a general increase in wastewater revenues of \$3,857,507 per year, or 44.5%. York Water proposes that the water and wastewater rate increases become effective on August 1, 2025.
- C. York Water is engaged in the business of providing water service to more than 73,089 customers and wastewater service to 6,682 customers. The Company provides water service and wastewater service in parts of York, Adams, Franklin, and Lancaster Counties, Pennsylvania.

- D.** Under the Company’s proposal, the typical monthly water bill for residential gravity customers using 4,383 gallons per month would increase from \$47.78 to \$58.26 per month, or by 21.9%. The typical water bill for residential repumped customers using 3,672 gallons per month would increase from \$56.48 to \$72.26 per month, or by 27.9%.
- E.** According to the customer notices included in York Water’s filing, under the Company’s proposal, the typical wastewater bill for residential customers would increase as follows:

Area	Usage	Present Rate	Proposed Rate	\$ Increase	% Increase
Asbury Pointe Subdivision, Felton Borough, Letterkenny Township (LTMA)	Per month per dwelling unit	\$86.90	\$93.60	\$6.70	7.7%
East Prospect Borough and Lower Windsor Area	4,800 gallons per month	\$92.95	\$127.67	\$34.72	37.4%
Jacobus Borough	4,638 gallons per month	\$91.73	\$125.60	\$33.87	36.9%
Monaghan Township	N/A	\$44.20	\$82.74	\$38.54	87.2%
Shrewsbury and Springfield Township Area	4,276 gallons per month	\$41.38	\$71.29	\$29.91	72.3%
Straban Township Area	4,519 gallons per month	\$90.83	\$124.07	\$33.24	36.6%
Washington Township	4,658 gallons per month	\$43.29	\$75.76	\$32.47	75.8%
West York Borough	Per month per dwelling unit	\$60.00	\$93.60	\$33.60	56%
West Manheim Township	4,011 gallons per month	\$89.84	\$132.56	\$42.72	47.6%
York Haven Borough and Newberry Township Area	Per month per dwelling unit	\$50.00	\$93.60	\$43.60	87.2%

The OCA is investigating the basis for and calculation of estimated bill increases to ensure that they are consistent with applicable standards and will produce just and reasonable rates.

- F.** The proposed water and wastewater rate changes noted above do not reflect the changes that will be experienced by all customers; rather they only reflect changes for customers using what York has asserted the “typical” usage for residential customers. In the OCA’s experience, the increases reflected above (and on the notices sent to customers) often underestimate the impact of the rate increase for many customers.
- G.** In its base rate filing, the Company utilizes a fully projected future test year ending February 28, 2027.

- H.** York's proposed rate increase for water and wastewater, if approved, would produce an overall rate of return of 8.01% that includes a common equity cost rate of 10.90% and a cost of debt rate of 4.54%. The request for an 10.90% return on equity includes the Company's request for a Business Risk Adjustment, Flotation Cost Adjustment, and Performance Factor Adjustment. The Company also proposes utilizing a capital ratio of 54.58% common equity and 45.42% debt for ratemaking purposes.
- I.** York proposes to increase the 5/8-inch water customer charge (for gravity and repumped customers) from \$17.25 to \$24.85 per month, which is an increase of \$7.25 or of 44%.
- J.** York proposes to include the assets of nine newly acquired water systems and six newly acquired wastewater systems in its rate base. York has requested special ratemaking treatment for these acquired systems pursuant to 66 Pa. C.S. Section 1327, claiming that the Company should be able to either include the purchase price or the depreciated original cost of each system, whichever is greater.
- K.** The Consumer Advocate is empowered to represent the interests of Pennsylvania consumers before the Pennsylvania Public Utility Commission, pursuant to Act 161 of the General Assembly, as amended. 71 P.S. §§ 309-1, *et seq.*
- L.** A preliminary examination of the Company's base rate filing indicates that the proposed increases in rates may be unjust, unreasonable, in violation of law, and will or may produce an excessive return on investment in violation of the Public Utility Code. 66 Pa. C.S. § 1301, *et seq.*
- M.** The Acting Consumer Advocate avers that the proposed tariff changes and proposed rate design may be unjust, unreasonable, and unlawfully discriminatory in violation of the Public Utility Code, 66 Pa. C.S. Sections 1301 and 1304, *et seq.*, and may otherwise be contrary to sound ratemaking principles and public policy.
- N.** The Acting Consumer Advocate also avers that the Company's existing rates, rules, and regulations are or may not be just and reasonable or otherwise proper under the Public Utility Code, 66 Pa. C.S. Section 1301, *et seq.*, and applicable ratemaking principles.
- O.** The Acting Consumer Advocate files this Formal Complaint to ensure that the Commission will fully and fairly adjudicate issues pertaining to whether the Company's existing and proposed rates and all rate policy changes are unjust, unreasonable, unduly discriminatory, or otherwise unlawful.

**5. RELIEF**

The Acting Consumer Advocate respectfully requests that the Commission take the following actions:

- A.** Suspend and investigate the operation of the proposed tariff supplements, York Supplement No. 165 to Tariff Water-Pa. P.U.C. No. 14 and Supplement No. 26 to Tariff Wastewater-Pa. P.U.C. No. 1 pursuant to Section 1308(d) of the Public Utility Code. 66 Pa. C.S. §1308(d);
- B.** Enter a suspension order at the next scheduled Public Meeting following the date of this Complaint, which is June 18, 2025, in order to expedite this matter being assigned to the Office of Administrative Law Judge, which would allow the commencement of necessary procedural steps for purposes of developing a reasonable procedural schedule in this matter;
- C.** Direct the Office of Administrative Law Judge to use the February 19, 2026, Public Meeting as the deadline for a final Commission determination in this matter and for purposes of setting a deadline for a Recommended Decision and developing a litigation schedule in this matter;
- D.** Consolidate all complaints filed against the proposed increases for water and wastewater service;
- E.** Ensure that York has provided appropriate and adequate notice in accordance with the Public Utility Code and the Commission's Regulations;
- F.** Hold full evidentiary hearings examining the reasonableness of York's current rates and its proposed increases;
- G.** After providing the public with adequate notice, and as early in the proceeding as possible, hold in-person public input hearings in York's service territory, as well as by telephone or virtually, in order to provide York customers with an opportunity to be heard on the record;
- H.** Deny any the inclusion into rate base of any plant that is not reasonably projected to be used and useful within the FPFTY, deny any charges or changes contained in the proposal which would result in unjust and unreasonable rates, or cannot be fully justified by York, or otherwise are contrary to the Public Utility Code, sound ratemaking principles, and public policy; and
- I.** Grant such other relief that the Commission may deem appropriate.

**6. VERIFICATION AND SIGNATURE**

*I, Darryl A. Lawrence, Acting Consumer Advocate, hereby state that the facts above set forth are true and correct (or 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).*

/s/ Darryl A. Lawrence

**Signature**

June 11, 2025

**Date**

**7. Legal Representation**

Jacob D. Guthrie, Assistant Consumer Advocate, PA Bar No. 334367

Katie Kennedy, Assistant Consumer Advocate, PA Bar No. 317237

Ryan Morden, Assistant Consumer Advocate, PA Bar No. 335679

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**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE**  
**PURSUSANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 Pa. C.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Acting Consumer Advocate determined to file a Formal Complaint and participate in the proceedings before the Commission involving the proposed water and wastewater rate increase by the York Water Company and the York Water Company – Wastewater Division (collectively, York or the Company).

On May 30, 2025, York filed a general rate increase request seeking the Commission's approval to increase its overall operating water revenue by approximately \$20,311,978 million per year, or 28.9%. The typical monthly water bill for residential gravity customers using 4,383 gallons per month would increase from \$47.78 to \$58.26 per month, or by 21.9%. The typical water bill for residential repumped customers using 3,672 gallons per month would increase from \$56.48 to \$72.26 per month, or by 27.9%. York is also seeking the Commission's approval to increase overall wastewater revenue by approximately \$3,857,507 million per year, or 44.5%. The proposed increase for a typical residential wastewater customer will vary by rate zone, ranging from an approximate 7.7% increase to an approximate 87.2% increase.

The objective of the Acting Consumer Advocate in filing this complaint is to protect the interests of York's customers. The Acting Consumer Advocate will seek to ensure that York is permitted to implement only rates that are fully justified, just and reasonable, not unduly discriminatory, and otherwise consistent with sound ratemaking principles and the Public Utility Code, Commission regulations and orders, and case law. The Acting Consumer Advocate submits that York's current rates and its proposed rates may be unjustifiable and unlawful based upon the information filed by York in support of its claim.