



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

IN REPLY PLEASE
REFER TO OUR FILE

June 20, 2025

Docket No. A-2025-3053794
Utility Code 230087

DEVIN T RYAN ESQUIRE
POST & SCHELL PC
ONE OXFORD CENTRE
301 GRANT STREET SUITE 3010
PITTSBURGH PA 15219
DRYAN@POSTSCHELL.COM

MICHAELW HASSELL ESQUIRE
MEGAN E RULLI ESQUIRE
POST & SCHELL PC
17 NORTH SECOND STREET 12TH FLOOR
HARRISBURG PA 17101
MHASSELL@POSTSCHELL.COM
MRULLI@POSTSCHELL.COM

RE: Application of The York Water Company - Wastewater for approval of the right to begin to offer, render, furnish or supply wastewater service to the public in an additional portion of West Manheim Township, York County, Pennsylvania at Docket No. A-2025-3053794

Dear Attorneys Ryan, Hassell and Rulli:

On March 5, 2025, The York Water Company – Wastewater (York Water-WW) filed the above-captioned document (Application) with the Pennsylvania Public Utility Commission (Commission). On April 4, 2025, the Commission served a Secretarial Letter containing the Bureau of Technical Utility Services (TUS) Data Request Set 1. On April 18, 2025, York Water-WW requested a time extension to file responses to TUS Data Request Set 1 until May 30, 2025. On April 21, 2025, the Commission issued a Secretarial Letter granting a time extension until May 23, 2025. York Water-WW filed responses with the Commission for TUS Data Request Set 1 on May 23, 2025. On June 20, 2025, York Water-WW filed a letter (June 20 Letter) requesting, to the extent there are concerns regarding the scope of the requested territory or the supporting documentation submitted by York Water-WW, that the Commission consider approving an expansion of York Water-WW's wastewater service territory to include only the Joshua Hill Farm development (Joshua Hill). However, the June 20 Letter did not include an amended Application and does not cure the Application deficiencies previously identified in TUS Data Request Set 1 and discussed below.

This Secretarial Letter is to inform you that, pursuant to 52 Pa. Code §§ 1.38 (relating to rejection of filings) and 3.501(a) (relating to Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.), the Application is hereby rejected by the Commission without prejudice for refile with all required information and documents. The responses to TUS Data Request Set 1 include significant changes to the Application that indicate that the Application is insufficient and may have been filed prematurely. According to York

Water-WW's responses to Data Requests A-2 and A-13, York Water-WW revised the cost estimate for the Joshua Hill wastewater facilities from \$27,574,500 to \$14,688,000 based on a reduced capacity of the wastewater treatment facility, which is yet to be designed or permitted, and introduced capital costs for a second pump station. Further, York Water-WW indicated that it is working on an amendment to the master agreement that will significantly increase the developer's contribution to the cost of the wastewater facilities.


The following is a partial list of required information and documents that York Water-WW did not provide with its Application or in supplemental information filed with the Commission:

1. York Water-WW did not provide evidence that the Application's requested territory complies with Pennsylvania Sewage Facilities Act (Act 537) requirements pursuant to 52 Pa. Code § 3.501(a)(9). In response to Data Request A-7, York Water-WW provided in Attachment 1 a copy of the DEP Approval Letter dated December 29, 2008, for the Act 537 Planning Module for Joshua Hill that approved an Official Plan Revision for a proposed 136-lot single-family subdivision on 203.7 acres. However, York Water-WW did not provide evidence that the requested territory area outside of Joshua Hill, encompassing approximately 229 acres and representing over 50% of the requested territory, complies with West Manheim Township's Act 537 Plan. Further, the DEP Approval Letter is conditioned on the treatment facility being designed for a total capacity of 100,000 gallons per day (GPD) to accommodate possible future development (including the proposed lots) and to serve existing homes with on-lot sewage disposal problems. York Water-WW indicated in its response to Data Request A-2 that its revised proposal has a treatment capacity of 58,000 GPD, which no longer complies with conditions outlined by DEP in the DEP Approval Letter (specifically, Condition 7). Finally, the DEP Approval Letter required an Act 537 plan revision and planning module submission to connect to any properties adjoining Joshua Hill and any of the existing homes with on-lot sewage problems. York Water-WW has provided no evidence of the approval of such a revision.
2. York Water-WW did not provide a full description of the proposed wastewater facilities pursuant to 52 Pa. Code § 3.501(a)(1)(i)(A). According to York Water-WW's responses to Data Requests A-1, A-2, and A-15, the design and permitting of the wastewater treatment facilities are incomplete. In addition, York Water-WW did not provide complete descriptions of wastewater facilities that included the Joshua Hill Pump Station and appurtenances, wastewater gravity and force mains that will connect the Werner and Joshua Hill Pump Stations with the remaining Joshua Hill collection system, and additional facilities needed to serve approximately 100 additional residential units outside of Joshua Hill (e.g., mains and service laterals).
3. York Water-WW did not provide a breakdown of the construction cost for the proposed facilities, by major plant category, including the sources of funds used to construct facilities pursuant to 52 Pa. Code § 3.501(a)(1)(i)(B). The revised master agreement and contribution amount is needed to understand the potential costs to York Water-WW's customers.

4. York Water-WW did not provide a map or plan of suitable scale that included the location or route of proposed wastewater facilities pursuant to 52 Pa. Code § 3.501(a)(2)(ii). York Water-WW's maps and plans provided in response to Data Requests A-1, A-2, and A-15 did not include the location or route of wastewater facilities that will connect the Werner and Joshua Hill Pump Stations with the remaining Joshua Hill collection system, and the additional facilities needed to serve approximately 100 additional residential units outside of Joshua Hill.

Our records in this matter will now be closed. If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition for reconsideration of staff action with the Commission within 20 days of the date this letter is served. If you have any questions in this matter, please contact James Kennedy, in the Water/Wastewater Section of the Bureau of Technical Utility Services by telephone at (717)-783-3971 or via e-mail at jameskenne@pa.gov.

Sincerely,



Matthew L. Homsher
Secretary

cc: Darryl Lawrence, Office of Consumer Advocate, ra-oca@paoca.org
Melanie El Atieh, Office of Consumer Advocate, melatieh@paoca.org
NazAarah Sabree, Office of Small Business Advocate, ra-sba@pa.gov
Allison Kaster, Bureau of Investigation & Enforcement, akaster@pa.gov