

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2025-3053442
Office of Consumer Advocate	:	C-2025-3055746
Office of Small Business Advocate	:	C-2025-3055824
Amy Nichols	:	C-2025-3056183

v.

The York Water Company - Water

Pennsylvania Public Utility Commission	:	R-2025-3053573
Office of Consumer Advocate	:	C-2025-3055747
Office of Small Business Advocate	:	C-2025-3055827
Cheryl Hoffman	:	C-2025-3055800
Brad S. Bock	:	C-2025-3056196
Russell Hudson	:	C-2025-3056217
Sarah Flemming	:	C-2025-3056115
Daniel O'Connor	:	C-2025-3056049
Eric Conrad	:	C-2025-3056050
Edward Madalis	:	C-2025-3056157
Sheri Stein	:	C-2025-3056225

v.

The York Water Company - Wastewater

PREHEARING CONFERENCE ORDER

On May 30, 2025, the York Water Company (York Water or Company) filed 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 with the Pennsylvania Public Utility Commission (Commission) to become effective August 1, 2025. York Water proposes a general increase in water rates of \$20,311,978 per year and a general increase in wastewater rates of \$3,857,507 per year.

Formal Complaints have been filed against York Water by the Office of Consumer Advocate, the Office of Small Business Advocate, as well as York Water customers.

On July 10, 2025, by separate Orders, the Commission suspended York Water's tariff filings by operation of law until March 1, 2026, pursuant to Section 1308(d) of the Public Utility Code, unless permitted by the Commission to become effective at an earlier date. In both Orders, the Commission stated that investigation and analysis of the proposed tariff supplements and the supporting data indicate that the proposed changes in rates, rules and regulations may be unlawful, unjust, unreasonable and contrary to the public interest. The Commission also determined that consideration should be given to the reasonableness of the York Water's existing rates, rules and regulations. As a result, the Commission ordered that an investigation be instituted in response to both filings to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed tariff filings, as well as a consideration of the lawfulness, justness and reasonableness of the existing rates, rules, and regulations. The Commission assigned the cases to the Office of Administrative Law Judge for the prompt scheduling of hearings as may be necessary culminating in the issuance of Recommended Decisions.

In accordance with the Commission's July 10, 2025 Orders, the matters were assigned to Administrative Law Judges John M. Coogan and Emily A. Farren.

A Prehearing Conference in this case is scheduled for **Tuesday, July 22, 2025, at 10:00 a.m.** To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing, you must provide them with the telephone number and PIN number.

Toll-free Bridge Number: 1-888-387-8560
PIN Number: 69874953

You must call into the Prehearing Conference on the scheduled day and time. Failure of any party to attend the Prehearing Conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the Prehearing Conference. You will not be called by the Administrative Law Judges.

The parties are hereby directed to comply with the following requirements:

1. Each party serve, prior to **4:00 p.m. on Friday, July 18, 2025**, a Prehearing Conference Memorandum which sets forth the history of the proceeding, the issues you intend to present, a proposed plan and schedule of discovery, a listing of your proposed witnesses and the subject of their testimony, potential plans for public input hearings (come prepared with proposed dates and suggested sites), and a proposed litigation schedule, agreed to by all parties, if possible, which requires the filing of Reply Briefs by **November 10, 2025**; the **Reply Brief due date is firm**. 52 Pa. Code § 5.222(d). **Evidentiary hearings will be scheduled to be held in person in the Keystone Building in Harrisburg.**

Parties represented by multiple attorneys must designate a primary speaker for the purposes of the prehearing conference and provide the telephone number intended to be used to dial-in.

2. A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of all other parties and must be submitted by email to the undersigned ALJs no later than five (5) days prior to the Prehearing Conference. 52 Pa. Code § 1.15(b). Requests for changes of the initial Prehearing Conference must be sent by email, with copies to all parties of record. Only the undersigned ALJs or the Office of Administrative Law Judge Scheduling Unit may grant a request for a change of the Prehearing Conference. Such changes are granted only in rare situations where sufficient cause exists.

In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled Prehearing Conference.

3. That the Commission's regulation concerning prehearing conferences in rate proceedings is located at Section 5.224. 52 Pa. Code § 5.224. Accordingly, we will discuss the following:

- 1) A proposed plan and schedule of discovery.
- 2) Possibility of settlement.
- 3) Issues.
- 4) Amount of hearing time needed.
- 5) Witnesses.
- 6) Schedule for submission of testimony, hearings, and briefs.
- 7) Public Input Hearings.
- 8) Any other appropriate matter.

4. That the sole purpose of the July 22, 2025, Prehearing Conference is to establish a litigation schedule and address procedural concerns related to York Water's water and wastewater rate increase filings. **We will not be taking ANY testimony or addressing substantive issues related to York Water's rate increase filings.**

5. In response to this Prehearing Conference Order, you may proceed one of three ways:

a. **Do nothing.** If you do nothing after receiving this Prehearing Conference Order, you will be treated as an inactive party to this proceeding. Inactive parties will receive the Presiding Officers' written orders, notices of hearings, the Recommended Decision and any Commission decisions and orders. Inactive parties will not participate in discovery, testify at the evidentiary hearing, or cross-examine witnesses. Inactive parties will not receive copies of the hearing exhibits or briefs filed by the active participants.

b. **Testify at a public input hearing if one is scheduled.** Public input hearings, if scheduled, are for the purpose of giving people who do not wish to participate in the formal litigation an opportunity to express their opinions regarding the Company's proposal. If you

testify at a public input hearing, you will not be permitted to also testify at the technical evidentiary hearings and you will otherwise be treated as an inactive party. You will receive a copy of the notice of the public input hearing which will include instructions for your participation.

c. **Become a party of record.** As an active party of record, you will be served with all of the pleadings, filings, discovery requests, written testimony and orders and decisions served and issued in this proceeding. **These documents will be voluminous.** Your rights as an active party of record include the ability to present your own testimony and to cross-examine other witnesses at the formal hearings, and to file exceptions to the Presiding Officers' recommended decision. Your duties as a party of record are that you must answer all discovery requests served upon you in accordance with the rules. **You will be required to serve a copy of anything that you file upon the Presiding Officers and each party appearing on the service list, as modified after the Prehearing Conference.** If you intend to present evidence at the formal evidentiary hearings, you will be required to submit your testimony in writing in advance, in accordance with the schedule to be set after the Prehearing Conference and to provide a copy of your written testimony to each party on the service list at that time. You may not testify at a public input hearing as an active party of record.

You will be expected to become familiar with the Commission's rules of practice and comply with the instructions and deadlines imposed by the orders of the presiding Administrative Law Judges. The Commission's rules of practice appear in Title 52 of the Pennsylvania Code Chapters 1, 3 and 5. The Pennsylvania Code is available on-line at <http://www.pacodeandbulletin.gov/>. Although a natural person or a sole proprietor may appear on their own behalf, if you are any entity other than a natural person or a sole proprietor, (e.g., a corporation, partnership, municipality, etc.), you will be required to have an attorney represent you in accordance with the laws of Pennsylvania. *See* Ordering Paragraph 7.

6. Please review the Commission's regulations relating to discovery, specifically section 5.331(b), which provides, *inter alia*, that "a party shall initiate discovery as early in the proceedings as reasonably possible," and Section 5.322, which encourages participants to exchange information on an informal basis. 52 Pa. Code §§ 5.331(b), 5.322. We

urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

7. Pursuant to the Commission's regulations, you may represent yourself, if you are an individual, or you may have an attorney represent you. 52 Pa. Code §§ 1.21, 1.22. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

8. Failure of a party to attend the Prehearing Conference without good cause shown, shall constitute a waiver of all objections to the agreements reached and matters decided at the Prehearing Conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa. Code §§ 5.222(e), 5.224.

9. Any party may email the undersigned ALJs a request to be moved from either the full-service list to the limited-service (i.e., inactive party) list, or to be moved from the limited-service list to the full-service list. Upon the receipt of such a request, the undersigned ALJs will issue an Order revising the service lists for this case. Such changes will be effective as of the date of the Order and will not apply to any document filed and served prior to the date of that Order.

10. You must serve the undersigned Administrative Law Judges directly with a copy of any document that you file in this proceeding. The undersigned ALJs may be served by email at jcoogan@pa.gov and efarren@pa.gov and there is no need to follow email service by hard copy, until further notice. If you send us any correspondence or document, you **must** send a copy to **all** other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order. Please check the list for omissions or errors and contact us to make corrections.

Parties may serve documents electronically by 4:00 p.m. to meet any required due date.

11. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense in litigation on all parties and conserve precious administrative hearing resources. 52 Pa. Code §§ 5.232, 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case.

12. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with the filings. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility. All proposed settlements must be accompanied by a proposed findings of fact section.

Date: July 14, 2025

_____/s/
John M. Coogan
Administrative Law Judge

_____/s/
Emily A. Farren
Administrative Law Judge

R-2025-3053442 - PA PUBLIC UTILITY COMMISSION v. THE YORK WATER COMPANY - WATER

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R-2025-3053573 - PA PUBLIC UTILITY COMMISSION v. THE YORK WATER COMPANY - WASTEWATER

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