

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thomas M. Baum Jr.	:	
	:	
v.	:	C-2026-3062067
	:	
The York Water Company	:	

**INTERIM ORDER
TO SHOW WHY RESPONDENT’S LATE-FILED ANSWER SHOULD BE ACCEPTED
AND FACTS SHOULD NOT BE DEEMED ADMITTED**

This Order is issued pursuant to the authority granted to presiding officers at 52 Pa. Code § 5.483 (relating to authority of presiding officers to regulate the course of the proceeding), and directs that the Respondent, The York Water Company, must respond to this Order and show why its answer should be accepted and the relevant facts stated in the Complaint should not be deemed admitted, given that the answer was untimely filed and no request has been made to accept the answer *nunc pro tunc*.

Background

On April 23, 2026, Thomas M. Baum Jr. (Complainant) filed a Formal Complaint against The York Water Company (York Water, Respondent, or Company) alleging that York Water “is refusing to reconnect prior water service to our farm based on a reason that has been proven false.” Complaint ¶ 4. He avers that, in 2023, a York Water technician attempted to start water service from the Company’s water line running through Monticello Avenue. Complaint ¶ 4, Att. at 2, 19. When the technician opened the Company’s valve and water did not flow out of the barn spigot, Complainant was told that the problem was on the customer side. Complaint ¶ 4, Att. at 19. Mr. Baum Jr. states that he paid a contractor \$4,000 for a new customer-owned pit, valves, lines and a dry hydrant based on York Water’s assurances that the utility side of the system was “fully functioning, operational and without issue.” Complaint ¶ 4, Att. at 19-20.

The Complainant avers that, subsequently, York Water told him that water was not flowing to the property because the line under Monticello Avenue is made of transite and had been abandoned. Complaint ¶ 4, Att. at 2, 22. York Water will not use the existing line to provide service and is requiring Mr. Baum Jr. to pay \$50,700 for a new line. Complaint ¶ 4, Att. at 2-4. Mr. Baum Jr. contends that York Water’s existing line is actually made of modern ductile iron pipe and, as such, there is no need to replace the existing line; he is not responsible to pay for installing a new line; and, even if he was responsible to pay for a portion of the costs, the Company’s cost estimate is unreasonably high. Complaint ¶ 4, Att. 2-6, 10-17, 22-24.

As relief, Mr. Baum Jr. asks the Commission to direct York Water to provide water to the property as soon as possible, with no additional customer out of pocket costs, and “reimburse the \$4000 we have already paid to have new meter to barn water lines installed after York Water insisted on multiple occasions that the only reason we didnt have water was because of the customer-side lines.” Complaint ¶ 5.

The Commission served the Complaint to York Water on April 27, 2026.

On May 21, 2026, York Water filed an Answer averring that, *inter alia*, in 2014, the Company abandoned the inactive transite water main on Monticello Avenue in the area of Complainant’s property. Answer ¶ 4. While it marked the Monticello Avenue main “abandoned” in its corporate books, the Company admits that it did not mark the main “inactive” in its GIS system, which was an administrative oversight. Answer ¶¶ 3, 4 at n.2. York Water denies that it is refusing to reconnect service to the property but states that it is requiring that a new main extension to be installed to provide service. Answer ¶ 4-5. The Company alleges that:

the abandoned 1939 transite main’s engineering life is long expired and York Water is decommissioning all transite main in its systems

...

York Water is willing to extend modern service to the Spruce Street property, but in accordance with [its] tariff which requires the property owner, Complainant, to pay for that main extension.

Answer ¶ 4 (footnote omitted). Responsive to the \$4,000 paid by the Complainant for improvements made to his property, the Company asserts that those facilities are necessary to convey water from a new extended main to the barn. Answer ¶ 5.c.

York Water did not file any new matter or motion, but argues that the Complaint should be dismissed for lack of jurisdiction, “as the Complainant is not a current customer of York Water and the property in question is not being used for residential purposes.” Answer ¶ 5.a. The Company also argues that the Commission does not have jurisdiction to award monetary damages to the Complainant. Answer ¶ 5.c.

On May 26, 2026, the Commission issued an Initial Call-In Telephonic Hearing Notice, assigning this matter to me and scheduling a hearing for June 24, 2026.

Also on May 26, 2026, I issued a Prehearing Order.

Discussion

Pursuant to 52 Pa. Code § 5.61(a), answers to complaints shall be filed with the Commission within 20 days after the date of service. Here, the Complaint was served to York Water on April 27, 2026. Therefore, the answer was due by May 17, 2026.¹ The Company filed its answer four days later, on May 21, 2026. York Water did not acknowledge the untimeliness or provide any explanation why it failed to file an answer by May 18, 2026.

While the Commission may exercise its discretion and accept late filed pleadings, the party requesting that the Commission accept a late filed pleading has the burden to establish good cause for the late filed pleading. 52 Pa. Code §§ 1.15, 1.2; *see also, Lechner v. The Peoples Natural Gas Co.*, Docket No. F-01778902 (Opinion and Order entered July 14, 2006)

¹ As the 20-day deadline fell on a Sunday, the next business day was May 18, 2026.

(*Lechner*).² The Commission’s regulations also provide that a respondent failing to file an answer within the applicable period *may be deemed in default*, and relevant facts stated in the pleadings *may be deemed* admitted. 52 Pa. Code § 5.61(c) (emphasis added).

Due to York Water’s failure to address or explain its late-filed answer, I lack information pertinent to the orderly and efficient hearing and disposition of this proceeding. Accordingly, in the ordering paragraphs below, York Water is directed to show why its answer should be accepted and the relevant facts stated in the Complaint should not be deemed admitted. So that the information can be considered before the hearing, the Company is directed to file a response to this Order **by June 18, 2026**.

The Complainant will have an opportunity to reply to York Water’s submission, if he wishes. Mr. Baum Jr. may provide a written reply, filed with the Commission **by June 23, 2026**, or provide an oral reply at the hearing on June 24, 2026.

The parties should review the Prehearing Order issued on May 26, 2026 in this matter and, particularly, the procedures and deadlines for serving proposed exhibits, requests for continuances, and settlement.

THEREFORE,

IT IS ORDERED:

1. That, by **June 18, 2026**, The York Water Company shall file with the Commission a response to this Interim Order show why its answer should be accepted and the relevant facts stated in the Complaint should not be deemed admitted.

² In *Lechner*, the Commission admonished the utility “to file timely responses to formal complaints in the future and, if necessary, file a petition with any late-filed answers seeking leave to file out of time and/or permission for their acceptance *nunc pro tunc*.” *Lechner* at 3.

2. That the failure of The York Water Company to timely respond to this Order may result in the answer not being accepted and the relevant facts stated in the Complaint being deemed admitted.

3. That the Complainant, Thomas Baum Jr., may file a written reply with the Commission by **June 23, 2026** or provide an oral response at the hearing on **June 24, 2026**.

4. Copies of the documents filed in accordance with Ordering Paragraphs 1 and 3 should be served by email to the undersigned at egannon@pa.gov and the other party listed on the Service List attached to this Order.

Date: June 15, 2026

_____/s/
Erin L. Gannon
Administrative Law Judge

C-2026-3062067 - THOMAS M. BAUM, JR. v. THE YORK WATER COMPANY

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Served via eService on June 15, 2026

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Served via eService on June 15, 2026

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