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October 8, 2009

Via Electronic Filing

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

In re: Pennsylvania Public Utility Commission v. The Newtown Artesian Water Company
Docket No. R-2009-2117550

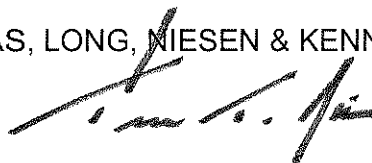
Dear Secretary McNulty:

Enclosed for filing on behalf of The Newtown Artesian Water Company is its original Initial Prehearing Conference Memorandum in the above matter. Copies of the Memorandum are being served upon the persons and in the manner set forth on the certificate of service attached to it. The e-filing receipt is also enclosed.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By



Thomas T. Niesen

Encl.

cc: The Honorable Ky Van Nguyen (w/encl.)
Certificate of Service (w/encl.)

091008-McNulty (Prehearing Memorandum).wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Ky Van Nguyen, Presiding**

Pennsylvania Public Utility Commission	:	Docket No. R-2009-2117550
Office of Consumer Advocate	:	Docket No. C-2009-2122003
	:	
v.	:	
	:	
The Newtown Artesian Water Company	:	

**INITIAL PREHEARING CONFERENCE MEMORANDUM
OF
THE NEWTOWN ARTESIAN WATER COMPANY**

AND NOW, comes The Newtown Artesian Water Company ("NAWC"), by its attorneys, and submits the following information in connection with the Initial Prehearing Conference to be held on October 9, 2009 in the above matter:

History of the Proceeding

This proceeding involves NAWC's Supplement No. 68 to Tariff Water-Pa. P.U.C. No. 9 ("Supplement No. 68") filed on July 1, 2009.¹ Supplement No. 68 requests the approval of the Public Utility Commission ("Commission") for a Purchased Water Adjustment Clause.

The Office of Consumer Advocate filed a Complaint against Supplement No. 68. The Office of Trial Staff filed a Notice of Appearance.

By Order entered August 27, 2009, at R-2009-2117550, the Commission suspended Supplement No. 68 and instituted an investigation into the proposed tariff

¹ Supplement No. 68 was initially filed as Supplement No. 67 to Tariff Water-Pa. P.U.C. No. 9. By letter dated July 16, 2009, NAWC advised that Supplement No. 67 should be designated as Supplement No. 68.

filing. Since this is a non-general rate filing, the suspension period concludes on March 1, 2010.

The matter was assigned to Administrative Law Judge Ky Van Nguyen and an Initial Prehearing Conference was scheduled for October 9, 2009.

Name, Address and Telephone Number of NAWC's Counsel

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D. Mark Thomas, Esquire
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NAWC's Interest In This Proceeding

NAWC's interest in this proceeding is its Supplement No. 68 and proposed Purchased Water Adjustment Clause.

The Issues NAWC Intends to Raise and Pursue

The fundamental issue in this proceeding is whether the proposed Purchased Water Adjustment Clause is fair, just, reasonable, non-discriminatory and lawful. NAWC is unable to determine at this time all of the issues and sub-issues which will be raised by the Office of Trial Staff and the Office of Consumer Advocate. Reference

should be made to their respective Initial Pre-Hearing Conference Memoranda for any issues they may be in a position to identify at this time.

Names of NAWC Witnesses and Subject Matter of Testimony

<u>Witness</u>	<u>Statement</u>	<u>Subject</u>
Harold Walker	NAWC St. No. 1	Purchased Water Adjustment Clause and Supporting Information
George Forsyth	NAWC St. No. 2	Company Operations
NAWC Exhibit 1	-	Supplement No. 68 to Tariff Water-Pa. P.U.C. No. 9 issued July 1, 2009, to become effective September 1, 2009, together with supporting data

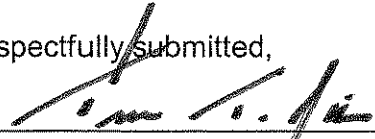
NAWC respectfully reserves the right to present additional witnesses, testimony and exhibits.

Procedural Schedule

NAWC will be prepared at the Initial Prehearing Conference to discuss a procedural schedule with Judge Nguyen and the other parties.

Respectfully submitted,

By


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Attorneys for
The Newtown Artesian Water Company

Dated: October 8, 2009
NAWC's Prehearing Memorandum.wpd

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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	:	
v.	:	
	:	
The Newtown Artesian Water Company	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of October, 2009, served a true and correct copy of The Newtown Artesian Water Company's Initial Prehearing Conference Memorandum, upon the persons and in the manner indicated below:

EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

The Honorable Ky Van Nguyen
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