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March 30, 2010

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

**Re: Lynne Trainor v. Pennsylvania American Water Company,
Docket No. C-2010-2163166**

Dear Secretary McNulty:

I have enclosed for filing an original and (3) three copies of the Preliminary Objections of Pennsylvania American Water Company in the above-referenced proceeding. A copy of the Answer and New Matter has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

Very truly yours,



Michael T. Killion

MTK/jlf

cc: Lynne Trainor (w/encl.)

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**FIRST PRELIMINARY OBJECTION —
MOTION TO STRIKE REQUEST FOR MONEY DAMAGES FOR
LACK OF COMMISSION JURISDICTION/POWER
(52 Pa. Code § 5.101(a)(1))**

3. It is well-settled that the Commission's array of remedial and enforcement powers does not include the power to award money damages. This power resides with the Courts of Common Pleas. *E.g., Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 10, 383 A.2d 791, 795 (1977).

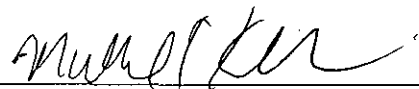
4. Because the Commission lacks the authority to award money damages, Complainant's request for money damages should be stricken.

WHEREFORE, Respondent, Pennsylvania-American Water Company, respectfully requests that this Honorable Commission grant its preliminary objections to the Formal Complaint of Lynne Trainor at Docket No. C-2010-2163166, and further strike Complainant's request for money damages.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, P.C.

By: _____


Michael T. Killion, Esquire
Attorney I.D. No. 201923
Brian J. Knipe, Esquire
Attorney I.D. No. 82854
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Dated: March 30, 2010

Counsel for Pennsylvania American
Water Company

VERIFICATION

I, JUDY MCCOY JORDAN, 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).

Dated: 3-30-10

Judy McCoy Jordan
Judy McCoy Jordan
Billing & Collection Manager
Pennsylvania-American Water Company

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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LYNNE TRAINOR,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2010-2163166
	:	
PENNSYLVANIA AMERICAN WATER COMPANY,	:	
	:	
	:	
Respondent.	:	

NOTICE TO PLEAD


Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that you are required to file an Answer to the enclosed Preliminary Objections of Pennsylvania-American Water Company within **ten (10) days** from the date of service of the Preliminary Objections. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Pennsylvania-American Water Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:

Michael T. Killion, Esquire
Brian J. Knipe, Esquire
Buchanan Ingersoll & Rooney PC
213 Market Street, 3rd Floor
Harrisburg, PA 17101



Michael T. Killion, Esquire

