

Law Offices of  
**WILLIAM H. COPPERTHWAITE, JR.**  
*a limited liability company*

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2010 MAY -6 AM 9:30

William H. Copperthwaite, Jr. \*+

\* Licensed in PA, FL and NJ  
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Please respond to: Pennsylvania Office

PA.P.U.C.  
PENNSYLVANIA PUBLIC UTILITY COMMISSION'S BUREAU  
111 Greenbriar Drive  
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Tel: (610) 429-3800  
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Cherry Hill, NJ 08003-0622  
Tel: (856) 616-1188  
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May 3, 2010

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor North  
Harrisburg, PA 17120

Re: Third Avenue Realty Limited Partners v. Pennsylvania-American Water Company  
Case Id: C-2008-2072920

Dear Mr. McNulty:

Enclosed please find the original and four (4) copies of Complainant, Third Avenue Realty Limited Partners Response to Respondent's Motion for Leave to File Reply Brief, in the above-referenced matter.

Kindly forward a time-stamped cover and return to my attention in the enclosed self-addressed stamped envelope.

Thank you for your anticipated cooperation in this matter, and should you have any additional questions or concerns, please feel free to contact me at your earliest convenience.

Very truly yours,



**WILLIAM H. COPPERTHWAITE JR.**  
For the firm  
Id #: 77687

WHC/nsj  
Enclosures

Cc: The Honorable Charles E. Rainey, Jr.  
Michael T. Killion, Esquire

IN AND BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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THIRD AVENUE REALTY LIMITED  
PARTNERS,

Complainant

v.

PENNSYLVANIA-AMERICAN  
WATER COMPANY,

Respondent

PA.P.U.C.  
SECRETARY'S BUREAU

No. C-2008-2072920

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by this Court, that, after review and consideration of Respondent's Motion for Leave to File Reply Brief and Complainant's Response to Respondent's Motion, Complainant requests that Respondent's motion be DENIED.

It is hereby ORDERED, ADJUDGED AND DECREED that:

1. Respondent's Motion fails to offer evidentiary support of new matters raised in Complainant's Reply Brief; and
2. Respondent's Motion causes unnecessary delay and needlessly increases the cost of litigation; and
3. Respondent's Motion is therefore denied.

So Ordered by this Court.

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Judge Charles E. Rainey, Jr.

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THIRD AVENUE REALTY LIMITED  
PARTNERS,

Complainant

v.

No. C-2008-2072920

PENNSYLVANIA-AMERICAN  
WATER COMPANY,

Respondent

---

**COMPLAINANT, THIRD AVENUE REALTY LIMITED PARTNERS' RESPONSE TO  
RESPONDENT, PENNSYLVANIA-AMERICAN WATER COMPANY'S  
MOTION FOR LEAVE TO FILE REPLY BRIEF**

Complainant, THIRD AVENUE REALTY LIMITED PARTNERS, by and through its attorney, William H. Copperthwaite Jr., Esq., hereby responds to Respondent, PENNSYLVANIA-AMERICAN WATER COMPANY'S Motion for Leave to File Reply Brief by asserting the following:

1. Admitted.
2. Admitted.
3. Admitted.
- 4.

a. Denied. Respondent incorrectly states that Complainant improperly raises a new request for relief on page six (6) of Complainant's Reply Brief. In fact, Complainant's Request for Relief on page ten (10) of the Brief of Complainant, as well as in the corresponding Order, reflect the same assertion. Complainant restates the amount based on, "evidence that was not introduced at the October 25, 2009 hearing." This evidence, however, was not in existence at the time of the October 25, 2009. Furthermore, the

evidentiary documents were generated by Respondents, Pennsylvania-American Water Company, themselves.

b. Denied. Complainant merely attempts to reconcile Respondent's assertion in page four (4) of its Reply Brief which asserts that the meter (N77439924, installed January 2003), "was functioning properly," (supported by Commission regulations which essentially state that the meter would be, "allowed to remain in service") with the testimony of Respondent's witness who described the meter in question as "faulty" and as a matter of company policy, could not be "put back in [service]," which was addressed in page two (2) of the Brief of Complainant. Therefore, Complainant is not attempting to raise new issues; however, assertions in Respondent's Reply Brief ignore or contradict issues that were previously raised in the Brief of Complainant.

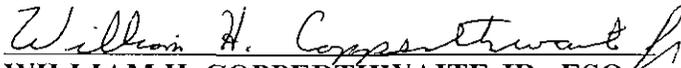
5. No response is necessary.

WHEREFORE, Complainant, THIRD AVENUE REALTY LIMITED PARTNERS, respectfully requests this Honorable Court deny Respondent's Motion for Leave to File Reply Brief as lacking evidentiary support, causing delay and increasing the cost of litigation.

Respectfully submitted,

**Law Offices of  
WILLIAM H. COPPERTHWAITE JR., L.L.C.**

Date: May 3, 2010

  
**WILLIAM H. COPPERTHWAITE JR., ESQ.**

Attorney for Complainant, Third Avenue Realty Limited Partners  
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SECRETARY'S BUREAU

No. C-2008-2072920

CERTIFICATE OF SERVICE

I do hereby certify that service of true and correct copy of the Complainant's Response to Respondent's Motion for Leave to File Reply Brief was delivered on the 3rd day of May, 2010, to the following via Regular United States Mail:

Administrative Law Judge Charles E. Rainey, Jr.  
801 Market Street  
Suite 4063  
Philadelphia, PA 19107  
Harrisburg, PA 17120

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North

Michael T. Killion, Esquire  
Buchannon, Ingersoll & Rooney, P.C.  
213 Market Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17101

Date: May 3, 2010

By: *William H. Copperthwaite Jr.*  
**WILLIAM H. COPPERTHWAIT JR., ESQ.**

Attorney for Complainant, Third Avenue  
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SWORN TO AND SUBSCRIBED

BEFORE ME THIS 3<sup>RD</sup> DAY

OF MAY 2010

*William V. Giannetti Jr.*  
NOTARY

