



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

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November 6, 2017

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

In re: Docket No. R-2017-2624240, *et al.*  
Pa. P.U.C., *et al.* v. The Newtown Artesian Water Company

Dear Secretary Chiavetta:

We are counsel to The Newtown Artesian Water Company in the above matter and are submitting, via electronic filing with this letter, the Company's Initial Prehearing Conference Memorandum in connection with the Initial Prehearing Conference to be held on November 8, 2017. Copies of the Prehearing Memorandum are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

cc: Certificate of Service (w/encl.)  
Brenden E. Brett, Esquire (via email, w/encl.)

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Deputy Chief Administrative Law Judge  
Christopher P. Pell, Presiding**

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<b>Pennsylvania Public Utility Commission</b>	:	<b>Docket No. R-2017-2624240</b>
<b>Office of Consumer Advocate</b>	:	<b>Docket No. C-2017-2626954</b>
	:	
<b>v.</b>	:	
	:	
<b>The Newtown Artesian Water Company</b>	:	

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

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AND NOW, comes The Newtown Artesian Water Company (“NAWC”), by its attorneys, and submits the following in connection with the Initial Prehearing Conference to be held on November 8, 2017:

**History of the Proceeding**

This proceeding involves NAWC’s Supplement No. 126 to Tariff Water-Pa. P.U.C. No. 9 (“Supplement No. 126”) filed on September 1, 2017. Supplement No. 126 would increase NAWC’s Distribution System Improvement Charge Cap to 7.5% as permitted by Section 1358(a)(2) of the Public Utility Code, 66 Pa. C.S. § 1358(a)(2).

On September 29, 2017, the Office of Consumer Advocate (“OCA”) filed a Complaint against Supplement No. 126. By Order entered October 5, 2017, at Docket No. R-2017-2624240, the Pennsylvania Public Utility Commission (“Commission”) suspended Supplement No. 126 and instituted an investigation into the reasonableness of the proposed tariff change. The matter was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell.

**Name, Address and Telephone Number of NAWC's Counsel**

The name, postal and email addresses and telephone and fax numbers for NAWC's counsel for this matter are as follows. Mr. Niesen will speak as the lead attorney at the prehearing conference:

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**Proposed Plan and Schedule of Discovery**

Discovery is underway. NAWC has been served with OCA Set I and Set II Interrogatories. NAWC answered Set I on November 1, 2017. Answers to Set II are due on November 9, 2017. Other than the agreed upon shortening of the discovery deadline to 7 days presently and to 5 days after service of the OCA direct testimony, NAWC is presenting no proposed plan or schedule of discovery.

**Possibility of Settlement**

NAWC believes that the language of the Public Utility Code clearly allows for a DSIC Cap of 7.5% as proposed in Supplement No. 126. NAWC, consequently, believes that the possibility of settlement is remote.

**Issue**

Should NAWC be permitted to increase its DSIC Cap from 5.0% to 7.5% as permitted by Section 1358(a)(2) of the Public Utility Code, 66 Pa. C.S. § 1358(a)(2)?

**Witnesses**

NAWC intends to present direct testimony of the following witnesses:

<b><u>Statement</u></b>	<b><u>Witness</u></b>	<b><u>General Subject Matter</u></b>
1	Harold Walker, III	Supplement No. 126 to Tariff Water - Pa. P.U.C. No. 9 and Supporting Information
2	George Forsyth	NAWC's Long Term Infrastructure Improvement Plan and Capital Improvement Projects

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

**Schedule for Submission of Testimony, Hearings and Briefs**

A schedule for submission of testimony, hearings and briefs acceptable to NAWC was addressed through email correspondence on October 24, 2017, and is attached.

**Public Input Hearings**

NAWC submits that public input hearings are not necessary.

**Any Other Appropriate Matter**

NAWC has no other matters to address.

Respectfully submitted,

By 

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*Attorneys for  
The Newtown Artesian Water Company*

Dated: November 6, 2017

## **SCHEDULE**

November 6, 2017	Distribution of NAWC's prepared Direct Testimony and Exhibits
November 20, 2017	Due date for the filing and in-hand service of the prepared Direct Testimony of other Parties
November 29, 2017	Due date for the filing and in-hand service of Rebuttal Testimony
December 6, 2017	Due date for the filing and in-hand service of Surrebuttal Testimony
Best Efforts to Provide Before December 11, 2017	Outline of NAWC's Oral Rejoinder Testimony
December 11 and 12, 2017	Evidentiary Hearings in Philadelphia
January 4, 2018	Due date for the filing and in-hand service of Main Briefs
January 16, 2018	Due date for the filing of Reply Briefs

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Chief Deputy Administrative Law Judge  
Christopher P. Pell, Presiding**

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<b>Pennsylvania Public Utility Commission</b>	<b>:</b>	<b>Docket No. R-2017-2624240</b>
<b>Office of Consumer Advocate</b>	<b>:</b>	<b>Docket No. C-2017-2626954</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>The Newtown Artesian Water Company</b>	<b>:</b>	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 6<sup>th</sup> day of November, 2017, 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:

**VIA EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID**

The Honorable Christopher P. Pell  
Deputy Chief Administrative Law Judge  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
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Thomas T. Niesen