

3655 Route 202
Suite 105
Doylestown, PA 18902

Thomas J. Walsh III & Associates, P.C.

Phone: 267.247.5024
Fax: 267.247.5668
Email: twalsh@twalshlaw.com



April 19, 2024

Via eFiling Only

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

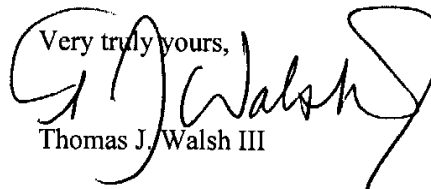
**RE: Newtown Artesian Water Company, Inc.
Petition for Approval of Lead Service Line Replacement Program
Docket No. P-2023-3041859**

Dear Secretary Chiavetta:

Please be advised that I am general counsel to Newtown Artesian Water Company, Inc. ("NAWC"), in the above-referenced matter.

By electronic filing, I am submitting NAWC's Prehearing Conference Memorandum ("Memorandum"). A copy of the Memorandum has been served by email directly upon all parties set forth in the attached Certificate of Service.

Thank you for your assistance in this matter. If you have any questions or require any information relating to this filing, please feel free to contact me.

Very truly yours,

Thomas J. Walsh III

TJW/
cc: Parties on Certificate of Service (via email, w/enc.)

Ltr.To PUC.2024-04-19 re NAWC Prehearing Memo

Thomas J. Walsh III, Esquire
Attorney I.D. #73528
3655 Route 202, Suite 105
Doylestown, PA 18902
Email: twalsh@twalshlaw.com

Attorney for Newtown
Artesian Water Company

**PETITION OF NEWTOWN ARTESIAN
WATER COMPANY FOR APPROVAL OF
ITS LEAD SERVICE LINE REPLACEMENT
PROGRAM AND RELATED TARIFF CHANGES
PURSUANT TO 66 PA C.S.A. §1311(b)
AND 52 PA CODE §65.61 *ET SEQ.***

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**
I.D. #73528
No. P-2023-3041859

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

TO THE HONORABLE F. JOSEPH BRADY, ADMINISTRATIVE LAW JUDGE:

Pursuant to Your Honor’s April 8, 2024, Prehearing Conference Order (“Order”) and 52 Pa. Code §5.222(d), Newtown Artesian Water Company (“NAWC” or “Company”), by and through its undersigned counsel, submits this Prehearing Conference Memorandum (“Memorandum”).

I. HISTORY OF THE PROCEEDING.

NAWC is a Class A Pennsylvania public utility providing water service to over 10,600 customers in Newtown Borough, Newtown Township, and the northern portion of Middletown Township, Bucks County (the “Service Territory”). NAWC’s current tariff is Water-PA P.U.C. No. 9, last revised through Supplement No. 156, effective April 1, 2024 (the “Tariff”). Under the Tariff, NAWC owns the portion of the water service line from its main to the curb stop (or box). NAWC’s customer owns the portion of the water service line from the curb stop (or box) to the meter. Generally, the customer is responsible to maintain, repair, and replace their section of the water service line at the customer’s sole cost and expense.

On July 21, 2023, NAWC filed a Petition for Extension of Time to Submit its Lead Service Line Replacement Program (“Extension Petition”), seeking a 120 day extension of time to file its Lead Service Line Replacement Program. On August 10, 2023, the Office of Consumer Advocate (“OCA”) filed an Answer to the Extension Petition. On August 11, 2023, the Office of Small

Business Advocate (“OSBA”) filed a Notice of Intervention, Public Statement and Verification to the Extension Petition.

By letter dated August 16, 2023, the Pennsylvania Public Utility Commission (“PUC” or “Commission”) granted the Extension Petition, extending the submission deadline to November 22, 2023. On November 21, 2023, NAWC filed its Petition for Approval of its Lead Service Line Replacement Program and Related Tariff Changes (the “Petition”).

The Petition seeks Commission approval of NAWC’s proposed Lead Service Line Replacement Program (the “LSLR Program”). The LSLR Program proposes a plan (the “Plan”) to replace all customer-owned lead water service lines (“LSL”) within the Service Territory. The Plan proposes that NAWC will recover its costs incurred in connection with the replacement of the LSLs through base rates or its Distribution System Improvement Charge (“DSIC”) between rate cases. The original Plan is attached as Exhibit “A” to the Petition.

Further, the Petition seeks approval of (i) a modification (the “Modification”) to the Company’s approved and present Long Term Infrastructure Improvement Plan at Docket No. P-2021-3028377 (the “LTIIP”); and (ii) the Pro Forma Supplement to the Tariff (the “Supplement”). The Modification amends NAWC’s existing LTIIP to include the projected LSL replacements over the LTIIP time horizon (2021-2026) and the related costs. The Supplement amends the Tariff’s existing rules to set forth new regulations to implement the Plan. The original Modification and Supplement are attached as Exhibits “B” and “C,” respectively, to the Petition.

On December 11, 2023, the Commission’s Bureau of Technical Utility Services (“TUS”), Water/Wastewater section, served NAWC with its Data Request, Set 1 (the “Data Requests”). Due to the pending holidays, TUS granted NAWC an extension of time to prepare and submit its responses to the Data Requests. On January 12, 2024, the Company timely filed its responses (the “TUS Responses”) to the Data Requests with the Commission, and served a copy of the TUS Responses with TUS, OCA and OSBA. The TUS Responses included a revised Plan and modified Supplement.

On February 5, 2024, OCA filed a Notice of Intervention to the Petition. OCA noted its opposition to the Petition and Plan and requested that the matter be assigned to the Office of Administrative Law Judge for hearings. On March 5, 2024, OCA served NAWC with its Written Interrogatories, Set 1 (“OCA Interrogatories”). On March 18, 2024, NAWC served its responses

(“OCA Responses”) to the OCA Interrogatories upon OCA, OSBA, TUS and the Bureau of Investigation and Enforcement (“I&E”).

On February 22, 2024, ALJ Brady issued a notice scheduling a telephonic prehearing conference for Wednesday, April 24, 2024, at 10:00 a.m. Thereafter, the Order directed that the parties file with instant Memorandum by Friday, April 19, 2024, in connection with the scheduled prehearing conference.

II. SERVICE.

In accordance with 52 Pa. Code §1.54.b(3)(i), NAWC and its counsel agree to accept electronic mail delivery of documents on the due date by 4:30 p.m. as satisfying the in-hand delivery requirement. Service of documents in this proceeding shall be accepted on behalf of NAWC by:

Thomas J. Walsh III, Esq.
PA I.D. No. 73528
3655 Route 202, Suite 105
Doylestown, PA 18902
Tel: (267) 247-5024
Email: twalsh@twalshlaw.com

III. ISSUES.

Through its Petition, NAWC requests approval of its Program, Plan, Modification and Supplement to remove all customer-owned LSLs in the Service Territory. Based upon NAWC’s records, NAWC has removed all lead from its distribution system, which includes mains and Company-owned LSLs, in the Service Territory. Approval of the Petition will allow the Company to remove *all* lead from all water-service lines in the Service Territory.

NAWC’s Plan, as revised, projects to remove all customer-owned LSLs within 12 years, a period well below the 25-year period established by the Commission. Moreover, NAWC expects that its proposed annual budget cap to replace all customer-owned LSLs in the Service Territory will have no effect on NAWC’s base rates. Therefore, NAWC submits that the Petition complies with the requirements of Section 1311(b)(2) of the Pennsylvania Public Utility Code (the “Code”), 66 Pa. C.S.A. §1311(b)(2); and Section 65.54 of the Commission’s Rules and Regulations (the “Regulations”), 52 Pa. Code §65.54. NAWC expects that any contested issues identified by the parties will be addressable without the need for a formal hearing.

IV. WITNESSES.

Should NAWC need to present testimony in this proceeding, the Company presently intends to offer the following witnesses to testify:

Daniel J. Angove
Chief Executive Officer
Newtown Artesian Water Company
201 North Lincoln Avenue, Newtown, PA 18940

Richard Pierone
Director of Operations
Newtown Artesian Water Company
201 North Lincoln Avenue, Newtown, PA 18940

NAWC reserves the right to present testimony, sponsored either by the witnesses listed above or by further witnesses, as may be needed, regarding additional issues and subject matters that may arise during this proceeding.

V. PROCEDURAL SCHEDULE.

NAWC will work with the parties to determine any necessary modifications of the Commission's discovery regulations and to otherwise develop a procedural schedule.

VI. SETTLEMENT.

NAWC is willing to participate in settlement with discussions with the other parties at any appropriate stage of this proceeding, including the upcoming Prehearing Conference.

Respectfully submitted,

/S/ THOMAS J. WALSH III, Esq.
By: _____
Thomas J. Walsh III, Esq.
PA I.D. No. 73528
3655 Route 202, Suite 105
Doylestown, PA 18902
Tel: (267) 247-5024
Email: twalsh@twalshlaw.com
Attorney for Petitioner
Newtown Artesian Water Company

Dated: April 19, 2024

Thomas J. Walsh III, Esquire
Attorney I.D. #73528
3655 Route 202, Suite 105
Doylestown, PA 18902
Email: twalsh@twalshlaw.com

Attorney for Newtown
Artesian Water Company

**PETITION OF NEWTOWN ARTESIAN
WATER COMPANY FOR APPROVAL OF
ITS LEAD SERVICE LINE REPLACEMENT
PROGRAM AND RELATED TARIFF CHANGES
PURSUANT TO 66 PA C.S.A. §1311(b)
AND 52 PA CODE §65.61 ET SEQ.**

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

I.D. #73528

No. P-2023-3041859

CERTIFICATE OF SERVICE

I, Thomas J. Walsh III, Esq., attorney for and officer of Newtown Artesian Water Company, hereby certify that I am this 19th day of April, 2024, serving copies of the **Prehearing Conference Memorandum of Newtown Artesian Water Company**, and this Certificate of Service, on the following persons in the manner indicated:

By Electronic Mail:

The Honorable F. Josephy Brady
Administrative Law Judge
Pennsylvania Public Utility Commission
fbrady@pa.gov

By Electronic Mail:

Allison Kaster, Esq., Director
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Email: akaster@pa.gov

By Electronic Mail:

Steven C. Gray, Esq.
Rebecca Lyttle, Esq.
Office of Small Business Advocate
Email: sgray@pa.gov; relyttle@pa.gov

By Electronic Mail:

Harrison W. Breitman, Esq.
Officer of Consumer Advocate
Email: hbreitman@paoca.org

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 (relating to unsworn falsification to authorities).

/s/ THOMAS J. WALSH III, Esq.

By: _____
Thomas J. Walsh III, Esquire
Newtown Artesian Water Company
Email: twalsh@twalshlaw.com