

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

IRWINA. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

January 27, 2012

Honorable Angela T. Jones
Honorable Darlene D. Heep
Office of Administrative Law Judge
Pa. Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

Re: Pa. Public Utility Commission
v.
Aqua Pennsylvania, Inc.
Docket No. R-2011-2267958

Dear Judge Jones and Judge Heep:

Enclosed please find copies of the Prehearing Memorandum of Jerome Linden which the Office of Consumer Advocate is filing as a courtesy to Mr. Linden in the above-referenced proceeding.

The original has been filed with the Secretary's Office and copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Shaun A. Sparks'.

Shaun A. Sparks
Assistant Consumer Advocate
PA Attorney I.D. #87372

Enclosures

cc: Secretary's Office of the PUC
Certificate of Service

152346.doc

201 Cornell Drive
Bryn Mawr, PA 19010
January 24, 2012

Honorable Darlene D. Heep
Honorable Angela T. Jones
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Room 4063
Philadelphia, PA 19107

Re: Pennsylvania Public Utility Commission v.
Aqua Pennsylvania, Inc.
Docket No. R-2011-2267958

Dear Judges Heep and Jones:

I have received your Prehearing Conference Order dated January 20, 2012. I will be unable to attend the Initial Prehearing Conference scheduled for January 30, 2012. Per Paragraph 10 of your order, I request being an Active participant in the proceeding. A copy of this letter, along with my Prehearing Memorandum describing my planned participation in the proceeding is being served upon all parties of record.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jerome Linden". The signature is written in black ink and is positioned above the printed name.

Jerome Linden

**BEFORE THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	DOCKET NO. R-2011-2267958
COMMISSION	:	DOCKET NO. C-2011-2280616
JEROME LINDEN	:	
	:	
v.	:	
	:	
AQUA PENNSYLVANIA, INC.	:	

PREHEARING MEMORANDUM

OF

JEROME LINDEN

Pursuant to the Prehearing Conference Order of Administrative Law Judges (ALJ) Darlene D. Heep and Angela T. Jones issued on January 20, 2012, I provide the following:

I. INTRODUCTION AND BACKGROUND

On November 18, 2011, Aqua Pennsylvania filed a request with the Pennsylvania Public Utility Commission (PUC) to increase water rates as of January 18, 2012, which was docketed at R-2011-2267958. As a customer of Aqua Pennsylvania, I filed a formal complaint on December 19, 2011. This complaint was docketed at C-2011-2280616. I would like to be an active participant in the proceedings.

II. ISSUES

I intend to limit my issues to a fair rate of return. As stated in my complaint, I do not believe that Aqua Pennsylvania has demonstrated that the return on common equity under present rates (9.49%) is inadequate to provide the Company with a reasonable opportunity to attract the additional capital need to finance future plant improvements.

III. WITNESSES

I will serve as my own witness, as a customer of Aqua Pennsylvania. I do not anticipate any additional witnesses.

IV. PROPOSED PROCEDURAL SCHEDULE

I am able to submit my direct testimony on or after February 17, 2012. I have no other constraints on the subsequent procedural schedule. As an active participant, I would expect to be included in any settlement discussions that might take place among the parties.

V. REPRESENTATION

I will represent myself, as a pro se litigant.

Please provide electronic and hard copy service as follows:

Jerome Linden
201 Cornell Drive
Bryn Mawr, PA 19010
jerrylinden@yahoo.com

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jerome Linden". The signature is written in black ink and is positioned above a horizontal line.

Jerome Linden

DATED: January 24, 2012

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission
v.
Aqua Pennsylvania, Inc.
Docket No. R-2011-2267958

I hereby certify that I have this day served a true copy of the foregoing document, Prehearing Memorandum of Jerome Linden, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 27th day of January 2012.

SERVICE BY E-MAIL AND HAND DELIVERY

Carrie B. Wright, Esquire
Bureau of Investigation & Enforcement
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17101

SERVICE BY E-MAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

Kimberly A. Joyce
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19101

Thomas P. Gadsden, Esquire
Anthony C. DeCusatis, Esquire
Brooke E. Leach, Esquire
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103

Daniel G. Asmus
Assistant Small Business Advocate
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Brian Kalcic
Excel Consulting
225 South Meramec Avenue - #720-T
St. Louis, MO 63105

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

Emilio Rende
108 Jefferson Street
Bala Cynwyd, PA 19004

Daniel H. McElreavey
27 Pleasant Road
Broomall, PA 19008

Thomas E. Pektas
233 Kutenai Trail
Mercer, PA 16137

Said Shafik
507 Larchwood Avenue
Upper Darby, PA 19082

Rikki Renz
202 Windsor Avenue
Melrose Park, PA 19027

Jerome Linden
201 Cornell Drive
Bryn Mawr, PA 19010

William Whiting
Kathleen Whiting
11879 Lake Drive
Conneaut Lake, PA 16316

Robert Curtius
949 Foss Avenue
Drexel Hill, PA 19026

John Dillon
485 N. Buhl Farm Drive
Hermitage, PA 16148

Laurence Colfer
609 E. Pleasant Grove Road
West Chester, PA 19382-7452

Michael Silvestri
709 14th Avenue
Prospect Park, PA 19076

Arnold Kring
83 Winterberry Drive
Downingtown, PA 19335

Linda Palmisano
508 Towanda Street
White Haven, PA 18661

Barry D. Pollard
128 North Wayne Street
West Chester, PA 19380

Stanley Lemond
2 Whitesell Court
Summit, NJ 079014

David M. Jarrett, Borough Manager
Borough of Sayre
110 W. Packer Avenue
Sayre, PA 18840


Dianne E. Dusman
Senior Assistant Consumer Advocate
PA Attorney I.D. #38308
Email: DDusman@paoca.org
Shaun A. Sparks
Assistant Consumer Advocate
PA Attorney I.D. #87372
Email: SSparks@paoca.org
Counsel for
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152 150931