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RHODE ISLAND & MASSACHUSETTS

September 2, 2009

Ms. Luly Massaro, Clerk  
Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

***RE: City of Newport, Utilities Department, Water Department – Dockets 3818 and 4025***

Dear Ms. Massaro:

Enclosed herewith please find an original and 9 copies of Newport Water's Petition For Relief From Order. This Petition is filed under both Docket 3818 and 4025, and can be substituted for the Petition For Relief From Order that was filed on September 1, 2009.

I have submitted this revised Petition as my notes indicate the Commission may have made an order regarding the filing of a Cost of Service Study at the Open Meeting for Docket 4025. Although no formal Order has been issued yet in Docket 4025, I have filed this Petition in the event the Commission wishes to make a ruling in both Docket 3818 and Docket 4025.

Thank you for your attention to this matter.

Sincerely,

Joseph A. Keough, Jr.

JAK/kf  
Enclosures

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

**IN RE: CITY OF NEWPORT, UTILITIES DEPARTMENT, WATER DIVISION**

**DOCKET NOS. 3818, 4025**

**PETITION FOR RELIEF FROM ORDER**

Now comes the City of Newport, Utilities Department, Water Division (hereinafter “Newport Water”) and hereby files this Petition for Relief pursuant to Rule 1.28 of the Rhode Island Public Utilities Commission’s Rules of Practice and Procedure. Newport Water seeks relief from the Rhode Island Public Utilities Commission’s Order in Docket 3818. In particular, Newport Water seeks relief from the following portion of the Commission’s Order:

“Newport Water shall complete and file with the Commission a Cost of Service Study by September 1, 2009 and shall file quarterly status reports until such time as the final Study is complete.”

Newport seeks relief from this portion of the Order for the following reasons:

1. Pursuant to the Commission’s Order, Newport Water has filed quarterly reports regarding the status of the Cost of Service Study.
2. Starting with the report for the quarter ending December 31, 2008,

Newport has apprised the Commission, and all of the parties in Docket 3818, that:

“In consultation with the interveners in Newport’s rate filings, Newport will be collecting additional data for this demand study. This data will be collected from a daily meter reading program that involves the daily reading of water meters from a sample of Newport Water’s customers during the months of May 2009 through September 2009. As such, the Cost of Service Study and the Demand Study will be filed in the Fall of 2009. Newport Water may have to seek a sixty (60) day extension of the Commission’s deadline for filing the Cost of Service Study.”

3. In its most recent rate filing with the Commission (Docket 4025), Newport continued to apprise the Commission, and the intervening parties, that it would need to seek an extension of the deadline to file the Cost of Service Study.<sup>1</sup>

4. Newport Water will be continuing to collect data through the end of September 2009, and will require additional time to incorporate the data collected in its Cost of Service Study.

WHEREFORE, Newport Water prays that the Rhode Island Public Utilities Commission revise its Order such that Newport Water be allowed to file its Cost of Service Study on November 1, 2009. Newport Water further requests that this Honorable Commission grant all other relief it deems meet and just.

City of Newport, Utilities Department,  
Water Division,  
By its attorney,

/s/ \_\_\_\_\_  
Joseph A. Keough, Jr., Esquire # 4925  
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<sup>1</sup> See Julia Fogue Direct Testimony, pp. 5-6, and Harold Smith Direct Testimony, p. 13

### CERTIFICATION

I hereby certify that I sent by electronic mail a copy of the within to all parties set forth on the attached Service List on September 2, 2009, and one original to Luly Massaro, Clerk, Rhode Island Public Utilities Commission.

<b>Parties/Address</b>	<b>E-mail Distribution</b>	<b>Phone/Fax</b>
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<b>File an original and nine (9) copies w/:</b> Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	<a href="mailto:lmassaro@puc.state.ri.us">lmassaro@puc.state.ri.us</a>	401-780-2107 401-941-1691
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/s/ \_\_\_\_\_  
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