

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Aqua Pennsylvania Wastewater,
Inc. for Approval of the Acquisition of the
Delaware County Regional Water Quality Control
Authority, Delaware and Chester Counties Sanitary
Wastewater Collection and Treatment System

A-2019-3015173

ORDER OF COURT

AND NOW, this _____ day of _____, 2020, upon consideration of the
Petition to Intervene of the Delaware County Regional Water Quality Control Authority, it is
hereby **ORDERED, ADJUDGED** and **DECREED** that said Petition is **GRANTED**.

BY THE COURT:

_____, **J.**

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NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.66, YOU MAY ANSWER THE ENCLOSED PETITION TO INTERVENE WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PETITION TO INTERVENE MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR THE DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY.

/s/ Thomas Wyatt

Thomas Wyatt, Esquire (PA I.D. 89342)
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Dated: June 25, 2020

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Aqua Pennsylvania Wastewater,
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PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, the Delaware County Regional Water Quality Control Authority (“DELCORA”), by and through its attorneys, Obermayer Rebmann Maxwell & Hippel LLP, hereby files with the Pennsylvania Public Utility Commission (the “Commission”) this Petition to Intervene in the above-captioned Application of Aqua Pennsylvania Wastewater, Inc. (“Aqua” or “Applicant”) for approval to acquire DELCORA’s wastewater collection and treatment system. The Application directly affects the interests of DELCORA, which are not adequately represented by any existing party. For the reasons that follow, DELCORA respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

1. Petitioner, DELCORA, is a duly organized and validly existing municipal authority serving Delaware and Chester Counties with a business address at 100 East Fifth Street, Chester, PA 19013.
2. DELCORA is interested in the above-captioned docket as a party to the agreement under which Aqua seeks approval to acquire DELCORA’s wastewater collection and treatment system.
3. DELCORA supports the Application filed by Aqua at this docket.

4. 52 Pa. Code § 5.72 sets forth the eligibility requirements for a party to intervene and provides in part as follows:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth;

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding;

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

5. DELCORA seeks intervention in the proceeding for due cause shown for the following reasons:

(a) DELCORA is a party to the agreement of sale (the “Sale Agreement”) of its wastewater collection and treatment system, which provides wastewater collection and treatment service to approximately 16,000 customers/197,000 Equivalent Dwelling Units, to Aqua;

(b) As contemplated in the Sale Agreement, DELCORA will be the ultimate recipient of the proceeds of the sale; and

(c) Aqua’s Application relies on DELCORA’s consent to the sale of the wastewater collection and treatment system.

6. DELCORA has a substantial and bona fide interest in the subject matter of this docket and its interests cannot be represented or protected adequately by other existing parties to this docket.

7. As a party to the Sale Agreement and ultimate recipient of the proceeds from the sale of the wastewater system, DELCORA submits that its intervention is in the public interest.

8. DELCORA intends to play an active role in the PUC's decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE DELCORA respectfully requests that the Commission grant the instant Petition to Intervene in this proceeding.

Respectfully submitted,

/s/ Thomas Wyatt

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Matthew.Olesh@obermayer.com

Dated: June 25, 2020

VERIFICATION

I, Robert Willert, Executive Director of the Delaware County Regional Water Quality Control Authority, hereby verify that the statements of fact made in the foregoing petition are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 6/25/2020


Robert Willert

CERTIFICATE OF SERVICE

I, Matthew Olesh, Esq., hereby certify that I have served a true and correct copy of the foregoing Petition to Intervene upon the parties list below in accordance with the requirements of 52 Pa. Code §§ 1.54 (relating to service by a party) via electronic mail.

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/s/ Matthew Olesh
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Dated: June 25, 2020