**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania Wastewater, Inc. :

pursuant to Sections 1102, 1329 and 507 of the :

Public Utility Code for Approval of its Acquisition : A-2019-3015173

of the Wastewater Assets of the Delaware County :

Regional Water Quality Control Authority :

**ORDER GRANTING THE OFFICE OF CONSUMER ADVOCATE’S EXPEDITED MOTION FOR AN EXTENSION OF THE STATUTORY SUSPENSION PERIOD FOR AQUA PENNSYLVANIA WASTEWATER COMPANY’S APPLICATION TO ACQUIRE DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY’S WASTEWATER SYSTEM ASSETS**

On March 3, 2020, Aqua Pennsylvania Wastewater, Inc. (Aqua) filed with the Pennsylvania Public Utility Commission (Commission) an Application to acquire the wastewater system assets of the Delaware County Regional Water Quality Control Authority (DELCORA). By Secretarial Letter issued on July 27, 2020, the Commission accepted the Application as complete. Pursuant to the Public Utility Code the Commission must issue a final order within six months of its acceptance of such an application as complete. 66 Pa.C.S. § 1329(d)(2). In this case a Commission final order would be required to be issued by January 25, 2021.[[1]](#footnote-1)

On August 14, 2020, the Office of Consumer Advocate (OCA) filed a motion to extend the statutory deadline by sixty (60) days (Motion). In its Motion, OCA states that a 60- day extension of the statutory deadline is necessary for the adequate litigation of this case given the challenges presented by the COVID-19 pandemic.

The presiding officer assigned to this case, Administrative Law Judge (ALJ) Angela T. Jones, issued an order on August 18, 2020, requiring the parties to file written responses to OCA’s Motion by August 24, 2020. Timely responses were filed by Aqua, DELCORA, the Office of Small Business Advocate (OSBA), Delaware County, and Edgmont Township, Lower Chichester Township, Southwest Delaware County Municipal Authority, Trainer Borough and Upland Borough (collectively, the Municipal Protestants).

By Emergency Order dated March 20, 2020, in response to the COVID-19

pandemic, the Commission authorized the Chief ALJ to establish reasonable deadlines under the circumstances after consideration of the positions of the parties and the presiding ALJ. *See*, *Emergency Order Re Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, M-2020-3019262, at 2.

After reading the responses of the parties and also obtaining the position of the presiding ALJ, I find OCA’s request for a 60-day extension of the statutory deadline to be reasonable under the circumstances. I therefore grant OCA’s Motion. The statutory deadline in this case is extended by 60-days or until March 26, 2021.

Any party dissatisfied with my resolution of this matter may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action with the Commission within twenty (20) days from the date of service of this Order. The Petition shall be sent via email or e-filing only. The email should be addressed to: [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov). If no timely request is made, this Order will be deemed a final action of the Commission.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Office of Consumer Advocate’s Expedited Motion for an Extension of the Statutory Suspension Period for Aqua Pennsylvania Wastewater Company’s Application to Acquire Delaware County Regional Water Quality Control Authority’s Wastewater System Assets, Docket No. A-2019-3015173, is granted.

2. That the statutory suspension period in this case is extended by sixty (60) days or until March 26, 2021.

3. That any party dissatisfied with my resolution of this matter may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action with the Commission within twenty (20) days from the date of service of this Order. The Petition shall be sent via email or e-filing only. The email should be addressed to: [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov). If no timely request is made, this Order will be deemed a final action of the Commission.

Date: August 31, 2020 /s/ \_\_\_\_\_\_\_\_

Charles E. Rainey Jr.

Chief Administrative Law Judge

**SERVICE LIST**

**A-2019-3015173 - APPLICATION OF AQUA PA PURSUANT TO SECTIONS 1102 AND 1329 OF THE PA CODE FOR THE ACQUISITION BY AQUA OF THE WASTEWATER SYSTEM ASSETS OF DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY**

**Revised 08-27-20**

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1. A Commission final order is to be entered 181 days from the date the application is accepted by the Commission as complete. See, *Implementation of Section 1329 of the Public Utility Code,* *Tentative Implementation Order*, M-2016-2543193 at 15 (entered July 21, 2016). In the present case, the Application was accepted as complete on July 27, 2020, and 181 days from that date is January 24, 2021. Since January 24, 2021 falls on a Sunday, the 181st day is computed as Monday, January 25, 2021. See, 52 Pa. Code § 1.12. [↑](#footnote-ref-1)