**BEFORE THE**

**PENNSYLVANIA PUBLIC UTLIITY COMMISSION**

Application of Aqua Pennsylvania Wastewater, Inc. :

for Approval of its Acquisition of Delaware County :

Regional Water Quality Control Authority’s : A-2019-3015173

Wastewater Assets, inter alia, Pursuant to Sections :

507, 1102 and 1329 of the Public Utility Code :

**ORDER**

**DENYING THE MOTION OF AQUA PENNSYLVANIA WASTEWATER, INC.**

**TO KEEP THE RECORD OPEN FOR THE LIMITED PURPOSE OF ADMITTING**

**THE DECISION OF THE COURT OF COMMON PLEAS OF DELAWARE COUNTY AT NO. CV-2020-003185**

On November 13, 2020, in the above-captioned matter, Aqua Pennsylvania Wastewater, Inc. (Aqua) filed a Motion to Keep the Record Open for the Limited Purpose of Admitting the Decision of the Court of Common Pleas of Delaware County at No. CV-2020-003185 (Motion), along with an attached Notice to Plead.

On December 2, 2020, the County of Delaware, Pennsylvania (County) filed an Answer in Opposition to the Motion. In its Answer, the County argues that it is unnecessary to keep the record open for the sole reason of admitting a decision of the Court of Common Pleas because the Public Utility Commission or the presiding Administrative Law Judges can take judicial notice of any such decision. We agree.

Pursuant to 52 Pa. Code § 5.408, we have the authority to take notice of any decision issued by the Court of Common Pleas even after the record has been closed. Thus, we can find no reason to keep the record open for this limited purpose. Accordingly, Aqua’s Motion will be denied.

THEREFORE,

IT IS ORDERED:

That the Motion of Aqua Pennsylvania Wastewater, Inc. to Keep the Record Open for the Limited Purpose of Admitting the Decision of the Court of Common Pleas of Delaware County at No. CV-2020-003185 is denied.

Date: December 7, 2020 /s/

Angela T. Jones

F. Joseph Brady

Administrative Law Judges

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 10-8-20**

ALEXANDER R STAHL ESQUIRE

AQUA PENNSYLVANIA INC

762 W LANCASTER AVE

BRYN MAWR PA 19010

610.645.1130  
Accepts eService  
*Representing Aqua Pa Wastewater*  
  
THOMAS NIESEN ESQUIRE

THOMAS NIESEN & THOMAS LLC

212 LOCUST STREET STE 302

HARRISBURG PA 17101

717.255.7600  
Accepts eService  
*Representing Aqua Pa Wastewater*  
  
\*STEVEN C GRAY ESQUIRE  
OFFICE OF SMALL BUSINESS ADVOCATE

FORUM PLACE

555 WALNUT STREET 1ST FLOOR

HARRISBURG PA 17101

717.783.2525  
\*Via e-mail only due to Emergency Order at M-2020-3019262  
[sgray@pa.gov](mailto:sgray@pa.gov)  
*Representing OSBA*

CHRISTINE M HOOVER ESQUIRE  
ERIN L GANNON ESQUIRE  
SANTO G SPATARO ESQIURE  
HARRISON W BREITMAN ESQUIRE  
OFFICE OF CONSUMER ADVOCATE

5TH FLOOR FORUM PLACE

555 WALNUT STREET

HARRISBURG PA 17101

717.783.5048  
Accepts eService  
*Representing OCA*

GINA MILLER ESQUIRE  
ERIKA MCLAIN ESQUIRE

PA PUC BIE  
400 NORTH STREET

HARRISBURG PA 17120

717.783.8754  
Accepts eService  
Representing PUC BIE

ADEOLU A BAKARE ESQUIRE  
KENNETH R STARK ESQUIRE  
ROBERT F YOUNG ESQUIRE

MCNEES WALLACE & NURICK LLC

100 PINE STREET

PO BOX 1166

HARRISBURG PA 17108-1166

717.237.5290  
Accepts eService  
*Representing Delaware County*

\*KENNETH KYNETT ESQUIRE  
CHARLES G MILLER ESQUIRE

PETRIKIN WELLMAN DAMICO BROWN & PETROSA

WILLIAM PENN BUILDING

109 CHESLEY DRIVE

MEDIA PA 19063

610.892.1876  
610.892.1863  
Accepts eService  
\*Via e-mail only due to Emergency Order at M-2020-3019262  
[kdk@petrikin.com](mailto:kdk@petrikin.com)  
*Representing Edgmont Township, Delaware County, Pennsylvania*

THOMAS WYATT ESQUIRE  
MATTHEW OLESH ESQUIRE  
OBERMAYER REBMANN MAXWELL & HIPPEL LLP

CENTER SQUARE WEST

1500 MARKET STREET SUITE 3400

PHILADELPHIA PA 19102

215.665.3200  
215.665.3043  
Accepts eService  
*Representing* *Delaware County Regional Water Quality Control Authority*

SCOTT J RUBIN ESQUIRE

333 OAK LANE

BLOOMSBURG PA 17815-2036

570.387.1893  
Accepts eService  
*Representing* *Southwest Delaware County Municipal Authority*

\*CYNTHIA PANTAGES

C & L RENTAL PROPERTIES, LLC

30 S LAKE DRIVE

P O BOX 516

LAKE HARMONY PAN18624

570.956.0756  
\*Via e-mail only due to Emergency Order at M-2020-3019262

[cyndipantages@gmail.com](mailto:cyndipantages@gmail.com)  
  
\*ROSS SCHMUCKI  
218 RUTGERS AVE  
SWARTHMORE PA 19081  
610.420.3430  
\*Via e-mail only due to Emergency Order at M-2020-3019262  
[rschmucki@gmail.com](mailto:rschmucki@gmail.com)

\*EDWARD CLARK JR

TREASURE LAKE PROPERTY OWNERS ASSOCIATION

13 TREASURE LAKE

DUBOIS PA 15801

814.371.0711  
\*Via e-mail only due to Emergency Order at M-2020-3019262  
[gm@treasurelake.us](mailto:gm@treasurelake.us)

THOMAS J SNISCAK ESQUIRE

KEVIN J MCKEON ESQUIRE

WHITNEY E SNYDER ESQUIRE

MELISSA CHAPASKA ESQUIRE

Hawke McKeon & Sniscak LLP

100 North Tenth Street

Harrisburg, PA 17101

717-236-1300

Accepts eService

*Representing Sunoco Partners Marketing & Terminals, L.P./Energy Transfer*

JOHN F POVILAITIS ESQUIRE

\*ALAN M SELTZER ESQUIRE

BUCHANAN INGERSOLL & ROONEY

409 NORTH SECOND STREET

SUITE 500

HARRISBURG PA 17101-1357

717-237-4825

Accepts eService

[alan.seltzer@bipc.com](mailto:alan.seltzer@bipc.com)

\*JUSTIN WEBER ESQUIRE

MICHELLE M SKJOLDAL ESQUIRE

TROUTMAN PEPPER HAMILTON SAUNDERS LLP

100 MARKET STREET

SUITE 200

PO BOX 1181

HARRISBURG PA 17108

717-255-1170

*Representing Kimberly Clark Cor*

Accepts eService

[justin.weber@troutman.com](mailto:justin.weber@troutman.com)

JASON T KETELSEN ESQUIRE

TROUTMAN PEPPER HAMILTON SAUNDER LLP

3000 TWO LOGAN SQUARE

18TH & ARCH STREET

PHILADELPHIA PA 19103

215 981-4791

*Representing Kimberly Clark Corp*

Accepts eService

MARC MACHLIN ESQUIRE

TROUTMAN PEPPER HAMILTON SAUNDER LLP

2000 K STREET

SUITE 600

WASHINGTON DC 20006

202-220-1465

*Representing Kimberly Clark Corp*

[marc.machlin@troutman.com](mailto:marc.machlin@troutman.com)

ROBERT W SCOTT ESQUIRE

ROBERT W SCOTT PC

205 NORTH MONROE STREET

P O BOX 468

MEDIA PA 19063

610-891-0108

*Representing Borough of Ambler*

[rscott@robertwscottpc.com](mailto:rscott@robertwscottpc.com)

PATRIRICIA KOZEL

15 HAZZARD RUN ROAD

LAKE HARMONY PA 18624

213-632-0332

[pattyk6@icloud.com](mailto:pattyk6@icloud.com)

LAWERENCE AND SUSAN POTTS

11 CHESTUNT STREET

P O BOX 522

LAKE HARMONY PA 18624

215-300-0257

[susie01213@aol.com](mailto:susie01213@aol.com)

PETER GINOPLUS

PO BOX 197

LAKE HARMONY PA 18624

570-772-2529

[pete@kiddertax.com](mailto:pete@kiddertax.com)