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February 18, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265
rchiavetta@pa.gov

In re: Docket No. A-2019-3015173
Application of Aqua Pennsylvania Wastewater, Inc. – DELCORA

Dear Secretary Chiavetta:

We are counsel for Aqua Pennsylvania Wastewater, Inc. in the above matter and are submitting, via electronic filing with this letter, the Company's Answer to the Petition of the County of Delaware for Official and Judicial Notice of Facts. Copies of the Answer are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

cc: Certificate of Service (w/encl.)
The Honorable Angela T. Jones, Administrative Law Judge (via email, w/encl.)
The Honorable F. Joseph Brady, Administrative Law Judge (via email, e/encl.)
Alexander R. Stahl, Esquire (via email, w/encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania : Docket No. A-2019-3015173
Wastewater, Inc. Pursuant to Sections :
1102, 1329 and 507 of the Public Utility :
Code for Approval of its Acquisition of the :
Wastewater System Assets of the Delaware :
County Regional Water Quality Control :
Authority :

**ANSWER OF AQUA PENNSYLVANIA WASTEWATER, INC. TO PETITION FOR
OFFICIAL AND JUDICIAL NOTICE OF FACTS**

AND NOW, comes Aqua Pennsylvania Wastewater, Inc. (“Aqua” or “Company”), by its attorneys, and, pursuant to 52 Pa. Code § 5.61, answers the Petition of the County of Delaware (“County”) for Office and Judicial Notice of Facts. In support thereof, Aqua submits as follows:

I. INTRODUCTION

1. This proceeding concerns the Application of Aqua, filed with the Public Utility Commission (“Commission”), pursuant to Sections 1329, 1102 and 507 of the Public Utility Code (“Code”).

2. On January 29, 2021, the County filed a Petition asking the Commission to take official and judicial notice of a Notice of Appeal filed by it to the Order issued December 28, 2020, by the Court of Common Pleas of Delaware County at CV-2020-003185 (“County Court Order”).

3. The County Court Order, *inter alia*, (1) concluded that Asset Purchase Agreement (“APA”) between DELCORA and AQUA is a legal and enforceable contract not in violation of the Municipalities Authority Act, public policy, or any other applicable law and (2) enjoined the County from terminating or contractually interfering with the APA and from terminating DELCORA prior to closing on the APA.

4. Aqua does not object to the taking of notice of the fact that the County has filed a Notice of Appeal of the County Court Order.

WHEREFORE, Aqua Pennsylvania Wastewater, Inc., as aforesaid, does not object to the taking of notice of the County's Notice of Appeal of the Order of the Court of Common Pleas of Delaware County, dated December 28, 2020, at CV-2020-003185.

Respectfully submitted,

AQUA PENNSYLVANIA WASTEWATER, INC.

By 

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Counsel for Aqua Pennsylvania Wastewater, Inc.

Date: February 18, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania : Docket No. A-2019-3015173
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CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of February, 2021, served a true and correct copy of the foregoing Answer of Aqua Pennsylvania Wastewater, Inc. to Petition for Official and Judicial Notice of Facts, upon the persons and in the manner set forth below:

VIA ELECTRONIC MAIL

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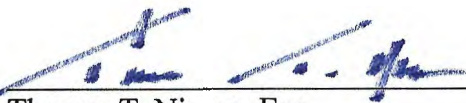
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