



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

THOMAS T. NIESEN
Direct Dial: 717.255.7641
tniesen@tntlawfirm.com

March 10, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

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

Dear Secretary Chiavetta:

As counsel for Aqua Pennsylvania Wastewater, Inc. ("Aqua") in the above matter, and as explained further below, we are writing to advise the Commission that Aqua hereby voluntarily extends the six-month statutory consideration period for this proceeding.

This proceeding concerns Aqua's Application under Section 1329 of the Public Utility Code ("Code") for approval of the acquisition of the wastewater system assets of the Delaware County Regional Water Quality Control Authority ("DELCORA") and a determination of ratemaking rate base of \$276,500,000. The Public Utility Commission ("Commission") accepted the Application as complete on July 27, 2020. The Application was formally protested by five municipal entities: the Southwest Delaware County Municipal Authority ("SWDCMA"), the Borough of Edgmont ("Edgmont"), Lower Chichester Township ("Lower Chichester"), the Borough of Upland and the Borough of Trainer. The Application was also protested by two industrial customers of DELCORA. Aqua and DELCORA have resolved through Stipulation each of the municipal protests as well as the Protest of an industrial customer, Kimberly Clark Corporation ("KCC"). Section 1329(d)(2) of the Code requires the Commission to issue a final order within six-months of the filing date of the Application or, in this proceeding, by March 26, 2021.¹

The County of Delaware ("Delco") has objected to the Stipulations recently filed that advised the Commission of the resolution of the Protests of SWDCMA, Edgmont and Lower

¹ A final Commission order is to be entered 181 days from the date the Application is accepted by the Commission as complete. As the Application was accepted as complete on July 27, 2020, a final order would have been required by January 24, 2021. The Commission, however, by Order entered October 8, 2020, extended the statutory deadline by sixty (60) days to March 26, 2021, due to the COVID-19 pandemic.

Chichester. Aqua filed an Answer to Delco's Objection to the SWDCMA Joint Stipulation on February 25, 2021. Aqua is filing, later today, Answers in Opposition to Delco's Objections to the Edgmont and Lower Chichester Joint Stipulations.

In consideration of the fact that Notices of Withdrawal of Protests and supporting Joint Stipulations for six Protests have been filed with the Commission *after* the issuance of the Recommended Decision in this proceeding, and furthermore that Objections by Delco and Answers by Aqua to three of those filings have been made with two of Aqua's Answers being filed today, please be advised that Aqua voluntarily extends the six-month statutory consideration period for this proceeding to provide the Commission with additional time to consider these matters.

Extending the six-month consideration period will allow the Commission to take appropriate time, to the extent necessary, to consider the amicable resolution of the interests of the municipal protestants as well as KCC, the withdrawal of their formal protests and the Objections/Answers to those filings. The recently filed Stipulations represent approximately 20% of DELCORA's revenues.

Please contact me with any questions concerning this voluntary extension.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Thomas T. Niesen

cc: Certificate of Service
The Honorable Gladys M. Brown Dutrieuille, Chairman (via email)
The Honorable David W. Sweet, Vice Chairman (via email)
The Honorable John F. Coleman, Jr., Commissioner (via email)
The Honorable Ralph V. Yanora, Commissioner (via email)
Kathryn G. Sophy, Director, OSA (via email)
The Honorable F. Joseph Brady, Administrative Law Judge (via email)
Alexander R. Stahl, Esquire (via email)

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of March 2021 served a true and correct copy of the foregoing letter, upon the persons and in the manner indicated below:

VIA ELECTRONIC MAIL

Gina L. Miller, Prosecutor
Erika L. McLain, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
ginmiller@pa.gov
ermclain@pa.gov

Steven C. Gray
Senior Supervising
Assistant Small Business Advocates
Office of Small Business Advocate
sgray@pa.gov

Kenneth D. Kynett, Esq.
Charles G. Miller, Esq.
Petrikin, Wellman, Damico, Brown & Petrosa
kdk@petrikin.com
cgm@petrikin.com

Christine Maloni Hoover
Erin L. Gannon
Senior Assistant Consumer Advocates
Harrison W. Breitman
Santo G. Spataro
Assistant Consumer Advocates
Office of Consumer Advocate
OCADELCORA@paoca.org

Adeolu A. Bakare, Esq.
Robert F. Young, Esq.
Kenneth R. Stark, Esq.
McNees Wallace & Nurick LLC
abakare@mcneeslaw.com
ryoung@mcneeslaw.com
kstark@mcneeslaw.com

Thomas Wyatt, Esq.
Matthew S. Olesh, Esq.
Obermayer Rebmann Maxwell & Hippel,
LLP
Thomas.Wyatt@obermayer.com
Matthew.Olesh@obermayer.com

Scott J. Rubin, Esq.
scott.j.rubin@gmail.com

Justin Weber, Esq.
Michelle M. Skjoldal, Esq.
Jason T. Ketelson, Esq.
Marc Machlin, Esq.
Troutman Pepper Hamilton Saunders LLP
michelle.skjoldal@troutman.com
jason.ketelsen@troutman.com
justin.weber@troutman.com
marc.machlin@troutman.com

John F. Povilaitis, Esquire
Alan M. Seltzer, Esquire
Buchanan Ingersoll & Rooney, PC
john.povilaitis@bipc.com
alan.seltzer@bipc.com

Ross Schmucki
rschmucki@gmail.com

Patricia Kozel
Pattyk6@icloud.com

Peter Ginoplus
pete@kiddertax.com

Robert W. Scott, Esq.
rscott@robertwscottpc.com

Thomas J. Sniscak, Esq.
Kevin J. McKeon, Esq.
Whitney E. Snyder, Esq.
Melissa A. Chapaska, Esq.
Hawke McKeon & Sniscak LLP
tjsniscak@hmslegal.com
kjmckeon@hmslegal.com
wesnyder@hmslegal.com
machapaska@hmslegal.com

Cynthia Pantages
C&L Rental Properties, LLC
cyndipantages@gmail.com

Edward Clark, Jr.
Treasure Lake Property Owners Association
gm@treasurelake.us

Lawrence and Susan Potts
Susie01213@aol.com



Thomas T. Niesen, Esq.
PA Attorney ID No. 31379
Counsel for Aqua Pennsylvania Wastewater, Inc.