



Thomas J. Sniscak
(717) 703-0800
tjsniscak@hmslegal.com

Whitney E. Snyder
(717) 703-0807
wesnyder@hmslegal.com

Kevin J. McKeon
(717) 703-0801
kjmckeon@hmslegal.com

Melissa A. Chapaska
(717) 703-0815
machapaska@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

May 7, 2021

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Application of Aqua Pennsylvania Wastewater, Inc. pursuant to Sections 1102, 1329 and 507 of the Public Utility Code for approval of the acquisition by Aqua of the wastewater system assets of the Delaware County Regional Water Quality Control Authority; Docket No. A-2019-3015173; **SUNOCO PARTNERS MARKETING & TERMINALS, L.P./ENERGY TRANSFER'S BRIEF IN OPPOSITION TO AQUA'S PETITION FOR INTERLOCUTORY REVIEW AND ANSWER TO A MATERIAL QUESTION (PUBLIC VERSION)**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is Sunoco Partners Marketing & Terminals, L.P./Energy Transfer's ("SPMT") Brief in Opposition to Aqua's Petition for Interlocutory Review and Answer to a Material Question ([Public version](#)). A confidential version is being filed via electronic mail under separate cover. Copies have been served in accordance with the Certificate of Service.

Should you have any questions or comments, please feel free to contact me directly.

Very truly yours,

/s/ Kevin J. McKeon

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Melissa A. Chapaska

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

WES/das
Enclosures

cc: Honorable Charles E. Rainey, Jr. (via email crainey@pa.gov)
Honorable F. Joseph Brady (via email fbrady@pa.gov)
Office of Special Assistants (ra-OSA@pa.gov)
Per Certificate of Service

**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	:	Docket No. A-2019-3015173
approval of the acquisition by Aqua of the	:	
wastewater system assets of the Delaware	:	
County Regional Water Quality Control	:	
Authority	:	

**BRIEF IN OPPOSITION TO AQUA'S
PETITION FOR INTERLOCUTORY REVIEW AND ANSWER TO A MATERIAL
QUESTION
OF SUNOCO PARTNERS MARKETING & TERMINALS, L.P.**

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Melissa A. Chapaska
Hawke, McKeon & Sniscak LLP
100 North 10th Street
Harrisburg, PA 17101
(717) 236-1300 (P)
(717) 236-4841 (F)

May 7, 2021

*Counsel for Sunoco Partners Marketing &
Terminals, L.P.*

I. Introduction and Summary

Sunoco Partners Marketing & Terminals, L.P. (“SPMT”) is filing this brief in support of the Order Staying Proceeding (the “Stay Order”) issued by Administrative Law Judge (“ALJ”) Brady on April 16, 2021, and in opposition to the Petition for Interlocutory Review of Order Staying Proceeding (the “Petition”) filed by Aqua Pennsylvania Wastewater, Inc. (“Aqua”) requesting the Public Utility Commission (the “Commission”) to grant interlocutory review of the Stay Order and to reverse the Stay Order. Notwithstanding Aqua’s baseless assertions to the contrary, the Stay Order is fully consistent with the Commission’s Opinion and Order issued on March 30, 2021 (the “March 30 Order”). As ALJ Brady astutely concluded, the Stay Order is necessary to conserve the resources of the Commission and the parties in light of the issues that Delaware County has raised on appeal from the proceedings before the Delaware County Court of Common Pleas that challenge the legal ability of the Delaware County Regional Water Quality Control Authority (“DELCORA”) to sell its assets to Aqua. This threshold issue is critical to the matter pending before the Commission. Given that the issue is a potentially deal-killing unknown, and a host of other unknowns exist because of Aqua’s failure to present an Application to the Commission that is ripe to be ruled on, proceeding with a remand hearing now would squander the resources of the parties and the Commission.

In addition and of critical importance, even if the Commission were to grant interlocutory review and reverse the Stay Order, ALJ Brady still could not proceed with the remand proceeding as Aqua is demanding because after Aqua filed its Petition seeking reversal of the Stay Order, Delaware County filed an appeal before the Commonwealth Court on April 29, 2021, challenging the March 30 Order. Accordingly, the Commission “may no longer proceed further” in the remand proceeding while that appeal is pending. Pa. R.A.P. 1701(a). In short, the appeal before the

Commonwealth Court deprives the Commission of jurisdiction to conduct further proceedings in this matter until Delaware County's appeal from the March 30 Order is finally resolved. It is axiomatic that a matter cannot be in two places at once. This matter is now before the Commonwealth Court and the Commission cannot continue with separate proceedings while the appeal is pending.

II. Procedural Background

Aqua filed its Application on March 3, 2020 to acquire DELCORA's wastewater system assets situated within all or part of 49 municipalities within portions of Chester and Delaware Counties, Pennsylvania, pursuant to an Asset Purchase Agreement ("APA") with DELCORA. In its Application, Aqua also requested, pursuant to Section 1329(c)(2), the approval of a ratemaking rate base value of the assets to be acquired in the amount of \$276,500,000. 66 Pa. C.S. § 1329(c)(2). Under a Memorandum of Understanding ("MOU") between Aqua and DELCORA that is not part of the Application, DELCORA agreed to place a portion of the proceeds from the sale of its assets into a Rate Stabilization Trust (the "Trust"), and Aqua, in turn, committed to use funds from the Trust to reflect a billing discount on bills to former DELCORA customers after the effective date of increased rates resulting from Aqua's next base rate case. Numerous parties opposed the Application, including but not limited to Edgmont Township, Lower Chichester Township, SWDCMA, Trainer Borough, and Upland Borough (collectively, Municipal Protestants), Delaware County, the Commission's Bureau of Investigation & Enforcement (I&E), the Office of Consumer Advocate (OCA), Kimberly-Clark Corporation, and SPMT.

Aqua's Application was the subject of an evidentiary hearing on November 9 and 10, 2020. The Presiding ALJ was the late Honorable Angela Jones, later joined by ALJ Brady after the hearing was held. ALJs Jones and Brady issued their Recommended Decision ("RD") on January

12, 2021, in which they recommended denying the Application because Aqua failed to meet its burden of proof. Aqua and DELCORA filed exceptions to the RD. SPMT also filed exceptions to the RD, supporting the denial of the Application, but excepting to the RD so as to place before the Commission alternative and/or additional reasons for denying the Application, which were fully developed in the evidentiary record, but not addressed in the RD.

Shortly before the RD was issued, one of the Municipal Protestants withdrew its protest and filed a stipulation indicating that it had entered into a settlement with Aqua. After the RD issued, all of the other Municipal Protestants followed suit. The details of the Municipal Protestants' actual settlements are unknown, however, and the impact of those settlements on Aqua's purchase price, and on funding for the Trust – which are fundamental issues bearing on the viability of the Application - are likewise unknown.

On March 10, 2021, Aqua filed a letter with the Commission voluntarily waiving the deadline for the Commission's issuance of a final order as set forth in Section 1329(d)(2) of the Code, thereby agreeing to issuance of a final order beyond the statutory deadline.

On March 30, 2021, the Commission, citing all of the post RD activity relating to settlements, conditions affecting the Trust, and a pending appeal to the Commonwealth Court involving Delaware County's lawsuit against DELCORA at Docket No. 148 CD 2021 seeking to invalidate DELCORA's sale to Aqua, entered an Opinion and Order vacating the RD, reopening the record, remanding the proceeding to the Office of Administrative Law Judge ("OALJ") for such further proceedings as may be deemed appropriate, and directing the issuance of a new Recommended Decision on remand, consistent with its Opinion and Order.

As referenced in the Commission's March 30 Order, in addition to intervening and protesting the Application before the Commission, Delaware County filed a complaint against

DELCORA and the DELCORA Rate Stabilization Trust in the Delaware County Court of Common Pleas (the “County lawsuit”). Thereafter, Delaware County amended its complaint to enforce an ordinance that would dissolve DELCORA. Aqua intervened in the County lawsuit seeking to protect its interests in its APA with DELCORA. On December 28, 2020, the Delaware County Court of Common Pleas issued an Order in the County lawsuit declaring the APA to be valid and enjoining Delaware County from terminating the APA, from terminating DELCORA’s existence prior to closing on the APA, and from preventing proceeds from the sale from being deposited in the Trust. Delaware County timely appealed the Delaware County Court’s decision to the Commonwealth Court and by virtue of the appeal obtained an automatic supersedeas of the Delaware County Court’s order pursuant to Pa. R.A.P. 1736(b). Delaware County apprised the Commission of its appeal and its effect on January 29, 2021. The County’s appeal before the Commonwealth Court remains pending.

In its March 30 Order, the Commission expressly “highlight[ed] the County Appeal Notice Petition filed on January 29, 2021. This submission indicates that outstanding litigation remains which may need to be considered when evaluating this Application.” March 30 Order at 15.

In addition to intervening and protesting the Application before the Commission, several of the Municipal Protestants also filed complaints against DELCORA in the Delaware County Court of Common Pleas. The Municipal Protestants have since settled those lawsuits, although the effect of the settlements on Aqua’s purchase price to be paid to DELCORA is not part of the existing record.

On April 16, 2021, ALJ Brady issued the Stay Order, explaining that the County’s lawsuit against DELCORA raises threshold issues, and that the County’s appeal could moot or significantly alter the framework of Aqua’s Application to acquire DELCORA:

The issues in the County lawsuit are the legality, enforceability, and integrity of the APA between DELCORA and Aqua, the enforcement of the County Ordinance 2020-04, and the funding of the Rate Stabilization Fund Trust between DELCORA and Aqua. All of these issues are also threshold issues in this Application. For example, if it is determined that the APA is illegal and unenforceable, the entire Application becomes moot.

Stay Order at 3.

Accordingly, the Stay Order concluded that staying the remand proceedings until the final outcome of the County's lawsuit is known "will prevent wasteful duplicative litigation." *Id.* Unhappy with this outcome, Aqua filed its Petition on April 27, 2021, seeking interlocutory review and reversal of the Stay Order.

Two days after Aqua filed the Petition at issue here, Delaware County filed a timely petition for review with the Commonwealth Court challenging the Commission's March 30 Order. Delaware County's appeal is docketed at Docket No. 455 CD 2021. Pursuant to Pa. R.A.P. 1701(a), and separate and apart from the Stay Order, Delaware County's appeal prevents the Commission from "proceeding further" with the remand proceeding ordered in the March 30 Order while the County's appeal is pending.

III. Aqua's Question Presented

Should the Commission reverse the Stay Order because it is inconsistent with the March 30 Order and direct the OALJ to promptly schedule hearings and briefing in the remanded proceeding, thereby allowing (i) the Parties the opportunity to present appropriate evidence as deemed necessary so as to permit a full evaluation of the Application pursuant to Sections 1102, 1329, and 507 of the Code, and (ii) the presiding officer to prepare a Recommended Decision on Remand evaluating and recommending the disposition of the Application.

Suggested Answer: The Commission should answer the question **in the negative**.

IV. Argument

a. The Stay Order Is Consistent with the March 30 Remand Order

Aqua asserts in its question presented that the Stay Order is “inconsistent with March 30 Order.” This is incorrect. The March 30 Order accurately identifies the fact that many issues relating to Aqua’s Application are not adequately developed in the existing evidentiary record, and so need to be addressed on remand, including through evidentiary hearings if the Presiding ALJ deems necessary. Significantly, the Commission did not ascribe any particular urgency to either initiation or completion of proceedings on remand, and gave no direction to the ALJ to complete the remand proceeding and render a new Recommended Decision by a date certain. This is consistent with Aqua’s own open-ended voluntary waiver of the statutory deadline in this matter.

Instead, the Commission accorded the ALJ broad discretion to undertake “such further proceedings as may be appropriate in light of the new developments in the case.” *Id.* In so doing, the Commission expressly highlighted the fact that Delaware County has appealed the Delaware County Court’s decision to the Commonwealth Court, and that the effect of this appeal is one of the new developments the ALJ should consider on remand. *Id.* It thus was entirely appropriate (if not mandatory) for the ALJ to review the possible outcomes of Delaware County’s lawsuit and the potential impact of those outcomes on the remand proceedings, and to conclude, as he did, that under the circumstances, the most efficient way to proceed is to stay proceedings on remand until the County’s lawsuit is finally resolved.

When Delaware County’s lawsuit is finally resolved, the issue of whether DELCORA even has the legal authority to sell its assets to Aqua and/or structure the Trust in the way that it has will be resolved. If it is finally determined that DELCORA has the necessary legal authority to enter into the proposed transaction with Aqua, remaining issues related to Aqua’s Application (including

whether that transaction is in the public interest) will be ripe for disposition and can be addressed in an orderly fashion. If, on the other hand, it is finally determined that DELCORA lacks the necessary legal authority to enter into the proposed transaction with Aqua, that determination will be dispositive and the parties will not have litigated the remand proceeding in vain, with the attendant squandering of resources.

Absent a statutory deadline, absent any hint of a Commission directive to expedite the proceeding on remand, and absent any limitation on the wide latitude the March 30 Order gives the Presiding ALJ to do what is required to create an adequate record for a new Recommended Decision, the Stay Order's considered decision to await final resolution of the County's lawsuit is plainly consistent with the March 30 Order and the ALJ's broad authority. 52 Pa. Code § 5.483(a) (Presiding Officer has authority to regulate the course of a proceeding); 52 Pa. Code § 1.2(a) (Commission's rules to be "liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding."). Delaware County's lawsuit raises critical threshold issues. The final decision on those issues could moot Aqua's Application and render the remand proceeding wholly unnecessary.

b. The Stay Order is Necessary to Conserve Parties' Resources

The March 30 Order recites a number of issues surrounding the Application that remain unresolved. This is a problem that has plagued Aqua's Application throughout this proceeding: there are and remain a disturbing number of "loose ends" that could and should have been resolved before the Application was filed. In its rush to proceed headlong with the transaction with DELCORA, Aqua has failed to resolve multiple issues of vital importance to the shape and very viability of the proposed transaction. The result is that the protesting parties, who already have been forced to litigate Aqua's Application once before it was known whether Aqua will even be

able to secure all of the various approvals it needs in order to engage in the transaction, will be forced to litigate the Application a second time with many of the same uncertainties still in play. The Stay Order sensibly pushes the “pause” button on the remand proceeding until the unknown that poses a material threat – Delaware County’s lawsuit – is finally resolved. That outcome could eviscerate the entire transaction. And even if the final decision is that DELCORA has the legal authority to sell its assets to Aqua, resolution of lawsuit’s challenge to the Trust could render the primary benefit of the Application that Aqua has touted throughout – the Trust – unavailable.

The settlement of the Municipal Protestant lawsuits is problematic as well, because Aqua presumably paid those municipalities for the collection systems they sold to DELCORA in order to achieve those settlements, and so presumably will be deducting the amount of those payments from the transfer price that Aqua pays DELCORA. That, in turn, will affect the entire Application, touching not only the question whether the transaction is in the public interest because of its effect on the funding of the Trust (i.e., lower sale proceeds will mean less funding for the Trust), but also the Section 1329 rate base determination, potentially requiring new valuations – essentially a “do-over” of the entire Application. SPMT witness Howard Woods pointed to this significant unknown in his testimony in this proceeding, and the anticipated problem now appears to be coming to fruition:

Q. WHAT IS YOUR OPINION REGARDING THE COLLECTION SYSTEM ASSETS FOR WHICH AQUA HAS NOT YET OBTAINED AN ASSIGNMENT OF THE CONTRACT FROM THE DELCORA CONTRACTING PARTIES?

A. To the extent that these assets may ultimately be transferred to Aqua as contemplated by APA Section 2.06, the value of those assets should be held in escrow. If other entities have a valid claim on the assets, it is possible that DELCORA may need to compensate those entities from the purchase price to allow the assets to be transferred to Aqua. These funds

should not be swept into the proposed rate stabilization trust, nor should the assets be recorded as utility plant in service and rate base until this issue is resolved. However, if there are assets that will never be transferred, the value of these assets should be treated in the same manner that I have suggested for the Western Region Wastewater Treatment Plant. The value should be removed from the asset inventory and the Valuation Experts should be given the opportunity to adjust their appraisals accordingly.

SPMT Statement No. 2-SR at 32:20-33:10.

The County lawsuit and the municipal issues are only part of the tangle of loose ends involving hurdles that Aqua still needs to clear. Some of these, such as environmental approvals that Aqua needs but lacks, are “critical path” items. Others, such as federal government approvals required by Presidential Executive Order 12803,¹ are likewise unresolved. The parties should not be forced to relitigate on remand an Application that is so lacking in completeness while the very viability of the transaction raised by Delaware County’s lawsuit is an open question. Here are just some of the other issues that remained outstanding at the close of the record after the first hearing and that would need to be addressed in the second hearing in addition to the issues the Commission identified in the March 30 Order:

¹ E.O.12803 applies to DELCORA’s sale of its assets to Aqua because DELCORA’s assets were funded in part through grants from the Federal Government through programs under the Clean Water Act administered by the United States Environmental Protection Agency (“EPA”). SPMT Statement No. 2 at 44:10-50:12; SPMT Statement No. 2 Appendix C (Text of E.O. 12803). E.O. 12803 imposes various requirements and restrictions on the sale of DELCORA’s assets, including the need for approvals from EPA and the Office of Management and Budget (OMB), the fixing of the transfer price for the assets by OMB, and a hierarchy of payments from DELCORA’s proceeds from the sale that places the Trust last in line to receive any of the money. *Id.* Although Aqua and DELCORA apparently were unaware of E.O. 12803 until SPMT brought it to their attention, both conceded in rebuttal that it applies. Aqua Statement No. 4R at 11:16-17; Aqua Statement No. 6R at 12:14-13:2.

- [Begin HC] [REDACTED] [End HC];
- [Begin HC] [REDACTED] [End HC];
- Consent of EPA and OMB under E.O. 12803 to the sale of DELCORA assets to Aqua;
- Fixing by EPA and OMB of the purchase price under E.O. 12803 for the DELCORA asset sale to Aqua because the sale of the system was not publicly bid – this determination could be different from the one the Commission arrives at pursuant to Section 1329;
- Determination under E.O. 12803 of the remaining proceeds available to DELCORA to fund the Trust after repayment of the full unadjusted amount of municipal contributions to DELCORA, under the hierarchy of proceeds distribution required – the effect of this requirement could leave little or no funding for the Trust, as the Trust would be last in line to receive the proceeds from the sale of DELCORA’s assets to Aqua;
- Consent of EPA and the Pennsylvania Department of Environmental Protection (“PADEP”) to allow Aqua to undertake DELCORA’s obligations under the 2015 federal district court consent decree (Ex. 3 to the Aqua’s Application) that requires DELCORA to initiate remedial measures for combined sewer overflows on its system;
- Consent of the federal district court itself to modify the 2015 consent decree to allow Aqua to undertake DELCORA’s combined sewer overflows and other remedial obligations;
- Approval by PADEP of revised Act 537 Plans by the dozens of municipalities presently served by DELCORA to confirm that Aqua will be the owner and operator of the wastewater assets used to provide conveyance and treatment capacity for the municipality; such approvals take time even when the municipalities support the change in provider, which is not the case here. SPMT Statement No. 2SR at 29:18-30:12.

Perhaps during the hiatus created by the Stay Order, Aqua will be able to address and resolve some of these other issues. Then, if it is finally determined that DELCORA has the legal authority to sell its assets to Aqua and establish the Trust along the lines it plans, Aqua can either re-submit its Application or file new testimony that addresses all of the remaining loose ends and explains how the transaction has changed so that the ALJ in the first instance and the Commission ultimately is not asked to render a decision on a moving target.

Given all of the unknowns at the present time, proceeding with a remand hearing now is unwise. It would substantially prejudice the affected protestants and intervenors. The Stay Order thoughtfully and appropriately discerns that final resolution of Delaware County's appeal is central to protecting the interests of the affected parties, conserving Commission resources, conserving the limited resources of the affected intervenors and protestants, and arriving at a reasoned decision once Aqua's Application is actually ripe for adjudication.

c. Even if the Stay Order is Reversed, the Remand Cannot Proceed

ALJ Brady's Stay Order that Aqua asks the Commission to reverse is no longer the sole (or even the main) impediment to the commencement of remand proceedings that would culminate in a new Recommended Decision on Aqua's Application: on April 29, 2021, Delaware County filed a petition for review in the Commonwealth Court at Docket No. 455 CD 2021 from the March 30 Order. Pursuant to Pa. R.A.P. 1701(a), the filing of the County's appellate petition for review prevents proceedings on the remand from going forward until the appeal is resolved. ("[A]fter an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may no longer proceed further in the matter."). Therefore, even if Aqua's Petition were meritorious (it is not) and even if ALJ Brady's Stay Order were reversed (it should not be), Delaware County's pending appeal seeking review of the March 30 Order by the Commonwealth Court ousts the

Commission of jurisdiction pursuant to Pa. R.A.P. 1701(a) and means that the Commission “may no longer proceed further in the matter.” That is, the Commission may no longer conduct a proceeding on remand as to Aqua’s Application while the March 30 Order is on appeal.

V. Conclusion

The Commission should **answer the Material Question posed in Aqua’s Petition in the negative**. There is no reason to reverse ALJ Brady’s Stay Order.

- **The Stay Order is consistent with the March 30 Order**, in that the Commission:
 - (a) itself expressed concern in the March 30 Order about the potential impact of the pending appeal involving Delaware County’s lawsuit; (b) in contrast, expressed no concern that the remand proceeding be completed within any particular time frame and gave no due date for a new Recommended Decision; and (c) provided the ALJ with broad authority to conduct “such further proceedings as may be appropriate in light of the new developments in the case,” including the unresolved County lawsuit challenging DELCORA’s authority to sell its assets. Aqua, for its part, provided an open-ended voluntary extension of the statutory deadline for Commission action on its Application, which the Commission noted in the March 30 Order. The ALJ, in turn, carefully evaluated the circumstances and reasonably concluded that staying consideration of Aqua’s Application “until the County lawsuit is concluded” will “ensure the avoidance of duplicative litigation that may result from the Application being rendered moot or substantially altered by County lawsuit.” Stay Order at 3-4.
- **The Stay Order is necessary to conserve the resources of the Commission and the affected parties**. In its haste to secure approval of its Application, Aqua has

to date led the parties through the application equivalent of a dress rehearsal of a script for a play that is only partially written while issues on the Application's critical path remained open and unresolved – including the issue of DELCORA's legal authority to even sell its assets and use the proceeds to establish the contemplated Trust. The parties affected by the Application (and indeed, the Commission itself) should not be required to litigate the same issues on remand a second time while the pivotal issues remain unresolved.

- **The Stay Order directs a result that will occur anyway, regardless of whether the Stay Order is reversed.** Because the March 30 Order is now on appeal to the Commonwealth Court, the Commission has been divested of jurisdiction, and the Commission cannot, consistent with Pa.R.A.P. 1701(a), proceed further with the remand proceeding while the March 30 Order is on appeal.

For all of these reasons, the Commission should answer Aqua's material question in the negative.

Respectfully submitted,

/s/ Kevin J. McKeon

Thomas J. Sniscak, Esq. (PA ID No. 33891)

Kevin J. McKeon (PA ID No. 30428)

Whitney E. Snyder, Esq. (PA ID No. 316625)

Hawke, McKeon & Sniscak LLP

100 North Tenth Street

Harrisburg, PA 17101

Tel: (717) 236-1300

tjsniscak@hmslegal.com

kjmckeon@hmslegal.com

wesnyder@hmslegal.com

*Attorneys for Respondent Sunoco Partners
Marketing and Terminals L.P.*

Dated: May 7, 2021

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the Surrebuttal Testimony of Sunoco Partners Marketing & Terminals, L.P./Energy Transfer in the manner and upon the persons listed below:

VIA ELECTRONIC MAIL ONLY

Thomas T. Niesen, Esquire
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101
tniesen@tntlawfirm.com

Counsel for Aqua Pennsylvania Wastewater, Inc.

John F. Povilaitis, Esquire
Alan M. Seltzer, Esquire
Buchanan Ingersoll & Rooney, PC
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357
John.povilaitis@bipc.com
Alan.seltzer@bipc.com

Counsel for Aqua Pennsylvania Wastewater, Inc.

Christine Maloni Hoover, Esquire
Erin L. Gannon, Esquire
Harrison W. Breitman, Esquire
Santo G. Spataro, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
OCADelcora@paoca.org
Counsel for Office of Consumer Advocate

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov
Counsel for Office of Small Business Advocate

Alexander R. Stahl, Esquire
Aqua Pennsylvania
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
astahl@aquaamerica.com

Counsel for Aqua Pennsylvania Wastewater, Inc.

Gina L. Miller, Esquire
Erika L. McLain, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
ginmiller@pa.gov
ermclain@pa.gov
Counsel for Bureau of Investigation and Enforcement

Scott J. Rubin, Esquire
333 Oak Lane
Bloomsburg, PA 17815
Scott.j.rubin@gmail.com
Counsel for Edgmont Township, Lower Chichester Township, Southwest Delaware County Municipal Authority, Trainer Borough, and Upland Borough

Cynthia Pantages
C&L Rental Properties, LLC
P. O. Box 516
Lake Harmony, PA 18624
cyndipantages@gmail.com
Representing C&L Rental Properties, LLC

Thomas Wyatt, Esquire
Matthew S. Olesh, Esquire
Obermayer Rebmann Maxwell & Hippel, LLP
1500 Market Street, Suite 3400
Philadelphia, PA 19102
Thomas.Wyatt@obermayer.com
Matthew.Olesh@obermayer.com
Counsel for DELCORA

Edward Clark, Jr., General Manager
Treasure Lake Property Owners Assoc.
13 Treasure Lake
Dubois, PA 15801
gm@treasurelake.us
Representing Treasure Lake Property Owners Assoc.

Michelle M. Skjoldal
Justin G. Weber
Troutman Pepper Hamilton Sanders LLP
Suite 200
100 Market Street
P.O. Box 1181
Harrisburg, PA 17108-1181
Michelle.skjoldal@troutman.com
Justin.weber@troutman.com
Counsel for Kimberly-Clark Corporation and Kimberly-Clark Pennsylvania, LLC

Jason T. Ketelsen
Troutman Pepper Hamilton Sanders LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103
Jason.ketelsen@troutman.com
Counsel for Kimberly-Clark Corporation and Kimberly-Clark Pennsylvania, LLC

Adeolu A. Bakare, Esquire
Robert F. Young, Esquire
Kenneth R. Stark, Esquire
McNees Wallace & Nurick LLC
P.O. Box 1166
Harrisburg, PA 17108-1166
abakare@mcneeslaw.com
ryoung@mcneeslaw.com
kstark@mcneeslaw.com
Counsel for County of Delaware

Ross Schmucki
218 Rutgers Avenue
Swarthmore, PA 19081
rschmucki@gmail.com
Representing self

Marc D. Machlin
Troutman Pepper Hamilton Sanders LLP
2000 K Street, N.W., Suite 600
Washington, DC 20006
Marc.machlin@troutman.com
Counsel for Kimberly-Clark Corporation and Kimberly-Clark Pennsylvania, LLC

Kenneth D. Kynett, Esquire
Charles G. Miller, Esquire
Petrikin, Wellman, Damico, Brown & Petrosa
109 Chesley Drive
Media, PA 19063
kdk@petrikin.com
cgm@petrikin.com
Counsel for Edgmont Township

Lawrence and Susan Potts
11 Chestnut Street
P.O. Box 522
Lake Harmony, PA 18624
Susie01213@aol.com

Patricia Kozel
15 Hazzard Run Road
Lake Harmony, PA 18624
Pattyk6@icloud.com

Honorable H Anthony Williams
Room 366
Main Capitol Building
Harrisburg PA 17120
williams@pasenate.com

Honorable Tim Keary
PA State Senate
463 Main Capitol Building
Senate Box 203026
Harrisburg PA 17120 3026
717.787.1350
keary@pasenate.com

Robert W. Scott, Esquire
Robert W. Scott PC
205 North Monroe Street
P.O. Box 468
Media, PA 19063
rscott@robertwscottpc.com

Peter Ginoplus
P.O. Box 197
Lake Harmony, PA 18624
pete@kiddertax.com

Honorable John Kane
PA State Senate
458 Main Capitol Building
Senate Box 203009
Harrisburg PA 17120 3009
kane@pasenate.com

Greg Vitali
Room 388- E Wing
PO Box 202166
Harrisburg PA 17120
gvitali@pahouse.net

/s/ Kevin J. McKeon

Thomas J. Sniscak, Esquire
Kevin J. McKeon, Esquire
Whitney E. Snyder, Esquire
Melissa A. Chapaska, Esquire

Dated: May 7, 2021