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July 15, 2021

The Honorable F. Joseph Brady
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street
Philadelphia, PA 19107

Via E-mail

RE: Application of Aqua Pennsylvania 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; Docket No. A-2019-3015173

Your Honor:

In response to your Order Staying Proceeding, issued on April 16, 2021 (“the Stay Order”), the County of Delaware, Pennsylvania (“the County”) is filing and serving this written status report detailing the procedural status and litigation schedule for the appeal pending in the Commonwealth Court in Docket No. 148 CD 2021.¹ Attached to this letter is a copy of the Court’s online docket sheet for 148 CD 2021.

Prior to the Stay Order, on April 13, 2021, the County submitted its Docketing Statement (Notice of Appeal) and Statement of Issues. Since the issuance of Your Honor’s Stay Order on April 16, 2021, the following procedural milestones have occurred in the civil litigation:

- The Court issued the briefing schedule on April 27, 2021;
- The County filed its brief on June 7, 2021;
- Intervenor Aqua Pennsylvania Wastewater, Inc. (“Aqua”) and Appellee Delaware County Regional Water Quality Control Authority (“DELCORA”) each filed briefs on June 29, 2021;
- Intervenor Univest Bank and Trust Company and Southern Delaware County Authority filed briefs joining DELCORA’s brief on June 29, 2021;
- Intervenor Darby Creek Joint Authority filed a brief joining DELCORA on June 30, 2021; and
- The County filed its reply brief on July 13, 2021.

¹ On April 27, 2021, Aqua filed a Petition for Interlocutory Review of the Order Staying Proceeding. On May 12, 2021, the Commission by Secretarial Letter waived the 30 day consideration period for petitions for interlocutory review.

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With the submission of the County's reply brief on July 13, 2021, briefing at the Commonwealth Court is now complete. The parties are waiting for the Court to schedule oral argument. The Court will not hear arguments in August 2021. Therefore, oral argument will be scheduled in September 2021 at the earliest.

As shown by the attached Certificate of Service, all parties to these proceedings are being duly served via email only due to the current COVID-19 pandemic. Upon lifting of the aforementioned Emergency Order, we can provide parties with a hard copy.

Sincerely,

McNEES WALLACE & NURICK LLC

By 
Kenneth R. Stark

KRS/ams

Enclosure

c: Rosemary Chiavetta, Secretary (via electronic filing only with enclosure)
Certificate of Service (w/enclosure)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

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Certificate of Service
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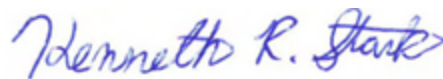
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Dated this 15th day of July, 2021, in Harrisburg, Pennsylvania

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 148 CD 2021

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CAPTION

County of Delaware, Pennsylvania,
Appellant

v.

Delaware County Regional Water
Quality Control Authority, and
DELCORA Rate Stabilization Fund
Trust Agreement b/t The Delaware
County Regional Water Quality
Control Authority as Settlor and
Univest Bank and Trust Co. as
Trustee

v.

Darby Creek Joint Authority, Southern
Delaware County Authority, and Aqua
Pennsylvania Wastewater, Inc.

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: June 7, 2021 Awaiting Appellee Paperbooks

Journal Number:

Case Category: Civil Case Type(s): Civil Action Law

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason

Type

455 CD 2021

Related

Same Party

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
01/21/2021	Notice of Appeal	90.25	02/25/2021	2021-CMW-H-000279	90.25
05/11/2021	Copy Work (Per Page)	26.00	05/11/2021	2021-CMW-H-000855	26.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: December 28, 2020 Notice of Appeal Filed: January 21, 2021
 Order Type: Order Dated
 Documents Received: February 25, 2021

Court Below: Delaware County Court of Common Pleas
 County: Delaware Division: Delaware County Civil Division
 Judge: Dozor, Barry C. OTN:
 Docket Number: 2020-003185 Judicial District: 32

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ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Trial Court Record	March 26, 2021	4 boxes

Date of Remand of Record:

BRIEFING SCHEDULE

Appellant		Appellee	
County of Delaware		Aqua Pennsylvania Wastewater, Inc.	
Brief		Brief	
Due: June 7, 2021	Filed: June 7, 2021	Due: July 12, 2021	Filed: June 29, 2021
Reply Brief		Darby Creek Joint Authority	
Due: July 14, 2021	Filed: July 13, 2021	Brief	
Reproduced Record		Due: July 12, 2021	Filed: June 30, 2021
Due: June 7, 2021	Filed: June 7, 2021	Delaware County Regional Water Quality Control Authority	
		Brief	
		Due: July 12, 2021	Filed: June 29, 2021
		DELCORA Rate Stabilization Fund Trust Agreement	
		Brief	
		Due: July 12, 2021	Filed:
		Southern Delaware County Authority	
		Brief	
		Due: July 12, 2021	Filed: June 29, 2021
		Univest Bank and Trust Co.	
		Brief	
		Due: July 12, 2021	Filed: June 30, 2021

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 21, 2021	Notice of Appeal Filed County of Delaware		Appellant	
March 26, 2021	Trial Court Record Received Delaware County Court of Common Pleas			
April 7, 2021	Notice of Docketing Appeal Exited Commonwealth Court Filing Office			04/07/2021
April 13, 2021	Docketing Statement Filed Steinour Young, Carol A.	County of Delaware	Appellant	
April 27, 2021	Briefing Schedule Issued Commonwealth Court Filing Office			

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DOCKET ENTRY				
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 7, 2021	Designation of Contents of Reproduced Record Steinour Young, Carol A.	County of Delaware	Appellant	
May 14, 2021	Entry of Appearance Young, Robert Frank	County of Delaware	Appellant	
May 17, 2021	Designation of Contents of Reproduced Record Olesh, Matthew Stephan	Delaware County Regional Water Qt	Appellee	
May 24, 2021	Notice Steinour Young, Carol A.	County of Delaware	Appellant	
	Document Name: Notice of Filing of Joint Stipulation of Counsel to Correct Record Pursuant to Pa.R.A.P. 1926			
June 7, 2021	Appellant's Brief Filed County of Delaware		Appellant	
June 7, 2021	Appellant's Reproduced Record Filed Hull, Kandice Kerwin	County of Delaware	Appellant	
June 10, 2021	Entry of Appearance Willan, Paige Melanie Hinchman, William Russell	Univest Bank and Trust Co. Univest Bank and Trust Co.	Appellee Appellee	
	Document Name: Entry/Withdraw of Appearance			
June 29, 2021	Appellee's Brief Filed Delaware County Regional Water Quality Control Authority		Appellee	
June 29, 2021	Joinder in Brief Reilly, Andrew J. Southern Delaware County Authority	Southern Delaware County Authority	Appellee Appellee	
	Document Name: Joins in brief of appellee Delaware Co. Regional Water Control Authority			
June 29, 2021	Appellee's Brief Filed Aqua Pennsylvania Wastewater, Inc.		Appellee	
June 30, 2021	Joinder in Brief Darby Creek Joint Authority		Appellee	
	Document Name: Joins in brief of Delaware Co. Regional Water Control Authority			
June 30, 2021	Joinder in Brief Univest Bank and Trust Co.		Appellee	
	Document Name: Joinder in "Portions" of brief filed by Delaware County Regional Water Quality Control Authority..			
	Comment: that deal with the DELCORA Rate Stabilization Fund Trust (Section IV(D)), and adopts the contents of those portions of DELCORA's brief by reference.			
July 13, 2021	Appellant's Reply Brief County of Delaware		Appellant	