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October 13, 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 second 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

Since the County provided its last status update to you on July 15, 2021, the following procedural milestones have occurred in the civil litigation:

- On August 10, 2021, Intervenor Aqua Pennsylvania Wastewater, Inc. (“Aqua”) filed an Application for Relief to Have Matter Placed on Oral Argument in September.
- On September 16, 2021, the Commonwealth Court issued an *en banc* opinion in the following four consolidated cases: *In Re: Chester Water Authority Trust*, No. 489 C.D. 2020, *In Re: Petition for Approval of Declaration of Trust Under Pennsylvania Law and the Transfer of Legal Title to Certain Assets to the Trust*, No. 504 C.D. 2020, *City of Chester v. Chester Water Authority*, No. 514 C.D. 2020, *In Re: Petition for Approval of Declaration of Trust Under Pennsylvania Law and the Transfer of Legal Title to Certain Assets to the Trust*, No. 685 C.D. 2020 (“September 16 Opinion”).
- On September 20, 2021, the Court established that oral argument will occur on October 18, 2021 at 1 p.m. in Harrisburg.

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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- The County filed an Application for Leave to File Supplemental Briefs on September 29, 2021 because the September 16 Opinion addressed some of the same provisions in the Municipality Authorities Act that are at issue in the litigation in 148 CD 2021.
- Aqua and Appellee Delaware County Regional Water Quality Control Authority (“DELCORA”) each filed answers in opposition to the County’s Application on October 4, 2021;
- Univest Bank and Trust Co. (“Univest”) filed an answer in opposition to the County’s Application on October 5, 2021;
- On October 6, 2021, the Court issued an order granting the County’s Application for Leave to File Supplemental Briefs and ordered the parties to file such supplemental briefs on or before October 12, 2021;
- On October 12, 2021, the County, Aqua, DELCORA, and Univest filed Supplemental Briefs on the impact of September 16 Opinion on the case in Docket No. 148 CD 2021.

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

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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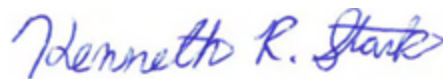
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Dated this 13th day of October, 2021, in Harrisburg, Pennsylvania