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April 11, 2022

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

**Via E-mail and Electronic Filing**

**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 interim written status report to provide you with notice of the precedential panel opinion issued by the Commonwealth Court on March 3, 2022 in Docket No. 148 CD 2021.<sup>1</sup>

In the unanimous panel opinion by Judge Patricia A. McCullough, the Court held “the trial court erred in denying the County’s request for a writ of mandamus and granting injunctive relief in favor of DELCORA and Aqua. Accordingly, we reverse the trial court’s order and remand to the trial court for the entry of an order consistent with this opinion.” Slip Opinion at 23. No Party has filed a Petition for Allowance of Appeal from the March 3, 2022 Opinion and Order.

The Delaware County Court of Common Pleas received the Opinion and Order on March 9, 2022 and filed it in Docket No. CV-2020-003185 on April 1, 2022.<sup>2</sup> As of this date, the Commonwealth Court has not remanded the trial court record to the Delaware County Court of Common Pleas. Appellate Docket of 148 CD 2021 at p. 6.<sup>3</sup>

The County anticipates the next procedural milestone will be the issuance of an order after remand by the Delaware County Court of Common Pleas. The County will continue to provide status reports on the 90-day intervals.

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<sup>1</sup> The Opinion is available online at [https://www.pacourts.us/assets/opinions/Commonwealth/out/148CD21\\_3-3-22.pdf?cb=1](https://www.pacourts.us/assets/opinions/Commonwealth/out/148CD21_3-3-22.pdf?cb=1)

<sup>2</sup> <https://delcopublicaccess.co.delaware.pa.us/case/c7a8f412aa4012686b754263f3c492b2d2ba9ce89949bb1ce1f6f9c95b35e971>

<sup>3</sup> <https://ujportal.pacourts.us/Report/PacDocketSheet?docketNumber=148%20CD%202021&dnh=XQeafJYABStF1POIFglPfg%3D%3D>

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As shown by the attached Certificate of Service, all parties to these proceedings are being duly served via email only. Hard copies can be provided upon request.

Sincerely,

McNEES WALLACE & NURICK LLC

By 

Kenneth R. Stark

Enclosure

c: Rosemary Chiavetta, Secretary (via electronic filing only)  
Certificate of Service

## 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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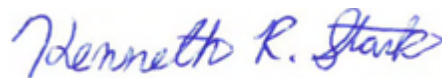
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Dated this 11<sup>th</sup> day of April, 2022, in Harrisburg, Pennsylvania