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August 8, 2022

**via Electronic Filing**

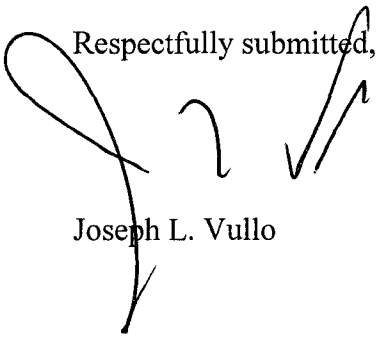
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Filing Room  
Harrisburg, PA 17120

RE: Application of Aqua Pennsylvania Wastewater, Inc. Pursuant to Sections 1102, 1329 and 507 of the Public Utility Code for Approval of Its Acquisition of the Wastewater System Assets of the Delaware County Regional Water Quality Control Authority  
Docket No. A-2019-3015173

Dear Secretary Chiavetta:

Please accept for filing the Pre-Hearing Conference Memorandum of the Southwest Delaware County Municipal Authority, Edgmont Township, Lower Chichester Township and Upland Borough in the above-referenced matter. A copy of this filing was served in accordance with the attached Certificate of Service.

Respectfully submitted,



Joseph L. Vullo

JLV/jar  
encl.

cc: All Parties of Record  
ALJ F. Joseph Brady

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 Approval of its Acquisition of the Wastewater System Assets of the Delaware County Regional Water Quality Control Authority	:	:	Docket No. A-2019-3015173
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**PRE-HEARING CONFERENCE MEMORANDUM OF THE SOUTHWEST  
DELAWARE COUNTY MUNICIPAL AUTHORITY, EDMONT TOWNSHIP,  
LOWER CHICHESTER TOWNSHIP AND UPLAND BOROUGH**

**I. INTRODUCTION**

This Pre-Hearing Conference Memorandum is submitted on behalf of the Southwest Delaware County Municipal Authority (SWDCMA), Edgmont Township, Lower Chichester Township and Upland Borough. Although each of these parties have withdrawn previously filed Protests to the Application in this matter, they will hereinafter be referred to as Municipal Protestants. Because their protests have been withdrawn the Municipal Protestants do not anticipate playing an active role in this remanded proceeding but instead will monitor the proceedings on an ongoing basis.

**II. BACKGROUND**

On September 17, 2019, Aqua Pennsylvania Wastewater, Inc. (Aqua or Applicant) and the Delaware County Regional Water Quality Control Authority (DELCORA) entered into an

Asset Purchase Agreement (APA). The purpose of the APA is for Aqua to purchase various DELCORA assets used to provide wastewater service in portions of Delaware and Chester Counties, and for Aqua to begin providing wastewater service to the public in DELCORA's service territory.

Aqua requested Commission approval of its acquisition of the wastewater system assets of DELCORA and also requested approval of contracts, including assignments of contracts pursuant to Section 507 of the Public Utility Code. 66 Pa. C.S. § 507.

Each of the Municipal Protestants has a contract with DELCORA that restricts, and in some cases prohibits, DELCORA from selling the underlying assets or assigning their contracts to a third party. The Municipal Protestants each filed Protests to the Application based upon those contractual restrictions. Additionally, three of the Municipal Protestants filed individual lawsuits in Delaware County against DELCORA and the DELCORA Rate Stabilization Trust-SWDCMA at No. CV-2020-007469; Lower Chichester Township at No. CV-2020-007552 and Upland Borough at No. CV-2020-007596. The Municipal Protestants have withdrawn their Protests to the Application as well as the lawsuits filed in Delaware County and filed Stipulations with their protest withdrawals in this proceeding.

### **III. WITNESSES**

Based upon the above, the Municipal Protestants do not anticipate presenting any witness in the remanded proceedings.

### **IV. PROPOSED SCHEDULE, SCHEDULE FOR DISCOVERY AND OTHER ISSUES**

The Municipal Protestants have spoken to the parties involved in the remanded proceedings and because they do not anticipate taking an active role in the remanded proceedings the Municipal

Protestants take no position on any proposed scheduled. Similarly, they take no position on discovery or the issues set forth in the Initial Prehearing Conference Remand Order.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large loop followed by a series of connected strokes that end in a small hook.

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Upland Borough

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 Approval of its	:	Docket No. A-2019-3015173
Acquisition of the Wastewater System Assets	:	
of the Delaware County Regional Water Quality	:	
Control Authority	:	

**CERTIFICATE OF SERVICE**

The undersigned certified that he served a copy of the foregoing Pre-Hearing Conference Memorandum upon the following participants this 8<sup>th</sup> day of August, 2022, via electronic mail:

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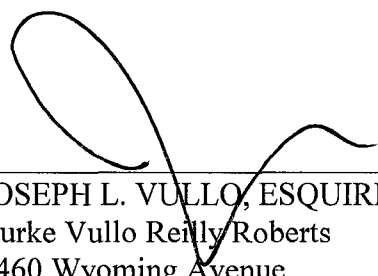
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