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August 8, 2022

**Via Electronic Filing**

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

Re: Application of Aqua Pennsylvania Wastewater Inc. pursuant to Sections 507, 1102 and 1329 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  
**DELCORA Prehearing Memorandum for Remand of Proceeding**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Delaware County Regional Water Quality Control Authority's (DELCORA) Prehearing Memorandum for Remand of Proceeding for the above-referenced proceeding.

Secretary Rosemary Chiavetta

August 8, 2022

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Copies are being served on parties of record per the attached Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. Clarke", written in a cursive style.

Michael P. Clarke

MPC:ps

cc: Administrative Law Judge F, Joseph Brady (*via email*)  
Per Certificate of Service

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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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

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A-2019-3015173

**PREHEARING MEMORANDUM OF THE DELAWARE  
COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY**

The Delaware County Regional Water Quality Control Authority (“DELCORA”), by and through its undersigned attorneys, submits this prehearing memorandum pursuant to the Prehearing Conference Order in advance of the August 9, 2022 Prehearing Conference in this matter. DELCORA joins with Aqua Pennsylvania Wastewater, Inc.’s Prehearing Conference Memorandum as to the proposed procedural schedule.

**I. Identification and status of any ongoing litigation related to this case**

DELCORA is aware of two instances of ongoing litigation. In the Delaware County Court of Common Pleas, in Docket No. CV-2020-003185, which is scheduled for a Remand Hearing/Argument on September 7, 2022. That matter was remanded from the Commonwealth Court on March 3, 2022 for the entry of an Order consistent with the Commonwealth Court’s Opinion.

Additionally, there is a second Commonwealth Court matter, under Docket No. 455 CD 2021, which was previously scheduled for Argument on June 23, 2022, but later determined the Court would rule on the briefs that were previously submitted.

**II. Need for additional direct and rebuttal testimony**

As per the Pennsylvania Public Utility Commission’s March 30, 2021 Order (“March 30 Order”) reopening the evidentiary record and remand the proceeding for further proceedings as may be deemed appropriate DELCORA believes it appropriate to offer testimony in the remand that updates the record due to the passage of time since the record closed on specific issues where it is necessary and appropriate

so that the ALJ has up to date information on which to base a new recommended decision. The specific areas of updating are: 1) Aqua's estimated revenue requirements because those estimates were based on DELCORA's and Aqua's current rates, which have changed, 2) authorizations requested from the U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Protection, and 3) Aqua's stated acceptable conditions on the Chapter 11 and 13 approvals, based on the foregoing remand testimony. DELCORA respectfully requests that the Presiding Officer address in an order following the Prehearing Conference, the scope of issues DELCORA and any other supporting Party may include in their initial testimony on remand.

### **III. Need for additional witnesses**

DELCORA offers Mr. Robert Willert, DELCORA Executive Director, as a potential witness to address the March 30 Order issues and update the record as described above in section II.

### **IV. Scheduling deadlines for additional briefs and reply briefs**

DELCORA is willing to work with the administrative law judge and the parties to develop an agreed upon schedule for additional briefs and reply briefs.

### **V. Need for additional public input hearings**

DELCORA is willing to work with the administrative law judge and the parties to develop an agreed upon schedule for additional public input hearings, should they be necessary.

### **VI. Scheduling new evidentiary hearings**

DELCORA is willing to work with the administrative law judge and the parties to develop an agreed upon schedule for additional public evidentiary hearings, should they be deemed necessary.

### **VII. Any other appropriate matter.**

DELCORA notes that on July 21, 2022 DELCORA received notice that Univest Bank and Trust Co. was resigning as Trustee of the DELCORA Rate Stabilization Trust. DELCORA is undertaking the review process to select an acceptable Successor Trustee for the Trust.

### **VIII. Discovery**

DELCORA agrees to complete any necessary discovery as presented in the Prehearing Conference on Remand Order.

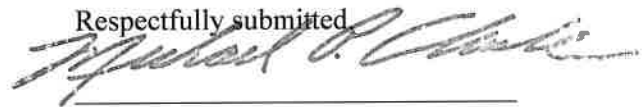
**IX. Lead attorney**

DELCORA's Counsel for the remand phase of this proceeding are:

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Michael P. Clarke will speak as lead counsel for DELCORA at the Prehearing Conference on remand order. DELCORA agrees to receive electronic service of documents in this proceeding and does not require that hard copies follow.

Respectfully submitted,



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Dated: August 8, 2022

*Counsel for the Delaware County Regional  
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**CERTIFICATE OF SERVICE**

I, Michael P. Clarke, Esq., hereby certify that I have served a true and correct copy of the foregoing Prehearing Memorandum upon the parties listed below in accordance with the requirements of 52 Pa. Code §§ 1.54 (relating to service by a party) via electronic mail.

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