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September 15, 2022

VIA EFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

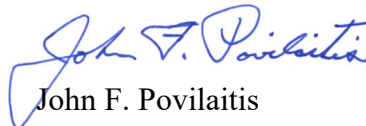
Re: Application of Aqua Pennsylvania Wastewater, Inc. pursuant to Sections 1102, 1329 and 507 of the Public Utility Code for approval of the acquisition by Aqua of the wastewater system assets of the Delaware County Regional Water Quality Control Authority;
Docket No. A-2019-3015173

Dear Secretary Chiavetta:

Enclosed please find the Supplemental Prehearing Conference Memorandum of Aqua Pennsylvania Wastewater, Inc., filed in the above-referenced proceeding.

Copies are being served on the Administrative Law Judge and all parties of record.

Very truly yours,


John F. Povilaitis

JFP/tlg

Enclosure

cc: The Honorable F. Joseph Brady
Certificate of Service

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

**SUPPLEMENTAL PREHEARING CONFERENCE MEMORANDUM OF
AQUA PENNSYLVANIA WASTEWATER, INC.**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE F. JOSEPH BRADY:

Aqua Pennsylvania Wastewater, Inc. (“Aqua” or the “Company”) hereby submits this Supplemental Prehearing Conference Memorandum to update information regarding the status of ongoing litigation related to this case in its initial Prehearing Conference Memorandum submitted by the Company on August 8, 2022, in accordance with the Initial Prehearing Conference on Remand Order of the Administrative Law Judge (“ALJ”) dated July 29, 2022.

III. ISSUES DESIGNATED BY THE ALJ FOR COUNSEL TO ADDRESS

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

In its Initial Prehearing Conference Memorandum on remand, Aqua advised the ALJ that that the Court of Common Pleas legal action initiated by Delaware County (“County”), and decided by Judge Dozor in his Order of December 28, 2020, had been appealed to Commonwealth Court at Docket No. 148 C.D. 2021 by the County. That appeal was decided by the Commonwealth Court in an Opinion dated March 3, 2022, and Judge Dozer’s decision was reversed and remanded for an order consistent with the Commonwealth Court’s Opinion. On September 8, 2022, Judge Dozer issued an Order on Remand from the Commonwealth Court of Pennsylvania.

Aqua is not aware of any further action by a party to that proceeding in response to the Order on Remand.

Regarding the County's appeal of the March 30, 2021 Order of the Pennsylvania Public Utility Commission's ("Commission") remanding this Application proceeding to the ALJ, at Docket No. 455 C.D. 2021, on September 12, 2022, the Commonwealth Court quashed the County's Petition for Review.

Finally, on August 17, 2022, Receiver Doweary, on behalf of the City of Chester, filed a multi-count civil action Complaint in the Court of Common Pleas of Delaware County against the Delaware County Regional Water Quality Control Authority ("DELCORA") and the DELCORA Rate Stabilization Fund Trust, DELCORA as Settlor and Univest Bank and Trust Co. as Trustee, asserting claimed rights under a sale agreement and easement agreement with DELCORA.

BUCHANAN INGERSOLL & ROONEY PC

Dated: September 15, 2022

By:



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Counsel for Aqua Pennsylvania Wastewater, Inc.

**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	:	Docket No. A-2019-3015173
approval of the acquisition by Aqua of the	:	
wastewater system assets of the Delaware	:	
County Regional Water Quality Control	:	
Authority	:	

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing document upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Via Email:

The Honorable F. Joseph Brady
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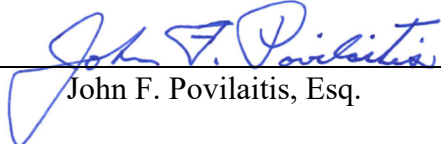
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Date: September 15, 2022


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