

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SHRYOCK BROS., INC.,

Complainant

v.

UWCHLAN TOWNSHIP,

Respondent

Docket No. C-20066648

APPLICATION OF UWCHLAN TOWNSHIP
FOR A CERTIFICATE OF PUBLIC
CONVENIENCE APPROVING THE
ABANDONMENT OF SEWER SERVICE TO
THE PUBLIC IN UPPER UWCHLAN
TOWNSHIP

Docket No. A-2009-2093074

APPLICATION OF UWCHLAN TOWNSHIP
FOR A CERTIFICATE OF PUBLIC
CONVENIENCE TO PROVIDE SEWER
SERVICE TO THE PUBLIC IN A LIMITED
PORTION OF UPPER UWCHLAN
TOWNSHIP

Docket No. A-2009-2101498

**STATUS UPDATE AND REQUEST FOR EXTENSION OF SETTLEMENT BY
UWCHLAN TOWNSHIP**

AND NOW comes Uwchlan Township (“Township”), by and through its undersigned attorneys, to update the Pennsylvania Public Utility Commission (“Commission”) on the status of the above-captioned matters and to request pursuant to 52 Pa. Code § 5.103 a reasonable extension of time for the parties to implement their settlement.

1. On or about August 31, 2009, Shryock, the Township and the Authority entered into a master settlement agreement (“Settlement Agreement”) whereby each covenanted and agreed to a full and complete settlement of all disputes related to the above-captioned proceedings.

2. On or about September 4, 2009, Shryock and the Township submitted to the Commission a Joint Petition for Settlement of the proceedings underlying these petitions for Review. At the same time, Shryock and the Township also filed a Joint Petition for Expedited Procedure with the Commission seeking an expedited adoption of the proposed settlement.

3. On or about September 4, 2009, the parties in the above-captioned Petitions for Review also filed a Joint Application for Stay with the Commonwealth Court and on September 8, 2009, the Court granted the Joint Application. In granting the Application, the Court ordered that the Township shall file a report on the status of petitions pending before the Commission no later than March 8, 2010.

4. On November 25, 2009, ALJ Melillo issued a Recommended Decision approving the Petition for Joint Settlement contingent on, among other things, the parties obtaining by March 1, 2010 the approvals necessary to allow the Uwchlan Township Municipal Authority (“Authority”) to provide sewer service to the Shryock property.

5. On December 18, 2009, the Commission issued an order adopting the Recommended Decision of ALJ Melillo and making approval contingent on, among other things, its receipt of notice from the parties that approvals had been obtained. The notice is due to the Commission on March 1, 2010, or as may be reasonably extended by the Commission and the Commonwealth Court.

6. The approvals necessary to allow the provision for service include (1) final DEP approval of a revised Act 537 sewage facilities plan and (2) approval by the parties to a certain Intermunicipal Agreement dated December 27, 1985 (“DARA Agreement”) allocating sewage treatment capacity in the Downingtown Regional Water Pollution Control Center to amend the

DARA Agreement to allow the Authority to provide the agreed upon service to the Shryock property.

7. Approval from the parties to the DARA Agreement was secured on January 18, 2010, through a Fifth Amendment to that Agreement.

8. The parties have worked together diligently to prepare the appropriate Act 537 planning module, and the completed planning module has been submitted for review by the local planning authorities pursuant to 25 Pa. Code § 71.53. Once all comments are received, the module will be submitted to the Upper Uwchlan Board of Supervisors for approval under 25 Pa. Code § 71.73(b). The Board will have 60 days in which to act on the submission or it is deemed approved. Once approved, the final module will be submitted to the Department of Environmental Protection (“DEP”) for review and approval. Under 25 Pa. Code § 71.54, the DEP will have approximately 120 days in which to approve or disapprove the revision to the sewage facilities plan.

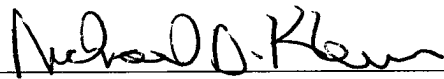
9. It is unlikely that the March 1, 2010 deadline will be met, but the Township expects that DEP approval can be secured by May if reviewed under expedited procedure. In no case should approval take longer than August 31, 2010.

10. Concurrent with the present Status Update and Request for Extension, the Township is filing a similar status report and application for extension of stay with the Commonwealth Court.

11. The present request and the application to the Commonwealth Court are uncontested by the parties.

WHEREFORE, in light of the forgoing, the Township, with the consent of the parties, requests that the Commission extend the deadline established in its December 18, 2009 Order for obtaining all necessary approvals to August 31, 2010.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document(s) which was filed on behalf of **Uwchlan Township** upon the following persons and in the manner indicated below:

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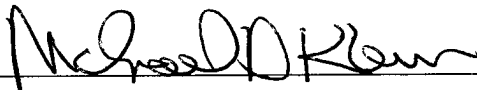
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DATED: February 5, 2010



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