



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

May 7, 2021

**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  
**I&E Brief in Opposition to Petition**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation & Enforcement's (I&E) **Brief in Opposition to Aqua Pennsylvania Wastewater, Inc's Petition for Interlocutory Review** for the above-captioned proceeding.

Copies are being served on parties per the attached Certificate of Service. *Due to the temporary closing of the PUC's offices, I&E is only providing electronic service.* Should you have any questions, please do not hesitate to contact me.

Sincerely,

Gina L. Miller  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 313863  
(717) 787-8754  
[ginmiller@pa.gov](mailto:ginmiller@pa.gov)

Erika L. McLain  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 320526  
[ermclain@pa.gov](mailto:ermclain@pa.gov)

GLM/jfm  
Enclosures

cc: Hon. F. Joseph Brady, OALJ Philadelphia (*via email only*)  
Pamela McNeal, Legal Assistant OALJ Philadelphia (*via email only*)  
Office of Special Assistants (*Word file via email only*)  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania :  
Wastewater Inc. pursuant to Sections 507, :  
1102 and 1329 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 :

---

**THE BUREAU OF INVESTIGATION & ENFORCEMENT'S  
BRIEF IN OPPOSITION TO  
AQUA PENNSYLVANIA WASTEWATER, INC'S  
PETITION FOR INTERLOCUTORY REVIEW**

---

Gina L. Miller  
Prosecutor  
PA Attorney ID No. 313863

Erika L. McLain  
Prosecutor  
PA Attorney ID No. 320526

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

Dated: May 7, 2021

**TABLE OF CONTENTS**

**I. INTRODUCTION..... 1**

**A. Summary of I&E’s Opposition..... 1**

**B. Procedural History..... 3**

**II. Aqua Fails to Meet the Standard Necessary to Warrant Interlocutory Review. 4**

**A. Standard for Interlocutory Review ..... 4**

**B. The Commission’s Remand Order..... 5**

**C. The Premise of Aqua’s Material Question is Inconsistent with the  
    Commission’s “Full Evaluation” Directive for Remand..... 7**

**D. The ALJ’s Stay Order is Consistent with the Commission’s Explicit  
    Directive to Provide a Full Disposition of Aqua’s Application..... 8**

**E. The ALJ’s Order to Stay the Proceeding is Consistent with the Obligation  
    Imposed by Section 1.2(a) of the Commission’s Regulations ..... 9**

**III. CONCLUSION..... 10**

## **I. INTRODUCTION**

### **A. Summary of I&E's Opposition**

The Bureau of Investigation and Enforcement (“I&E”) submits this Brief in Opposition to Aqua Pennsylvania Wastewater, Inc.’s (Aqua”) Petition for Interlocutory Review of Order Staying the Proceeding (“Stay Order”) filed on April 27, 2021.<sup>1</sup> As I&E will demonstrate below, Aqua’s Petition is without merit, in part, because it fails to meet the standard necessary to warrant Interlocutory Review. Aqua’s failure to meet the applicable standard is rooted in the fact that the Material Question it poses is fundamentally flawed and relies upon a misinterpretation of the Commission’s Remand Order.<sup>2</sup> Aqua’s Petition also warrants rejection because not only is the relief it seeks antithetical to the inexpensive, speedy, and just resolution of this case, but because it will also prejudice parties by denying them an opportunity to develop a full and complete record for the Commission. Aqua may not be satisfied with the Stay Order now in place in this proceeding, but it is a direct result of both (1) Aqua’s decision to expose itself and its ratepayers to the uncertainty of litigation against DELCORA and (2) Aqua’s decision to grant an unqualified waiver of the statutory timeframe for this case.<sup>3</sup>

For purposes of context, although it has been over 14 months since Aqua filed its Application on March 3, 2020, it continues to remain uncertain whether the County of

---

<sup>1</sup> I&E notes that Delaware County Regional Water Quality Control Authority (“DELCORA”) filed a letter supporting/adopting Aqua’s Petition on April 27, 2021. Because DELCORA’s letter simply incorporates and adopts Aqua’s position without any additional substance or analysis, I&E’s Brief should be construed to respond to both parties.

<sup>2</sup> The “Remand Order” was entered by the Commission in this case on March 30, 2021. It is further explained below, but the crux of the Remand Order was the Commission’s determination to remand this case back to the ALJ for such further proceedings as deemed necessary to facilitate a complete record and a recommendation for a full disposition of Aqua’s Application.

<sup>3</sup> I&E takes no position on the propriety/legality of the waiver, which is now an issue pending appeal by Delaware County in the Commonwealth Court of Pennsylvania.

Delaware, Pennsylvania’s (“Delaware County”) pending litigation against DELCORA will negate or significantly impact DELCORA’s ability to proceed with any sale of assets to Aqua. For practical purposes, that means that all parties, the ALJ, and the Commission may well have spent the last year grappling with an Application that is legally unsound and cannot be granted. Notably, the risk continues, and it will exist until the Delaware County litigation is resolved.

Aqua could have eliminated the wasteful and time-consuming predicament of the Delaware County litigation for all parties, the ALJs, and the Commission by (1) either resolving its issues with Delaware County prior to submitting its Application; or (2) by agreeing to hold the case in abeyance pending the final, unappealable outcome of the litigation. Aqua rejected both of those options in favor of thrusting the uncertainty and litigation risk onto the parties, the ALJs, and the Commission. The result of Aqua’s decision was that the ALJs determined, in part, that the Delaware County litigation made it impossible to determine whether Aqua’s Application would affirmatively promote the service, accommodation, convenience or safety of the public in some substantial way and be in the public interest.<sup>4</sup>

Now, armed with its contrived and flawed interpretation of the Commission’s Remand Order, Aqua seeks to compel parties and the ALJ to continue to litigate and resolve its Application when DELCORA’s authority to consummate the transaction is still undetermined. I&E submits that Aqua’s conduct exemplifies the axiom that “two wrongs don’t make a right.” Fortunately, the ALJ’s Stay Order is a regulatorily appropriate and

---

<sup>4</sup> ALJs’ Recommended Decision, p. 20 (entered on January 11, 2021).

effective way to avoid imposing a second wrong, while also still facilitating, when possible, the development of a full record as directed in Commission's Remand Order. The Stay Order at issue was entered by Administrative Law Judge F. Joseph Brady on April 16, 2021. Judge Brady's Stay Order rendered the determination that Aqua's Application must be stayed pending a final unappealable decision in the County of Delaware's lawsuit against DELCORA currently before the Commonwealth Court at Docket No. 148 CD 2021.<sup>5</sup> As I&E explains below, ALJ Brady's Stay Order is consistent with both the Commission's express remand directives, and with the just and inexpensive determination of this proceeding. Aqua's assertions to the contrary are without merit and do not warrant Interlocutory Review. Therefore, I&E respectfully requests that the Commission dismiss Aqua's Petition because it is improper.

## **B. Procedural History**

For purposes of brevity, I&E will not reiterate the complex and protracted procedural history of this case, and it will instead adopt and incorporate the *Abbreviated Procedural History* contained in the ALJ's Stay Order.<sup>6</sup> After the ALJ issued the Stay Order, two further procedural developments have occurred. The first of these is that Aqua filed its Petition for Interlocutory Review of Order Staying Proceeding on April 27, 2021 warranting this timely Brief in Opposition. The second development is that Delaware County filed an appeal of the Commission's Remand Order, which is currently pending in the Commonwealth Court of Pennsylvania. While I&E recognizes Delaware County's appeal, it takes no position on it for purposes of this Brief, which is intended solely to oppose Aqua's Petition because it is

---

<sup>5</sup> ALJ's Stay Order, p. 4.

<sup>6</sup> ALJ's Stay Order, pp. 1-3.

fundamentally flawed, without merit, and should be dismissed. In support of I&E's opposition, I&E offers the following analysis:

## **II. Aqua Fails to Meet the Standard Necessary to Warrant Interlocutory Review**

### **A. Standard for Interlocutory Review**

The pertinent Commission standards governing the interlocutory review requested here are found in Sections 5.301 through 5.303 of Commission regulations.<sup>7</sup> The interlocutory review standard has been interpreted in *In re: Application of Knights Limousine Service, Inc.*, wherein the Commission explained that it does not routinely grant interlocutory review except upon a showing by the petitioner of extraordinary circumstances or compelling reasons.<sup>8</sup> The Commission has determined that such a showing may be accomplished by a petitioner proving that without interlocutory review some harm would result which would not be reparable through normal avenues, that the relief sought should be granted now rather than later, and that granting interlocutory review would “prevent substantial prejudice or expedite the proceeding.”<sup>9</sup>

Aqua fails to meet this standard because the relief it seeks, forcing parties and the ALJ to continue to litigate its Application when disposal of all issues remains impossible, will substantially prejudice parties, and cannot possibly expedite the proceeding. Aqua's attempt to now force parties to litigate a case while DELCORA's authority to sell, enter the Asset Purchase Agreement, and establish a Trust remain uncertain, will impose substantial prejudice upon parties by forcing them to continue to expend resources and time litigating

---

<sup>7</sup> 52 Pa. Code §§ 5.301 -5.303.

<sup>8</sup> *In re: Application of Knights Limousine Service, Inc.*, 59 Pa. P.U.C. 538 (1985).

<sup>9</sup> *Id.*

issues that are inextricably intertwined with pending litigation. Additionally, because DELCORA's authority to sell its assets to Aqua and to honor the terms of the APA remain in dispute, absent full and complete resolution of the legal dispute now pending in the Commonwealth Court of Pennsylvania,<sup>10</sup> nothing can expedite the instant proceeding.

## **B. The Commission's Remand Order**

Aqua's apparent attempt to argue that the Commission's Remand Order requires the ALJ to promptly reopen to record to avoid delaying due process<sup>11</sup> is not only inconsistent with the actual provision of due process, but it is also not factually grounded in the Remand Order. To be sure, as succinctly set forth in its Remand Order, the Commission's simply indicated that extra-record filings and developments warranted reopening of the record:

At present, the recent filings and the averments contained in them are not part of the evidentiary record. Thus, there has been no opportunity for any of the Parties to present testimony subject to cross examination related to these purported evidentiary matters. **Moreover, we highlight the County Appeal Notice Petition filed on January 29, 2021. This submission indicates that outstanding litigation remains which may need to be considered when evaluating this Application.** Upon review, we find that it is in the public interest to reopen the record, as provided in Section 5.571(d)(2) of our Regulations, to consider the filings submitted after the close of the record outlined above because they may impact the Commission's ultimate evaluation of the Application.<sup>12</sup>

As demonstrated above, nothing in the Commission's directive states, or even suggests, that due process requires the parties and the ALJ to reopen the record and continue litigation on the timeline Aqua desires. Instead, by way of the emphasized language above,

---

<sup>10</sup> Docket No. 148 CD 2021.

<sup>11</sup> Aqua's Petition, ¶ 8.

<sup>12</sup> Commission's Remand Order, pp. 14-15 (emphasis added).



the Commission clearly indicated that outstanding litigation may need to be considered in the evaluation of Aqua's Application, thereby placing such determination rightly within the purview of the ALJ. To the extent that there is any room for doubt that the Commission recognized the ALJ's authority to control the conduct of this proceeding, it is removed by the Remand Order's determination to "reopen the record and remand the proceeding to the OALJ for such further proceedings as may be appropriate in light of the new developments in the case."<sup>13</sup> Here, the ALJ has determined that staying the proceeding until Delaware County's litigation is resolved is the appropriate manner for the conduct of the case at this time, and while Aqua may be displeased with it, displeasure does not equate to a denial of due process.

Finally, it must be recognized that Aqua's own conduct was determinative of the Commission's, and ultimately the ALJ's, respective remand and stay actions. Significantly, in reaching its decision to remand the proceeding, the Commission acknowledged that its ability to do so was a result of Aqua voluntarily waiving the statutory deadline in this case by letter filed on March 10, 2021.<sup>14</sup> Although it was certainly not compelled to do so, by way of its March 10 letter, Aqua elected to extend an unqualified waiver of the six-month statutory consideration period for this case.<sup>15</sup> While the present stay of proceedings may not have been the outcome that Aqua hoped for when it submitted its waiver, I&E submits that it is consistent with both Aqua's waiver and with protection of the public interest.

---

<sup>13</sup> Commission's Remand Order, p. 15.

<sup>14</sup> Id.

<sup>15</sup> Aqua's Letter to the Commission, March 10, 2021.

**C. The Premise of Aqua’s Material Question is Inconsistent with the Commission’s “Full Evaluation” Directive for Remand**

The premise of Aqua’s Material Question is flawed because it incorrectly concludes that the ALJ’s Stay Order is inconsistent with the Commission’s Remand Order.

Specifically, Aqua asks the Commission to answer the following Material Question:

Should the Commission reverse the Stay Order because it is inconsistent with the March 30 Order and direct the OALJ to promptly schedule hearings and briefing in the remanded proceeding, thereby allowing (i) the Parties the opportunity to present appropriate evidence as deemed necessary so as to permit a **full evaluation of the Application** pursuant to Sections 1102, 1329, and 507 of the Code, and (ii) the presiding officer to prepare a Recommended Decision on Remand **evaluating and recommending the disposition of the Application.**<sup>16</sup>

A simple review of the emphasized language above confirms that the Commission’s Order expressly required both that the parties be afforded an opportunity to *fully* evaluate Aqua’s Application and that the ALJ evaluate and recommend the disposition of Aqua’s *entire* Application. The flawed premise in Aqua’s Material Question is that the Stay Order is inconsistent with the Commission’s directive, when the Stay Order must be imposed to enable the full evaluation, record, and disposition of Aqua’s case that the Commission prescribed. As demonstrated below, the ALJ correctly determined that a full evaluation and disposition of Aqua’s Application is not possible while Delaware County’s litigation is pending. Accordingly, the Commission should dismiss Aqua’s Petition because it is improper.

---

<sup>16</sup> Aqua’s Petition, ¶6.

**D. The ALJ's Stay Order is Consistent with the Commission's Explicit Directive to Provide a Full Disposition of Aqua's Application**

In his Stay Order, ALJ Brady correctly cited to his authority to regulate this proceeding.<sup>17</sup> Employing that authority, and in consideration of the Commission's express determination that the Delaware County appeal of January 29, 2021 may need to be considered in fully disposing of Aqua's Application, ALJ Brady determined that staying the proceeding until the appeal concluded was procedurally appropriate.<sup>18</sup> In support of his determination, ALJ Brady set forth the following analysis:

In this matter, the County lawsuit is currently pending before the Commonwealth Court. The issues in the County lawsuit are the legality, enforceability, and integrity of the APA between DELCORA and Aqua, the enforcement of the County Ordinance 2020-04, and the funding of the Rate Stabilization Fund Trust between DELCORA and Aqua. All of these issues are also threshold issues in this Application. For example, if it is determined that the APA is illegal and unenforceable, the entire Application becomes moot.<sup>19</sup>

As a litigant in this case since its inception, I&E is well-positioned to confirm that the record supports ALJ Brady's determination that Delaware County's pending litigation may well render all, or a significant portion, of Aqua's Application moot or unenforceable. The record in this case illustrates that the Delaware County's pending litigation implicates, and may invalidate, (1) DELCORA's authority to sell its system to Aqua, (2) the legality and enforceability of the APA, and/or (3) the DELCORA Trust.<sup>20</sup> I&E submits that any one of these outstanding issues would present an adequate basis for staying the proceeding, but the

---

<sup>17</sup> Stay Order, p. 3, citing Section 5.483(a) of the Commission's regulations.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> I&E Main Brief, pp. 40-45; I&E St. No. 1, pp. 9-10; I&E St. No. 1-R, p. 10.

combined weight of all three of these material uncertainties renders a full disposition of this case impossible. Forcing the parties and the ALJ to continue to litigate Aqua's Application without resolution of the Delaware County litigation will result in the ALJ still being obligated to recommend the approval or denial of Aqua's Application without ever knowing whether the sale could move forward or what portions of the APA are enforceable. I&E submits that such a result is antithetical to the public interest, but contrary to the just, speedy, and inexpensive determination that the ALJ is required to facilitate.<sup>21</sup> Accordingly, the Commission should dismiss Aqua's Petition because it is improper.

**E. The ALJ's Order to Stay the Proceeding is Consistent with the Obligation Imposed by Section 1.2(a) of the Commission's Regulations**

Although Aqua fails to recognize it, in his Stay Order, ALJ Brady correctly acknowledged that the Commission's regulations must be construed to secure the just, speedy, and inexpensive determination of every action or proceeding.<sup>22</sup> Recognizing the need to facilitate the just, speedy, and inexpensive determination of this case, ALJ Brady explained why staying the proceeding is necessary:

Considering the impact that the outstanding litigation will have on Aqua's Application, I find it reasonable to stay this Application until the County lawsuit is concluded. Staying this matter until the outcome of the County litigation will ensure the avoidance of duplicative litigation that may result from the Application being rendered moot or substantially altered by County lawsuit.<sup>23</sup>

I&E agrees with, and the clear record here supports, the ALJ's above determination that imposition of a stay is appropriate.

---

<sup>21</sup> 52 Pa. Code § 1.2(a).

<sup>22</sup> Stay Order, p. 3, citing 52 Pa. Code § 1.2(a).

<sup>23</sup> Stay Order, pp. 3-4.

The analysis here is simple: absent resolution of the Delaware County litigation, the continued litigation of Aqua's Application will cause parties, the ALJ, and the Commission to continue to waste resources and may result in an unjust outcome. Aqua's Petition ignores the waste and uncertainty its Application has already imposed over the prior 14 months and seeks to continue to impose upon parties and the ALJ. More importantly, Aqua's Petition fails to consider the cost and risk it attempts to needlessly impose upon ratepayers, but its failure does not diminish the seriousness of that risk. Aqua's Petition asks the Commission to ignore the prospect that DELCORA may not be authorized to sell its system, to disregard that ratepayers may be forced to continue to fund wasteful litigation costs for a transaction that cannot proceed as agreed (or at all), and to pretend that a \$276.5 million ratemaking ratebase determination<sup>24</sup> does not hang in the balance.

All the above-mentioned outcomes are not only completely inconsistent with the inexpensive and just determination of this proceeding, but they stand in diametric opposition to it. Fortunately, the ALJ's action to stay the proceeding will mitigate the substantial waste of resources that has already occurred in this case, enable a just determination, and still preserve *all parties* due process rights. Therefore, and in accordance with the public interest, the Commission should dismiss Aqua's Petition because it is improper.

### **III. CONCLUSION**

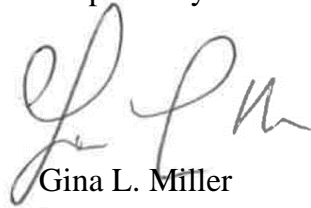
For the reasons stated herein, the Bureau of Investigation & Enforcement respectfully requests that the Commission dismiss Aqua Pennsylvania Wastewater, Inc's Petition for Interlocutory Review because it is improper, and thereby uphold the Stay Order imposed by

---

<sup>24</sup> Aqua Application, p. 18.

the Administrative Law Judge without modification. Such dismissal is necessary to ensure that parties, the ALJ, the Commission, and ultimately Aqua's ratepayers, do not continue to waste resources while DELCORA's authority to sell its wastewater system under the terms proposed in Aqua's Application remain uncertain and hinge upon the outcome of pending litigation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gina L. Miller', written in a cursive style.

Gina L. Miller  
Prosecutor  
PA Attorney ID No. 313863

Erika L. McLain  
Prosecutor  
PA Attorney ID No. 320526

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

Dated: May 7, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania Wastewater :  
Inc. pursuant to Sections 507, 1102 and 1329 :  
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**

I hereby certify that I am serving the foregoing **Brief in Opposition** dated May 7, 2021, in the manner and upon the person listed below.

**Served via Electronic Mail Only**

Adeolu A. Bakare, Esq.  
Robert F. Young, Esq.  
Kenneth R. Stark, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[ryoung@mcneeslaw.com](mailto:ryoung@mcneeslaw.com)  
[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)  
*Counsel for Delaware County*

Thomas T. Niesen, Esq.  
Thomas Niesen & Thomas. LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101  
[tniesen@tntlawfirm.com](mailto:tniesen@tntlawfirm.com)  
*Counsel for  
Aqua Pennsylvania Wastewater, Inc.*

Alexander R. Stahl, Esq.  
Aqua Pennsylvania, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
[astahl@aquaamerica.com](mailto:astahl@aquaamerica.com)

Thomas Wyatt. Esq.  
Matthew S. Olesh, Esq.  
Obermayer Rebmann Maxwell & Hippel LLP  
Centre Square West  
1500 Market Street, Suite 3400  
Philadelphia, PA 19102  
[thomas.wyatt@obermayer.com](mailto:thomas.wyatt@obermayer.com)  
[matthew.olesh@obermayer.com](mailto:matthew.olesh@obermayer.com)  
*Counsel for Delaware County Regional  
Water Quality Control Authority*

Christine Maloni Hoover, Esq.  
Erin L. Gannon, Esq.  
Harrison W. Breitman, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor Forum Place  
Harrisburg, PA 17101  
[OCADelcora@paoca.org](mailto:OCADelcora@paoca.org)

Steven C. Gray, Esq.  
Office of Small Business Advocate  
555 Walnut Street  
1st Floor  
Harrisburg, PA 17101  
[sgray@pa.gov](mailto:sgray@pa.gov)

Kenneth D. Kynett, Esq.  
Charles G. Miller, Esq.  
Petrikin, Wellman, Damico, Brown &  
Petrosa  
William Penn Building  
109 Chesley Drive  
Media, PA 19063  
[kdk@petrikin.com](mailto:kdk@petrikin.com)  
[cgm@petrikin.com](mailto:cgm@petrikin.com)  
*Counsel for  
Edgmont Township, Delaware County*

Scott J. Rubin, Esq.  
333 Oak Lane  
Bloomsburg, PA 17815-2036  
[scott.j.rubin@gmail.com](mailto:scott.j.rubin@gmail.com)  
*Counsel for Southwest Delaware County  
Municipal Authority, Lower Chichester  
Twp, Upland Borough, Edgmont Twp. &  
Trainer Borough*

Robert W. Scott, Esq.  
Robert W. Scott PC  
205 North Monroe Street  
P.O. Box 468  
Media, PA 19063  
[rscott@robertwscottpc.com](mailto:rscott@robertwscottpc.com)  
*Counsel for Borough of Ambler*

Thomas J. Sniscak, Esq.  
Kevin J. McKeon, Esq.  
Whitney E. Snyder, Esq.  
Melissa A. Chapaska, Esq.  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[kjmckeon@hmslegal.com](mailto:kjmckeon@hmslegal.com)  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)  
[machapaska@hmslegal.com](mailto:machapaska@hmslegal.com)  
*Counsel for Sunoco Partners Marketing &  
Terminals, L.P./ Energy Transfer*

Michelle M. Skjoldal Esq.  
Justin G. Weber, Esq.  
Troutman Pepper Hamilton Sanders LLP  
100 Market Street, Ste 200  
P.O. Box 1181  
Harrisburg, PA 17108-1181  
[michelle.skjoldal@troutman.com](mailto:michelle.skjoldal@troutman.com)  
[justin.weber@troutman.com](mailto:justin.weber@troutman.com)  
*Counsel for Kimberly-Clark Corp. &  
Kimberly-Clark Pennsylvania, LLC*

Jason T. Ketelsen, Esq.  
Troutman Pepper Hamilton Sanders LLP  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103  
[jason.ketelsen@troutman.com](mailto:jason.ketelsen@troutman.com)  
*Counsel for Kimberly-Clark Corp. &  
Kimberly-Clark Pennsylvania, LLC*

Marc D. Machlin, Esq.  
Troutman Pepper Hamilton Sanders LLP  
2000 K Street, NW, Suite 600  
Washington DC 20006  
[marc.machlin@troutman.com](mailto:marc.machlin@troutman.com)  
*Counsel for Kimberly-Clark Corp. &  
Kimberly-Clark Pennsylvania, LLC*

John F. Povilaitis, Esq  
Alan M. Seltzer, Esq.  
Buchanan Ingersol & Rooney, PC  
409 North Second Street, Suite 500  
Harrisburg, PA 17101-1357  
[john.povilaitis@bipc.com](mailto:john.povilaitis@bipc.com)  
[alan.seltzer@bipc.com](mailto:alan.seltzer@bipc.com)  
*Counsel for  
Aqua Pennsylvania Wastewater, Inc.*



Brian Kalcic  
Excel Consulting  
225 S. Meramec Ave.  
Suite 720T  
St. Louis, MO 63105  
[excel.consulting@sbcglobal.net](mailto:excel.consulting@sbcglobal.net)  
*Consultant for OSBA*

Ralph C. Smith  
Larkin & Associates, PLLC  
15728 Farmington Road  
Livonia, MI 48154  
[OCADelcora@paoca.org](mailto:OCADelcora@paoca.org)  
*Consultant for OCA*

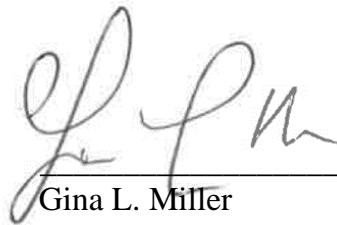
Cynthia Pantages  
C&L Rental Properties, LLC  
30 S. Lake Drive  
P.O. Box 516  
Lake Harmony, PA 18624  
[cyndipantages@gmail.com](mailto:cyndipantages@gmail.com)

Ross Schmucki  
218 Rutgers Avenue  
Swarthmore, PA 19081  
[rschmucki@gmail.com](mailto:rschmucki@gmail.com)

Edward Clark, Jr.  
Treasure Lake Property Owners  
Association  
13 Treasure Lake  
Dubois, PA 15801  
[gm@treasurelake.us](mailto:gm@treasurelake.us)

Patricia Kozel  
15 Hazzard Run Road  
Lake Harmony, PA 18624  
[pattyk6@icloud.com](mailto:pattyk6@icloud.com)  
*Complainant*

Lawrence and Susan Potts  
11 Chestnut Street  
P.O. Box 522  
Lake Harmony, PA 18624  
[susie01213@aol.com](mailto:susie01213@aol.com)  
*Complainants*



---

Gina L. Miller  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 313863