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May 1, 2024

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

VIA ELECTRONIC FILING

**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:

The Joint Movants (County of Delaware, Pennsylvania ("County"), the Bureau of Investigation and Enforcement ("I&E"), the Office of Consumer Advocate ("OCA"), and the Office of Small Business Advocate ("OSBA")) hereby provide this Fifth Joint Status Report pursuant to the Interim Order issued by Administrative Law Judge ("ALJ") F. Joseph Brady on February 6, 2023. The Joint Movants report that, as of the date of this report, a final unappealable decision in the Bankruptcy Court for the Eastern District of Pennsylvania ("Bankruptcy Court") on the City of Chester's Motion of Debtor Pursuant to Section 362 of the Bankruptcy Code for Entry of an Order Enforcing the Automatic Stay of Proceedings Pending Before the Pennsylvania Public Utility Commission ("Motion to Enforce Stay") has not been issued. Similarly, a final unappealable decision in the Delaware County Court of Common Pleas on DELCORA's Complaint for Declaratory Judgment has not been issued.

City of Chester Motion to Enforce Stay (US Bankruptcy Court, E.D. Pa, Case No. 22-13032)

As of the prior Joint Movants Update provided on November 6, 2023, the above-captioned Aqua Application docket remained stayed following the issuance of Judge Ashely M. Chan's May 23 Order granting the City of Chester's Motion to Enforce Stay ("Stay Order").¹ This status remains unchanged.

As previously noted, Aqua filed a Notice of Appeal of the Stay Order on June 6, 2023, with the United States District Court for the Eastern District of Pennsylvania (Docket No. 2:23-cv-251). Aqua's Brief, the City of Chester's Brief and Aqua's Reply Brief were filed on August 25, 2023, September 6, 2023, and September 20, 2023, respectively, and the appeal is currently before the court for disposition.

In addition to the Notice of Appeal of the Stay Order, Aqua also filed a Motion for Relief from Stay with Bankruptcy Court on February 8, 2024. Following Objections filed by the City of Chester and Replies to Objections filed by Aqua, Judge Chan entered an Order on April 11, 2024, denying the Motion on grounds that the Notice of Appeal to the Eastern District Court divested the Bankruptcy Court of jurisdiction to consider the Motion.

¹ Stay Order at 16.

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DELCORA Complaint for Declaratory Judgment (Ct. of Common Pleas of Delaware County, Case No. CV-2023-000494)

As reported in the prior Joint Movants' Status Report provided on November 6, 2023, the presiding Judge in the above-captioned DELCORA Complaint for Declaratory Judgment matter cancelled the scheduled hearings on September 25, 2023, and advised parties that this matter would be held in abeyance pending resolution of jurisdictional issues raised in the County's Appeal from the September 13, 2022, Order of the Court of Common Pleas of Delaware County, Case No. CV-2020-003185, pending before the Commonwealth Court at 1347 CD 2022. The County's appeal was scheduled for oral argument before the Commonwealth Court on May 7, 2024, but on April 29, 2024, the Court issued an Order indicating it would decide the matter on the previously submitted briefs.

Aqua Pennsylvania Wastewater, Inc. Verified Complaint in Equity for Declaratory and Injunctive Relief (Ct. of Common Pleas of Delaware County, Case No. CV-2023-005128)

In the August 7, 2023, Status Report, the Joint Movants noted the civil complaint filed by Aqua Pennsylvania Wastewater, Inc., on June 16, 2023, for declaratory and injunctive relief against DELCORA at the Delaware County Court of Common Pleas. Since the initial filing, parties have filed various Preliminary Objections and related pleadings. There has been no disposition of any Preliminary Objections or the initial Complaint.

The Joint Movants will continue to provide updates for informational purposes pursuant to the Interim Order.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Very truly yours,



Adeolu A. Bakare

MCNEES WALLACE & NURICK LLC

c: Administrative Law Judge F. Joseph Brady
Pamela McNeal, Legal Assistant to ALJ
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

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Dated this 1st day of May, 2024, in Harrisburg, Pennsylvania