

Buchanan

John F. Povilaitis
717 237 4825
john.povilaitis@bipc.com

409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852

May 6, 2024

Rosemary Chiavetta, Secretary
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

Dear Secretary Chiavetta:

Aqua Pennsylvania Wastewater, Inc. ("Aqua") files and serves this Fifth Status Report in connection with the above-captioned proceeding, as directed by the Presiding Officer, Administrative Law Judge F. Joseph Brady, in his Interim Order Granting Joint Motion for Stay ("Order Granting Stay") dated February 6, 2023. The Order Granting Stay was based on the City of Chester's request in its bankruptcy proceeding at Case No. 22-13032 for a stay of Aqua's Application proceeding at Docket A-2019-3015173, and DELCORA's Complaint for Declaratory Judgment against Aqua and Delaware County before the Delaware Court of Common Pleas at Docket No. CV-2023-000494. Accordingly, Aqua reports on the status of these proceedings.

In re: City of Chester, Pennsylvania, Debtor, Case No. 22-13032

Consistent with Bankruptcy Judge Ashely M. Chan's Order of March 7, 2023, Aqua has participated in the sixty (60) day period of discussions on the City of Chester's claimed reversionary interests in the DELCORA wastewater system. Judge Chan conducted a hearing for May 15, 2023, at which time the City of Chester, Aqua and DELCORA reported to the Court on the status of the Parties' efforts toward identifying and reaching an agreement regarding identification of any assets subject to the claimed reversionary interest. At the hearing, Aqua identified assets it believed may be subject to the reversionary interest. Aqua also committed to recognize a Reversionary Interest with respect to any assets that are ultimately identified as subject to that interest. On May 23, 2023, the Bankruptcy Court issued an order staying Aqua's DELCORA application before the Pennsylvania Public Utility Commission ("PUC"). Aqua subsequently filed a Notice of Appeal on June 6, 2023 to the United States District Court for the

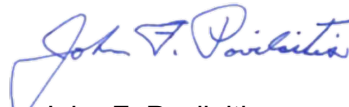
Eastern District of Pennsylvania. Aqua's brief in support of the appeal was filed on August 7, 2023. The City responded on September 6, 2023. Aqua filed its reply brief on September 20, 2023. The parties are waiting for the court to determine if oral argument will be scheduled, or if a decision will be rendered solely on briefing. Aqua filed a request to lift the Stay at Bankruptcy Court which was recently denied.

DELCORA Complaint for Declaratory Judgment against Aqua and Delaware County before the Delaware Court of Common Pleas, Docket No. CV-2023-000494

In this proceeding, Aqua has filed Preliminary objections against DELCORA's Complaint, which are pending for decision. Delaware County has filed an Answer to DELCORA's Complaint. The court scheduled a hearing on Aqua's preliminary objections for October 12, 2023. However, prior to the scheduled hearing, the Delaware County Court notified the parties that the hearing was canceled and would be re-listed after the parties receive the benefit of a Commonwealth Court's decision on Delaware County's appeal of the Delaware County Court's September 8, 2022 Remand Order. This latter appeal is Delaware County's challenge of Judge Barry C. Dozor's Order on Remand, issued after the Commonwealth Court's Opinion finding that Delaware County may terminate DELCORA, however the obligations of its underlying transaction with Aqua would become the obligations of DELCORA's successor. Oral argument on the appeal to Commonwealth Court was initially tentatively scheduled for October 2023, and then was scheduled for April 2024. Oral argument was extended to May then canceled, and the Commonwealth Court will decide the matter on the previously submitted briefs.

Copies of this Status Report have been served on Parties to this proceeding, as indicated in the attached Certificate of Service.

Very truly yours,



John F. Povilaitis

JFP/ja

cc Honorable F. Joseph Brady
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 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 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.

Honorable F. Joseph Brady
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
fbrady@pa.gov
pmcneal@pa.gov

Erin L. Gannon
Harrison W. Breitman
Santo Spataro
Office of Consumer Advocate
555 Walnut Street
Forum Place – Fifth Floor
Harrisburg, PA 17101
egannon@paoca.org
hbreitman@paoca.org
sspataro@paoca.org

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
Forum Place – First Floor
Harrisburg, PA 17101
sgray@pa.gov

Allison C. Kaster, Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
akaster@pa.gov

Thomas J. Sniscak
Whitney E. Snyder
Kevin J. McKeon, Esquire
Philip Demanchick, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
(Counsel to Sunoco Partners Marketing)
tjsniscak@hmslegal.com
wesnyder@hmslegal.com
kjncken@hmslegal.com
pddemanchick@hmslegal.com


Adeolu A. Bakare, Esquire
Robert F. Young, Esquire
Kenneth R. Stark, Esquire
McNeese Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108
abakare@mcneeslaw.com
ryoung@mcneeslaw.com
kstark@mcneeslaw.com

Kenneth Kynett, Esquire
Charles G. Miller, Esquire
Petrikin Wellman Damico Brown & Petrosa
The William Penn Building
109 Chesley Drive
Media, PA 19063
(Counsel to Edgmont Township)
kdk@petrikin.com
cgm@petrikin.com

Joseph L. Vullo
Burke, Vullo, Reilly & Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
*(Counsel to Southwest Delaware County
Municipal Authority)*
jlvullo@bvrrlaw.com

Samantha Newell
Patrick F. Seymour
Michael P. Clarke
Rudolph Clarke, LLC
Seven Neshaminy Interplex Drive
Suite 200
Feasterville-Treose, PA 19053
*(Counsel to Delaware County Regional Water
Quality Control Authority)*
snewwill@rudolphclarke.com
pseymour@rudolphclarke.com
mclarke@rudolphclarke.com

Date: May 6, 2024



John F. Povilaitis, Esquire