



McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Adeolu A. Bakare
Direct Dial: 717.237.5290
Direct Fax: 717.260.1744
abakare@mcneeslaw.com

July 30, 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 Sixth 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-2151). Aqua's Brief, the City of Chester's Brief and Aqua's Reply Brief were filed on August 7, 2023, September 6, 2023, and September 20, 2023, respectively, and the appeal is currently before the court for disposition. Although Aqua filed a praecipe for oral argument on December 7, 2023, no argument has been scheduled to date.

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

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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 ("Remand Order"), 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.

On June 4, 2024, the Commonwealth Court entered an Order at Docket 1347 CD 2022 affirming and vacating portions of the Remand Order ("June 4 Order"). The Commonwealth Court affirmed the Remand Order holdings: (1) granting Delaware County mandamus relief; (2) dismissing the DELCORA Trust-related claims as moot; and (3) acknowledging Delaware DELCORA's ability to execute the APA under the Municipality Authorities Act of 1945 ("MAA"). The Commonwealth Court vacated Paragraphs 2, 3, 5, 9, and 11 of the Remand Order, to the extent they go beyond the three rulings listed above. In particular, the Commonwealth Court stated that its prior Order "made no conclusions regarding the substantive validity or enforceability of either the APA or the Trust". June 4 Order at 15.

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. On February 5, 2024, the Court issued an order overruling the Preliminary Objections. The pleadings have since closed and on May 13, 2024, the Court issued a scheduling order setting a pre-trial conference for November 4, 2024.

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).

VIA E-MAIL

Kenneth Kynett, Esq.
Charles G. Miller, Esq.
Petrikin Wellman Damico Brown & Petrosa
The William Penn Building
109 Chesley Drive
Media, PA 19063
kdk@petrikin.com
cgm@petrikin.com
Counsel to Edgmont Township
NO CONFIDENTIAL MATERIALS

Allison C. Kaster, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265
akaster@pa.gov

John F. Povilaitis, Esq.
Alan M. Seltzer, Esq.
Buchanan Ingersoll & Rooney, PC
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357
john.povilaitis@bipc.com
alan.seltzer@bipc.com
Counsel to Aqua Pennsylvania

Erin L. Gannon, Esq.
Harrison W. Breitman, Esq.
Santo G. Spataro, Esq.
Office of Consumer Advocate
555 Walnut Street, Forum Place, 5th Floor
Harrisburg, PA 17101
OCADelcora@paoca.org

Alexander R. Stahl, Esq.
Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
astahl@aquaamerica.com

Steven Gray, Esq.
Office of Small Business Advocate
300 North Second Street, Suite 1102
Harrisburg, PA 17101
sgray@pa.gov

Samantha L. Newell, Esq.
Patrick F. Seymour, Esq.
Michael P. Clarke, Esq.
Rudolph Clarke, LLC
Seven Neshaminy Interplex, Suite 200
Trevose, PA 19053
snewell@rudolphclarke.com
pseymour@rudolphclarke.com
mclarke@rudolphclarke.com
*Counsel to Delaware County Regional Water
Quality Control Authority*

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

Thomas J. Sniscak, Esq.
Whitney E. Snyder, Esq.
Kevin J. McKeon, Esq.
Philip Demanchick, Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
TJSniscak@hmslegal.com
WESnyder@hmslegal.com
KJMckeon@hmslegal.com
PDDemanchick@hmslegal.com
Counsel to Sunoco Partners Marketing



Adeolu A. Bakare

Counsel to the County of Delaware, Pennsylvania

Dated this 30th day of July, 2024, in Harrisburg, Pennsylvania