



March 3, 2025

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

RE: Application of Aqua Pennsylvania Wastewater, Inc. Pursuant to Sections 1101, 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:

Pursuant to Administrative Law Judge F. Joseph Brady's Interim Order Granting Joint Motion for Stay (the "Stay Order"), issued February 6, 2023, the Delaware County Regional Water Quality Control Authority ("DELCORA") is filing and serving this written status report detailing the procedural status and litigation schedule for the Complaint for Declaratory Judgment filed in the Court of Common Pleas, Delaware County, in Docket No. CV-2023-000494 ("Declaratory Judgment Matter") and also for the Receiver for 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 Proceeding Pending Before the Pennsylvania Public Utilities [sic] Commission ("Bankruptcy Matter").

DELCORA Complaint for Declaratory Judgment

In this proceeding, Aqua filed preliminary objections to DELCORA's Complaint. The Court scheduled a hearing for October 12, 2023, however the presiding Judge cancelled the October 12th hearing and advised the parties that hearings on this matter would be postponed until a decision was rendered in the pending Appeal in Commonwealth Court at 1347 CD 2022, regarding the jurisdiction of the Court of Common Pleas. The Commonwealth Court initially scheduled this matter for oral argument on May 7, 2024, but notified the parties on April 29, 2024, that the Court would decide the matter on the submitted briefs.

On June 4, 2024, the Commonwealth Court entered an Order affirming and vacating portions of the Order of the Court of Common Pleas of Delaware County, dated September 13, 2022, in Case No. CV-2020-003185.



On December 3, 2024, the Delaware Court of Common Pleas issued an order sustaining Aqua's preliminary objections and dismissed DELCORA's complaint. In Judge Dozer's opinion, he held that, "there is no uncertainty, case or controversy as a matter of law, and therefore declaratory that there is relief is unnecessary and inappropriate."

Judge Dozer further stated that "as a result of prior decisions of this Court and the Commonwealth Court, the issues that Delcora asked this court to decide has already been fully litigated and decided, no uncertainty remains, and those issues can not be relitigated in this case." To this end, Judge Dozer concluded that "even if there was a potential case or controversy regarding the interpretation of the Commonwealth Court's decisions regarding the Ordinance, 2020-4 and the Asset Purchase Agreement, it is premature to raise any claim until the PUC acts on Aqua's PUC Application."

DELCORA did not seek to amend its complaint or file an appeal challenging the dismissal of its Complaint. As such the December 3rd Order is final and unappealable.

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

Very truly yours,

Michael P. Clarke

MPC:sy

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Aqua Pennsylvania :
Wastewater, Inc. pursuant to Sections 507, : Docket No. A-2019-3015173
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 :

CERTIFICATE OF SERVICE

I, Michael P. Clarke, hereby certify that I have on this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 3 March 2025

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Dated: March 3, 2025