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September 17, 2025

Matthew Homsher, 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 Ninth 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. However, a final unappealable decision in the Delaware County Court of Common Pleas on DELCORA's Complaint for Declaratory Judgment was entered on December 3, 2024.

***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").<sup>1</sup> This status remains unchanged, notwithstanding procedural developments summarized below

As previously noted, Aqua Pennsylvania Wastewater, Inc. ("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.

On February 7, 2025 the City filed an Emergency Motion to Enforce Stay and Impose Sanctions against CWA. On February 13, 2025, following a hearing, the Court bifurcated the request and granted the Motion to Enforce Stay, but continued the Motion to Impose Sanctions. The Court also entered an Order requiring CWA to

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produce documents requested by the City. On February 21, 2025, CWA filed a Motion for Clarification and/or Reconsideration of the Order Enforcing Stay. The Court entered an Amended Order Enforcing Stay the same day. CWA appealed the Amended Order Enforcing Stay which was docketed in the Eastern District of Pennsylvania to Docket No. 2:25-cv-0114-MRP (the "Eastern District Appeal"). On March 10, 2025, CWA filed a Motion for Stay Pending Appeal which was denied by the Bankruptcy Court on April 4, 2025. The City filed a Motion to Dismiss the Eastern District Appeal on April 17, 2025. On September 4, 2025, the Court granted the City's Motion and Dismissed the case.

Additionally, on June 11, 2025, an Adversary Complaint was filed on behalf of the Official Committee of Retired Municipal Employees of the City of Chester (the "Committee of Retirees"). On September 3, 2025, the Committee of Retirees filed an Emergency Motion for Leave, Standing, and Authority to Commence and Prosecute Certain Claims on Behalf of the Debtor in Light of the Receivers Failure to Bring Said Claims. The Court denied the emergency request, but set a hearing on the Motion for October 8, 2025.

On September 3, 2025, a hearing was held on the City's Motion for Sanctions that was filed back in February. The Court has taken the matter under advisement, but no ruling has been issued as of the date of this letter.

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

There are no further updates from Joint Movants' February 6, 2025 Status Update. As reported in the Joint Movants' Status Report provided on February 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 ("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.

On December 3, 2024, the Delaware County Court of Common Pleas entered an Order sustaining preliminary objections previously filed by Aqua and dismissing DELCORA's Complaint.

***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)***

There are no further updates from Joint Movants' February 6, 2025 Status Update. In the August 7, 2023, Status Report, the Joint Movants noted the civil complaint filed by Aqua, on June 16, 2023, for declaratory and

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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.

On October 31, 2024 and November 1, 2024, Aqua and DELCORA filed pre-trial memoranda each proposing to postpone development of a procedural schedule. On November 7, 2024, the Court issued a further scheduling order postponing development of a procedural schedule and setting a further pre-trial conference for March 26, 2025.

The Joint Movants will continue to provide further 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,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', with a long horizontal flourish extending to the right.

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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Adeolu A. Bakare

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Dated this 17<sup>th</sup> day of September, 2025, in Harrisburg, Pennsylvania