

# Buchanan

Ingersoll · Rooney

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May 12, 2023

**VIA E-FILING**

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 Section 1102 and 1329 of the Public Utility Code for Approval of the Acquisition by Aqua of the Wastewater System Assets of Willistown Township  
Docket No. A-2021-3027268

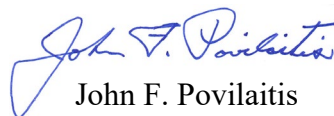
Dear Secretary Chiavetta:

This is to inform the Pennsylvania Public Utility Commission (“Commission”) that Aqua Pennsylvania Wastewater, Inc. (“Aqua”) has received correspondence from Shanna Lodge, Willistown Township (“Township”) Manager, that it is terminating the Asset Purchase Agreement (“APA”) between Aqua and the Township, for the purchase of the Township’s wastewater assets (the “Transaction”). See Attachment. The APA was submitted to the Commission as part of the above-captioned proceeding. Based on this correspondence terminating the APA, the Transaction will not be proceeding to closing and Aqua will not be providing the Commission notice that the Transaction has closed.

The July 8, 2022, final Order of the Commission concluding this proceeding was appealed to the Commonwealth Court at Dockets 822 CD 2022 and 838 CD 2022. Due to the action by the Township, it is Aqua’s expectation that these appeals will be discontinued.

Copies of this correspondence are being served on all Parties to this proceeding as indicated in the attached Certificate of Service. Thank you for your attention to this matter.

Very truly yours,

  
John F. Povilaitis

JFP/kas  
Enclosure  
cc: Certificate of Service

# **Attachment**



*Board of Supervisors of Willistown Township*  
*Chester County*  
688 Sugartown Road, Malvern, PA 19355  
Phone: 610.647.5300 Fax: 610.647.8156

April 15, 2023

*Via Federal Express — Tracking Number 3970 4900 0940*

Marc A. Lucca, President  
Aqua Pennsylvania Wastewater, Inc.  
762 W. Lancaster Avenue,  
Bryn Mawr, PA 19010

**Re: Notice Pursuant to that Certain Asset Purchase Agreement dated January 20, 2021 (the “Agreement”) between Willistown Township as Seller and Aqua Pennsylvania Wastewater, Inc. as Buyer**

Dear Mr. Lucca:

Reference is hereby made to the Agreement as defined above. This notice is given in accordance with Section 15.03 of the Agreement. All capitalized terms not otherwise defined in this notice have the definitions set forth for each term in the Agreement.

Pursuant to Section 14.01(b)(i) of the Agreement and your notice regarding the one-time right of extension, dated October 21, 2022, the Outside Date has occurred.

As permitted pursuant to Section 14.01(b)(i) of the Agreement, Seller hereby exercises its right to terminate the Agreement. The Agreement is hereby terminated and abandoned without liability or other obligation of either Party.

Very truly yours,

Shanna Lodge, Township Manager

*cc Via Federal Express – Tracking Number 3970 4900 0962*

Frances Orth, Esq.  
Vice President, Senior Managing Counsel  
762 W. Lancaster Avenue,  
Bryn Mawr, PA 19010

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania :  
Wastewater, Inc., pursuant to Section 1102 and :  
1329 of the Public Utility Code for Approval : Docket No. A-2021-3027268  
of the Acquisition by Aqua of the Wastewater :  
System Assets of Willistown Township :

**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.

**Via Email:**

Erika L. McLain, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
[ermclain@pa.gov](mailto:ermclain@pa.gov)

Erin K. Fure  
Assistant Small Business Advocate  
Office of Small Business Advocate  
[efure@pa.gov](mailto:efure@pa.gov)

Thomas Wyatt, Esquire  
Matthew S. Olesh, Esquire  
Sydney N. Melillo, Esquire  
Obermayer Rehmann Maxwell & Hippel, LLP  
[Thomas.Wyatt@obermayer.com](mailto:Thomas.Wyatt@obermayer.com)  
[Matthew.Olesh@obermayer.com](mailto:Matthew.Olesh@obermayer.com)  
[Sydney.Melillo@obermayer.com](mailto:Sydney.Melillo@obermayer.com)

Senator Tim Kearney  
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Michelle and Jeffrey Atchison  
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Mackenzie C. Battle  
Harrison W. Breitman  
Assistant Consumer Advocates  
Erin L. Gannon  
Christine Maloni Hoover  
Senior Assistant Consumer  
Advocates  
Office of Consumer Advocate  
[OCAAquaWillistown@paoca.org](mailto:OCAAquaWillistown@paoca.org)

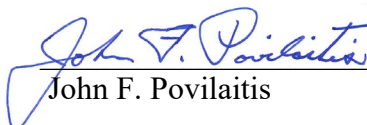
Andrew J. Zerby, Esquire  
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DATE: May 12, 2023

  
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John F. Povilaitis