Commonwealth Docket Sheet **Commonwealth Court of Pennsylvania**

Docket Number: 822 CD 2022

November 26, 2026

CAPTION

Patrick M. Cicero,
Consumer Advocate,
Petitioner
v.
Public Utility Commission,
Respondent

CASE INFORMATION

Initiating Document:	Petition for Review		
Case Status:	Closed		
Case Processing Status:	May 17, 2023	Completed	
Journal Number:	1-06-2023		
Case Category:	Administrative Agency	Case Type(s):	Public Utility Commission

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
838 CD 2022 Same Record Below	Related
910 CD 2022 Same Party	Related

COUNSEL INFORMATION

Petitioner **Cicero, Patrick M.**
IFP/Waiver:
Pro Se: No

Attorney: Gannon, Erin Leigh
Law Firm: Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA
Address: Pa Ofc Of Consumer Advocate
555 Walnut St 5th Fl
Harrisburg, PA 17101-1923
Phone No: (717) 780-4523 Fax No:

Attorney: Hoover, Christine Maloni
Law Firm: Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA
Address: Pa Ofc Of Consumer Advocate
555 Walnut St 5th Fl
Harrisburg, PA 17101-1923
Phone No: (717) 783-5048 Fax No:

Attorney: Breitman, Harrison William
Law Firm: Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA
Address: 555 Walnut St
5th Floor
Harrisburg, PA 17104
Phone No: (610) 209-0111 Fax No:

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COUNSEL INFORMATION

Attorney:	Battle, Mackenzie		
Law Firm:	Pennsylvania Office of Consumer Advocate		
Address:	Pa Office Of Consumer Advocate 555 Walnut St Fl 5 Harrisburg, PA 17101		
Phone No:	(518) 698-1490	Fax No:	

Attorney:	Zerby, Andrew Jon		
Law Firm:	Pennsylvania Office of Consumer Advocate		
Address:	555 Walnut St Fl 5 Harrisburg, PA 17101		
Phone No:	(717) 580-1804	Fax No:	

Amicus Curiae **Yordan, Henry**
IFP/Waiver:
Pro Se: Yes

Pro Se:	Henry Yordan
Address:	152 Grubb Road Malvern, PA 19355

Amicus Curiae **Swift, Robert A.**
IFP/Waiver:
Pro Se: No

Attorney:	Swift, Robert Alan		
Address:	Swift & Choi Development, LLC 13 Devon Road Malvern, PA 19355		
Phone No:	(215) 238-1700	Fax No:	

Amicus Curiae **Frissora, Julie**
IFP/Waiver:
Pro Se: Yes

Pro Se:	Julie Frissora
Address:	34 Chetwynd Road Paoli, PA 19301

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COUNSEL INFORMATION

Intervenor **Willistown Township**
IFP/Waiver:
Pro Se: No

Attorney: Wyatt, Thomas S.
Law Firm: Obermayer Rebmann Maxwell & Hippel LLP
Address: Obermayer Rebman Maxwell & Hippel Llp
1500 Market St Ste 3400 West
Philadelphia, PA 19102-2101
Phone No: (215) 665-3200 Fax No:

Attorney: Olesh, Matthew Stephan
Address: Obermayter Rebman Maxwell Hippel, LLP
1500 Market Street
Suite 3400
Philadelphia, PA 19102
Phone No: (412) 209-0870 Fax No: (412) 281-1530

Attorney: Melillo, Sydney Nicole
Law Firm: Obermayer Rebmann Maxwell & Hippel LLP
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Philadelphia, PA 19102
Phone No: (215) 665-3286 Fax No:

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COUNSEL INFORMATION

Intervenor **Aqua Pennsylvania Wastewater, Inc.**
IFP/Waiver:
Pro Se: No

Attorney:	Stahl, Alexander Roy	
Law Firm:	Aqua Services, Inc.	
Address:	Aqua Services Inc 762 W Lancaster Ave Bryn Mawr, PA 19010	
Phone No:	(610) 645-1130	Fax No:

Attorney:	Joyce, Kimberly Ann	
Law Firm:	Aqua America	
Address:	762 W Lancaster Ave Bryn Mawr, PA 19010	
Phone No:	(610) 883-3894	Fax No:

Attorney:	Seltzer, Alan Michael	
Law Firm:	Buchanan, Ingersoll & Rooney, P.C.	
Address:	Buchanan Ingersoll & Rooney Pc 409 N 2ND St Ste 500 Harrisburg, PA 17101-1357	
Phone No:	(717) 237-4862	Fax No:

Attorney:	Niesen, Thomas T.	
Law Firm:	Thomas, Niesen & Thomas, LLC	
Address:	Thomas Niesen & Thomas LLC 212 Locust St Ste 302 Harrisburg, PA 17101	
Phone No:	(717) 255-7600	Fax No:

Attorney:	Povilaitis, John F.	
Law Firm:	Buchanan, Ingersoll & Rooney, P.C.	
Address:	Buchanan Ingersoll & Rooney 409 N 2ND St Ste 500 Harrisburg, PA 17101-1357	
Phone No:	(717) 237-4825	Fax No:

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COUNSEL INFORMATION

Respondent **Public Utility Commission**
IFP/Waiver:
Pro Se: No

Attorney: Wiedt, Patricia Timmerman
Address: Pa Public Utility Comm Law Bur
Po Box 3265
Harrisburg, PA 17120
Phone No: (717) 787-5755 Fax No:

Attorney: Tate, Erin Nicole
Law Firm: Pennsylvania Public Utility Commission
Address: P.o. Box 3265
Harrisburg, PA 17105-3265
Phone No: (717) 214-1956 Fax No:

Attorney: Wilson, Stephanie
Law Firm: Pennsylvania Public Utility Commission
Address: Pa Public Utility Commission
P.o. Box 3265
Harrisburg, PA 17105-3265
Phone No: (717) 787-1859 Fax No:

Attorney: Hinken, Hayley Eileen
Law Firm: Pennsylvania Public Utility Commission
Address: Pa Public Utility Commission
P.o. Box 3265
Harrisburg, PA 17105-3265
Phone No: (717) 214-9594 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/05/2022	Petition for Review - Appellate	90.25	08/05/2022	2022-CMW-H-001496	90.25
12/14/2022	Copy Work (Per Page)	432.50	01/18/2023	2023-CMW-H-000089	432.50
01/05/2023	Copy Work (Per Page)	15.00	02/06/2023	2023-CMW-H-000222	15.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: July 8, 2022 Notice of Appeal Filed:
Order Type: Order Entered
Documents Received: August 5, 2022

Court Below: Public Utility Commission
County: Division: Public Utility Commission
Judge: OTN:
Docket Number: A-2021-3027268 Judicial District:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Agency Record	September 26, 2022	

Date of Remand of Record: June 17, 2025

BRIEFING SCHEDULE

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Commonwealth Docket Sheet **Commonwealth Court of Pennsylvania**

Docket Number: 822 CD 2022

November 26, 2026

BRIEFING SCHEDULE

Amicus Curiae
Swift, Robert A.
Brief
Due: Filed: November 8, 2022

Intervenor
Aqua Pennsylvania Wastewater, Inc.
Brief
Due: Filed: December 7, 2022

Petitioner
Cicero, Patrick M.
Brief
Due: November 7, 2022 Filed: November 7, 2022

Respondent
Public Utility Commission
Brief
Due: December 12, 2022 Filed: December 7, 2022

Reply Brief
Due: Filed: December 21, 2022

Reproduced Record
Due: Filed: November 7, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 5, 2022	Petition for Review Filed			
	Cicero, Patrick M.		Petitioner	
August 15, 2022	Notice Exited			
	Commonwealth Court Filing Office			
August 16, 2022	Entry of Appearance			
	Wilson, Stephanie	Public Utility Commission	Respondent	
	Hinken, Hayley Eileen	Public Utility Commission	Respondent	
Document Name:	of Attys Wilson, Dunn, and Weidt for Respondent			
August 16, 2022	Notice of Intervention			
	Povilaitis, John F.	Aqua Pennsylvania Wastewater, Inc.	Intervenor	
Document Name:	of Aqua Pennsylvania Wastewater, Inc.			
August 26, 2022	Docketing Statement Filed			
	Gannon, Erin Leigh	Cicero, Patrick M.	Petitioner	
September 2, 2022	Notice of Intervention			
	Melillo, Sydney Nicole	Willistown Township	Intervenor	
Document Name:	of Willistown Township			
September 6, 2022	Notice of Intervention			
	Frissora, Julie		Amicus Curiae	
Document Name:	of Julie Frissora			
September 6, 2022	Notice of Intervention			
	Yordan, Henry		Amicus Curiae	
Document Name:	of Henry Yordan			
September 26, 2022	Agency Record Received			
	Wilson, Stephanie	Public Utility Commission	Respondent	
Document Name:	Certified List.			

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Commonwealth Docket Sheet **Commonwealth Court of Pennsylvania**

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November 26, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 26, 2022	Briefing Schedule Issued Commonwealth Court Filing Office			
October 5, 2022	Designation of Contents of Reproduced Record Gannon, Erin Leigh	Cicero, Patrick M.	Petitioner	
October 6, 2022	Application for Consolidation Wilson, Stephanie	Public Utility Commission	Respondent	
Document Name:	PUC's Application to Consolidate 822 & 838 CD 2022			
October 13, 2022	Designation of Contents of Reproduced Record Povilaitis, John F.	Aqua Pennsylvania Wastewater, Inc.	Intervenor	
Document Name:	Counter-Designatioin of Aqua PA Wastewater, Inc.			
October 14, 2022	Answer to Application for Consolidation Gannon, Erin Leigh	Cicero, Patrick M.	Petitioner	
October 27, 2022	Order Denying Application for Consolidation Per Curiam			10/27/2022
Document Name:	The above cases shall proceed ad seriatim.			
Comment:	NOW, October 27, 2022, upon consideration of the Public Utility Commission's (PUC) Application to Consolidate Appeals (Application), wherein the PUC seeks to consolidate the matter at No. 838 C.D. 2022 with the Office of Consumer Advocate's appeal at No. 822 C.D. 2022, which Application is supported by Petitioner Robert Swift and Intervenor Aqua Pennsylvania Wastewater, Inc., and which is opposed by the Office of Consumer Advocate, the Application is DENIED. The above cases shall proceed ad seriatim.			
November 7, 2022	Petitioner's Brief Filed Cicero, Patrick M.		Petitioner	
November 7, 2022	Petitioner's Reproduced Record Filed Gannon, Erin Leigh	Cicero, Patrick M.	Petitioner	
November 8, 2022	Amicus Curiae Brief Swift, Robert Alan	Swift, Robert A.	Amicus Curiae	
November 15, 2022	Entry of Appearance Zerby, Andrew Jon	Cicero, Patrick M.	Petitioner	
Document Name:	Atty. Andrew J. Zerby for Petitioner			
December 7, 2022	Respondent's Brief Filed Public Utility Commission		Respondent	
December 7, 2022	Intervenor's Brief Aqua Pennsylvania Wastewater, Inc.		Intervenor	
December 21, 2022	Petitioner's Reply Brief Filed Cicero, Patrick M.		Petitioner	
January 19, 2023	Tentative Session Date Krimmel, Michael			
Document Name:	April 2023 (Harrisburg)			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 24, 2023	Tentative Session Date Krimmel, Michael			
Document Name:	June 2023 (Philadelphia)			
February 8, 2023	Order Filed Per Curiam			02/08/2023
Document Name:	Striking the Notice of Intervention filed by Robert Swift			
Comment:	NOW, February 7, 2023, upon review of the Notice of Intervention filed by Robert Swift (Swift), pro se, wherein he attempts to intervene as a party petitioner, the Notice of Intervention is hereby STRICKEN as unauthorized. "Courts disapprove of filing notices to intervene in lieu of a petition for review, and the practice of intervening as a party petitioner is not permitted." UnitedHealthcare of Pennsylvania, Inc., v. Baron, 171 A.3d 943, 951 (Pa. Cmwlth. 2017), citing "G. DARLINGTON, ET AL., PA. APPELLATE PRACTICE, § 1531:3 (2011-12 ed. 2011)." See G. DARLINGTON, ET AL., PA. APPELLATE PRACTICE, § 1531:3 (2022-23 ed. 2022) (Intervention may not be used as an alternative to filing a petition for review to attain judicial review of a governmental determination.). In addition, the Brief of Intervenor, filed by Swift as a non-party during merits briefing on November 8, 2022, will be treated as an amicus curiae brief. See Pa.R.A.P. 531(a) and (b)(1).			
February 8, 2023	Order Filed Per Curiam			02/08/2023
Document Name:	Henry Yordan's Notice of Intervention stricken as unauthorized / amicus curiae due March 10, 2023			
Comment:	NOW, February 8, 2023, upon review of the Notice of Intervention filed by Henry Yordan, pro se, wherein Yordan avers that he "intervenes in this matter as a party Petitioner," the Notice of Intervention is hereby STRICKEN as unauthorized. "Courts disapprove of filing notices to intervene in lieu of a petition for review, and the practice of intervening as a party petitioner is not permitted." UnitedHealthcare of Pennsylvania, Inc., v. Baron, 171 A.3d 943, 951 (Pa. Cmwlth. 2017), citing "G. DARLINGTON, ET AL., PA. APPELLATE PRACTICE, § 1531:3 (2011-12 ed. 2011)." See G. DARLINGTON, ET AL., PA. APPELLATE PRACTICE, § 1531:3 (2022-23 ed. 2022) (Intervention may not be used as an alternative to filing a petition for review to attain judicial review of a governmental determination.). As a non-party, Yordan is GRANTED leave to file (4 copies) and serve (1 copy) an amicus curiae brief on or before March 10, 2023. See Pa.R.A.P. 531			
February 8, 2023	Order Filed Per Curiam			02/08/2023
Document Name:	Julie Frissora's Notice of Intervention stricken as unauthorized / amicus curiae due March 10, 2023			
Comment:	NOW, February 8, 2023, upon review of the Notice of Intervention filed by Julie Frissora, pro se, wherein Frissora avers that she "intervenes in this matter as a party Petitioner," the Notice of Intervention is hereby STRICKEN as unauthorized. "Courts disapprove of filing notices to intervene in lieu of a petition for review, and the practice of intervening as a party petitioner is not permitted." UnitedHealthcare of Pennsylvania, Inc., v. Baron, 171 A.3d 943, 951 (Pa. Cmwlth. 2017), citing "G. DARLINGTON, ET AL., PA. APPELLATE PRACTICE, § 1531:3 (2011-12 ed. 2011)." See G. DARLINGTON, ET AL., PA. APPELLATE PRACTICE, § 1531:3 (2022-23 ed. 2022) (Intervention may not be used as an alternative to filing a petition for review to attain judicial review of a governmental determination.). As a non-party, Frissora is GRANTED leave to file (4 copies) and serve (1 copy) an amicus curiae brief on or before March 10, 2023. See Pa.R.A.P. 531.			
February 28, 2023	Entry of Appearance Tate, Erin Nicole	Public Utility Commission	Respondent	
Document Name:	of Erin Tate, esq. for PUC			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 5, 2023	Praecipe for Withdrawal of Appearance			
	Hicks, Renardo Lee	Public Utility Commission	Respondent	
Document Name:	of Renardo Hicks, esq.			
April 19, 2023	Argument Scheduled			
	Krimmel, Michael			
Document Name:	MONDAY, June 5, 2023 @ 1:00 p.m. (Panel), Court Room 1, Ninth Floor, Widener Building,			
Comment:	1339 Chestnut Street, Philadelphia, PA No. 1 on the list.			
May 3, 2023	Order - Rule to Show Cause			05/03/2023
	Per Curiam			
Document Name:	Rule to Show Cause as to why Petion Should Not be Dismissed as Moot / Reurnable in 7 Days			
Comment:	NOW, May 3, 2023, because the sale of the Willistown Township Sewer System to Aqua Pennsylvania Wastewater, Inc. that was authorized by the Pennsylvania Public Utility Commission's (Commission) July 8, 2022 Order has been terminated by the Willistown Township Board of Supervisors ,1 and because the Commission's authorization of this now-terminated sale is the subject of Patrick M. Cicero, Consumer Advocate's (Petitioner) petition for review, a Rule to Show Cause why said petition for review should not be dismissed as moot is issued against Petitioner. The Rule is returnable within 7 days from the exit date of this Order. In responding to the Rule, Petitioner shall serve a copy of the response on the Commission and Intervenors and provide proof of service.			
May 3, 2023	Answer to Rule to Show Cause Why Action Should Not Be Dismissed For Failure to Prosecute			
	Battle, Mackenzie	Cicero, Patrick M.	Petitioner	
Document Name:	and Request to Discontinue Appeal and Remand to Vacate			
May 5, 2023	Application for Relief			
	Hinken, Hayley Eileen	Public Utility Commission	Respondent	
Document Name:	of the PUC for Leave to File a Reply to Petitioner's Answer to this Court's Order-Rule to Show Cause			
May 9, 2023	Order Granting Application for Relief			05/09/2023
	Per Curiam			
Document Name:	PUC's Reply to Answer to Rule to Show Cause is Accepted			
Comment:	NOW, May 9, 2023, upon consideration of the "Application for Relief of the Pennsylvania Public Utility Commission For Leave to File a Reply to Petitioner's Answer to this Court's Order - Rule to Show Cause" (Application) filed by Respondent Public Utility Commission, the Application is GRANTED. Respondent's Reply to Petitioner Patrick M. Cicero's Answer to this Court's May 3, 2023 Rule to Show Cause, set forth in pages 6 through 12 of the Application, is accepted, and the Prothonotary is directed to docket it as such.			
May 9, 2023	Answer Filed			
	Hinken, Hayley Eileen	Public Utility Commission	Respondent	
Document Name:	Respondent's Reply to Answer to Rule to Show Cause			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 17, 2023	Dismissal Per Curiam			05/17/2023
Document Name:	Upon Consideration to Answer to Rule to Show Cause This matter is Dismissed as Moot			
Comment:	NOW, May 17, 2023, upon consideration of Petitioner Patrick M. Cicero's Answer (Answer) to this Court's May 3, 2023 Rule to Show Cause, and the Respondent Public Utility Commission's (Commission) reply (Reply) thereto, in which both parties agree Petitioner's petition for review is now moot, the Court agrees this matter is moot. As such, the Court lacks jurisdiction to consider the matter, see Brown v. Liquor Control Board, 673 A.2d 21 (Pa. Cmwlth. 1996) ("When [a] matter does not present a case or controversy, the courts have consistently held that they were without jurisdiction to hear the matter."), and Petitioner's petition for review is DISMISSED AS MOOT. The oral argument on this petition for review currently scheduled for June 5, 2023, is CANCELLED.			
June 17, 2025	Remitted Commonwealth Court Filing Office			
Document Name:	PACFiled RECORD. NO ACKNOWLEDGEMENT NEEDED.			
July 24, 2025	Acknowledgement of Record Remittal Public Utility Commission			

SESSION INFORMATION

Journal Number:	1-06-2023
Consideration Type:	Oral Argument - Panel
Listed/Submitted Date:	June 5, 2023

DISPOSITION INFORMATION

Final Disposition:	Yes		
Related Journal No:		Judgment Date:	
Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Dismissal	Disposition Date:	May 17, 2023
Disposition Comment:	NOW, May 17, 2023, upon consideration of Petitioner Patrick M. Cicero's Answer (Answer) to this Court's May 3, 2023 Rule to Show Cause, and the Respondent Public Utility Commission's (Commission) reply (Reply) thereto, in which both parties agree Petitioner's petition for review is now moot, the Court agrees this matter is moot. As such, the Court lacks jurisdiction to consider the matter, see Brown v. Liquor Control Board, 673 A.2d 21 (Pa. Cmwlth. 1996) ("When [a] matter does not present a case or controversy, the courts have consistently held that they were without jurisdiction to hear the matter."), and Petitioner's petition for review is DISMISSED AS MOOT. The oral argument on this petition for review currently scheduled for June 5, 2023, is CANCELLED.		
Dispositional Filing:		Filing Author:	
Filed Date:			

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