

## Commonwealth Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 822 CD 2022

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August 19, 2025



## 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.

Pro Se: No

IFP Status:

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

**Petitioner** Cicero, Patrick M.

Pro Se: No

IFP Status:

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

Pro Se: Yes

IFP Status:

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

**Amicus Curiae** Swift, Robert A.

Pro Se: No

IFP Status:

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

Pro Se: Yes

IFP Status:

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

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## COUNSEL INFORMATION

Intervenor Willistown Township

Pro Se: No

IFP Status:

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  
Address: 1500 Market St Ste 3400  
Philadelphia, PA 19102  
Phone No: (215) 665-3286 Fax No:

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## COUNSEL INFORMATION

Intervenor Aqua Pennsylvania Wastewater, Inc.

Pro Se: No

IFP Status:

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 &amp; 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 &amp; 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 &amp; 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

Pro Se:

No

IFP Status:

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

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>September 26, 2022</b>	Briefing Schedule Issued Commonwealth Court Filing Office			
<b>October 5, 2022</b>	Designation of Contents of Reproduced Record Gannon, Erin Leigh	Cicero, Patrick M.	Petitioner	
<b>October 6, 2022</b>	Application for Consolidation Wilson, Stephanie Document Name: PUC's Application to Consolidate 822 & 838 CD 2022	Public Utility Commission	Respondent	
<b>October 13, 2022</b>	Designation of Contents of Reproduced Record Povilaitis, John F. Document Name: Counter-Designation of Aqua PA Wastewater, Inc.	Aqua Pennsylvania Wastewater, Inc. Intervenor		
<b>October 14, 2022</b>	Answer to Application for Consolidation Gannon, Erin Leigh	Cicero, Patrick M.	Petitioner	
<b>October 27, 2022</b>	Order Denying Application for Consolidation Per Curiam 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.			10/27/2022
<b>November 7, 2022</b>	Petitioner's Brief Filed Cicero, Patrick M.		Petitioner	
<b>November 7, 2022</b>	Petitioner's Reproduced Record Filed Gannon, Erin Leigh	Cicero, Patrick M.	Petitioner	
<b>November 8, 2022</b>	Amicus Curiae Brief Swift, Robert Alan	Swift, Robert A.	Amicus Curiae	
<b>November 15, 2022</b>	Entry of Appearance Zerby, Andrew Jon Document Name: Atty. Andrew J. Zerby for Petitioner	Cicero, Patrick M.	Petitioner	
<b>December 7, 2022</b>	Respondent's Brief Filed Public Utility Commission		Respondent	
<b>December 7, 2022</b>	Intervenor's Brief Aqua Pennsylvania Wastewater, Inc.		Intervenor	
<b>December 21, 2022</b>	Petitioner's Reply Brief Filed Cicero, Patrick M.		Petitioner	
<b>January 19, 2023</b>	Tentative Session Date Krimmel, Michael Document Name: April 2023 (Harrisburg)			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>January 24, 2023</b>	Tentative Session Date Krimmel, Michael Document Name: June 2023 (Philadelphia)			
<b>February 8, 2023</b>	Order Filed Per Curiam 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).			02/08/2023
<b>February 8, 2023</b>	Order Filed Per Curiam 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			02/08/2023
<b>February 8, 2023</b>	Order Filed Per Curiam 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.			02/08/2023
<b>February 28, 2023</b>	Entry of Appearance Tate, Erin Nicole Document Name: of Erin Tate, esq. for PUC	Public Utility Commission	Respondent	



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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>April 5, 2023</b>	Praecipe for Withdrawal of Appearance Hicks, Renardo Lee	Public Utility Commission	Respondent	
	Document Name: of Renardo Hicks, esq.			
<b>April 19, 2023</b>	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.			
<b>May 3, 2023</b>	Order - Rule to Show Cause Per Curiam			05/03/2023
	Document Name: Rule to Show Cause as to why Petition Should Not be Dismissed as Moot / Returnable 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 Intervenor and provide proof of service.			
<b>May 3, 2023</b>	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			
<b>May 5, 2023</b>	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			
<b>May 9, 2023</b>	Order Granting Application for Relief Per Curiam			05/09/2023
	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.			
<b>May 9, 2023</b>	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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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>May 17, 2023</b>	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.				
<b>June 17, 2025</b>	Remitted Commonwealth Court Filing Office			
Document Name: PACFiled RECORD. NO ACKNOWLEDGEMENT NEEDED.				
<b>July 24, 2025</b>	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: