



Listen Live • All Things Considered



♥ Donate



## Enter to Win

Billy Joel & Stevie Nicks floor seat tickets.

Donate

COURTS & LAW

ECONOMY

ENVIRONMENT

GOVERNMENT

PENNSYLVANIA

# Pa. Supreme Court agrees to hear appeal of Chester Water Authority sale to Aqua

The city of Chester sees sale of the CWA as a ticket to financial recovery, but the authority and customers opposed to the sale will get another day in court.



By Kenny Cooper · April 13, 2022



📷 File photo: Chester, Pa. (Kimberly Paynter/WHYY)

There's a lot at stake in the [brewing fight over the Chester Water Authority](#). Now, the Pennsylvania Supreme Court will likely take on the case after granting the water authority permission to appeal a previous ruling from a lower court.

Since 2017, Aqua Pennsylvania has been dead set on acquiring the water authority from the cash-strapped city that created it in 1939. Meanwhile, the CWA has argued that it is an independent entity from Chester, tying the issue up in court.

Excited to have the opportunity to present arguments before the state Supreme Court, Francis Catania, the solicitor for the CWA, told WHYY News that he is appreciative of the court recognizing the "hugely important issue" in its Monday order.

"Water is fundamental to life, so I can't overstate the importance of the court addressing the issue. What underlies the whole case is the public control over their own water — their own drinking water," Catania said.



WHYY thanks our sponsors — become a WHYY sponsor

He's not sure in what capacity the court will hear the case as he is waiting for a schedule, but a more substantive brief from CWA will be filed in the coming weeks.

**4.11.22 Order Granting Petition for Allowance of Appeal** by **WHYY News** on Scribd

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

IN RE: CHESTER WATER AUTHORITY TRUST	:	No. 519 MAL 2021
	:	
	:	
PETITION OF: CHESTER WATER AUTHORITY	:	Petition for Allowance of Appeal from the Order of the Commonwealth Court
IN RE: CHESTER WATER AUTHORITY TRUST	:	No. 520 MAL 2021
	:	
	:	
PETITION OF: CHESTER WATER AUTHORITY	:	Petition for Allowance of Appeal from the Order of the Commonwealth Court
CITY OF CHESTER	:	No. 521 MAL 2021
	:	
	:	
v.	:	Petition for Allowance of Appeal from the Order of the Commonwealth Court
CHESTER WATER AUTHORITY NICOLE WHITAKER, WANDA MANN, MICHELLE CONTE. TYLER THERRIAULT. ESQUIRE.	:	

[Download this PDF](#)

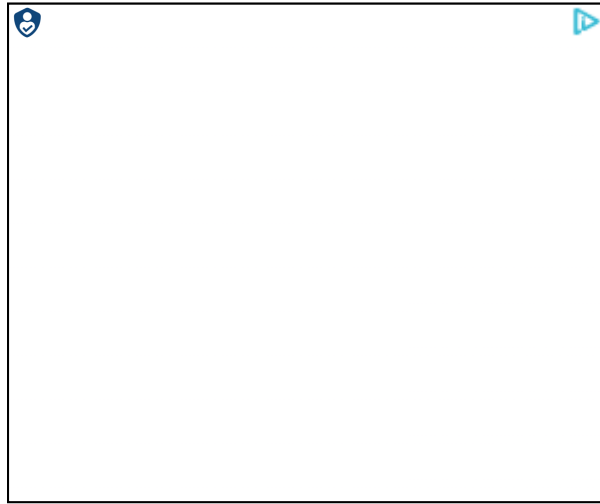
1 of 3



Based in the city of Chester, the CWA is one of the region's largest public water systems, serving more than 200,000 people across 37 municipalities in both Delaware and Chester counties.

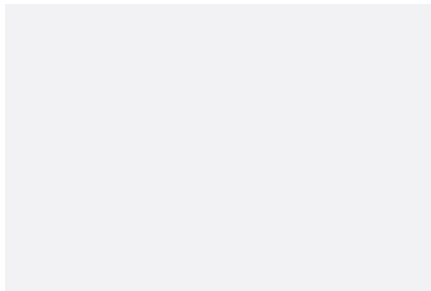
The large customer base caught the attention of Aqua Pennsylvania, one of the largest water and wastewater service providers in the region that already serves about 1.5 million people across the state.

In a 5-2 September decision, Commonwealth Court ruled that the city of Chester is the sole owner of the water authority. Immediately following the decision, city officials and Aqua made a move.



WHYY thanks our sponsors — become a WHYY sponsor

## Related Content



COMMUNITY

### **What's at stake in the fight over the Chester Water Authority**

*1 year ago*

Chester City Council [unanimously voted to approve a \\$410 million asset purchase agreement](#) with Aqua, which prompted the CWA to file an appeal with the Pennsylvania Supreme Court.

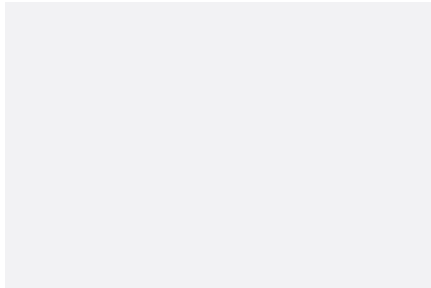
Before the Supreme Court decided to step in, all eyes were on the state-appointed receiver in Chester, Michael Doweary. Since 2020, he has been tasked with rescuing the financially distressed city from the brink of bankruptcy.

Even though Doweary is not necessarily aligned with the viewpoint of city officials that the authority should be sold to Aqua, he views the CWA as a potential life preserver for the economically sinking city.

Given the fact that Doweary has final say on financial decisions in the city, the decision was in his hands to greenlight the potential sale to Aqua. The recent movement from the state Supreme Court further delays that. In a statement to WHYY News, Vijay Kapoor, chief of staff to the receiver, said that they expected litigation to continue.

“We’re confident that the Pa. Supreme Court will uphold the Commonwealth Court’s decision. As we’ve repeatedly said, for Chester to address its pension issues, it needs to both monetize the Water Authority and to reduce retiree benefit costs. The Pa. Supreme Court taking up this case doesn’t change that reality,” the statement read.

## Related Content



KEYSTONE CROSSROADS • COURTS & LAW

### **Chester County judge reinstates 5 previously axed West Chester school board members in mask case — for now**

*1 year ago*

While the spokesperson for the city of Chester did not respond to WHY News’ request for comment, Aqua said in a statement that the Commonwealth Court got it right and that it’s “in the best interest of the city of Chester and CWA customers” for the deal to go through.

“While we understand the court granted Allocatur (permission to appeal), most likely as the Pa. Supreme Court has never previously considered these issues, we are confident that it will ultimately affirm the Commonwealth Court majority’s well-reasoned decision,” the statement read.

Although the CWA will likely find its way back in the courtroom, applications filed in support of the water authority by Speaker of the House of Pennsylvania Representatives Bryan Cutler and Representative John Lawrence as well as the Food and Water Watch were denied as moot by the Pa. Supreme Court.

Once the court receives the briefs, the court will look to answer two central questions: whether Chester has the right to “seize” and sell the CWA, and whether the Commonwealth Court followed precedent on a previous decision.