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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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RETURN RECEIPT REQUESTED

May 11, 2015

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

Re: Eagle Rock Resort-Request for Exemption from Underground  
Requirement at 52 PA Code 57.86

Dear Mr. McNulty:

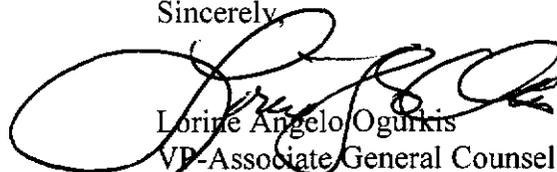
I represent the owners and developers of Eagle Rock Resort, a private gated development located over 7,000 acres in both Luzerne and Schuylkill County.

I am seeking an exemption from the Pennsylvania Public Utility Commission's 52 PA Code 57.86 requiring electric distribution facilities be installed underground in the latest subdivisions to be developed within Eagle Rock. The present developer, who I represent, took over this once failing bankrupt development known as Valley of the Lakes in 1996. Since then, they have turned this once bankrupt development into a thriving community consisting over 8,000 property owners. Eagle Rock has not had to date construct underground facilities due to the extreme rock located throughout the entire Resort, hence the name "Eagle Rock."

In further support of this request, please find attached letter in support of this request from Eagle Rock's Engineer, Michael J. Brinkash, Jr. P.E.

Therefore, we respectfully request that your Honorable Commission grant Eagle Rock an exemption from 52 PA Code 57.86 for the specific reasons: (I) Aesthetically the entire Resort has overhead lines and the developer wants to keep the look the same as the rest of the Resort; (II) the majority of houses located within the Resort are secondary homes and are not used for year-round occupancy, and (III) the installment of an underground electric distribution system would impose a serious hardship on the developer.

Sincerely,



Lorine Angelo Ogurkis  
VP-Associate General Counsel



**BRINKASH  
& ASSOCIATES, INC**  
SURVEYING & ENGINEERING

1713 Centre Street ♦ Ashland Pa 17921 ♦ Phone: (570)-875-1018 ♦ Fax: (570)-875-1670

April 29, 2015

Commonwealth of Pennsylvania  
Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3625

Re: Justification for Petition for Request Waiver of Underground Requirement for  
Developments Eagle Rock Resort Company – Hidden Forest

Ladies and Gentlemen:

On behalf of our client, Eagle Rock Resort Company, we are providing this letter as justification of the waiver request for underground requirements for the Hidden Forest Section of Eagle Rock Resort Company. As the consulting civil engineer for this subdivision, we feel that it is impossible to install underground electric service at this location. The following are reasons that support our claim.

1. Roadside swales: Adequate stormwater drainage is of the up most concern at Eagle Rock from an environmental standpoint. Roadside swale design is subject to an arduous process that is that includes review by the Pennsylvania Department of Environmental Protection, Schuylkill County Conservation District, Schuylkill County Planning Commission and the Township. The use of roadside swales is encouraged to provide adequate conveyance and promote water quality and based on latest regulations, these swales have become much larger than in the past to meet Post Construction Stormwater Management requirements and along with the roadway, essentially encompass the entire road rights of way. Under Eagle Rock's NPDES permit, constant inspection and maintenance is required and any presence of underground electric would conflict with on-going upkeep which includes the requirement to re-grade and re-locate swales if necessary.

2. Conflicts with other underground utilities: Eagle Rock Resort utilizes public sewer and water which also must be installed within the roadways. Because of the previously described swales, many locations require that these utilities encroach within the residential lots by rights contained in front lot easements. The addition of a third underground utility in these areas would be impossible to accommodate.

3. Steep Topography / Subsurface Geology: Many areas of Eagle Rock are constructed on steep slopes with heavy rock formations. Subsurface blasting and rock removal is required for water

and sewer in many locations. There is a serious maintenance issue in this areas as once final grades are achieved, access to an underground electric facility would be difficult as has been the case with water and sewer services.

If you have any questions or require additional information, please feel free to contact me at 570-875-1018 or email at [mikejr@brinkash.com](mailto:mikejr@brinkash.com). Thank you for your consideration in this matter.

Sincerely,



Michael P. Brinkash PLS, PE  
Brinkash & Associates, Inc.

cc: Randy Gracy, Eagle Rock Resort Co.  
Dan Durange, Eagle Rock Resort Co.  
Lorine Ogurkis, Esq., Eagle Rock Resort Co.



**EAGLE ROCK**

• RESORT •  
BLUE MOUNTAINS, PA

1 COUNTRY CLUB DRIVE  
HAZLE TOWNSHIP, PA 18202



LEHIGH VALLEY  
PA 180  
12 MAY '15  
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MAILED FROM ZIP CODE 18202

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