



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 17, 2022

Via Electronic Filing

Administrative Law Judge Steven K. Haas
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: StoneyBank Development LLC v.
The Walnut Hill Utility Company
Docket No. C-2020-3022179
I&E Letter

Dear Judge Haas:

The Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission (I&E) is in receipt of a prehearing conference notice in the above-captioned matter dated November 3, 2022 which schedules a telephonic pre-hearing conference for January 5, 2023. Parties were directed to serve prehearing conference memoranda on or before December 29, 2022. By Notice dated November 16, 2022, the assigned administrative law judge was changed from Deputy Chief Administrative Law Judge Joel Cheskis to Administrative Law Judge Steven K. Haas.

This letter is to provide notice to the assigned presiding officer and parties that I&E will not be participating in this matter. On January 2, 2020, I&E initiated its own independent investigation regarding the jurisdictional status of The Walnut Hill Utility Company (Walnut Hill). By correspondence provided to Walnut Hill dated August 20, 2020, I&E advised that it elected to terminate the investigation of Walnut Hill without prejudice pursuant to 52 Pa. Code § 3.113(b)(1), as I&E determined that Walnut Hill had not provided wastewater service for compensation as a *de facto* public utility. The termination of I&E's investigation, however, was predicated upon Walnut Hill's representation that it would terminate the Sanitary Sewage Agreement between Walnut Hill, StoneyBank Development LLC (StoneyBank), and Mark and Nancy Beard (the Beards), as they would not have become members of the *bona fide* cooperative association that I&E concluded renders Walnut Hill exempt from the definition of "public utility."

I&E subsequently learned that on March 24, 2021, the majority of Walnut Hill members voted to admit the residents of StoneyBank and the Beards to the Walnut Hill cooperative association. By letter dated April 27, 2021 and addressed to Walnut Hill, I&E advised that it removed the conditions requiring that the Sanitary Sewage Agreement be terminated and prohibiting Walnut Hill from serving the Beards and properties developed by StoneyBank from the termination of I&E's investigation, since the residents of StoneyBank and the Beards became members of the Walnut Hill cooperative association, subject to the rights associated therein.

Since I&E's April 27, 2021 letter concerning the termination of I&E's investigation, I&E has had no further involvement in the dispute between Walnut Hill and StoneyBank. Accordingly, please be advised that I&E is not a party to this proceeding and, as such, does not intend to participate in the Prehearing Conference scheduled for January 5, 2023 or otherwise participate in this matter. I&E requests that its representatives be removed from the service list. Thank you.

Sincerely,



Michael L. Swindler
Deputy Chief Prosecutor
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MLS/jfm
Enclosures

cc: Rosemary Chiavetta, Secretary, PUC (*via electronic filing*)
Richard Kanaskie, Director, Bureau of Investigation and Enforcement (*via email only*)
Per Certificate of Service (*via electronic mail only*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

StoneyBank Development, LLC	:	
	:	
v.	:	Docket No.: C-2020-3022179
	:	
The Walnut Hill Utility Company	:	

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Letter** dated November 17, 2022, in the manner and upon the person listed below.

Served via Electronic Mail Only

Hon. Steven K. Haas
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