**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

StoneyBank Development LLC :

:

v. : C-2020-3022179

:

The Walnut Hill Utility Company :

**ORDER GRANTING**

**MOTION OF STONEYBANK DEVELOPMENT LLC**

**TO HOLD THIS MATTER IN ABEYANCE**

On September 24, 2020, StoneyBank Development LLC (StoneyBank) filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) against The Walnut Hill Utility Company (Walnut Hill), alleging that Walnut Hill was offering, and/or was furnishing, wastewater service to the public for compensation without a certificate of public convenience (“Certificate”) in violation of the Pennsylvania Public Utility Code (“Code”). On October 19, 2020, Walnut Hill filed its Answer to the Complaint. Also on October 19, 2020, Walnut Hill filed Preliminary Objections. Among other things, the Preliminary Objections alleged that the Commission lacks jurisdiction over Walnut Hill because it is a *bona fide* cooperative association. On November 24, 2020, Deputy Chief Administrative Law Judge Joel H. Cheskis (“Judge Cheskis”) issued an Order Denying Preliminary Objections.

On February 5, 2021, StoneyBank and Walnut Hill filed a Joint Status Report stating that they had reached a settlement in principle to resolve this matter, subject to the result of a vote to be held at an upcoming meeting of the users of Walnut Hill. On February 12, 2021, Judge Cheskis issued an Order Granting Request for Abeyance, which held this matter in abeyance, but directed StoneyBank and Walnut Hill to submit a status report by April 5, 2021.

On April 1, 2021, StoneyBank filed a Petition for Leave to Withdraw Complaint (“Petition to Withdraw”), based on the agreement reached by StoneyBank and Walnut Hill. The

Petition to Withdraw was unopposed. On April 21, 2021, Judge Cheskis issued an Initial Decision granting StoneyBank’s Petition to Withdraw. A Final Order was entered by the Commission on May 25, 2021.

On June 28, 2022, StoneyBank filed a Petition to Rescind or Amend the Final Order Entered on May 25, 2021 (“Petition to Rescind”). On July 26, 2022, Walnut Hill filed its Answer to StoneyBank’s Petition to Rescind. On October 27, 2022, the Commission entered an Opinion and Order granting StoneyBank’s Petition to Rescind and remanding the case to the Office of Administrative Law Judge for further proceedings.

On November 16, 2022, the Commission issued a Judge Change Notice, notifying the Parties that I would now preside over this matter. On March 29, 2023, the Commission issued a notice scheduling another Prehearing Conference for April 26, 2023. I issued a Prehearing Conference Order that same day.

At the Prehearing Conference of April 26, 2023, StoneyBank and Walnut Hill jointly requested that this matter be held in abeyance to give them additional time to negotiate a settlement. I granted that request and scheduled a telephonic status conference approximately thirty days later. Additional status conferences were held approximately every thirty (30) days thereafter.

On October 27, 2023, StoneyBank filed with the Commission a Motion to Hold this Matter in Abeyance. In its Motion, StoneyBank indicated that the Parties had reached an agreement in principle and that they expected to execute a Sanitary Sewage Agreement (Agreement) in the near future. StoneyBank stated that the Agreement would not take effect until certain preconditions occurred including, but not limited to, obtaining certain government approvals for the transaction and obtaining necessary easements. StoneyBank requests that the proceeding be held in abeyance to provide the Parties with additional time to pursue satisfaction of the preconditions and completion of the Agreement. StoneyBank, in consultation with Walnut Hill, will provide periodic updates on the status of the preconditions. StoneyBank indicated it has been authorized by Walnut Hill to represent that Walnut Hill neither supports nor opposes the Motion.

Based on the representations made by StoneyBank in its Motion about the Parties’ efforts and progress in reaching a settlement of this matter, I will grant the Motion and hold this matter in abeyance while the Parties continue with settlement efforts.

THEREFORE,

IT IS ORDERED:

1. That the Motion of StoneyBank Development LLC to Hold this Matter in Abeyance is granted.
2. That StoneyBank shall file a status report every three months, beginning on February 1, 2024, providing an update on settlement efforts and on the Parties’ progress in satisfying the preconditions referenced above, until such time as either StoneyBank files a Petition for Leave to Withdraw its Complaint or the Agreement is terminated.

Date: November 14, 2023 /s/

Steven K. Haas

Administrative Law Judge

**C-2020-3022179- STONEYBANK DEVELOPMENT LLC V. THE WALNUT HILL UTILITY COMPANY**

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