

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120**

**Petition of Deer Haven, LLC Requesting  
an *Ex Parte* Emergency Order Allowing  
Aqua Pennsylvania, Inc. to Act as a  
Receiver to Operate the Deer Haven  
Water and Wastewater Systems**

**Public Meeting of August 22, 2024  
3050545-LAW  
Docket No. P-2024-3050545**

**MOTION OF CHAIRMAN STEPHEN M. DeFRANK**

Before the Pennsylvania Public Utility Commission (Commission) is the proposed Order to ratify my August 7, 2024 *Ex Parte* Emergency Order (Emergency Order). I issued the Emergency Order in response to Deer Haven, LLC's Petition seeking the issuance of an *ex parte* emergency order appointing Aqua Pennsylvania, Inc. (Aqua) to act as a temporary receiver to operate Deer Haven's Water and Wastewater Systems. The Emergency Order granted, in part, and denied, in part, the Petition with respect to Deer Haven's Water System only.<sup>1</sup> For the reasons expounded in the Emergency Order, I remain convinced that the circumstances warranted the immediate and affirmative action taken to protect Deer Haven's water customers. However, I also find it appropriate to propose modifications based on information received since the issuance of the Emergency Order.

In the Emergency Order I determined that Pocono Water Works Company, Inc. (Pocono Water Works) was best suited to operate as temporary receiver. I believed this to be the case since Pocono Water Works has been the *de facto* operator of the Deer Haven Water System since 2014 and as such, Pocono Water Works' familiarity with the system would allow it to serve as a capable temporary receiver. With this Motion, I propose to modify the Emergency Order to appoint Aqua as temporary receiver. By letter dated August 13, 2024, and filed at this docket, Aqua expressed its willingness to accept an appointment as receiver of the Deer Haven Water System. Additionally, I propose to clarify that operating expenses and Pennsylvania Department of Environmental Protection mandated capital expenses incurred by Aqua as temporary receiver are eligible for deferred accounting treatment and may be charged to a deferred expenses account. I further propose to clarify that Aqua be authorized to receive and utilize grants in the name of Deer Haven and borrow money in the name of Deer Haven necessary for the implementation of corrective actions and continued provision of adequate, efficient, safe and reasonable service to the customers of the Deer Haven Water System.

All other components of the Emergency Order would remain, including the commencement of a proceeding pursuant to Section 529 of the Public Utility Code, 66 Pa.C.S. § 529, where remaining issues may be addressed. However, in addition to the parameters

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<sup>1</sup> The Petition was assigned two docket numbers due to the involvement of a water system and a wastewater system. Deer Haven's request regarding its Water System was addressed at the instant docket and Deer Haven's request regarding its Sewer System was addressed at Docket No. P-2024-3050549.

identified in the Emergency Order for the Section 529 proceeding, I note that the Commission's Office of Administrative Law Judge should be tasked with assigning one of its judges to initiate the Section 529 proceeding.

I contend that Aqua has the technical and financial resources to safely and adequately operate the Deer Haven Water System during the pendency of the Section 529 Proceeding. Further, I note that Aqua operates water facilities within a reasonably close proximity to the Deer Haven Water System.

**THEREFORE, I MOVE THAT:**

1. The *Ex Parte* Emergency Order issued August 7, 2024 is modified consistent with this Motion.
2. That the Law Bureau draft a Ratification Order consistent with this Motion.
3. That a copy of the Ratification Order be served upon the Commission's Office of Administrative Law Judge as well as all parties served with the *Ex Parte* Emergency Order issued on August 7, 2024.

August 22, 2024  
Date

  
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Stephen M. DeFrank  
Chairman