

COMMONWEALTH OF PENNSYLVANIA



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September 6, 2024

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: 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 Sewer Systems
Docket No. P-2024-3050549

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Notice of Intervention and Public Statement, in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Barrett C. Sheridan
Barrett C. Sheridan, Esq.
Assistant Consumer Advocate
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Enclosures

cc: The Honorable Charles E. Rainey, Jr (ca-rainey@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Petition of Deer Haven, LLC Requesting an :
Ex Parte Emergency Order Allowing Aqua : Docket No. P-2024-3050549
Pennsylvania, Inc. to Act as a Receiver to :
Operate the Deer Haven Water and Sewer :
Systems :

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 6th day of September 2024.

SERVICE BY E-MAIL ONLY

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Dated: September 6, 2024

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Deer Haven, LLC Requesting an :
Ex Parte Emergency Order Allowing Aqua : Docket No. P-2024-3050549
Pennsylvania, Inc. to Act as a Receiver to :
Operate the Deer Haven Water and Sewer :
Systems :

NOTICE OF INTERVENTION

Pursuant to 52 Pa. Code § 5.71(a) and 71 P.S. § 309-4, the Office of Consumer Advocate (OCA) hereby gives Notice of Intervention in the captioned proceeding. The attorneys listed below in the signature line will represent the OCA in this proceeding and service should be directed to them at the information shown below.

Respectfully submitted,

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Dated: September 6, 2024

PUBLIC STATEMENT OF THE
OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file an Intervention and participate in proceedings before the Commission involving an investigation into whether the Commission should order Aqua Pennsylvania, Inc. (Aqua) to acquire Deer Haven, LLC.

On August 7, 2024, Environmental Services Corp. terminated its service as the certified operator of the Sewer System, effective August 9, 2024, due to a past balance on the account. Also on August 7, 2024, the Commission denied the request for an Ex Parte Emergency Order imposing a receivership for the Sewer System. On August 13, 2024, Deer Haven, LLC filed a letter renewing its request for Ex Parte Emergency Relief.

On August 15, 2024, an Emergency Order was issued by Chairman DeFrank appointing Aqua as the temporary receiver of the Sewer System. An investigation of Deer Haven, LLC was further ordered under Section 529 of the Public Utility Code because Deer Haven, LLC has not provided safe and adequate sewer service under Section 1501 of the Public Utility Code. Deer Haven, LLC avers it does not have the financial capability to retain a certified operator to provide adequate service, and as such it is not a viable system. The purpose of the investigation is to determine whether the Commission should order Aqua to acquire Deer Haven, LLC.

The Consumer Advocate has determined that it is necessary to participate in this proceeding to protect the interests of Deer Haven, LLC's customers. The Office of Consumer Advocate will seek to ensure that adequate service is provided to all customers at just and reasonable rates and in

accordance with applicable statutes.