

**BEFORE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
	:	P-2024-3050545
	:	I-2024-3051540
v.	:	
	:	
Deer Haven, L.L.C. (Water)	:	

Pennsylvania Public Utility Commission,	:	
	:	P-2024-3050549
	:	I-2024-3051541
v.	:	
	:	
Deer Haven, L.L.C. (Wastewater)	:	

**CORRECTED
PREHEARING CONFERENCE ORDER**

A Prehearing Conference is scheduled for the above-referenced cases for **Friday, November 15, 2024, at 10:00 a.m.** To participate in the conference, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the conference.

CALL-IN INFORMATION

Toll-free Bridge Number:	1-866-421-8851
PIN Number:	66640466

You must call into the conference on the scheduled day and time. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the

agreements reached and matters decided at the prehearing conference. You will not be called by the Administrative Law Judge.

At the Prehearing Conference, the parties should be prepared to discuss all relevant issues related to these proceedings, a litigation schedule, as well as any request to consolidate these proceedings.

Entities receiving notice of this proceeding that are not yet formal parties to this proceeding may file a Petition to Intervene in this proceeding.

The parties are hereby directed to comply with the following requirements:

1. Each party must file and serve, **prior to 3:00 p.m. on Tuesday, November 12, 2024**, a Prehearing Conference Memorandum that at minimum sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony. 52 Pa.Code § 5.222(d). All parties must receive copies of the Prehearing Conference Memorandum and the undesignated should be served a copy by email at cpell@pa.gov.

2. Parties should be prepared to discuss the notice requirements found at 66 Pa. C.S. § 529(h), including parties' positions regarding whether all entities contemplated under 66 Pa. C.S. § 529(h) have been notified of this proceeding. Parties may include discussion of this topic in their Prehearing Conference Memorandum.

3. Deer Haven, L.L.C. should be prepared to discuss the requirement at 66 Pa. C.S. § 529(h) that the Company provide notice to its customers of the initiation of these proceedings in the same manner in which the Company is required to notify its customers of proposed general rate increases. Deer Haven, L.L.C. should include discussion of this topic in its Prehearing Conference Memorandum.

4. A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties and must be submitted by email to the undersigned no later than **five (5)** days prior to the Prehearing Conference. 52 Pa.Code § 1.15(b). Only the undersigned Administrative Law Judge may grant a request for a change of a prehearing conference. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent prehearing conferences or hearings, if any, should also be served directly on the presiding Administrative Law Judge. In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled Prehearing Conference.

5. Please review the regulations pertaining to prehearing conferences, 52 Pa.Code § 5.221-§ 5.223, and in particular, § 5.222(d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

6. Parties should review the regulations relating to discovery, specifically 52 Pa.Code §5.331(b), which provides, *inter alia*, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa.Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery, and advise me at the prehearing conference as to discovery problems which have not been resolved. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

7. Pursuant to 52 Pa.Code §§ 1.21 & 1.22, if you are an individual, you may represent yourself or you may be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice*. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must be represented in this proceeding by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice*. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

8. Failure of a party to attend the prehearing conference without good cause shown shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa.Code §§ 5.222(e).

9. **You must serve the presiding Administrative Law Judge directly with a copy of any document that you file in this proceeding.** If you send the undersigned any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.

Date: October 18, 2024

/s/
Christopher P. Pell
Deputy Chief Administrative Law Judge

P-2024-3050545, P-2024-3050549, - PETITION OF DEER HAVEN, LLC REQUESTING AND EX PARTE EMERGENCY ORDER ALLOWING AQUA PENNSYLVANIA, INC. TO ACT AS A RECEIVER TO OPERATE THE DEER HAVEN WATER AND SEWER SYSTEMS.

I-2024-3051540, I-2024-3051541- INVESTIGATION UNDER SECTION 529 CONCERNING THE PETITION REQUESTING AN EX PARTE EMERGENCY ORDER ALLOWING AQUA PENNSYLVANIA INC TO ACT AS A RECEIVER TO OPERATE THE DEER HAVEN WATER AND WASTEWATER SYSTEMS.

ADEOLU A BAKARE ESQUIRE
MCNEES WALLACE & NURICK LLC
100 PINE STREET
PO BOX 1166
HARRISBURG PA 17108-1166
717.232.8000
717.260.1744
abakare@mcneeslaw.com
Accepts eService
(Counsel for Deer Haven LLC)

COURTNEY L SCHULTZ ESQUIRE
KRUTI B PATEL ESQUIRE
SAUL EWING LLP
1500 MARKET STREET
38TH FLOOR
PHILADELPHIA PA 19102
215.972.7717
215.972.7735
Courtney.schultz@saul.com
kruti.patel@saul.com
Accepts eService
(Counsel for Aqua Pennsylvania Inc)

ALEXANDER R STAHL ESQUIRE
KIMBERLY JOYCE ESQUIRE
AQUA PENNSYLVANIA INC
762 W LANCASTER AVE
BRYN MAWR PA 19010
610.645.1130
astahl@aquaamerica.com
KAJoyce@essential.com
Served via email and eService
(Counsel for Aqua Pennsylvania Inc)

STEVEN C GRAY ESQUIRE
OFFICE OF SMALL BUSINESS
ADVOCATE FORUM PLACE
555 WALNUT STREET 1ST FLOOR
HARRISBURG PA 17101
717.783.2525
sgray@pa.gov
[Served via email](#)

SCOTT B GRANGER ESQUIRE
BUREAU OF INVESTIGATION AND
ENFORCEMENT
KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG PA 17120
717.425.7593
sgranger@pa.gov
Accepts eService

ALLISON C. KASTER ESQUIRE
BUREAU OF INVESTIGATION AND
ENFORCEMENT
PUC KEYSTONE BUILDING
P. O. BOX 3265
HARRISBURG PA 17105-3265
akaster@pa.gov
Accepts eService

MELANIE J EL ATIEH ESQUIRE.
DEPUTY CONSUMER ADVOCATE PA
555 WALNUT STREET 5TH FLOOR
FORUM PLACE
HARRISBURG PA 17101
717.783.5048
MEIAtieh@paoca.org
Accepts eService

MARK J. SHAW ESQUIRE.
MACDONALD ILLIG
100 STATE ST. SUITE 700
ERIE PA 16507
mshaw@mijb.com
[Served via email](#)
*(Counsel for Pocono Lakefront Inc, Pocono
Utilities LLC)*

AQUA PENNSYLVANIA
MARC A. LUCCA PRESIDENT
762 W. LANCASTER AVENUE
BRYN MAW PA 19010
malucca@aquaamerica.com
[Served via email](#)

BARRETT C SHERIDEN
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET 5TH FLOOR
FORUM PLACE
HARRISBURG PA 17101
717.783.5048
bsheridan@paoca.org
Accepts eService

POCONO WATER WORKS INC
JOSEPH R. BONAMICO SR.,
PRESIDENT
BOX 189
HAMLIN, PA 18427
jbona@aol.com
[Served via email](#)

PALMYRA TOWNSHIP
115 BUEHLER LANE
PAUPACK, PA 18451
administrator@palmyrapike.org
[Served via email](#)

PAUL DISKIN DIRECTOR
PUC BUREAU OF TECHNICAL UTILITY
SERVICES
400 NORTH STREET
HARRISBURG PA 17120
pdiskin@pa.gov
[Served via email](#)

PALMYRA TOWNSHIP PLANNING
COMMISSION
115 BUEHLER LANE
PAUPACK PA 18451
[Served via USPS First-Class Mail](#)

DEPT. OF ENVIRONMENTAL
PROTECTION
RACHEL CARSON STATE OFFICE
BUILDING
400 MARKET STREET
HARRISBURG PA 17101
RA-epwater@pa.gov
RA-epwaste@pa.gov
[Served via email](#)

PIKE COUNTY COMMISSIONERS
506 BROAD STREET
MILFORD, PA 18337
mosterberg@pikepa.org
rschmalzle@pikepa.org
<mailto:ccaceres@pikepa.org>
[Served via email](#)

DEPT. OF ENVIRONMENTAL
PROTECTION
NORTHEAST REGIONAL OFFICE
2 PUBLIC SQUARE
WILKES-BARRE PA 18701-1915
RA-epwater@pa.gov
RA-epwaste@pa.gov
[Served via email](#)

PIKE COUNTY PLANNING
COMMISSION
506 BROAD STREET
MILFORD, PA 18337
planning@pikepa.org
[Served via email](#)