



November 1, 2024

VIA E-FILING

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

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

Status Report of StoneyBank Development LLC

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Status Report of StoneyBank Development LLC, required by Ordering Paragraph 2 of the Order Granting Motion of StoneyBank Development LLC to Hold this Matter in Abeyance. Copies are being served as shown on the attached certificate of service.

Please contact me if you have any questions regarding this filing. Thank you.

Sincerely,

COZEN O'CONNOR

By: Jonathan P. Nase
Counsel for *StoneyBank Development LLC*

JPN:kmg
Enclosure

cc: Honorable Steven K. Haas
Per Certificate of Service
Stephen G. Mantakounis

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

StoneyBank Development LLC

v.

The Walnut Hill Utility Company

:
:
:
:
:

Docket No. C-2020-3022179

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of November, 2024 served a true copy of the foregoing **Status Report of StoneyBank Development LLC** upon the following, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Via E-mail and First Class Mail

Timothy A. Berger, Esq.
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Counsel for *The Walnut Hill Utility Company*



Jonathan P. Nase, Esquire
Counsel for *StoneyBank Development LLC*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**STATUS REPORT OF
STONEYBANK DEVELOPMENT LLC**

AND NOW COMES StoneyBank Development LLC (“StoneyBank”) to file this Status Report pursuant to Ordering Paragraph 2 of the Order Granting Motion of StoneyBank Development LLC to Hold this Matter in Abeyance, issued on November 14, 2023 by Administrative Law Judge Steven K. Haas.

1. StoneyBank and The Walnut Hill Utility Company (“Walnut Hill”) have executed an Amended and Restated Sanitary Sewage Agreement (the “Amended Agreement”), by which StoneyBank will construct and convey certain wastewater facilities to Walnut Hill, and Walnut Hill will provide wastewater collection and treatment service to StoneyBank’s development (“The Reserves at StoneyBank”). The Agreement, however, will not result in Walnut Hill providing wastewater collection and treatment service to the property formerly owned by Mark and Nancy Beard.¹ Nancy Beard has signed the Amended Agreement (for herself and in her capacity as the Executrix of the Estate of Mark Beard). In addition, Darlington Woods Condominium Association (the “Condo Association”) must sign a Consent Joinder to the Amended Agreement.

¹ Mr. Beard has passed away since the execution of the Sanitary Sewage Agreement in 2017.

2. Pursuant to the Amended Agreement, StoneyBank will file a Petition to Withdraw its Complaint in this matter within 30 days after all the following events have occurred. The precondition is shown in bold; the status of this item is shown in italics.

a. **The execution of a municipal oversight agreement with Chester Heights Borough, which is satisfactory to the Pennsylvania Department of Environmental Protection (“DEP).** *StoneyBank and Walnut Hill are currently in negotiations with Chester Heights Borough on a municipal oversight agreement. This agreement will need final review and approval from DEP.*

b. **DEP has approved a wastewater Planning Module for The Reserves at StoneyBank.** *A Planning Module will be submitted to DEP after the municipal oversight agreement contemplated by paragraph 2(a) has been executed by Chester Heights Borough and accepted by DEP.*

c. **The receipt of all other governmental approvals necessary to construct and operate the sewer improvements.** *StoneyBank expects to obtain all outstanding governmental approvals after the Planning Module has been approved by DEP.*

d. **The Condo Association has granted StoneyBank a temporary construction easement and grants Walnut Hill a permanent easement.** *The Condo Association has not yet granted the necessary easements. The Condo Association, Walnut Hill and StoneyBank are continuing to negotiate the form of the easements.*

e. **At a meeting attended by a quorum of users of Walnut Hill, 67% or more of the users present affirmatively vote to admit the residents of The Reserves at StoneyBank as users of Walnut Hill.** *This precondition was satisfied on January 30, 2024, when*

a meeting of users of Walnut Hill was held. A quorum of users was present and a motion to admit the residents of The Reserves at StoneyBank passed overwhelmingly.

3. Counsel for StoneyBank submitted a draft of this Status Report to counsel for Walnut Hill, and is authorized to represent that Walnut Hill concurs in this Status Report.

4. As required by Ordering Paragraph 2 of the Order Granting Motion of StoneyBank Development LLC to Hold this Matter in Abeyance, StoneyBank will submit another Status Report by February 1, 2025.

Respectfully submitted,



David P. Zambito, Esq. (PA ID No. 80017)

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Dated: November 1, 2024