



COMMONWEALTH OF PENNSYLVANIA

November 12, 2024

E-FILED

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

**Re: Pennsylvania Public Utility Commission v. Deer Haven, L.L.C. (Water) &
Pennsylvania Public Utility Commission v. Deer Haven, L.L.C. (Wastewater) /
Docket Nos. P-2024-3050545, I-2024-3051540 & P-2024-3050549, I-2024-3051541**

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-referenced proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Steven C. Gray

Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Kevin Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in that matter as follows:

Steven C. Gray, Esq.
Senior Attorney
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
sgray@pa.gov

II. FILING BACKGROUND

On August 1, 2024, Deer Haven, LLC filed a Petition requesting that the Commission issue an *Ex Parte* Emergency Order Allowing Aqua Pennsylvania, Inc. (“Aqua PA”) to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems.

On August 15, 2024, the Commission issued an *Ex Parte* Emergency Order naming Aqua PA as Receiver of the Deer Haven Sewer system.

The Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention on September 6, 2024.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding is:

Kevin C. Higgins
Principal, Energy Strategies
111 East Broadway, Suite 1200
Salt Lake City, Utah, 84111
Office: 801-355-4365
KHiggins@energystrat.com

The OSBA will participate in this proceeding to make certain that the interests of small business customers are adequately represented and protected.

After an initial review of the materials submitted in this matter, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether Aqua PA will be able to provide adequate service to the Deer Haven service territory; and
2. Whether Aqua PA will incur significant expenses providing service to the Deer Haven service territory.

The OSBA reserves the right to pursue additional issues that may arise throughout this proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the parties are working to develop a procedural schedule.

Respectfully submitted,

/s/ Steven C. Gray

Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID # 77538

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA. 17101
(717) 783-2525

Dated: November 12, 2024

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Christopher P. Pell
Administrative Law Judge
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DATE: November 12, 2024

/s/ Steven C. Gray

Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney I.D. No. 77538