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November 12, 2024

VIA ELECTRONIC FILING

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
Docket Nos. P-2024-3050545 and I-2024-3051540

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

Dear Secretary Chiavetta:

Attached for electronic filing is a Notice of Entry of Appearance on behalf of Pocono Lakefront LLC, PL Utilities, LLC.

Also attached is a Petition to Intervene of Pocono Lakefront LLC, PL Utilities, LLC to the Commission's Section 529 Proceeding.

Finally, attached for electronic filing is a Prehearing Memorandum of Pocono Lakefront LLC and PL Utilities, LLC in the above-captioned matter.

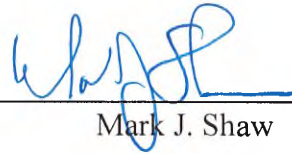
Copies have been served on the parties listed on the attached Certificate of Service.

November 12, 2024
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Very truly yours,

MacDONALD, ILLIG, JONES & BRITTON LLP

By



Mark J. Shaw

MJS/lmf/1901873.1

Attachments as stated

cc w/attachments: The Honorable Chistopher P. Pell (*Via electronic mail*)

**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)	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals and in the manner listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA ELECTRONIC MAIL

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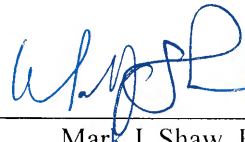
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Counsel for Patrick M. Cicero, Consumer Advocate



Mark J. Shaw, Esq.

November 12, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Deputy Chief Administrative Law Judge
Christopher P. Pell, Presiding**

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)	:	

**PETITION TO INTERVENE OF POCONO LAKEFRONT LLC,
POCONO UTILITIES, LLC TO THE COMMISSION'S SECTION 529 PROCEEDING**

Pursuant to 52 Pa. Code § 5.71 et seq., Pocono Lakefront Inc. and PL Utilities, LLC (“PLU” or the “Company”), hereby files this Petition to Intervene in the above captioned Section 529 proceeding. In support of this Petition the Petitioners state as follows:

1. The names and addresses of the Petitioners are:

Pocono Lakefront LLC
PL Utilities, LLC
Attn: Jacob Goren
61 West 62nd Street, #22E
New York, NY 10023

2. The name, business address, and contact information for Petitioners' counsel in this matter is:

Mark J. Shaw
MacDonald, Illig, Jones & Britton LLP
100 State Street, Suite 700
Erie, PA 16507-1459
Office: (814) 870-7607 | Fax: (814) 454-4647
mshaw@mijb.com

3. Pocono Lakefront, LLC ("Pocono") is a Pennsylvania Limited Liability Company formed in 2010 to develop a large property that is located within the service territory.

4. PL Utilities, LLC ("PLU") is a Pennsylvania Limited Liability Company formed in 2015 to be the public utility for the development intended by Pocono Lakefront, LLC.

5. Deer Haven is a public utility located within Palmyra Township, Pike County, Pennsylvania that is regulated by the Pennsylvania Public Utility Commission ("Commission"), and which operates a water system and a sanitary sewer system.

6. The utility service territory of Deer Haven includes the property owned by Pocono.

7. Pocono and PLU have an agreement with Deer Haven and its majority owner under which the sanitary sewer system would be transferred to PLU subject to the Commission approving the transfer.

8. In reliance on that Agreement, PLU constructed a new wastewater treatment plant at a cost in excess of \$2.5 million to replace the existing Deer Haven wastewater treatment plant upon transfer of the Deer Haven sanitary sewer system to PLU.

9. In reliance on that Agreement, PLU also has completed an Act 537 Plan amendment, received approval from Palmyra Township, and has submitted it to the Pennsylvania Department of Environmental Protection for Approval.

10. Also in reliance on that Agreement, PLU has participated in negotiations with Deer Haven and PaDEP regarding the execution of a Consent Order and Agreement which would result in PLU obtaining the approval of the Act 537 Plan amendment and receipt of a NPDES permit to PLU for the new wastewater treatment plant.

11. Also in reliance on that Agreement, PLU has a pending extension request for the permit received by Pocono regarding the project from the Delaware River Basin Commission.

12. Lastly, on June 18, 2024, Deer Haven and PLU filed a Joint Application for Issuance of Certificate of Public Convenience and Abandonment seeking approval of the transfer of the sewer system from Deer Haven to PLU; granted a Certificate of Public Convenience to PLU; granting the Application for Abandonment by Deer Haven; approving the affiliate agreements between PLU, Pocono, Empire Industries and Jacob Goren, approving the proposed Tariff of PLU and approving any and all waivers deemed necessary to grant the relief requested.

13. Subsequently, both Deer Haven and PLU responded to data requests submitted by Commission.

14. On August 15, 2024, the Chairman of the Commission issued an ex parte order granting Deer Haven's request for the appointment of a receiver for the sanitary sewer system and further directed Deer Haven to demonstrate whether it is capable of providing safe, reliable, and reasonably continuous wastewater service under Section 529 of the Public Utility Code, 66 PA.C.S. §529, which Order was ratified by the Commission on August 22, 2024.

15. Also on August 22, 2024, the Commission ordered the pending Joint Application of PLU and Deer Haven be stayed pending resolution of this Section 529 proceeding.

16. Components of both the water system and the sanitary sewer system are located on the property of Pocono. There is no agreement or easement in place that allows the water and sewer system components of the water and sewer systems to be located on the Pocono property. In order to address this in the Joint Application, PLU and Pocono intended to enter into a Permanent Easement for the sanitary sewer system, including the new wastewater treatment plant.

17. On October 18, 2024, Deputy Chief Administrative Law Judge (“ALJ”) Christopher P. Pell issued a Prehearing Conference Order with the Prehearing Conference

scheduled for Friday, November 15, 2024 at 10:00 a.m., and requiring the submission of the Prehearing Conference Memorandum prior to 3:00 p.m. on Tuesday November 12, 2024.

18. Pocono and PLU file this Petition consistent with Commission regulations at 52 Pa. Code §§ 5.73 and 5.74.

19. The Commission's regulation at 52 Pa. Code § 5.72 governs an entity's eligibility to intervene in a proceeding, and provides, in part, that:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

...

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

52 Pa. Code § 5.72(a)(2).

20. As indicated above, Pocono is the owner of the property on which both the water and sewer systems are located without any agreement in place between Pocono and the owner of the water and sewer system to remain on Pocono's property. This property interest will be directly affected by the Commission's determination on in this Section 529 proceeding.

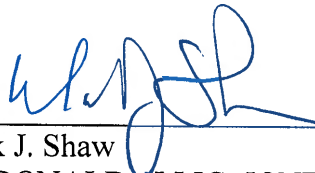
21. As indicated above, PLU has a right to acquire the sewer system from Deer Haven that existed prior to the appointment of the receiver, and has justifiably relied upon that right in submitting the Joint Application to the Commission, constructing a wastewater treatment plant to replace the current failing wastewater treatment system, and has engaged in the necessary permitting with the environmental agencies to authorize its operation of the new treatment system. These are interests that will be directly affected by the Commission's determination on in this Section 529 proceeding.

22. Further, both Pocono and PLU have interests in the subject matter of this proceeding that cannot be adequately represented by other existing parties, and may be bound by the Commission's determination in this Proceeding.

23. For these reasons, Pocono and PLU may be directly affected and no other party can adequately represent them in this proceeding, and, therefore, Pocono's and PLU's Petition to Intervene should be granted.

WHEREFORE, Pocono Lakefront, LLC and Pocono Lakefront Utilities, LLC respectfully requests that Deputy Chief Administrative Law Judge Christopher P. Pell grant this Petition to Intervene.

Respectfully submitted,



Mark J. Shaw
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100 State Street, Suite 700
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(814) 870-7607

Attorneys for Petitioner
Pocono Lakefront LLC and PL Utilities, LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

VERIFICATION

I, Jacob Goren, do hereby state that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to intentional falsification to authorities.



Jacob Goren

Dated: November 12, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	P-2024-3050545
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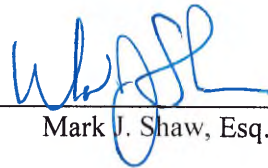
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