

**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)	:	

PREHEARING ORDER #1

On August 1, 2024, Deer Haven, LLC (Deer Haven) filed a Petition with the Pennsylvania Public Utility Commission (Commission) requesting the issuance of an *ex parte* emergency order appointing Aqua Pennsylvania, Inc. (Aqua) to act as a temporary receiver to operate its water and wastewater systems. The Water Petition was docketed at P-2024-3050545. The Wastewater Petition was docketed at P-2024-3050549.

Deer Haven is a jurisdictional public utility that provides water service, under Utility Code 210124, and wastewater service, under Utility Code 230106. Deer Haven provides water service to approximately 43 customers and wastewater service to approximately 62 customers.

By Emergency Order entered on August 7, 2024, the Commission granted Deer Haven *ex parte* emergency relief and appointed Pocono Water Works as temporary receiver. The Commission noted that Pocono Water Works' familiarity with the Deer Haven water system would allow it to serve as a capable temporary receiver. The Commission further noted that, in

light of Pocono Water Works' current involvement with Deer Haven, it was appropriate for Pocono Water Works to serve as the temporary receiver rather than to implicate another public utility. The Emergency Order also initiated a proceeding pursuant to Section 529 regarding the future of the Deer Haven water system, with Pocono Water Works to continue as temporary receiver in the interim.

By Ratification Order issued on August 22, 2024, the Commission modified its August 14, 2024 directive and named Aqua as temporary receiver to operate the Deer Haven water system. The Ratification Order also directed that the Commission's Office of Administrative Law Judge (OALJ) should be tasked with assigning one of its judges to initiate the Section 529 proceeding.

Regarding Deer Haven's wastewater system, by Emergency Order entered on August 14, 2024, the Commission granted Deer Haven *ex parte* emergency relief and appointed Aqua as temporary receiver to operate the Deer Haven wastewater system. As temporary receiver, Aqua was directed to take action to address and correct conditions in the Deer Haven wastewater system that caused unsafe, inadequate, or unreasonable wastewater service. The Emergency Order also initiated a proceeding pursuant to Section 529 regarding the future of the Deer Haven wastewater system, with Aqua to continue as temporary receiver in the interim.

On August 19, 2024, the Bureau of Investigation and Enforcement filed a Notice of Appearance in the wastewater proceeding on behalf of Scott B. Granger, Esq.

On August 28, 2024, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance for both the water and wastewater proceedings on behalf of Steven C. Gray, Esq.

On September 6, 2024, the OSBA filed a Notice of Intervention for both the water and wastewater proceedings.

On September 6, 2024, the Office of Consumer Advocate (OCA) filed a Notice of Intervention and Public Statement in both the water and wastewater proceedings.

By Call-In Telephone Prehearing Conference Notice issued on October 10, 2024, an Initial Call-In Telephone Prehearing Conference was scheduled for November 15, 2024 at 10:00 a.m. and both matters were assigned to me. ,

On November 12, 2024, Pocono Lakefront LLC (Pocono) and PL Utilities LLC (PLU) filed a Petition to Intervene in these proceedings.

The Call-In Telephone Prehearing Conference was held as scheduled on November 15, 2024. Counsel for Deer Haven, OCA, I&E, OSBA, Aqua, Pocono and PLU participated.

This Order sets forth the procedural matters addressed during the Prehearing Conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene filed by Pocono Lakefront LLC and PL Utilities LLC is granted.

2. That the parties of record as of the date of this Prehearing Order are Deer Haven, LLC, Aqua Pennsylvania, Inc., the Bureau of Investigation and Enforcement, the Office of Small Business Advocate, the Office of Consumer Advocate, Pocono Lakefront LLC and PL Utilities LLC.

3. That the parties must be represented by an attorney to participate in the formal hearing process, e.g., filing and responding to pleadings, presentation of testimony and evidence, participation in evidentiary hearings, and submission of briefs. *See* 52 Pa. Code § 1.21.

4. That, if it has not already done so, pursuant to 66 Pa. C.S. § 529(h), Deer Haven, LLC, or Aqua Pennsylvania, Inc. acting as Receiver, shall provide notice to Deer Haven’s 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. Such notice should be provided within 30 days of the date of this order. Once notice is provided, Deer Haven, LLC, or Aqua acting as Receiver, shall provide proof of notice to the undersigned and the other active parties to this proceeding.

5. That the parties shall receive all documents and shall copy all other parties on documents they file with the Commission or serve on the undersigned. The parties shall serve the documents so that the documents are received in-hand by the parties and the undersigned no later than 4:30 p.m. on the dates listed. Parties may serve the documents via e-mail to meet this requirement as long as a party has consented to exclusively receive electronic service. Parties that have not consented to exclusively receive electronic service should also be served by first-class mail. Parties shall not file testimony with the Commission but shall file a certificate of service.

6. That the following schedule is adopted for this proceeding:

All Parties’ Direct Testimony	March 7, 2025
Rebuttal Testimony	April 4, 2025
Surrebuttal Testimony	April 11, 2025
Evidentiary Hearings (telephonic)	April 29-30, 2025
Main Briefs	May 20, 2025
Reply Briefs	May 30, 2025

7. That the water and wastewater proceedings are consolidated only for hearing purposes. Separate decisions will be issued for the water proceeding at Docket Nos. P-2024-3050545, I-2024-3051540 and for the wastewater proceeding at P-2024-3050549, I-2024-3051541.

8. That testimony shall be presented in written form and shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers.

9. That the April 29 and 30, 2025 evidentiary hearings will be held telephonically. The initial day will commence at 10:00 a.m.; the subsequent day will commence at 9:00 a.m. An evidentiary hearing notice will be issued and published on the Commission's website. Parties will complete the daily witness listing and cross-examination grid as directed.

10. That any evidentiary hearing in this matter constitutes a formal legal proceeding and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

11. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

12. That all parties shall comply with the provisions of 52 Pa.Code § 5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

13. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. All motions to compel shall contain a certification by counsel setting forth the informal

discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel does not contain this certification, the parties will be directed to pursue informal discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

14. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

15. That the parties should do their best to avoid the use of **Confidential Security Information (CSI)**, as defined by 35 P.S. § 2141 et seq., in this proceeding. Where possible, the parties should develop alternative means of introducing information into the record, such as joint stipulations or redaction when proposing testimony or exhibits. If the parties cannot avoid the use of CSI, the parties are to contact the presiding ALJ in advance of any submission, and prior to the evidentiary hearing.

16. That a briefing order with further instructions will be issued following the evidentiary hearings in these cases.

17. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with these proceedings. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore settlement.

18. That the parties shall comply with the procedural rules and regulations discussed herein.

19. That any provision of this order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: December 20, 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.

Revised 12-20-2024

ADEOLU A BAKARE ESQUIRE
HARRISON R BLOCK ESQUIRE
MCNEES WALLACE & NURICK LLC
100 PINE STREET
PO BOX 1166
HARRISBURG PA 17108-1166
717.232.8000
717.260.1744

abakare@mcneeslaw.com

rblock@mcneeslaw.com

Accepts eService

(Counsel for Deer Haven LLC)

Serviced on December 20, 2024

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)

Served on December 20, 2024

ALEXANDER R STAHL ESQUIRE
AQUA PENNSYLVANIA INC
762 W LANCASTER AVE
BRYN MAWR PA 19010
610.645.1130

astahl@aquaamerica.com

Served via email and eService
(*Counsel for Aqua Pennsylvania Inc*)
Served on December 20, 2024

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
Served on December 20, 2024

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
Served on December 20, 2024

BARRETT C SHERIDEN ESQUIRE
EMILY A FARREN ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET 5TH FLOOR
FORUM PLACE
HARRISBURG PA 17101
717.783.5048

bsheridan@paoca.org eServed

efarren@paoca.org eServed

ocadeerhaven@paoca.org

Accepts eService
Served via eService and email on December 20, 2024

MARK J. SHAW ESQUIRE.
MACDONALD ILLIG
100 STATE ST. SUITE 700
ERIE PA 16507
mshaw@mijb.com
Accepts eService
(*Counsel for Pocono Lakefront Inc, Pocono Utilities LLC*)
Served on December 20, 2024

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
Served on December 20, 2024

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
Served on December 20, 2024

PIKE COUNTY PLANNING COMMISSION
506 BROAD STREET
MILFORD, PA 18337
planning@pikepa.org
Served via email
Served on December 20, 2024

PIKE COUNTY COMMISSIONERS
506 BROAD STREET
MILFORD, PA 18337
mosterberg@pikepa.org
rschmalzle@pikepa.org
<mailto:ccaceres@pikepa.org>
Served via email
Served on December 20, 2024

PALMYRA TOWNSHIP
115 BUEHLER LANE
PAUPACK, PA 18451
administrator@palmyrapike.org

Served via email

Served on December 20, 2024

PALMYRA TOWNSHIP PLANNING COMMISSION
115 BUEHLER LANE
PAUPACK PA 18451
Served via USPS First-Class Mail on December 20, 2024

POCONO WATER WORKS
JOSEPH R BONAMICO SR
PRESIDENT
BOX 189
HAMLIN PA 18427
jbona@aol.com

Served via email

Served on December 20, 2024