

**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)	:	

BRIEFING ORDER

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 (I&E) 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 telephonic Prehearing Conference was held as scheduled on November 15, 2024. Counsel for Deer Haven, OCA, I&E, OSBA, Aqua, Pocono and PLU participated.

On December 20, 2024, I issued Prehearing Order #1, establishing the litigation schedule for this proceeding.

The parties submitted testimony pursuant to the litigation schedule established in Prehearing Order #1.

The evidentiary hearing was held as scheduled on April 29, 2025. During the hearing, the parties requested modifications to the briefing schedules. As it pertains to the Deer Haven water 529 proceeding, the parties requested that the briefing deadlines be moved back one month to afford them additional time to discuss settlement. Accordingly, I changed the due date for Main and Reply Briefs to June 20, 2025, and June 30, 2025, respectively.

As it pertains to the Deer Haven wastewater 529 proceeding, the parties requested that I suspend the due date for Main and Reply Briefs pending the outcome of the Applications at Docket Nos. A-2024-3049587 and A-2024-3049591, since the Commission entered an Order on March 7, 2025 approving the Joint Application of Deer Haven, LLC and PL Utilities LLC,

conditioned upon Deer Haven LLC and PL Utilities LLC satisfactorily filing certain documents at these dockets with the Secretary's Bureau. The Commission, at paragraph 3 of its March 7, 2025 Order, directed "[t]hat if the documentation required ... is not filed with the Commission and determined to be satisfactory by the Commission's Bureau of Technical Utility Services by August 31, 2025, the Joint Application shall be automatically consolidated with the pending 529 proceeding such that the Commission may investigate and address these issues along with whether the Commission should order a capable public utility to acquire Deer Haven, LLC's Wastewater System pursuant to Section 529." Accordingly, the briefing schedule in the Deer Haven wastewater 529 proceeding was suspended pending the outcome of the Applications at A-2024-3049587 and A-2024-3049591.

This Order establishes the modifications to the briefing schedules and the instructions the parties are to follow when drafting and submitting briefs in these matters.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the parties request to modify the briefing schedule established in Prehearing Order #1 is granted.
2. That the briefing schedule in the Deer Haven wastewater 529 proceeding at Dockets P-2024-3050549 and I-2024-3051541 is suspended pending the outcome of the Applications at A-2024-3049587 and A-2024-3049591.
3. That Main Briefs in the Deer Haven water 529 proceeding at Dockets P-2024-3050545 and I-2024-3051540 shall be filed on or before June 20, 2025.

4. That Main Briefs shall contain:
 - A. A table of contents;
 - B. A history of the proceeding;
 - C. A discussion;
 - D. Proposed findings of facts (with record citations to transcript pages or exhibits where supporting evidence appears);
 - E. Proposed conclusions of law (with citations to supporting statutes, regulations, or relevant case law); and
 - F. Proposed ordering paragraphs specifically identifying the relief sought.

5. That any proposed finding of fact that does not include record citations to admitted pre-served testimony or exhibits where the supporting evidence appears, will not be considered.

6. That Reply Briefs in the Deer Haven Water 529 proceeding at Dockets P-2024-3050545 and I-2024-3051540 shall be filed on or before June 30, 2025.

7. That Reply Briefs shall be concise and directly responsive to arguments made by opposing parties in main briefs.

8. **That the parties must use a common outline for both Main and Reply Briefs.**

9. That the parties are advised not to include any extra-record evidence in their briefs.

10. That if a brief contains a citation to an unreported decision which is not available on Westlaw or the Commission's website, a copy of that unreported decision must be appended to the brief.

11. That in addition to filing briefs with the Commission's Secretary's Bureau, the parties shall provide a copy of all briefs by email prepared in *Microsoft Word*.

12. That any brief not filed and served on or before the date fixed therefore will not be accepted for filing, except by special permission of the Commission or the presiding Administrative Law Judge pursuant to 52 Pa.Code §5.502(c).

Date: May 13, 2025

_____/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 5/13/25

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