



Regulation is a maze. We can show you the way!

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August 26, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Eagle Village POA v. Community Utilities of Pennsylvania, Inc.; Docket No. C-2025-3055381; **COMMUNITY UTILITIES OF PENNSYLVANIA, INC.'S MOTION TO COMPEL DISCOVERY RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET I) ADDRESSED TO EAGLE VILLAGE POA**

Dear Secretary Homsher:

Enclosed you will find Community Utilities of Pennsylvania, Inc.'s Motion to Compel Discovery Responses to Interrogatories and Requests for Production of Documents, Set 1, addressed to Eagle Village POA in the above-referenced matters.

If you have any questions regarding this filing, please contact me.

Very truly yours,

/s/ Erich W. Struble

Whitney E. Snyder
Erich W. Struble
Counsel for Community Utilities of Pennsylvania, Inc.

EWS/das
Enclosures

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EAGLE VILLAGE POA	:	
	:	
Complainant,	:	
	:	
v.	:	
	:	Docket No. C-2025-3055381
COMMUNITY UTILITIES OF	:	
PENNSYLVANIA, INC.,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.342(g)(1) and 5.349, you are hereby notified that you are required to file a written response to the enclosed COMMUNITY UTILITIES OF PENNSYLVANIA, INC.’S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET I) ADDRESSED TO EAGLE VILLAGE POA within five (5) days from service of this motion absent good cause or, in the alternative, respond orally at the hearing if a timely hearing has been scheduled within the same 5-day period. Any Response to the Motion to Compel and Dismiss Objections must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Community Utilities of Pennsylvania, Inc., and where applicable, the Administrative Law Judge presiding over the issue.

File with:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EAGLE VILLAGE POA	:	
	:	
Complainant,	:	
	:	
v.	:	
	:	Docket No. C-2025-3055381
COMMUNITY UTILITIES OF	:	
PENNSYLVANIA, INC.,	:	
	:	
Respondent.	:	

**COMMUNITY UTILITIES OF PENNSYLVANIA,
INC.'S MOTION TO COMPEL RESPONSES TO
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS (SET 1)
ADDRESSED TO EAGLE VILLAGE POA**

Pursuant to 52 Pa. Code § 5.342(g), Community Utilities of Pennsylvania, Inc. (“CUPA”) hereby respectfully requests that the Office of Administrative Law Judge issue an order compelling Eagle Village POA (“Complainant”) to provide full and complete answers to CUPA’s Interrogatories and Requests for Production of Documents (Set 1) (“Discovery Requests”) or, alternatively, prohibit Complainant from introducing at any hearing held in this matter evidence that would have been obtained had Complainant responded to the Discovery Requests.

CUPA served the Discovery Requests on June 6, 2025. The Discovery Requests consisted of thirteen (13) interrogatories and two (2) requests for production. These requests are attached hereto as **Appendix 1**. Complainant was required to respond within twenty (20) days from June

6, 2025, or by Thursday June 26, 2025. To date, Complainant has neither responded to CUPA's requests nor communicated any objections to CUPA. Counsel for CUPA reached out to counsel for Complainant on June 30, 2025 via email seeking a response to its discovery requests. The email is attached hereto as **Appendix 2**. Counsel for Complainant has not responded to date.

The Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations provide that the ALJ may make an appropriate order on motions to compel if "[a] party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests as required under this subchapter."¹

The Discovery Requests are intended to provide CUPA with documents and other information that is key to preparing for any hearing that will be scheduled in this matter, including any documents that Complainant may seek to use as exhibits at a hearing. CUPA has a due process right to understand the charges against it with an adequate opportunity to respond. To remedy the lack of due process inherent in non-disclosure of relevant documents and information prior to hearing, sanctions should be imposed such that Complainant is prohibited from ambushing CUPA at hearing with exhibits. Sanctions for a party's failure to respond to discovery requests include but are not limited to an order "prohibiting the [non-responsive party] from introducing in evidence designated documents, things or testimony."² Accordingly, CUPA submits this motion seeking to compel Complainant to provide full and complete responses to the Discovery Requests or, alternatively, prohibiting Complainant from introducing evidence that would have been obtained had Complainant responded to CUPA's discovery.

¹ 52 Pa. Code § 3.71(a)(1).

² 52 Pa. Code § 5.372(a)(2).

WHEREFORE, Community Utilities of Pennsylvania, Inc. respectfully requests that the Office of Administrative Law Judge compel Eagle Village POA to provide full and complete responses to CUPA's Interrogatories and Requests for Production of Documents (Set 1) or, alternatively, prohibit the Complainant from introducing evidence that would have been obtained had Complainant responded to CUPA's discovery.

Respectfully submitted,

/s/Erich W. Struble

Whitney E. Snyder, Esq. (PA ID No. 316625)

Erich W. Struble, Esq. (PA ID No. 310768)

HMS Legal LLP

501 Corporate Circle, Suite 302

Harrisburg, PA 17110

(717) 236-1300

wesnyder@hmslegal.com

ewstruble@hmslegal.com

*Attorneys for Respondent Community Utilities of
Pennsylvania, Inc.*

Dated: August 26, 2025

APPENDIX 1

APPENDIX 1



Regulation is a maze. We can show you the way!

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Erich W. Struble
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501 Corporate Circle, Suite 302, Harrisburg, PA 17110 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

June 6, 2025

By Email

James V. Fareri, Esquire
Newman Williams
712 Monroe Street
Stroudsburg, PA 18360
jfareri@newmanwilliams.com

Re: Eagle Village POA v. Community Utilities of Pennsylvania, Inc.; Docket No. C-2025-3055381; **CUPA'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS, SET 1, TO EAGLE VILLAGE POA**

Dear Mr. Fareri:

Enclosed please find Interrogatories and Requests for Production of Documents, Set I, propounded by Community Utilities of Pennsylvania, Inc. upon Eagle Village POA in the above-captioned matter. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,

/s/ Whitney E. Snyder

Whitney E. Snyder
Erich W. Struble

*Counsel for Community Utilities of Pennsylvania,
Inc.*

WES/das
Enclosures

cc: Matthew L. Homsher, Secretary (by filing of letter and certificate of service)
Per Certificate of Service

APPENDIX 1

CERTIFICATE OF SERVICE

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

VIA ELECTRONIC MAIL ONLY

James V. Fareri, Esquire
Newman Williams
712 Monroe Street
Stroudsburg, PA 18360
jfareri@newmanwilliams.com

/s/ Whitney E. Snyder
Whitney E. Snyder
Erich W. Struble

Dated this 6th day of June, 2025

APPENDIX 1

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EAGLE VILLAGE POA	:	
	:	
Petitioner,	:	
	:	
v.	:	Docket No. C-2025-3055381
	:	
COMMUNITY UTILITIES OF	:	
PENNSYLVANIA, INC.,	:	
	:	
Respondent.	:	

**COMMUNITY UTILITIES OF PENNSYLVANIA, INC.’S INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET I)
TO EAGLE VILLAGE POA**

Community Utilities of Pennsylvania, Inc., by and through its counsel in this matter, HMS Legal LLP, and pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) Regulations at 52 Pa. Code §§ 5.341 and 5.349 *et. seq.*, hereby propounds the following Interrogatories and Requests for Production of Documents (Set I) upon Eagle Village POA (“Eagle Village”) and those individuals authorized to answer on Eagle Village’s behalf. Said answers are due within twenty (20) days from the date of service as specified in 52 Pa. Code § 5.342(d).

Respectfully submitted,

/s/ Whitney E. Snyder

Whitney E. Snyder, Attorney ID No. 316625
Erich W. Struble, Attorney ID No. 310768
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
717.236.1300
wesnyder@hmslegal.com
ewstruble@hmslegal.com

*Counsel for Community Utilities of Pennsylvania,
Inc.*

DATED: June 6, 2025

APPENDIX 1

Instructions and Definitions

1. The term “document” means any written, printed, typed, or other graphic matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found in the original, and includes, but is not limited to:
 - (a) all contracts, agreements, representations, warranties, certificates, opinions;
 - (b) all letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, messages (including reports, notes, notations, and memoranda of or relating to telephone conversations or conferences);
 - (c) all memoranda, reports, test results, financial statements or reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, government records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical records, compilations;
 - (d) all desk calendars, appointment books, diaries;
 - (e) all books, articles, press releases, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;
 - (f) all minutes or transcripts of all meetings; and/or
 - (g) all photographs, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, print-outs, and other data compilations from which information can be obtained.
2. The term “communication” means not only oral communications but also any “documents” (as such term is defined in Paragraph 1 above), whether or not such document or the information contained therein was transmitted by its author to any other person.
3. When used in reference to a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:
 - (a) the person’s full name;
 - (b) the person’s present or last-known business and residential addresses;
 - (c) the person’s present or last-known business affiliation; and
 - (d) the person’s present or last-known employment position (including job title and a description of job responsibilities).
4. When used with reference to any entity other than a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:
 - (a) its full name;

APPENDIX 1

- (b) the address of its principal place of business;
 - (c) in the case of a corporation, the names of its directors and principal officers; and
 - (d) in the case of an entity other than a corporation, the identities of its partners or principals or all individuals who acted or authorized another to act on its behalf in connection with the matters referred to.
5. When used in reference to a document, the terms “identify,” “identity,” or “identification” mean to provide the following information:
- (a) the nature of the document (e.g., letter, contract, memorandum) and any other information (i.e., its title, index, or file number) which would facilitate in the identification thereof;
 - (b) its date of preparation;
 - (c) its present location and the identity of its present custodian, or if its present location and custodian are not known, a description of its last known disposition;
 - (d) its subject matter and substance or, in lieu thereof, attach a legible copy of the document to the answers of those interrogatories;
 - (e) the identity of each person who performed any function or had any role in connection therewith (i.e., author, contributor of information, recipient, etc.) or who has any knowledge; and
 - (f) if the document has been destroyed or is otherwise no longer in existence or cannot be found, the reason why such document no longer exists, the identity of the people responsible for the document no longer being in existence and of its last custodian.
6. When used in connection with an oral communication, the terms “identify,” “identity,” and “identification” mean to provide the following information:
- (a) the general nature (i.e., conference, telephone communication, etc.);
 - (b) the time and place of its occurrence;
 - (c) its subject matter and substance;
 - (d) the identity of each person who performed any function or had any role in connection therewith or who has any knowledge thereof, together with a description of each such person’s function, role, or knowledge; and
 - (e) the identity of each document which refers thereto or which was used, referred to, or prepared in the course or as a result thereof.
7. The terms “describe” and “description” mean:
- (a) provide a descriptive statement or account thereof, including but not limited to the general nature of the subject and its time or location;

APPENDIX 1

- (b) identify each person who has any knowledge thereof;
 - (c) identify each document which refers thereto, or which was used, referred to, or prepared in the course of, or as a result thereof, and
 - (d) identify each oral communication which refers thereto, or which occurred in the course of or as a result thereof.
8. The term “basis” means set forth each item of information upon which the allegation, contention, claim, or demand referred to in the interrogatory is based.
9. The terms “relates to” or “thereto” or “relating to” means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.
10. The term “person” means all natural persons, corporations, partnerships, or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.
11. Answer by Reference to Documents: If any interrogatory is answered by reference to a document or group of documents, with respect to each such interrogatory answer, identify the specific document or documents containing the requested information.
12. Inability to Answer: If any interrogatory cannot be answered after you have conducted a reasonable investigation, state:
- (a) the answer to the extent possible;
 - (b) what information cannot be provided; and
 - (c) what efforts were made to obtain the unknown information.
13. Claims of Privilege: If any matter responsive to any of the Interrogatories is withheld based on any claim of privilege or protection from discovery of any kind, describe generally the matter withheld, state the privilege being relied upon, and identify all persons or entities who have or have had access to said matters. If you refuse to produce any document responsive to any of the Requests for Production on the basis of a claim of privilege or protection from discovery of any kind, with respect to each such document, set forth the following information:
- (a) the date of the document;
 - (b) its authors;
 - (c) all recipients of the document;
 - (d) the present location and custodian of the document; and
 - (e) the basis of the claim of privilege or protection from discovery.

APPENDIX 1

Eagle Village POA v. Community Utilities of Pennsylvania, Inc.; Docket No. C-2025-3055381

COMMUNITY UTILITIES OF PENNSYLVANIA, INC.'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO EAGLE VILLAGE POA, SET I

1. Identify the name and address of Eagle Village Resort's owner.
2. Identify the name and address of Eagle Village Resort's manager.
3. Describe the composition of Eagle Village Resort POA.
4. Provide five (5) currently active sample time-share agreements.
5. What percentage of Eagle Village Resort's units are subject to time-share agreements?
6. Can members of the public, i.e., those that do not own a time-share, stay at Eagle Village Resort?
7. In May 2025, how many of Eagle Village Resort's units were occupied?
8. In May 2025, of the units that were occupied, what percentage of the month were they occupied?
9. Does the owner/manager of Eagle Village Resort collect a hotel occupancy tax from occupants of the units?
10. Does Eagle Village Resort possess a short-term rental permit from Lehman Township?
11. On what date did Eagle Village Resort discover the water leaks? List and identify each leak and the date and time of its discovery separately.
12. On what date did Eagle Village Resort stop the water leaks and by what means? List and identify each leak and the date, time, and manner it was stopped separately.
13. On what date did Eagle Village Resort repair the water leaks? List and identify each leak repair and the date and time of its repair separately.
14. On what date did Eagle Village notify CUPA about the leaks? List and identify each leak notification and the date and time of notification separately.
15. Identify and provide any and all documents describing Eagle Village Resort's duties to manage the properties at which the leaks occurred.

APPENDIX 2

APPENDIX 2

From: Erich W. Struble <ewstruble@hmslegal.com>
Sent: Monday, June 30, 2025 11:18 AM
To: jfareri@newmanwilliams.com
Cc: Whitney Snyder
Subject: RE: Eagle Village POA v. Community Utilities of Pennsylvania, Inc.; Docket No. C-2025-3055381; CUPA'S INTERROGATORIES & RFPD, SET 1, TO EAGLE VILLAGE POA

Dear Mr. Fareri,

Good morning. I am following up on CUPA's initial discovery requests, which we served on June 6. We expected to see Eagle Village's responses last week. Does Eagle Village plan to provide responses this week?

I look forward to hearing from you.

Thank you,
Erich

Erich W. Struble | Of Counsel
HMS Legal LLP

From: Debbie A. Schreffler <DASchreffler@hmslegal.com>
Sent: Friday, June 6, 2025 1:00 PM
To: jfareri@newmanwilliams.com
Cc: Whitney Snyder <WESnyder@hmslegal.com>; Erich W. Struble <ewstruble@hmslegal.com>
Subject: Eagle Village POA v. Community Utilities of Pennsylvania, Inc.; Docket No. C-2025-3055381; CUPA'S INTERROGATORIES & RFPD, SET 1, TO EAGLE VILLAGE POA

Good afternoon:

Attached you will find a copy of Community Utilities of Pennsylvania, Inc.'s Interrogatories and Requests for Production of Documents, Set I, to Eagle Village POA in connection with the above-captioned matter. A word copy is also attached for your convenience.

Thank you,

On Behalf of:

Whitney E. Snyder | Partner

HMS Legal LLP

501 Corporate Circle, Suite 302 | Harrisburg, PA 17110
Phone : +1.717.236.1300 | Direct: +1.717.703.0807

APPENDIX 2

Assistant: Debbie Schreffler | +1.717.703.0819 | daschreffler@hmslegal.com

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CERTIFICATE OF SERVICE

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

VIA E-MAIL ONLY

James V. Fareri, Esquire
Newman Williams
712 Monroe Street
Stroudsburg, PA 18360
jfareri@newmanwilliams.com

Counsel for Eagle Village POA

/s/ Erich W. Struble _____

Whitney E. Snyder
Erich W. Struble

Dated this 26th day of August, 2025