

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Kathryn L. Zerfuss  
John F. Coleman, Jr.  
Ralph V. Yanora

Joint Application of Deer Haven, L.L.C. and PL Utilities, LLC for approval of: (1) PL Utilities, LLC's acquisition of certain wastewater system assets of Deer Haven, L.L.C.; (2) the abandonment by Deer Haven, L.L.C. of wastewater service to the public in Palmyra Township, Pike County, Pennsylvania; and (3) authorization of PL Utilities, LLC to offer, render, furnish and supply wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania

Docket No. A-2024-3049587

Docket No. A-2024-3049591

**ORDER**

**BY THE COMMISSION:**

**BACKGROUND**

By the joint application (Joint Application) filed on June 18, 2024, Deer Haven, L.L.C (Deer Haven), Utility Code 230106, and PL Utilities, LLC (PL Utilities), Utility Code 2127226, sought certificates of public convenience (CPCs) pursuant to Sections 1101 and 1102(a)(2) and (3) of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. §§ 1101 and 1102(a)(2) and (3), evidencing Pennsylvania Public Utility Commission (Commission) approval of: (1) PL Utilities' acquisition of certain

wastewater system assets of Deer Haven; (2) the abandonment by Deer Haven of wastewater service to the public in Palmyra Township, Pike County, Pennsylvania; and (3) authorization of PL Utilities to offer, render, furnish, or supply wastewater service to the public in a portion of Palmyra Township, Pike County, Pennsylvania.

In the intervening period, and due to the ongoing operational issues with Deer Haven's Wastewater System the Commission entered an Emergency Order which, *inter alia*, directed Aqua Pennsylvania Wastewater, Inc. (APW) to act as the receiver for Deer Haven's Wastewater System beginning August 15, 2024, and to continue during the pendency of Deer Haven's 529 proceeding pursuant to Section 529(g) of the Code, 66 Pa. C.S. § 529(g).<sup>1</sup>

By Order entered on March 7, 2025, (March 7<sup>th</sup> Order) we conditionally approved the Joint Application, pending the Joint Applicants' provision of additional documentation to the Commission by August 31, 2025. That additional documentation, set forth in Ordering Paragraph 1 (a) through (g) of our March 7<sup>th</sup> Order, involves regulatory compliance requirements including some from the Pennsylvania Department of Environmental Protection (DEP), and the completion of certain improvements required to provide wastewater service in the requested service territory. In the event the required documentation was not filed with the Commission and determined to be satisfactory by the Commission's Bureau of Technical Utility Services (TUS) by August 31, 2025, we directed that the Joint Application at this docket be automatically consolidated with the pending Section 529 proceeding at Docket No. P-2024-3050549 for further investigation and resolution.

On August 26, 2025, APW, Deer Haven, and PL Utilities (Joint Applicants), filed a Joint Motion, pursuant to 52 Pa. Code §1.15, for a 30-day extension of the August 31,

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<sup>1</sup> See March 7, 2025 Order at A-2024-3049591 and A-2024-3049587 for a detailed history and discussion of the Deer Haven Wastewater System deficiencies.

2025, deadline for the submission of the documentation required in our March 7<sup>th</sup> Order.

The Joint Motion also identifies that the item relating to the Notice of Termination for Deer Haven's plant decommissioning, noted in Paragraph 1 (f) of our March 7<sup>th</sup> Order, cannot be completed until after the Commission's final approval of the Joint Application.

For the reasons noted below, we shall grant the 30-day extension of time for the submission of the additional documentation as set forth in our March 7<sup>th</sup> Order and bifurcate the issue of the timing required for the submission of the Notice of Termination required relative to the decommissioning of Deer Haven's Wastewater Treatment Plant.

## **I. AFFECTED ENTITIES AND BACKGROUND**

Deer Haven is a regulated public utility company, duly organized and existing under the laws of the State of New Jersey under the provisions of the New Jersey Limited Liability Company Act, with an address of 839 Route 507, Greentown, Pennsylvania 18426. Deer Haven provides wastewater service to approximately 61 residential customers in a portion of Palmyra Township, Pike County, pursuant to its CPC issued on March 25, 2010.<sup>2</sup> Deer Haven started operating its wastewater facilities and providing service to the public in or around June 2004.<sup>3</sup> The service territory is comprised of approximately 140 acres of land along the southeastern shore of Lake Wallenpaupack in Palmyra Township, Pike County.

Haven Development is a New Jersey limited liability company with a registered office address of 165 Township Line Road Suite 1500, Jenkintown, Pennsylvania 19046.

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<sup>2</sup> See, CPC at Docket A-120106

<sup>3</sup> See, Complete Amended Application of Deer Haven filed on April 18, 2008, at Docket A-230106, Page 7

Haven Development is, or was, a wholly-owned subsidiary of Deer Haven that was formed on June 8, 2004.<sup>4</sup> Deer Haven and Haven Development owned approximately 84 acres of property in Palmyra Township, Pike County (the Property), including the land containing the Deer Haven’s wastewater treatment plant (Deer Haven WWTP) and most of its wastewater collection system (the Deer Haven Collection System, and together with the Deer Haven WWTP, the Deer Haven Wastewater System).

PL Utilities is a Pennsylvania limited liability company formed in 2015 whose sole member is Jacob Goren (Goren).<sup>5</sup> PL Utilities has a mailing address of 61 West 62nd Street, #22E, New York, New York 10023. In the Joint Application, PL Utilities noted that it is the owner of a new wastewater treatment plant (PL Utilities WWTP), which was funded through a loan from Goren and is discussed in Section II below. PL Utilities also noted that the construction of the PL Utilities WWTP was substantially completed in 2023.

Pocono Lakefront, LLC (Pocono Lakefront) is a Pennsylvania limited liability company with a registered office address of 865 Route 507, Greentown, Pennsylvania 18426.<sup>6</sup> Pocono Lakefront was formed in 2010 to develop property within the requested territory. The sole member of Pocono Lakefront is a trust (the Trust) formed by Goren. In 2015, the Pennsylvania Department of Environmental Protection (DEP) issued Water Quality Management Permit No. 5215401, allowing Pocono Lakefront to construct/operate the PL Utilities WWTP and associated wastewater lines and connections. However, DEP approval of the PL Utilities Wastewater Treatment Plant (PL Utilities WWTP) by PL Utilities is conditional on terms discussed in Section II below.

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<sup>4</sup> *Id.*, Pages 1-2.

<sup>5</sup> Supplemental information filed with the Commission appears to reflect that an individual named Bonnie Goren ,au have interests related to PL Utilities, the Trust and conveyances pursuant to the Assignment AIA discussed in Section VI, below.

<sup>6</sup> See Pennsylvania Department of State Corporation Search at <https://file.dos.pa.gov/search/business>. Retrieved August 13, 2024

Empire Industries, Inc. (Empire) is a corporation with a principal place of business located at 40 Warren Street, Paterson, New Jersey 07524. Empire is a multinational corporation with more than 50 employees and it is averred that Empire is equipped with the necessary personnel to handle PL Utilities' business needs. Empire manufactures and sells vanities, closets, and cabinets to meet the needs of showrooms and construction projects. Goren is Empire's President. In supplemental information filed with the Commission, PL Utilities provided a copy of an organizational chart that depicted Goren and his relevant business interests connected to PL Utilities' public utility operations, including Pocono Lakefront, the Trust, Goren, and Empire (collectively, the Goren Affiliates).

The Joint Applicants submitted proof of publication and service to the appropriate entities. Notice of the Joint Application was published in the Pennsylvania Bulletin, 54 Pa.B. 3766, on Saturday, June 29, 2024. The protest period ended July 15, 2024. No protests were filed, and no hearings were held.

On August 1, 2024, Deer Haven filed a Petition with the Commission that requested the issuance of an *ex parte* emergency order appointing Aqua Pennsylvania, Inc. (Aqua) to act as a temporary receiver to operate its Water System and its Wastewater System.<sup>7</sup> On August 7, 2024, the Commission issued a Secretarial Letter, at Docket No. P-2024-3050549, denying Deer Haven's request for an *ex parte* emergency order with respect to its Wastewater System and declining to impose a receivership for the Wastewater System.<sup>8</sup> Subsequently, on August 13, 2024, Deer Haven filed a letter (Letter), at Docket No. P-2024-3050549, informing the Commission that, on August 7, 2024, Environmental Services Corporation of Pennsylvania (ESC) informed Deer Haven

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<sup>7</sup> With respect to the Wastewater System, in its Petition Deer Haven requested the issuance of an *ex parte* emergency order directing Aqua to take temporary receivership of the Wastewater System until Pocono Lakefront has secured all regulatory approvals to consummate the transfer of the wastewater utility assets to PL Utilities.

<sup>8</sup> On August 7, 2024, the Commission entered an *ex parte* emergency order that granted, in part, and denied, in part, Deer Haven's Petition, with respect to Deer Haven's Water System only, as modified by the Commission, at Docket No. P-2024-3050545.

that it would terminate service as operator of Deer Haven's Wastewater System effective August 9, 2024, due to a past due balance on the account. Deer Haven indicated that, notwithstanding recent payments toward the outstanding balance, ESC terminated service on August 9, 2024, leaving Deer Haven without a certified operator. Deer Haven also indicated that its financials continue to deteriorate to the point where it is considering declaring bankruptcy. Thus, Deer Haven requested that the Commission reconsider its disposition to appointing a receiver for its Wastewater System. Under the circumstances, Chairman Stephen M. DeFrank (Chairman) treated Deer Haven's Letter as a renewed request for *ex parte* emergency relief.

On August 15, 2024, the Chairman entered an *ex parte* emergency order (August 15th Emergency Order) at Docket No. P-2024-3050549 that granted Deer Haven's renewed request with respect to Deer Haven's Wastewater System, consistent with the August 15 Emergency Order. The August 15th Emergency Order initiated an investigation into whether the Commission should order a capable public utility to acquire Deer Haven's Wastewater System pursuant to 66 Pa.C.S. § 529 (529 Investigation). The Commission's August 15th Emergency Order also directed Aqua Pennsylvania Wastewater, Inc. (APW) to act as the receiver (Receiver) for Deer Haven's Wastewater System beginning August 15, 2024, and to continue during the pendency of a proceeding pursuant to Section 529(g) of the Code, 66 Pa.C.S. § 529(g).<sup>9</sup>

On August 22, 2024, by Motion of Commissioner Kathryn L. Zerfuss (Motion to Stay), the Commission stayed the Joint Application proceeding, pending the outcome of the Section 529 proceeding, initiated at Docket No. P-2024-3050549, and on August 26, 2024, the Commission entered an order consistent with the Motion to Stay.

On December 17, 2024, Aqua Pennsylvania Water, Inc. and APW (together,

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<sup>9</sup> Wastewater operations are conducted through Aqua Pennsylvania, Inc's subsidiary Aqua Pennsylvania Wastewater, Inc. (APW)

Aqua) along with Deer Haven, filed a joint motion to lift the stay of proceedings at Docket Nos. A-2024-3049591 and A-2024-3049587 (Joint Motion to Lift). In the Joint Motion to Lift, Aqua argued that as the Receiver for the Deer Haven Wastewater System it has an interest in having the Commission determine whether to grant a CPC to PL Utilities. If the Commission approves the transfer and grants the CPC, then Aqua's responsibilities and its customers' burdens, regarding expenses incurred related to the receivership for the Deer Haven Wastewater System, will be alleviated. On December 18, 2024, the Pennsylvania Office of Consumer Advocate (OCA) filed a letter in reply to the Joint Motion to Lift, that indicated the OCA does not oppose the Joint Motion to Lift and submitted that the Deer Haven wastewater customers, who currently rely upon the efforts of Aqua as receiver and operator for utility service, may benefit from the Commission's evaluation and investigation of the Joint Application, pursuant to Section 1103(a) and (b). 66 Pa.C.S. § 1103(a) and (b). According to the OCA, lifting the stay would allow the Commission to review and determine whether the grant of certificate of public convenience authority, as requested, is necessary or proper for the service, accommodation, convenience, or safety of the public, pursuant to Section 1103. On December 30, 2024, the Commission's Bureau of Investigation and Enforcement (BIE) filed a letter to confirm that BIE supports the Joint Motion to Lift. On February 20, 2025, the Commission lifted the stay of the proceeding by Order.<sup>10</sup>

As noted above herein, our March 7<sup>th</sup> Order conditionally approved the Joint Application, pending the Joint Applicants' provision of additional documentation to the Commission and said documentation determined to be satisfactory by TUS by August 31, 2025.<sup>11</sup>

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<sup>10</sup> Order entered February 20, 2025, at Docket Nos. A-2024-3049591 and A-2024-3049587.

<sup>11</sup> Order entered March 7, 2025, at Docket Nos. A-2024-3049591 and A-2024-3049587.

## **II. DISCUSSION**

In our March 7<sup>th</sup> Order, we detailed the deficiencies identified in the Deer Haven system and the long history resulting in our conditional approval. We note that, while some progress has been made, the additional exchange of information and required approvals from DEP are not complete. PL Utilities was notified of the deficiencies in its filings with DEP by letter August 7, 2025, and represents in the Joint Motion that it is working diligently to cure them. The parties to the Joint Motion have represented that the deficiencies will not be resolved by the August 31, 2025, deadline.

The parties have requested an extension until September 30, 2025, asserting that they expect to be able to fully comply within 30 days. Their Petition was timely filed under Section 1.15(b). We find that the parties have articulated reasonable grounds, as noted above, for the asserted inability to comply with the August 31, 2025 deadline.

## **III. CONCLUSION**

Based on the foregoing facts we conclude that there is good cause to grant an extension until Tuesday, September 30, 2025, and to bifurcate the issue of the timing required for the submission of the Notice of Termination required relative to the decommissioning of Deer Haven's Wastewater Treatment Plant. We note here that this Order makes no determination or change to the status of Aqua as Receiver of the Deer Haven Wastewater System and that any determination or change to Aqua's status as Receiver of the Deer Haven Wastewater System will be made at the pending Section 529 proceeding at Docket No. P-2024-3050549.

However, if the Parties are unable to comply with the conditions of the March 7<sup>th</sup> Order by September 30, 2025, the Joint Application will be automatically consolidated

with the pending 66 Pa.C.S. § 529 proceeding consistent with our prior direction in the March 7<sup>th</sup> Order. As such, the Joint Motion for a 30-day Extension of Time is granted consistent with this Opinion and Order;

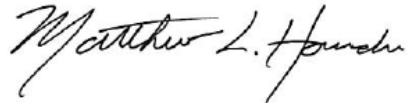
**THEREFORE,**

**IT IS ORDERED:**

1. That the Joint Motion for an Extension of the August 31, 2025 Deadline is granted until September 30, 2025.
2. That the Notice of Termination filed with the Pennsylvania Department of Environmental Protection indicating that Deer Haven, LLC Wastewater Treatment Plant was decommissioned, noted in Paragraph 1 (f) of our March 7<sup>th</sup> Order, is now due within 180 days of when the new plant is approved and operational.
3. That if the documentation required by Ordering Paragraph 1 (a) through (e) and (g) of our March 7<sup>th</sup> Order, is not filed with the Commission and determined to be satisfactory by the Commission's Bureau of Technical Utility Services by September 30, 2025, the Joint Application shall be automatically consolidated with the pending 66 Pa.C.S. § 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, L.L.C.'s Wastewater System pursuant to 66 Pa.C.S. § 529, at Docket No. P-2024-3050549.

4. That all other provisions of our March 7<sup>th</sup> Order, remain in full force and effect except as modified herein.

**BY THE COMMISSION,**



Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: August 28, 2025

ORDER ENTERED: August 28, 2025