

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eagle Village POA	:	
	:	
v.	:	C-2025-3055381
	:	
Community Utilities of Pennsylvania, Inc.	:	

**ORDER GRANTING MOTION OF
COMMUNITY UTILITIES OF PENNSYLVANIA, INC.
TO COMPEL RESPONSES TO
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Procedural Background

On or about May 21, 2025, Complainant, Eagle Village POA (Eagle Village) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Community Utilities of Pennsylvania, Inc. (CUPA). In its Complaint, Eagle Village averred that extreme freezing weather conditions resulted in busted pipes and massive water leaks. It further averred that CUPA is threatening to shut off water service to the complex unless a payment of \$73,000.00 is made. Eagle Village is requesting that CUPA reconsider adjustments to the outstanding balance and allow for a payment plan for the remaining balance.

On June 16, 2025, CUPA filed an Answer and New Matter to the Complaint. In its Answer, CUPA avers that it is not legally required to adjust the high bills issued to Eagle Village. In its New Matter, CUPA avers that Eagle Rock has failed to state a claim for which relief can be granted because it did not allege that CUPA violated the Public Utility Code, a Commission order or regulation, or CUPA's tariff. CUPA requests that the Commission dismiss Eagle Village's Complaint.

On August 26, 2025, CUPA filed a Motion to Compel Discovery Responses to Interrogatories and Requests for Production of Documents (Motion to Compel). In its Motion to Compel, CUPA averred, *inter alia*, that on June 6, 2025, it served on counsel to Eagle Village interrogatories and document requests (Discovery Requests). In its Discovery Requests, CUPA is seeking information related to the allegations and averments raised in Eagle Village’s Complaint, which it claims is necessary to prepare for a hearing in this proceeding. CUPA states that Eagle Village did not object to any of the Discovery Requests, nor did it provide any responses to those requests by the June 26, 2025, due date. A copy of CUPA’s Discovery Requests was attached to its Motion to Compel. CUPA requests that the Commission direct Eagle Village to provide responses to the Discovery Requests or, in the alternative, prohibit Eagle Village from introducing evidence at the hearing that would have been obtained by CUPA had Eagle Village responded to CUPA’s requests.

Discussion

The Commission’s regulations permit the discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” 52 Pa.Code § 5.321(c). In addition, discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975), the Court held that “[i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case and, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

The Commission’s Regulations at 52 Pa.Code § 5.371 address the consequences of a participant’s failure to comply with the Commission’s discovery regulations. Section 5.371 provides that:

- (a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:
 - (1) 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.

Further, 52 Pa.Code § 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's Regulations.

In its Motion to Compel, CUPA requests that the Commission issue an order compelling Eagle Village to fully and completely respond to the Discovery Requests. Under the circumstances, I conclude that Eagle Village is required to provide full and complete responses to the subject discovery requests, consistent with the ordering paragraphs below. I note that, in the event Eagle Village does not comply with the this order and fails to respond to CUPA's discovery requests as directed below, CUPA may make an appropriate motion requesting further relief.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Compel Discovery Responses to Interrogatories and Requests for Production of Documents filed by CUPA on August 26, 2025, is granted.
2. That Eagle Village shall serve upon counsel for CUPA full and complete responses to all of the Interrogatories and Requests for Production of Documents served on counsel to Eagle Village on June 6, 2025, by no later than 4:00 p.m. on Monday, September 15, 2025.

3. In the event Eagle Village does not comply with this order and fails to respond to CUPA's discovery requests as directed above, CUPA may make an appropriate motion requesting further relief.

Date: September 8, 2025

/s/
Steven K. Haas
Administrative Law Judge

C-2025-3055381 - EAGLE VILLAGE POA v. COMMUNITY UTILITIES OF PENNSYLVANIA INC

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