



**FIFTH STATUS REPORT TO THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DEER HAVEN, LLC (SEWER)
AQUA PENNSYLVANIA WASTEWATER, INC., AS RECEIVER

DOCKET NO. P-2024-3050549

Dated: October 14, 2025

A. BACKGROUND

On August 1, 2024, Deer Haven, LLC (Sewer) (“DH Sewer”) filed a Petition requesting that the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) issue an *Ex Parte* Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems.¹ The Commission issued a Secretarial Letter on August 7, 2024 denying DH Sewer’s request for an *Ex Parte* Emergency Order. Aqua Pennsylvania, Inc. (“AP”) filed a letter on August 13, regarding the Deer Haven, LLC (Water) (“DH Water”) system, but noted that:

Aqua would also note that while Aqua is aware the Commission denied Deer Haven’s Petition for an *Ex Parte* Emergency Order to name Aqua Pennsylvania Wastewater, Inc. as the Receiver for the Wastewater System, Aqua understands that the operator is no longer performing operations oversight for the Wastewater System as of Saturday, August 10, 2024. Aqua is informing the Commission to ensure that operations oversight is restored as soon as possible to protect the customers of Deer Haven.²

Also on August 13, 2024 DH Sewer filed a response to the Commission’s August 7, 2024 Secretarial Letter wherein DH Sewer stated that its current operator was terminating service effective August 9, 2024 due to past due balances owed. When the operator terminated service the DH Sewer wastewater plant (“WWTP”) also lost its Pennsylvania Department of Environmental Protection (“DEP”) licensed operator of record.

On August 15, 2024, the Commission issued an *Ex Parte* Emergency Order naming AP as Receiver of the DH Sewer system.³ Although the Commission named AP as the Receiver for the DH Sewer system, Aqua Pennsylvania Wastewater, Inc. (“APW”) is acting as the Receiver as DH Sewer is a wastewater system (AP and APW shall be referred to as “Aqua” collectively).

The DH Sewer system serves approximately 62 customers in Palmyra Township, Pike County, Pennsylvania. The DH Sewer system abuts Lake Wallenpaupack and is near several of AP’s water systems including Tanglewood North and Tanglewood Lakes. The Receivership Order was ratified by the Commission through its Ratification Order entered on August 22, 2024. Aqua was directed to assume its Receivership role on August 15, 2024. Included within the Commission’s Receivership Order, the Company was directed to “[s]ubmit an initial status report to the Commission within 60 days of assuming operations and then quarterly thereafter to detail any relevant updates pursuant to duties and responsibilities assigned through receivership.”⁴ APW submitted its Initial Status Report on DH Sewer on October 15, 2024. APW submitted its Second Status Report on DH Sewer on January 13, 2025. APW submitted its Third Status Report on April 14, 2025. APW submitted an Updated Third Status Report on June 17, 2025. APW submitted its

¹ *Petition of Deer Haven, LLC Requesting an Ex Parte Emergency Order Allowing Aqua Pennsylvania, Inc. to Act as a Receiver to Operate the Deer Haven Water and Sewer Systems*, Docket No. P-2024-3050549. (“DH Petition”).

² Letter of AP Re: DH Petition, Docket No. P-2024-3050545 (Aug. 13, 2024).

³ DH Petition, Docket No. P-2024-3050549, *Ex Parte* Emergency Order, Ordering Paragraph No. 5 (Aug. 15, 2024) (“Receivership Order”).

⁴ *Id.* Ordering Paragraph No. 5, Appendix A, Paragraph 1.o.

Fourth Status Report on July 14, 2025. APW submitted an Updated Fourth Status Report on August 7, 2025.

APW now submits its Fifth Status Report (“Status Report”) on the operations of DH Sewer as directed by the Commission.

B. FIFTH STATUS REPORT

1. Operations and Capital Expenditures

On August 15, 2024, APW began its Receivership duties for the DH Sewer system. As discussed in the Initial Status Report, APW has continued to pump and haul wastewater that enters the DH Sewer wastewater treatment plant (“WWTP”).

Since the Fourth Status Report, APW has made the following improvements to the DH Sewer system:

- i. Aqua replaced a failed ultrasonic unit.

The DH Sewer system experienced discharges to Lake Wallenpaupack during the July due to heavy rain events which contributes to substantial inflow and infiltration that overloads the treatment plant and the pumping and hauling operation. A summary of the discharges to Lake Wallenpaupack are included in this Status Report as **Attachment A**. Aqua reported the discharges to DEP.

As discussed in the Initial Status Report, PL Utilities, LLC (“PLU”) owns a new wastewater treatment plant (“PLU WWTP”) that was designed and constructed to connect to the DH Sewer system upon approval of the joint application to transfer the DH Sewer assets to PLU (“Joint Application”).⁵ APW and DH Sewer filed a Joint Motion to Lift the Stay of Proceedings (“Joint Motion”) in the Joint Application proceeding as APW and DH Sewer believed that “the best path forward for the parties and customers, is through approval of the Joint Application.” Joint Motion at 4. On December 18, 2024, the Office of Consumer Advocate (“OCA”) filed a letter indicating that they did not oppose the Joint Motion to lift the stay. The Commission’s Bureau of Investigation and Enforcement (“I&E”) filed a Letter in Support of the Joint Motion on December 30, 2024. The Commission lifted the stay of the Joint Application proceeding through its Order issued February 20, 2025. The Commission then entered an Opinion and Order March 7, 2025 conditionally approving the Joint Application (“March 7 Order”).

PLU has provided updates to the progress on the PUC’s requirements in the March 7, 2025 Order. Updates were provided on May 30, 2025 (which was included in APW’s Updated Third

⁵ *Joint Application of Deer Haven, LLC and PL Utilities, LLC for the approval of: (1) PL Utilities, LLC’s acquisition of certain wastewater system assets of Deer Haven, LLC; (2) the abandonment by Deer Haven, LLC 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 Nos. A-2024-3049587 and A-2024-3049591 (Jun. 17, 2024).* (“Joint Application”).

Status Report), June 27, 2025 (which was included in APW's Fourth Status Report), and July 31, 2025 (which is included in APW's Updated Fourth Status Report).

On August 26, 2025, APW, PLU, and DH Sewer submitted a Joint Motion for an Extension of the Commission's August 31, 2025 deadline set forth in the Commission's March 7 Order to September 30, 2025. The Joint Motion was to allow time for DEP to review additional material submitted by PLU stemming from the DEP's August 7, 2025 letter (included in this Status Report as **Attachment B**) outlining deficiencies in what PLU provided. The Joint Motion for an Extension was granted by Commission Order on August 28, 2025. APW, PLU, and DH Sewer then filed a Joint Motion for a further extension of the September 30, 2025 deadline for PLU to comply with the requirements of the March 7 Order. The further extension was granted by the Commission to December 1, 2025 by Order dated September 26, 2025.

APW established a website to provide information to customers concerning the DH Sewer system: <https://www.aquawater.com/deerhaven>. APW initially sent a letter to customers informing them that APW was now acting as Receiver of the DH Sewer system and provided a second notice of how customers could participate in the Section 529 Proceeding.

APW is developing a recommended capital plan for the DH Sewer system and will provide recommendations on capital improvements in a subsequent status report.⁶

As APW continues to operate the system to ensure compliance with the Receivership Order, APW will make improvements necessary to provide quality and reliable service. APW will have further information on operational issues in later reports.

2. Financial

The Receivership Order directed APW to establish the financial position of DH Sewer at the time Aqua assumed its Receivership role.⁷ APW is working to establish the financial position of DH Sewer as of the start of APW's Receivership. APW does note that the current revenue for the DH Sewer system does not meet the current costs of operation. APW will continue to track expenses and capital improvements related to the DH Sewer system through deferred accounting treatment via establishment of a regulatory asset in accordance with APW's Receivership duties.⁸

C. CONCLUSION

APW will continue to investigate the system's operations and financial status and will make necessary improvements to operate the DH Sewer system to ensure quality service to the DH Sewer customers for the period of its Receivership duties during the 529 proceeding. APW will provide an update to this Status Report on or before January 12, 2026.

⁶ *Receivership Order*, Ordering Paragraph 5, Appendix A, Paragraph 1.c.

⁷ *Id.* Ordering Paragraph 5, Appendix A Paragraph 1.r.

⁸ *Id.* Ordering Paragraph 5, Appendix A, Paragraphs 1.s and 2.b.

Attachment A

Date	Tank Level	# of Loads Hauled	Gallons Hauled	Precip (in)	Effluent Meter Reading	Effluent to Lake (gals)
7/14/2025	8.2'	6	29,800	2.0"R	1,161,938	3,063
7/15/2025	8.1'	5	25,000	0.75"R	1,165,001	875
7/16/2025	6.7'	4	20,300	0"	1,165,876	144

Attachment B



GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Via email

Mark Shaw, Esquire
MacDonald Illig Attorneys
100 State St. Suite 700
Erie, PA 16507

Re: Deficiencies in submissions from PL Utilities, LLC

Dear Mark,

The Department of Environmental Protection (“Department”) has received several of the submissions from PL Utilities, LLC (“PLU”) required by the July 17, 2025 Consent Order and Agreement between the Department, PLU, Pocono Lakefront, LLC, and Deer Haven, LLC (“COA”). While many submissions were received well ahead of the COA deadlines, some of the submissions were incomplete or incorrect. The Department is making every effort to help PLU, Pocono Lakefront, LLC and Deer Haven, LLC meet the Public Utilities Commission’s (“PUC”) requirements in its March 7, 2025 Order (“PUC Order”), but needs PLU to be more diligent in reviewing the information submitted to the Department.

On July 17, 2025, PLU submitted an Act 537 Transfer Plan Update Revision seeking the approval required by the Paragraph e. of the PUC Order, a decommissioning plan to facilitate meeting Paragraph f. of the PUC Order, and an NPDES transfer application from Deer Haven to PL Utilities to meet Paragraph d. of the PUC Order via the Department’s Public Upload with a reference #332703. On July 18, 2025, the Department performed a cursory review of the submission and identified in a July 18, 2025 email to you that the NPDES transfer application did not include: (1) the application fee, (2) proof of submission of eDMR forms to the Central Office resource account, (3) eDMR transfer form signatures, and (4) eDMR trading partner agreement signatures. In addition, I noted in the email that also missing were the signed and stamped Water Quality Management (“WQM”) Post Construction Certification Form required by Paragraph b. of the PUC Order and the as-builts, and the request to withdraw the WQM permit amendment or address final disposition of the application.

On July 30, 2025, PLU submitted another Act 537 Transfer Plan Update Revision, another decommissioning plan, a Water Quality Management Permit transfer application, and another NPDES Permit transfer application via the Department’s Public Upload at reference #336305. The only differences between the July 30th submission and the July 17th submission are the addition of unsigned, unsealed as-builts drawings for the new wastewater treatment plant, the WQM Permit transfer application to meet Paragraph c. of the PUC Order, and revised eDMR forms.

On August 1, 2025, the Department received the fees for the NPDES transfer application and the WQM transfer application.

On August 4, 2025, Department staff spoke to PLU's consultant, Brian Book, about the submissions. Mr. Book indicated that the as-builts were signed and sealed but the unsigned and unsealed versions were wrongly submitted to the Department. He stated he would "look into" the status of the required WQM Post Construction Certification Form. Also, he indicated that the operator information is not included in the eDMR forms because the operator has not been paid and its contract not signed.

As of the date of this letter, the Department has not received the signed and sealed as-builts, the WQM Post Construction Certification Form, or the completed eDMR forms. Also, the Department has identified a host of discrepancies between the 2025 Implementation Schedule and the 2025 Act 537 Update Revision Transfer Plan. For example:

1. The Implementation Schedule indicates that the "Township Official Action on Act 537 Plan" was completed in June 2025; however, the Resolution in Appendix 1 of the Plan is dated August 6, 2024.
2. The 2025 Implementation Schedule states that the item "Submit Act 537 Plan for Public and Planning Commission Review" was completed March 15, 2025; however, the transmittal letters included in Appendices 2 and 3 are dated June 2024.
3. Appendix 4 includes a Public Notice, the advertisement of which was completed March 15, 2025, according to the 2025 Implementation Schedule. Yet the photocopy of the advertisement does not match the Public Notice in Appendix 4, and the Affidavit of Publication in Appendix 5 is dated June 15, 2024.
4. Appendices 6 and 7 are the same Components 4A and 4B that were included in the 2024 Act 537 submission that was returned for deficiencies. As the Department explained in its January 28, 2025 letter returning the 2024 Act 537 planning submission, Components 4A and 4B are not appropriate because actual correspondence from both the local and county planning commissions with their comments or a statement of no comments is needed.
5. The PNDI included in the Plan is dated 2018 and expires after two years; therefore, a new PNDI must be submitted.

The Department is committed to helping PLU to timely obtain the necessary approvals to provide sewage service to the Deer Haven service area. But in order for the Department to be able to move forward with necessary approvals and permitting, the deficiencies noted above need to be addressed expeditiously. I appreciate any efforts you can extend to assist your client in correcting the deficiencies. Thank you for your attention.



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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Honorable Christopher P. Pell, Presiding

Petition of Deer Haven, LLC Requesting an : **Docket Nos. P-2024-3050545;**
***Ex Parte* Emergency Order Allowing Aqua** : **I-2024-3051540; P-2024-3050549;**
Pennsylvania, Inc. to Act as a Receiver to : **I-2024-3051541**
Operate the Deer Haven Water and :
Wastewater Systems

CERTIFICATE OF SERVICE

I hereby certify that I have, this 14th day of October, 2025, served a true and correct copy of Aqua Pennsylvania, Inc.'s Fifth Status Report, upon the persons and in the manner indicated below:

VIA E-FILE AND ELECTRONIC MAIL

PA PUC

E-file Only

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