



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

November 18, 2025

Docket No. A-2025-3057204
Utility Code 230106

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RE: Application of Deer Haven, L.L.C. for approval, *nunc pro tunc*, of the right to sell certain real estate to Pocono Lakefront, LLC in the Township of Palmyra, Pike County, Pennsylvania at Docket No. A-2025-3057204

Dear Attorneys Bakare and Shaw:

On August 29, 2025, Deer Haven, L.L.C. (Deer Haven) filed the above-captioned document (Application) with the Pennsylvania Public Utility Commission (Commission). For the Commission to complete its analysis of the filing, please respond with the information requested in the attached document.

Please forward the information to the Secretary of the Commission at the address listed below **within ten (10) business days** from the date of this letter. All documents requiring notary stamps must have original signatures. The Commission strongly encourages submission through efilings with the Secretary of the Commission by opening an efilings account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efilings system at this time.

If your filing contains confidential material, you are required to either file by overnight delivery or submit to the Secretary's Share Point File system to ensure the timely filing of your submission. Filers should contact the Secretary's Bureau in advance to gain access to the Share Point File system. Make sure to reference the Docket Number listed above when filing your response. The overnight address for hard-copy or confidential responses is:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Please note your answers must be verified per 52 Pa. Code § 1.36. Accordingly, you must provide the following statement with your responses:

I, [print name of appropriate company representative], hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Signature _____
Title _____
Date _____

Please contact the below staff person if any problems should arise that prevent a full response within ten business days or if any clarification of these data requests is needed. Please mark the materials “CONFIDENTIAL” in bold or highlighted manner if any of the requested information is deemed to be of a confidential nature.

In addition, to expedite completion of the review, please send a copy of the response to Matthew T. Lamb, P.E., in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at mlamb@pa.gov. Thank you in advance for your cooperation.

Sincerely,



Matthew L. Homsher
Secretary

Enclosure: TUS Data Request Set 1

cc: Darryl Lawrence, Office of Consumer Advocate (w/enclosure), ra-oca@paoca.org
Melanie El Atieh, Office of Consumer Advocate (w/enclosure), melatieh@paoca.org
Barrett Sheridan, Office of Consumer Advocate (w/enclosure), bsheridan@paoca.org
NazAarah Sabree, Office of Small Business Advocate (w/enclosure), ra-sba@pa.gov
Steven Gray, Office of Small Business Advocate (w/enclosure), sgray@pa.gov
Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), akaster@pa.gov
Scott Granger, Bureau of Investigation & Enforcement (w/enclosure), sgranger@pa.gov

TUS Data Request Set 1

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Note: Please restate the data request prior to providing a response. In addition, provide the name and title of the person(s) providing the response and/or information for each data request.

- A-1. In the Application's Section 9, Deer Haven indicated that the Purchase and Sale Agreement (APA) entered into by and between Deer Haven, Haven Development, LLC (Haven Development), and Pocono Lakefront, LLC (Pocono Lakefront) dated October 25, 2010, included parcels (Deer Haven Property) identified by Pike County Parcel IDs 070.04-01-01, 070.04-01-03, 070.04-01-46, 070.04-01-55, and 070.04-01-03.001, consisting of approximately 85 acres of land. Additionally, the Application's Section 10 indicated that the Deer Haven Property was consolidated as depicted on a map showing the location of each of the aforementioned parcels as Tract 3, Lakefront Lot, Parcel BR, Tract 2, Tract 6, and Entrance Panel provided as the Application's Exhibit D. Please provide responses to the following:
- a. Provide a listing of the new Pike County Parcel IDs (New Parcel IDs) for the Deer Haven Property that represent the parcels of land that were transferred as part of the APA and quantify each parcel's area in acres; and
 - b. Provide a listing of all major wastewater system assets (e.g., wastewater treatment plant and pump station(s)) located on the Deer Haven Property along with its associated New Parcel ID.
- A-2. In the Joint Application's (Joint Application's) Section 48 at Docket No. A-2024-3049591, PL Utilities, LLC (PLU) provided a copy of a *pro forma* Judgement Note (Pro Forma Note) that indicated it intends to enter into with Jacob Green for the construction of the PLU wastewater treatment plant (PLU WWTP) that included an Amortization Schedule, a Security Agreement, and a General Assignment and Bill of Sale (Bill of Sale) as the Joint Application's Attachment J. Deer Haven and PLU averred that the Bill of Sale will ensure that PLU has clear title to the Deer Haven Collection System and the PLU WWTP. However, the Commission notes that the Bill of Sale appears to include only the assignment of the PLU WWTP. Please provide responses to the following:
- a. Clarify whether the Bill of Sale includes the assignment of the Deer Haven Collection System to PLU and, if so, cite the specific paragraph that directs such assignment; or
 - b. If not, provide a revised Attachment J that includes a revised Bill of Sale that clearly includes the assignment of both the Deer Haven Collection System and the PLU WWTP to PLU at Docket No. A-2024-3049591.
- A-3. In the Application's Section 30, Deer Haven indicated that approval of the sale of the Deer Haven Property to Pocono Lakefront would enable PLU to lawfully operate the Deer Haven Collection System and PLU WWTP on land owned by Pocono Lakefront, with the grant of a permanent easement to PLU. PLU and Pocono Lakefront provided a copy of the revised Sanitary Sewer System Easement (Revised System Easement) as the

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Joint Application's Amended Attachment M filed on July 22, 2024, at Docket No. A-2024-3049591. Please provide responses to the following:

- a. Explain why Deer Haven, Pocono Lakefront and PLU are not ensuring PLU, as the eventual certificated wastewater public utility, will receive simple fee ownership (Facility Land Ownership) of those portions of land that contain the PLU WWTP, wastewater system pump station(s), and the length of pipe (Outfall Segment) between the treated wastewater discharge exit point of the Deer Haven WWTP and the discharge outfall point into Lake Wallenpaupack; and
 - b. Explain how the Revised System Easement, rather than Facility Land Ownership, will benefit PLU ratepayers and enable PLU to secure capital financing independently from Pocono Lakefront for future wastewater system improvements without the ability to pledge Facility Land Ownership as collateral.
- A-4. The Application's Section 31 indicated that Pocono Lakefront paid \$2,500,000 (Purchase Price) for the Deer Haven Property. Please explain how Deer Haven determined the Purchase Price including a description of any processes, data, or appraisals that Deer Haven relied on to complete its determination. Additionally, please provide copies of any supporting data and appraisals used by Deer Haven in determining the Purchase Price.
- A-5. The Revised System Easement does not appear to include a listing of the Deer Haven Property by New Parcel ID. Please provide responses to the following:
- a. Provide a revised Attachment M with an updated Revised System Easement that includes all parcels of the Deer Haven Property using the New Parcel IDs along with all associated System Easement Exhibits at Docket No. A-2024-3049591; and
 - b. Provide copies of separate plat maps along with written legal descriptions for the PLU WWTP, existing wastewater pump station(s), and Outfall Segment to include a sufficient area surrounding each facility to accommodate operation, maintenance, and construction activities.
- A-6. Please provide a list of the major construction activities that PLU projects will be required to connect the PLU WWTP to the existing Deer Haven Collection System and the Outfall Segment along with the associated projected schedule.
- A-7. Please provide written evidence that Deer Haven has reserved from the Deer Haven Property for Deer Haven's water operations (DHW), Utility Code 210124, in coordination with Aqua Pennsylvania, Inc. (Aqua), as the Commission appointed temporary receiver for the Deer Haven Water System (Water System), the necessary fee simple ownership and easement rights required to operate and maintain the Water System on the Deer Haven Property. The Commission notes that DHW should retain fee simple

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land ownership for all wells, wellhead protection areas and other such associated facilities required for the Water System. If DHW does not have fee simple ownership and easement rights for the Deer Haven Property, provide copies of the *pro forma* land transfer and easement documents (Pro Forma DHW Documents) from the Deer Haven Property's owner to DHW along with the associated plat maps, and written verification from Aqua, in its role as the Water System's receiver, that indicates the Pro Forma DHW Documents, upon execution, provide sufficient rights for the operation and viability of the Water System.

- A-8. Pursuant to 52 Pa. Code § 3.501(a)(7)(iv), the application must include letters by the appropriate governmental entities certifying that the application does or does not meet all the applicable requirements of any officially adopted county comprehensive plans, municipal comprehensive plans, and applicable zoning designations, including any necessary amendments. The Application did not include copies of letters from Palmyra Township and Pike County that indicated whether the Application is consistent with adopted municipal and county comprehensive plans and zoning designations. Please provide responses to the following:
- a. Provide evidence that Deer Haven sent land use planning consistency verification letters to Palmyra Township and Pike County that requested confirmation of whether the Application is consistent with adopted municipal and county comprehensive plans and zoning;
 - b. Provide copies of responses to Deer Haven's land use planning consistency verification letters from Palmyra Township and Pike County; and
 - c. If responses to Deer Haven's letters have not been provided by Palmyra Township and Pike County, provide verification of whether the Application is consistent with adopted municipal and county comprehensive plans and zoning ordinances.
- A-9. In the Application, Deer Haven indicated that it is requesting the Commission grant a certificate of public convenience to Pocono Lakefront allowing it to continue owning land which is used and useful in service to the public. Please provide responses to the following:
- a. Clarify whether Pocono Lakefront is seeking approval, *nunc pro tunc*, of the right to acquire certain real estate from Deer Haven pursuant to 66 Pa.C.S. § 1102(a)(3)(ii)(B) as an affiliated interest of a public utility as defined in 66 Pa.C.S. § 2101; and
 - b. Indicate which parcels of land and/or the portions thereof, using the New Parcel IDs, along with the area of land defined in acres from the Deer Haven Property that will remain in service as used or useful in the public service for the provision of wastewater utility service.

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- A-10. The Application does not appear to include the location or route of the existing and proposed wastewater facilities for the Deer Haven Collection System, the PLU WWTP, wastewater pump station(s), and the wastewater main connecting the PLU WWTP and the Outfall Segment based on the removal of the Deer Haven WWTP from service. Pursuant to 52 Pa. Code § 3.501(a)(2)(ii), an application must include a map of the location or route of the wastewater collection, treatment or disposal facilities. Please provide a map of suitable scale in a legible electronic format that indicates the location, route, and elevation of all wastewater facilities color coded to distinguish between existing and proposed facilities.
- A-11. Please indicate if Palmyra Township has a mandatory wastewater connection ordinance and, if applicable, whether all properties in the PLU requested territory conditionally approved by the Commission at Docket No. A-2024-3049591 are in compliance with the ordinance(s).
- A-12. Please confirm that Deer Haven and Pocono Lakefront are not affiliated with one another and that the proposed transaction was negotiated at arms' length.
- A-13. Please provide Deer Haven's tentative journal entries for recording the transaction under the APA on its books.