

**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 GRANTING JOINT MOTION FOR EXTENSION OF TIME

BY THE COMMISSION:

BACKGROUND

By the joint application (Joint Application) filed on June 18, 2024, Deer Haven, LLC (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), Utility Code 230240, 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).¹

By Order entered on March 7, 2025 (March 7th 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 7th 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, 2025, deadline for the submission of the documentation required in our March 7th Order.

¹ 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.

Due to the timing of the request, and the impending deadline, on August 28, 2025, we granted the 30-day extension until September 30, 2025.²

On September 24, 2025, the Joint Applicants filed a Joint Motion, pursuant to 52 Pa. Code § 1.15, for a 60-day extension of the September 30, 2025, deadline for the submission of the documentation required in our March 7th Order.

On September 26, 2025, the Commission found that the Joint Applicants articulated reasonable grounds for the asserted inability to comply with the September 30, 2025, deadline and, therefore, we granted the 60-day extension until December 1, 2025.³

On November 20, 2025, the Joint Applicants filed a Joint Motion, pursuant to 52 Pa. Code § 1.15, to further extend the deadline until December 16, 2025, for the submission of the documentation required in the March 7th Order.

The parties have requested an extension until December 16, 2025, asserting that the remaining items that need to be completed per the Commission's March 7th Order, including items (b), (c), (d), (e) and (g) of Ordering Paragraph 1, all relate to actions to be taken by DEP, over which neither the Joint Applicants nor PLU have control.⁴ The Joint Motion 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 December 1, 2025, deadline. For good cause shown and consistent with this Order, we shall grant an extension of time for the submission of the additional documentation as set forth in our March 7th Order.

² See August 28, 2025 Order at A-2024-3049591 and A-2024-3049587

³ See September 26, 2025 Order at A-2024-3049591 and A-2024-3049587.

⁴ See November 20, 2025 Joint Motion, Para. 19.

CONCLUSION

Based on the foregoing facts we conclude that there is good cause to grant an extension to allow the parties sufficient time to address the conditions of the March 7th Order. However, the Commission notes that the intent of the March 7th Order was to have the parties resolve these matters in an expeditious manner recognizing that there is urgent public health consideration as well as an ongoing and accruing expense to APW due to the inoperability of the Deer Haven wastewater treatment plant, and the requirement for APW to haul wastewater for treatment to an offsite facility in order to maintain the provision of wastewater service to the public.

Although the Joint Motion requested to extend the December 1, 2025, deadline until December 16, 2025, we find that this request may not account for potential additional delays that may arise from various factors during the month of December. Therefore, in order to avoid any subsequent incremental requests for a time extension, we shall grant an extension of time until January 16, 2026, for the submission of the additional documentation as set forth in our March 7th Order. In light of the Commission making a determination to move the requested deadline extension of December 16, 2025, to January 16, 2026, the Commission may weigh the factors considered for this time extension in addition to any other issues of record at the time the parties file any future extensions of time to determine if there is good cause for such action.

Additionally, we note here that this Order makes no determination or change to the status of APW as Receiver of the Deer Haven Wastewater System and that any determination or change to APW'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 7th Order by January 16, 2026, the Joint Application will be automatically consolidated with the pending 66 Pa.C.S. § 529 proceeding consistent with our prior direction in the March 7th Order. As such, the Joint Motion for an 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 December 1, 2025 Deadline is granted until January 16, 2026.

2. That if the documentation required by Ordering Paragraph 1 (a) through (e) and (g) of the March 7, 2025 Order entered at Docket Nos. A-2024-3049591 and A-2024-3049587 is not filed with the Commission and determined to be satisfactory by the Commission's Bureau of Technical Utility Services by January 16, 2026, 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, LLC's Wastewater System pursuant to 66 Pa.C.S. § 529, at Docket No. P-2024-3050549.

3. That all other provisions of our March 7, 2025, August 28, 2025, and September 30, 2025 Orders entered at Docket Nos. A-2024-3049591 and A-2024-3049587 remain in full force and effect except as modified herein.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: November 26, 2025

ORDER ENTERED: November 26, 2025