

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

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 Palmyra Township, Pike County, Pennsylvania

**Public Meeting held January 29, 2026
3057204-TUS
Docket No. A-2025-3057204**

MOTION OF COMMISSIONER RALPH V. YANORA

Before the Commission for consideration and disposition is the application (Application) filed with the Pennsylvania Public Utility Commission (Commission) on August 29, 2025, Deer Haven, L.L.C. (Deer Haven), Utility Code 230106, seeks a certificate of public convenience (CPC) pursuant to Section 1102(a)(3) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1102(a)(3), evidencing Commission approval, *nunc pro tunc*, of Deer Haven's right to sell certain real estate to Pocono Lakefront, LLC (Pocono Lakefront) in Palmyra Township, Pike County, Pennsylvania. No protests were filed, and no hearings were held.

On August 7, 2024, the Chairman entered an *ex parte* emergency order (August 7th Emergency Order) at Docket No. P-2024-3050545 that granted, in part, and denied, in part, Deer Haven's request with respect to Deer Haven's Water System. The August 7th Emergency Order initiated an investigation into whether the Commission should order a capable public utility to acquire Deer Haven's Water System pursuant to 66 Pa.C.S. § 529 (529 Water Investigation). On August 26, 2024, the Commission entered a Ratification Order (August 26th Ratification Order) that modified the August 7th Emergency Order and directed Aqua Pennsylvania, Inc. to act as the Receiver for Deer Haven's Water System beginning August 22, 2024, and to continue during the pendency of a proceeding pursuant to Section 529(g) of the Code, 66 Pa.C.S. § 529(g).

Aqua, as the Receiver for Deer Haven Water, asserted that the Application would affect the current and future operation of the Deer Haven Water System, including the right of the associated water facilities to be present on Deer Haven Property. In supplemental information filed with the Commission, Pocono Lakefront indicated that Deer Haven did not reserve any property for the Deer Haven Water System. Further, Pocono Lakefront indicated that both Pocono Lakefront and Aqua have been negotiating a settlement of that issue as part of the 529 Water Investigation with the expectation to finalize an agreement which will address Deer Haven Water's right to operate the Deer Haven Water System on the Deer Haven Property. No written documentation was provided to the Commission as evidence that the required land rights, either fee simple land ownership or easements, for the Deer Haven Water System were transferred back to Deer Haven Water from Pocono Lakefront.

It is evident to the Commission that Deer Haven Water had a responsibility to its ratepayers to ensure that it had retained land rights for the Deer Haven Water System prior to the sale of the Deer Haven Property to Pocono Lakefront. The Commission, as part of its consideration of the Application, must ensure that Deer Haven Water, on a *post hoc* basis, is

returned to a position with all required land rights intact for the water system, and in the possession of Deer Haven Water to enable its continued provision of water public utility service without any uncertainty as to its access or ability to operate, maintain and/or construct any water facilities.

As this Application requests Commission approval, *nunc pro tunc*, of the right Deer Haven to sell certain real estate to Pocono Lakefront, I find it reasonable to require written evidence that Deer Haven has received from Pocono Lakefront land rights for the Deer Haven Water System wells and the associated wellhead protection areas and easement rights for the remainder of the Deer Haven Water System to include mains, service lines, and other associated appurtenances on the Deer Haven Property for no additional consideration. Therefore, pursuant to 66 Pa.C.S. § 1103 (relating to procedures to obtain CPCs), the CPC requested by Deer Haven shall be conditioned upon the filing with the Commission executed copies of documents transferring from Pocono Lakefront to Deer Haven Water land ownership rights and easement rights for the Deer Haven Water System wells and the associated wellhead protection areas for the remainder of the Deer Haven Water System to include mains, service lines and other associated appurtenances on the Deer Haven Property for no additional consideration, along with a copy of a written verification from Aqua, in its role as the Receiver, indicating the executed documents provide sufficient rights for the operation and viability of the Deer Haven, L.L.C. water supply, treatment, storage, and distribution system, consistent with this Motion.

THEREFORE, I MOVE:


1. That the Application of Deer Haven, L.L.C. at Docket No. A-2025-3057204, as supplemented, is hereby conditionally approved, consistent with this Motion.
2. That Deer Haven, L.L.C. shall file with the Commission's Secretary's Bureau at Docket No. A-2025-3057204, executed copies of documents transferring from Pocono Lakefront, LLC to Deer Haven, L.L.C. land ownership rights and easement rights for the Deer Haven, L.L.C. wells and the associated wellhead protection areas for the remainder of the Deer Haven, L.L.C. water supply, treatment, storage and distribution system to include mains, service lines and other associated appurtenances on the Deer Haven Property for no additional consideration, along with a copy of a written verification from Aqua Pennsylvania, Inc., in its role as the Receiver, indicating the executed documents provide sufficient rights for the operation and viability of the Deer Haven, L.L.C. water supply, treatment, storage, and distribution system, consistent with this Motion.
3. That, upon compliance with Moving Paragraph 2, a Certificate of Public Convenience shall be issued pursuant to Section 1102(a)(3) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1102(a)(3), evidencing Commission approval, *nunc pro tunc*, of the right of Deer Haven, L.L.C. to sell certain real estate to Pocono Lakefront, LLC in Palmyra Township, Pike County, Pennsylvania, consistent with this Motion.
4. That nothing herein shall be construed as an approval or determination of costs or expenses for the purposes of just or reasonable rates or to exempt Deer Haven, L.L.C. from

obtaining all necessary permits, licenses, and approvals from other federal, state, and local government agencies having jurisdiction.

5. That upon the issuance of the Certificate of Public Convenience as outlined in Moving Paragraph 3, the proceeding at Docket No. A-2025-3057204 be closed.

6. The Bureau of Technical Utility Services prepare an Order consistent with this Motion.

Date: January 29, 2026


Ralph V. Yanora