

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Honorable Christopher P. Pell, Presiding

PETITION OF DEER HAVEN, LLC :
REQUESTING AND *EX PARTE* :
EMERGENCY ORDER ALLOWING : **Docket No. P-2024-3050545**
AQUA PENNSYLVANIA, INC. TO ACT :
AS A RECEIVER TO OPERATE THE : **Docket No. P-2024-3050549**
DEER HAVEN WATER AND SEWER :
SYSTEMS :

**PETITION TO REMOVE AQUA PENNSYLVANIA WASTEWATER, INC.’S
DUTIES TO PUMP AND HAUL PURSUANT TO THE EX PARTE ORDER**

Aqua Pennsylvania Wastewater, Inc. (“APW”) by and through its undersigned counsel files this Petition to Remove APW’s Duties to Pump and Haul in the above-captioned matter, pursuant to 52 Pa. Code § 1.15 and the August 15, 2024 Ex Parte Order (as ratified by the Commission’s Ratification Order on August 22, 2024) (“Ratified Ex Parte Order”), Ordering Paragraph No. 5, Appendix A Paragraphs 1.t and 3., and in support of the Petition avers as follows:

I. Background

1. In 2010, Deer Haven, LLC (“DH”) and Pocono Lakefront, LLC (“Pocono”) entered into a Grant of Capacity and Option to Purchase Agreement (“Option Agreement”) under which Pocono, or its successors and assigns, had the option to purchase the DH Water and Sewer Systems for \$1.00, subject to approval by the Commission.

2. In accordance with the Option Agreement, Pocono and DH entered into a Purchase Agreement in 2014 to effectuate the purchase by Pocono of the DH Water and Sewer systems (“Purchase Agreement”), again subject to Commission approval.

3. In accordance with the Purchase Agreement, PLU was formed to own, operate, and hold the Certificates of Public Convenience (“CPC”) of the Sewer System upon transfer from DH. In furtherance of the transfer, PLU moved forward with construction of a new wastewater treatment plant (“PLU WWTP”), which was substantially completed in 2023, but has yet to be interconnected to the existing sewer lines from the DH sewer wastewater treatment plant (“DH WWTP”).

4. Pocono had subsequently informed DH – after execution of the Purchase Agreement – that it no longer intended to take possession of the Water System.

5. As such, on June 17, 2024, Pocono and DH filed with the Commission a Joint Application for CPCs seeking approvals necessary for the abandonment of DH’s sewer service and the commencement of sewer service by PLU (“Joint Application”) at Docket Nos. A-2024-3049587 and A-2024-3049591.

6. While the Joint Application was pending, on August 1, 2024, DH requested that the Commission issue an Emergency Order allowing Aqua Pennsylvania, Inc. (“AP”) to act as a receiver to operate the DH Water and Sewer Systems.

7. In response, the Commission initiated the DH 529 Investigation as part of its Ex Parte Emergency Orders for DH Water on August 7, 2024 (as modified by the Commission’s Ratification Order on August 26, 2024) and for DH Sewer on August 15, 2024 (as ratified by the Commission’s Ratification Order on August 22, 2024) (“Ex Parte Orders”). AP and APW were appointed by the Commission to act as Receivers for DH Water and DH Sewer systems, respectively through the Ex Parte Orders.

8. As such, the Commission issued an order on August 26, 2024 staying the Commission’s evaluation of the Joint Application pending the outcome of the DH 529 Proceedings (the “Stay Order”).

9. APW and DH filed a Joint Motion to Lift the Stay of the proceedings on the Joint Application on December 18, 2024. On December 30, 2024, the Commission's Bureau of Investigation and Enforcement ("I&E") filed a letter of support for the Joint Motion.

10. On February 20, 2025, the Commission lifted the stay of the proceedings by order. On March 7, 2025, the Commission entered an Order conditionally approving the Joint Application provided certain enumerated conditions were met by August 31, 2025 ("March 7 Order").

11. On August 26, 2025, APW, DH, PLU filed a joint motion requesting an extension of the August 31, 2025 deadline to September 30, 2025. This request was granted by Order dated August 28, 2025 ("August 28 Order") thereby extending the deadline set in the March 7 Order to September 30, 2025. In the August 28 Order the Commission also bifurcated the issue of timing required for the submission of the Notice of Termination required relative to decommissioning the DH WWTP.

12. On August 29, 2025, DH and Haven Development Company, LLC ("HDC") filed an Application *nunc pro tunc* with the Commission for the transfer of jurisdictional utility assets from DH and HDC to Pocono at Docket No. A-2025-3057204. Aqua filed a Petition to Intervene in that application on September 12, 2025.

13. On September 24, 2025, APW, DH and PLU filed a joint motion requesting an extension of the September 30, 2025 deadline to December 1, 2025. This request was granted by the September 26 Order thereby extending the deadline set in the August 28 Order to December 1, 2025. The September 26 Order also revised the deadline for Notice of Termination (in Paragraph 1(f) of the March 7 Order) to be due within 180 days of when the new plant is approved and operational. On November 11, 2025, APW, DH, and PLU moved again to further extend the deadline until December 16, 2025, this request was again granted.

14. On December 24, 2025, TUS issued a letter advising that it completed review of the supplemental documentation submitted by PLU and DH and that the supplemental documentation satisfied the conditions in Ordering Paragraphs 1(a) through (e) and (g) of the March 7 Order.

15. On December 31, 2025, the Commission issued a CPC to PLU. On January 6, 2026, PLU filed its initial tariff.

16. On January 19, 2026, PLU advised ALJ Pell that “[u]nder its Consent Order and Agreement with PaDEP, PLU is required to complete the construction of the plant on or before February 19, 2026. Absent some unforeseen circumstance, PLU expects to meet this deadline.”

17. However a month later, PLU advised ALJ Pell that PLU obtained another extension from DEP until April 20, 2026 to complete the treatment of the plant.

II. Argument

18. Immediately upon accepting its duties as Receiver for the DH Sewer System on August 15, 2024, APW hired a structural engineer to review the DH WWTP. The structural engineer deemed the existing wastewater treatment plant building to be unsafe to enter rendering repair of the existing systems impossible. As a result, APW implemented pumping and hauling operations of the wastewater coming into the DH Sewer WWTP to mitigate further discharge of untreated wastewater into the adjacent Lake Wallenpaupack. Current pump and haul operations require scheduling a private wastewater hauler(s) to come to the DH WWTP to collect wastewater from the existing tankage and take it to a nearby wastewater treatment plant.

19. APW has continued to take on the burden of pumping and hauling through PLU’s and DH’s extensions of complying with the March 7 Order, including obtaining the required documentation, interconnection of the existing facilities to the new PLU WWTP, and startup of the new PLU WWTP, which has not yet been completed.

20. On average, pumping and hauling efforts require at least one truckload per day at an average cost of \$26,310 per month to provide wastewater service to 60 customers. APW has been carrying out pumping and hauling for approximately 18 months resulting in a cost of approximately \$1,575,000.

21. Since PLU has been granted a CPC, these pump and haul operations should be continued by PLU, instead of APW and its customers continuing to bear the costs and burden of continuing pump and haul operations.

22. Appendix A, Paragraph 1(t) to the Ratified Ex Parte Order provides that APW can “[p]etition the Commission to add or remove any duties or responsibilities.”

23. Accordingly, APW requests that the Ratified Ex Parte Order be modified to remove the ongoing duty and responsibility of APW to pump and haul wastewater and instead direct PLU to takeover such operations.

III. Conclusion

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania Wastewater, Inc. respectfully requests that the Commission grant this Petition to Remove APW’s Duties to Pump and Haul in the above-captioned matter, pursuant to 52 Pa. Code § 1.15 and the August 15, 2024 Ex Parte Order (as ratified by the Commission’s Ratification Order on August 22, 2024), Ordering Paragraph No. 5, Appendix A Paragraphs 1.t and 3., and order PLU to commence pumping and hauling for the DH Sewer system until the connection to new WWTP is made and startup of the new WWTP is authorized by Pennsylvania Department of Environmental Protection.

Respectfully submitted,

**AQUA PENNSYLVANIA WASTEWATER,
INC.**

By: /s/ Courtney L. Schultz

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Counsel for Aqua Pennsylvania Wastewater, Inc.

Dated: April 10, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 : **Docket No. A-2024-3049587**
Haven, L.L.C. of wastewater service to the :
public in Palmyra Township, Pike County, : **Docket No. A-2024-3049591**
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 :

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of April, 2026, served a true and correct copy of the foregoing Petition of Aqua Pennsylvania Wastewater, Inc. upon the persons and in the manner set forth below:

VIA E-FILING AND ELECTRONIC MAIL

PA PUC

E-file Only

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