

Delaware Public Service Commission
2006 Commission Orders (by date signed)
Utility Service: WASTEWATER

Updated: 22-Dec-06

Date Signed: December 19, 2006

[Order No. 7100](#) **PSC Docket No. 06-WW-021** WASTEWATER CPCN APPLICATION: SPRINGCAP AND WILKINSON, SUSSEX COUNTY (FILED OCTOBER 31, 2006)

Order Summary: Granting the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to one parcel of land located on Conleys Chapel Road and to one parcel of land located on the Lewes-Georgetown Highway, between the Towns of Georgetown and Lewes, Sussex County, Delaware ("Springcap and Wilkinson").

Date Signed: December 5, 2006

[Order No. 7084](#) **PSC Docket No. 06-WW-020** WASTEWATER CPCN APPLICATION: SAND HILL AND LANDLOCK, SUSSEX COUNTY (FILED OCTOBER 20, 2006)

Order Summary: Granting the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to eleven parcels of land located on Huff Road, and to one parcel of land located on the Lewes-Georgetown Highway, northeast of Georgetown, Sussex County, Delaware ("Sand Hill and Landlock").

[Order No. 7083](#) **PSC Docket No. 06-WW-019** WASTEWATER CPCN APPLICATION: OAKWOOD VILLAGE, SUSSEX COUNTY (FILED OCTOBER 3, 2006)

Order Summary: Granting the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to seven parcels of land located on Conleys Chapel Road, west of Rehoboth Beach, Sussex County, Delaware ("Oakwood Village").

Date Signed: November 21, 2006

[Order No. 7075](#) **PSC Docket No. 05-205WW** IN THE MATTER OF THE APPLICATION OF BASS PROPERTIES, INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED JUNE 17, 2005)

Order Summary: Setting the following rate for Bass Properties, Inc. in its service territory granted in PSC Order No. 6608 (Apr. 26, 2005): "The charge per residential dwelling unit is based on water usage data provided by the water supplier. Of the four most recent quarterly readings, the two quarters of lowest consumption are selected, added together, and the sum doubled to create an annual billing consumption. This annual billing consumption is then multiplied by \$3.24517 per thousand gallons to create the annual bill."

Date Signed: October 31, 2006

[Order No. 7056](#) **PSC Docket No. 06-WW-017** WASTEWATER CPCN APPLICATION: BAY FRONT & FUSCO PROPERTIES, SUSSEX COUNTY (FILED JUNE 26, 2006)

Order Summary: Granting the application of Tidewater Environmental Services, Inc., for a CPCN to provide wastewater services to the "Bay Front" subdivision located on Camp Arrowhead Road, southwest of Rehoboth Beach, Sussex County, Delaware ("Bay Front").

[Order No. 7058](#) **PSC Docket No. 06-24WW** IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES TO THE COUNTRY GROVE SUBDIVISION, SUSSEX COUNTY, DELAWARE (FILED JANUARY 13, 2006).

Order Summary: Approving the annual rate of \$1,024.92 and tariff provisions proposed by Tidewater Environmental Services, Inc. to govern the provision of wastewater services to the "Country Grove" subdivision, Sussex County, Delaware.

Date Signed: September 19, 2006

[Order No. 7034](#) **PSC Docket No. 06-WW-014** WASTEWATER CPCN APPLICATION: WINDMILL ESTATES, SUSSEX COUNTY (FILED MAY 26, 2006)

Order Summary: Granting the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to three parcels of land located on Whitesville Road, northeast of Delmar, Sussex County, Delaware.

Date Signed: September 5, 2006

[Order No. 7017](#) **PSC Docket No. 05-392WW** IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES TO THE HARTS LANDING SUBDIVISION, SUSSEX COUNTY, DELAWARE (FILED NOVEMBER 7, 2005).

Order Summary: Approving the application of Tidewater Environmental Services, Inc., to institute a monthly charge of \$82.91 (\$994.92 per year) and their Tariff filed on June 16, 2006, for its public utility wastewater services in the Hart's Landing Subdivision, Sussex County, Delaware.

Date Signed: August 22, 2006

[Order No. 7009](#) **PSC Docket No. 335-05** IN THE MATTER OF THE COMMISSION'S INVESTIGATION ON ITS OWN MOTION, WHETHER UTILITY SYSTEMS, INC., PROVIDES PUBLIC UTILITY SERVICES IN ITS MAINTENANCE OF A WASTEWATER COLLECTION SYSTEM TO HENLOPEN STATION CONDOMINIUM PROPERTIES NEAR REHOBOTH BEACH, DELAWARE (OPENED MAY 10, 2005)

Order Summary: Adopting the Hearing Examiner's Report and finding that: (1) Utility Systems, Inc.'s ownership, operation, and maintenance of a wastewater collection or transmission system at Henlopen Station is a "public utility" under 26 Del. C. Section 102(2); (2) Utility Systems, Inc. did not have good cause for failing to submit an application under the provisions of 26 Del. C. Section 203D(a)(2) for a CPCN for the Henlopen Station system; and (3) Utility Systems, Inc. did not have good cause for failing to submit a schedule of rates and a rate application for Henlopen Station as required by the provisions of 26 Del. C. Section 301(c).

Date Signed: July 25, 2006

[Order No. 6990](#) **PSC Docket No. 05-219WW** IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES TO THE DEVELOPMENT OF BREEDERS CROWN, KENT COUNTY, DELAWARE (FILED JUNE 21, 2005)

Order Summary: Setting public notice of the initial rate filing by Tidewater Environmental Services, Inc., to govern its wastewater services in the "Breeders Crown" service territory in Kent County, Delaware in the amount of \$1,125 per year.

Date Signed: July 11, 2006

[Order No. 6981](#) **PSC Docket No. 06-WW-013** WASTEWATER CPCN APPLICATION: KENTON, KENT COUNTY (FILED MAY 26, 2006)

Order Summary: Approving the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to one parcel of land located on Shaws Corner Road, southeast of Kenton, Kent County, Delaware ("Kenton").

[Order No. 6980](#) **PSC Docket No. 06-WW-011** WASTEWATER CPCN APPLICATION: GRAY DAWN ACRES, KENT COUNTY (FILED MAY 8, 2006)

Order Summary: Approving the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to three parcels of land located on Woodyard Road, southeast of Farmington, Kent County, Delaware ("Gray Dawn Acres").

Date Signed: June 20, 2006

[Order No. 6955](#) **PSC Docket No. 06-24WW** IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES TO THE COUNTRY GROVE SUBDIVISION, SUSSEX COUNTY, DELAWARE (FILED JANUARY 13, 2006).

Order Summary: Approving the final rates to govern wastewater services provided by Tidewater Environmental Services, Inc., to be effective as of the date of this Order, as follows: "Harts Landing" (05-392WW): \$82.91 monthly service fee (\$994.92 per year); "Country Grove" (06-24WW): \$85.41 monthly service fee (\$1,024.92 per year), \$21,930.46 Initial Impact Fee (each initial lot purchaser).

[Order No. 6952](#) **PSC Docket No. 05-406WW** IN THE MATTER OF THE APPLICATION OF THE HAMLET AT DIRICKSON POND, LLC, FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES TO THE HAMLET AT DIRICKSON FARM SUBDIVISION, SUSSEX COUNTY, DELAWARE (FILED NOVEMBER 17, 2005).

Order Summary: Approving the final rates and fees to govern wastewater services provided by The Hamlet at Dirickson Pond, LLC, to be effective as of the date of this Order, as follows: (a) annual customer fee of \$410; and (b) a return check charge of \$25.

[Order No. 6950](#) **PSC Docket No. 06-WW-010** WASTEWATER CPCN APPLICATION: SW LAUREL, SUSSEX COUNTY (FILED APRIL 28, 2006)

Order Summary: Approving the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to two parcels of land located on Sharptown Road, southwest of Laurel, Sussex County, Delaware ("SW Laurel").

[Order No. 6955](#) **PSC Docket No. 05-392WW** IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC., FOR APPROVAL OF RATES TO GOVERN THE

PROVISION

OF WASTEWATER SERVICES TO THE HARTS LANDING SUBDIVISION,
SUSSEX COUNTY, DELAWARE (FILED NOVEMBER 7, 2005).

Order Summary: Approving the final rates to govern wastewater services provided by Tidewater Environmental Services, Inc., to be effective as of the date of this Order, as follows: "Harts Landing" (05-392WW): \$82.91 monthly service fee (\$994.92 per year); "Country Grove" (06-24WW): \$85.41 monthly service fee (\$1,024.92 per year), \$21,930.46 Initial Impact Fee (each initial lot purchaser).

Date Signed: June 6, 2006

[Order No. 6939](#) **PSC Docket No. 04-479WW** IN THE MATTER OF THE APPLICATION OF BETHANY BAY
WASTEWATER TREATMENT PLANT FOR APPROVAL OF RATES TO GOVERN THE
PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED
DECEMBER 21, 2004)

Order Summary: Approving the following public utility wastewater rates and tariff changes imposed by Linder & Company, Inc., to the Bethany Bay condominium complex located in Sussex County, Delaware: (a) recurring quarterly rate of \$100 per unit; (b) a 1-1/2% per month late fee rather than the current flat charge of \$25; (c) denying the "subsequent purchaser" fee of \$500; (d) ordering Linder & Company to promptly implement procedures to ensure that revenues and funds generated by public utility services are restricted exclusively to public utility operations; (e) ordering Linder & Company to submit an annual report to the Commission; and (f) ordering Linder & Company to promptly implement, for its public utility operations, the Uniform System of Accounts adopted by the National Association of Regulatory Utility Commissioners.

[Order No. 6938](#) **PSC Docket No. 06-WW-009** WASTEWATER CPCN APPLICAION: PEPPER CREEK, SUSSEX
COUNTY (FILED APRIL 26, 2006)

Order Summary: Granting the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to three parcels of land located on Piney Neck Road, northeast of Dagsboro, Sussex County, Delaware ("Pepper Creek").

[Order No. 6935](#) **PSC Docket No. 06-WW-001** WASTEWATER CPCN APPLICATION: COUNTRY GROVE, SUSSEX
COUNTY, DELAWARE (FILED JANUARY 6, 2006)

Order Summary: Granting the application of Tidewater Environmental Services, Inc., for a CPCN to provide wastewater services to 178 parcels of land located on the south side of Bacons Road, between Laurel and Delmar, Delaware ("Country Grove").

Date Signed: May 9, 2006

[Order No. 6908](#) **PSC Docket No. 05-217WW** IN THE MATTER OF THE APPLICATION OF TIDEWATER
ENVIRONMENTAL SERVICES, INC., FOR APPROVAL OF RATES TO GOVERN THE
PROVISION OF WASTEWATER SERVICES TO THE DEVELOPMENT OF THE
RETREAT, SUSSEX COUNTY, DELAWARE (FILED JUNE 21, 2005)

Order Summary: Authorizing Tidewater Environmental Services, Inc., to collect an annual customer fee of \$850 and an initial impact fee of \$7,850 for its public wastewater service territory granted by PSC Docket No. 05-WW-012, PSC Order No. 6724 (Sept. 20, 2005).

Date Signed: April 25, 2006

[Order No. 6900](#) **PSC Docket No. 05-58** IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED
SERVICE ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY
BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK
COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO
OPERATE WASTEWATER SYSTEMS SUBJECT TO THE JURISDICTION OF THE
DELAWARE PUBLIC SERVICE COMMISSION (OPENED FEBRUARY 16,
2005)

Order Summary: Ordering that Utility Systems, Inc. ("USI" is prohibited from paying any monies to or transferring any property to

(1) H. Clark Carbaugh; (2) Elizabeth Carbaugh; (3) any individual related to H. Clark or Elizabeth Carbaugh; and (4) any officer, director, or shareholder of USI, or any individual, person, or entity in which any of the foregoing have an interest of any kind, without first obtaining written approval of the Commission.

[Order No. 6905](#) **PSC Docket No. 04-479WW** IN THE MATTER OF THE APPLICATION OF BETHANY BAY
WASTEWATER TREATMENT PLANT FOR APPROVAL OF RATES TO GOVERN THE
PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED
DECEMBER 21, 2004)

Order Summary: Revoking the CPCN issued to Excel Property Management, LLC (Order No. 6519 (Nov. 23, 2004)) and granting the same CPCN to Linder & Company, Inc., in its existing service territory encompassing the development of Bethany Bay, located near the town of Ocean View in Sussex County, Delaware.

[Order No. 6905](#) **PSC Docket No. 04-WW-006** IN THE MATTER OF THE APPLICATION OF EXCEL PROPERTY
MANAGEMENT, LLC, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONTINUE PROVIDING WASTEWATER SERVICES TO THE
DEVELOPMENT OF BETHANY BAY LOCATED NEAR THE TOWN OF OCEAN VIEW,
DELAWARE, PURSUANT TO THE PROVISIONS OF 26 DEL. C. SECTION 203d(a)(2)
(FILED OCTOBER 22, 2004)

Order Summary: Revoking the CPCN issued to Excel Property Management, LLC (Order No. 6519 (Nov. 23, 2004)) and granting the same CPCN to Linder & Company, Inc., in its existing service territory encompassing the development of Bethany Bay, located near the town of Ocean View in Sussex County, Delaware.

[Order No. 6900](#) **PSC Docket No. 04-WW-001** IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE
REGARDING WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
OF THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER
SERVICES TO THE COMMUNITY (FILED OCTOBER 22, 2004)

Order Summary: Ordering that Utility Systems, Inc. ("USI") is prohibited from paying any monies to or transferring any property to (1) H. Clark Carbaugh; (2) Elizabeth Carbaugh; (3) any individual related to H. Clark or Elizabeth Carbaugh; and (4) any officer, director, or shareholder of USI, or any individual, person, or entity in which any of the foregoing have an interest of any kind, without first obtaining written approval of the Commission.

[Order No. 6892](#) **PSC Docket No. 05-59WW** IN THE MATTER OF THE APPLICATION OF INLAND BAYS
PRESERVATION COMPANY, INC., FOR APPROVAL OF RATES TO GOVERN THE
PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED FEBRUARY 18,
2005)

Order Summary: (1) Approving Inland Bays Preservation Company, L.L.C. ("Inland Bays") annual per customer rate of \$160 for its Pot-Nets collection system and \$368 for its Baywood collection and treatment system; (2) approving \$2,950 for the Inland Bays hook-up or connection fee applicable to both Pot-Nets and Baywood; (3) ordering Inland Bays to create and maintain separate financial and operating records for its Pot-Nets and Baywood systems and to keep such records separate from any records for any other entity owned by Tunnell Companies, L.P.; (4) ordering Inland Bays to develop property records for each service area reflecting the original cost and year of installation of plant in accordance with accounting standards recognized by NARUC's uniform system of accounts; (5) ordering Inland Bays to implement as the accounting regime for its two wastewater systems the uniform system of accounts adopted by NARUC to be implemented for calendar year 2006 and continued thereafter; and (6) ordering Inland Bays, by December 31, 2006, to submit a report to the Commission setting forth the "costs" of its utility plant under the uniform system of accounts adopted by NARUC.

Date Signed: March 28, 2006

[Order No. 6882](#) **PSC Docket No. 05-58**

SERVICE

OPERATE

2005)

IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED
ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY

BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK
COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO

WASTEWATER SYSTEMS SUBJECT TO THE JURISDICTION OF THE
DELAWARE PUBLIC SERVICE COMMISSION (OPENED FEBRUARY 16,

Order Summary: (1) Imposing a penalty of \$1,000 on Utility Systems, Inc., for failing to file a report about the status of three parcels of land by February 20, 2006; (2) imposing a penalty of \$1,000 per day on Utility Systems, Inc., for failing to re-acquire title to the three parcels of land by March 24, 2006, such penalty to commence on March 25, 2006 but not to exceed \$360,000; and (3) approving a consultant to evaluate the utility's wastewater treatment system at the Woodlands of Millsboro for a fee of \$43,000 to be paid by Utility Systems, Inc. in advance or before April 30, 2006 or face a penalty not to exceed \$86,000.

[Order No. 6883](#) **PSC Docket No. 04-WW-001** IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
REGARDING
OF
THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES TO THE COMMUNITY (FILED OCTOBER 22,2004)

Order Summary: Ordering Utility Systems, Inc. to place \$4,533.21 in an escrow account representing the funds Utility Systems, inc. represented that it had received thus far in 2006 from customers at Henlopen Acres/Henlopen Station, and assessing a penalty of \$1,000 per day commencing on March 31, 2006 if Utility Systems, Inc. fails to establish and fund the escrow account required by this Order and Orders Nos. 6783 and 6875, for each day after March 31, 2006 that the utility is in violation. The penalty shall not exceed \$24,900 representing the amount that Utility Systems, Inc. has billed to its Henlopen Acres/Henlopen Station customers in 2006 (\$8,300) trebled.

[Order No. 6882](#) **PSC Docket No. 04-WW-001** IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
REGARDING
OF
THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES TO THE COMMUNITY (FILED OCTOBER 22,2004)

Order Summary: (1) Imposing a penalty of \$1,000 on Utility Systems, Inc., for failing to file a report about the status of three parcels of land by February 20, 2006; (2) imposing a penalty of \$1,000 per day on Utility Systems, Inc., for failing to re-acquire title to the three parcels of land by March 24, 2006, such penalty to commence on March 25, 2006 but not to exceed \$360,000; and (3) approving a consultant to evaluate the utility's wastewater treatment system at the Woodlands of Millsboro for a fee of \$43,000 to be paid by Utility Systems, Inc. in advance or before April 30, 2006 or face a penalty not to exceed \$86,000.

[Order No. 6883](#) **PSC Docket No. 05-58** IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY
SERVICE
OPERATE
2005)
BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO
WASTEWATER SYSTEMS SUBJECT TO THE JURISDICTION OF THE DELAWARE PUBLIC SERVICE COMMISSION (OPENED FEBRUARY 16,

Order Summary: Ordering Utility Systems, Inc. to place \$4,533.21 in an escrow account representing the funds Utility Systems, inc. represented that it had received thus far in 2006 from customers at Henlopen Acres/Henlopen Station, and assessing a penalty of \$1,000 per day commencing on March 31, 2006 if Utility Systems, Inc. fails to establish and fund the escrow account required by this Order and Orders Nos. 6783 and 6875, for each day after March 31, 2006 that the utility is in violation. The penalty shall not exceed \$24,900 representing the amount that Utility Systems, Inc. has billed to its Henlopen Acres/Henlopen Station customers in 2006 (\$8,300) trebled.

Date Signed: March 14, 2006

[Order No. 6875](#) **PSC Docket No. 04-WW-001** IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
REGARDING
OF
THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES TO THE COMMUNITY (FILED OCTOBER 22,2004)

Order Summary: Ordering Utility Systems, Inc., to place, in escrow, any fund received from customers of its system at Henlopen Acres. If Utility Systems, Inc. fails to do so, the Commission shall assess a penalty (Commission to decide up to \$1,000) per day, for each day Utility Systems, Inc. is in violation of this Order.

[Order No. 6866](#) **PSC Docket No. 06-WW-003** WASTEWATER CPCN APPLICATION: WINDING CREEK, KENT COUNTY,

DELAWARE (FILED JANUARY 12, 2006)

Order Summary: Approving the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to three parcels of land located on the west side of Sharon Hill Road, west of Dover, Kent County, Delaware .

[Order No. 6870](#) **PSC Docket No. 04-WW-001** IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
REGARDING
OF
THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES TO THE COMMUNITY (FILED OCTOBER 22,2004)

Order Summary: Approving the application of John A. Sergovic, Jr., Esquire, of the law firm of Sergovic & Ellis, P.A., requesting permission to withdraw as counsel of record for Utility Systems, Inc.

[Order No. 6865](#) **PSC Docket No. 04-WW-001** IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
REGARDING
OF
THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES TO THE COMMUNITY (FILED OCTOBER 22,2004)

*Order Summary: 05-58
Ordering Utility Systems, Inc. to pay, in advance, the reasonable cost of a consultant, recommended by the Commission Staff and approved by the Commission, to evaluate Utility Systems Inc.'s wastewater treatment system at the Woodlands of Millsboro. If Utility Systems Inc. fails to pay, in advance, the cost of the consultant by April 30 2006, it shall be assessed a penalty of up to \$1,000 per day for each day after April 30, 2006 that Utility Systems Inc. is in violation of this Order. Utility Systems, Inc. shall not be eligible to a reduction of, or elimination of, the penalties or sanctions set forth in Order No. 6783 (Nov. 22, 2005) unless it re-acquires title to the three parcels of land by March 24, 2006.*

[Order No. 6868](#) **PSC Docket No. 335-05** IN THE MATTER OF THE COMMISSION'S INVESTIGATION ON ITS OWN MOTION, WHETHER UTILITY SYSTEMS, INC., PROVIDES PUBLIC
UTILITY
SYSTEM
REHOBOTH
SERVICES IN ITS MAINTENANCE OF A WASTEWATER COLLECTION
TO HENLOPEN STATION CONDOMINIUM PROPERTIES NEAR
BEACH, DELAWARE (OPENED MAY 10, 2005)

Order Summary: Approving the application of John A. Sergovic, Jr., Esquire, of the law firm of Sergovic & Ellis, P.A., requesting permission to withdraw as counsel of record for Utility Systems, Inc.

[Order No. 6875](#) **PSC Docket No. 05-58** IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY
SERVICE
OPERATE
2005)
BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO
WASTEWATER SYSTEMS SUBJECT TO THE JURISDICTION OF THE DELAWARE PUBLIC SERVICE COMMISSION (OPENED FEBRUARY 16,

Order Summary: Ordering Utility Systems, Inc., to place, in escrow, any fund received from customers of its system at Henlopen Acres. If Utility Systems, Inc. fails to do so, the Commission shall assess a penalty (Commission to decide up to \$1,000) per day, for each day Utility Systems, Inc. is in violation of this Order.

[Order No. 6870](#) **PSC Docket No. 05-58** IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY
SERVICE
OPERATE
2005)
BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO
WASTEWATER SYSTEMS SUBJECT TO THE JURISDICTION OF THE DELAWARE PUBLIC SERVICE COMMISSION (OPENED FEBRUARY 16,

Order Summary: Approving the application of John A. Sergovic, Jr., Esquire, of the law firm of Sergovic & Ellis, P.A., requesting permission to withdraw as counsel of record for Utility Systems, Inc.

[Order No. 6862](#) **PSC Docket No. 05-406WW** IN THE MATTER OF THE APPLICATION OF THE HAMLET AT DIRICKSON POND, LLC, FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES TO THE HAMLET AT DIRICKSON FARM SUBDIVISION, SUSSEX COUNTY, DELAWARE (FILED NOVEMBER 17, 2005).

Order Summary: Approving the proposed Tariff of The Hamlet at Dirrickson Pond, LLC, submitted on November 17, 2005, on a temporary basis, with the included rates subject to refund; approving on a temporary basis and subject to refund, the annual customer fee of \$410 (to be collected on a quarterly basis) and a returned check fee of \$25; notice shall be sent by The Hamlet at Dirrickson Pond, LLC, to the persons owning a lot in "The Hamlet" development service territory; and ordering The Hamlet at Dirrickson Pond, LLC, to maintain a separate escrow account to hold the per lot sale amounts to be utilized to pay the expected costs of subsequently connecting the utility's system to a central sewer system operated by Sussex County.

[Order No. 6860](#) **PSC Docket No. 06-WW-005** WASTEWATER CPCN APPLICATION: CHURCH HILL, KENT COUNTY, DELAWARE (FILED JANUARY 12, 2006)

Order Summary: Approving the application of Artesian Wastewater Management, Inc., for a CPCN to provide wastewater services to one parcel of land located on the south side of the Milford-Harrington Highway, west of Milford, Kent County, Delaware.

Date Signed: February 7, 2006

[Order No. 6832](#) **PSC Docket No. 04-430WW** IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC., FOR APPROVAL OF A TARIFF, RATES, AND RULES AND REGULATIONS TO GOVERN THE PROVISION OF WASTEWATER SERVICE IN DELAWARE (FILED NOVEMBER 12, 2004)

Order Summary: Waiving the filing requirements set forth in paragraph 5 and Ordering paragraph 4 of Artesian Wastewater Management, Inc.'s Order No. 6825 (Jan. 24, 2006) for the provision of public wastewater services in "The Reserves at Lewes" portion of the service territory granted by PSC Order No. 6717 (Sept. 6, 2005).

[Order No. 6833](#) **PSC Docket No. 04-WW-006** IN THE MATTER OF THE APPLICATION OF EXCEL PROPERTY MANAGEMENT, LLC, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONTINUE PROVIDING WASTEWATER SERVICES TO THE DEVELOPMENT OF BETHANY BAY LOCATED NEAR THE TOWN OF OCEAN VIEW, DELAWARE, PURSUANT TO THE PROVISIONS OF 26 DEL. C. SECTION 203d(a)(2) (FILED OCTOBER 22, 2004)

Order Summary: Directing Excel Property Management, LLC ("Excel"), to submit to, and file with the Commission, on or before February 21, 2006, written responses to the questions and requests posed in Staff's letter to Excel dated September 12, 2005. If Excel does not submit the responses, it shall appear before the Commission at 1:00 PM on Tuesday, February 28, 2006, and explain why it failed to comply with the Commission directive.

[Order No. 6833](#) **PSC Docket No. 04-479WW** IN THE MATTER OF THE APPLICATION OF BETHANY BAY WASTEWATER TREATMENT PLANT FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED DECEMBER 21, 2004)

Order Summary: Directing Excel Property Management, LLC ("Excel"), to submit to, and file with the Commission, on or before February 21, 2006, written responses to the questions and requests posed in Staff's letter to Excel dated September 12, 2005. If Excel does not submit the responses, it shall appear before the Commission at 1:00 PM

on Tuesday, February 28, 2006, and explain why it failed to comply with the Commission directive.

[Order No. 6834](#) **PSC Docket No. 05-59WW** IN THE MATTER OF THE APPLICATION OF INLAND BAYS
PRESERVATION COMPANY, INC., FOR APPROVAL OF RATES TO GOVERN THE
PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED FEBRUARY 18,
2005)

Order Summary: Extending the deadline for Inland Bays Preservation Company, L.L.C. to submit the documents and information requested by the Commission to March 1, 2006. If Inland Bays does not submit such documents and information on or before March 1, 2006, then Inland Bays shall appear before the Commission at 1:00 PM on Tuesday, March 14, 2006, to show cause why they have not complied with the Commission's Order.

Date Signed: January 24, 2006

[Order No. 6822](#) **PSC Docket No. 04-488WW** IN THE MATTER OF THE APPLICATION OF OAK CREST FARMS, INC.,
FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF
WASTEWATER SERVICES IN DELAWARE (FILED DECEMBER 21, 2004)

Order Summary: Approving the final Tariffs for each of the following utilities, respectively: Wastewater Utilities, Inc. ("Sandy Ridge"); Oak Crest Farms, Inc.; Moore Grant Sanitation, Inc. ("Grants Way"); YMG Corporation ("The Plantations"); and the Chapel Green Homeowners Association, Inc.

[Order No. 6822](#) **PSC Docket No. 04-474WW** IN THE MATTER OF THE APPLICATION OF WASTEWATER UTILITIES,
INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF
WASTEWATER SERVICES IN DELAWARE (FILED NOVEMBER 17, 2004)

Order Summary: Approving the final Tariffs for each of the following utilities, respectively: Wastewater Utilities, Inc. ("Sandy Ridge"); Oak Crest Farms, Inc.; Moore Grant Sanitation, Inc. ("Grants Way"); YMG Corporation ("The Plantations"); and the Chapel Green Homeowners Association, Inc.

[Order No. 6822](#) **PSC Docket No. 04-489WW** IN THE MATTER OF THE APPLICATION OF MOORE GRANT
SANITATION, INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF
WASTEWATER SERVICES IN DELAWARE (FILED DECEMBER 17, 2004)

Order Summary: Approving the final Tariffs for each of the following utilities, respectively: Wastewater Utilities, Inc. ("Sandy Ridge"); Oak Crest Farms, Inc.; Moore Grant Sanitation, Inc. ("Grants Way"); YMG Corporation ("The Plantations"); and the Chapel Green Homeowners Association, Inc.

[Order No. 6825](#) **PSC Docket No. 04-430WW** IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER
RULES MANAGEMENT, INC., FOR APPROVAL OF A TARIFF, RATES, AND
AND REGULATIONS TO GOVERN THE PROVISION OF WASTEWATER
SERVICE IN DELAWARE (FILED NOVEMBER 12, 2004)

Order Summary: Approving the final Tariff, Rates, Rules and Regulations to govern the provision of wastewater services in Delaware filed by Artesian Wastewater Management, Inc.

[Order No. 6822](#) **PSC Docket No. 05-76WW** IN THE MATTER OF THE APPLICATION OF CHAPEL GREEN
HOMEOWNERS ASSOCIATION INC., FOR APPROVAL OF RATES TO GOVERN THE
PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED
MARCH 2, 2005)

Order Summary: Approving the final Tariffs for each of the following utilities, respectively: Wastewater Utilities, Inc. ("Sandy Ridge"); Oak Crest Farms, Inc.; Moore Grant Sanitation, Inc. ("Grants Way"); YMG Corporation ("The Plantations"); and the Chapel Green Homeowners Association, Inc.

[Order No. 6829](#) **PSC Docket No. 05-217WW** IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC., FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES TO THE DEVELOPMENT OF THE RETREAT, SUSSEX COUNTY, DELAWARE (FILED JUNE 21, 2005)

Order Summary: Authorizing Tidewater Environmental Services, Inc., to charge, on a temporary basis, an annual customer fee of \$850 for its wastewater services provided to customers within the service territory encompassing a 161 lot development known as "The Retreat" near Rehoboth Beach in Sussex County and a \$7,850 "impact fee" to each customer initially taking wastewater services from Tidewater and to collect such fee at the time such initial customer purchases a lot in The Retreat. Both these fees shall be subject to refund, in whole or in part, if the Commission shall later determine that such rate or fee is unjust or unreasonable. Tidewater is also ordered to publish notice of these rates.

[Order No. 6818](#) **PSC Docket No. 05-WW-033** WASTEWATER CPCN APPLICATION: HARTS LANDING, SUSSEX COUNTY, DELAWARE (FILED NOVEMBER 7, 2005)

Order Summary: Approving the application of Tidewater Environmental Services, Inc., for a CPCN to provide wastewater services to five parcels of land located on the west side of John J. Williams Highway, west of Rehoboth Beach, Sussex County, Delaware.

[Order No. 6822](#) **PSC Docket No. 05-68WW** IN THE MATTER OF THE APPLICATION OF THE YMG CORPORATION FOR APPROVAL OF RATES TO GOVERN THE PROVISION OF WASTEWATER SERVICES IN DELAWARE (FILED FEBRUARY 24, 2005)

Order Summary: Approving the final Tariffs for each of the following utilities, respectively: Wastewater Utilities, Inc. ("Sandy Ridge"); Oak Crest Farms, Inc.; Moore Grant Sanitation, Inc. ("Grants Way"); YMG Corporation ("The Plantations"); and the Chapel Green Homeowners Association, Inc.

Date Signed: January 10, 2006

[Order No. 6815](#) **PSC Docket No. 05-58** IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY SERVICE BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO OPERATE WASTEWATER SYSTEMS SUBJECT TO THE JURISDICTION OF THE DELAWARE PUBLIC SERVICE COMMISSION (OPENED FEBRUARY 16, 2005)

Order Summary: Acknowledgement by the Commission that: (a) on or about January 1, 2005, the Woods on Herring Creek Homeowners Association was forced to begin to operate the Woods on Herring Creek Community wastewater system due to Utility Systems, Inc.'s unlawful abandonment of the system; and (b) that the Woods on Herring Creek Homeowners Association has since been operating the Woods on Herring Creek Community's wastewater system through a company called Woods Community Wastewater System, Inc. This Order permits the Woods on Herring Creek Community wastewater system to operate on a temporary basis until further Order of the Commission.

[Order No. 6816](#) **PSC Docket No. 05-58** IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY SERVICE BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO

OPERATE

WASTEWATER SYSTEMS SUBJECT TO THE JURISDICTION OF THE
DELAWARE PUBLIC SERVICE COMMISSION (OPENED FEBRUARY 16,

2005)

*Order Summary: Memorializing the Commission's vote at its regular meeting of December 20, 2005, to intervene in the
Chancery*

*Court action to protect its jurisdiction and its interests under Order No. 6783 (Nov. 22, 2005), as well as the
public interest as it relates to these proceedings.*

[Order No. 6806](#)
PRESERVATION
PROVISION
2005)

PSC Docket No. 05-59WW IN THE MATTER OF THE APPLICATION OF INLAND BAYS
COMPANY, INC., FOR APPROVAL OF RATES TO GOVERN THE
OF WASTEWATER SERVICES IN DELAWARE (FILED FEBRUARY 18,

Order Summary: Ordering Inland Bays Preservation Company, L.L.C., to produce records, documents, and information or to show cause why sanctions should not be imposed because of the utility's failure to produce the same .

[Order No. 6816](#)
REGARDING
OF

PSC Docket No. 04-WW-001 IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE
WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER
SERVICES TO THE COMMUNITY (FILED OCTOBER 22,2004)

Order Summary: Memorializing the Commission's vote at its regular meeting of December 20, 2005, to intervene in the Chancery Court action to protect its jurisdiction and its interests under Order No. 6783 (Nov. 22, 2005), as well as the public interest as it relates to these proceedings.

[Order No. 6815](#)
REGARDING
OF

PSC Docket No. 04-WW-001 IN THE MATTER OF THE INVESTIGATION INTO THE PROTEST OF THE
WOODS OF HERRING CREEK HOMEOWNERS' ASSOCIATION
THE APPLICATION OF UTILITY SYSTEMS, INC., FOR A CERTIFICATE
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER
SERVICES TO THE COMMUNITY (FILED OCTOBER 22,2004)

Order Summary: Acknowledgement by the Commission that: (a) on or about January 1, 2005, the Woods on Herring Creek Homeowners Association was forced to begin to operate the Woods on Herring Creek Community wastewater system due to Utility Systems, Inc.'s unlawful abandonment of the system; and (b) that the Woods on Herring Creek Homeowners Association has since been operating the Woods on Herring Creek Community's wastewater system through a company called Woods Community Wastewater System, Inc. This Order permits the Woods on Herring Creek Community wastewater system to operate on a temporary basis until further Order of the Commission.