

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF )  
WASTEWATER UTILITIES, INC. (SANDY )  
RIDGE), FOR APPROVAL OF RATES TO ) PSC DOCKET NO. 04-474WW  
GOVERN THE PROVISION OF WASTEWATER )  
SERVICES IN DELAWARE )  
(FILED DECEMBER 17, 2004) )

IN THE MATTER OF THE APPLICATION OF )  
BETHANY BAY WASTEWATER TREATMENT )  
PLANT FOR APPROVAL OF RATES TO ) PSC DOCKET NO. 04-479WW  
GOVERN THE PROVISION OF WASTEWATER )  
SERVICES IN DELAWARE )  
(FILED DECEMBER 21, 2004) )

IN THE MATTER OF THE APPLICATION OF )  
OAK CREST FARMS, INC., FOR APPROVAL )  
OF RATES TO GOVERN THE PROVISION OF ) PSC DOCKET NO. 04-488WW  
WASTEWATER SERVICES IN DELAWARE )  
(FILED DECEMBER 22, 2004) )

IN THE MATTER OF THE APPLICATION OF )  
MOORE GRANT SANITATION, INC. (GRANTS )  
WAY), FOR APPROVAL OF RATES TO ) PSC DOCKET NO. 04-489WW  
GOVERN THE PROVISION OF WASTEWATER )  
SERVICES IN DELAWARE )  
(FILED DECEMBER 17, 2004) )

IN THE MATTER OF THE APPLICATION OF )  
YMG CORPORATION (THE PLANTATIONS) FOR )  
APPROVAL OF RATES TO GOVERN THE ) PSC DOCKET NO. 05-68WW  
PROVISION OF WASTEWATER SERVICES )  
IN DELAWARE (FILED FEBRUARY 24, 2005) )

IN THE MATTER OF THE APPLICATION OF )  
THE CHAPEL GREEN HOMEOWNERS ASSOCI- )  
ATION, INC., FOR APPROVAL OF RATES TO ) PSC DOCKET NO. 05-76WW  
GOVERN THE PROVISION OF WASTEWATER )  
SERVICES IN DELAWARE )  
(FILED MARCH 2, 2005) )

**ORDER NO. 6583**

This 8<sup>th</sup> day of March, 2005, the Commission determines and Orders  
the following:

1. In July 2004, non-governmental wastewater utilities became "public utilities" subject to the jurisdiction and supervision of this Commission. See 26 Del. C. §§ 102(2), 203D (2004 Supp.) (as amended by 74 Del. Laws ch. 317 §§ 1, 6 (2004)). Each wastewater utility that was in operation on June 7, 2004 was obligated to promptly file an application for a Certificate of Public Convenience and Necessity ("CPCN"). 26 Del. C. § 203D(a)(2) (2004 Supp.). In addition, each such utility had to file an initial rate application with the Commission so that the Commission can determine if the rates charged by that utility on July 6, 2004, or which the utility might now propose to be charged, are just and reasonable. 26 Del. C. §§ 203D(a)(2), 301(c) (2004 Supp.).

2. The following pre-existing public wastewater utilities have obtained the required CPCNs from this Commission. They have also filed initial rate applications as required by 26 Del. C. § 301(c):<sup>1</sup>

<u>Name of Utility</u>	<u>Docket No.</u>	<u>Date Initial Rate Application Filed</u>
Wastewater Utilities, Inc. (Sandy Ridge)	04-474WW	December 17, 2004
Bethany Bay Wastewater Treatment Plant	04-479WW	December 21, 2004
Oak Crest Farms, Inc.	04-488WW	December 22, 2004
Moore Grant Sanitation, Inc. (Grants Way)	04-489WW	December 17, 2004

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<sup>1</sup>This listing does not include all the public wastewater utilities operating on June 7, 2004. Rather, the utilities listed are ones that might be characterized as neighborhood or single community utilities. The Commission has decided to join the rate applications filed by these entities for the purposes of this Order in order to conserve both the Commission's and these utilities' resources.

YMG Corporation (The  
Plantations)

05-68WW

February 24, 2005

Chapel Green Homeowners  
Association, Inc.

05-76WW

March 2, 2005

3. In order to begin its review of the rates tendered by the above-listed wastewater utilities, the Commission will direct that each utility deliver the form of Notice set forth in Exhibit "A" to each of its current customers as of the date of this Order. The Notice shall be delivered by either first class United States mail, personal delivery, or some other similar means approved by the Commission Staff. Each utility shall modify the attached form of Notice to include the name and appropriate rates for that particular utility. Staff shall superintend these modifications to the form of Notice. The utility shall file proof of such deliveries to its existing customers by appropriate affidavit lodged with the Commission on or before April 4, 2005. Such affidavit shall reflect both the manner and the date of the delivery of the Notices.

4. In addition, the Secretary shall publish a combined notice of the rate applications filed by the above-listed utilities in The News Journal newspaper. This notice shall provide notice of these utilities' initial rate applications to other interested persons. The form of this notice is set forth in Exhibit "B". The Secretary shall file proof of such publication in each of the relevant dockets on or before March 31, 2005.<sup>2</sup>

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<sup>2</sup>The Commission chooses to use the abbreviated consolidated newspaper notice in order to reduce costs.

5. As both forms of Notice reflect, Staff has made a preliminary review of the rates contained in the initial submission by each of these utilities and has tentatively determined that, in each instance, the rates are reasonable. In light of this initial review and determination by Staff, unless the Commission receives an objection to the rates of a particular utility, or unless further information comes to the attention of the Commission, the Commission will most likely approve the submitted initial rates without further hearings, inquiries, or notice. The Commission notes that most of these utilities are extremely small and are owned either by the homeowner-customers or by an association or corporation affiliated with the homeowners/customers/developer.

Now, therefore, **IT IS ORDERED:**

1. That the initial rate application filed by each of the below-listed public wastewater utilities pursuant to the provisions of 26 Del. C. §§ 203D and 301(c) (2004 Supp.) shall be separately docketed. Pursuant to the provisions of 26 Del. C. § 301(c) (2004 Supp.), the rates of each utility which were in effect on July 6, 2004 shall be each utility's temporary, tariffed rates to remain in effect, unless subsequently ordered otherwise by this Commission. The utilities are:

Wastewater Utilities, Inc. (Sandy Ridge)

Bethany Bay Wastewater Treatment Plant

Oak Crest Farms, Inc.

Moore Grant Sanitation, Inc. (Grants Way)

YMG Corporation (The Plantations)

Chapel Green Homeowners Association, Inc.

2. That, by March 29, 2005, each of the above-listed utilities shall deliver to each of its current customers (as of the date of this Order) a copy of the form of Notice set forth in Exhibit "A". Such Notices shall be delivered by first-class United States mail, by personal delivery, or by other similar means approved by the Commission Staff. The form of Notice shall be modified to include the appropriate information related to each of the utilities. Each utility shall file with the Commission, on or before April 4, 2005, proof of the delivery of such notices. The proof shall indicate the manner and date of delivery.

3. That the Secretary shall publish, as described in paragraph 4 of the body of this Order, the notice set forth in Exhibit "B" in The News Journal newspaper. Such notice shall be published in two-column format, outlined in black, on March 16, 2005. The Secretary shall also serve a copy of this Order, along with a copy of such notice, on the Division of the Public Advocate. The Secretary shall submit proof of such publication on or before March 31, 2005.

4. That any person or entity may file objections or comments concerning any of the listed utilities' rate applications with the Commission. Such comments or objections must be filed on or before April 22, 2005. After the receipt of such comments or objections, or after the close of the period for filing such comments or objections, the Commission will enter further Orders as it deems appropriate. If no comments or objections are received concerning a particular

utility's rate application, the Commission may approve that utility's rates without further hearings and without any further public notice. Any interested person or entity may also file a petition to intervene in any particular docket under Rule 21 of the Commission's Rules of Practice and Procedure. If a meritorious objection is received, or the Commission determines from the comments that further review might be appropriate, the Commission will determine, by later Order, the need for, and the course of, further proceedings.

5. The Commission reserves the jurisdiction and authority to enter such other or further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joshua M. Twilley  
Vice Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

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Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary

E X H I B I T "A"

UTILITY LETTERHEAD OR OTHER APPROPRIATE CAPTION

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Notice of Initial Rate Filing  
and Period for Filing  
Comments or Objections with the Public Service Commission

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TO: ALL SUBSCRIBERS TO WASTEWATER SERVICES FROM  
[UTILITY AND ABBREVIATED NAME]

On July 7, 2004, [utility] became a public wastewater utility subject to regulation and supervision by the Delaware Public Service Commission ("the Commission"). Under the regulatory regime, the Commission is empowered to supervise the rates that [utility] may charge its customers for its wastewater services. The Commission will also supervise the terms and conditions related to such services and monitor the adequacy and sufficiency of the services provided.

Pursuant to the provisions of 26 Del. C. §§ 203D & 301(c), [utility] has filed its initial rate application in order to have the Commission approve its now-regulated rates. The significant aspects of those rates are set forth below:

[List Periodic or Annual Fee and Other Significant Charges]

The Commission has opened a docket to examine the justness and reasonableness of the rates and the other terms and conditions for [utility]'s services. The Commission now solicits comments or

objections concerning the initial rates submitted by [utility], as well as other concerns related to [utility]'s provision of wastewater services. This notice is being delivered to each customer of [utility].

If you wish to object to any of the rates to be charged by [utility], or if you wish to comment concerning those rates or any other matter related to [utility]'s wastewater services, you must file such objection or comments with the Commission on or before April 22, 2005. You must file ten copies of such objection or comments at the following address:

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904  
Attn: PSC Docket No. 04-474WW

If you wish to intervene as a party in [utility]'s initial rate application (with the right to participate in further proceedings), you must also file a petition to intervene under Rule 21 of the Commission's Rules of Practice and Procedure. If you wish to intervene, you must file such a petition under Rule 21 even if you also file objections or comments. Only persons or entities filing comments, objections, or intervention petitions will receive further notice of the Commission's actions in the proceedings involving [utility]. In your submission, you should include your name, address, telephone number, facsimile number, and Internet e-mail address.

The Commission Staff has made a preliminary review of [utility]'s proposed initial rates and has tentatively found them to be just and reasonable. If the Commission does not receive any objection from

subscribers concerning [utility]'s rates, and does not receive any further information which might call those rates into question, the Commission may approve such rates without further public hearings, inquiries, or notice. Once approved, such rates would be [utility]'s tariffed rates which it must charge each customer and which cannot be changed except with Commission approval.

You can review the materials submitted [utility], as well as Staff's preliminary analysis at the Commission's office at the address set forth above. Those materials are available for inspection and copying during normal business hours.

If you are disabled and need aids to participate in this proceeding, contact the Commission to discuss such assistance. If you have questions or if you want more information, you can contact the Commission at 1-800-282-8574 (Delaware only) or (302) 739-4247 (text telephone also). You can also send questions and inquiries by Internet e-mail to [robert.ambrose@state.de.us](mailto:robert.ambrose@state.de.us).

E X H I B I T "B"

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

WASTEWATER UTILITIES, INC. (SANDY RIDGE)	PSC DOCKET NO. 04-474WW
BETHANY BAY WASTEWATER TREATMENT PLANT	PSC DOCKET NO. 04-479WW
OAK CREST FARMS, INC.	PSC DOCKET NO. 04-488WW
MOORE GRANT SANITATION, INC. (GRANTS WAY)	PSC DOCKET NO. 04-489WW
YMG CORPORATION (THE PLANTATIONS)	PSC DOCKET NO. 05-68WW
CHAPEL GREEN HOMEOWNERS ASSOCIATION, INC.	PSC DOCKET NO. 05-76WW

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**Notice of Initial Rate Filings  
By Several Public Wastewater Utilities**

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Under the provisions of 74 Del. Laws ch. 317 (2004), non-governmental wastewater operators and systems are now "public utilities" subject to the supervision and regulation of the Public Service Commission ("the Commission"). Pursuant to the provisions of 26 Del. C. §§ 203D & 301(c) (2004 Supp.), the public wastewater utilities listed below have filed initial rate applications for the Commission's review:

Wastewater Utilities, Inc. (Sandy Ridge)

Bethany Bay Wastewater Treatment Plant

Oak Crest Farms, Inc.

Moore Grant Sanitation, Inc. (Grants Way)

YMG Corporation (The Plantations)

Chapel Green Homeowners Association, Inc.

By PSC Order No. 6583 (March 8, 2005), the Commission has directed each of these utilities to provide notice of its initial rate application to its current customers. By this general notice (and by those customer notices), the Commission solicits objections or comments concerning the rates to be charged by each of these utilities, as well as comments or objections related to the terms and conditions for each utility's wastewater services. Any such comments or objections must be filed with the Commission in the specific docket for the particular utility on or before April 22, 2005. Only persons or entities filing comments, objections, or petitions to intervene under Rule 21 of the Commission's Rules of Practice and Procedure will receive further notice of the proceedings in the particular docket.

The Commission Staff has conducted a preliminary analysis of the initial rates submitted by each of the above utilities and has tentatively found them to be just and reasonable. In the absence of an objection to a particular utility's rates, or the development of further information that might call into question the reasonableness of the particular utility's rates, the Commission may approve that utility's initial rates without further proceedings or public notice.

If you wish further details about a particular utility's rates you should contact the Commission. If you need additional information about the mechanics for filing objections or comments, or intervening, you should consult Order No. 6583. It is available on the

Commission's website at [www.state.de.us/delpsc](http://www.state.de.us/delpsc). Objections, comments, and intervention petitions should be filed with the Commission at:

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904  
Attn: PSC Docket No. \_\_\_\_\_  
[fill in appropriate docket no.]

You can contact the Commission at 1-800-282-8574 or (302) 739-4247 (including text telephone). You can also send inquiries by Internet email to [robert.ambrose@state.de.us](mailto:robert.ambrose@state.de.us). If you are disabled and need assistance to participate, please contact the Commission by any of the above means to make the appropriate arrangements.