

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

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

IN THE MATTER OF THE APPLICATION OF THE )  
WOODS COMMUNITY WASTEWATER SYSTEMS, INC., )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE WASTEWATER ) PSC DOCKET NO. 04-WW-011  
SERVICES TO THE COMMUNITY OF THE WOODS ON )  
HERRING CREEK, SUSSEX COUNTY, DELAWARE )  
(FILED NOVEMBER 30, 2004) )

IN THE MATTER OF THE INVESTIGATION INTO )  
THE UNAUTHORIZED ABANDONMENT OR DISCON- )  
TINUANCE OF WASTEWATER UTILITY SERVICES BY )  
UTILITY SYSTEMS, INC., TO THE WOODS ON ) PSC DOCKET NO. 05-58  
HERRING CREEK COMMUNITY AND THE ABILITY )  
OF UTILITY SYSTEMS, INC., TO OPERATE )  
WASTEWATER SYSTEMS SUBJECT TO THE JURIS- )  
DICTION OF THE DELAWARE PUBLIC SERVICE )  
COMMISSION (OPENED FEBRUARY 16, 2005) )

**ORDER NO. 7329**

**AND NOW**, this 18<sup>th</sup> day of December, 2007;

The Public Service Commission ("Commission") determines and Orders the following:

1. On January 10, 2006, the Commission entered Order No. 6815, which authorized the Woods on Herring Creek Homeowners' Association ("WOHCHA") and the Woods Community Wastewater System, Inc. ("WCWS") to operate the WOHCHA wastewater system on a temporary basis until further Order of the Commission. Order No. 6815 further provided that

the WOHCHA and the WCWS "may not abandon or discontinue operation of the system without prior approval of the Commission."

2. On August 18, 2007, a referendum to build a county sewer system to service the Angola Neck area including the Woods on Herring Creek ("WOHC") was passed. It is anticipated, then, that the WOHC wastewater system will be connected to the Sussex County sewer system in 2011.

3. Sussex County has agreed to assume complete responsibility for the operation of the WOHC wastewater system from the WOHCHA and the WCWS beginning January 1, 2008, and to operate the WOHC wastewater system until such time as the County sewer system in the Angola Neck area is constructed and the WOHC wastewater system is connected to the Sussex County wastewater system.

4. The WOHCHA and the WCWS filed a letter with the Commission dated October 3, 2007 seeking the Commission's approval to cease operating the WOHC wastewater system as of midnight on December 31, 2007, and to turn operation of the system over to Sussex County at that time.

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

1. The Commission hereby approves the request of the Woods on Herring Creek Homeowners' Association and the Woods Community Wastewater System, Inc. to discontinue operating the Woods on Herring Creek wastewater system and the transfer of responsibility for operation of the Woods on Herring Creek wastewater system to Sussex County.

2. In addition, pursuant to 26 Del. C. § 215, the Commission approves the transfer of ownership of the Woods on Herring Creek wastewater system to Sussex County, and agrees that Sussex County may assume title to the wastewater system. The transfer of ownership of the Woods on Herring Creek wastewater system shall not affect in any way the title to, or ownership of, the three lots at the Woods on Herring Creek, which the Commission has ordered the original owner of the wastewater system, Utility Systems, Inc., to obtain title to from a related company, Carbaugh Property Management LLC. See PSC Order No. 6783 (Nov. 22, 2005) at pp. 17-18 addressing lots 5, 6, and 7 at the Woods on Herring Creek.

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

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

ATTEST:

/s/ Jeffrey J. Clark  
Commissioner

/s/ Karen J. Nickerson  
Secretary