

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

IN THE MATTER OF THE COMPLAINT OF	)	
HOLLAND MILLS DEVELOPMENT L.L.C.	)	
AGAINST TIDEWATER ENVIRONMENTAL	)	PSC COMPLAINT DOCKET
SERVICES, INC. THAT THE CERTIFICATE	)	NO. 358-08
OF PUBLIC CONVENIENCE AND NECESSITY	)	
GRANTED IN PSC DOCKET NO. 05-WW-020,	)	
ORDER NO. 6734 (OCT. 11, 2005) IS	)	
INVALID (FILED DECEMBER 23, 2008)	)	

**ORDER NO. 7540**

**AND NOW**, this 17<sup>th</sup> day of March, 2009;

**WHEREAS**, on October 11, 2005, in Order No. 6734, the Delaware Public Service Commission (the "Commission") granted the application of Tidewater Environmental Services, Inc. ("TESI") for a Certificate of Public Convenience and Necessity ("CPCN") to provide wastewater services to two parcels of land located on both sides of Walker Road, southeast of Milton, Sussex County, Delaware (the "Proposed Service Area"); and

**WHEREAS**, on December 23, 2008, Holland Mills Development L.L.C. ("Holland Mills") filed a complaint seeking, among other relief, a declaration that the CPCN granted to TESI by the Commission for the Proposed Service Area was invalid; and

**WHEREAS**, on February 9, 2009, Holland Mills filed an amended complaint against TESI; and

**WHEREAS**, the matter has been assigned to a Hearing Examiner; and

**WHEREAS**, Staff may incur legal and other expenses in the course of this docket;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That Tidewater Environmental Services, Inc. is hereby placed on notice that, going forward from today's date, the costs of this investigation will be charged to it under the provisions of 26 Del. C. §§ 114(b)(1).

2. 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/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary