

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

IN THE MATTER OF THE COMMISSION'S)	
INVESTIGATION ON ITS OWN MOTION,)	
WHETHER BASS PROPERTIES, INC. UNLAW-)	
FULLY ABANDONED AND/OR DISCONTINUED)	PSC COMPLAINT DOCKET
ANY WASTEWATER BUSINESS, OPERATIONS,)	NO. 357-09
OR SERVICES PROVIDED UNDER A CERTIFI-)	
CATE OF PUBLIC CONVENIENCE AND)	
NECESSITY ISSUED BY THE COMMISSION)	
ON APRIL 26, 2005 IN PSC DOCKET NO.)	
05-WW-003, ORDER NO. 6608)	
(OPENED JANUARY 6, 2009))	

ORDER NO. 7697

This 8th day of December, 2009, the Commission determines and orders the following:

WHEREAS, on June 11, 2009, Bass Properties, Inc. filed an Application for Approval of the Public Service Commission to Transfer Lea Eara Spray Irrigation Utility to New Castle County;

WHEREAS, on July 21, 2009, Commission Staff filed its response to the Application, wherein Staff asserted, among other things, that the Application should be treated as a request for approval of an abandonment;

WHEREAS, on November 10, 2009, New Castle County, an intervenor in this matter, filed its response to the Application;

WHEREAS, on November 19, 2009, the Commission heard argument on the Application and agreed that the motion should be treated as a request for an abandonment under 26 *Del. C.* § 203A;

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

1. That, for the reasons stated by the Commission at the November 19, 2009 Commission Meeting, the Commission determines that this complaint docket should be referred to a hearing examiner.

2. That Mark Lawrence is designated as Hearing Examiner for this matter pursuant to the terms of 26 *Del. C.* §502 and 29 *Del. C.* ch. 101 to schedule an evidentiary hearing, as may be necessary, to have a full and complete record concerning the claims raised by the Application of Bass Properties, Inc. for Approval of the Public Service Commission to Transfer Lea Eara Spray Irrigation Utility to New Castle County, which should be considered as a request for approval of an abandonment under 26 *Del. C.* § 203A, and the responses that have been filed thereto.

3. That Hearing Examiner Lawrence shall file with the Commission his proposed findings and recommendations. Pursuant to Rule 21 of the Commission's Rules of Practice and Procedure, Hearing Examiner Lawrence is specifically delegated the authority to grant or deny petitions seeking leave to intervene and for admission of counsel *pro hac vice*. In addition, Hearing Examiner Lawrence is delegated the authority, under 26 *Del. C.* §102(A), to determine the form and manner of any further public notice in this matter.

4. 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/ Alisa Carrow Bentley
Secretary