

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

IN THE MATTER OF THE APPLICATION OF	)	
TIDEWATER ENVIRONMENTAL SERVICES,	)	
INC., FOR APPROVAL OF WASTEWATER	)	
TARIFF RATE FOR WASTEWATER SERVICES	)	
TO BE PROVIDED TO THE "BAY POINT"	)	PSC DOCKET NO. 09-507WW
DEVELOPMENT LOCATED ON THE EAST SIDE	)	(BAY POINT)
OF ANGOLA BEACH ROAD, SUSSEX COUNTY,	)	
DELAWARE (FILED DEC. 1, 2009)	)	
	)	

**ORDER NO. 7730**

This 28<sup>TH</sup> day of January, 2010, the Commission determines and Orders the following:

1. On December 1, 2009, Tidewater Environmental Services, Inc. ("TESI") filed an application with the Commission (the "Application") for approval of a wastewater tariff rate for the provision of wastewater services to the development now known as "Bay Point", located in Sussex County on the east side of Angola Beach Road. The Commission previously granted TESI a certificate of public convenience and necessity to provide wastewater services to Bay Point, then known as "Herring Point". See PSC Order No. 6712 (Sep. 6, 2005).

2. TESI seeks approval for a proposed annual wastewater rate of \$960 per customer. In support of this request, TESI has provided Commission Staff with certain information containing financial, operational and maintenance estimates regarding its requested rate. The Commission has also been advised that the requested rate is the same rate approved by the Commission for wastewater services that TESI provides to the "Bay Front Subdivision" service territory, which is located near Bay Point. See PSC Order No. 7185 (May 22, 2007).

3. Based upon its initial review of the proposed changes, Staff recommends approval of the Application, with the new rate approved on a temporary basis and subject to refund, pending further investigation. Prior to approving the rate as final, the Commission will direct TESI to publish a general notice of the proposed rate for Bay Point and to provide direct notice to any already-existing customers within the Bay Point development. If comments or objections are forthcoming, or further information comes to light, the Commission can then determine what additional process, if any, might be appropriate before the Commission undertakes any final decision concerning the proposed rate. Conversely, if no person or entity files objections or comments raising significant issues, and Staff recommends approval, then the Commission might approve the rate as final without any further hearings or proceedings.

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

1. That, for the reasons set forth in the body of this Order, Tidewater Environmental Services, Inc. is hereby authorized to charge the rate proposed in its December 1, 2009 application, on a temporary basis and subject to refund, for its wastewater services provided to customers within its "Bay Point" service territory (as granted by PSC Order No. 6712 (Sep. 6, 2005)). This temporary rate shall become effective as of the date of this Order.

2. That Tidewater Environmental Services, Inc. shall cause to be published in The News Journal and Delaware State News newspapers, in two-column format outlined in black, the form of Notice attached hereto as Exhibit "A" to this Order, on or before February 1, 2010.

In addition, Tidewater Environmental Services, Inc. shall cause a copy of the Notice attached hereto as Exhibit "A" to be sent, by first-class United States mail, to each customer presently connected to its wastewater system in its "Bay Point" service territory, on or before February 1, 2010. Tidewater Environmental Services, Inc. shall file proof of the newspaper publication and certification of its mailing, listing the names and address of the persons so served, with the Commission, as soon as practical.

3. That the Secretary shall promptly serve a copy of this Order on the Division of the Public Advocate.

4. That Tidewater Environmental Services, Inc. is hereby notified that it will, pursuant to 26 *Del. C.* § 114, be assessed the costs of this proceeding.

5. That 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/ Joann T. Conaway\_\_\_\_\_  
Commissioner

/s/ Jaymes B. Lester\_\_\_\_\_  
Commissioner

/s/ Dallas Winslow\_\_\_\_\_  
Commissioner

/s/ Jeffrey J. Clark\_\_\_\_\_  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley\_\_\_\_\_  
Secretary

E X H I B I T "A"

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OF ANGOLA BEACH ROAD, SUSSEX COUNTY, )  
DELAWARE (FILED DEC. 1, 2009) )  
)

**Notice of Filing of Initial Rate  
by Tidewater Environmental Services, Inc.,  
to Govern its Wastewater Services in the  
"Bay Point" Service Territory  
in Sussex County, Delaware**

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Tidewater Environmental Services, Inc. ("TESI"), has asked the Delaware Public Service Commission ("PSC") to approve a wastewater tariff rate for the provision of wastewater services to the development now known as "Bay Point", located in Sussex County on the east side of Angola Beach Road. TESI proposes to charge an annual fee of \$960 to those customers.

In **PSC Order No. 7730** (Jan. 26, 2010), the PSC allowed the proposed rate to go into effect on a temporary basis and subject to refund. The PSC now solicits from any interested person or entity comments or objections to TESI's proposed rate. If you wish to file any such comments or objections, you must file such document (10 copies) with the PSC by March 3, 2010. Such comments or objections shall be filed with the PSC at the following address:

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904  
Attn: PSC Dckt. No. 09-507WW

Only persons or entities filing comments or objections will receive notice of further proceedings in this matter. If no comments or objections raising significant issues are submitted, the PSC may finally approve the rate proposed TESI without further notice or further proceedings.

If you wish to participate in this matter, you should review **PSC Order No. 7730**. You may review (and copy) the documents and supporting material submitted by TESI at the PSC's office at the above-listed address. If you want more information, you can contact the PSC at 1-800-282-8574 (Delaware only) or (302) 736-7500 (text telephone also). You can also send inquiries by Internet e-mail to [heidi.wagner@state.de.us](mailto:heidi.wagner@state.de.us)