

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

IN THE MATTER OF THE APPLICATION OF )  
TIDEWATER ENVIRONMENTAL SERVICES, INC.)  
FOR APPROVAL OF A WASTEWATER TARIFF )  
RATE FOR WASTEWATER SERVICES TO BE ) PSC DOCKET NO. 11-419WW  
PROVIDED TO "HOLLAND MILLS" )  
DEVELOPMENT LOCATED ON THE SOUTH SIDE )  
OF WALKER ROAD, SOUTHEAST OF MILTON, )  
SUSSEX COUNTY, DELAWARE )  
(FILED SEPTEMBER 27, 2011) )

**ORDER NO. 8073**

This 8<sup>th</sup> day of November, 2011, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, Tidewater Environmental Services, Inc. ("TESI") is a public utility offering wastewater services and is subject to the regulatory supervision of the Commission; and

**WHEREAS**, by a previous Order, the Commission granted TESI a Certificate of Public Convenience and Necessity ("CPCN") to begin operations and provide wastewater services to a development known as "Holland Mills" located on the south side of Walker Road, Southeast of the City of Milton, in Sussex County, Delaware. See PSC Order No. 6734(October 11, 2005);<sup>1</sup> and

**WHEREAS**, TESI has now asked the Commission to approve a wastewater tariff rate of \$1,380.00 per year for wastewater services to be provided for customers in Holland Mills; and

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<sup>1</sup> In PSC Order No. 6734, the Commission granted TESI a CPCN to provide wastewater services to two parcels of land proposed for development as a 287 unit subdivision, referred to as the "Holland/Anthem Mills Project," located on both sides of Walker Road, Southeast of Milton, Sussex County, Delaware, and more specifically identified by Sussex County tax parcels numbers 235-26.00-07.00 and 235-26.00-08.00. This Order applies to only to the development known as "Holland Mills."

**WHEREAS**, TESI has provided to the Commission Staff a copy of a wastewater project worksheet which contains financial, operational, and maintenance estimates that TESI claims support the requested rate of \$1,380.00 per year for wastewater services to be provided to customers in Holland Mills; and

**WHEREAS**, Staff recommends that the Commission permit TESI to put its requested annual rate into effect, on a temporary basis, while also requiring TESI to provide public notice of the proposed rate. Staff suggests that the Commission provide interested persons, including any present landowners in the area and the Division of the Public Advocate, the opportunity to file objections or comments concerning TESI's proposed rate. The Commission accepts Staff's recommendations and will -- following to a large extent the process utilized in PSC Order No. 7056 (Oct. 31, 2006)-- allow the annual rate to go into effect on a temporary basis while soliciting comments and objections from any interested persons or entities. 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, the Commission might finally approve the rate now allowed to go into effect on a temporary basis without further hearings or protracted proceedings.

**NOW, THEREFORE, IT IS HEREBY 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, on a temporary basis, an annual customer fee of \$1,380.00 for its wastewater services provided to customers in the development known as "Holland Mills." The annual rate allowed to go into effect by this Order shall be subject to refund, in whole or in part, if the Commission shall later finally determine that such rate is unjust or unreasonable.

2. That Tidewater Environmental Services, Inc. shall cause to be published in The Cape Gazette, Delaware State News, and The News Journal newspapers, in two-column format outlined in black, the form of Notice set forth in the attached Exhibit "A" to this Order. Such Notice shall be published on or before November 23, 2011. Tidewater Environmental Services, Inc. shall file proof of such publication with the Commission prior to December 1, 2011. In addition, Tidewater Environmental Services, Inc. shall also cause a copy of the Notice attached hereto as Exhibit "A" to be sent, by first-class United States mail, to each customer presently receiving wastewater services in the development known as "Holland Mills." Such notice shall be mailed on or before November 23, 2011. Tidewater Environmental Services, Inc. shall file a certification of such mailing, listing the names and addresses of the persons so served, on or before December 1, 2011.

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

4. That, as outlined in the form of Notice and the body of

this Order, interested persons or entities are afforded the opportunity to file objections to the proposed rate. Such objections or comments shall be filed on or before December 30, 2011. If the Commission does not receive any objections or comments raising significant issues, the Commission may, by later Order, approve the rate now allowed to go into effect, without further notice or proceedings. If objections or significant comments are filed, the Commission will, by later Order, determine the course of any appropriate further proceedings.

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

6. That Tidewater Environmental Services, Inc. shall provide the Commission Staff with any additional necessary data to allow the Commission to determine whether the rate requested by Tidewater Environmental Services, Inc. for wastewater services is just and reasonable. Such data shall include, but not be limited to, information about Tidewater Environmental Services, Inc.'s revenues, expenses, cash balances, system operations, rates, and other information.

7. 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:

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Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

/s/ Dallas Winslow  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary

E X H I B I T "A"

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SUSSEX COUNTY, DELAWARE )  
(FILED SEPTEMBER 27, 2011) )

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**NOTICE OF FILING OF PROPOSED RATES AND TARIFF  
BY TIDEWATER ENVIRONMENTAL SERVICES, INC. TO  
GOVERN ITS WASTEWATER SERVICES IN THE DEVELOPMENT OF  
"HOLLAND MILLS" IN SUSSEX COUNTY, DELAWARE**

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**TO: ALL CUSTOMERS OF TIDEWATER ENVIRONMENTAL SERVICES, INC.:**

Tidewater Environmental Services, Inc. ("TESI") is a public utility offering wastewater services and is subject to the regulatory supervision of the Public Service Commission ("Commission"). TESI currently holds a Certificate of Public Convenience and Necessity to provide public wastewater services to a development known as "Holland Mills" which is located on the south side of Walker Road, Southeast of the City of Milton in Sussex County, Delaware. On September 27, 2011, TESI filed an application with the Commission seeking approval of a tariff rate for its wastewater services in this service territory. The rate is an annual customer fee of \$1,380.00.

In PSC Order No. 8073 (November 8, 2011), the Commission allowed the above annual rate as proposed by TESI to go into effect on a temporary basis. The Commission 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 Commission **by November 29, 2011**. Such comments or objections with the Commission at the following address:

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building  
Suite 100  
Dover, Delaware 19904  
ATTN: PSC Docket No. 11-419WW

If you wish to participate as a party in this docket, with the right to present evidence and to be represented by counsel, you must file a petition to intervene in accordance with the Commission's Rules of Practice and Procedure, 26 *Del. Admin. C.* §1001. You must file any such petition on or before **Tuesday, November 29, 2011**, at the Commission's office in Dover, Delaware. A petition filed thereafter will not be considered except for good cause shown.

The Commission will make its decision on this matter on the basis of the evidence of record taken at a public evidentiary hearing. The Commission may approve or reject, in whole or in part, the proposed tariff rate.

TESI customers are invited to review the application and supporting documents to determine how their individual interests may be affected. Thus, you, as a customer of TESI in Holland Mills, may review the documents during normal business hours in the Commission's Dover office at the address listed above or on the Commission's website at <http://depssc.delaware.gov/wastewater.shtml>. You may also review copies of the filing at the office of the Division of the

Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801. Please call (302) 577-5077 to arrange for a time to review the documents at that location.

If no comments or objections raising significant issues are submitted, the Commission may finally approve the rate and tariff revision proposed by TESI without further notice or further proceedings.

If you have a disability and wish to participate in, or to review the materials in these proceedings, please contact the Commission to discuss any auxiliary aids or services which you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means. If you have questions about this matter, you can call the Commission at 1-800-282-8574 (toll-free in Delaware) or you may call (302) 736-7500 (voice and text telephone). You may also send questions or request information by Internet e-mail addressed to [heidi.wagner@state.de.us](mailto:heidi.wagner@state.de.us).