

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

IN THE MATTER OF THE COMPLAINT BY THE)
COMMISSION STAFF REQUESTING THE)
REVOCATION OF CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY PREVIOUSLY) PSC COMPLAINT DOCKET
GRANTED TO UTILITY SYSTEMS, INC. AND) NO. 342-06
THE GRANT OF FURTHER RELIEF TO ASSIST)
THE SYSTEMS PREVIOUSLY OPERATED BY)
UTILITY SYSTEMS, INC.)
(FILED AUGUST 7, 2006))

ORDER NO. 8323

AND NOW, this 19th day of March, 2013, the Delaware Public Service Commission ("Commission") determines and orders as follows:

WHEREAS, the Gull Point Condominiums are a residential community in Sussex County, Delaware. Prior to July 6, 2004, Utility Systems, Inc. ("USI") owned and operated the wastewater system serving the Gull Point community. Pursuant to 26 *Del. C.* §203D(a)(2), Utility Systems, Inc. ("USI") and the wastewater system serving the Gull Point community became subject to the Commission's jurisdiction; and

WHEREAS, following the enactment of 26 *Del. C.* §203D(a)(2), USI applied for and was awarded a Certificate of Public Convenience and Necessity ("CPCN") to provide wastewater services for the Gull Point Condominiums located East of the Town of Millsboro, Sussex County, Delaware, in PSC Docket No. 04-WW-002;¹ and

¹ See Order No. 6517 (November 23, 2004).

WHEREAS, USI also applied for and was granted a CPCN for providing wastewater services to the development of Woodlands of Millsboro located West of the Town of Millsboro, Sussex County, Delaware, in PSC Docket No. 04-WW-003;² and

WHEREAS, on August 22, 2006, in PSC Complaint Docket No. 342-06, the Commission ordered that USI file a written response, on or before September 11, 2006, to show good cause, if any, as to why the CPCNs for Gull Point and the Woodlands of Millsboro should not be revoked. See Order No. 7014, p. 15, ¶1; and

WHEREAS, in that same Order, the Commission granted permission to The Woodlands of Millsboro Homeowners Association, Inc. ("WHOA") to operate and provide wastewater services to the residents living in the Woodlands of Millsboro; and

WHEREAS, Order No. 7014 also provided that if USI failed to file, in a timely fashion, a written response to the Order, the Commission would revoke USI's CPCNs for Gull Point and the Woodlands of Millsboro without a hearing and without further notice to USI; and

WHEREAS, on June 19, 2007, for the reasons stated in Order No. 7014 and because USI failed to file a timely written response to the Order, the Commission revoked USI's CPCN for the Gull Point Condominiums in Order No. 7202 and its CPCN for the Woodlands of Millsboro in Order No. 7303; and

WHEREAS, on June 29, 2007, via Order No. 7201, the Commission granted the Association of Owners of Gull Point

² See Order No. 6521 (November 23, 2004).

Condominium, Inc. ("Association of Gull Point") a temporary operating permit to provide wastewater services for the Gull Point Condominiums; and

WHEREAS, on December 28, 2010, WHOA filed with the Commission a request to abandon the wastewater operations and services for the residents of the Woodlands of Millsboro; and

WHEREAS, on February 15, 2012, the Association of Gull Point filed an application with the Commission that requested a CPCN to provide wastewater services to the Gull Point Condominiums; and

WHEREAS, on February 7, 2013, the Commission granted to the Association of Gull Point a CPCN to provide wastewater services to the Gull Point Condominiums via Order No. 8287; and

WHEREAS, the Commission Staff has concluded that there are no remaining issues with this Docket and that closing such Docket is proper and reasonable and appropriate;

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

1. The Commission hereby closes PSC Complaint Docket No. 342-06 effective with the date of this Order.
2. That the Commission retains jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deems just, proper, or appropriate.

BY ORDER OF THE COMMISSION:

/s/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary