

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

IN THE MATTER OF THE IMPLEMENTATION OF )  
74 DELAWARE LAWS , CHAPTER 317 (2004) )  
GRANTING THE DELAWARE PUBLIC SERVICE )  
COMMISSION THE JURISDICTION TO REGULATE ) PSC DOCKET NO. 04-380  
WASTEWATER UTILITIES, INCLUDING THE JURIS- )  
DICTION TO GRANT AND REVOKE CERTIFICATES )  
OF PUBLIC CONVENIENCE AND NECESSITY FOR )  
WASTEWATER UTILITES )  
(OPENED OCTOBER 5, 2004) )

**ORDER NO. 6485**

**AND NOW**, this 5<sup>th</sup> day of October, 2004;

**WHEREAS**, on July 6, 2004, new legislation was enacted by the Delaware General Assembly, found at *74 Delaware Laws, Chapter 317*, which granted the Delaware Public Service Commission (the "Commission") jurisdiction to regulate Wastewater Utilities having fifty or more customers in the aggregate, including the jurisdiction to grant and revoke Certificates of Public Convenience and Necessity; and

**WHEREAS**, under *74 Delaware Laws, Chapter 317*, any person or entity in the business of a Wastewater Utility as of June 7, 2004 and subject to the supervision and regulation of the Commission under the new legislation, is required to meet certain legal obligations, including a requirement that each Wastewater Utility file a schedule of its rates in effect as of June 7, 2004 within 120 days of enactment of the new legislation in such form as the Commission may require; and

**WHEREAS**, under the new legislation the rates of Wastewater Utilities are deemed in effect on a temporary basis and applications

for initial rate changes must be filed with the Commission within 180 days of enactment of the legislation; and

**WHEREAS**, in preparation for the implementation of this new jurisdiction over Wastewater Utilities, the Commission deems it appropriate, advisable, and in the public interest, to open this docket and issue this general Order to govern Wastewater Utilities subject to the new legislation;

Now, therefore, **IT IS SO ORDERED THAT:**

1. All Wastewater Utilities subject to the jurisdiction of the Commission pursuant to *74 Delaware Laws, Chapter 317* (hereinafter referred to collectively as "Wastewater Utilities" and individually as "Wastewater Utility") shall abide by and be subject to: (a) all statutes and laws of the State of Delaware governing such Wastewater Utilities; and (b) the Commission's Rules of Practice and Procedure.

2. Unless otherwise ordered by the Commission, Wastewater Utilities are hereby ordered to meet all of the statutory deadlines imposed by *74 Delaware Laws, Chapter 317*, including, but not limited to, the requirements that each such Wastewater Utility: (a) obtain from the Commission a Certificate of Public Convenience and Necessity for its existing service area; (b) file with the Commission a schedule of rates in effect as of June 7, 2004 within 120 days of the day of the enactment of the new legislation, the legislation having been enacted on July 6, 2004, with the schedule of rates being filed in such form as the Commission may require; and (c) file an initial rate change request application with the Commission within 180 days of the enactment of the legislation.

3. Unless otherwise ordered by the Commission, each Wastewater Utility shall file a tariff with the Commission at the time it files its schedule of rates in effect as of June 7, 2004, as required by 74 *Delaware Laws, Chapter 317, Section 7*.

4. Wastewater Utilities shall be governed by and must comply with the Commission's rules, regulations and practices, including the Commission's Minimum Filing Requirements (PSC Regulation Docket No. 4).

5. The Commission will require each Water Utility to obtain Commission approval for the imposition of a wastewater system improvement charge.

6. Pursuant to 29 *Del. C. ch. 101*, the Commission Staff is ordered to develop proposed regulations to govern Wastewater Utilities and to submit the regulations for Commission approval as soon as practicable. In developing the regulations, the Commission Staff should solicit comments from the public, the Division of the Public Advocate, relevant governmental agencies, Wastewater Utilities, and other interested parties and utilities.

7. Wastewater Utilities shall cooperate with the Staff in efforts to implement the new legislation found at 74 *Delaware Laws, Chapter 317*, and in developing pertinent regulations, practices and procedures that will govern the Wastewater Utilities in matters before the Commission.

8. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as it deems just and proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

\_\_\_\_\_  
Vice Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Donald J. Puglisi  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary