

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

IN THE MATTER OF THE APPLICATION OF)
INLAND BAYS PRESERVATION COMPANY,)
LLC. FOR A CERTIFICATE OF PUBLIC) PSC DOCKET NO. 08-WW-004
CONVENIENCE AND NECESSITY TO PROVIDE)
WASTEWATER SERVICES PURSUANT TO 26)
DEL. C. §203D (FILED APRIL 23, 2008)
AND AMENDED JULY 30, 2013)

ORDER NO. 8434

AND NOW, this 27th day of August, 2013:

WHEREAS, on April 23, 2008, Inland Bays Preservation Company, LLC ("Inland Bays" or the "Company") filed an application with the Public Service Commission (the "Application") pursuant to 26 Del. C. §203D requesting a CPCN to provide wastewater services to three parcels of land in Sussex County, Delaware located at Tax Parcel Numbers 234-24.00-1.00, 234-23.00-270.00 and 234-17.00-25.01 (the "Proposed Service Area"); and

WHEREAS, as required by 26 Del. C. §203D(d)(2) and 26 Del. Admin. C. §6002, Inland Bays included in its application: (a) copies of petitions signed by all landowners of record of each parcel or property included in the Proposed Service Area requesting wastewater service; (b) copies of signed United States Postal Service certified mail receipts, showing that all landowners included in the Proposed Service Area were sent notice of the Application; and (c) a Sussex County Tax Map which clearly marks the location of the Proposed Service Area; and

WHEREAS, pursuant to 26 Del. C. §203D(d)(e), Commission Staff ("Staff") requested written comment from the Delaware Department of Natural Resources and Environmental Control ("DNREC") as to whether there were any outstanding issues with that agency that would indicate Inland has been unwilling or unable to provide safe, adequate, and reliable wastewater services to its existing customers. DNREC responded that it had no objection to the Commission granting the requested CPCN to provide wastewater treatment and disposal services to the Proposed Service Area; and

WHEREAS, on July 23, 2008, the Commission received a letter from Sussex County stating that one of the three parcels included in the Proposed Service Area (parcel number 234-23.00-270.00) was located in Sussex County's existing Long Neck Sanitary District and that parcel must be de-annexed before the Commission could properly grant Inland Bays a CPCN for the Proposed Service Area; and

WHEREAS, on July 30, 2013, Inland Bays amended its Application providing evidence that the Sussex County Council authorized de-annexation of parcel 234-23.00-270.00 from Long Neck Sanitary Sewer District;

WHEREAS, Staff reviewed the Application as amended and found no errors or omissions. Staff reports to the Commission in its August 2, 2013 memorandum that, with the resolution between Sussex County and Inland Bays with respect to the de-annexation of parcel number 234-23.00-270.00, the Application as amended meets all of the requirements for granting a CPCN pursuant to 26 Del. C. §203D and 26 Del. Admin. C. §6002 and recommends approval of the Application; and

WHEREAS, for these reasons, the Commission finds that the Application as amended complies with the requirements for granting a CPCN pursuant to 26 Del. C. §203D and, therefore, the Commission shall approve the Application.

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

1. Pursuant to the provisions of 26 Del. C. §203D(d)(2), a Certificate of Public Convenience and Necessity is hereby and shall be granted to Inland Bays to provide wastewater public utility services to the Proposed Service Area.

2. That Inland Bays shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving wastewater utility services provided to the service territory granted by this Certificate of Public Convenience and Necessity.

3. 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary