

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF GULL POINT CONDOMINIUM)
ASSOCIATION FOR A DECREASE IN) PSC DOCKET NO. 11-230
WASTEWATER RATES)
(FILED APRIL 27, 2011))

ORDER NO. 7972

AND NOW, this 24th day of May, 2011:

WHEREAS, on April 27, 2011, Gull Point Condominium Association ("Gull Point")¹ filed an application with the Delaware Public Service Commission (the "Commission") requesting approval of a decrease in its rate for wastewater service from \$560.00 per year to \$529.00 per year;² and

WHEREAS, 26 Del. C. §306(a)(1) permits the Commission to suspend the operation of a utility's proposed rate change for a period not to exceed seven months after the utility's application; and

WHEREAS, Staff recommends that the requested rate decrease be suspended pending Staff's investigation into the justness and reasonableness of the proposed rate; and

WHEREAS, it has come to the attention of Staff that Gull Point has been operating under a temporary permit to provide wastewater service since 2007 when the Commission authorized Utility Systems, Inc.'s transfer of the wastewater system to Gull Point;

¹ The formal legal name of the company is "Association of Owners of Gull Point Condominium, Inc.;" this name was inadvertently omitted from PSC Order 7201, which granted Gull Point its temporary operating permit for wastewater services.

² Gull Point's application stated that its current annual rate for wastewater service was \$562.00; however, it subsequently informed Staff that this was a typographical error.

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

1. That the rate filed by Gull Point Condominium Association ("Gull Point") on April 27, 2011, is hereby suspended pursuant to 26 Del. C. §306(a) (1) and shall not be placed into force or effect except pursuant to law or further Order of the Commission, and then only to the extent such law or further Commission Order may permit or allow.

2. That Gull Point shall give public notice of the filing of its application with the proposed rate change, the deadline for interventions and written comments, and the hearing date by sending a letter to each customer at his/her last known mailing address by first-class mail, postage prepaid. Such letters shall be mailed to customers no later than June 3, 2011, in a form provided by Commission Staff.

3. That Gull Point shall provide the Commission with written notice that it has complied with the mailing requirements set forth in Ordering Paragraph No. 2 on or before June 10, 2011.

4. That the Commission will conduct a hearing in this matter at its regular meeting on **Tuesday, July 26, 2011**, at 1:00 p.m., to determine the justness and reasonableness of the proposed decreased rates or, if any dispute remains concerning the proposed rate, to consider whether the matter should be referred to a hearing examiner for further proceedings. Julie M. Donoghue, Deputy Attorney General and Staff Counsel, is designated as counsel for this matter.

5. That the deadline for filing petitions to intervene pursuant to Rule 1001-2.9 of the Commission's Rules of Practice and

Procedure, and for filing written comment, shall be **Friday, July 1, 2011**. Late-filed petitions to intervene will not be granted unless good cause is shown. Hearing Examiner Mark Lawrence is designated Hearing Examiner in this matter for the purposes of granting or denying intervention petitions and for admission of counsel *pro hac vice*.

6. Gull Point is hereby placed on notice that the costs of the proceedings may be charged to it under the provisions of 26 Del. C. §114(b) (1).

7. That Gull Point shall file an application with the Commission for the issuance of a Certificate of Public Convenience and Necessity as soon as practicable, but no later than July 31, 2011.

8. 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:

/s/ Arnetta McRae
Chair

Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary