

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF GULL POINT CONDOMINIUM)
ASSOCIATION¹ FOR A DECREASE IN) PSC DOCKET NO. 11-230
WASTEWATER RATES)
(FILED APRIL 27, 2011))

ORDER NO. 8006

AND NOW, this 26th day of July, 2011:

WHEREAS, on April 27, 2011, Gull Point Condominium Association² ("Gull Point" or the "Company") 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;³ 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, the Commission Staff recommended that the requested rate decrease be suspended pending Staff's investigation into the justness and reasonableness of the proposed rate; and

WHEREAS, on May 24, 2011, in PSC Order No. 7972, the Commission ordered that a hearing on the proposed rate decrease be held at its regular meeting on **Tuesday, July 26, 2011, at 1:00 p.m.**, to determine

¹The full legal name of the business entity is "Association of Owners of Gull Point Condominium, Inc."

² See footnote #1.

³ 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.

the justness and reasonableness of the proposed decreased rate or to consider whether the matter should be referred to a hearing examiner for further proceedings; and

WHEREAS, Gull Point provided the Commission with written notice that it complied with the mailing requirements set forth in PSC Order No. 7972, Paragraph No. 2; and

WHEREAS, the Commission designated Hearing Examiner Mark Lawrence as the designated Hearing Examiner in this matter for the purposes of granting or denying intervention petitions and for admission of counsel *pro hac vice*; and

WHEREAS, the intervention period expired on July 1, 2011, and no party filed to intervene in this action or filed any written comments regarding this matter; and

WHEREAS, Staff needs additional time to review all of the necessary information regarding the requested rate decrease and to investigate further into the justness and reasonableness of the proposed rate and therefore now requests that the Commission modify the hearing deadline established in PSC Order No. 7972 and provide the Hearing Examiner with the authority to modify the schedule if necessary for good cause shown; and

WHEREAS, Gull Point was ordered to 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; and

WHEREAS, Gull Point needs additional time to prepare and file its application for the issuance of a Certificate of Public Convenience and Necessity.

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

1. That the hearing date to review the rate decrease application of the Association of Owners of Gull Point Condominium, Inc. is hereby extended to **August 23, 2011, at 1:00 p.m.**

2. That the Hearing Examiner has the authority to address all scheduling matters for the duration of this docket.

3. That the rate filed by the Association of Owners of Gull Point Condominium, Inc. on April 27, 2011, is hereby further 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.

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

5. That the Association of Owners of Gull Point Condominium, Inc. 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 **September 20, 2011.**

6. The Association of Owners of Gull Point Condominium, Inc. 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 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