

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER ENVIRONMENTAL SERVICES, INC.) PSC DOCKET NO.11-329WW
FOR AN INCREASE IN WASTEWATER)
RATES)
(Filed July 29, 2011)

ORDER NO. 8046

FOR ADMISSION AS AN INTERVENOR

AND NOW, this 20th day of September, 2011, pursuant to the authority granted to this Hearing Examiner in PSC Order No. 8012 dated August 9, 2011, and having considered the Petition for Leave to Intervene ("the Petition") filed by Harts Landing Homeowners Association, Inc. ("Harts Landing HOA"), this Hearing Examiner determines the following:

1. Harts Landing filed a Petition to Intervene, by its Vice President Tom Dondore, in the above-captioned Docket on September 16, 2011.

2. In PSC Order No. 8012, the Commission ordered that the deadline for filing petitions for intervention was September 16, 2011. (See Order, ¶4.)

3. Thus, Harts Landing HOA's Petition to Intervene was timely filed.

4. In its Petition to Intervene, Harts Landing HOA alleges that Harts Landing is different from the six (6) other communities¹ involved in this case because of the automated nature of its waste facility, and that the Harts Landing community, which was placed in service in 2006, is now a fully built-out community. Harts Landing HOA questions whether its proposed rate increase is "properly proportional to other [affected] communities." (See Petition to Intervene at ¶¶ 1, 2, 3.)

5. Despite notice of the proposed intervention, no party has opposed the Harts Landing HOA Petition to Intervene.

6. I received a communication from PSC Staff supporting the Petition to Intervene.

7. For purposes of considering the merits of Harts Landing HOA's Petition, I assume as true the representations made in its Petition by its Vice President, Tom Dondore. Specifically, in good faith, Harts Landing HOA has adequately alleged that it has particularized facts relating to its community which may be valuable to the Commission in deciding the issues in this Docket. Thus, Harts Landing HOA has satisfied the intervention requirements of Rule 21 of the Commission's *Rules of Practice and Procedure*.

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

1. Accordingly, the Petition for Intervention filed by Harts Landing Homeowners Association, Inc. is **GRANTED**.

2. Harts Landing Homeowners Association, Inc. shall be added to the Service List for this Docket.

¹ The six (6) other communities involved are: The Retreat, County Grove, Breeders Crown, Bay Front, Bay Pointe and the Town of Milton. All are located in Sussex County except Breeders Crown, which is located in Kent County.

3. Harts Landing Homeowners Association, Inc. is hereby placed on notice that it is required to comply in all respects with the Commission's *Rules of Practice and Procedure* as well as all Delaware statutes, rules and regulations pertinent to this Docket.

4. In addition to granting the Petition of Harts Landing Homeowners Association, Inc. to intervene in this docket, I also DENY the August 22, 2011 Intervention Petition filed by a homeowner at Harts Landing, Ms. Suzanne Burke-Ervin. I find that Ms. Burke-Ervin does not have any particularized interest in this proceeding which cannot be adequately and sufficiently represented by the Harts Landing Homeowners Association, Inc., which she is a member of by virtue of her home ownership.

5. Ms. Burke-Ervin's Intervention Petition, in which she objects to the propose rate increase, is on file with the Commission. Additionally, like all other Harts Landing homeowners, Ms. Burke-Ervin is free to attend the upcoming Public Comment Session and comment on the proposed rate increase.

BY ORDER OF THE COMMISSION

/s/ Mark Lawrence
Mark Lawrence,
Hearing Examiner