

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

IN THE MATTER OF THE APPLICATION OF )  
TIDEWATER ENVIRONMENTAL SERVICES, INC.)  
FOR APPROVAL OF A WASTEWATER TARIFF )  
RATE FOR WASTEWATER SERVICES TO BE ) PSC DOCKET NO. 11-419WW  
PROVIDED TO "HOLLAND MILLS" )  
DEVELOPMENT LOCATED ON THE SOUTH SIDE )  
OF WALKER ROAD, SOUTHEAST OF MILTON )  
SUSSEX COUNTY, DELAWARE )  
(FILED SEPTEMBER 27, 2011) )

**ORDER NO. 8091**

This 20<sup>th</sup> day of December, 2011, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on September 27, 2011, Tidewater Environmental Services, Inc. ("TESI") filed with the Commission an application ("Application") seeking approval of a wastewater tariff rate of \$1,380.00 per year for wastewater services for a development known as "Holland Mills" located on the south side of Walker Road, southeast of the City of Milton, in Sussex County, Delaware; and

**WHEREAS**, on November 8, 2011, by PSC Order No. 8073, the Commission accepted Staff's recommendation to allow the requested annual rate to go into effect on a temporary basis, subject to refund, while soliciting comments and objections from any interested persons or entities, including any present landowners in the area and the Division of the Public Advocate, and allowing such interested persons the opportunity to file objections or comments concerning TESI's proposed rate; and

**WHEREAS**, the Commission further ordered that on or before November 23, 2011, TESI was to cause a copy of the Notice of the filing of the Application, attached to PSC Order No. 8073 as Exhibit "A," to be sent by first-class United States mail to each customer presently receiving wastewater services in the development known as "Holland Mills;" and

**WHEREAS**, the Commission further ordered that interested persons or entities were required to file on or before December 30, 2011, any objections or comments regarding the Application; and

**WHEREAS**, the Commission further ordered that if objections or significant comments were filed for this matter, the Commission would determine, by later Order, the course of any appropriate further proceedings; and

**WHEREAS**, the Commission has received a significant number of objections and comments regarding the Application, and therefore believes that a Hearing Examiner should be appointed for this case; and

**WHEREAS**, on November 11, 2011, the Division of the Public Advocate filed a Statement of Intervention for this matter;

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

1. That, pursuant to the terms of 26 *Del. C.* §502 and 29 *Del. C. Ch.* 101, the Commission designates Mark Lawrence as the Hearing Examiner for this matter to schedule and conduct, upon due notice, such public comment sessions and evidentiary hearings as may be necessary to have a full and complete record concerning

the justness and reasonableness of the proposed wastewater tariff rate of \$1,380.00 per year for wastewater services for the development known as "Holland Mills." Thereafter, the Hearing Examiner shall file with the Commission his proposed findings and recommendations.

2. That the previously-set deadline of December 30, 2011, for interested persons or entities to file any objections or comments regarding the application ("Application") filed by Tidewater Environmental Services, Inc. for the approval of the requested wastewater tariff rate for the development known as "Holland Mills" is hereby rescinded.

3. Pursuant to 26 *Del. C.* §102(A), the Commission delegates to the Hearing Examiner the authority to determine any deadlines for filing objections or comments regarding the Application and to determine the form and manner of any further public notice in this matter.

4. Pursuant to 26 *Del. Admin. C.* §1001-2.9.3, the Commission also delegates to the Hearing Examiner the authority to grant or deny a party's petition to intervene.

5. Tidewater Environmental Services, Inc. is hereby placed on notice that the costs of the proceeding will be charged to it under the provisions of 26 *Del. C.* § 114(b)(1).

6. 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:

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Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary