

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

IN THE MATTER OF THE APPLICATION OF )  
LINDER & COMPANY, INC. FOR )  
ABANDONMENT OF WASTEWATER SERVICES )  
IN DELAWARE GRANTED BY PSC ORDER )  
NO. 6905 IN PSC DOCKET NOS. 04-479WW ) PSC DOCKET NO. 11-243  
AND 04-WW-006 )  
(FILED MAY 10, 2011) )

**ORDER NO. 8121**

**AND NOW**, this 6<sup>th</sup> day of March, 2012, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on April 25, 2006, in PSC Order No. 6905, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Linder & Company, Inc. ("Linder") to provide wastewater services for customers in the service territory encompassing the development of Bethany Bay, located near the town of Ocean View in Sussex County, Delaware. The service territory was described in Exhibit "A" to PSC Order No. 6905 (the "Bethany Bay Service Area"); and

**WHEREAS**, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed just, proper, or appropriate; and

**WHEREAS**, on May 10, 2011, Linder filed with the Commission an application requesting that the Commission approve Linder's request to abandon or discontinue providing wastewater operations or services for the Bethany Bay Service Area as previously described in PSC Order No. 6905, Exhibit "A" ; and

**WHEREAS**, 26 Del. C. §203A(c)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business,

operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

**WHEREAS**, Sussex County has by Resolution dated September 23, 2003 (Resolution R 026 03), extended the boundary of the Bethany Bay Sanitary Sewer District to encompass the Bethany Bay Service Area; and

**WHEREAS**, Linder provided information to the Commission Staff to show Sussex County began providing wastewater service to Bethany Bay customers through a temporary connection as of August 4, 2007. In addition, Sussex County has confirmed with the Commission Staff that the collection system at Bethany Bay has been diverted to the Sussex County Regional Wastewater Facility for treatment and disposal and is currently part of the County's Millville Sewer District; and

**WHEREAS**, Linder is not presently serving any wastewater customers located in the Bethany Bay Service Area; and

**WHEREAS**, Linder has provided to the Commission Staff such information necessary for Staff's review of the abandonment application. Based on its review, Staff recommends that the Commission approve Linder's abandonment application because Linder has shown that the abandonment or discontinuance is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity as required by 26 Del. C. §203A(c)(3);

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

1. Linder & Company, Inc.'s application to abandon or discontinue providing wastewater operations or services to the service

territory encompassing the development of Bethany Bay, located near the town of Ocean View in Sussex County, Delaware, as described in the attached Exhibit "A," is hereby granted and approved effective with the date of this Order.

2. 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/ Jaymes B. Lester  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

/s/ Dallas Winslow  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary

E X H I B I T "A"

APPROVED SERVICE AREA  
PARCEL WITHIN CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY

BETHANY BAY  
SUSSEX COUNTY, DELAWARE

SUSSEX COUNTY TAX MAP PARCEL NO.

134-8.00-42.00