

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE COMMISSION'S)	
INVESTIGATION ON ITS OWN MOTION,)	
WHETHER BASS PROPERTIES, INC. UNLAW-)	
FULLY ABANDONED AND/OR DISCONTINUED)	PSC COMPLAINT DOCKET
ANY WASTEWATER BUSINESS, OPERATIONS,)	NO. 357-09
OR SERVICES PROVIDED UNDER A CERTIFI-)	
CATE OF PUBLIC CONVENIENCE AND)	
NECESSITY ISSUED BY THE COMMISSION)	
ON APRIL 26, 2005 IN PSC DOCKET NO.)	
05-WW-003, ORDER NO. 6608)	
(OPENED JANUARY 6, 2009))	

ORDER NO. 8255

This 18th day of December, 2012, the Commission determines and orders the following:

1. On July 14, 2011, the Superior Court issued an opinion (the "Opinion") in an appeal of Commission Order No. 7777¹ filed by Bass Properties, Inc. ("Bass") in the above-captioned complaint docket, reversing in part Order No. 7777 and remanding to the Commission for a decision consistent with the Opinion. The Court reversed that part of Order No. 7777 (i) ordering Bass to transfer to the County three parcels of real property identified by the County as Tax Parcel Nos. 1300230061, 1300240111, and 1300240112 (the "Real Property") and (ii) ordering Bass to reimburse the County in the amount of not less than \$545,372.75. The Court did not reverse that portion of Order No. 7777

¹ The extensive factual and procedural background of Order No. 7777 is incorporated as if set forth fully herein and will therefore not be repeated. Capitalized terms not defined herein shall have the meanings given those terms in Order No. 7777.

denying the Transfer Application and revoking Bass' CPCN (Bass did not appeal those rulings).

2. Since the issuance of the Superior Court Opinion, the County and Bass have settled their dispute in this docket, as well as a separate civil action filed by the County in Chancery Court (C.A. No. 6728-VCL). As part of that settlement, Bass agreed to transfer, and the County agreed to accept, title of the real property to the County.

3. On April 12, 2012, the County filed a letter with the Commission, notifying the Commission of its settlement with Bass, and providing a copy of a Settlement Agreement and Mutual Release (the "Settlement Agreement"), executed by Bass. At the Commission's meeting on April 17, 2012, the County appeared and informed the Commission that the County had executed the Settlement Agreement, but requested that the Commission continue to keep this complaint docket open until the closing contemplated in the Settlement Agreement occurred and the real property was transferred to the County. It was represented to the Commission that the closing was to occur within sixty (60) days of a fully-executed Settlement Agreement.

4. On December 3, 2012, the County informed the Commission that the settlement occurred and that Bass has transferred title to the real property. The County therefore does not oppose the closing of this docket.

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

1. The Commission reiterates that Bass' CPCN is revoked and that its Transfer Application is denied.

2. Having considered the fact that the County and Bass have settled the disputes between them, and the fact that Bass has now transferred and conveyed title to the Real Property discussed above, the Commission hereby decides that no further action is necessary and orders that the above complaint docket may now be closed.

BY ORDER OF THE COMMISSION:

/s/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary