

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

IN THE MATTER OF THE COMMISSION'S)
INVESTIGATION INTO WHETHER)
ERNEST P. TIMMONS OR E. A. TIMMONS) PSC COMPLAINT DOCKET
MOBILE HOMES, INC. IS UNLAWFULLY) NO. 15-0859
OPERATING AS A PUBLIC UTILITY)
(OPENED MARCH 11, 2015))

ORDER NO. 8740

This 19th day of May, 2015, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on April 7, 2015, via Order No. 8723, we opened this docket to investigate and determine answers to questions concerning whether Mr. Ernest P. Timmons ("Mr. Timmons") and E. A. Timmons Mobile Homes, Inc. ("E. A. Timmons") (collectively, "Timmons") were violating Delaware laws and regulations by operating an unlicensed public utility (water company) prior to obtaining a required Certificate of Public Convenience and Necessity; and

WHEREAS, we ordered that Mr. Timmons and E. A. Timmons answer our questions posed in Order No. 8723 before April 27, 2015; and

WHEREAS, we received no answer to our questions as reported to us by the Commission Staff ("Staff") in its report dated April 29, 2015 (the "Staff Report"); and

WHEREAS, we agree with Staff's recommendations regarding the handling of this investigation and its timing and order as follows;

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

1. Pursuant to the terms of 26 *Del. C.* §502 and 29 *Del. C. ch.* 101, the Commission designates Campbell Hay as the Hearing Examiner for this matter to schedule and conduct, upon due notices, such evidentiary hearings and public comment sessions as may be necessary to have a full and complete record concerning the Commission's investigation in this docket; provided, however, that the Hearing Examiner shall take no action in this docket prior to June 5, 2015.

2. After June 5, 2015, and after conducting evidentiary hearings and public comment sessions for this docket as may be needed, the Hearing Examiner shall file with the Commission his proposed order for the consideration of the Commission. Such proposed order must include (i) a brief summary of the evidence and recommended findings of fact based upon the evidence; (ii) recommended conclusions of law; and (iii) recommended decision. See 29 *Del. C.* §10126(a).

3. 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 for leave to intervene and all motions for admission on a *pro hac vice* basis. This authority includes the consideration and decision on the petition for leave to intervention filed by Tidewater Utilities, Inc.

4. E. A. Timmons is hereby notified that it will be assessed the costs of this proceeding under 26 Del. C. §114(b) (1).

5. 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:

/s/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Harold B. Gray
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Donna Nickerson
Secretary