BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 *DEL. C.* §203D (FILED NOVEMBER 8, 2013; AMENDED JANUARY 9, 2014; AMENDED JANUARY 30, 2014; AMENDED MARCH 10, 2014)	)	PSC DOCKET NO. 13-WW-005 ("WOODGATE, LLC - WW")

ORDER NO. 8555

This 29th day of April, 2014, the Delaware Public Service Commission (the "Commission") determines and Orders the following:

WHEREAS, the Commission exercises regulatory oversight over non-governmental wastewater public utilities that serve fifty or more customers. See 26 *Del. C.* §§102(2) and 203D(a). That regulatory oversight includes the authority to grant Certificates of Public Convenience and Necessity ("CPCN") to enable an entity to begin the business of a wastewater public utility or to permit an existing wastewater public utility to extend its system and operations. See 26 *Del. C.* §203D(a). Under such statutory regime, and specifically 26 *Del. C.* §203D(d)(2), a wastewater utility may obtain a CPCN for a new service territory if it submits petitions executed by the landowners of record of each parcel or property to be encompassed within such new proposed service area which request that the utility's wastewater services be extended; and

WHEREAS, on April 1, 2005, the Commission adopted final *Regulations Concerning the Jurisdiction of the Public Service Commission to Grant and Revoke Certificates of Public Convenience and*

Necessity to Provide Wastewater Services, 26 Del. Admin. C. §6002 (the "Regulations"). These Regulations implement the CPCN regime for public wastewater utilities; and

WHEREAS, Artesian Wastewater Management, Inc. ("AWMI") is a public utility offering wastewater services and is subject to the regulatory oversight of the Commission. On November 8, 2013, AWMI filed an application (the "Application") requesting a CPCN to provide wastewater services to eighteen parcels of land in Sussex County, Delaware (the "Proposed Service Area"); and

WHEREAS, on January 9, 2014, January 30, 2014, and March 21, 2014, AWMI amended its Application (the "Amended Application") by sending to the Commission Staff ("Staff") additional required information to show that the individual who signed as the landowner of all of the parcels in the Proposed Service Area was authorized to sign on behalf of the business entity that owns all of such parcels; and

WHEREAS, as required by 26 *Del. C.* §203D(d)(2) and the Regulations, AWMI included in its Amended Application: (a) a petition requesting wastewater service signed by the landowners of record of each parcel or property encompassed within the Proposed Service Area; and (b) evidence, in the form of signed United States Postal Service certified mail receipts, showing that the landowners were sent notice of AWMI's Application. A Sussex County Tax Map showing the location of the Proposed Service Area was also included with the Application; and

WHEREAS, as required by the Regulations, Staff requested written comment from the Division of Water Resources of the Department of

Natural Resources and Environmental Control ("DNREC"). On November 15, 2013, DNREC responded by stating it had no objection to the Application but indicated a concern about granting wastewater CPCNs for parcels or areas where the respective County officials have not yet approved a subdivision or development and urged Staff to contact Sussex County Engineering Department (the "County"); and

WHEREAS, on October 24, 2013, the County stated in a letter that it had reviewed the above mentioned Application and would not object to a CPCN being approved for the Proposed Service Area; and

WHEREAS, on November 18, 2013, OSP filed a response which did not object to the Application, but merely provided the Commission with the State of Delaware's investment level planning information with respect to the parcels included in the Proposed Service Area; and

WHEREAS, Staff has reviewed the Amended Application and found no errors or omissions. Staff reports to the Commission in its March 21, 2014 memorandum that the Amended Application meets all applicable requirements for granting a CPCN pursuant to 26 *Del. C.* §203D and the Regulations; and

WHEREAS, for these reasons, the Commission finds that AWMI has met the requirements for the granting of a CPCN and, therefore, the Commission shall approve the Amended Application;

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

1. Pursuant to the provisions of 26 *Del. C.* §203D(d)(2), the Amended Application is approved and the Commission hereby grants a CPCN to AWMI to provide wastewater public utility services to the Proposed Service Area, which is more specifically identified by the

Sussex County Tax Map Parcel Numbers shown in the attached **Exhibit "A"** of this Order.

2. AWMI shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving wastewater utility services provided to the Proposed Service Area granted by this CPCN.

3. 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:

_____
Chair

_____
Commissioner

_____
Commissioner

_____
Commissioner

_____
Commissioner

ATTEST:

_____
Secretary

E X H I B I T "A"

PROPOSED SERVICE AREA AS APPROVED

PARCELS WITHIN CERTIFICATE OF
PUBLC CONVENIENCE AND NECESSITY

ARTESIAN WASTEWATER MANAGEMENT, INC.
PSC DOCKET NO. 13-WW-005

SUSSEX COUNTY TAX MAP PARCEL NUMBERS

234-5.00-58.01

234-5.00-58.02

234-5.00-181.00

234-5.00-190.00

234-5.00-192.00

234-5.00-193.00

234-5.00-196.00

234-5.00-197.00

234-5.00-198.00

234-5.00-200.00

234-5.00-201.00

234-5.00-202.00

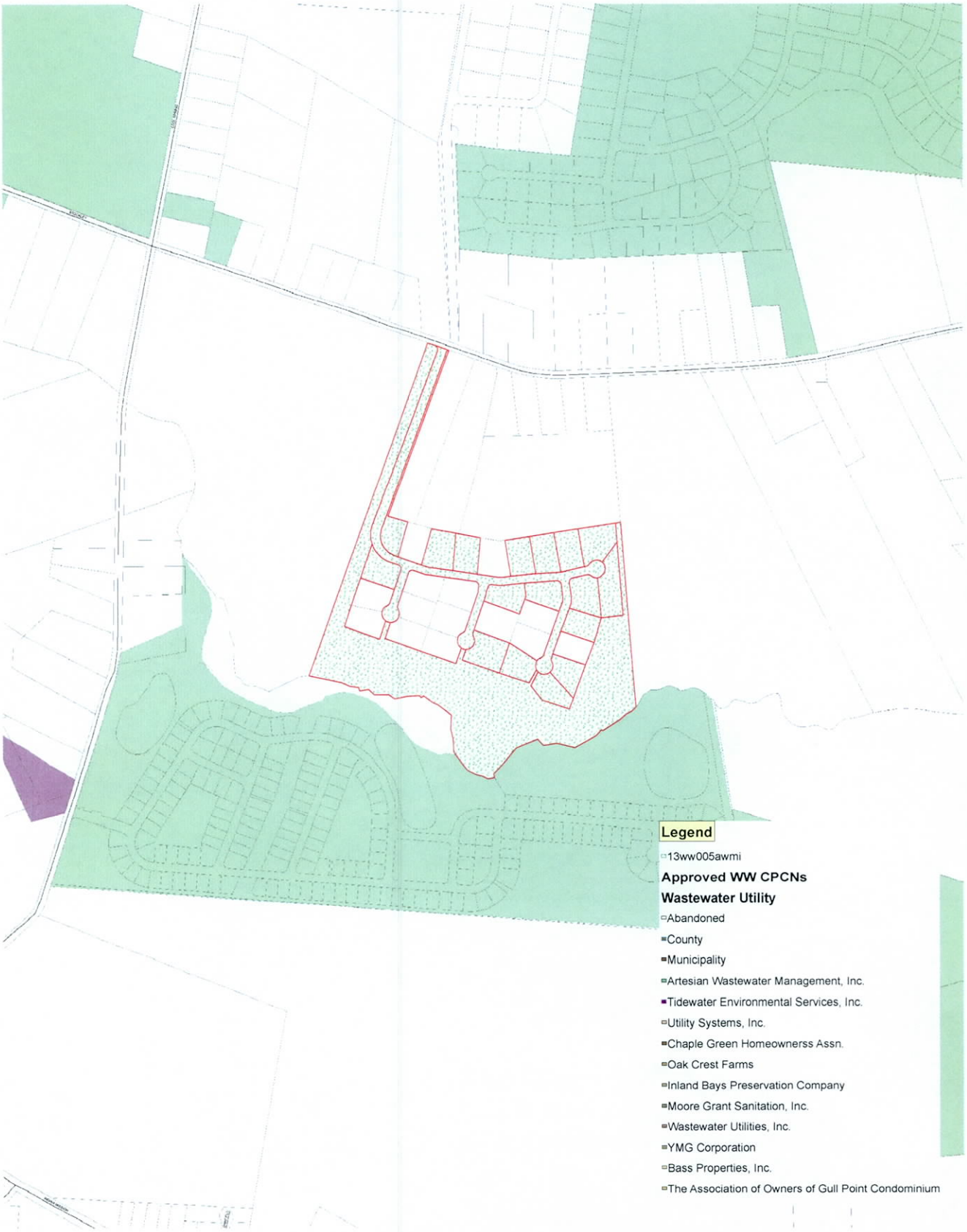
234-5.00-203.00

234-5.00-204.00

234-5.00-205.00

234-5.00-206.00

234-5.00-208.00

234-5.00-209.00

Artesian Water Company, Inc.
PSC Docket No. 13-WW-005 "Woodgate, LLC - WW"
April 29, 2014