CK# 10900231/60-162
10.19.09 $300 RB

PSC DOCKET #
09_WW-008

Jackie
Katie
Donna
Lefusha
Jack

TIDEWATER
ENVIRONMENTAL SERVICES, INC.

1100 South Little Creek Road
Dover, Delaware 19901

Certificate of Public Convenience and Necessity Application

Sussex County

ORIGINAL
DO NOT [illegible] PROM OFFICE

Chesapeake WW

2009 OCT 19 PM 3:38
DELAWARE [illegible]

TIDEWATER
ENVIRONMENTAL SERVICES, INC.
1100 SOUTH LITTLE CREEK ROAD
DOVER, DELAWARE 19901

October 19, 2009

Mr. Kevin Neilson
Public Service Commission
861 Silver Lake Blvd.
Suite 100
Dover, DE 19904

Re: Wastewater CPCN Application – Chesapeake WW

Dear Mr. Neilson;

Enclosed you will find the CPCN application for Chesapeake area located in Sussex County, Delaware.

One original and ten copies of the application have been included. A check payable to the Public Service Commission in the amount of $300.00 has also been included for the application fee. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-734-7500 Ext. 1014.

Respectfully,

Joseph C. Cuccinello
CPCN Coordinator

cc: Ms. Katherine Bunting-Howarth, DNREC w/enclosures
Ms. Dorothy Morris, OSP w/enclosures
Mr. Mike Izzo, Sussex County, w/enclosures

APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED TO BEGIN OR EXPAND THE BUSINESS OF A PUBLIC WASTEWATER UTILITY

BEFORE THE PUBLIC SERVICE COMMISSION

This form of application must be filed for each new and expanding wastewater system pursuant to 26 Del. C. §203D(d).

WASTEWATER UTILITIES: Chesapeake WW

1. Basis for application:

_____a. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government (26 Del. C., §203D (d)(1); or

__X__b. The applicant is in possession of a petition signed by all of the parcel owners of the proposed territory to be served; (26 Del. C., §203D (d)(2)); see **Exhibit A**

_____c. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; (26 Del. C., §203D (d)(3)).

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate wastewater service to customers.

3. Tidewater Environmental Services, Inc. requests an informal fact finding procedure during review of the application.

   a) Full legal name and address of Applicant:
   Tidewater Environmental Services, Inc.
   1100 South Little Creek Road
   Dover, Delaware 19901

   b) Full name of the Utility's designated representative:
   Bruce Patrick

   c) Phone no: 302-734-7500
   d) Fax no: 302-734-9297
   e) Email address: bpatrick@tuiwater.com

5. Supporting documentation required by 26 Del. C. §203E(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**

6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**

7. Check made out to the Delaware Public Service Commission in the amount of $300.00.

8. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**

9. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:

   a) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable wastewater treatment standards; and

   b) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Environmental Services, Inc. has materially failed to provide adequate or proper safe wastewater services to existing customers.

10. As shown in Exhibit A, a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permitting Applicant to provide them with public wastewater services.

    a) A copy of the application will be sent to the Office of State Planning and Department of Natural Resources on or about 10/19/09.

       1) The current status of such Application is: **Sent**

    b) The Applicant provides the following additional information with this application;

       1) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers are currently on file with the PSC.

       2) A chart, which depicts the inter-company relationships is currently on file with the PSC.

       3) A map identifying all areas, including all towns, cities, counties and other government subdivisions to which service is already provided.

       4) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years are currently on file with the PSC.

       5) Applicant's audited financial statements, 10K's and all proxy material for the last two years are currently on file with the PSC.

       6) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,

Bruce E. Patrick

Bruce E. Patrick
Vice President of Engineering

Certification of Landowner Information Accuracy

By submitting this application, Tidewater Environmental Services Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.

Joseph C. Cuccinello
CPCN Coordinator

EXHIBIT A

PETITION FOR INCLUSION IN TIDEWATER ENVIRONMENTAL SERVICES, INC.
WASTEWATER SERVICE TERRITORY

In accordance with 26 Delaware Code 203-D., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the wastewater service territory of Tidewater Environmental Services, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Environmental Services, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide wastewater service to the following property/properties:

Tax Parcel Number(s) 532-13.00-85.00

Owner's Signature(s): [signature] Date: 10.7.08

_____ Date: _____

Owner's Name(s): Preston Schell

_____

Company Name Delmarva Woodlands Alliance II, LLC

Owner's Address: 55 Cascade Lane, Suite A

Rehoboth Beach, Delaware 19971

EXHIBIT B

TIDEWATER
ENVIRONMENTAL SERVICES, INC.
1100 South Little Creek Road
Dover, Delaware 19901

September 18, 2009

Certified Return Receipt # 7007 3020 0002 5598 5999

Mr. Preston Schell
Delmarva Woodlands Alliance II, LLC
55 Cascade Lane, Suite A
Rehoboth Beach, DE 19971

Dear Mr. Schell:

Tidewater Environmental Services Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide wastewater service to your property, parcel number 532-13.00-85.00 located in Sussex County.

Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or around October 18, 2009. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public wastewater service to your parcel. It is important for you, as the landowner, to know that when wastewater service is made available to your parcel you are not obligated to connect to our wastewater system as long as your current wastewater system is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time.

Tidewater understands that customer satisfaction and quality water are the foundation of our business. In 2007 Tidewater was awarded the Torch Award by the Delaware Better Business Bureau for our Marketplace Ethics. Tidewater a part of Middlesex Water Company was recently named one of America's 100 most trustworthy publicly traded firms according to Audit Integrity, Inc. In addition, Tidewater was voted Best Tasting Water in 2007 by Delaware Rural Water Association.

If you have any questions in regards to this matter please feel free to contact me at 1-800-523-7224 ext. 1014.

Sincerely,

Joseph C. Cuccinello
CPCN Coordinator

LANDOWNER NOTIFICATION

In accordance with Delaware law and regulations of the Public Service Commission, the applicant, Tidewater Environmental Services, Inc. must show evidence that all landowners of the proposed territory have been notified by certified mail or its' equivalent of the filing of the application.

(1) Pursuant to Title 26, § 203D(d)(2) of the Delaware Code, an application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission on or about October 18, 2009. In accordance with the petition you have recently signed, your properties have been included within an area Tidewater Environmental Services, Inc. intends to serve with public wastewater and we are required to inform you of certain information. The area to be served is tax parcel number 532-13.00-85.00 located in Sussex County, Delaware. If you agree to the inclusion of your property in the proposed service area, no action on your part is required. Inclusion of your property in a CPCN area does not obligate you to connect immediately to our system; However, should you existing system fail and public wastewater services are deemed to be legal and publicly available, you may then be required to connect.

(2) Under Delaware law, the Public Service Commission cannot grant a CPCN to Tidewater Environmental Services, Inc. if a majority of the landowners in the proposed wastewater service area object to the issuance of the CPCN. If you object to the issuance of a CPCN for the proposed area that includes your property, you must notify the commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the complete application for the CPCN, whichever is greater.

(3) You may also request a public hearing on this matter. The purpose of the public hearing will be to demonstrate why it would not be in the public interest for the commission to grant Tidewater Environmental Services Inc., a CPCN to provide wastewater services to the proposed area. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or with thirty days of the filing of the completed application for a CPCN, whatever is greater.

(4) The written notice of your decision to object to the issuance of the CPCN, or your written request for a public hearing, should be sent to the Secretary of the Delaware Public Service Commission at the address listed below.

(5) Any written notice you send to the Commission must include the description of the service area referred to in paragraph (1) above, your tax parcel identification number, and the name of the applicant so the Commission will be able to identify the CPCN application to which your notice is related.

(6) Questions regarding objections, opt-outs, and hearings may be directed to:

Commission Secretary
861 Silver Lake Blvd.
Suite 100
Dover DE, 19904
302-736-7500

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com®

7007 3020 0002 5598 5999

Postage	$ .44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.54

LITTLE CREEK DE 19961
SEP 16 2009
Postmark Here
USPS

Sent To: Delmarva Woodlands Alliance II
Street, Apt. No.; or PO Box No. 55 Cascade Ln. Ste A
City, State, ZIP+4 Rehoboth Beach DE 19971

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Preston Schell
Delmarva Woodlands Alliance II, LLC
55 Cascade Lane, Suite A
Rehoboth Beach, DE 19971

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Greg L Wengryn ☐ Agent ☐ Addressee

B. Received by (Printed Name) Greg L. Wengryn
C. Date of Delivery 9/21/09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7007 3020 0002 5598 5999

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

EXHIBIT C

TAX Parcel Reference List

Exhibit C

Tax Map Parcel Numbers	Acres	Owner
532-13.00-85.00	97.25	Delmarva Woodlands Alliance II, LLC 55 Cascade Lane Suite A Rehoboth Beach, DE 19971

MAPS

SEE ORIGINALS IN DOCKET