

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

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC., FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO PROVIDE WATER SERVICES TO)	
208 PARCELS OF LAND LOCATED IN AND)	PSC DOCKET NO. 05-CPCN-08
AROUND THE DEERBORNE WOODS)	(OLD BALTIMORE PIKE AND
DEVELOPMENT, AND TO 100 PARCELS OF)	PEOPLES INDUSTRIAL PARK
LAND LOCATED IN AND AROUND THE)	AREAS)
DEVELOPMENTS OF FIELDSTONE CROSSING)	
AND RUSTIC HEIGHTS, NEW CASTLE COUNTY,)	
DELAWARE (FILED FEBRUARY 24, 2005 AND)	
AMENDED MARCH 16, 2005))	

ORDER NO. 6632

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO PROVIDE PUBLIC WATER UTILITY SERVICES**

This 24th day of May, 2005, the Commission finds, determines, and Orders the following:

I. BACKGROUND

1. Artesian Water Company, Inc. ("Applicant"), is a water utility providing water services for public use that are subject to the regulatory jurisdiction of this Commission over any expansion of its service territory. On February 24, 2005, the Applicant filed an Application ("Application") with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to expand its facilities and operations in order to provide water services to 212 parcels of land located in and around the Deerborne Woods development, and to 100 parcels of land located in and around the developments of Fieldstone Crossing and Rustic Heights, New Castle County, Delaware ("Proposed

Service Area"), as specifically described by the tax parcel number identifications in paragraph 6 of the Application.

2. Staff reviewed the Application in accordance with the rules adopted in PSC Regulation Docket No. 51, Order No. 5730, effective July 10, 2001. During this review, Staff found that four parcels of land in the vicinity of Deerborne Woods are currently in the certificated water service territory of another water supplier. The Applicant responded by submitting revised Exhibits A and C on March 16, 2005 that omitted the four parcels of land in question.

3. Staff directed the Applicant to publish notice of the Application in two newspapers of general circulation. The notice informed the public that any meritorious request for a hearing or objection must be filed with the Commission no later than thirty days from the publication.

II. SUMMARY OF THE EVIDENCE

4. The record in this matter consists of the Application, with the March 16, 2005 revised Exhibits A and C, and includes the Applicant's request that the Commission proceed in this matter under the informal fact-finding procedures set forth in *29 Del. C. § 10123*

(¶ 3). In addition, the Application includes:

- (i) petitions signed by a majority of landowners within the Proposed Service Area, as revised (¶ 1(d));
- (ii) copies of the United States Postal Service's forms verifying that the Applicant sent, via certified mail, a Commission approved notice to all landowners of the affected parcels of the Applicant's filing for a CPCN as prescribed by Water Utility CPCN Reg. 10.109 (¶ 5);

- (iii) the County tax parcel identification numbers of the properties in the Proposed Service Area, as revised (§ 6);
- (iv) a listing of the landowners of record of each of the parcels included in the Proposed Service Area, as revised, and the related tax maps (§ 7);
- (v) the Applicant's statement that its expansion of service to the parcels in the Proposed Service Area, as revised, will comply with the water pressure requirements of 26 Del. C. § 403(a)&(b), and is not barred by any of the restrictions set forth in 26 Del. C. § 403(c) (§ 8 (a)-(d));

5. The record also contains:

- (i) affidavits of publication of the public notice of the Application on March 19, 2005, in the Delaware State News and The News Journal newspapers;
- (ii) correspondence from the Office of Drinking Water of the Division of Public Health (dated April 5, 2005), from the Office of the State Fire Marshal (dated May 3, 2005), and from the Department of Natural Resources and Environmental Control (printed e-mail dated March 31, 2005) reporting that they have no outstanding issues with the Applicant that might preclude granting the requested CPCN;
- (iii) Staff's May 16, 2005 memorandum of its investigation and its recommendation that the Commission approve the Application as revised and grant the requested CPCN. Staff reports that, based upon its review, the Applicant has complied with all the statutory and regulatory requirements necessary for granting the CPCN.

6. Finally, the record does not contain any evidence that any person objects to or requests a hearing on the Application, nor did any property owner request to "opt-out" of the Proposed Service Area.

III. FINDINGS OF FACT & CONCLUSIONS OF LAW

7. The Commission concludes it has jurisdiction to grant a CPCN permitting a water utility to expand its operations and facilities if the water utility satisfies the legal and factual requirements. The Commission finds that the Applicant operates a water system for public use and, consequently, is a water utility.

8. First, the Applicant obtained the consent of the majority of owners of the property within the Proposed Service Area in compliance of 26 Del. C. § 203C(e)(1)(b). Second, the Applicant sent by certified mail an approved notice of its Application to all owners of parcels within the Proposed Service Area. Third, the record reflects: (a) no objection to this Application; (b) no request for a hearing on this Application; (c) the Applicant's statement that the Applicant will continue to meet the water pressure requirements for its existing customers; and (d) the Applicant's statement that it is not subject to any regulatory Order or finding pertaining to the quality of its service to existing customers which would preclude it from expanding its operations or facilities.

9. Finally, the Commission's Staff has investigated the Applicant and has not discovered that the Applicant is currently subject to any Commission finding that the utility is unwilling or unable to provide adequate and reliable water services to its existing customers. The present record does not provide any basis for the Commission to believe that any further investigation into the Applicant's service quality is necessary in order to render a decision in this proceeding.

10. In summary, the Applicant has submitted the necessary proof required by the provisions of 26 Del. C. §§ 203C(e)(1), 203C(e)(1) b., & 203C(e)(3), which the Commission's Staff has reviewed and found to be accurate. The Commission also finds no reason that the Applicant is not entitled to a CPCN under the provisions of either 26 Del. C. §§ 203C(f) or 203C(i). Since the Applicant has satisfied the statute's requirements, the Commission shall issue a CPCN permitting the Applicant to expand its operations to provide water utility services to the parcels identified in Exhibit "A" hereto.

Now, therefore, **IT IS ORDERED:**

1. That, pursuant to 26 Del. C. § 203C(e), the application for a Certificate of Public Convenience and Necessity, as filed in PSC Docket No. 05-CPCN-08, is hereby approved to the extent it is consistent with this Order, and a CPCN is granted to Artesian Water Company, Inc., to serve the area identified by the tax parcel numbers set forth in Exhibit "A" to this Order.

2. That Artesian Water Company, Inc., 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 water utility services provided to the service territory granted by this Certificate of Public Convenience and Necessity.

3. 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:

Chair

/s/ Joshua M. Twilley
Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary

E X H I B I T "A"

APPROVED SERVICE AREA
PARCELS WITHIN CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

ARTESIAN WATER COMPANY, INC.
(OLD BALTIMORE PIKE AND PEOPLES INDUSTRIAL PARK AREAS)

NEW CASTLE COUNTY TAX MAP PARCELS NOS.

1101600014	1101630053	1101640005
1101600016	1101630054	1101640006
1101600019	1101630055	1101640007
1101600088	1101630056	1101640010
1101600096	1101630057	1101640011
1101600117	1101630058	1101640022
1101630039	1101630059	1101640023
1101630040	1101630060	1101640024
1101630041	1101630061	1101640025
1101630042	1101630062	1101640028
1101630043	1101630063	1101640029
1101630044	1101630064	1101640030
1101630045	1101630065	1101640033
1101630046	1101630066	1101640034
1101630047	1101630067	1101640035
1101630048	1101630068	1101640036
1101630049	1101640001	1101640054
1101630050	1101640002	1101640061
1101630051	1101640003	1101640062
1101630052	1101640004	1101640063

1101640064	1101640090	1101640116
1101640065	1101640091	1101640117
1101640066	1101640092	1101640118
1101640067	1101640093	1101640119
1101640068	1101640094	1101640120
1101640069	1101640095	1101640121
1101640070	1101640096	1101640122
1101640071	1101640097	1101640123
1101640072	1101640098	1101640124
1101640073	1101640099	1101640125
1101640074	1101640100	1101640126
1101640075	1101640101	1101640127
1101640076	1101640102	1101640133
1101640077	1101640103	1101640134
1101640078	1101640104	1101640135
1101640079	1101640105	1101640153
1101640080	1101640106	1101640154
1101640081	1101640107	1101730016
1101640082	1101640108	1102000020
1101640083	1101640109	1102000021
1101640084	1101640110	1102000022
1101640085	1101640111	1102000033
1101640086	1101640112	1102000034
1101640087	1101640113	1102010042
1101640088	1101640114	1102010043
1101640089	1101640115	1102020060

1102020061	1102020087	1102020117
1102020062	1102020088	1102020118
1102020063	1102020089	1102020119
1102020064	1102020090	1102020120
1102020065	1102020091	1102020121
1102020066	1102020092	1102020122
1102020067	1102020093	1102020123
1102020068	1102020094	1102020124
1102020069	1102020095	1102020125
1102020070	1102020096	1102020126
1102020071	1102020097	1102020127
1102020072	1102020098	1102020128
1102020073	1102020099	1102020129
1102020074	1102020100	1102020130
1102020075	1102020101	1102020131
1102020076	1102020102	1102020132
1102020077	1102020103	1102020133
1102020078	1102020104	1102020134
1102020079	1102020109	1200600004
1102020080	1102020110	1200600010
1102020081	1102020111	1200600011
1102020082	1102020112	1200600012
1102020083	1102020113	1200600024
1102020084	1102020114	1200600026
1102020085	1102020115	1200600027
1102020086	1102020116	1200600028

1200600029	1201200080	1201200188
1200600030	1201200081	1201200189
1200600032	1201200082	1201200190
1200600042	1201200083	1201200191
1200600045	1201200084	1201200192
1200600048	1201200085	1201200193
1200600049	1201200151	1201200194
1201200052	1201200154	1201200195
1201200053	1201200162	1201200196
1201200060	1201200163	1201200197
1201200061	1201200164	1201200198
1201200062	1201200165	1201200199
1201200063	1201200166	1201200200
1201200064	1201200167	1201200201
1201200065	1201200168	1201200202
1201200066	1201200172	1201200203
1201200067	1201200173	1201200204
1201200068	1201200177	1201200205
1201200069	1201200180	1201200206
1201200070	1201200181	1201200207
1201200071	1201200182	1201200208
1201200072	1201200183	1201200209
1201200073	1201200184	1201200210
1201200074	1201200185	1201200211
1201200076	1201200186	1201200212
1201200079	1201200187	1201200213

1201200214

1201200215

1201200216

1201200217

1201200218

1201200219

1201200220

1201200221

1201200222

1201200223

1201200224

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1201200300