

**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 TO FIVE PARCELS )  
OF LAND LOCATED ON THE EAST SIDE OF ) PSC DOCKET NO. 05-WW-029  
STATE ROUTE 1, ON TWIN WILLOWS ROAD, ) ("WILLOW CREEK & TWIN ACRES")  
SOUTH OF SMYRNA, AND TO ONE PARCEL OF )  
LAND LOCATED ON THE NORTH SIDE OF )  
MILLINGTON ROAD, WEST OF CLAYTON, )  
KENT COUNTY, DELAWARE )  
(FILED SEPTEMBER 23, 2005)

**ORDER NO. 6779**

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
TO PROVIDE WASTEWATER SERVICES**

This 22<sup>nd</sup> day of November, 2005, the Commission determines and Orders the following:

1. By the provisions of 74 Del. Laws ch. 317 (July 6, 2004), the General Assembly and Governor included wastewater systems within the public utilities subject to the regulatory oversight of this Commission. 74 Del. Laws ch. 317 (2004) (amending "public utility" definition in 26 Del. C. § 102(2)).<sup>1</sup>

2. The law includes a specific regime for the granting of Certificates of Public Convenience and Necessity ("CPCN") to begin the business of a wastewater public utility or to extend the system and

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<sup>1</sup>The enactment continued, in the context of wastewater systems, exemptions from Commission oversight systems owned or operated by municipalities and specific water and sewer districts. 74 Del. Laws ch. 317 §§ 3, 5 (2004) (amending 26 Del. C. § 202(b)). The new law also exempted from Commission oversight wastewater public utilities serving fewer than fifty customers in the aggregate. 74 Del. Laws ch. 317 § 4 (2004), adding 26 Del. C. § 202(h).

operations of an existing wastewater public utility. 74 Del. Laws ch. 317 § 6, adding 26 Del. C. § 203D. Under the statute, specifically 26 Del. C. § 203D(d)(2), the Commission shall grant a CPCN to an applicant if it has submitted a petition requesting wastewater services signed by a majority of the landowners in the proposed service area, as well as the proof that all of the landowners in the proposed service area were notified of the application. Under 26 Del. C. § 203D(e), the Commission may deny a request for a CPCN if the applicant is currently subject to a Commission finding or, if the Commission finds, that the applicant is unable or unwilling to provide safe, adequate, and reliable service to existing customers.

3. On February 22, 2005, by PSC Order No. 6573, 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* ("Regulations") which govern the process that non-governmental wastewater utilities serving, or planning to serve, fifty or more customers (in the aggregate) apply for and are granted a CPCN.

4. Artesian Wastewater Management, Inc. ("AWMI") is a public utility offering wastewater services, and is subject to the regulatory oversight of this Commission. On September 23, 2005, AWMI filed an application with the Commission requesting a CPCN to provide wastewater services to five parcels of land located on the east side of State Route 1 on Twin Willows Road, south of Smyrna, and to one parcel of land located on the north side of Millington Road, west of Clayton, Kent County, Delaware ("Proposed Service Areas").

5. As required by 26 Del. C. § 203D(d)(2), and Commission Regulations, AWMI included in its application: (a) petitions requesting wastewater services signed by the owners of the six parcels of land comprising the Proposed Service Areas; and (b) evidence, in the form of signed United States Postal Service certified mail receipts, showing that all landowners were sent notice of the Application. Also included with the Application are maps showing the locations of the Proposed Service Areas.

6. Pursuant to Commission regulations, Staff notified the Division of Water Resources of the Delaware Department of Natural Resources and Environmental Control ("DNREC") of the Application. In its reply, DNREC indicated it had no objection to the Commission granting AWMI the requested CPCN to provide wastewater treatment and disposal services.

7. Consequently, consistent with the statutory requirement, the Commission shall grant a CPCN to AWMI to provide wastewater public utility services within the Proposed Service Areas.

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

1. That, pursuant to the provisions of 26 Del. C. § 203D(d)(2), a Certificate of Public Convenience and Necessity is granted to Artesian Wastewater Management, Inc., to provide wastewater public utility services to five parcels of land located on the east side of State Route 1 on Twin Willows Road, south of Smyrna, and to one parcel of land located on the north side of Millington Road, west of Clayton, Kent County, Delaware, and more specifically identified by the Kent County tax parcels numbers DC00-028.00-02-54.02, DC037.00-01-

07.01, DC00-38.00-01-1.00, DC00-38.00-01-1.01, DC00-38.00-01-1.14, and KH00-018.00-01-1.00.

2. That Artesian Wastewater Management, 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 wastewater 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:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary