

**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) PSC DOCKET NO. 07-CPCN-50
NECESSITY TO PROVIDE WATER SERVICES) ("ROUTE 20,
PURSUANT TO 26 Del. C. § 203C) SUSSEX COUNTY")
(FILED OCTOBER 19, 2007)

ORDER NO. 7341

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

This 8th day of January, 2008, the Commission finds, determines, and Orders the following:

1. On October 19, 2007, Artesian Water Company, Inc. ("Artesian " or "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 fifteen parcels of land distributed between Dagsboro, Selbyville, and Ocean View, Sussex County, Delaware ("Proposed Service Area"). The basis for the Application is Artesian's possession of petitions requesting water services signed by all the owners of the parcels of land comprising the Proposed Service Area in accordance with 26 Del. C. § 203C(e)(1)b. With its Application, Artesian filed evidence that it had mailed to all landowners in the Proposed Service Area notice of its application and the options available to affected landowners. In addition, on Staff's direction, Artesian published notice of its Application in two newspapers of general circulation. The Commission has received a

written request from the owners of one parcel of land requesting to "opt-out" of the Proposed Service Area. No other comments regarding the Applicant or this Application have been received.

2. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a December 31, 2007 Memorandum to the Commission, Staff reports that Artesian's Application meets all requirements for the granting of a CPCN under 26 Del. C. § 203C and the Commission's *Regulations Governing Water Utilities Including the Public Service Commission's Jurisdiction to Grant and Revoke Certificates of Public Convenience and Necessity*, and recommends approval of the Application.

3. For these reasons, the Commission finds that Artesian has met all requirements for the granting of a CPCN and, therefore, the Commission shall approve the Application as filed in PSC Docket No. 07-CPCN-50 on October 19, 2007, specifically excluding the one parcel of land where the owners have requested to "opt-out" of the Proposed Service Area.

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

1. That, pursuant to 26 Del. C. § 203C(e), to the extent it is consistent with this Order, a Certificate of Public Convenience and Necessity is granted to Artesian Water Company, Inc., to serve the area more specifically identified by the following Sussex County Tax Map Parcels Numbers:

134-10.00-44.01	134-11.00-14.01	134-15.00-142.00
134-15.00-20.06	134-16.00-700.06	134-19.00-110.00
233-11.00-90.00	233-11.00-91.00	233-11.00-96.00

233-11.00-98.00

533-5.00-13.00

533-6.00-115.00

533-10.00-46.03

533-11.00-57.00

2. That Sussex County tax map parcel number 533-5.00-69.00 is specifically excluded from the approved service area based upon the landowner's request to "opt-out."

3. 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.

4. 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

Commissioner

ATTEST:

/s/ Jeffrey J. Clark
Commissioner

/s/ Karen J. Nickerson
Secretary