

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

IN THE MATTER OF THE APPLICATION OF)	
TIDEWATER UTILITIES, INC., FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	PSC DOCKET NO. 07-CPCN-49
NECESSITY TO PROVIDE WATER SERVICES)	("LAUREL-DELMAR 1,
PURSUANT TO 26 DEL. C. § 203C)	SUSSEX COUNTY")
(FILED OCTOBER 18, 2007)	

ORDER NO. 7342

**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 18, 2007, Tidewater Utilities, Inc. ("Tidewater" 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 forty-seven parcels of land distributed from northeast of Millsboro to east of Dagsboro to north of Delmar to west of Bethel, Sussex County, Delaware ("Proposed Service Area"). The basis for the Application is Tidewater's possession of petitions requesting water services signed by all of 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, Tidewater filed evidence that it had mailed notice to all landowners in the Proposed Service Area of its application and the options available to affected landowners. In addition, on Staff's direction, Tidewater published notice of its Application in two newspapers of general circulation.

The Commission received written correspondence from the owners of one parcel of land requesting to "opt-out" of Tidewater's Proposed Service Area. No other comments regarding either the Applicant or this Application have been received.

2. The Commission Staff has reviewed the Application and found that one parcel of land (Sussex County Tax Map Parcel No. 532-11.00-35.00) is already located within Tidewater's territory and should be excluded from the Proposed Service Area. Also found during Staff's review of this Application is that a parcel of land (Tax Map Parcel No. 234-21.00-74.00) included in Tidewater's Proposed Service Area was also included in a water CPCN application filed by Artesian Water Company, Inc. ("Artesian") on October 12, 2007 (PSC Docket No. 07-CPCN-48). Both applications include a petition signed by the owner of the property requesting water services from the applying utility. In this case, Staff recommends that this parcel of land be omitted from the proposed service areas of both Artesian and Tidewater thus affording the landowner an opportunity to evaluate which utility might be best situated to meet their individual needs.

3. Finally, in its December 31, 2007 Memorandum to the Commission Staff reports that Tidewater'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* (PSC Order No. 5730 (July 10, 2001)) and recommends approval of the Application, excluding the three parcels of land discussed previously.

4. For these reasons, the Commission finds that Tidewater 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-49 on October 18, 2007, specifically excluding the parcel of land located within Tidewater's existing service territory, the parcel of land included in another utility's CPCN application, and the parcel of land where the owners have requested to "opt-out." The final service territory as approved, therefore, shall consist of a total of forty-four parcels of land.

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 Tidewater Utilities, Inc., to serve the area more specifically identified by the Sussex County Tax Map Parcels Numbers shown in Exhibit "A" to this Order.

2. That Sussex County Tax Map Parcel No. 432-6.00-130.00 is specifically excluded from the approved service area based upon the landowner's request to "opt-out."

3. That Sussex County Tax Map Parcels Nos. 532-11.00-35.00 and 234-21.00-74.00 are specifically excluded from the approved service area for the reasons set forth in paragraph 2 of this Order.

4. That Tidewater Utilities, 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.

5. 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

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary

E X H I B I T "A"

TIDEWATER UTILITIES, INC.
PSC DOCKET NO. 07-CPCN-49

SUSSEX COUNTY TAX MAP PARCELS NUMBERS

133-9.00-32.00	332-4.00-55.02
133-20.00-159.00	332-4.00-56.00
232-19.00-59.00	332-7.00-17.00
233-5.00-146.01	332-7.00-22.00
233-5.00-152.00	332-8.00-14.00
233-5.00-186.07	432-2.00-15.00
233-5.00-186.19	432-3.00-3.01
233-7.00-49.00	432-6.00-17.00
233-9.00-15.04	432-9.00-13.01
233-9.00-47.00	432-10.00-21.05
233-9.00-48.00	432-11.00-3.02
233-10.00-10.01	432-11.00-58.03
233-10.00-13.00	532-1.00-6.00
233-10.00-15.00	532-3.00-1.00
234-21.00-47.02	532-3.00-24.00
234-21.00-171.01	532-3.00-41.00
234-32.00-114.00	532-7.00-27.13
332-2.00-90.04	532-7.00-50.03
332-3.00-91.07	532-11.00-24.00
332-3.00-99.00	532-12.00-33.01
332-4.00-50.01	532-12.00-35.00
332-4.00-55.00	532-13.00-80.03