

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

IN THE MATTER OF THE APPLICATION OF )  
TIDEWATER UTILITIES, INC., FOR A ) PSC DOCKET NO. 07-CPCN-53  
CERTIFICATE OF PUBLIC CONVENIENCE AND ) ("LAUREL-DELMAR 2,  
NECESSITY TO PROVIDE WATER SERVICES ) SUSSEX COUNTY")  
PURSUANT TO 26 DEL. C. § 203C )  
(FILED NOVEMBER 15, 2007)

**ORDER NO. 7357**

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

This 5<sup>th</sup> day of February, 2008, the Commission finds, determines,  
and Orders the following:

1. On November 15, 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 eight parcels of land distributed between Laurel and Millsboro, 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 (Sussex County Tax Map Parcel No. 532-5.00-2.00) 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. 332-3.00-106.00) is located within the certificated service territory of another water utility and should be excluded from the Proposed Service Area.

3. Finally, Staff reports to the Commission in its January 29, 2008 Memorandum 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 two 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-53 on November 15, 2007, specifically excluding the parcel of land located within another water utility's existing service territory 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 six 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 following Sussex County Tax Map Parcels Nos.: 133-10.00-3.00, 133-20.00-50.04, 232-13.00-47.00, 232-18.00-10.07, 532-14.00-1.01, and 532-14.00-1.05,

2. That Sussex County Tax Map Parcel No. 532-5.00-2.00 is specifically excluded from the approved service area based upon the landowner's request to "opt-out."

3. That Sussex County Tax Map Parcel No. 332-3.00-106.00 is specifically excluded from the approved service area for the reason 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

PSC Docket No. 07-CPCN-53, Order No. 7357 Cont'd.

/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