

**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-54
CERTIFICATE OF PUBLIC CONVENIENCE AND) ("RED MILL POND,
NECESSITY TO PROVIDE WATER SERVICES) SUSSEX COUNTY")
PURSUANT TO 26 DEL. C. § 203C)
(FILED NOVEMBER 27, 2007)

ORDER NO. 7358

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

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

1. On November 27, 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 one parcel of land located on Sweetbriar Road, southeast of Milton, Sussex County, Delaware ("Proposed Service Area"). The basis for the Application is Tidewater's possession of a petition requesting water services signed by the owner of the parcel 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 has not received any comments

regarding either the Applicant or this Application as a result of the notices.

2. The Commission Staff has reviewed the Application and found no errors or omissions. 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.

3. 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-54 on November 27, 2007.

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 Sussex County Tax Map Parcel No. 235-27.00-20.00.

2. 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.

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