

**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-55
NECESSITY TO PROVIDE WATER SERVICES) ("NEW CASTLE COUNTY 2")
PURSUANT TO 26 DEL. C. § 203C)
(FILED DECEMBER 7, 2007))

ORDER NO. 7359

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

This 21st day of February, 2008, the Commission finds, determines, and Orders the following:

1. On December 7, 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 six parcels of land surrounding Townsend, New Castle 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 of the filing of the application to all landowners in the Proposed Service Area 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 (New Castle County Tax Map Parcel No. 51401700004) 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 the parcel of land where the owner had requested to "opt-out" is also located within the certificated service territory of another water utility and should be excluded from the Proposed Service Area for that reason.

3. Finally, Staff reports to the Commission in its February 13, 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 parcel 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-55 on December 7, 2007, specifically excluding the parcel of land located within another water utility's existing service territory. The final service territory as approved, therefore, shall consist of a total of five 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 New Castle County Tax Map Parcels Nos.: 1401200118, 1402000028, 1501600059, 1502000089, and 1502100171.

2. That New Castle County Tax Map Parcel No. 1401700004 is specifically excluded from the approved service area for the reason set forth in paragraph 2 of this Order.

3. 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.

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

PSC Docket No. 07-CPCN-55, Order No. 7359 Cont'd.

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary