

**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-58  
NECESSITY TO PROVIDE WATER SERVICES ) ("SUSSEX 2")  
PURSUANT TO 26 DEL. C. § 203C )  
(FILED DECEMBER 21, 2007) )

**ORDER NO. 7365**

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

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

1. On December 21, 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 northeast of Millsboro, and to nine parcels of land distributed between Seaford and Delmar, 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

has not received any comments regarding either the Applicant or this Application.

2. 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.

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-58 on December 21, 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 the following Sussex County Tax Map Parcels Nos.: 231-13.00-143.00, 231-17.00-65.01, 231-17.00-66.00, 234-21.00-145.01, 332-2.00-90.06, 432-6.00-8.01, 432-6.00-8.05, 432-7.00-2.00, 531-18.00-32.01, and 532-13.00-53.01.

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