

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

IN THE MATTER OF THE REQUEST OF)
ARTESIAN WATER COMPANY, INC. TO)
ABANDON THE CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY GRANTED BY)
THE DEPARTMENT OF NATURAL RESOURCES)
AND ENVIRONMENTAL CONTROL FOR NEW)
CASTLE COUNTY TAX MAP PARCEL NUMBER)
07-043.40-055 BY CERTIFICATE NUMBER)
85-WS-03 (MAY 14, 1985) AND THE)
APPLICATION OF UNITED WATER DELAWARE)
INC., FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE)
WATER SERVICES PURSUANT TO 26 DEL. C.)
§ 203C (FILED OCTOBER 9, 2008))

PSC DOCKET NO. 08-CPCN-28
("RUSSELL W. PETERSON
WILDLIFE REFUGE")

ORDER NO. 7493

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

This 16th day of December, 2008, the Commission finds, determines,
and Orders the following:

1. On October 9, 2008, United Water Delaware, Inc. ("United" 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 the Russell W. Peterson Wildlife Refuge Education Center, located between Interstates 95 and 495, south of Wilmington, New Castle County, Delaware ("Proposed Service Area"), and more specifically identified by the New Castle County Tax Map Parcel No. 07-043.40-055. The basis for the Application is United's possession of the petition requesting water services signed by the owner of the parcel of land comprising the Proposed Service Area in accordance with

26 Del. C. § 203C(e)(1)b. With its Application, United filed evidence that it had mailed to the landowner in the Proposed Service Area notice of its application and the options available to affected landowners.

2. The Proposed Service Area in this matter is located in the water service territory of Artesian Water Company, Inc. ("Artesian") which was granted by the Department of Natural Resources and Environmental Control ("DNREC") by Certificate No. 85-WS-03 (May 14, 1985). On November 21, 2008, Artesian filed a written request with the Commission seeking to abandon its CPCN for the specific area in United's application.

3. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a December 4, 2008 Memorandum to the Commission, Staff reports that United'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*, and recommends approval of the Application. Staff's memo further indicates that an exemption to the water pressure requirements imposed by 26 Del. C., §403(b) was granted in July 2008 exclusive to New Castle County Tax Map Parcel No. 07-043.40-055.

3. For these reasons, the Commission finds that United has met all requirements for the granting of a CPCN and, therefore, the Commission shall approve the Application as filed in PSC Docket No. 08-CPCN-28 on October 9, 2008.

Now, therefore, **IT IS ORDERED:**

1. That, pursuant to *26 Del. C. § 203A(c)*, to the extent it is consistent with this Order, the request for abandonment filed by Artesian Water Company, Inc. on November 21, 2008 is hereby granted, and the parcel of land comprising the Russell W. Peterson Wildlife Refuge Education Center be hereby removed from the service territory granted to Artesian Water Company, Inc. by the Department of Natural Resources and Environmental Control in Certificate No. 85-WS-03 on May 14, 1985.

2. That, pursuant to *26 Del. C. § 203C(e)*, a Certificate of Public Convenience and Necessity is granted to United Water Delaware Inc. to serve the area identified as the Russell W. Peterson Wildlife Refuge Education Center, more specifically identified by New Castle County Tax Map Parcel Number 07-043.40-055.

3. That, pursuant to *26 Del. C. § 403(b)*, should the land cease being used as a wildlife refuge, this Certificate of Public Convenience and Necessity shall be null and void.

4. That United Water Delaware 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary