

**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)
13-013.20-161 BY CERTIFICATE NUMBER)
00-CPCN-15 (DECEMBER 29, 2000) AND THE)
APPLICATION OF TIDEWATER UTILITIES,)
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE)
WATER SERVICES PURSUANT TO 26 DEL. C.)
§ 203C (FILED NOVEMBER 18, 2008) -)
PSC DOCKET NO. 08-CPCN-33

PSC DOCKET NO. 08-CPCN-33
("SHOPS AT BOYDS CORNER")

ORDER NO. 7536

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

This 19th day of February, 2009, the Commission finds, determines,
and Orders the following:

1. On November 18, 2008, 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 two parcels of land located northeast of Middletown, New Castle County, Delaware ("Proposed Service Area"). The basis for the Application is Tidewater's possession of the petition requesting water services signed by the owners of the parcel 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 to the landowners 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. 00-CPCN-15 (December 29, 2000). On October 3, 2008, Artesian filed a written request with the Commission seeking to abandon its CPCN for the specific area in Tidewater's application.

3. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a February 11, 2009 Memorandum to the Commission, Staff reports 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*, 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. 08-CPCN-33 on November 18, 2008.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That, pursuant to 26 *Del. C. § 203A(c)(3)*, to the extent it is consistent with this Order, the request for abandonment filed by Artesian Water Company, Inc. on September 30, 2008 is hereby granted,

and the parcel of land more specifically identified as the New Castle County Tax Map Parcel Number 13-013.20-161 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. 00-CPCN-15 on December 29, 2000.

2. That, pursuant to 26 *Del. C.* § 203C(e), a Certificate of Public Convenience and Necessity is granted to Tidewater Utilities, Inc. to serve the areas more specifically identified by New Castle County Tax Map Parcels Numbers 13-013.20-161 and 13-013.20-162.

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

PSC Docket No. 08-CPCN-33, Order No. 7536

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary