

**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. 08-CPCN-37
NECESSITY TO PROVIDE WATER SERVICES) ("SUSSEX 102908")
PURSUANT TO 26 DEL. C. § 203C)
(FILED DECEMBER 1, 2008 AND AMENDED)
MARCH 4, 2009)

ORDER NO. 7542

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

This 17th day of March, 2009, the Commission finds, determines, and Orders the following:

1. On December 1, 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 four parcels of land located northeast of Milton, one parcel of land located south of Dagsboro, one parcel of land located south of Blades, and four parcels of land located west of Bridgeville, 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 to all landowners in the Proposed Service Area notice 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. No comments regarding the Applicant or this Application have been received.

2. On March 4, 2009, Tidewater amended its Application by removing from the Proposed Service Area one parcel of land, more specifically identified by Sussex County Tax Map Parcel No. 233-10.00-82.00. There are now nine parcels of land in the Proposed Service Area.

3. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a March 4, 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.

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 in PSC Docket No. 08-CPCN-37 as filed on December 1, 2008 and amended on March 4, 2009.

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

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 Numbers 235-17.00-6.01, 235-17.00-6.02, 235-17.00-6.03, 235-17.00-6.04, 132-6.00-303.00, 131-12.00-49.00, 131-16.00-1.00, 131-9.00-13.00, and 131-9.00-14.00.

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 Tidewater Utilities, Inc. is hereby placed on notice that the costs of this proceeding will be charged to it under the provisions of 26 *Del. C.* § 114(b)(1).

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

/s/ Dallas Winslow
Commissioner

PSC Docket No. 08-CPCN-37, Order No. 7542 Cont'd.

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary