

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

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| IN THE MATTER OF THE APPLICATION OF |) | |
| TIDEWATER ENVIRONMENTAL SERVICES, |) | |
| INC. FOR A CERTIFICATE OF PUBLIC |) | |
| CONVENIENCE AND NECESSITY TO PROVIDE |) | PSC DOCKET NO. 05-WW-024 |
| WASTEWATER SERVICES TO A PARCEL OF |) | ("WELSH RUN") |
| LAND LOCATED ON THE EAST SIDE OF |) | |
| HOLLYVILLE ROAD, EAST OF GEORGETOWN, |) | |
| SUSSEX COUNTY, DELAWARE |) | |
| (FILED AUGUST 26, 2005) |) | |

ORDER NO. 7557

AND NOW, this 5th day of May, 2009:

WHEREAS, on August 26, 2005, Tidewater Environmental Services, Inc. "(TESI" or the "Company") filed an application (the "Application") with the Delaware Public Service Commission (the "Commission") requesting a Certificate of Public Convenience and Necessity ("CPCN") to provide wastewater services to a parcel of land located on the east side of Hollyville Road, east of Georgetown, Sussex County, Delaware (the "Proposed Service Area"); and

WHEREAS, as required by 26 *Del. C.* § 203D(d)(2), TESI included with its application: (a) a petition signed by the owner of the parcel of land comprising the Proposed Service Area requesting wastewater services; (b) evidence, in the form of a signed United States Postal Service certified mail receipt, showing that TESI sent notice of its Application to the owner of the parcel of land comprising the Proposed Service Area; and (c) a map showing the location of the Proposed Service Area; and

WHEREAS, the Commission Staff notified the Department of Natural Resources and Environmental Control ("DNREC") of the Application, and DNREC responded that it did not object to the Commission granting the Application; and

WHEREAS, by Order No. 6767 (Nov. 8, 2005), the Commission granted TESI a CPCN to provide wastewater public utility services to the parcel of land located on the east side of Hollyville Road, east of Georgetown, Sussex County, Delaware, and more specifically identified as Sussex County Tax Map Parcel No. 234-15.00-40.00; and

WHEREAS, by letter dated February 11, 2009, TESI advised the Commission Staff that TESI had inadvertently failed to highlight the entire parcel included in the Application on the map that it had submitted with the Application, which parcel actually was located on both sides of Hollyville Road, not simply on the east side of Hollyville Road, and requested the Commission to amend Order No. 6767 to include the entire parcel in the CPCN granted to TESI (the "February 11, 2009 Request"); and

WHEREAS, TESI included with its February 11, 2009 Request a copy of a correctional deed dated August 28, 2008 setting forth the metes and bounds description of the Proposed Service Area for which TESI had intended to request the CPCN in its Application, which reflected that the parcel of land included in the Application actually was situated on both sides of Hollyville Road, and also submitted a corrected map showing that the parcel is situated on both sides of Hollyville Road; and

WHEREAS, after review of the February 11, 2009 Request, Staff requested TESI to provide a copy of the deed for the Proposed Service Area that had been effective at the time TESI filed its Application; and

WHEREAS, by letter dated April 8, 2009, TESI provided a copy of a deed dated December 17, 2004 (collectively with the August 28, 2008 deed, the "Deeds") and a corrected map reflecting that the parcel of land included in the Application actually was situated on both sides of Hollyville Road and confirming that the owner of the Proposed Service Area requesting service at the time of the Application was the same owner as set forth on the December 17, 2004 deed; and

WHEREAS, upon review of the February 11, 2009 Request as supplemented by the April 8, 2009 submission and the documents submitted therewith, Staff is satisfied that the CPCN should be amended as set forth in TESI's February 11 2009 Request, as supplemented by its April 8, 2009 submission;

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

1. That PSC Order No. 6767 is hereby amended to clarify that the Certificate of Public Convenience and Necessity granted to Tidewater Environmental Services, Inc. therein applies to the entire parcel of land identified as Sussex County Tax Map Parcel No. 234-15.00-40.00, which parcel is situated on both sides of Hollyville Road, as reflected on the corrected maps that Tidewater Environmental Services, Inc. submitted on February 11, 2009 and April 8, 2009.

2. That Tidewater Environmental Services, Inc. shall comply with any and all federal, state, county and local statutes, ordinances, orders, regulations, rules and permit conditions that are applicable, or that may become applicable, to any matter involving wastewater utility services provided to the Proposed Service Area 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