

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

IN THE MATTER OF THE COMPLAINT FILED BY)	
ROLAND L. AND MARILYN ELLERS VS. ARTESIAN)	
WATER COMPANY, INC. CONCERNING THE CPCN)	PSC COMPLAINT DOCKET
FOR KENT COUNTY TAX MAP PARCELS NOS.)	NO. 359-09
MN-00-194.00-01-15.01-000 AND MN-00-194.00-)	
01-16.01-000 (ALSO KNOWN AS HOGTOWN ROAD,)	
HARRINGTON, DELAWARE))	
(FILED MARCH 30, 2009))	

ORDER NO. 7561

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

WHEREAS, on March 30, 2009, Roland L. and Marilyn Ellers (the "Ellerses") filed a complaint (the "Complaint") with the Delaware Public Service Commission (the "Commission") against Artesian Water Company, Inc. ("Artesian") requesting the Commission to revoke the Certificate of Public Convenience and Necessity (the "CPCN") for Kent County Tax Map Parcels Nos. MN-00-194.00-01-15.01-000 and MN-00-194.00-01-16.01-000 (also known as Hogtown Road, Harrington, Delaware) (the "CPCN Property"), which CPCN was granted to the prior owners of the CPCN Property; and

WHEREAS, on April 17, 2009 the Commission effected service of the Complaint upon counsel for Artesian and directed Artesian to respond to the Complaint pursuant to the Commission's Rules of Practice and Procedure, 26 Del. Admin. Code § 001 et seq.; and

WHEREAS, Staff may incur legal and other expenses in the course of this docket;

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

1. That, pursuant to 26 Del. C. §§ 201(a) and 206, this docket is hereby opened to hear the Complaint.

2. That the Commission shall hear and decide all motions and conduct all hearings and other proceedings as may be necessary in this docket.

3. That the parties may elect to proceed by informal fact-finding. If the parties make such an election, they are to notify the Commission in writing no later than **Friday, May 15, 2009**.

4. That in the event the parties do not elect to proceed by informal fact-finding, a final hearing in this matter is hereby scheduled for **Tuesday, July 7, 2009 at 1:00 p.m. in the Public Service Commission Meeting Room, 861 Silver Lake Boulevard, Suite 100, Dover, Delaware 19904**. At this hearing, the parties shall have the right to present evidence, to be represented by counsel, and to appear personally or through a representative of its choosing. The Commission shall render its decision based upon the evidence received at this hearing.

5. Artesian Water Company, Inc. is hereby placed on notice that the costs of the proceeding will be charged to it under the provisions of 26 Del. C. § 114(b)(1).

6. 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