

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

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC. FOR A)	
FOR A CERTIFICATE OF PUBLIC CONVEN-)	PSC DOCKET NO. 09-CPCN-05
IENCE AND NECESSITY TO PROVIDE WATER)	("CENTRAL KENT 2008")
SERVICES PURSUANT TO 26 <i>DEL. C.</i>)	
§ 203C (FILED FEBRUARY 13, 2009 AND)	
AMENDED MAY 11, 2009))	

ORDER NO. 7581

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

This 2nd day of June, 2009, the Commission finds, determines, and Orders the following:

1. On February 13, 2009, Artesian Water Company, Inc. ("Artesian" 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 six parcels of land located north of Greenwood, six parcels of land located in Milford, eight parcels of land distributed east of Harrington, and nineteen parcels of land distributed southeast of Frederica to south of Viola, Kent County, Delaware ("Proposed Service Area"). The basis for the Application is Artesian'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, Artesian filed evidence that it had mailed to the landowners in the Proposed Service Area notice of its application and the options available to the affected landowner. In addition, on

Staff's direction, Artesian published notice of its Application in two newspapers of general circulation. One landowner elected to opt-out of Artesian's water service territory. On May 11, 2009, Artesian amended its Application to remove this parcel of land from the Proposed Service Area (Kent County Tax Map Parcel No. SM00-140.00-01-03.07). There are currently thirty-eight 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 May 26, 2009 Memorandum to the Commission, Staff reports that Artesian'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 Artesian has met all requirements for the granting of a CPCN and, therefore, the Commission shall approve the Application in PSC Docket No. 09-CPCN-05 as filed on February 13, 2009 and amended on May 11, 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 Artesian Water Company, Inc. to serve the area more specifically identified by Kent County Tax Map Parcels Numbers shown in Exhibit "A" of this Order.

2. That Artesian Water Company, 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 Artesian Water Company, 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

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary

E X H I B I T "A"

APPROVED SERVICE AREA
PARCELS WITHIN CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

ARTESIAN WATER COMPANY, INC.
PSC DOCKET NO. 09-CPCN-05

KENT COUNTY TAX MAP PARCELS NUMBERS

MD00-150.00-02-23.06	MD00-182.01-01-14.00	MN00-200.00-01-03.07
MD00-150.00-02-23.13	MD00-182.01-01-29.00	MN00-200.00-01-08.08
MD00-150.00-02-23.25	MN00-149.00-01-28.18	MN00-200.00-01-16.02
MD00-150.01-01-34.00	MN00-160.04-01-21.00	MN00-200.00-01-25.01
MD00-150.01-01-43.00	MD00-171.00-03-06.02	SM00-130.00-01-43.08
MD00-151.00-01-02.00	MN00-171.02-03-04.00	SM00-139.00-01-24.00
MD00-152.00-01-44.00	MN00-171.02-03-32.00	SM00-139.00-01-25.00
MD00-152.00-01-44.02	MN00-171.02-03-68.00	SM00-139.00-01-31.00
MD00-152.00-01-44.03	MN00-171.02-03-76.00	SM00-139.00-01-32.00
MD00-173.00-02-41.00	MN00-172.00-01-02.04	SM00-140.00-01-08.03
MD00-173.00-02.42.00	MN00-172.00-01-21.00	SM00-140.00-01-44.01
MD00-173.00-02-43.00	MN00-199.00-01-73.03	SM00-140.00-01-46.07
MD00-182.00-02-58.00	MN00-200.00-01-03.05	