

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

|  |   |                           |
|--|---|---------------------------|
| IN THE MATTER OF THE APPLICATION OF    | ) |                           |
| TIDEWATER UTILITIES, INC. FOR A        | ) |                           |
| FOR A CERTIFICATE OF PUBLIC CONVEN-    | ) | PSC DOCKET NO. 09-CPCN-09 |
| IENCE AND NECESSITY TO PROVIDE WATER   | ) | ( "KENT 22009" )          |
| SERVICES PURSUANT TO 26 <i>DEL. C.</i> | ) |                           |
| § 203C (FILED FEBRUARY 20, 2009)       | ) |                           |

**ORDER NO. 7583**

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

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

1. On February 20, 2009, 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 distributed west of Clayton to south of Smyrna, two parcels of land located west of Dover, one parcel of land located east of Dover, two parcels of land located south of Viola and one parcel of land located in Frederica, Kent 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 of the landowners in the Proposed Service Area notice of its application and the options available to the 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.

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 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. 09-CPCN-09 as filed on February 20, 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 Kent County Tax Map Parcel Numbers KH00-036.00-02-26.00, SM00-128.00-02-33.00, SM00-128.00-02-32.00, SM00-131.00-01-15.00, ED00-097.00-01-51.00, WD00-072.00-01-08.00, WD00-072.00-01-09.00. KH00-027.00-01-42.00, KH00-027.00-01-41.13, and KH00-016.00-01-76.07.

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

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary