

**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. 08-CPCN-39
IENCE AND NECESSITY TO PROVIDE WATER) ("ANTHEM AND HOLLAND MILLS")
SERVICES PURSUANT TO 26 *DEL. C.*)
§ 203C (FILED DECEMBER 18, 2008 AND)
AMENDED APRIL 27, 2009)

ORDER NO. 7597

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

This 7th day of July, 2009, the Commission finds, determines, and Orders the following:

1. On December 18, 2008, 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 two parcels of land located southeast of Milton, Sussex County, Delaware ("Proposed Service Area"). The basis for the Application is Artesian's possession of a petition requesting water services signed by 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 landowner in the Proposed Service Area notice of its application and the options available to the affected landowners. In addition, on Staff's direction, Artesian published notice of its Application in two newspapers of general circulation. No comments regarding the Applicant or this Application have been received.

3. On April 27, 2009, Artesian amended its Application to remove one parcel of land from the Proposed Service Area (Sussex County Tax Map Parcel Number 235-26.00-8.00). There is now one parcel of land in the Proposed Service Area.

4. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a June 24, 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.

5. 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. 08-CPCN-39 as filed on December 18, 2008 and amended on April 27, 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 Sussex County Tax Map Parcel Number 235-26.00-7.00.

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/ Katie Rochester
Acting Secretary