

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

IN THE MATTER OF THE REQUEST OF)
TIDEWATER UTILITIES, INC. TO ABANDON)
THE CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR KENT COUNTY TAX MAP)
PARCEL NUMBERS SM07-129.00-01-4.00,)
SM07-129.00-01-5.00, SM07-129.00-01-)
3.00 AND SM07-129.17-01-32.00 GRANTED)
MARCH 7, 1973 BY ORDER NO. 1190 AND)
THE APPLICATION OF THE TOWN OF)
FELTON. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE)
WATER SERVICES PURSUANT TO 26 DEL. C.)
§ 203C (FILED OCTOBER 16, 2008))

PSC DOCKET NO. 08-CPCN-30
("TOWN OF FELTON")

ORDER NO. 7667

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

This 6th day of October, 2009, the Commission finds, determines, and Orders the following:

1. On October 16, 2008, Town of Felton ("Felton" 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 thirty-six parcels of land distributed in Felton, Kent County, Delaware ("Proposed Service Area"). The basis for the Application is Artesian's possession of the petition requesting water services signed by all of the owner 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 affected landowners.

2. Four parcels (Kent County Tax Map Parcel Numbers SM07-129.00-01-4.00, SM07-129.00-01-5.00, SM07-129.00-01-3.00 and SM07-129.17-01-32.00) in the Proposed Service Area in this matter are located in the water service territory of Tidewater Utilities, Inc. ("Tidewater") which was granted by Order No. 1190 (March 7, 1973). On May 12, 2008, Tidewater filed a written request with the Commission seeking to abandon its CPCN for these specific areas in Felton's application.

3. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a September 10, 2009 Memorandum to the Commission, Staff reports that Felton'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.

3. For these reasons, the Commission finds that Felton has met all requirements for the granting of a CPCN and, therefore, the Commission shall approve the Application as filed in PSC Docket No. 08-CPCN-30 on October 16, 2008.

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

1. That, pursuant to 26 Del. C. § 203A(c)(3), to the extent it is consistent with this Order, the request for abandonment filed by

Tidewater Utilities, Inc. on May 12, 2008 is hereby granted, and the parcels of land identified by Kent County Tax Map Parcel No. SM07-129.00-01-4.00, SM07-129.00-01-5.00, SM07-129.00-01-3.00 and SM07-129.17-01-32.00 be hereby removed from the service territory granted to Tidewater Utilities, Inc. by Order No. 1190 on March 7, 1973.

2. That, pursuant to 26 Del. C. § 203C(e), a Certificate of Public Convenience and Necessity is granted to the Town of Felton to serve the area more specifically identified on "Exhibit A" of this Order.

2. That the Town of Felton, 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 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

PSC Docket No. 08-CPCN-30, Order No. 7667 (Con't)

/s/Dallas Winslow_____
Commissioner

/s/ Jeffrey J. Clark_____
Commissioner

ATTEST:

/s/ Katie Rochester_____
Secretary

E X H I B I T "A"

APPROVED SERVICE AREA
PARCELS WITHIN CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

TOWN OF FELTON
PSC DOCKET NO. 08-CPCN-30

KENT COUNTY TAX MAP PARCEL NUMBERS

SM07-128.19-02-21.00	SM07-128.19-02-14.00
SM07-128.19-01-38.00	SM07-128.19-02-15.00
SM07-129.00-01-03.00	SM07-128.19-02-16.00
SM07-128.19-01-38.01	SM07-128.19-02-17.00
SM07-128.04-01-01.00	SM07-128.19-02-18.00
SM07-129.17-01-32.00	SM07-128.19-02-19.00
SM07-129.00-01-05.00	SM07-128.19-02-20.00
SM07-129.00-01-04.00	SM07-128.19-02-22.00
SM07-128.19-02-03.00	SM07-128.19-02-23.00
SM07-128.19-02-04.00	SM07-128.19-02-24.00
SM07-128.19-02-05.00	SM07-128.19-02-25.00
SM07-128.19-02-06.00	SM07-128.19-02-26.00
SM07-128.19-02-07.00	SM07-128.19-02-27.00
SM07-128.19-02-08.00	SM07-128.19-02-28.00
SM07-128.19-02-09.00	SM07-128.19-02-29.00
SM07-128.19-02-10.00	SM07-128.19-02-30.00
SM07-128.19-02-11.00	SM07-128.19-02-31.00
SM07-128.19-02-12.00	
SM07-128.19-02-13.00	