

**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-28
IENCE AND NECESSITY TO PROVIDE WATER	)	("SOUTHERN NEW CASTLE
SERVICES PURSUANT TO 26 <i>DEL. C.</i>	)	COUNTY 0509")
§ 203C (FILED JUNE 30, 2009 AND	)	
AMENDED OCTOBER 22, 2009 AND	)	
DECEMBER 4, 2009)	)	

**ORDER NO. 7694**

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

This 22<sup>nd</sup> day of December, 2009, the Commission finds, determines, and Orders the following:

1. On June 30, 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 forty-four parcels of land distributed north of Middletown to north of Townsend, New Castle County, Delaware "Proposed Service Area"). The basis for the Application is Artesian's possession of petitions requesting water services signed by all 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 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, Artesian published notice of its Application in two

newspapers of general circulation. One landowner elected to opt-out, removing New Castle County Tax Map Nos. 14-016.00-013 and 14-020.00-112 from the Proposed Service Area.

2. On October 22, 2009, Artesian amended its Application to remove one parcel of land from the Proposed Service Territory (New Castle Tax Map No. 14-012.00-087). Artesian amended its Application again on December 4, 2009 to remove two parcels of land from the Proposed Service Territory (New Castle Tax Map Nos. 12-035.40-009 and 12-035.40-010). There are now 39 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 December 11, 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-28 as filed on June 30, 2009 and amended on October 22, 2009 and December 4, 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 on "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/ Alisa Carrow Bentley  
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-28

NEW CASTLE COUNTY TAX MAP PARCEL NUMBERS

11-058.00-005	13-009.00-377	13-019.00-028
11-061.00-005	13-009.00-387	13-022.00-016
11-061.00-006	13-009.00-395	13-023.00-001
11-061.00-007	13-009.00-398	13-023.00-126
11-061.00-012	13-009.00-404	14-012.00-071
11-061.00-041	13-009.00-413	14-012.00-072
11-061.00-042	13-012.00-019	14-012.00-088
12-035.20-015	13-012.00-115	14-012.00-123
12-035.40-001	13-014.00-042	14-012.00-174
13-002.40-003	13-015.00-007	14-012.00-149
13-003.00-004	13-015.00-008	14-012.00-154
13-003.00-017	13-018.00-029	14-012.00-193
13-007.00-006	13-018.00-265	14-012.12-007