

**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-33
IENCE AND NECESSITY TO PROVIDE WATER)	("SUSSEX 0709")
SERVICES PURSUANT TO 26 <i>DEL. C.</i>)	
§ 203C(FILED SEPTEMBER 8, 2009 AND)	
AMENDED DECEMBER 4, 2009))	

ORDER NO. 7696

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

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

1. On September 8, 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 one parcel of land located east of Milton and thirty-one parcels of land distributed in Ellendale, Sussex 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. No comments regarding the Applicant or this Application have been received.

2. On December 4, 2009, Artesian amended its Application to remove three parcels of land from the Proposed Service Area (Sussex County Tax Map Parcel Numbers 230-31.00-40.01, 230-31.00-53.00, and 230-31.00-161.00). There are now twenty-nine 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 November 30, 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-33 as filed on September 8, 2009 and amended 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 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-33

SUSSEX COUNTY TAX MAP PARCEL NUMBERS

230-26.00-21.00	230-26.16-3.00	230-31.00-142.00
230-26.00-22.00	230-27.00-9.02	230-31.00-143.00
230-26.00-30.00	230-27.00-69.06	230-31.00-147.00
230-26.00-42.00	230-31.00-40.05	230-31.00-147.01
230-26.00-63.00	230-31.00-40.06	230-31.00-147.02
230-26.00-92.00	230-31.00-40.10	230-31.00-147.03
230-26.00-105.03	230-31.00-42.00	230-31.00-160.00
230-26.00-127.00	230-31.00-61.00	235-12.00-22.01
230-26.16-1.00	230-31.00-69.00	235-16.00-6.00
230-26.16-2.00	230-31.00-141.00	