

**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-36  
IENCE AND NECESSITY TO PROVIDE WATER ) ("KENT 81809")  
SERVICES PURSUANT TO 26 *DEL. C.* )  
§ 203C (FILED SEPTEMBER 21, 2009) )

**ORDER NO. 7707**

**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 September 21, 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 one parcel northeast of Smyrna, one parcel northeast of Harrington, and five parcels distributed north of Farmington to north of Greenwood, Kent County, Delaware ("Proposed Service Area"). The basis for the Application is Tidewater'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, 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.

2. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a December 14, 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.

3. 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-36 as filed on September 21, 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 the Kent County Tax Map Parcel Numbers MN00-199.00-01-29.00, MN00-198.00-01-43.00, MN00-193.00-01-31.00, MN00-187.00-01-31.01, MN00-193.00-01-22.00, DC00-003.00-02-23.00, and MN00-149.00-01-42.00.

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/ Alisa Carrow Bentley  
Secretary