

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

IN THE MATTER OF THE APPLICATION OF                    )  
TIDEWATER UTILITIES, INC. FOR A                    )  
CERTIFICATE OF PUBLIC CONVENIENCE                )   PSC DOCKET NO. 10-CPCN-23  
AND NECESSITY TO PROVIDE WATER                 )               ("NC 62810")  
SERVICES PURSUANT TO 26 DEL. C. §203C            )  
(FILED JULY 28, 2010)                                )

**ORDER NO. 7853**

**AND NOW**, this 19<sup>th</sup> day of October, 2010:

**WHEREAS**, On July 28, 2010, 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 two parcels of land northeast of Middletown, two parcels of land east of Townsend, one parcel of land west of Townsend, and one parcel of land north of Smyrna, New Castle County, Delaware ("Proposed Service Area"). The basis for the Application is Tidewater's possession of petitions requesting water services signed by all of 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 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.

**WHEREAS**, the Commission Staff has completed its review and investigation of the Application and the Applicant. In an October 7, 2010 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.

**WHEREAS**, 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. 10-CPCN-23 as filed on July 28, 2010.

**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 New Castle County Tax Map Parcel Numbers 15-008.00-037, 13-014.00-260, 14-021.00-001, 15-022.00-123, 14-017.00-014, and 13-009.00-044.

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 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

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Commissioner

/s/ Jeffrey J. Clark\_\_\_\_\_  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley\_\_\_\_\_  
Secretary