

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE COMPLAINT OF)
CHRISTOPHER F. AND JESSICA MATTIONI)
AGAINST ARTESIAN WATER COMPANY, INC.) PSC COMPLAINT
FOR FAILURE AND REFUSAL TO PROVIDE) DOCKET NO. 388-13
WATER SERVICES)
(FILED MARCH 12, 2013))

ORDER NO. 8341

AND NOW, this 23rd day of April, 2013, the Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on March 12, 2013, Christopher F. and Jessica Mattioni ("Complainants") filed a complaint ("Complaint") with the Commission alleging that they had entered into a contract to purchase a home in the Holland Mills Development in Sussex County, Delaware, on July 10, 2012. The closing date was scheduled in January 2013 but has not yet occurred; and

WHEREAS, Artesian Water Company, Inc. ("Respondent") is the holder of a Certificate of Public Convenience and Necessity as the water provider for the Holland Mills Development; and

WHEREAS, the Complainants further allege that they are unable to close on the purchase of their new home because Respondent has failed or refused to provide water service to Complainant's new home; and

WHEREAS, the Complainants assert that Respondent has been unable to agree with the developer, owner, and builder of the development on the terms of providing water supply to the remaining homes in the development, including the Complainants' new home; and

WHEREAS, on April 1, 2013, the Commission Staff received an informal complaint from Barry and Diane Thompson (the "Thompsons") which also alleged that they had entered into a contract to purchase a home in the Holland Mills Development and that Respondent failed or refused to provide water service to their home; and

WHEREAS, on April 3, 2013, Respondent filed an Answer to the Complaint and informed Staff that it does not object to the Commission entering an interim order requiring Respondent to provide water service to Complainants' and the Thompsons' homes in the Holland Mills Development to avert undue hardship so long as such order is contingent upon the State Fire Marshall issuing a written waiver of Title 1, Section 8.0 of the *Delaware Administrative Code*, which requires fire protection upon the completion of the 50th lot in a development and prior to the development of the 51st lot;

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

1. That the Commission Staff shall open this docket in the matter of the formal complaint of Christopher F. and Jessica Mattioni (the "Complainants") and the informal complaint of Barry and Diane Thompson (the "Thompsons").

2. That Respondent shall provide water service to the homes of the Complainants and the Thompsons in the Holland Mills Development.

3. That this Order is issued to alleviate the hardship being suffered by the Complainants and the Thompsons and shall have no bearing in any other proceeding before this Commission or any other tribunal regarding the rights and obligations to provide water service, including fire protection, in the Holland Mills Development.

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/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary