

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. 8364

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; 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 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, at the April 9, 2013 meeting the Commission, upon motion duly made, voted unanimously to order Respondent to provide water service to the homes of the Complainants and the Thompsons in the Holland Mills Development and that such action is the subject of Commission Order No. 8341; and,

WHEREAS, on April 12, 2013 Commission Staff received an informal complaint from Frank Crisofulli ("Crisofulli") regarding Lot #34 in the Holland Mills Development alleging that he 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 this lot; and

WHEREAS, on April 18, 2013 Robert and Joyce Snyder ("Snyder") made an informal complaint to Staff alleging that they had also entered into a contract to purchase a home on Lot #38 in the Holland Mills Development and that Respondent failed or refused to provide water service to this lot; and

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

1. That the informal complaints made by Crisofulli and Snyder shall be included in this docket.

2. That Respondent shall provide water service to Lot # 34, the Crisofulli home, and Lot #38, the Snyder home, in the Holland Mills Development.

3. That this Order is issued to alleviate the hardship being suffered by the complainants 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