

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
ARTESIAN WASTEWATER MANAGEMENT, INC.)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE) PSC DOCKET NO. 09-WW-002
WASTEWATER SERVICES PURSUANT TO 26) ("KENT WASTEWATER 0409")
DEL. C. §203D)
(FILED MAY 28, 2009))

IN THE MATTER OF THE APPLICATION OF)
ARTESIAN WASTEWATER MANAGEMENT, INC.)
TO ABANDON UNDER 26 DEL. C. §203A(d))
WASTEWATER SERVICES PROVIDED UNDER A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) PSC DOCKET NO. 13-WW-003
NECESSITY)
(FILED OCTOBER 29, 2013))

ORDER NO. 8506

AND NOW, this 17th day of December, 2013, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on September 2, 2008, in PSC Order No. 7632, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Artesian Wastewater Management, Inc. ("AWMI") to provide wastewater services to two parcels of land located northwest of Houston, Kent County, Delaware, and more specifically identified by the Kent County Tax Map Parcels Numbers MD00-172.00-02.11.00 and MN00-172.00-01-36.00; and

WHEREAS, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

WHEREAS, on October 29, 2013, AWMI filed with the Commission an application ("Application") seeking Commission approval of AWMI's

request to partially abandon or discontinue providing wastewater operations or services for one parcel that is included in its CPCN, specifically Kent County Tax Map Parcel Number MD00-172.00-02-11.00 (the "Parcel"); and

WHEREAS, on November 20, 2013, and December 10, 2013, AWMI supplied at the request of the Commission Staff ("Staff") additional information to support its Application; and

WHEREAS, on October 22, 2013, Kent County, Delaware, adopted a resolution which approved a plan to develop a "Greater Houston Area" sanitary sewer district as an expansion to its existing Delaware Sewage Disposal District No. 1; and

WHEREAS, the Parcel included in the Application is also included in the new Kent County sanitary sewer district; and

WHEREAS, the other parcel (Kent County Tax Map Parcel Number MN00-172.00-01-36.00) will remain in AWMI's CPCN as granted in Order No. 7632; and

WHEREAS, AWMI has stated that it expects to transfer to Kent County the responsibility for providing wastewater services for the Parcel effective February 1, 2014; and

WHEREAS, 26 Del. C. §203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 Del. C. §203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Staff recommends that the Commission approve the Application because AWMI has met its burden of proof as set forth in 26 Del. C. §203A(d)(3). The abandonment is necessary because Kent County has approved a resolution to extend its sanitary sewer district, and such extension includes the Parcel. The abandonment will not be unduly burdensome to AWMI's existing customers because AWMI will send to the customers located on the Parcel a written notice one month in advance of the proposed transfer of wastewater services from AWMI to Kent County. In addition, AWMI has alleged that Kent County will provide wastewater service to AWMI's customers on the Parcel in the same manner as AWMI currently provides. Moreover, the abandonment is reasonable because Kent County's wastewater service charges are lower than the amounts which AWMI currently assesses to the Parcel. Finally, AWMI has alleged that Kent County intends to construct necessary improvements that will allow waste from the Parcel to be treated at its regional treatment plant. Such improvements therefore provide a more cost-effective means of providing safe, secure wastewater services to the Parcel;

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

1. The Commission hereby approves AWMI's Application. This approval is subject to the condition that AWMI provide to the customer

currently located on the Parcel (specifically identified by the Kent County Tax Map Parcel Number MD00-172.00-02-11.00) at least 30 days' prior written notice of AWMI's abandonment of wastewater services and the transfer of the responsibility to provide wastewater services from AWMI to Kent County. AWMI shall provide proof of such written notice to the Commission on or before February 1, 2014.

2. Except for the specific removal of the Parcel from its CPCN, AWMI shall retain its CPCN as granted in Order No. 7632.

3. AWMI is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 *Del. C.* §114(b)(1).

4. 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary