

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

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	PSC DOCKET NO. 09-CPCN-04
NECESSITY TO PROVIDE WATER SERVICES)	("SOUTHERN NEW CASTLE
PURSUANT TO 26 <i>DEL. C.</i> § 203C)	COUNTY 2008")
(FILED FEBRUARY 13, 2009))	

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC. TO)	
ABANDON UNDER 26 <i>DEL. C.</i> §203A(d))	
WATER SERVICES PROVIDED UNDER A)	PSC DOCKET NO. 15-0956
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY)	
(SUBMITTED APRIL 28, 2015; FILED)	
AUGUST 14, 2015))	

ORDER NO. 8791

AND NOW, this 22nd day of September, 2015, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on May 19, 2009, in Order No. 7567, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Artesian Water Company, Inc. ("AWC") to provide water services for 18 parcels of land in New Castle County identified as "Southern New Castle County 2008;" 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 April 28, 2015, AWC submitted an application (the "Application") to the Commission which sought approval to abandon or discontinue providing water operations or services for six parcels land that were included in the CPCN previously granted to AWC in Order

No. 7567, specifically New Castle County Tax Map Parcel Numbers 23-001.00-143, 23-028.00-243, 23-028.00-244, 23-028.00-245, 23-028.00-246 and 23-028.00-248 (the "Parcels"); and

WHEREAS, on July 6, 2015, and August 14, 2015, at the request of the Commission Staff ("Staff"), AWC made supplemental filings to the Application to provide additional required information to show that the individual who requested the abandonment was authorized to sign on behalf of the business entity that owns all of the Parcels. The submitted application together with the supplemental filings contained all of the information required for a complete application (the "Complete Application"); and

WHEREAS, AWC has requested that the other twelve parcels of land, which are included in its existing water CPCN pursuant to Order No. 7567, remain in such CPCN and not be affected by this Order; 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 Complete Application because it believes that AWC has met its burden of proof as set forth in 26 Del. C. §203A(d)(3). First, the abandonment is reasonable because AWC has stated that it does not currently supply water service to any customers located on the Parcels and has not provided such water services for some time. Second, the owner of the Parcels requested in writing that AWC abandon providing water service for the Parcels. Lastly, AWC asserted that it has no plans to provide water service to the Parcels and believes that service could be supplied more efficiently by a municipal provider if and when the Parcels become active (i.e., occupied). Moreover, the owner of the Parcels supplied a written statement which asserted that the Town of Middletown's water system is adjacent to the Parcels and therefore the Town could more easily serve them with central water. Hence, Staff believes that the abandonment will not be unduly disruptive to the present or future public convenience and necessity because the owner of the Parcels and any future customers should be able to seek water services from another public utility;

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

1. The Commission hereby approves AWC's Complete Application. Consistent with our previous practices, this approval is subject to the condition that AWC provide to the landowner of the Parcels (specifically identified by the New Castle County Tax Map Parcel Numbers 23-001.00-143, 23-028.00-243, 23-028.00-244, 23-028.00-245, 23-028.00-246 and 23-028.00-248) at least 30 days' prior written

notice of AWC's abandonment of water services. AWC shall provide proof of such written notice to the Commission on or before October 30, 2015.

2. Except for the specific removal of the Parcels from its currently-existing CPCN, AWC shall retain its CPCN as granted in Order No. 7567.

3. AWC 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

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary