

Town of Felton

P.O. Box 329
Felton, DE 19943

Phone 302-284-9365

Fax 302-284-3449

rgreene@townoffelton.com ~ alupinetti@townoffelton.com

MEMO

DATE: July 1, 2015
TO: Public Service Commission
FROM: Rebecca L. Greene *Rebecca L. Greene*
Town Manager
SUBJ: Amended CPCN Docket 15-1029

I would like to take this opportunity to give an explanation for the items below:

RESOLUTION 08-R-06 – This property was annexed into the Town of Felton as one piece of property. The owner then subdivided the land into four lots. The lot numbers listed on the application are the lot numbers on file with Kent County.

PUBLIC NOTIFICATION WAIVER – The Town is requesting a waiver to publishing the CPCN application in the paper. The request for the change to the Town's CPCN was not put in the newspaper because once a property is annexed into the Town it automatically falls under our jurisdiction for water service. The owner annexed this property into Town so it could receive the Town's water service. All properties in the Town Limits are required to have Town water.

OPT OUT NOTIFICATION – The Town does not allow any property located in Town to opt out of our water service. I have attached *Article III Title V* that pertains to mandatory connection to the Town's Water System. A property owner has 90 days after improvements to hook up to the water system. These four lots are unimproved.

If you have any questions or need any additional information from the Town please contact my office.

Thank you for your consideration on these matters.

ARTICLE III

TITLE V

AN ORDINANCE: PERTAINING TO THE MANDATORY CONNECTION TO THE TOWNS WATER SYSTEM AND THE TOWN LIMITS IF FELTON

Be it Ordained By The Commissioners of the Town of Felton in Council Met:

1. All owners of improved property in the Town of Felton, abutting upon but not presently connected with the existing water system are hereby required to connect their premises/improvements to the water system within ninety (90) days from the effective date of this ordinance. All such owners of improved property which shall abut upon future water improvements when constructed shall thereupon connect therewith. All owners of unimproved property which shall be improved in the future shall connect promptly, not to exceed ninety (90) days from the completion of said improvement with any such water system then or subsequently abutting thereon.

2. Property not connected to the water system in accordance with the foregoing shall be subject to a minimum water charge of \$50.00 per month following the passage of ninety (90) days from the time that the water system is available to the property, whether or not the property is connected to the system.

This is a true and correct copy of the Ordinance duly adopted by the Commissioners of the Town of Felton on March 10, 1997.

Harry R. Crouse
President

ATTEST: Phillip E. [Signature]
Secretary

APPLICATION TO THE PUBLIC SERVICE COMMISSION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO BEGIN OR EXPAND THE BUSINESS OF A PUBLIC WATER UTILITY

Application Fee:

- \$300 to extend or expand existing service territory
 \$750 to begin the business of a water utility 26 Del. C. §114(a)

Name of Water Utility. **Town of Felton**

Description of Proposed Service Area: **Approximately 16 acres located at the corner of E. Sewell Street and Walnut Street. Currently the property has been subdivided into four lots. Three of the lots are on the market and the fourth lot is over 14 acres and plans to be subdivided at a further date.**

1. Basis for application:

- a. Water in the proposed service area does not meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption (26 Del. C. §203C (d)(2)(a)); or
 - b. Water supply in the proposed service area is insufficient to meet the projected demand (26 Del. C. §203C (d)(2)(b)); or
 - c. The applicant is in the possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government (26 Del. C. §203C (e)(1)(b)(1)); or
 - d. The applicant is in possession of one or more petitions requesting water service from the applicant executed by the landowners of record of each parcel or property to be encompassed within the proposed territory to be served (26 Del. C. §203C (e)(1)(b)(2)); or
 - e. The applicant is in possession of a certified copy of a resolution or ordinance from the governing body of a county or municipality that requests, directs, or authorizes the applicant to provide water utility services to the proposed territory to be served, which must be located within the boundary of such county or municipality (26 Del. C. §203C (e)(1)(b)(4)). **See Exhibit A**
2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and to meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption, this form of application must be filed for each new or expanding water system pursuant to 26 Del. C. §203C (a).
3. Town of Felton requests an informal fact finding procedure during review of application.

4. Questions regarding this application should be directed to:
 - (a.) **Full legal name and address of the Applicant:**
Town of Felton
PO Box 329
Felton DE 19943
 - (b.) **Name of the Utility's designated representative:**
Rebecca L. Greene
 - (c.) **Phone No.:** 302-284-9365
 - (d.) **Fax No.:** 302-284-3449
 - (e.) **Email address:** rgreenc@townoffelton.com
5. Supporting documentation required by 26 Del. C. §203C(d)(1) or (e)(1), including evidence that all landowners of the proposed territory have been notified of application. **See Exhibit B.**
6. A complete list of county tax map parcel numbers with corresponding names and addresses of property owners and a copy of the tax map(s) for the area. **See Exhibit C.**
7. A complete list of county tax map parcel(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area. **See Exhibit C.**
8. Town of Felton hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:
 - (a.) The Applicant is currently furnishing water to all present customers in Delaware in such a fashion that water pressure is at least 25 psi at all times at the service connection.
 - (b.) The Applicant shall furnish water to the house or separate location of each new customer in Delaware at a pressure of at least 25 psi at the connection at each location at all times while continuing also to supply each existing customer at a pressure of at least 25 psi at all times at each service connection at each location.
 - (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that it has materially failed to comply with applicable safe drinking water or water quality standards; and
 - (d.) The applicant is currently not subject to any Order issued by the Commission finding that Town of Felton has materially failed to provide adequate or proper safe water services to existing customers.

9. Copies of petitions signed by landowners showing all of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water: **See Exhibit A.**
10. Plan of service for the proposed service areas covered by the application: **See Exhibit D.**
11. (a) Copies of the application must be sent to State Fire Marshal, Public Health Department, and the Department of Natural Resources.
 - 1) The current status of such Application is: **Sent**
- (b) The Applicant provides the following additional information with this Application:
 - 1) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers.
 - 2) A chart, which depicts the inter-company relationships.
 - 3) Map(s) identifying all areas, include all towns, cities, counties and other government subdivisions to which service is already provided;
 - 4) All copies of Applicant's annual reports to stockholders and that of it subsidiaries, and parent for the last two years.
 - 5) Applicant's audited financial statements, 10K's and all proxy material for the last two years.
 - 6) Any additional information required by PSC Staff will be made available on request.

By filing this application, Town of Felton hereby certifies that the appropriate tax or land record documents have been reviewed and that according to those documents: the landowners identified in the parcel lists are the landowners of record, and that the petitions contained in this application have been signed by the landowners of record.

Respectfully submitted,


Rebecca L. Greene, Town Manager

EXHIBIT

A

RESOLUTION 08-R-06

A RESOLUTION ANNEXING A PARCEL OF PROPERTY INTO THE TOWN OF FELTON.

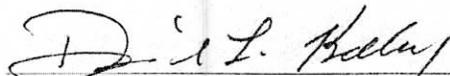
WHEREAS, the town of Felton held a Public Hearing on September 8, 2008 and

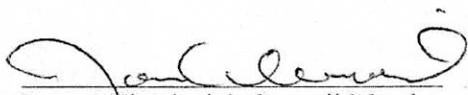
WHEREAS, the public had no issues with the annexation of the property located at the east side of County Road #243, known as tax map no. SM-00-128.00-66-00-000.00 and

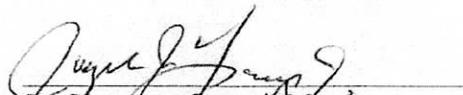
WHEREAS, the town shall not be obligated to extend any municipal facilities or improvements unless and until the Town Council, in the sole exercise of its reasonable discretion, determines that it is appropriate to do so at the owners expense

NOW THEREFORE, BE IT RESOLVED, that the Town of Felton does hereby annex the property referenced above, into the Town of Felton.

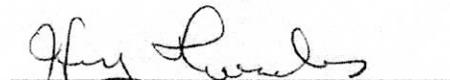
BE IT FURTHER RESOLVED, that this Resolution and a copy of the plot plan be recorded in the office of the Kent County Recorder of Deeds.


David L. Kelley., Mayor


Joanne Glendaniel, Council Member


Joe Yapsuga, Council Member

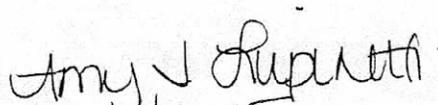
Michael Routh, Council Member


Henry Twardus, Council Member


Rebecca L. Greene, Town Manager

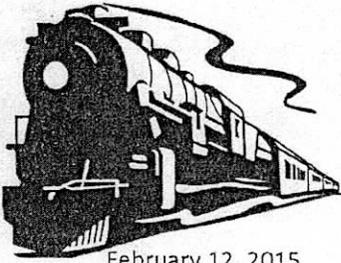
9-08-08
Date




7/1/2015

EXHIBIT

B



Town of Felton

P.O. Box 329
Felton, DE 19943

Phone 302-284-9365
Fax 302-284-3449

rgreene@townoffelton.com ~ alupinetti@townoffelton.com

February 12, 2015

CERTIFIED LETTER

Mr. William Paskey
PO Box 339
Felton DE 19943

RE: Certificate of Public Convenience and Necessity (CPCN) Application for Water Service

Dear Mr. Paskey:

The Town of Felton is in the process of updating our CPCN area to include your property located at the corner of E. Sewell Street and Walnut Street. This will allow the Town to provide water service to the Tax ID numbers listed below:

8-07-128.20-01-12.00/000 - ^{14.80}~~12.2076~~ acres
8-07-128.20-01-12.04/000 - .34 acres
8-07-128.20-01-12.05/000 - .36 acres
8-07-128.20-01-12.06/000 - .39 acres

The Town of Felton will be submitting an application for a CPCN with the Public Service Commission (PSC) within the next 30 days. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, the Town will have permission to provide public water service to your parcels. It is important for you, as the landowner, to know that water service will be available for each lot at the time of development.

Please sign the attached document and return it to my office in the enclosed envelope. If you have any questions, do not hesitate to contact my office.

Sincerely,

Rebecca L. Greene
TOWN MANAGER

YOU SHOULD READ THIS NOTICE CAREFULLY.

Public records list you as a landowner of the property with the following tax map parcel identification number(s): 8-07-128.20-01-12.00/000; 8-07-128.20-01-12.04/000; 8-07-128.20-01-12.05/000; 8-07-128.20-01-12.06/000

Pursuant to 26 Del. C. §203C (e)(1)(b.4), The Town of Felton is applying for a CPCN based on a certified copy of a resolution or ordinance that requests, directs, or authorizes the applicant to provide water utility services to the proposed territory to be served.

Within thirty-five (35) days, TOWN OF FELTON plans to file an application with the Delaware Public Service Commission requesting a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a new territory described as Paskey Subdivision.

TOWN OF FELTON HAS INCLUDED YOUR PROPERTY IN THE TERRITORY IT INTENDS TO SERVE. TOWN OF FELTON ESTIMATES THAT IT WILL PROVIDE WATER SERVICE TO THE PASKEY SUBDIVISION AS EACH LOT IS DEVELOPED.

If you have any questions, comments or concerns, please contact the Public Service Commission at (302) 736-7500 (in Delaware, call 800-282-8574).

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <u>Andria Paskey</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Andria Paskey</u> DE US, Date of Delivery <u>FEB 18 2015</u></p>
<p>1. Article Addressed to: <u>William Paskey</u> <u>PO Box 339</u> <u>Felton DE 19943</u></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><u>7012 1010 0002 7680 6618</u></p>
<p>PS Form 3811, February 2004</p>	<p>Domestic Return Receipt 102895-02-M-1540</p>

U.S. Postal Service™		
CERTIFIED MAIL™ RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
OFFICIAL USE		
<p>Postage \$ <u>0.49</u></p> <p>Certified Fee <u>3.30</u></p> <p>Return Receipt Fee (Endorsement Required) <u>2.70</u></p> <p>Restricted Delivery Fee (Endorsement Required) <u>0.00</u></p> <p>Total Postage & Fees \$ <u>6.49</u></p>	<p><u>0943</u></p> <p><u>03</u></p> <p>Postmark Here</p> <p><u>02/12/2015</u></p>	<p>7012 1010 0002 7680 6618</p>
<p>Sent To <u>Paskey</u></p> <p>Street, Apt. No., or PO Box No.</p> <p>City, State, ZIP+4</p>		
<p>PS Form 3800, August 2006</p>		<p>See Reverse for Instructions</p>

EXHIBIT

C

Proposed Service Area	Tax Map Parcel Numbers	Acres	Owner
Service Area 1	8-07-128.20-01-12.00/000	14.8	William L. Paskey
Service Area 2	8-07-128.20-01-12.04/000	0.34	William L. Paskey
Service Area 3	8-07-128.20-01-12.05/000	0.36	William L. Paskey
Service Area 4	8-07-128.20-01-12.06/000	0.39	William L. Paskey

These parcels are located at the corner of E. Sewell Street and Walnut Street.

EXHIBIT

D

Plan of Service

Town of Felton (Felton) intends to provide water service to "Paskey" via Felton Water. Felton owns and operates a water system and storage facilities which provide water to all in-town properties. These properties will be served with by this system. Installation of an 8-inch water main that is currently stubbed just north of the property and must be looped across the existing lots to attach to a 4-inch main on West Sewell Street. Felton is prepared to provide water service to "Paskey" following the issuance of the Certificate of Public Convenience and Necessity and upon the submittal of the water service application to Felton.