



STATE OF DELAWARE

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### MEMORANDUM

**TO:** The Chair and Commissioners  
**FROM:** Lisa B. Driggins, Public Utilities Analyst   
**DATE:** March 15, 2016

**SUBJECT:** IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 DEL. C. §203C ("BRENFOR ROAD") (SUBMITTED NOVEMBER 25, 2015; FILED JANUARY 5, 2016) – **PSC DOCKET NO. 15-1592**

On November 24, 2015, Tidewater Utilities, Inc. ("Tidewater" or the "Company") began the process of filing a Certificate of Public Convenience and Necessity ("CPCN") with the Delaware Public Service Commission (the "Commission"). On January 5, 2016, Tidewater filed an application ("Application") with the Commission seeking a CPCN to provide water services to one parcel of land in Kent County, Delaware, known as Brenford Road (the "Proposed Service Area") pursuant to 26 *Del. C.* §203C(e)(1)b. On January 5, 2016 the Application was completed (the "Complete Application").

This parcel was part of an existing CPCN which was held by Artesian Water Company ("AWC"). AWC abandoned the parcel on January 5, 2016 in PSC Order No. 8841.

As required by 26 *Del. C.* §203C(e)(1)b. and the Commission's Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities, 26 *Del. Admin. C.* §2002 (the "Regulations"), the filed Application contained the following documentation: (1) a copy of a petition signed by all of the landowners of record included in the Proposed Service Area requesting to be included in the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission approved notice to all landowners of record of each parcel included in the Proposed Service Area; (3) a list of the County tax map parcel identification numbers of the properties and identification of all landowners of record included in the Proposed Service Area;<sup>1</sup> and (4) a copy of the associated tax map clearly marking the Proposed

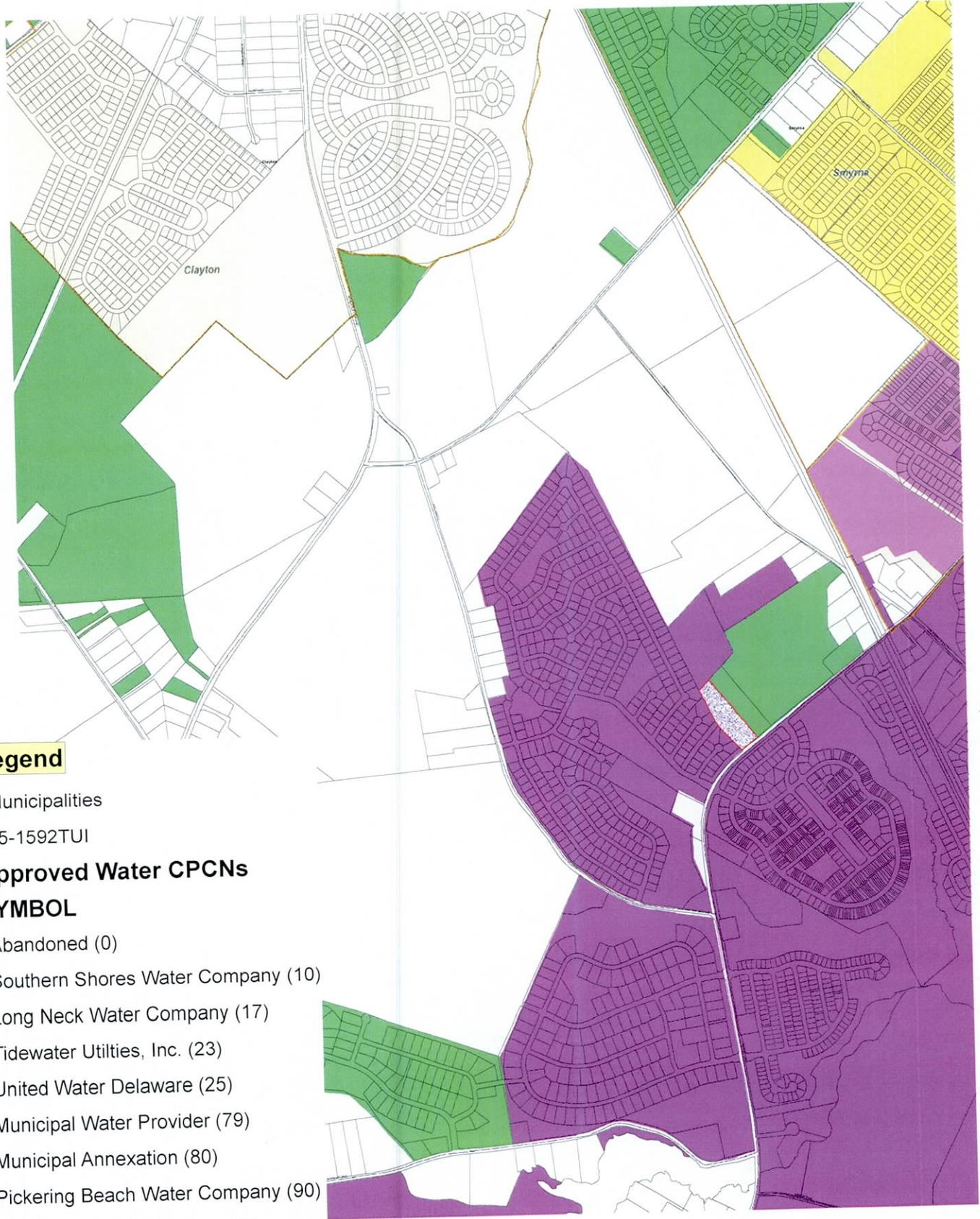
<sup>1</sup>At Staff's request, Tidewater submitted a written certification that the Company (i) reviewed the appropriate tax or land record documents relating to the Proposed Service Area; (ii) confirmed that the landowner identified in the parcel listing are the landowners of record; and (iii) confirmed that the petitions included in the Application have been signed by each landowner of record.

Service Area. Additionally, the Application contained Tidewater's statement that its expansion of service to the Proposed Service Area will comply with the water pressure requirements of 26 *Del. C.* §§403(a) and (b) and that Tidewater is not barred by any of the restrictions set forth in 26 *Del. C.* §403(c).

In addition to the required notification to all the landowners of record in the Proposed Service Area, Tidewater published a notice in The News Journal on January 8, 2016, and Delaware State News newspaper on January 7, 2016. The notice advised the public of the Application, that the Application may be reviewed at the Commission's office during normal business hours or on the Commission's website, that a hearing on this matter would not be held unless an appropriate request for a hearing was received, and that the property owner may object to or "opt-out" of the Proposed Service Area. To date, no comments regarding the Company or this Application have been received, and no landowners of record included in the Proposed Service Area have objected to the Application or elected to "opt-out" of the Proposed Service Area.

Staff reviewed the Completed Application to ensure compliance with the statutory provisions of 26 *Del. C.* §203C and the Regulations. No errors or omissions were found. Finally, to determine whether the Commission should deny the requested CPCN as set forth in 26 *Del. C.* §203C(f), Staff solicited comments from the Delaware Department of Natural Resources and Environmental Control, the Office of the State Fire Marshal, and the Office of Drinking Water of the Division of Public Health. All three agencies responded and confirmed they have no issues relating to Tidewater's ability to provide safe, adequate, and reliable water services to its existing customers.

In summary, Tidewater has submitted the necessary proof required by the provisions of 26 *Del. C.* §§203C(e)(1), 203C(e)(1)b., 203C(e)(3) and the Regulations for issuance of a CPCN. Staff also finds no reason to deny the Company a CPCN under the provisions of 26 *Del. C.* §203C(f). Therefore, Staff recommends that the Commission grant the Company a CPCN based on the Completed Application.



**Legend**

- Municipalities
- 15-1592TUI

**Approved Water CPCNs  
 SYMBOL**

- Abandoned (0)
- Southern Shores Water Company (10)
- Long Neck Water Company (17)
- Tidewater Utilities, Inc. (23)
- United Water Delaware (25)
- Municipal Water Provider (79)
- Municipal Annexation (80)
- Pickering Beach Water Company (90)
- Sussex Shores Water Co. (95)
- Artesian Water Company, Inc. (98)
- J. H. Wilkerson & Son (110)