

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER UTILITIES, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE WATER) PSC DOCKET NO. 16-0110
SERVICES PURSUANT TO 26 DEL. C.)
§203C ("FINIELLO"))
(SUBMITTED JANUARY 20, 2016; FILED)
FEBRUARY 5, 2016))

ORDER NO. 8880

AND NOW, this 19th day of April, 2016, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on January 20, 2016, Tidewater Utilities, Inc. ("Tidewater") began the process of filing¹ an application with the Commission pursuant to 26 Del. C. §203C(e)(1)b.2² seeking a Certificate of Public Convenience and Necessity ("CPCN") to expand its facilities and operations to provide water services to one parcel of land in Sussex County, Delaware, more specifically identified by the Sussex

¹ Tidewater contacted Commission Staff requesting to provide temporary emergency water service to the parcel at issue because the property owner's well had failed and the parcel was without water service. Commission Staff granted Tidewater permission, without sanction, to provide temporary emergency water service to the parcel at issue because the property owner was in immediate need of water service, with the understanding that Tidewater would file a CPCN Application as soon as feasible and discontinue service immediately should the Commission deny the Application.

² 26 Del. C. §203C(e)(1)b.2 provides, in pertinent part, that the Commission shall issue a CPCN if the applicant has submitted, together with the application, the following: Evidence that all landowners of the proposed territory have been notified by certified mail, or its equivalent, of the filing of the application, such evidence consisting of: Copies of all materials returned to sender; and 1 of the following: 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.

County Tax Map Parcel Number 134-17.00-8.05 and referred to as "Finiello" (the "Proposed Service Area"); and

WHEREAS, on February 5, 2016, Tidewater submitted all of the necessary documents to complete its filed application (the "Application"); and

WHEREAS, the Application included evidence that Tidewater had mailed notice of the application and the options available to all landowners of record in the Proposed Service Area. In addition, Tidewater published notice of its application in two newspapers of general circulation. The Commission has received no comments regarding Tidewater or the Application in response to the published notice; and

WHEREAS, Staff reviewed the Application to ensure compliance with the statutory provisions of 26 *Del. C.* §203C and the Commission's Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities, 26 *Del. Admin. C.* §2002 (the "Regulations"). Staff submitted a memorandum to the Commission, which confirms that the Application meets all of the requirements for granting Tidewater a CPCN pursuant to 26 *Del. C.* §203C and the Regulations. Accordingly, Staff recommends that the Commission grant the Company a CPCN based on the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to 26 *Del. C.* §203C(e), a CPCN is hereby granted to Tidewater to serve the Proposed Service Area more specifically identified by the Sussex County Tax Map Parcel Number 134-17.00-8.05.

2. Tidewater shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving water utility services provided to the service territory granted by this CPCN.

3. 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