

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)
NECESSITY TO PROVIDE WATER SERVICES) PSC DOCKET NO. 16-0574
PURSUANT TO 26 *DEL. C.* §203C ("RIDGE)
REALTY") (FILED APRIL 20, 2016;)
SUPPLEMENTED APRIL 27, 2016))

ORDER NO. 8894

AND NOW, this 7th day of June, 2016, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on April 20, 2016 Artesian Water Company, Inc. ("Artesian") filed an application ("Application"), pursuant to 26 *Del. C.* §203C(e)(1)b.2, which seeks from the Commission a Certificate of Public Convenience and Necessity ("CPCN") to expand its facilities and operations to provide water services to one parcel of land in Kent County, Delaware, more specifically identified as Tax Map Parcel Number 122.11-01-07.00 and referred to as the "Ridge Realty Property" (the "Proposed Service Area"); and

WHEREAS, the Commission Staff ("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"); and

WHEREAS, upon initial review of the Application and supporting materials, Staff found a few items that needed to be clarified. Artesian originally misidentified the parcel as being located in "Middletown, New Castle County, Kent County, Delaware," instead of in

Frederica, Kent County, Delaware. The Application also included a petition signed by an individual who purported to be legally authorized to sign on behalf of the landowner of record, which is a limited liability company; however, no evidence of the person's authority to sign was provided with the Application. Finally, Artesian included in the Application a printout of tracking information from USPS.com for a mailing that was sent to an address in Chadds Ford, Pennsylvania. This printout failed to identify the addressee's name and address as required by 26 Del. C. §203C(e)(1)a¹ and 26 Del. Admin. C. §2002-3.5.1;² and

WHEREAS, after Staff notified Artesian of these deficiencies, Artesian filed: (1) a corrected page for the Application to show the parcel is located in Frederica, Kent County, Delaware; (2) documentation to show the person who signed the petition is authorized to sign on behalf of the landowner of record (which is a Delaware limited liability company); and (3) a USPS form with delivery information to show that a certified mailing was delivered to a person in Chadds Ford, Pennsylvania;³ and

¹ 26 Del. C. §203C(e)(1)a requires an applicant to submit evidence that all landowners of the proposed territory have been notified by certified mail, or its equivalent, of the filing of the application, with such evidence consisting of a list provided by the United States Postal Service, or the alternate delivery service, of those to whom notice was sent.

² 26 Del. Admin. C. §2002-3.5.1 requires that the application contain documentation reflecting landowner notification as required by Delaware law, including copies of relevant Postal Service forms demonstrating that the applicant sent by certified mail the appropriate form of notice to each landowner of record of each parcel encompassed within the Proposed Service Area.

³ According to 26 Del. Admin. C. §2002-5.3, if an applicant submits an amended or supplemental application, the application shall then be deemed filed on the date of such submission for the purposes of the time limits set forth in 26 Del. C. §203C(h).

WHEREAS, Artesian also filed with the Application affidavits of publication to show that it had published notice of the Application in two newspapers of general circulation on April 23, 2016. Staff also notes that it has not received any comments regarding Artesian or the Application in response to the published notices; and

WHEREAS, Staff has submitted to the Commission a memorandum that confirms the Application meets all of requirements for granting Artesian a CPCN for water services pursuant to 26 *Del. C.* §203C and the Regulations. Accordingly, Staff has recommended that the Commission approve 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, the Commission grants a CPCN to Artesian to provide water services to the Proposed Service Area.
2. Artesian 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