



STATE OF DELAWARE

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MEMORANDUM

TO: The Chair and Members of the Commission

FROM: Joshua Bowman, Public Utility Analyst *JB*

DATE: June 1, 2016:

SUBJECT: IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 DEL. C. § 203D – LOVE CREEK PINES.
(FILED APRIL 27, 2016) – PSC DOCKET NO. 16-0606

On April 27, 2016, Tidewater Environmental Services, Inc. (“TESI”) filed an application (“Application”) with the Delaware Public Service Commission (the “Commission”) seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide wastewater services to eight parcels of land in Sussex County, Delaware, known as Tax Map Parcel Nos. 334-18.00-12.00, 334-18.00-15.00, 334-18.00-16.00, 334-18.00-17.00, 334-18.00-18.00, 334-18.00-18.01, 334-18.00-19.00, and 334-18.00-20.00 (the “Proposed Service Area”) pursuant to 26 *Del. C.* §203D(d)(2).

As required by 26 *Del. C.* §203D and the Commission’s Regulations Governing Certificates of Public Convenience and Necessity for Wastewater Utilities, 26 *Del. Admin. C.* §6002 (the “Regulations”), the Application contains the following documentation: (1) copies of the petitions requesting wastewater services signed by all landowners of record for each of the eight parcels included in the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that TESI sent, via certified mail, a Commission approved notice to the landowners of record of the eight parcels included in the Proposed Service Area; (3) a list with the County tax map parcel identification numbers of the properties and identification of the landowners of record included in the Proposed Service Area; and (4) copies of the associated tax map clearly marking the Proposed Service Area, and (5) a copy of the letter from Sussex County approving the CPCN. Staff found no errors or omissions during its review of the Application.

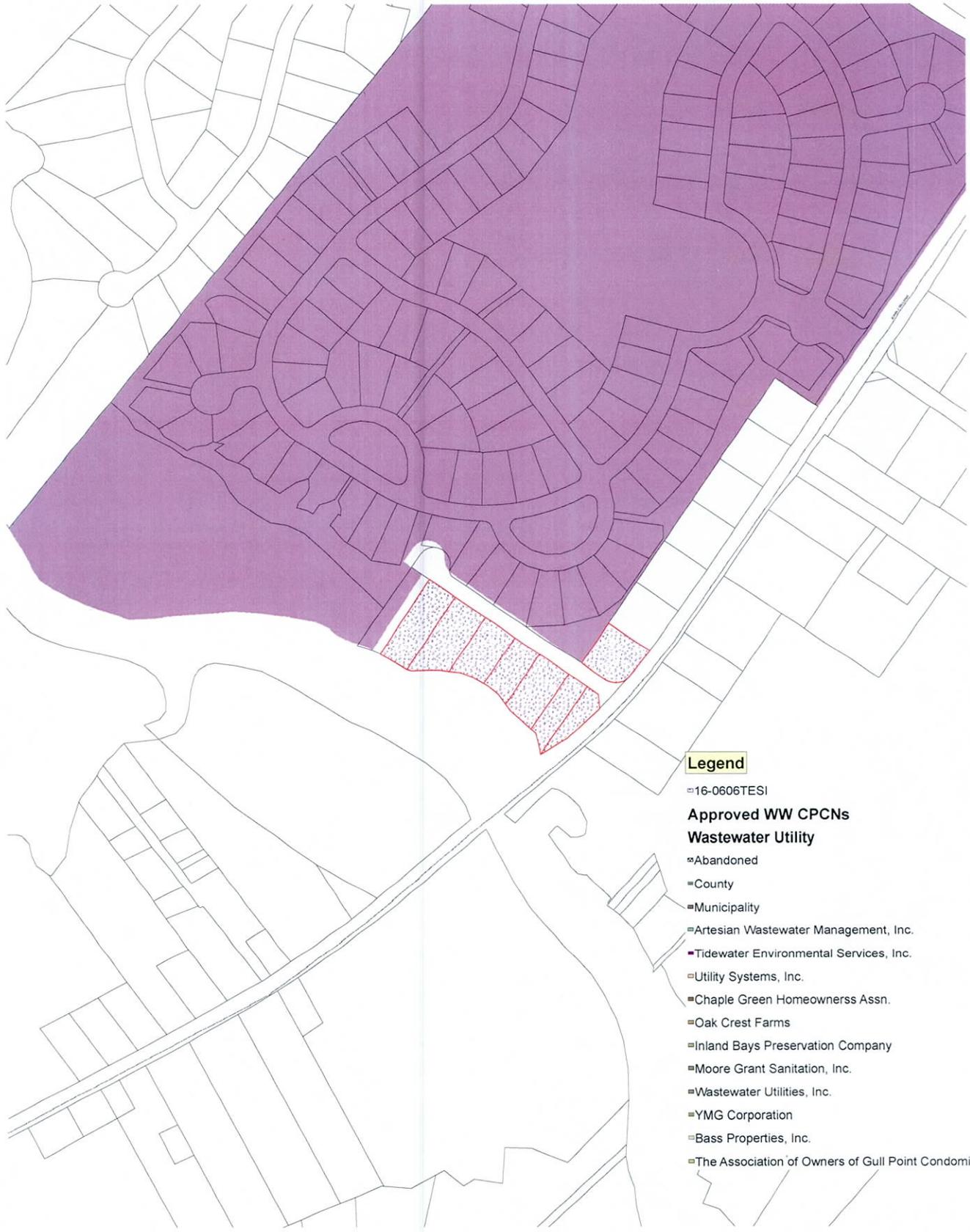
As required by the Regulations, Staff requested written comment from the Division of Water Resources of the Department of Natural Resources and Environmental Control (“DNREC”), the Delaware Office of State Planning (“OSP”), and the Sussex County Engineering Department (“County”).

DNREC replied it had no objection to the Commission granting a CPCN to TESI to provide wastewater treatment and disposal services for the parcels of land. However, DNREC noted a concern about granting wastewater CPCNs for parcels or areas where the respective County officials have not approved a subdivision or development as it may impact future County endeavors and urged Staff to contact the County.

The County received and reviewed the CPCN application and noted its close proximity to the existing TESI wastewater system within Hart’s Landing. The County agreed to permit an Application from TESI and stated they will not object to a CPCN being approved for these parcels.

The OSP also responded and noted that parcels included in this Application are located within Investment Levels 2 & 3 according to the 2015 Strategies for State Policies and Spending document. Level 2 reflects areas where growth is anticipated by local, County, and State plans in the near term future. Level 3 reflects areas where growth is anticipated by local, county, and State plans in the longer term future, or areas that may have environmental or other constraints to development. The OSP also noted that after reviewing the Land Use Planning Act (“LUPA”) and Preliminary Land Use Service (PLUS”) records, that none of the parcels included in this Application have been reviewed for proposed development. Staff does not consider OSP’s response an objection to the Commission granting the Application, but was instead provided to the Commission for information purposes of the County and State’s future investment plans for the parcels included in the Proposed Service Area.

In conclusion, the Application filed by TESI complies with all statutory and regulatory requirements, and Staff is not aware of any issue that would preclude the granting of the requested CPCN. Staff further notes that the Commission need take no action on the OSP Response because it is not an objection, but rather merely provides the Commission with information regarding the State of Delaware’s future financial objectives with respect to the parcels included in the Proposed Service Territory. Therefore, consistent with statutory requirements, Staff recommends the Commission grant the Application.



Legend

- 16-0606TESI
- Approved WW CPCNs**
- Wastewater Utility**
- Abandoned
- County
- Municipality
- Artesian Wastewater Management, Inc.
- Tidewater Environmental Services, Inc.
- Utility Systems, Inc.
- Chaple Green Homeownerrs Assn.
- Oak Crest Farms
- Inland Bays Preservation Company
- Moore Grant Sanitation, Inc.
- Wastewater Utilities, Inc.
- YMG Corporation
- Bass Properties, Inc.
- The Association of Owners of Gull Point Condominium