

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER ENVIRONMENTAL SERVICES,)
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE) PSC DOCKET NO. 05-WW-006
WASTEWATER SERVICES PURSUANT TO 26) ("BREEDERS CROWN")
DEL. C. § 203D)
(FILED MAY 28, 2009)

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER ENVIRONMENTAL SERVICES,)
INC. TO ABANDON UNDER 26 DEL. C. §)
203A(d) WASTEWATER SERVICES PROVIDED) PSC DOCKET NO. 16-0572
UNDER A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
(FILED APRIL 19, 2016)

ORDER NO. 8902

AND NOW, this 28th day of June, 2016, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on August 23, 2005, in PSC Order No. 6703, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Tidewater Environmental Services, Inc. ("TESI") to provide wastewater services for parcels of land specifically identified as Kent County Tax Map Parcel Numbers MD-00-172.03-01-0100-000 through MD-00-172.03-01-65.00-000, also known as the Breeders Crown subdivision.

WHEREAS, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

WHEREAS, on April 19, 2016, TESI filed with the Commission an application ("Application") seeking Commission approval of TESI's

request to partially abandon or discontinue providing wastewater operations or services for parcels of land specifically identified as Kent County Tax Map Parcel Numbers MD-00-172.03-01-0100-000 through MD-00-172.03-01-65.00-000, also known as the Breeders Crown subdivision (the "Parcels"); and

WHEREAS, on October 22, 2013, Kent County, Delaware, adopted a resolution which approved a plan to develop a "Greater Houston Area" sanitary sewer district as an expansion to its existing Delaware Sewage Disposal District No. 1; and

WHEREAS, TESI has stated that it expects to transfer to Kent County the responsibility for providing wastewater services for the Parcel effective May 15, 2016; and

WHEREAS, on May 17, 2016, TESI supplied at the request of the Commission Staff ("Staff") additional information to support its Application; and

WHEREAS, 26 Del. C. §203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 Del. C. §203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Staff recommends that the Commission approve the Application because TESI has met its burden of proof as set forth in 26 *Del. C.* §203A(d)(3). The abandonment is necessary because Kent County has approved a resolution to extend its sanitary sewer district, and such extension includes these Parcels. The abandonment will not be unduly burdensome to any of TESI's existing customers because TESI has sent notices to its customers since 2013 notifying them of the change in wastewater service provider to Kent County. Moreover, the abandonment is reasonable because Kent County's wastewater service charges are lower than the amounts which TESI currently assesses to these Parcels. Finally, TESI has alleged that Kent County intends to construct necessary improvements that will allow waste to be treated at its regional treatment plant. Such improvements therefore provide a more cost-effective means of providing safe, secure wastewater services to the Parcel;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. TESI has provided a sample of the notice sent to the landowners of record. The Commission hereby approves TESI's Application.
2. TESI is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 *Del. C.* §114(b)(1).
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