

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

IN THE MATTER OF THE APPLICATION OF)
THE TOWN OF OCEAN VIEW FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO BEGIN PROVIDING WATER)
UTILITY SERVICES TO CERTAIN UNSERVED)
AREAS WITHIN ITS MUNICIPAL BOUNDARIES)
AND THE ABANDONMENT OF THE CERTIFICATE) PSC DOCKET No. 07-CPCN-46
OF PUBLIC CONVENIENCE AND NECESSITY)
HELD BY TIDEWATER UTILITIES, INC. FOR)
CERTAIN PARCELS OF LAND WITHIN THOSE)
AREAS)
(FILED AUGUST 16, 2007))

IN THE MATTER OF THE APPLICATION OF)
THE TOWN OF OCEAN VIEW TO ABANDON)
UNDER 26 DEL. C. § 203A(d) WATER) PSC DOCKET NO. 16-0599
SERVICES PROVIDED UNDER A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
(SUBMITTED APRIL 25, 2016;)
FILED JUNE 20, 2016))

ORDER NO. 8915

AND NOW, this 12th day of July, 2016, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on November 6, 2007, in Order No. 7313, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to the Town of Ocean View ("Ocean View") to provide water services for 431 parcels of land in Sussex County; and

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 25, 2016, Ocean View submitted an application (the "Application") to the Commission which sought approval to abandon or discontinue providing water operations or service for one parcel of

land that is included in the CPCN previously granted to Ocean View in Order No. 7313, specifically Sussex County Tax Map Parcel Numbers 134-16.00-386.00 (the "Parcel"); and

WHEREAS, Ocean View has not requested any change with respect to the other four hundred and thirty parcels of land, and as such, these other four hundred and thirty parcels remain included in Ocean View's existing water CPCN pursuant to Order No. 7313 and are not affected by this Order; and

WHEREAS, on June 20, 2016, Ocean View supplemented 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 it believes that Ocean View has met its burden of proof as set forth in 26 *Del. C.* §203A(d)(3). First, the abandonment is reasonable because Ocean View does not currently supply water service to the Parcel. Second, the owner of

the Parcel requested that Ocean View remove such Parcel from Ocean View's CPCN service area. Lastly, the landowner stated the reason for the abandonment is that during discussions regarding the need for public water and future development it would best be served by Tidewater Utilities. Hence, Staff finds that the abandonment will not be unduly disruptive to the present or future public convenience and necessity because the owner of the Parcel and any future customers should be able to seek water services from another public utility;

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

1. The Commission hereby approves Ocean View's Application.
2. Both Ocean View and Tidewater Utilities, Inc. provided notification to the landowners of record. The Commission hereby approves Ocean View's Application.
3. Except for the specific removal of the Parcel from its currently-existing CPCN, Ocean View shall retain its CPCN as granted in Order No. 7313.
4. 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