



STATE OF DELAWARE

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**MEMORANDUM**

**TO:** The Chair and Members of the Commission

**FROM:** Joshua Bowman, Public Utility Analyst

**DATE:** October 13, 2016 *JAE*

**SUBJECT:** IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 DEL. C. §203C (“OCEAN WAY ESTATES – SECTION IV”)  
**(FILED AUGUST 9, 2016) – PSC DOCKET NO. 16-0826**

On August 9, 2016, Tidewater Utilities, Inc. (“Tidewater” or the “Company”) filed an application (“Application”) with the Delaware Public Service Commission (the “Commission”) seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide water services to forty-three (43) parcels of land in Sussex County, Delaware, known as Ocean Way Estate – Section IV (the “Proposed Service Area”) pursuant to 26 *Del. C.* §203C(e)(1)b.2.

As required by 26 *Del. C.* §203C(e)(1)b.2. and the Commission’s Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities, 26 *Del. Admin. C.* §2002 (the “Regulations”), the Application contains the following documentation: (1) copies of the petitions signed by the landowner<sup>1</sup> of record included in the Proposed Service Area requesting to be included in the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission approved notice to the landowner of record of the parcels included in the Proposed Service Area; (3) a list with the County tax map parcel identification numbers of the property and identification of the landowner of record included in the Proposed Service Area; and (4) copies of the associated tax map clearly marking the Proposed Service Area. Additionally, the Application contains Tidewater’s statement that its expansion of service to

<sup>1</sup> On September 9, 2016, Tidewater filed the necessary information showing that the individual who signed the petitions was authorized to sign on behalf of the corporation.

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the Proposed Service Area will comply with the water pressure requirements of 26 *Del. C.* §§403(a) and (b) and that Tidewater is not barred by any of the restrictions set forth in 26 *Del. C.* §403(c).

In addition to the required notification to the landowners of record in the Proposed Service Area, Tidewater published a notice in The News Journal and the Delaware State News newspapers on August 15, 2016. The notice advised the public of the Application, that the Application may be reviewed at the Commission's office during normal business hours or on the Commission's website, that a hearing on this matter would not be held unless an appropriate request for a hearing was received, and that the property owners may object to or "opt-out" of the Proposed Service Area. To date, no comments regarding the Company or this Application have been received, and no landowners of record included in the Proposed Service Area have objected to the Application or elected to "opt-out" of the Proposed Service Area.

Staff reviewed the Application to ensure compliance with the statutory provisions of 26 *Del. C.* §203C and the Regulations. No errors or omissions were found. Finally, to determine whether the Commission should deny the requested CPCN as set forth in 26 *Del. C.* §203C(f), Staff solicited comments from the Delaware Department of Natural Resources and Environmental Control, the Office of the State Fire Marshal, and the Office of Drinking Water of the Division of Public Health. All three agencies responded and confirmed they have no issues relating to Tidewater's ability to provide safe, adequate, and reliable water services to its existing customers.

In summary, Tidewater has submitted the necessary proof required by the provisions of 26 *Del. C.* §§203C(e)(1), 203C(e)(1)b., 203C(e)(3) and the Regulations for issuance of a CPCN. Staff also finds no reason to deny the Company a CPCN under the provisions of 26 *Del. C.* §203C(f). Therefore, Staff recommends that the Commission grant the Application.



**Legend**

16-0826TUI

**Approved Water CPCNs  
SYMBOL**

- Abandoned (0)
- Southern Shores Water Company (10)
- Long Neck Water Company (17)
- Tidewater Utilities, Inc. (23)
- United Water Delaware (25)
- Municipal Water Provider (79)
- Municipal Annexation (80)
- Pickering Beach Water Company (90)
- Sussex Shores Water Co. (95)
- Artesian Water Company, Inc. (98)
- J. H. Wilkerson & Son (110)