

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

IN THE MATTER OF THE APPLICATION OF )  
TIDEWATER UTILITIES, INC. FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) PSC DOCKET NO. 09-CPCN-41  
AND NECESSITY TO PROVIDE WATER ) ("SUSSEX 10209")  
SERVICES PURSUANT TO 26 DEL. C. )  
§203C (FILED NOVEMBER 2, 2009 AND )  
AMENDED FEBRUARY 25, 2010) )

**ORDER NO. 7737**

**GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
TO PROVIDE PUBLIC WATER UTILITY SERVICES**

This 16<sup>th</sup> day of March, 2010, the Commission finds, determines, and Orders the following:

1. On November 2, 2009, Tidewater Utilities, Inc. ("Tidewater" or "Applicant") filed an application ("Application") with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to expand its facilities and operations in order to provide water services to one parcel of land west of Bridgeville, two parcels of land east of Blades, one parcel of land in Delmar, two parcels of land south of Millville, and three parcels of land in Lewes, Sussex County, Delaware ("Proposed Service Area"). The basis for the Application is Tidewater's possession of petitions requesting water services signed by all of the owners of the parcels of land comprising the Proposed Service Area in accordance with 26 Del. C. §203C(e)(1)b. With its Application, Tidewater filed evidence that it had mailed to the landowners in the Proposed Service Area notice of its application and the options available to the affected landowners. In addition, on Staff's direction, Tidewater published notice of its Application in

two newspapers of general circulation. No comments regarding the Applicant or this Application have been received.

2. On February 25, 2010, Tidewater amended its Application to remove one parcel of land from the Proposed Service Area (Sussex County Tax Map Parcel Numbers 234-11.00-79.00). There are now nine parcels of land in the Proposed Service Area

3. The Commission Staff has completed its review and investigation of the Application and the Applicant. In a February 25, 2010 Memorandum to the Commission, Staff reports that Tidewater's Application meets all requirements for the granting of a CPCN under 26 Del. C. §203C and the Commission's *Regulations Governing Water Utilities Including the Public Service Commission's Jurisdiction to Grant and Revoke Certificates of Public Convenience and Necessity*, and recommends approval of the Application.

3. For these reasons, the Commission finds that Tidewater has met all requirements for the granting of a CPCN and, therefore, the Commission shall approve the Application in PSC Docket No. 09-CPCN-41 as filed on November 2, 2009 and amended February 25, 2010.

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

1. That, pursuant to 26 Del. C. §203C(e), to the extent it is consistent with this Order, a Certificate of Public Convenience and Necessity is granted to Tidewater Utilities, Inc. to serve the area more specifically identified by the Sussex County Tax Map Parcel Numbers 533-6.00-56.00, 133-13.00-2.00, 334-7.00-2.00, 134-16.00-

13.00, 131-12.00-43.00, 334-6.00-348.00, 132-2.00-383.03, 334-6.00-60.00, and 532-13.00-63.08.

2. That Tidewater Utilities, Inc., 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 Certificate of Public Convenience and Necessity.

3. That Tidewater Utilities, Inc. is hereby placed on notice that the costs of this proceeding will be charged to it under the provisions of 26 *Del. C.* §114(b)(1).

4. That 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:

/s/Arnetta McRae\_\_\_\_\_  
Chair

/s/Joann T. Conaway\_\_\_\_\_  
Commissioner

/s/Jaymes B. Lester\_\_\_\_\_  
Commissioner

/s/Dallas Winslow\_\_\_\_\_  
Commissioner

/s/Jeffrey Clark\_\_\_\_\_  
Commissioner

ATTEST:

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Secretary