

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

IN THE MATTER OF THE APPLICATION OF)
ARTESIAN WATER COMPANY, INC., FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) PSC DOCKET NO. 10-CPCN-22
NECESSITY TO PROVIDE WATER SERVICES) ("FENWICK 2010")
PURSUANT TO 26 DEL. C. §203C (FILED)
JULY 28, 2010) -)

ORDER NO. 7831

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

This 7th day of September, 2010, the Commission finds, determines, and Orders the following:

1. Artesian Water Company, Inc. ("Artesian" or "Applicant"), is a water utility providing water services for public use that is subject to the regulatory jurisdiction of this Commission. On July 28, 2010, the 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 two parcels of land in Keenwick on the Bay subdivision, in Selbyville, Sussex County, Delaware, and more specifically identified by the Sussex County Tax Map Parcel No. 533-19.16-34.00 and 533-20.13-10.00. The basis for the Application is Artesian's possession of a petition requesting water services signed by the owners of the property as set forth in 26 Del. C. §203C(e)(1)b.

2. Staff reviewed the Application in accordance with the rules adopted in PSC Regulation Docket No. 51, Order No. 5730, effective July 10, 2001. Included in the Application is a petition signed by

the property owners requesting water services from Artesian, and a signed a document waiving their right to notification of Artesian's intent to file a CPCN Application for their property. The property owners have indicated that they are having water quality issues and that they are in need of service immediately. Pursuant to 26 Del. C. §203C(d)(1), the Commission shall issue a CPCN to an Applicant provided evidence is submitted that "all landowners of the proposed territory have been notified by certified mail, or its equivalent, of the filing of the application". As in past circumstances, and due to the pressing needs of the landowners, Staff has accepted both the signed petition for water services and the signed waiver to meet this statutory requirement.

3. Staff has solicited comments from the Office of Drinking Water of the Department of Public Health, the Office of the State Fire Marshal, and the Division of Water Resources of the Department of Natural Resources and Environmental Control. All three agencies responded indicating that they have no issues relating to Artesian's ability to provide safe, adequate, and reliable water services to its existing customers.

4. While it is the general practice of the Commission to require that all CPCN applications for water services be publicly noticed in two newspapers of general circulation, Staff has determined that such notice would not be necessary in this circumstance. The homeowners in the community surrounding this property and utilizing the water system will likely feel no impact as a result of connecting

this single residence, and it is doubtful that there would be an objection from any neighboring landowner in the community.

5. The Commission Staff has completed its review and investigation of the Application and the Applicant. In an August 30, 2010 Memorandum to the Commission, Staff reports that Artesian'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.

6. For these reasons, the Commission finds that Artesian has met all requirements for the granting of a CPCN and, therefore, the Commission shall approve the Application in PSC Docket No. 10-CPCN-22 as filed on July 28, 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 Artesian Water Company, Inc. to serve the area more specifically identified by the Sussex County Tax Map Parcel Numbers 533-19.16-34.00 and 533-20.13-10.00.

2. That Artesian Water Company, 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 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 J. Clark
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary