

**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. 10-CPCN-27
AND NECESSITY TO PROVIDE WATER) ("BROWN PROPERTY")
SERVICES PURSUANT TO 26 *DEL. C.* §203C)
(FILED SEPTEMBER 14, 2010))

ORDER NO. 7867

AND NOW, this 7th day of December, 2010:

WHEREAS, On September 14, 2010, 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 two parcels of land east of Selbyville, 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. Tidewater also requests that four of the new requirements in the revised regulations be waived (8.2.7, 10.2, 10.4 and 10.5 of the Commission's regulations

adopted in PSC Regulation Docket No. 51 by Order No. 7774 on May 4, 2010), since the required documents were either sent or received prior to the Commission approving these rule changes as final; and

WHEREAS, the Commission Staff has completed its review and investigation of the Application and the Applicant. In an November 8, 2010 Memorandum to the Commission, Staff reports that Tidewater's Application meets all requirements except those identified above 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 request to waive the regulations identified and the Application; and

WHEREAS, 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. 10-CPCN-27 as filed on September 14, 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 533-19.00-35.01 and 533-19.00-35.02.

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 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/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary