

**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. 11-CPCN-01
AND NECESSITY TO PROVIDE WATER) ("KENT COUNTY 121710")
SERVICES PURSUANT TO 26 DEL. C. §203C)
(FILED JANUARY 20, 2011))

ORDER NO. 7968

AND NOW, this 10th day of May, 2011:

WHEREAS, on January 20, 2011, Tidewater Utilities, Inc. ("Tidewater" or "Applicant") filed an application ("Application") with the Delaware Public Service Commission (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 east of Smyrna, one parcel of land west of Dover, and two parcels of land west of Farmington, Kent 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 (26 *Del Admin. Code* §§2002-8.1, 8.2.3, 8.2.6, and 8.2.7 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 April 5, 2011 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*, 26 *Del. Admin. Code* §2002, and recommends approval of the request to waive the regulations identified and of Tidewater's application.

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. That Tidewater Utilities, Inc.'s request for a waiver of 26 *Del. Admin. Code* §§8.1, 8.2.3, 8.2.6 and 8.2.7 is hereby granted.

2. 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 Kent County Tax Map Parcel Numbers WD00-081.00-02-22.00, MN00-197.00-01-57.00, MN00-197.00-01-57.03, and DC00-020.00-01-08.01.

3. 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.

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 J. Clark_____
Commissioner

ATTEST:

/s/ William F. O'Brien_____
Executive Director