

**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-05
AND NECESSITY TO PROVIDE WATER) ("SOUTHEAST SUSSEX 111")
SERVICES PURSUANT TO 26 DEL. C. §203C)
(FILED MARCH 11, 2011))

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

ORDER NO. 7993

AND NOW, this 21st day of June, 2011:

WHEREAS, on March 11, 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 two parcels of land north of Millsboro, one parcel of land west of Millsboro, one parcel of land South of Ocean View, Sussex County, Delaware (the "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.2. With its Application, Tidewater filed evidence that it had mailed to the landowners of record of each parcel or property to be encompassed within the Proposed Service Area notice of its application and the options available to the affected landowners. In addition, at 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 requested a waiver of four requirements set forth in the Commission's regulations which were revised and finalized on August 1, 2010 (i.e., 26 *Del. Admin. C.* §§2002-8.1, 2002-8.2.3, 2002-8.2.6, and 2002-8.2.7), since the Company either sent or received certain required documents prior to the Commission's final approval of these regulatory changes; and

WHEREAS, the Commission Staff has completed its review and investigation of the Application and the Applicant, has reported in a June 6, 2011, Memorandum to the Commission that Tidewater's Application meets all of the statutory and regulatory requirements except those identified above for the granting of a CPCN under 26 *Del. C.* §203C and 26 *Del. Admin. C.* §2002, and therefore has recommended approval of Tidewater's request to waive the regulatory requirements identified above 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 the regulatory requirements set forth in 26 *Del. Admin. C.* §§2002-8.1, 2002-8.2.3, 2002-8.2.6 and 2002-8.2.7 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 Sussex County Tax Map Parcel

Numbers 133-16.00-81.01, 134-20.00-4.00, 234-15.00-38.02, and 234-17.00-165.00.

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/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary