

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE REQUEST OF THE)
TOWN OF OCEAN VIEW TO ABANDON THE)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY FOR SUSSEX COUNTY TAX MAP)
PARCEL NUMBERS 134-12.00-773.00,)
134-12.00-1367.00, 134-12.00-426.01,)
AND 134-12.00-439.00 THROUGH) PSC DOCKET NO. 11-CPCN-06
134-12.00-439.02 BY ORDER NO. 7313) ("OCEAN VIEW AREA")
(NOVEMBER 6, 2007) AND IN THE MATTER OF)
THE APPLICATION OF TIDEWATER UTILITIES,)
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE)
WATER SERVICES PURSUANT TO 26 *DEL. C.*)
§203C (FILED APRIL 15, 2011))

ORDER NO. 8021

AND NOW, this 6th day of September, 2011:

WHEREAS, on April 15, 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 six parcels of land in 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 landowners of record of each parcel or property to be encompassed within 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 such landowners of record 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.* §§2002-8.2.3, 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 parcels comprising the Proposed Service Area in this matter are located in the water service territory of the Town of Ocean View, Inc. ("Ocean View") which was granted a CPCN by PSC Order No. 7313 (November 6, 2007). Ocean View filed a written request with the Commission dated March 11, 2011, seeking to abandon its CPCN for the parcels of land within the Proposed Service Area as set forth in Tidewater's Application; and

WHEREAS, the Commission Staff has completed its review and investigation of the Application and the Applicant, has reported in a August 3, 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 NOT 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.* §§2002-8.2.3, 2002-8.2.6 and 2002-8.2.7 is hereby granted.

2. That, pursuant to 26 *Del. C.* § 203A(c)(3), to the extent it is consistent with this Order, the request for abandonment filed by the Town of Ocean View dated March 11, 2011, is hereby granted, and the parcels of land identified by Sussex County Tax Map Parcel No. 134-12.00-773.00, 134-12.00-1367.00, 134-12.00-426.01, 134-12.00-439.00, 134-12.00-439.01, and 134-12.00-439.02 be hereby removed from the service territory granted to Ocean View by PSC Order No. 7313 dated November 6, 2007.

3. 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 134-12.00-773.00, 134-12.00-1367.00, 134-12.00-426.01, 134-12.00-439.00, 134-12.00-439.01, and 134-12.00-439.02.

4. 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.

5. 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 O'Brien
Executive Director