

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

IN THE MATTER OF THE APPLICATION OF )  
ARTESIAN WASTEWATER MANAGEMENT, INC. )  
FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO PROVIDE )  
WASTEWATER SERVICES TO FOUR PARCELS ) PSC DOCKET NO. 05-WW-026  
OF LAND LOCATED BETWEEN ANGOLA BEACH ) ("VILLAGE AT HERRING CREEK")  
ROAD AND CAMP ARROWHEAD ROAD, SUSSEX )  
COUNTY, DELAWARE )  
(FILED SEPTEMBER 23, 2005) )

IN THE MATTER OF THE APPLICATION OF )  
ARTESIAN WASTEWATER MANAGEMENT, INC. )  
TO ABANDON WASTEWATER SERVICES )  
PROVIDED UNDER A CERTIFICATE OF ) PSC DOCKET NO. 12-104  
PUBLIC CONVENIENCE AND NECESSITY UNDER )  
26 *DEL. C.* §203A(c) FOR THE VILLAGES )  
AT HERRING CREEK )  
(FILED FEBRUARY 16, 2012) )

**ORDER NO. 8137**

**AND NOW**, this 17<sup>th</sup> day of April, 2012, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on November 22, 2005, in PSC Order No. 6777, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Artesian Wastewater Management, Inc. ("AWMI") to provide wastewater operations or services to customers in the service territory encompassing four tax parcels of land located between Angola Beach Road and Camp Arrowhead Road, Sussex County, Delaware, and more specifically identified by the Sussex County tax parcels numbers 234-12.00-2.00, 234-18.00-23.00, 234-18.00-24.02, and 234-18.00-24.03. To date, there is now a residential subdivision located in this service territory called the "Villages at Herring Creek," and the four tax

parcels have been subdivided into 128 tax parcels, all of which are listed on the attached Exhibit "A"; and

**WHEREAS**, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed just, proper, or appropriate; and

**WHEREAS**, on February 16, 2012, AWMI filed with the Commission an application requesting that the Commission approve AWMI's request to abandon or discontinue providing wastewater operations or services for the parcels of property in the Villages of Herring Creek as previously described in Exhibit "A" to PSC Order No. 6777; and

**WHEREAS**, 26 Del. C. §203A(c)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

**WHEREAS**, Sussex County recently completed expansion of its wastewater services to the Villages of Herring Creek; and

**WHEREAS**, Sussex County has confirmed by letter dated February 6, 2012, that wastewater generated within the Villages at Herring Creek began flowing into Sussex County's Angola Neck sanitary sewer system on January 19, 2012; and

**WHEREAS**, AWMI is not presently serving any wastewater customers located in the Villages of Herring Creek; and

**WHEREAS**, AWMI has provided to the Commission Staff such information necessary for Staff's review of the company's request to

abandon wastewater operations or services to the Villages at Herring Creek. Based on its review, Staff recommends that the Commission approve AWWMI's application to abandon wastewater operations or services to the Villages of Herring Creek because AWWMI has shown that the abandonment or discontinuance is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity as required by 26 Del. C. §203A(c)(3);

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF  
NOT FEWER THAN THREE COMMISSIONERS:**

1. Artesian Wastewater Management, Inc.'s application to abandon or discontinue providing wastewater operations or services to the Villages of Herring Creek, located between Angola Beach Road and Camp Arrowhead Road, Sussex County, Delaware, and more specifically identified by the tax parcels numbers listed on the attached Exhibit "A", is hereby granted and approved effective with the date of this Order.

2. 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:

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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

**E X H I B I T "A"**

**TAX PARCEL IDENTIFICATION NUMBERS  
ASSOCIATED WITH THE ABANDONMENT OF WASTEWATER  
SERVICES BY ARTESIAN WASTEWATER MANAGEMENT, INC.  
FOR THE VILLAGES AT HERRING CREEK  
SUSSEX COUNTY, DELAWARE**

234-12.00-2.00	234-18.00-339.00	234-18.00-371.00	234-18.00-403.00
234-12.00-2.01	234-18.00-340.00	234-18.00-372.00	234-18.00-404.00
234-12.00-2.02	234-18.00-341.00	234-18.00-373.00	234-18.00-405.00
234-12.00-2.03	234-18.00-342.00	234-18.00-374.00	234-18.00-406.00
234-12.00-298.00	234-18.00-343.00	234-18.00-375.00	234-18.00-407.00
234-12.00-299.00	234-18.00-344.00	234-18.00-376.00	234-18.00-408.00
234-12.00-300.00	234-18.00-345.00	234-18.00-377.00	234-18.00-409.00
234-12.00-301.00	234-18.00-346.00	234-18.00-378.00	234-18.00-410.00
234-12.00-302.00	234-18.00-347.00	234-18.00-379.00	234-18.00-411.00
234-12.00-303.00	234-18.00-348.00	234-18.00-380.00	234-18.00-412.00
234-12.00-304.00	234-18.00-349.00	234-18.00-381.00	234-18.00-413.00
234-12.00-305.00	234-18.00-350.00	234-18.00-382.00	234-18.00-414.00
234-12.00-306.00	234-18.00-351.00	234-18.00-383.00	234-18.00-415.00
234-12.00-307.00	234-18.00-352.00	234-18.00-384.00	234-18.00-416.00
234-12.00-308.00	234-18.00-353.00	234-18.00-385.00	234-18.00-417.00
234-12.00-309.00	234-18.00-354.00	234-18.00-386.00	234-18.00-418.00
234-12.00-310.00	234-18.00-355.00	234-18.00-387.00	234-18.00-419.00
234-12.00-311.00	234-18.00-356.00	234-18.00-388.00	234-18.00-420.00
234-12.00-312.00	234-18.00-357.00	234-18.00-389.00	234-18.00-421.00
234-12.00-313.00	234-18.00-358.00	234-18.00-390.00	234-18.00-422.00
234-12.00-314.00	234-18.00-359.00	234-18.00-391.00	234-18.00-423.00
234-12.00-315.00	234-18.00-360.00	234-18.00-392.00	234-18.00-424.00
234-18.00-23.00	234-18.00-361.00	234-18.00-393.00	234-18.00-425.00
234-18.00-23.01	234-18.00-362.00	234-18.00-394.00	234-18.00-426.00
234-18.00-23.02	234-18.00-363.00	234-18.00-395.00	234-18.00-427.00
234-18.00-23.03	234-18.00-364.00	234-18.00-396.00	234-18.00-428.00
234-18.00-23.04	234-18.00-365.00	234-18.00-397.00	234-18.00-429.00
234-18.00-334.00	234-18.00-366.00	234-18.00-398.00	234-18.00-430.00
234-18.00-335.00	234-18.00-367.00	234-18.00-399.00	234-18.00-431.00
234-18.00-336.00	234-18.00-368.00	234-18.00-400.00	234-18.00-432.00
234-18.00-337.00	234-18.00-369.00	234-18.00-401.00	234-18.00-433.00
234-18.00-338.00	234-18.00-370.00	234-18.00-402.00	234-18.00-434.00