

**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. 12-CPCN-01  
AND NECESSITY TO PROVIDE WATER ) ("HARTLY 11212")  
SERVICES PURSUANT TO 26 *DEL. C.* §203C )  
(FILED MARCH 12, 2012 AND AMENDED )  
AUGUST 2, 2012) )

**ORDER NO. 8202**

**AND NOW**, this 21<sup>st</sup> day of August, 2012:

**WHEREAS**, on March 12, 2012, 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 five parcels of land located near Hartly, 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 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. With its Application, Tidewater filed evidence that it had mailed to the record 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; and

**WHEREAS**, on August 2, 2012, Tidewater amended its Application to remove two parcels of land from the Proposed Service Area (Kent County Tax Map Parcel Numbers WD00-090.00-01-01.00 and WD00-073.00-02-35.01). There are now three parcels of land in the Proposed Service Area; and

**WHEREAS**, the Commission Staff has completed its review and investigation of the Application and the Applicant and, in an August 6, 2012 Memorandum to the Commission, reports that Tidewater's Application meets all requirements 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. C. §2002. Thus, the Commission Staff recommends approval of the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NO 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 Kent County Tax Map Parcel Numbers WD00-081.00-01-66.03, WD00-063.00-01-31.02, and WD00-073.00-01-69.01.

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/ Dallas Winslow  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

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Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary