

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

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER ENVIRONMENTAL SERVICES,)
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE) PSC DOCKET NO. 05-WW-024
WASTEWATER SERVICES TO A PARCEL OF) ("WELSH RUN")
LAND LOCATED ON THE EAST SIDE OF)
HOLLYVILLE ROAD, EAST OF GEORGETOWN)
SUSSEX COUNTY, DELAWARE (FILED AUGUST)
26, 2005))

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER ENVIRONMENTAL SERVICES,)
INC. TO ABANDON UNDER 26 *DEL. C.*) PSC DOCKET NO. 13-WW-006
§203A(d) WASTEWATER SERVICES PROVIDED)
UNDER A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY (FILED)
DECEMBER 9, 2013))

ORDER NO. 8529

AND NOW, this 6th day of February, 2014, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on November 8, 2005, in PSC Order No. 6767, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Tidewater Environmental Services, Inc. ("TESI") to provide wastewater services to a parcel of land located on the east side of Hollyville Road, East of Georgetown, Sussex County, Delaware, and more specifically identified by the Sussex County Tax Map Number 235-15.00-40.00 (the "Welsh Run"); and

WHEREAS, on May 5, 2009, in PSC Order No. 7557, the Commission amended PSC Order No. 6767 to clarify that the CPCN granted to TESI applied to the entire parcel of land identified as Sussex County Tax Map Parcel No. 234-15.00-40.00, which parcel is situated on both sides of Hollyville Road (i.e., Welsh Run); 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 necessary or proper; and

WHEREAS, on December 9, 2013, TESI filed with the Commission an application ("Application") seeking Commission approval of TESI's request to abandon or discontinue providing wastewater operations or services for Welsh Run as previously described in PSC Order Nos. 6767 and 7557; and

WHEREAS, on December 20, 2013, at the request of the Commission Staff ("Staff"), TESI supplied additional information to support its Application; and

WHEREAS, 26 Del. C. §203A(d)(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, 26 Del. C. §203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Staff recommends that the Commission approve the Application because TESI has met its burden of proof as set forth in 26 Del. C. §203A(d)(3). Specifically, the abandonment is reasonable because TESI has asserted that it has no

existing customers located on Welsh Run and has not built any plant to provide such wastewater services to Welsh Run. Furthermore, the abandonment is necessary because the current landowner of Welsh Run requested that TESI remove such parcel from TESI's CPCN area. Finally, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing TESI customers are located on Welsh Run. In addition, TESI has asserted that the landowner of Welsh Run intends to seek wastewater services from another public utility. Hence, if the Commission grants the Application's request, the abandonment would not be unduly disruptive to the future convenience and necessity because future customers would not be impeded (in general) from receiving wastewater services from another public utility;

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

1. The Commission hereby approves TESI's Application. This approval is subject to the condition that TESI provide to the landowner of Welsh Run (specifically identified by the Sussex County Tax Map Parcel Number 234-15.00-40.00) at least 30 days' prior written notice of TESI's abandonment of wastewater services. TESI shall provide proof of such written notice to the Commission on or before March 31, 2014.

2. TESI is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 Del. C. §114(b)(1).

3. 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary