

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)
WASTEWATER SERVICES TO FIVE PARCELS) PSC DOCKET NO. 05-WW-014
OF LAND LOCATED BETWEEN BEAVER DAM) ("MARINE FARM PROJECT")
AND ROBINSVILLE ROADS, WEST OF THE)
TOWN OF REHOBOTH BEACH, SUSSEX COUNTY)
DELAWARE (FILED JUNE 24, 2005))

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER ENVIRONMENTAL SERVICES, INC.)
TO ABANDON UNDER 26 *DEL. C.* §203A(d))
WASTEWATER SERVICES PROVIDED UNDER A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) PSC DOCKET NO. 14-WW-002
NECESSITY FOR THE COMMUNITY COASTAL)
CLUB F/K/A MARINE FARM PROJECT IN)
SUSSEX COUNTY, DELAWARE)
(FILED APRIL 21, 2014 AND AMDENDED)
MAY 15, 2014))

ORDER NO. 8580

AND NOW, this 8th day of July, 2014, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on August 23, 2005, in PSC Order No. 6704, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Tidewater Environmental Services, Inc. ("TESI") to provide wastewater services to Coastal Club F/K/A Marine Farm Project, more specifically identified by the Sussex County Tax Map Parcels Numbers 334-11.00-3.01, 334-11.00-5.00, 334-11.00-8.00, 334-11.00-12.00, and 334-11.00-43.01 (the "Parcels"). Since the original CPCN was granted the five Parcels have been subdivided into Parcels 334-11.00-5.00, 334-11.00-5.01, 334-11.00-311.00 through 334-11.00-396.00; 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 April 21, 2014, 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 the Parcels as previously described in PSC Order No. 6704; and

WHEREAS, on May 15, 2014, at the request of the Commission Staff ("Staff"), TESI supplied additional information to support its Application; and

WHEREAS, on June 11, 2014, Sussex County stated they are willing and able to serve these parcels if the developer installs regional infrastructure to obtain a connection to the existing county facilities.

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 Coast Club F/K/A Marine Farm Project and has not built any plant to provide such wastewater services to Coastal Club F/K/A Marine Farm Project. Furthermore, the abandonment is necessary because the current landowner of Coastal Club F/K/A Marine Farm Project requested that TESI remove such Parcels from TESI's CPCN area. This would allow other wastewater providers to potentially provide services to these Parcels. Finally, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing TESI customers are located on Coastal Club F/K/A Marine Farm Project. In addition, TESI has asserted that the landowner of Coastal Club F/K/A Marine Farm Project 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 landowners currently located on the Parcels (specifically identified by the Sussex County Tax Map Parcels Numbers 334-11.00-3.01, 334-11.00-5.00, 334-11.00-8.00, 334-11.00-12.00, and 334-11.00-43.01 (also

including the Parcels that were subdivided into Parcels 334-11.00-5.00, 334-11.00-5.01, 334-11.00-311.00 through 334-11.00-396.00) 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 August 30, 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:

/s/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Harold Gray
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary