

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

IN THE MATTER OF THE APPLICATION OF )  
ARTESIAN WATER COMPANY, INC. FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE WATER )  
SERVICES PURSUANT TO 26 DEL. C. ) PSC DOCKET NO. 14-CPCN-04  
§203C ("BMR UNIQUEMA") )  
(SUBMITTED JUNE 3, 2014; FILED JUNE )  
20, 2014; AMENDED AUGUST 6, 2014) )

**ORDER NO. 8627**

**AND NOW**, this 9<sup>th</sup> day of September, 2014, the Delaware Public Service Commission ("Commission") determines and orders the following:

**WHEREAS**, on June 3, 2014, Artesian Water Company, Inc. ("Artesian") submitted an application with the Commission pursuant to 26 Del. C. §203C (e) (1) b. seeking a Certificate of Public Convenience and Necessity ("CPCN") to expand its facilities and operations to provide water services to two parcels of land in New Castle County, Delaware, referred to as the BMR Uniquema (the "Proposed Service Area"); and

**WHEREAS**, on June 20, 2014, the Commission Staff ("Staff") received additional required information that confirmed the person who signed the petitions for water services had the legal authority to sign and submit such documents on behalf of the landowners of record. At that time, the submitted application and this additional required information completed the filing (the "Application");<sup>1</sup> and

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<sup>1</sup> Under 26 Del. Admin. C. §2002-8.4, if a petition for water utility services is executed by an agent of the landowner of record, the applicant must provide with the petition evidence to demonstrate the agent's authority to

**WHEREAS**, on August 6, 2014, the Company filed an amendment to the Application (the "Amended Application") to request that an informal fact-finding process be utilized in this docket pursuant to 26 Del. C. §10123; and

**WHEREAS**, the submitted application included evidence that Artesian had mailed notice of the application and the options available to all landowners of record in the Proposed Service Area. In addition, Artesian published notice of its application in two newspapers of general circulation. The Commission has received no comments regarding Artesian or the Application in response to the published notice; and

**WHEREAS**, Artesian also provided (i) written evidence that the landowner of record for all of the parcels included in the Proposed Service Area is a limited liability company (the "LLC") (ii) a written consent that shows the sole member of the LLC was authorized to sign, grant, and convey easements on behalf of the LLC for rights-of-way and service to Artesian for the Proposed Service Area, and (iii) two petitions signed by the sole member which requests that the LLC's parcels be included in the Proposed Service Area; and

**WHEREAS**, Staff reviewed the Amended Application to ensure compliance with the statutory provisions of 26 Del. C. §203C and the Commission's Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities, 26 Del. Admin. C. §2002 (the "Regulations"). Staff submitted a memorandum to the Commission dated August 11, 2014, which confirms that the Amended Application meets all

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act for the landowner of record. The Company failed to provide such evidence in the originally-submitted application.

of the requirements for granting Artesian a CPCN pursuant to 26 Del. C. §203C and the Regulations. Accordingly, Staff recommends that the Commission grant the Company a CPCN based on the Amended Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to 26 Del. C. §203C(e), a CPCN is hereby granted to Artesian to serve the Proposed Service Area more specifically identified by the New Castle County Tax Map Parcel Numbers 10-015.00-021 and 10-015.00-022.

2. Artesian 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 CPCN.

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 B. Gray  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary