



STATE OF DELAWARE

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**MEMORANDUM**

**TO:** The Chair and Commissioners  
**FROM:** Joshua Bowman, Public Utility Analyst  
**DATE:** May 15, 2018 *JAE*

**SUBJECT:** 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 OF LAND TO BE DEVELOPED AS "BURTON BRAY," LOCATED ON EITHER SIDE OF DELAWARE ROUTE 24 AND ON EITHER SIDE OF HOLLYMOUNT AND PINEWATER ROADS, AT ANGOLA, SUSSEX COUNTY, DELAWARE  
**(FILED JUNE 24, 2005) - PSC DOCKET NO. 05-WW-013**

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IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC TO ABANDON UNDER 26 DEL. C. §203A(d) WASTEWATER SERVICE PROVIDED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE BURTON BRAY PROJECT IN SUSSEX COUNTY, DELAWARE  
**(FILED APRIL 11, 2018) - PSC DOCKET NO. 18-0223**

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Tidewater Environmental Services, Inc. ("TESI" or the "Company") is a utility providing wastewater services for public use that is subject to the regulatory jurisdiction of this Commission. On September 20, 2005, the Commission granted, by way of Order No. 6725, TESI's application for a Certificate of Public Convenience and Necessity ("CPCN") to provide wastewater services for 5 parcels of land located in Sussex County, Delaware. On April 11, 2018, TESI submitted an application (the "Application") with the Commission seeking to abandon this wastewater CPCN, specifically Sussex County Tax Map Parcel Numbers 234-11.00-57.00, 234-11.00-97.00, 234-11.00-98.00, 234-17.00-17.00, and 234-17.00-29.00 (the "Parcels").

Delaware law provides that no public utility shall abandon or discontinue, in whole or in part, any regulated public utility business, operations or services provided under a certificate of public convenience and necessity without first having received Commission approval for such abandonment or discontinuance. 26 *Del. C.* §203A(d)(1). Such applications must be made to the Commission in writing, verified by oath or affirmation, and be in such form and contain such information as the Commission may from time to time require. 26 *Del. C.* §203A(d)(2). Finally, the Commission must approve any such application 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. 26 *Del. C.* §203A(d)(3).

Staff reviewed the Application for abandonment and found it complies with all Delaware statutory and regulatory requirements. The Company provided a verified Application that requests to abandon the CPCN which relates to wastewater service for the Parcels. Staff believes the abandonment is reasonable because TESI has no existing customers on the Parcels and has not built any plant to provide wastewater service to the Parcels. The abandonment is necessary because the owner of the Parcels has requested that TESI remove the Parcels from their current wastewater service territory. TESI noted that the owner of the Parcels intends to seek wastewater service from another wastewater utility. Finally, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing TESI customers are located on the Parcels. Hence, if the Commission grants the Company'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.

Therefore, Staff recommends that the Commission grant TESI's request to abandon this CPCN.

