



STATE OF DELAWARE

**PUBLIC SERVICE COMMISSION**  
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**MEMORANDUM**

**TO:** The Chair and Members of the Commission

**FROM:** Joshua Bowman, Public Utility Analyst *JAB*

**DATE:** November 21, 2018:

**SUBJECT:** IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 DEL. C. § 203D (“WETHERBY”)  
**(FILED SEPTEMBER 18, 2018) – PSC DOCKET NO. 18-1091**

On September 18, 2018, Artesian Wastewater Management, Inc. (“AWMI”) filed an application (“Application”) with the Delaware Public Service Commission (the “Commission”) seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide wastewater services to 128 parcels of land in Sussex County, Delaware, known as Tax Map Parcel Nos. 234-16.00-27.00 and 234-16.00-958.00 through 1084.00, (the “Proposed Service Area”) pursuant to 26 *Del. C.* § 203D(d)(2).

As required by 26 *Del. C.* § 203D and the Commission’s Regulations Governing Certificates of Public Convenience and Necessity for Wastewater Utilities, 26 *Del. Admin. C.* § 6001 (the “Regulations”), the Application contains the following documentation: (1) a copy of the petitions requesting wastewater service signed by the landowners of record for the parcels included in the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that AWMI sent, via certified mail, a Commission approved notice to the landowners of record of the parcels included in the Proposed Service Area; (3) a list with the County tax map parcel identification numbers of the properties and identification of the landowners of record included in the Proposed Service Area; (4) copies of the associated tax maps clearly marking the Proposed Service Area; and (5) a copy of the letter from Sussex County stating no objection to the Application. Staff found no errors or omissions during its review of the Application.

As required by the Regulations, Staff requested written comment from the Division of Water Resources of the Department of Natural Resources and Environmental Control (“DNREC”), the Delaware Office of State Planning Coordination (“OSP”), and the Sussex County Engineering Department (“County”) regarding the Proposed Service.

DNREC replied there are no outstanding issues with Artesian Wastewater Management, Inc. and they have not been unwilling or unable to provide safe, adequate, and reliable wastewater services to its existing customers.

The County received and reviewed the CPCN application and noted that the Proposed Service Area is located within the Secondary Service Territory per the updated Sussex County Sewer Tier Map. The County stated that it has reviewed the Application and will not object to AWTMI requesting a CPCN for the Proposed Service Area.

The OSP stated that all parcels included in the Proposed Service Area are located within a Level 4 area according to the Strategies for State Policies and Spending document. Level 4 reflects areas where State investments will support agricultural preservation, natural resources protection, and the continuation of the rural nature of these areas. The OSP stated in their response that “**new development activities and suburban development are not supported in Investment Level 4 areas**”. OSP states that the State has no intention to invest in infrastructure upgrades or additional services for this area unless necessary for the health, safety, and welfare of the existing residents.

In conclusion, the Application filed by AWTMI does comply with the statutory and regulatory requirements of 26 *Del. C.* § 203D and 26 *Del. Admin. C.* § 6001. Therefore, consistent with statutory requirements, Staff recommends that the Commission approve the Application.

