



State of Delaware
Public Service Commission
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Dover, Delaware 19904
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MEMORANDUM

TO: The Chairman and Members of the Commission

FROM: Islah Causey, Public Utility Analyst *lc*

DATE: September 6, 2023

SUBJECT: IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICE PURSUANT TO 26 DEL. C. §203D (“HUDSON383.00, SWEETBRIAR19.00, HUDSON42.00, MILTON11.07”)
(FILED JULY 6, 2023) - PSC DOCKET NO. 23-0885

On July 6, 2023, Artesian Wastewater Management, Inc. (“AWMI” or the “Company”) filed an application (“Application”) with the Delaware Public Service Commission (“Commission”) pursuant to 26 *Del. C.* § 203D(d)(2) seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide wastewater service to four (4) parcels of land in Sussex County, Delaware, identified as Tax Map Parcel Nos. 235-22.00-383.00, 235-27.00-19.00, 235-30.00-42.00 and 235-31.00-11.07, and referred to as “Hudson383.00, Sweetbriar19.00, Hudson42.00, and Milton11.07” (the “Proposed Service Area”).

As required under 26 *Del. C.* § 203D and the Commission’s *Regulations Governing Certificates of Public Convenience and Necessity to Provide Wastewater Services*, 26 *Del. Admin. C.* § 6001 (the “Regulations”), AWMI included the following documentation in its Application: (1) copies of petitions requesting wastewater services signed by all landowners of record of each parcel or property encompassed within the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission-approved notice to all landowners of record of each parcel included in the Proposed Service Area; (3) a list of the County tax map parcel identification numbers of the properties and identification of all landowners of record included in the Proposed Service Area; (4) a copy of the associated map clearly marking the Proposed Service Area; and (5) a copy of the letter from Sussex County stating

no objection to the Application.¹ Staff found no errors or omissions during its review of the Application.

As required by the Regulations, AWTMI provided copies of the Application to 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 (the “County”). In addition, Staff requested written comments by August 25, 2023, from DNREC, OSP and the County regarding the Proposed Service Area.

DNREC did not respond by the deadline provided, which, based on prior communications, indicates no objection to the Application.

OSP responded that it has no outstanding issues with AWTMI regarding its service. Parcel 235-30.00-42.00 is within an Investment Level 3 area according to the 2020 Strategies for State Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future. Parcels 235-22.00-383.00, 235-27.00-19.00, and 235-31.00-11.07 are within an Investment Level 4. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. OSP further stated that after reviewing the Land Use Planning Act (LUPA) and Preliminary Land Use Service (PLUS) records, they did not review any of the parcels for proposed development under the Land Use Planning Act (LUPA) or the Preliminary Land Use Service (PLUS).

The Application included letters from the County, stating the County received and reviewed the Application and had no objection regarding AWTMI’s providing wastewater services to the Proposed Service Area. The letter states that all Parcels in the Proposed Service Area are in the County’s Tier 3 Coordinated CPCN area. Tier 3 requires coordination between the County and the private wastewater utilities.

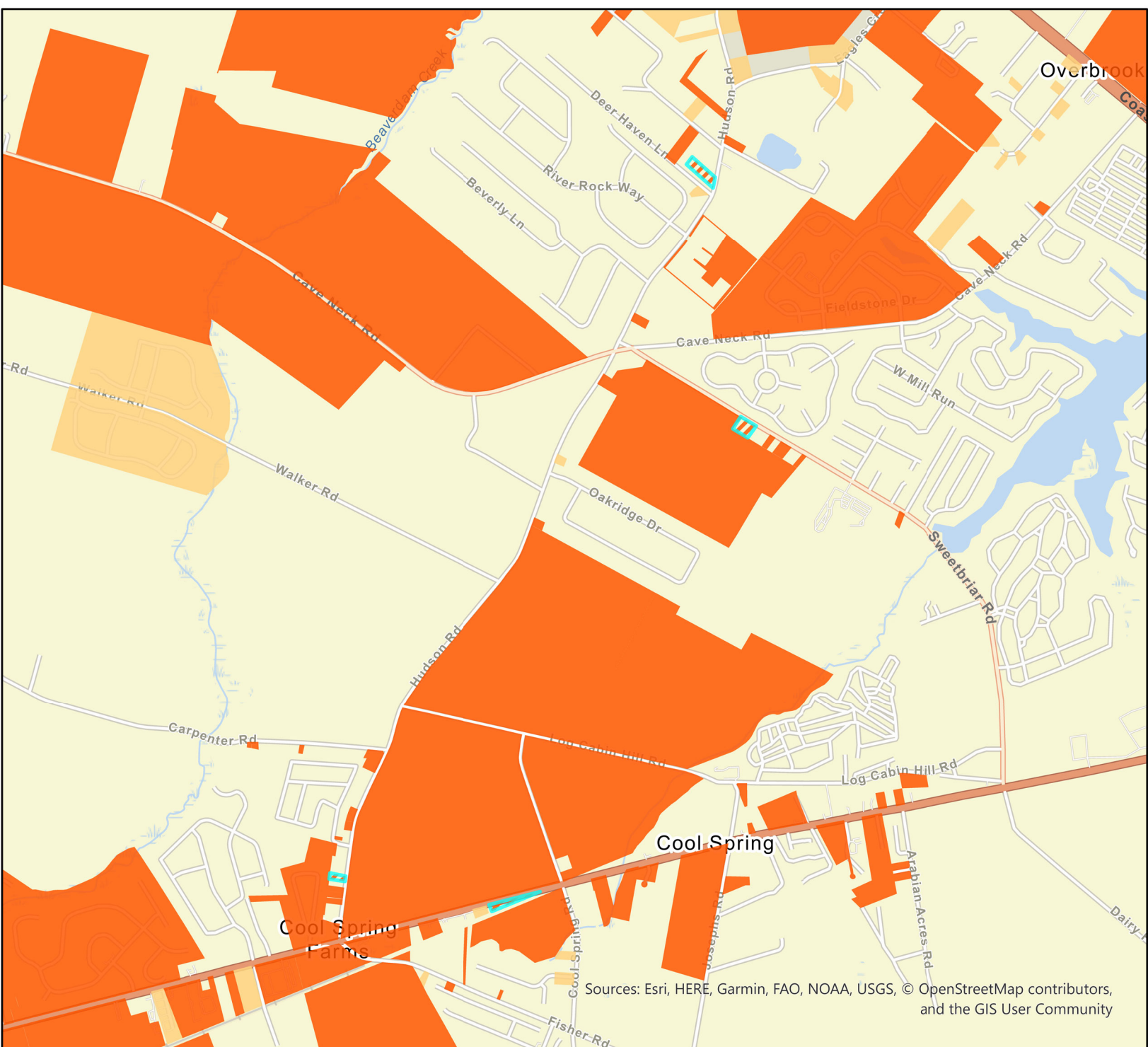
In conclusion, AWTMI’s Application complies with statutory and regulatory requirements of 26 *Del. C.* § 203D and 26 *Del. Admin. C.* § 6001. Therefore, consistent with statutory requirements, Staff recommends the Commission approve the Application.

¹As required by the Regulations, an applicant that proposes to extend services into the service territory of a municipality, government agency, or wastewater authority must provide written documentation that such entity has been informed of and has approved the applicant’s proposed expansion. *See 26 Del. Admin. C.* § 6001-3.4.

Artesian Wastewater Management, Inc.

Docket No. 23-0885 "HUDSON383.00, SWEETBRIAR19.00, HUDSON42.00, MILTON11.07"

September 13, 2023



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Wastewater CPCN

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| Abandoned, Yes | Diamond State Sustainability Corp, Yes | Oak Crest Farms, Yes |
| ARTESIAN WASTEWATER MANAGEMENT INC, No | Excel Property Management LLC, Yes | Selbyville, Town of, Yes |
| ARTESIAN WASTEWATER MANAGEMENT INC, Yes | Georgetown, Town of, Yes | Sussex County, Yes |
| Bass Properties Inc., Yes | Greenwood, Town of, Yes | TESI, Yes |
| Bridgeville, Town of, Yes | The Association of Owners of Gull Point Condominium Inc., Yes | Tidewater Environmental Services Inc., No |
| Camden-Wyoming Sewer & Water Authority, Yes | The Hamlet at Dirickson Pond LLC, Yes | Tidewater Environmental Services Inc., Yes |
| Chapel Green Homeowners Association Inc., Yes | Harrington, City of, Yes | Utility Systems Inc., Yes |
| Clayton, Town of, Yes | Inland Bays Preservation Company, Yes | Wastewater Utilities Inc., Yes |
| Delmar, Town of, Yes | Kent County, Yes | YMG Corporation, Yes |
| | Milford, City of, Yes | <all other values> |
| | Moore Grant Sanitation Inc., Yes | |