

**A REGULAR MEETING  
OF  
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Chair Dallas Winslow in the Hearing Room, 861 Silver Lake Boulevard, Dover, Delaware, on Tuesday, November 1, 2016, at 1:00 p.m. with the following Commissioners in attendance: Joanne Conaway, Mike Karia, Kim Drexler, and Harold Gray.

The following Staff members were in attendance: Brenda Mayrack, Deputy Attorney General, Robert Willard, Deputy Attorney General, James McC. Geddes, Esquire, Robert Howatt, Matthew Hartigan, Joe DeLosa, Lisa Driggins, Toni Loper, Joshua Bowman, John Farber, and Donna Nickerson.

Chair Winslow congratulated Lisa Driggins as the Employee of the Third Quarter and for all her work at the Commission.

2. Commissioner Conaway moved to approve meeting minutes from the October 6, 2016 Commission meeting; seconded by Commissioner Drexler; motion carried 3-0. Chair Winslow and Commissioner Karia abstained.

Commissioner Conaway moved to approve meeting minutes from the October 18, 2016 Commission meeting; seconded by Commissioner Gray; motion carried 4-0. Commissioner Drexler abstained.

3. CONSENT AGENDA ITEMS:

A motion was made by Commissioner Gray to adopt the following Consent Agenda items:

IN THE MATTER OF THE APPLICATION OF AVIDXCHANGE, INC. FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED: JANUARY 27, 2016, FILED OCTOBER 12, 2016) - PSC DOCKET NO. 16-0108

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Commission to consider Staff Memorandum and proposed Order No. 8956.

IN THE MATTER OF THE APPLICATION OF MOBILITIE MANAGEMENT, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED APRIL 7, 2016; FILED JUNE 29, 2016) - PSC DOCKET NO. 16-0314

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Commission to consider Staff Memorandum and proposed Order No. 8972.

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C (“DELLWOOD ESTATES”) - (FILED SEPTEMBER 14, 2016) - PSC DOCKET NO. 16-0927

Commission to consider Staff Memorandum and proposed Order No. 8969.

IN THE MATTER OF JOINT APPLICATION OF CALLCATCHERS, INC. D/B/A FREEDOMVOICE SYSTEMS, TRANSFEROR, AND GODADDY OPERATING COMPANY, LLC, TRANSFEREE FOR APPROVAL OF TRANSFER OF CONTROL OF CALLCATCHERS, INC. D/B/A FREEDOMVOICE SYSTEMS PURSUANT TO 26 *DEL. C.* §215 (FILED SEPTEMBER 14, 2016) – PSC DOCKET NO. 16-0928

Commission to consider proposed Order No. 8973.

IN THE MATTER OF THE APPLICATION OF WEST TELECOM SERVICES, LLC FOR APPROVAL TO PARTICIPATE IN FINANCING ARRANGEMENTS (FILED OCTOBER 4, 2016) – PSC DOCKET NO. 16-0972

Commission to consider Staff Memorandum.

The motion was seconded by Commissioner Karia; the motion carried unanimously.

4. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY, EXELON CORPORATION, PEPCO HOLDINGS, INC., PURPLE ACQUISITION CORPORATION, EXELON ENERGY DELIVERY COMPANY, LLC AND NEW SPECIAL PURPOSE ENTITY FOR APPROVALS UNDER THE PROVISIONS OF 26 *DEL. C.* §§ 215 AND 1016 (FILED JUNE 18, 2014) - PSC DOCKET NO. 14-193

James McC. Geddes, Esquire appeared on behalf of Staff.

Joseph Schoell, Esquire, Drinker Biddle & Reath LLP, appeared on behalf of Joint Applicants, DP&L/Exelon.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Drexler to adopt Order No. 8970 as presented; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY TO ESTABLISH A UTILITY FACILITY RELOCATION CHARGE (“UFRC”) RATE TO RECOVER COSTS ASSOCIATED WITH THE RELOCATION OF GAS UTILITY FACILITIES PURSUANT TO 26 *DEL. C.* §315 (FILED MAY 29, 2015) - PSC DOCKET NO. 15-1011

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Robert Willard, Esquire, and Joe DeLosa appeared on behalf of Staff.

Pamela Scott, Esquire, appeared on behalf of Delmarva Power & Light Company.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Gray and seconded by Commissioner Karia to adopt Order No. 8971 as submitted; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF VERIZON DELAWARE, LLC FOR THE APPROVAL OF SAFETY VALVE RELIEF (FILED OCTOBER 24, 2016) - PSC DOCKET NO. 16-1016

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Robert Willard, Esquire, and Lisa Driggins appeared on behalf of Staff.

Bonnie Metz, Esquire, appeared on behalf of Verizon Delaware, LLC.

A motion was made by Commissioner Drexler and seconded by Commissioner Gray to adopt Order No. 8974 with edit; motion carried unanimously.

A verbatim transcript was made of this proceeding.

5. HEARINGS:

IN THE MATTER OF THE ADOPTION OF RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF 26 *DEL. C.* CH. 10 RELATING TO THE CREATION OF A COMPETITIVE MARKET FOR RETAIL ELECTRIC SUPPLY SERVICE (OPENED APRIL 27, 1999; RE-OPENED JANUARY 7, 2003; RE-OPENED SEPTEMBER 22, 2009; RE-OPENED SEPTEMBER 7, 2010; RE-OPENED JULY 17, 2012) – REGULATION DOCKET NO. 49

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James McC. Geddes, Esquire, and Toni Loper appeared on behalf of Staff.

Brenda Mayrack, Esquire, appeared on behalf of the Commission.

Pamela Scott, Esquire, and Natalia Mathura, Manager, Energy Supplier Services, appeared on behalf of Delmarva Power & Light Company.

Brian Greene, Esquire, GreeneHurlocker, PLC, appeared on behalf of Retail Energy Supply Association (“RESA”).

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Drexler to approve the consensus of the parties that Delmarva would update the customer list every six (6) months in April and October, customers would have a three-business-day right of rescission, no additional customer information would be provided by Delmarva Power, and customers would need to review and renew their opt-out preference every three years; motion carried unanimously.

A verbatim transcript was made of this proceeding.

Before proceeding the Commission took a brief recess.

Chair Winslow and Robert Howatt introduced Phil Cherry, Dept. of Natural Resources and Environmental Control, and congratulated him on his future endeavours and his years of service with State of Delaware.

Brenda Mayrack, Esquire, and Joshua Bowman appeared on behalf of Staff.

Jennifer L. Kostyu, Wilkinson Barker Knauer, LLP, Esquire, and Jeffrey Wisler, Esquire, Connolly Galolagher LLP, appeared on behalf of CallCatchers, Inc. d/b/a Freedom Voice Sytems and GoDaddy Operating Company, LLC.

There were no objections to submitting Application and Staff Memorandum into record.

A motion was made by Commissioner Gray and seconded by Commissioner Karia to adopt the application as submitted; motion carried unanimously.

A verbatim transcript was made of this proceeding.

6. DIRECTOR'S COMMENTS:

Mr. Howatt introduced Phil Cherry and Thomas Noyes, Dept. of Natural Resources and Environmental Control, who consulted with the Commission regarding Renewable Portfolio Cost Cap.

Mr. Howatt presented to the Commission for consideration a memorandum regarding response to time sensitive regional and federal requests.

John Farber appeared on behalf of Staff.

Brenda Mayrack, Esquire, appeared on behalf of the Commission.

A motion was made by Chair Winslow and seconded by Commissioner Drexler to be consistent with the Commission's prior determination in 2012, the Executive Director is authorized to file timely interventions in federal energy cases and on related issues where the resulting outcome may have significant impact on Delaware, Delaware utilities and/or Delaware ratepayers. In addition, the Executive Director is futher authorized to sign on behalf of this Commission, any federal or regional time sensitive requests that reflect the position recommended by expert Staff, agreed with by the Executive Director and which does not bind the Commission to any specific agency actions or response, subject to Commission ex post ratification at a proper noticed public meeting; motion carried unanimously.

The following items were not heard at the November 1, 2016's Commission meeting but may be presented at the next Commission meeting on November 15, 2016: 1) New Jersey Request for Rehearing on ARRs and FTRs 2) Black Sky Conference and the Role of the PSC in Delaware's Emergency Operations.

There was no further business and the meeting adjourned approximately at 4:13 P.M.

Respectfully submitted,

/s/ Donna Nickerson  
Secretary