

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

1. A Regular Meeting was called to order by Acting Chair Joann Conaway in the Hearing Room, 861 Silver Lake Boulevard, Dover, Delaware, on Tuesday, January 24, 2017, at 1:00 p.m. with the following Commissioners in attendance: Mike Karia, Harold Gray, and Kim Drexler. **Chair Winslow attended via telephone but did not participate in voting.**

The following Staff members were in attendance: Robert Howatt, Matthew Hartigan, Brenda Mayrack, Deputy Attorney General, Robert Willard, Deputy Attorney General, Natalie White, Lisa Driggins, Pamela Knotts, and Donna Nickerson.

2. Commissioner Karia moved to approve meeting minutes from the January 10, 2017 Commission meeting and seconded by Commissioner Drexler; motion carried 3-0. Commissioner Conaway 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 ARTESIAN WASTEWATER MANAGEMENT, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 DEL. C. §203D (“HARIM”) (FILED DECEMBER 19, 2016) - PSC DOCKET NO. 16-1155

Commission to consider Staff Memorandum and proposed Order No. 9015.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER AND LIGHT COMPANY FOR THE APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFF (FILED DECEMBER 22, 2016) – PSC DOCKET NO. 16-1160

Commission to consider Staff Memorandum and proposed Order No. 9017.

IN THE MATTER OF THE APPLICATION OF METROPOLITAN TELECOMMUNICATIONS OF DELAWARE INC. FOR THE APPROVAL OF PARTICIPATION IN FINANCING ARRANGEMENT PURSUANT TO DEL. C. §215 (FILED DECEMBER 30, 2016) - PSC DOCKET NO. 16-1163

Commission to consider Staff Memorandum recommending the Commission take no action.

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

4. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE PURSUANT TO 26 *DEL. C.* §203C (“ODESSA”) (SUBMITTED JUNE 23, 2016; FILED JANUARY 17, 2017) - PSC DOCKET NO. 16-0730

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

Scott Stephan, appeared on behalf of Artesian Water Company.

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

A motion was made by Commissioner Drexler and seconded by Commissioner Gray to adopt Order No. 9018 as presented; motion carried 4-0.

A verbatim transcript was made of this proceeding.

5. DIRECTOR’S COMMENTS:

Mr. Howatt introduced Todd Goodman, Esquire, and Mario Giovannini, of Delmarva Power & Light Company, who presented the Commission with an update on Delmarva Power & Light Company’s Demand Response Program.

Before continuing to the next Agenda item, Dave Bonar announced his retirement as the Delaware Public Advocate, effective February 1, 2017, and noted that his successor Andrew Slater would be considered for confirmation by the State Senate on January 25, 2017.

Mr. Howatt introduced Brenda Mayrack to discuss pending litigation issues.

Ms. Mayrack suggested the Commission enter into an Executive Session citing the purpose of the Executive Session would be pursuant to 29 *Del. C.* §10004 (b) (4) to discuss legal advice with respect to pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.

A motion was made by Commissioner Karia and seconded by Commissioner Drexler to move into Executive Session under 29 *Del. C.* § 10004(b)(4) to discuss legal advice with respect to pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.

Upon returning from Executive Session a motion was made by Commissioner Gray and seconded by Commissioner Karia to adopt recommendations of counsel to not pursue an appeal in C.A. N15A-12-002 AML or to participate in C.A. No. K17A-01-001 WLW1; motion carried 4-0.

Mr. Howatt announced that the next Commission meeting would be Thursday, February 2, 2017 at 1:00 P.M. at the Dover office.

There was no further business and the meeting adjourned approximately at 2:44 P.M.

Respectfully submitted,

/s/ Natalie White  
Administrative Specialist