

**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 Thursday, February 2, 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, Joseph DeLosa, and Natalie White.

Before the start of business for the meeting, Acting Chair Joann Conaway called for a moment of silence for the Department of Correction's Correctional Officer killed in the recent prison incident at the James T. Vaughn Correction Center.

Acting Chair Joann Conaway also introduced and welcomed the new Public Advocate, Mr. Andrew Slater.

2. Commissioner Drexler moved to approve the Public Session meeting minutes from the January 24, 2017 Commission meeting; this motion was seconded by Commissioner Karia; the motion carried 4-0.

Commissioner Gray moved to approve executive session meeting minutes from the January 24, 2017 Commission meeting; this motion was seconded by Commissioner Drexler; the motion carried 4-0.

3. CONSENT AGENDA ITEMS:

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

IN THE MATTER OF THE APPLICATION OF PREMIERE MARKETING, LLC DBA PREMIERE ENERGY AUCTIONS FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED JULY 18, 2016; FILED JANUARY 13, 2017) - PSC DOCKET NO. 16-0791

Commission to consider Staff Memorandum and proposed Order No. 9022.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 DEL. C. §203C ("RIBLETT (NCC103116)") (FILED DECEMBER 5, 2016) - PSC DOCKET NO. 16-1098

Commission to consider Staff Memorandum and proposed Order No. 9021.

IN THE MATTER OF THE APPLICATION OF CENTURYLINK, INC., WILDCAT MERGER SUB 1 LLC, WWG MERGER SUB LLC, WILDCAT HOLDCO LLC, AND LEVEL 3 COMMUNICATIONS, INC. FOR APPROVALS UNDER THE PROVISION OF 26 DEL. C. § 215 (FILED JANUARY 17, 2017) - PSC DOCKET NO. 17-0035

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

IN THE MATTER OF THE ESTABLISHMENT OF THE ANNUAL NEW MOTOR VEHICLE DEALERS ASSESSMENT FOR THE YEARS 2009, 2010, 2011, 2012, 2013, 2014, 2015, AND 2016 (FILED JANUARY 23, 2017) - PSC DOCKET NO. 17-0045

Commission to consider proposed Order No. 9019.

The motion was seconded by Commissioner Karia; the motion carried 4-0.

4. REGULAR AGENDA ITEMS:

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

Brenda Mayrack, Esquire on behalf of the Commission.

The Commission deliberated and considered the proposal regulations, noting the amount of time and effort of many parties and individuals over a multi-year process. A motion was made by Commissioner Gray and seconded by Commissioner Karia to adopt Order No. 9020 as presented, which adopted the proposed regulations as final; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PETITION OF THE DIVISION OF THE PUBLIC ADVOCATE TO REQUEST THE PUBLIC SERVICE COMMISSION TO AMEND 26 *DEL. ADMIN. CODE* § 3008.3.2.21 TO ISSUE REGULATIONS GOVERNING WHEN A FREEZE OF THE MINIMUM PERCENTAGES OF ELIGIBLE ENERGY RESOURCES AND SOLAR PHOTOVOLTAICS MAY BE DECLARED PURSUANT TO 26 *DEL. C.* §§ 354(i) and (j) (FILED OCTOBER 2, 2015) - PSC DOCKET NO. 15-1462

Brenda Mayrack, Esquire on behalf of Staff.

Regina Iorii, Esquire, and Andrew Slater appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Drexler and seconded by Commissioner Karia to adopt Order No. 9025 as presented; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE ADOPTION OF RULES AND PROCEDURES TO IMPLEMENT THE RENEWABLE ENERGY PORTFOLIO STANDARDS ACT, 26 *DEL. C.* §§ 351-363, AS APPLIED TO RETAIL ELECTRICITY SUPPLIERS (OPENED AUGUST 23, 2005; REOPENED SEPTEMBER 4, 2007; AUGUST 5, 2008; SEPTEMBER 22, 2009; AUGUST 17, 2010; SEPTEMBER 6, 2011, SEPTEMBER 18, 2012; FEBRUARY 2, 2017) – REGULATION DOCKET NO. 56

Brenda Mayrack, Esquire on behalf of Staff.

A motion was made by Commissioner Gray and seconded by Commissioner Drexler to adopt Order No. 9024 as presented; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY (FILED SEPTEMBER 2, 2016) – PSC DOCKET NO. 16-0909

Joseph DeLosa introduced Jim Letzler of Liberty Consulting Group.

Mr. Letzler gave a presentation regarding Standard Offer Supply, results for Tranche 2 auction.

A motion was made by Commissioner Drexler and seconded by Commissioner Karia to enter into Executive Session to review information excluded from the definition of “public record,” per 29 *Del. C.* §10002 (L) (2); the motion carried 4-0.

A motion was made by Commissioner Karia and seconded by Commissioner Gray to exit out of Executive Session; the motion carried 4-0.

Upon returning from Executive Session a motion was made by Commissioner Karia and seconded by Commissioner Drexler approving Tranche 2 auction results; the motion carried 4-0.

A verbatim transcript was made of this proceeding.

5. DIRECTOR'S COMMENTS:

Mr. Howatt introduced Joseph DeLosa of the Public Service Commission, who provided a status update on the PSC's comment in the FERC NOPR. Mr. DeLosa responded to questions from Commissioner Gray regarding the role of aggregators and DER jurisdictional issues.

Mr. Howatt advised the Commission that Staff will likely comment in the Eastern Shore Natural Gas Case FERC filing for a rate increase. Staff has concerns regarding the requested ROE and debt/equity ratio proposed by ESNG.

Mr. Howatt advised the Commission that there will be an evidentiary Hearing for Docket No. 16-1032, which is Chesapeake Utility Corporation's Environmental Rider Rate on Thursday, February 23, 2017 at 1:00 P.M. at the Dover office.

Mr. Howatt announced that the next Commission meeting would be Thursday, February 23, 2017 at 1:00 P.M. at the Dover office.

There was no further business and the meeting adjourned approximately at 1:44 P.M.

Respectfully submitted,

/s/ Natalie White
Administrative Specialist