

**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 Thursday, September 14, 2017, at 1:00 p.m. with the following Commissioners in attendance: Joann Conaway, Manubhai “Mike” C. Karia, Harold Gray, and Kim Drexler.

The following Staff members were in attendance: Robert Howatt, Thomas Walsh, Deputy Attorney General, Robert Willard, Deputy Attorney General, James McC. Geddes, Esquire, Kevin Neilson, Constance McDowell, Pamela Knotts, Joseph DeLosa, John Farber, and Donna Nickerson.

2. Commissioner Drexler moved to approve the meeting minutes from the August 22, 2017 Commission meeting and seconded by Commissioner Karia; the motion carried unanimously.
3. CONSENT AGENDA ITEMS:

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

IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICE PURSUANT TO 26 *DEL. C.* §203D (FILED JULY 26, 2017 - SUSSEX COUNTY)-PSC DOCKET NO. 17-0914

Commission to consider Commission to consider Staff Memorandum and proposed Order No. 9111.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICE PURSUANT TO 26 *DEL. C.* §203D. (FILED JULY 13, 2017 - COMPASS POINT)- PSC DOCKET NO. 17-0508

Commission to consider Staff Memorandum and proposed Order No. 9114.

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

Before business resumed, Commissioner Conaway expressed her gratitude to all the utilities and their employees for their service in the current crisis in Florida due to Hurricane Irma.

Commissioner Gray also expressed his regret in the passing of former Chair Arnetta McRae.

4. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE FORMAL COMPLAINT OF EMBLEM ASSOCIATES, LLC AGAINST ARTESIAN WATER COMPANY, INC. REGARDING A CONTRIBUTION-IN-AID-OF-CONSTRUCTION (CIAC) DISPUTE (FILED JANUARY 6, 2016)-PSC DOCKET NO. 16-0008

Thomas Walsh, Esquire, and Constance McDowell appeared on behalf of Staff.

Karl Randall, Esquire, and David Spacht appeared on behalf of Artesian Water Company, Inc.

Kevin Kelly appeared on behalf of Leon Weiner and Associates, Inc.

Howard Fortunato appeared on behalf of the Home Builders Association of Delaware.

Ted Williams appeared on behalf of Landmark Science Engineering.

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

A motion was made by Commissioner Drexler and seconded by Commissioner Gray for Staff to prepare an Order outlining the steps provided in Staff's report. The office of Drinking Water sends a letter to the water utility and the water utility sends a letter to the developers regarding Category 1B CIAC costs noting the costs may change. Also, the Public Service Commission write the land Use Department of New Castle County, and also Kent County and Sussex County, advising them of this issue and requesting appropriate changes in their respective planning documents so that notice is given to contractors, general contractors regarding unexpected utility costs; motion carried unanimously

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR AN INCREASE IN ELECTRIC BASE RATES AND MISCELLANEOUS TARIFF CHANGES (FILED MAY 17, 2016)-PSC DOCKET NO. 16-0649

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

Todd Goodman, Esquire, appeared on behalf of Delmarva Power & Light Company.

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

A motion was made by Commissioner Gray and seconded by Commissioner Drexler to adopt Order No. 9083 as submitted; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF INTEGRATED RESOURCE PLANNING FOR THE PROVISION OF STANDARD OFFER SERVICE BY DELMARVA POWER & LIGHT COMPANY UNDER 26 DEL. C. §1007(c) AND (d) (FILED NOVEMBER 30, 2016) – PSC DOCKET NO. 16-1087

Robert Willard, Esquire, and Kevin Neilson appeared on behalf of Staff.

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

Thomas Noyes appeared on behalf of the Department of Natural Resources and Environmental Control.

Bruce Burcat, Esquire, appeared on behalf of Mid-Atlantic Renewable Energy Coalition.

Andrew Slater and Regina Iorii, Esquire, 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. 9101 as submitted; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF THE 2017 PROGRAM FOR THE PROCUREMENT OF SOLAR RENEWABLE ENERGY CREDITS (FILED MARCH 24, 2017) – PSC DOCKET NO. 17-0154

Robert Willard, Esquire, Pamela Knotts and Joseph DeLosa appeared on behalf of Staff.

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

Andrew Slater and Regina Iorii, Esquire, 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. 9116 as amended; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF COMCAST OF EASTERN SHORE, LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. §546 REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SERVE CERTAIN UNINCORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED MAY 8, 2017)-PSC DOCKET NO. 17-0345

Thomas Walsh, Esquire, appeared on behalf of Staff.

Donna Culver, Esquire, appeared on behalf of Comcast of Eastern Shore, LLC.

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

A motion was made by Commissioner Conaway and seconded by Commissioner Karia to adopt Order No. 9001 as amended; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF COMCAST OF NEW CASTLE COUNTY, LLC D/B/A COMCAST CABLE, FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. §546 REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SERVE CERTAIN UNINCORPORATED AREAS OF NORTHERN NEW CASTLE COUNTY, DELAWARE (FILED MAY 30, 2017) - PSC DOCKET NO. 17-0507

Thomas Walsh, Esquire, appeared on behalf of Staff.

Donna Culver, Esquire, appeared on behalf of Comcast of New Castle County, LLC d/b/a Comcast Cable.

A motion was made by Commissioner Drexler and seconded by Commissioner Conaway to adopt Order No. 9115 as amended; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF VERIZON DELAWARE, LLC'S USAC E-FILE
CERTIFICATION OF FCC FORM 481 (FILED JUNE, 30, 2017) - PSC DOCKET NO.
17-0488

Robert Willard, Esquire, appeared on behalf of Staff.

A motion was made by Commissioner Gray and seconded by Commissioner Karia to approve and accept letter as submitted by the Executive Director certifying that everything is in order for this filing; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE NOTIFICATION OF THE PUBLIC UTILITY
REQUIREMENTS FOR ELECTRIC AND NATURAL GAS VEHICLE CHARGING
SERVICES (FILED AUGUST 1, 2017)-PSC DOCKET NO. 17-0933

Thomas Walsh, Esquire, appeared on behalf of Staff.

Thomas Noyes and William Kassab, Esquire appeared on behalf of Department of Natural Resources and Environmental Control.

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

A motion was made by Commissioner Conaway and seconded by Commissioner Gray to adopt Order No. 9110; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT
COMPANY FOR APPROVAL OF ENERGY EFFICIENCY PROGRAMS FOR
ELECTRIC CUSTOMERS AND RATE RECOVERY MECHANISM (FILED
AUGUST 18, 2017) - PSC DOCKET NO. 17-0985

Robert Willard, Esquire, appeared on behalf of Staff.

Todd Goodman, Esquire, appeared on behalf of Delmarva Power & Light Company.

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

A motion was made by Commissioner Karia and seconded by Commissioner Drexler to adopt Order No. 9112; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY (FILED AUGUST 30, 2017) - PSC DOCKET NO. 17-1016

Robert Willard, Esquire, and Pamela Knotts appeared on behalf of Staff.

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

Andrew Slater and Regina Iorii, Esquire, 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. 9113; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PETITION OF ARTESIAN WATER COMPANY, INC. FOR AUTHORITY TO ESTABLISH A REGULATORY ASSET (FILED OCTOBER 20, 2016)-PSC DOCKET NO. 16-1001

Thomas Walsh, Esquire, appeared on behalf of Staff.

Karl Randall, Esquire, appeared on behalf of Artesian Water Company, Inc.

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

A motion was made by Commissioner Winslow and seconded by Commissioner Conaway to set up Regulatory Asset on a case-by-case basis; motion carried 3-2. Commissioner Gray and Commissioner Karia opposed.

A verbatim transcript was made of this proceeding.

5. PUBLIC COMMENT:

Thomas Noyes of Department of Natural Resources and Environmental Control announced the Governor setup an Off-Shore Working Group and that no meeting has been set as of this date.

Mr. Noyes also expressed his regret of the passing of former Chair Arnetta McRae.

6. DIRECTOR'S COMMENTS

Mr. Howatt introduced Constance McDowell who informed the Commission that September 11th through the 17th was Life Line Awareness Week.

Mr. Howatt announced that the next Commission Meeting will be held on Thursday, August 28, 2017, at 1:00 P.M., in the Dover office.

Mr. Howatt introduced Joseph DeLosa who updated the Commission on the Artificial Island project in respect to: 1) Protest to PJM's April 13, 2017 filing on Cost Responsibility – FERC Docket No. ER17-1420; 2) Motion to reopen the Record and Loge – FERC Docket No. ER15-2563 and; 3) 205 Filing – FERC Docket No. EL15-95

Mr. Howatt introduced John Farber who discussed with the Commissioners the latest development in the settlement discussions and proposed agreement-in-principal for FERC Docket No. ER17-419.

A motion was made by Chair Winslow and seconded by Commissioner Drexler to enter into Executive Session for the purpose of a strategy session with respect to potential litigation; the motion carried unanimously.

A motion was made by Commissioner Conaway and seconded by Commissioner Karia to exit out of Executive Session; the motion carried unanimously.

Upon returning from Executive Session, Commissioner Gray made a motion and seconded by Commissioner Karia to accept Staff's recommendation to join in a proposed Settlement Agreement in this docket as non-opposing party; motion carried unanimously.

A verbatim transcript was made of this proceeding.

There was no further business and the meeting adjourned approximately at 3:12 P.M.

Respectfully submitted,

/s/ Donna Nickerson

Secretary