

**REGULAR MEETING  
OF  
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Acting Chairman Joann Conaway in the Hearing Room, Public Service Commission, 861 Silver Lake Boulevard, Dover, Delaware, on Thursday, December 12, 2019, at 1:00 p.m. with the following Commissioners in attendance: Kim Drexler and Harold Gray. Chairman Winslow and Commissioner Karia were not in attendance.

The following Staff members were in attendance: Dr. Raj Barua, Matthew Hartigan, Constance McDowell, Donna Nickerson, Samantha Hemphill, Joshua Bowman, Malika Davis, Rate Counsel James McC. Geddes, Esq., Deputy Attorneys General William O'Brien, Esq., and Thomas Walsh, Esq.

Before the start of business, Acting Madam Chair announced changes in the order of the Regular Agenda as follows:

- Item 1 becomes Item 2;
- Item 2 becomes Item 4;
- Item 3 becomes Item 1; and,
- Item 4 becomes Item 3.

2. CONSENT AGENDA ITEMS

Commissioner Gray would like Item 4 on the Consent Agenda moved to the Regular Agenda as Item 1.

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

IN THE MATTER OF THE PETITION OF THE DELAWARE PUBLIC SERVICE COMMISSION STAFF TO OPEN A DOCKET REGARDING THIRD PARTY ELECTRIC SUPPLIER CONSOLIDATED BILLING (FILED MAY 22, 2019) – PSC DOCKET NO. 19-0333

- Commission considered proposed Order Nos. 9518, 9519, and 9517.

IN THE MATTER OF APPLICATION FROM PARK POWER, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED: SEPTEMBER 19, 2019; FILED NOVEMBER 6, 2019) – PSC DOCKET NO. 19-0606

- Commission considered Staff Memorandum and proposed Order No. 9507.

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. (“SUSSEX38.00”) (FILED OCTOBER 17, 2019) - PSC DOCKET NO. 19-0709

- Commission considered Staff Memorandum and proposed Order No. 9509.

IN THE MATTER OF THE APPLICATION OF SANDY RIDGE ENTERPRISES, INC., WASTEWATER UTILITIES, INC., AND DIAMOND STATE SUSTAINABILITY CORPORATION FOR THE APPROVAL OF A REAL ESTATE AND ASSET PURCHASE AND SALE AGREEMENT FOR THE SANDY RIDGE WASTEWATER SYSTEM PURSUANT TO 26 *DEL. C.* § 215 (FILED NOVEMBER 15, 2019) – PSC DOCKET NO. 19-0754

- Commission to considered proposed Order No. 9520.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER AND LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (FILED NOVEMBER 19, 2019) – PSC DOCKET NO. 19-0775

- Commission considered Staff Memorandum and proposed Order No. 9508.

IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION FOR APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE DISTRIBUTION SYSTEM IMPROVEMENT CHARGE TO BE EFFECTIVE JANUARY 1, 2020 (FILED NOVEMBER 22, 2019) – PSC DOCKET NO. 19-0781

- Commission considered Staff Memorandum and proposed Order No. 9512.

IN THE MATTER OF CHESAPEAKE UTILITIES CORPORATION EXCESS DEFERRED INCOME TAX SUR-CREDIT TO BE EFFECTIVE JANUARY 1, 2020 (FILED NOVEMBER 22, 2019) – PSC DOCKET NO. 19-0782

- Commission considered Staff Memorandum and proposed Order No. 9521.

IN THE MATTER OF APPLICATION OF TIDEWATER UTILITIES, INC. FOR THE APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE DISTRIBUTION SYSTEM IMPROVEMENT CHARGE (“DSIC”) PURSUANT TO *DEL. C.* § 314 (b)(5) (FILED NOVEMBER 22, 2019) – PSC DOCKET NO. 19-0790

- Commission considered Staff Memorandum and proposed Order No. 9511.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY, INC. FOR AUTHORITY TO IMPLEMENT A DSIC RATE FOR NATURAL GAS DISTRIBUTION EFFECTIVE ON JANUARY 1, 2020 PURSUANT TO 26 *DEL. C.* § 315 (FILED NOVEMBER 26, 2019) – PSC DOCKET NO. 19-0791

- Commission considered Staff Memorandum and proposed Order No. 9513.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY, INC. FOR AUTHORITY TO IMPLEMENT A DSIC RATE FOR ELECTRIC DISTRIBUTION EFFECTIVE JANUARY 1, 2020 PURSUANT TO 26 *DEL. C.* § 315 (FILED NOVEMBER 26, 2019) – PSC DOCKET NO. 19-0792

- Commission considered Staff Memorandum and proposed Order No. 9514.

The motion was seconded by Commissioner Drexler and approved 3-0.

### 3. REGULAR AGENDA ITEMS

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR AUTHORITY TO IMPLEMENT A DSIC RATE EFFECTIVE JANUARY 1, 2020 PURSUANT TO 26 *DEL. C.* § 314 (FILED NOVEMBER 15, 2019) – PSC DOCKET NO. 19-0747

- Thomas Walsh, Esq., and Joshua Bowman appeared on behalf of Staff.
- Scott Stephan appeared on behalf of Artesian Water Company, Inc.
- A motion was made by Commissioner Gray and seconded by Commissioner Drexler to approve proposed Order 9510 as submitted; the motion was approved 3-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE FORMAL COMPLAINT OF RICHARD SPINKS D/B/A GIGGLEBUGS, LLC AGAINST DELMARVA POWER & LIGHT COMPANY REGARDING THE DETERMINATION OF A TARIFF RATE CATEGORY (FILED NOVEMBER 8, 2018) – PSC DOCKET NO. 18-1194

- James McC. Geddes, Esq. appeared on behalf Staff.
- Vicki Goodman appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Drexler and seconded by Commissioner Gray to approve proposed Order 9502; the motion was approved 3-0.
- 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) – PSC REGULATION DOCKET NO. 56

- Thomas Walsh, Esq. appeared on behalf of Staff.
- A motion was made by Commissioner Gray and seconded by Commissioner Drexler to approve proposed Order No. 9522 (that memorialized the Commission's action in this docket at its Meeting on Dec. 5, 2019); the motion was approved 3-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE DELAWARE PUBLIC SERVICE COMMISSION'S JURISDICTION OVER ELECTRIC VEHICLE CHARGING STATIONS AND SERVICE PROVIDERS (FILED JUNE 11, 2019) – PSC DOCKET NO. 19-0377

- James McC. Geddes, Esq. appeared on behalf of Staff.
- Thomas McGonigle, Esq., Drinker Biddle & Reath, LLP, appeared on behalf of Delmarva Power & Light Company.
- Jameson Tweedie, Esq. appeared on behalf of Dept. of Natural Resources' Division of Climate, Coastal, & Energy.

- David Stevenson appeared via telephone on behalf of Caesar Rodney Institute.
- Daniel McAllister, Esq. on behalf of National Resources Defense Council.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Drexler and seconded by Commissioner Gray to approve proposed Order 9516; the motion was approved 3-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR AN INCREASE IN NATURAL GAS BASE RATES (FILED AUGUST 17, 2017) – PSC DOCKET NO. 17-0978

- James McC. Geddes, Esq., and Malika Davis appeared on behalf of Staff.
- William O’Brien, Esq. appeared on behalf of the Commission.
- R. J. Skaggs, Esq., Morris Nichols Arst & Tunnell, appearing on behalf of Delmarva Power & Light Company.
- A motion was made by Commissioner Drexler and seconded by Acting Chairman Conaway to table this item until February 2020 when all five Commissioners are present; the motion was approved 3-0.
- A verbatim transcript was made of this proceeding.

4. DIRECTOR’S COMMENTS

- Dr. Barua noted that the revised 2020 Commission calendar reflected the date change of December 9 to December 2.
- Dr. Barua announced the next Commission meeting is January 8, 2020.
- Dr. Barua sent out a belated congratulations to Commissioner Drexler for her appointment as the Commission’s representative to MACRUC and congratulations to Commissioner Gray on his new appointment as the Commission’s representative to OPSI.

This meeting was adjourned at approximately at 2:37 P.M.

Respectfully submitted,

/s/Donna Nickerson  
Secretary