

**REGULAR MEETING
OF
THE PUBLIC SERVICE COMMISSION**

1. Due to Governor John Carney’s Declaration of a State of Emergency (effective March 13, 2020), this meeting was conducted via teleconference as well as video streamed live starting at 12:55 p.m.

The Meeting was called to order by Chairman Dallas Winslow on Wednesday, March 18, 2020, at 1:00 p.m. with the following Commissioners via telephone and live stream: Joann Conaway, Kim Drexler, Harold Gray, and Manubhai C. Karia.

The following Staff members were in attendance: Dr. Raj Barua, Matthew Hartigan, Constance McDowell, Donna Nickerson, Deputy Attorneys General William O’Brien, Esq., and Thomas Walsh, Esq.

Before the meeting began, Chairman Winslow expressed his thanks to Governor Carney for his actions in handling the COVID-19 crisis within the state operations and expressed his thoughts and prayers worldwide.

Commissioner Drexler moved to approve the meeting minutes from the February 19, 2020 meeting; the motion was seconded by Commissioner Karia and approved 5-0.

2. CONSENT AGENDA ITEMS

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

IN THE MATTER OF THE APPLICATION OF SUSSEX SHORES WATER COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* § 203C (“CEDAR SHORES CONDOMINIUM PROJECT”) (FILED FEBRUARY 11, 2020) – PSC DOCKET NO. 20-0141

- Commission considered Staff Memorandum and proposed Order Nos. 9555.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER AND LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (FILED FEBRUARY 20, 2020) – PSC DOCKET NO. 20-0152

- Commission considered Staff Memorandum and proposed Order No. 9556.

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 ("REHOBOTH BEACH DISTRICT 3") (FILED JANUARY 14, 2020) – PSC DOCKET NO. 20-0048

- Commission considered Staff Memorandum and proposed Order No. 9559.

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 ("LINCOLN AREA") (FILED JANUARY 14, 2020) – PSC DOCKET NO. 20-0049

- Commission to considered Staff Memorandum and proposed Order No. 9560.

IN THE MATTER OF THE APPLICATION OF GRID ENERGY EXCHANGE LLC FOR AN ELECTRIC SUPPLIER CERTIFICATION IN THE STATE OF DELAWARE – (SUBMITTED: JANUARY 17, 2020; FILED FEBRUARY 6, 2020) – PSC DOCKET NO. 20-0067

- Commission to considered Staff Memorandum and proposed Order No. 9561.

IN THE MATTER OF THE NOTICE OF POTENTIAL VIOLATION OF 26 *DEL. ADMIN. C.* §8001 AND ASSOCIATED CIVIL PENALTIES ASSESSED TO PENINSULA OIL CO., INC. (OPENED SEPTEMBER 18, 2019) – PSC DOCKET NO. 20-0166

- Commission to considered proposed Order No. 9562.

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

- Commission to considered Hearing Examiner’s Report, Settlement Agreement and proposed Order No. 9557.

The motion was seconded by Commissioner Gray and approved 5-0.

3. REGULAR AGENDA ITEMS

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. AND THE TOWN OF FRANKFORD FOR APPROVAL OF AN ASSET PURCHASE AGREEMENT PURSUANT TO 26 *DEL. C.* §215 (FILED FEBRUARY 27, 2020) – PSC DOCKET NO. 20-0162

- William O’Brien, Esq. and Lisa Driggins appeared on behalf of Staff.
- David Spacht appeared via telephone on behalf of Artesian Water Company.

- A motion was made by Commissioner Conaway and seconded by Commissioner Karia to approve proposed Order 9558 as presented; the motion was approved 5-0.
- 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 FEBRUARY 21, 2020) – PSC DOCKET NO. 20-0150

- William O'Brien, Esquire appeared on behalf Staff.
- Pamela Scott, Esq., Saul Ewing Arnstein & Lehr, appeared on behalf of Delmarva Power & Light Company.
- A motion was made by Commissioner Gray and seconded by Commissioner Drexler to approve proposed Order No. 9563 as submitted; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PETITION OF THE STAFF OF THE DELAWARE PUBLIC SERVICE COMMISSION AND THE DELAWARE PUBLIC ADVOCATE FOR APPROVAL OF REVISIONS TO DELMARVA POWER & LIGHT COMPANY'S ELECTRIC TARIFF (FILED MARCH 10, 2020) – PSC NO. 20-0217

- James McC. Geddes, Esquire appeared via telephone on behalf Staff.
- Pamela Scott, Esq., Saul Ewing Arnstein & Lehr, and Kevin McGowan appeared via telephone on behalf of Delmarva Power & Light Company.
- Andrew Slater appeared via telephone on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Karia and seconded by Commissioner Conaway to deny Delmarva Power & Light Company's motion to consolidate and approving the petition of Staff and DPA; the motion was approved 4-1. Commission Gray indicated he was in favor of the consolidation but opposes the petition.
- A verbatim transcript was made of this proceeding.

Before continuing with PSC Regulation Docket No. 56, Chairman Winslow permitted Dustyn Thompson of the Sierra Club to make comments regarding the cost cap freeze and the current COVID-19 pandemic. Mr. Thompson stated that the Sierra Club believes that there is an error in the proposed rules. And that it does not accurately capture the true cost of compliance of the RPS.

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) – PSC REGULATION DOCKET NO. 56

- William O’Brien, Esq. and Pamela Knotts appeared on behalf of Staff.
- Gary Myers appeared on behalf of self.
- Dawn Kurtz-Crompton, Esq., and Glenn Moore appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater appeared on behalf of the Division of the Public Advocate.
- A motion was made by Chairman Winslow and seconded by Commissioner Gray to amend vote from the Commission Meeting of February 19, 2020, by extending DNREC’s calculations from June 1, 2020, to August 1, 2020, which would include some additional language regarding the Superior Court’s decision that came out after that February 19 vote; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

4. HEARING SCHEDULE

IN THE MATTER OF THE RULES FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES (REG. DKT 10 OPENED MAY 1, 1984; REG DKT 45 OPENED NOVEMBER 21, 1995; JOINTLY REOPENED NOVEMBER 17, 1998; JULY 24, 2001; AUGUST 9, 2005; NOVEMBER 5, 2013; MAY 13, 2014; AUGUST 19, 2014 AND DECEMBER 5, 2019) – PSC REGULATION DOCKET NO. 10 AND 45

IN THE MATTER OF THE REGULATIONS FOR THE IMPLEMENTATION OF THE TELECOMMUNICATIONS TECHNOLOGY INVESTMENT ACT (OPENED JULY 20, 1993; REOPENED DECEMBER 5, 2019) – PSC REGULATION DOCKET NO. 41

- William O’Brien, Esq. and Pamela Driggins appeared on behalf of Staff.
- Doug Smith appeared on behalf of Verizon Delaware LLC.
- All exhibits were entered into record with no objections.
- A motion was made by Chairman Winslow and seconded by Commissioner Drexler to approve changes to regulations; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

5. DIRECTOR’S COMMENTS

- Dr. Barua announced that the Public Comment Session regarding PSC Docket No. 19-0314, Verizon Delaware LLC, Tuesday, March 24, 2020, 6:00 P.M., Gilliam Building Multi-Purpose Room, 67 Reads Way, New Castle, DE, was cancelled.
- Dr. Barua announced that there would be an Evidentiary Hearing, PSC Docket No. 19-0724, Chesapeake Utilities Corp., Environmental Rider, Wednesday, April 1, 2020, 1:00P.M., Canon Bldg., Suite 100, Dover, DE, via teleconference.

- Dr. Barua also announced that the next Commission meeting will be held on April 1, 2020, and gave the Commissioners the latest update from the Department of State on the COVID-19 epidemic.

This meeting was adjourned at approximately at 2:43 P.M.

Respectfully submitted,

/s/Donna Nickerson

Secretary