**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF DELAWARE**

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| COMPLIANCE FILING IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFF (FILED January 29, 2015) | ) ) ) ) ) | PSC DOCKET NO. 15-0664 |

**ORDER NO. 8708**

**AND NOW**, this 18th day of February, 2015, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on July 7, 2011, the Governor of the State of Delaware signed into law certain amendments (78 Del. Laws ch. 99)(July 7, 2001)(the "Amendments") to the Renewable Energy Portfolio Standards Act, 26 *Del. C.* §§351 - 364 (the "REPSA") that added Delaware-manufactured fuel cells to the REPSA and allowed energy output from such fuel cells to be considered a resource eligible to fulfill a portion of a Commission-regulated electric company's renewable energy credit requirements under REPSA; and

**WHEREAS**, the Amendments were part of a comprehensive State economic development and renewable energy program in which a new form of base load generation was added in Delaware; and

**WHEREAS**, the Amendments created a regulatory framework whereby a Commission-regulated electric company and a Qualified Fuel Cell Provider ("QFCP")[1] will jointly submit

[1] A "Qualified Fuel Cell Provider" is defined in 26 *Del. C.* §352(16).

tariffs[2] that enable and obligate a Commission-regulated electric company, as the agent for collection and disbursement, to collect from its customers non-bypassable charges for costs incurred for incremental site preparation, filing, administrative, and other costs incurred by the QFCP, reduced by compensation for any revenues received from PJM[3] or its successors at law from the output of the Qualified Fuel Cell Provider Project ("QFCPP");[4] and

**WHEREAS**, in accordance with the Amendments, the Commission was directed to either approve or reject all tariff filings as proposed, without alteration or the imposition of any condition or conditions; and

**WHEREAS**, on August 19, 2011, Delmarva Power & Light Company ("Delmarva") filed an application in PSC Docket No. 11-362 for approval of a new electric tariff for Service Classification QFCP-RC and a new gas tariff for Service Classification LVG-QFCP-RC pursuant to the Amendments; and

**WHEREAS**, on October 18, 2011, the Commission issued PSC Order No. 8062, which approved Delmarva's tariff filing and ordered that the Commission would enter a formal Findings and Opinion in support of PSC Order No. 8062 at a later date; and

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[2] The requirements for the tariffs are set forth in a previous Commission's Order in PSC Docket 11-362, PSC Order No. 8025, and dated September 6, 2011. *See also* 26 *Del. C.* §§364(b) and (d).

[3] "PJM" means the regional transmission organization that coordinates the movement of wholesale electricity in the PJM region, or its successors at law. See 26 *Del. C.* §352(14).

[4] Under 26 *Del. C.* §352(17), a "qualified fuel cell provider project" means a fuel cell power generation project located in Delaware owned and/or operated by a qualified fuel cell provider under a tariff approved by the Commission pursuant to 26 *Del. C.* §364(d).

**WHEREAS**, on December 1, 2011, the Commission issued PSC Order No. 8079, which, among other things, adopted Order No. 8062, set forth the Commission's formal Findings and Opinion approving Delmarva's application for a new electric tariff and new gas tariff, and adopted the allowance adjustments made by the Secretary of the Delaware Department of Natural Resources and Environmental Control ("DNREC") to the Renewable Energy Credit ("REC")[5] and Solar Renewable Energy Credit ("SREC");[6] and

**WHEREAS**, pursuant to the Commission-approved Tariff for Service Classification QFCP-RC, Delmarva will file on a monthly basis with the Commission a copy of the computation of the Service Classification QFCP-RC Charge ("QFCP-RC Charge") with current factors and reconciliation factors at least thirty days prior to applying such QFCP-RC Charge on customers' bills. *See* P.S.C. Del. No. 8 - Electric, Original Leaf No. 74d, Section F; and

**WHEREAS**, on January 29, 2015, Delmarva submitted its thirty-fifth monthly filing (the "Compliance Filing") to account for the varying QFCP-RC Charge for March 2015, including the typical charges and calculations. In addition, the reconciliation factors (true-ups) of the December billing

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[5] Under 26 *Del. C.* §352(18), a "Renewable Energy Credit" or "REC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from eligible energy resources and that is used to track and verify compliance with the provisions of the RPS.

[6] Under 26 *Del. C.* §352(25), a "Solar Renewable Energy Credit" or "SREC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from solar photovoltaic energy resources and that is used to track and verify compliance with the provisions of RPS.

revenues, December PJM revenues, and December operational costs were included in the QFCP-RC Charge; and

**WHEREAS**, the March 2015 QFCP-RC Charge, which is set forth on the attached **Exhibit "A"**, will be effective for bills issued between March 2, 2015, and March 31, 2015, absent a determination of manifest error by the Commission; and

**WHEREAS**, the Commission Staff ("Staff") reviewed the Compliance Filing, the calculations supporting the March 2015 QFCP-RC Charge, and the source documents supporting the calculation of the March 2015 QFCP-RC Charge. Staff notes that a minor $250 billing error related to administrative costs identified in last month's filing was corrected. Staff did not note any manifest errors in the Compliance Filing or the calculations therein;[7] and

**WHEREAS**, because at this time Staff did not find any manifest errors, it therefore recommends that the March 2015 QFCP-RC Charge be permitted to take effect for Delmarva customer bills issued between March 2, 2015, and March 31, 2015. This recommendation is subject, however, to two requirements. First, Delmarva shall provide to Staff, with each future Compliance Filing under the REPSA, all documents which Staff requested from Delmarva as part of the review of this and any prior Compliance Filings. This includes, but is not limited to, Delmarva's workpapers. Second, this recommendation is also subject to the

[7] The minor $250 billing error from the December 2014 filing, PSC Docket No. 14-0598, made by Delmarva was credited to "Administrative and Other O&M Charges" in the December operational cost true-up.

requirement that Staff reserves the right to perform more detailed audits of any and all months included in the Compliance Filing or any future tariff filings made to adjust the QFCP-RC Charge;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission approves the Compliance Filing made by Delmarva on January 29, 2015, including the March 2015 QFCP-RC Charge which is listed on the attached **Exhibit "A"**.

2. Delmarva shall provide to Staff, with each future Compliance Filing made pursuant to REPSA, all documents that Staff requested from Delmarva as part of its review of this Compliance Filing, including, but not limited to, Delmarva's workpapers.

3. Staff hereby reserves the right to perform a more detailed audit of any months included in Delmarva's Compliance Filing made on January 29, 2015, and any and all months included in the Compliance Filing or any future tariff filings made to adjust the QFCP-RC Charge.

4. For any future claimed Tariff K payment,[8] Delmarva must provide detailed information on the outage events, including, but not limited to, all the information set forth in the outage event log previously provided by Staff to Delmarva, before any recovery of a Tariff K payment will be considered.

[8] See Delmarva Power & Light Company, P.S.C. Del. No. 8 - Electric, Original Leaf No. 74h - 74j, Sections K(1) to K(7), which set forth the requirements for when Delmarva must collect from its customers and disburse to the QFCP Generator disbursements when there is a Force Majeure Event or Forced Outage Event

5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

_____
Acting Secretary

# EXHIBIT A

## March 2015 QFCP-RC CHARGE *

| Service Classification | $ per kWh |
|---|---|
| Residential | $ 0.004255 |
| Residential- Space Heating | $ 0.004255 |
| Residential Time-of-Use "R-TOU" | $ - |
| Residential Time-of-Use NON-Demand "R-TOU-ND" | $ 0.004255 |
| Small General Service - Secondary Non-Demand "SGS-ND" | $ 0.004255 |
| Space Heating Secondary Service "SGS-ND" and "MGS-S" | $ 0.004255 |
| Water Heating Secondary Service "SGS-ND" and "MGS-S" | $ 0.004255 |
| Outdoor Recreational Lighting Svc - Secondary "ORL" | $ 0.004255 |
| Medium General Service - Secondary "MGS-S" | $ 0.004255 |
| Large General Service - Secondary "LGS-S" | $ 0.004255 |
| General Service - Primary "GS-P" | $ 0.004140 |
| General Service - Transmission "GS-T" | $ 0.004074 |
| Outdoor Lighting PL | $ 0.004255 |
| Outdoor Lighting SL | $ 0.004255 |

* Effective January 2015 QFCP Filing the Residential Time-of-Use (R-TOU) rate class has been deleted in accordance with Delmarva Power & Light's Tariff leaf changes submitted on May, 1, 2014 associated with PSC Docket No. 13-115.