

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE FILING BY)
DELMARVA POWER & LIGHT COMPANY TO)
MAKE TARIFF CHANGES TO RECOGNIZE) PSC DOCKET NO. 07-220T
THE INCREASE IN THE GREEN ENERGY)
FUND RATE ELEMENT DIRECTED BY 76)
DEL. LAWS CH. 166 (JULY 24, 2007))
(FILED AUGUST 15, 2007))

ORDER NO. 7253

This 21st day of August, 2007, the Commission determines and Orders the following:

1. Since 1999 the provisions of 26 Del. C. § 1014(a) has told Delmarva Power & Light Company ("DP&L") to include within its distribution and transmission rate structure for each customer class, an element of \$0.000178 per kilowatt hour.¹ The monies collected by DP&L under this element are paid over to the "Green Energy Fund" controlled by the State Energy Office. The Energy Office can then utilize those fund monies to make grants and loans for the development, promotion, and support of renewable or alternate energy technology.²

2. On July 24, 2007, the General Assembly and Governor doubled this required rate element for DP&L customers - from \$0.000178 to

¹In its tariff, DP&L line items this assessment under its "Delivery Service Charge" grouping as the "Environmental Fund Rate." There is a similar element for a low-income benefits charge. See 26 Del. C. § 1014(b) (2006 Supp.). The low-income assessment is not involved in this matter.

²See 26 Del. C. § 1014(a); 29 Del. C. § 8057 (2006 Supp.), as partially amended by 76 Del. Laws ch. 166 §§ 2-6 (July 24, 2007).

\$0.000356 per kilowatt hour.³ DP&L has now filed revised tariff sheets to reflect this change in its "Environment Fund Rate," the proceeds of which are remitted to the Green Energy Fund. The tariff revisions simply substitute the new \$0.000356 figure for the former \$0.000178 level.

3. Here, as noted, the rate element - both in its imposition and its amount - is set by statute and the derived monies flow, not to DP&L, but to a fund controlled by a State agency, in order to fund a State program. In light of that, the Commission believes that it can now approve DP&L's proposed tariff sheets without the need for public notice or the opportunity for public comment prior to action. Consequently, the revised tariff sheets proposed by DP&L are finally approved and effective with the Billing Month of September 2007.

Now, therefore, **IT IS ORDERED:**

1. That, pursuant to the amendments made in 76 Del. Laws ch. 166 § 1 (July 24, 2007), the revised tariff sheets filed by Delmarva Power & Light Company on August 15, 2007, that reflect a new "Environmental Fund Rate" of \$0.000356, are hereby finally approved. Such change shall be effective with the Billing Month of September 2007.

2. That Delmarva Power & Light Company shall provide appropriate notice to its customers of the rate element change approved by this Order in a form and manner approved by Staff.

³See 76 Del. Laws ch. 166 § 1 (July 24, 2007) (amending 26 Del. C. § 1014(a)).

3. That the Secretary shall deliver a copy of this Order to the Energy Office of the Department of Natural Resources and Environmental Control.

4. That 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:

/s/ Arnetta McRae
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary