

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE TARIFF FILING BY )  
CHESAPEAKE UTILITIES CORPORATION FOR )  
A NEW RATE SCHEDULE CALLED CITY OF ) PSC DOCKET NO. 08-411T  
SEAFORD FRANCHISE FEE RIDER ("SFFF") )  
(FILED DECEMBER 2, 2008) )

**ORDER NO. 7519**

**AND NOW**, to-wit, this 29<sup>th</sup> day of January, 2009;

**WHEREAS**, on December 2, 2008, Chesapeake Utilities Corporation ("Chesapeake" or the "Company") filed with the Commission ("the Commission") an application seeking approval for a new rate schedule called City of Seaford Franchise Fee Rider ("SFFF") surcharge to be assessed against its gas customers within the City of Seaford; and

**WHEREAS**, the proposed SFFF surcharge of \$0.0181 per Ccf of delivered gas is meant to mirror the volumetric franchise fee imposed upon the Company by the City of Seaford under a twenty-five year franchise agreement ordinance adopted by the City of Seaford on June 24, 2008; and

**WHEREAS**, the Company has requested that the Commission consider the tariff changes implementing the SFFF so that such changes and the surcharge will be effective no later than February 1, 2009; and

**WHEREAS**, the Commission, pursuant to PSC Order No. 7509 (Jan. 6, 2009), having directed that notices of this proposed surcharge be published in the Delaware State News and The News Journal newspapers, that such notice announce that the Commission would conduct a hearing on this proposed surcharge at its regularly scheduled meeting on January 29, 2009, and that interested persons could intervene or file comments; and

**WHEREAS**, no person or entity sought to intervene and no person or entity filed comments; and

**WHEREAS**, the Commission held the announced public hearing on the Company's application at its regularly scheduled meeting on January 29, 2009; and

**WHEREAS**, the Commission having heard the presentations and reviewed the exhibits presented by both the Company and the Commission Staff, and having considered Staff's recommendation that such proposed tariff revisions and surcharge of \$0.0181 per Ccf for customers located in the City of Seaford be approved; and

**WHEREAS**, the Commission determines that it is appropriate, in this circumstance, to have the volumetric franchise fee imposed by the City of Seaford to be passed through to the customers within the jurisdiction imposing such cost, and not be treated as a general expense possibly to be paid by all the Company's ratepayers; and

**WHEREAS**, the Commission has previously approved similar surcharges for the Company's Town of Smyrna customers (PSC Order No. 4671 (Dec. 17, 1997)), City of Milford customers (PSC Order No. 6360 (Feb. 10, 2004)), Town of Georgetown customers (PSC Order No. 7118 (Jan. 23, 2007)), and the Town of Millsboro customers (PSC Order No. 7119 (Jan. 23, 2007)), all arising from similar franchise fees imposed by those jurisdictions;<sup>1</sup> and

**WHEREAS**, by approving this surcharge in this area, the Commission makes no conclusion whether, and to what extent, towns and municipalities may impose franchise fees, and the Commission continues to reserve the power to revisit the appropriate ratemaking treatment arising from this

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<sup>1</sup>The Commission has also permitted Delmarva Power & Light Company to charge its customers in the City of Wilmington a surcharge rider to collect the public utility tax imposed by that City (PSC Order No. 6266 (Sept. 9, 2003)).

and other municipal franchise fees imposed on this Company and other regulated public utilities; now, therefore,

**IT IS ORDERED:**

1. That, the application of Chesapeake Utilities Corporation filed December 2, 2008, to revise its tariff in order to implement a "City of Seaford Franchise Fee Rider," calculated at \$0.0181 per Ccf of gas delivered to all firm and interruptible Delivery Service customers of Chesapeake Utilities Corporation within the limits of the City of Seaford, is hereby approved. The revised tariff sheets submitted by Chesapeake Utilities Corporation in its application of December 2, 2008 are approved, to be effective on February 1, 2009. Chesapeake Utilities Corporation shall separately identify on its initial billings to its customers within the City of Seaford such "City of Seaford Franchise Fee Rider" as a separate line item imposed as a result of the franchise fee imposed by the City of Seaford under a franchise agreement.

2. That the Commission reserves the jurisdiction and authority to enter such other or 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

PSC Docket No. 08-411T, Order No. 7519 Cont'd.

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary