

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

IN THE MATTER OF THE APPLICATION OF)
DELMARVA POWER & LIGHT COMPANY FOR AN)
INCREASE IN ITS ELECTRIC AND GAS)
TARIFFS TO REFLECT THE NEWLY APPROVED) PSC DOCKET NO. 09-334
PUBLIC UTILITY TAX RATE CHANGE,)
EFFECTIVE AUGUST 1, 2009)
(FILED JULY 31, 2009))

ORDER NO. 7631

AND NOW, this 18th day of August, 2009, the Commission determines and orders the following:

WHEREAS House Bill 288 of the 145th General Assembly, among other things, increased the public utility tax rates of 4.25% and 2.00%, set forth in Section 5502 of Title 10, to 5% and 2.35% respectively, effective August 1, 2009;

WHEREAS, on July 31, 2009, Delmarva Power & Light Company ("DP&L") filed amendments to its tariff to reflect the adjustment to the public utility tax rates;

WHEREAS Section 5502(c) provides, among other things, that, when such taxes apply to a "distributor"¹ subject to Commission regulation, "the Commission is directed, after consultation with such distributor and without a public hearing, to adjust the tariff of such distributor so that the tax is passed through *pro*

¹ "'Distributor' includes any company, corporation, municipality, partnership, firm, association, cooperative or any person or group of persons which supplies any public utility for sale to ultimate consumers or users with this State, whether, in the case of gas or electricity, the gas or electricity is supplied through a distributor's own or a transmission company's facilities." 30 Del. C. § 5501(4).

rata to the distributor's customers and the distributor's earnings are neither increased nor decreased by such tax."

WHEREAS Section 5502(c) also states that the Commission is "further directed to allow such adjusted tariffs and the rates therein to become effective immediately upon filing without any requirement of 30 days' notice and without suspension thereof."

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

1. That the Commission approves the Tariff adjustment filed by Delmarva Power & Light Company on July 31, 2009 in the above docket, which adjustment was filed pursuant to House Bill 288 of the 145th General Assembly.

2. Delmarva Power & Light Company shall file revised tariff leaves within 10 days from the date of this Order.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

PSC Order No. 7631 (Con't)

/s/ Jaymes B. Lester
Commissioner

ATTEST:

/s/ Katie Rochester
Acting Secretary