

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

IN THE MATTER OF THE APPLICATION)
OF DELMARVA POWER & LIGHT COMPANY)
FOR AN ANNUAL UPDATE IN THE GAS) PSC DOCKET NO. 09-384
ENVIRONMENTAL SURCHARGE RIDER RATE)
(FILED AUGUST 31, 2009))

ORDER NO. 7663

AND NOW, this 6th day of October, 2009:

WHEREAS, on August 31, 2009, Delmarva Power & Light Company ("DP&L") filed the above-captioned application with the Delaware Public Service Commission (the "Commission") seeking approval to increase the rate for its Environmental Surcharge Rider ("ESR") under the regime approved in PSC Order No. 6401 (Apr. 20, 2004) in Docket No. 04-53; and

WHEREAS, by Order No. 7643 dated September 9, 2009, the Commission pursuant to 26 *Del. C.* §§ 304 and 306 and its prior Order No. 6401, ordered that the proposed rate adjustment (increasing the present rate) should be permitted to become effective for gas usage on and after November 1, 2009, but subject to refund, pending further review and final decision by the Commission, and designated Mark Lawrence as Hearing Examiner; and

WHEREAS, upon reconsideration, the Commission has determined that Ruth Ann Price should be assigned to this matter;

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

1. That Ruth Ann Price is designated as the Hearing Examiner for this docket pursuant to 26 *Del. C.* § 502 and 29 *Del. C.* ch. 101.

Hearing Examiner Price shall schedule and conduct such public evidentiary hearings as may be necessary or appropriate to develop a full and complete record concerning this matter. Hearing Examiner Price shall thereafter report to the Commission her proposed findings and recommendations based on the evidence presented. Pursuant to Rule 21 of the Rules of Practice and Procedure, Hearing Examiner Price is delegated the authority to grant or deny petitions to intervene and motions for the admission of counsel *pro hac vice*. In addition, Hearing Examiner Price is delegated the authority under 26 Del. C. § 102A to determine the content, form, and manner of any further notice in this matter.

2. 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

PSC Docket No. 09-384, Order No. 7663 (Con't)

ATTEST:

/s/ Katie Rochester
Acting Secretary