

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

**IN THE MATTER OF THE COMMISSION'S REVIEW OF CRITICAL HUMAN  
RESOURCE NEEDS TO ENSURE THE CONTINUATION AND EFFECTIVE OPERATION  
OF THE PUBLIC SERVICE COMMISSION (OCTOBER 14, 2014)**

**ORDER NO. 8659**

**AND NOW**, this 14th day of October, 2014, the Delaware Public Service Commission ("Commission") determines and orders the following:

**WHEREAS**, the Executive Director has stated that certain employees of the Commission's staff ("Staff") have recently left employment positions to pursue other job opportunities; and

**WHEREAS**, the Executive Director and Secretary of the Commission ("Commission Secretary") have made substantial efforts over the past two months to secure approval to replace these employees and to fill these open Staff positions, including timely submitting all of the necessary forms and justifications for why these open Staff positions must be filled; and

**WHEREAS**, the requests made by the Executive Director and Commission Secretary to the Department of State, Human Resource team to fill these open positions have been denied twice; and

**WHEREAS**, the Department of State, Human Resources team has indicated that it is necessary to identify "critical need" positions in order to ensure a more prompt review of the Executive Director and Commission Secretary's requests to fill open Staff positions; and

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**Order No. 8659 Cont.**

**WHEREAS**, the Commission has the statutory authority to appoint, fix the compensation and terms of service, and prescribe the duties and powers of a secretary and such officers, accountants, attorneys, experts, engineers, inspectors, clerks and other persons as it deems necessary for the proper conduct of the work of the Commission. 26 Del. C. §108; and

**WHEREAS**, the Department of State, through the establishment of the Division of Public Utility Control, is vested with the administrative, ministerial, budgetary and clerical functions, including appointment, removal, compensation and duties of employees as provided by law, of the Public Service Commission, **except** to the extent such powers, duties and functions are vested in the Public Service Commission under Chapter 1 of Title 26. See 29 Del. C. 8717(1); and

**WHEREAS**, the Commission finds that certain vacant Staff positions would benefit from an expeditious replacement of qualified personnel to ensure the continuous proper conduct of the work of the Commission; and

**WHEREAS**, the Commission, having deliberated in public at its regularly-scheduled meeting on October 14, 2014, has determined that in order for it to properly function and to maintain its exclusive original supervision and regulation of all public utilities within the State of Delaware, as well as to protect the interests of the consumers of public utility services

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in the State of Delaware, it is necessary to declare certain positions as "critical need" for replacement;

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

1. The Commission declares the Staff positions of Commission Secretary, Administrative Specialist II, Administrative Specialist I, Senior Hearing Examiner, Paralegal I, and Engineer IV as "critical need" positions so that the Department of State, Human Resources team can work expeditiously to fill any vacancies in these positions upon notice and approval.

2. 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

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

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/s/ Harold B. Gray  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary