



STATE OF DELAWARE  
PUBLIC SERVICE COMMISSION

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October 12, 2015

MEMORANDUM

TO: The Chair and Members of the Commission

From: Connie S. McDowell, Senior Regulatory Policy Administrator *cam*

SUBJECT: In the Matter of the Application of FCA US LLC to Establish  
A New Motor Vehicle Dealership (Filed May 28, 2015) - PSC  
Docket No. 15-1022

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In the Matter of the Application of FCA US, LLC to  
Establish a Motor Vehicle Dealership in Millsboro, Delaware  
(Originally Filed May 28, 2015; refiled September 23, 2015)  
- PSC Docket No. 15-1426

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On May 28, 2015, pursuant to 6 Del. C. § 4915, FCA US LLC ("FCA US" or the "Company") formerly known as Chrysler Group LLC, filed with the Delaware Public Service Commission ("Commission") a Notice of Intent ("Notice") to establish a Chrysler, Jeep, Dodge, and RAM dealership to be temporarily located at 28362 DuPont Boulevard, Millsboro, Delaware, on or after June 30, 2015, and to operate on an adjacent property on Oak Drive upon completion of a new facility. Also, a copy of the Notice was sent to Floyd A Mcgee Motors, Inc. ("Mcgee Motors") located in Georgetown, Delaware. The Company was required to send this notice to the Commission and to any same line-make dealerships within its relevant market area (the area within a radius of 10 miles from the intended site of a proposed additional dealership). See 6 Del. C. §4915(a). On June 19, 2015, Mcgee Motors filed a petition/protest to protest and challenge the establishment of this new dealership.

On June 2, 2015, Commission Staff notified FCA US that this Notice was not in compliance with the minimum filing requirements in

26 *Del. Admin. C.* § 7001. On June 30, 2015, the Company corrected the deficiencies.

In PSC Order No. 8762 (July 7, 2015), the Commission directed FCA US not to establish any new dealership within the relevant market area until the Commission had determined that there was good cause for permitting this additional dealership, assigned a Hearing Examiner, and directed the Hearing Examiner to conduct evidentiary hearings so that the Commission could render a decision on or before September 17, 2015.<sup>1</sup>

On July 22, 2015, FCA US and Mcgee Motors filed a Stipulation of Dismissal without Prejudice. Because FCA US withdrew its Notice and Mcgee Motors withdrew its Protest, the Commission in PSC Order No. 8771 (August 4, 2015) determined that there was no need to hold evidentiary hearings on this and dismissed this matter without prejudice.

On September 23, 2015, FCA filed a Notice of Intent to establish a Chrysler, Jeep, Dodge, and RAM dealership to be temporarily located at 28362 DuPont Boulevard, Millsboro, Delaware, on or after June 1, 2016, and to operate on an adjacent property on Oak Drive upon completion of a new facility. This Notice included documentation which met the minimum filing requirements pursuant to 26 *Del. Admin. C.* § 7001 and an agreement between FCA US and Mcgee Motors that confirmed Mcgee Motors will not file a protest in this matter.

Therefore, Staff recommends that the Commission taken no further action on this matter and close both dockets.

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<sup>1</sup> According to Delaware law, the statutory deadline for a decision was September 17, 2015, but because of the scheduled meeting dates, the Commission proposed to hear this matter on September 8, 2015.