

**A REGULAR MEETING
OF
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Chair Winslow in the Hearing Room, 861 Silver Lake Boulevard, Dover, Delaware, on Thursday, December 3, 2015, at 1:00 p.m. with the following Commissioners in attendance: Mike Karia, Harold Gray and Kim Drexler. Commissioner Conaway was not present for the meeting.

The following Staff members were in attendance: Julie Donoghue, Deputy Attorney General, Brenda Mayrack, Deputy Attorney General, Robert Howatt, Matthew Hartigan, James McC. Geddes, Esquire, Jason Smith, Jerry Platt, Donna Nickerson, Natalie White and Ronnette Brown.

2. CONSENT AGENDA ITEMS:

A motion was made by Commissioner Karia to adopt the following Consent Agenda items:

IN THE MATTER OF THE APPLICATION OF EDF ENERGY SERVICES, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED MAY 4, 2015; FILED NOVEMBER 12, 2015) – PSC DOCKET NO. 15-0966

Commission to consider Staff Memorandum and Proposed Order No. 8793.

IN THE MATTER OF CORPORATE NAME CHANGE OF THE UNITED WATER DELAWARE INC. TO SUEZ WATER DELAWARE INC. (SUBMITTED NOVEMBER 17, 2015; FILED NOVEMBER 23, 2015) – PSC DOCKET NO. 15-1571

Commission to consider Staff Memorandum.

The motion was seconded by Commissioner Drexler; the motion carried 4-0.

3. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE CORRECTIVE ACTION ORDER ISSUED TO IACONO – SUMMER CHASE APTS. L.P. IN ACCORDANCE WITH 26 DEL. C. §8001 (FILED OCTOBER 30, 2015) – PSC DOCKET NO. 15-1599

Brenda Mayrack, Esquire, and Jerry Platt appeared on behalf of Staff.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

Todd Coomes, Esquire, of Richards Layton & Finger, and Paul Chantler, Property Manager of Iacono-Summer Chase Apartments, L.P., appeared on behalf of Iacono-Summer Chase Apartments, L.P.

A motion was made by Commissioner Gray and seconded by Commissioner Karia, to adopt Order No. 8827; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE LEGISLATIVE PETITION FOR REVIEW AND
RECOMMENDATIONS ON DELMARVA POWER & LIGHT COMPANY UTILITY
BILL TRANSPARENCY (FILED JUNE 20, 2013) – PSC DOCKET NO. 13-250

James McC. Geddes, Esquire, and Jason Smith appeared on behalf of Staff.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

State Representative John Kowalko and State Senator David Lawson attended.

Thomas Noyes appeared on behalf of Dept. of Natural Resources and Environmental Control.

John Nichols attended.

David Stevenson appeared on behalf of Caesar Rodney Institute (“CRI”).

Todd Goodman, Esquire, and Heather Hall appeared on behalf of Delmarva Power & Light Company.

A motion was made by Commissioner Gray that the Delmarva bill be revised in such a way to include two extra line items. One is the QFCP charge and the other is the RPS charge. Commissioner Karia moved to amend the motion to state that the charges should be shown either on the bill or as a note underneath; and or the charges should be on one line and should be more descriptive.

Commissioner Gray accepted the amended motion and Commissioner Karia then seconded the motion; the motion carried 3-1. Chair Winslow opposed.

IN THE MATTER OF THE PETITION OF THE DIVISION OF THE PUBLIC ADVOCATE TO REQUEST THE PUBLIC SERVICE COMMISSION TO AMEND 26 DEL. ADMIN. CODE §3008.3.2.21 TO ISSUE REGULATIONS GOVERNING WHEN A FREEZE OF THE MINIMUM PERCENTAGES OF ELIGIBLE ENERGY RESOURCES AND SOLAR PHOTOVOLTAICS MAY BE DECLARED PURSUANT TO 26 DEL.C. §§354(i) and (j) (FILED OCTOBER 2, 2015) - PSC DOCKET NO. 15-1462

Brenda Mayrack, Esquire appeared on behalf of Staff.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

David Stevenson appeared on behalf of Caesar Rodney Institute (“CRI”).

A motion was made by Chair Winslow and seconded by Commissioner Karia, to adopt Order No. 8807; the motion carried 3-0. Commissioner Drexler abstained.

A verbatim transcript was made of this proceeding.

Dave Bonar made a suggestion that since the Commission may go into Executive Session with regards to Docket No. 15-0889; he recommended that the Commission consider hearing the Comcast matters first. Ms. Knotts and Mr. Letzelter had no objections.

4. HEARINGS

IN THE MATTER OF THE APPLICATION OF COMCAST OF DELMARVA, LLC FOR A CHANGE TO ITS BASIC SERVICE TIER (“BST”) CABLE TELEVISION RATES AND NECESSARY EQUIPMENT AND INSTALLATION CHARGES IN THE UNINCORPORATED AREAS OF KENT COUTNY – CUID # DE 0062 (FILED OCTOBER 1, 2015) – PSC DOCKET NO. 15-1455

Julie “Jo” Donoghue, Esquire, and Clishona Marshall appeared on behalf of Staff.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

Donna Culver, Esquire, of Morris, Nichols, Arshat & Tunnell LLP and Chris Comer, Director of Government & Regulatory Affairs for Kent and Sussex Counties, appeared on behalf of Comcast of Delmarva, LLC.

Donna Culver, Esquire requested application and affidavits of publication be placed into record for Docket No. 15-1455. Chair Winslow admitted the documents into the record without objection from Staff.

A motion was made by Commissioner Drexler and seconded by Commissioner Karia, to adopt Order No. 8823; the motion carried 4-0.

Later, an error was found in Order No. 8823. Chair Winslow moved to revise the order to correct the name of the company and Commissioner Drexler seconded the motion; the motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF COMCAST OF EASTERN SHORE, LLC FOR A CHANGE TO ITS BASIC SERVICE TIER (“BST”) CABLE TELEVISION RATES AND NECESSARY EQUIPMENT AND INSTALLATION CHARGES IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY – CUID # DE 0023 (FILED OCTOBER 1, 2015) – PSC DOCKET NO. 15-1456

Julie “Jo” Donoghue, Esquire, and Clishona Marshall appeared on behalf of Staff.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

Donna Culver, Esquire, of Morris, Nichols, Arsht & Tunnell LLP and Chris Comer, Director of Government & Regulatory Affairs for Kent and Sussex Counties, appeared on behalf of Comcast of Eastern Shore, LLC.

Donna Culver, Esquire requested application and affidavits of publication be placed into record for Docket No. 15-1456. Chair Winslow admitted them into the record without objection from Staff.

A motion was made by Commissioner Gray and seconded by Commissioner Drexler, to adopt Order No. 8827 as revised; the motion carried 4-0.

IN THE MATTER OF THE APPLICATION OF COMCAST CABLE COMMUNICATIONS, LLC FOR A CHANGE TO ITS BASIC SERVICE TIER (“BST”) CABLE TELEVISION RATES AND NECESSARY EQUIPMENT AND INSTALLATION CHARGES IN THE UNINCORPORATED AREAS OF NEW CASTLE COUNTY – CUID # DE 0011 (FILED OCTOBER 1, 2015) – PSC DOCKET NO. 15-1454

Julie “Jo” Donoghue, Esquire, and Joe DeLosa appeared on behalf of Staff.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

Donna Culver, Esquire, of Morris, Nichols, Arsht & Tunnell LLP and Kevin Boradhurst, Senior Director of Government Affairs for New Castle County, appeared on behalf of Comcast Cable Communications, LLC.

Donna Culver, Esquire requested application and affidavits of publication be placed into record for Docket No. 15-1454. Chair Winslow admitted the documents into the record without objection from Staff.

A motion was made by Commissioner Gray and seconded by Commissioner Karia, to adopt Order No. 8822; the motion carried 4-0.

IN THE MATTER OF THE APPLICATION OF COMCAST OF DELMARVA, LLC FOR A CHANGE TO ITS BASIC SERVICE TIER (“BST”) CABLE TELEVISION RATES AND NECESSARY EQUIPMENT AND INSTALLATION CHARGES IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY – CUID # DE 0079 (FILED OCTOBER 1, 2015) – PSC DOCKET NO. 15-1457

Julie “Jo” Donoghue, Esquire, and Joe DeLosa appeared on behalf of Staff.

Regina Iorii, Esquire, and Dave Bonar appeared on behalf of the Division of the Public Advocate.

Donna Culver, Esquire, of Morris, Nichols, Arsht & Tunnell LLP and Chris Comer, Director of Government & Regulatory Affairs for Kent and Sussex Counties, appeared on behalf of Comcast of Delmarva, LLC.

Donna Culver, Esquire requested application and affidavits of publication be placed into record for Docket No. 15-1457. Chair Winslow admitted the documents into the record without objection from Staff.

A motion was made by Commissioner Drexler and seconded by Commissioner Karia, to adopt Order No. 8825 as revised; the motion carried 4-0.

After the Comcast hearings were heard, the Agenda went back to the last Regular Agenda item.

5. REGULAR AGENDA

IN THE MATTER OF THE PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY (FILED APRIL 1, 2015; SUPPLEMENTED SEPTEMBER 2 & 4, 2015) – PSC DOCKET NO. 15-0889

Pam Knotts introduced Jim Letzelter of Liberty Consulting Group.

Mr. Letzelter gave a presentation regarding Standard Offer Supply, results for Tranche 1 auction.

A motion was made by Chair Winslow to enter into Executive Session; seconded by Commissioner Karia to review the confidential version of Mr. Letzelter’s presentation; the motion carried unanimously.

A motion was made by Commissioner Gray and seconded by Commissioner Karia to reconvene to Public Session; the motion carried unanimously.

Upon returning from Executive Session a motion was made by Chair Winslow and seconded by Commissioner Karia approving Tranche 1 auction results; the motion carried 4-0.

A verbatim transcript was made of this proceeding.

6. PUBLIC COMMENTS

David Stevenson of Caesar Rodney Institute (“CRI”) commented on the Clean Power Plan.

6. DIRECTOR’S COMMENTS:

Mr. Howatt introduced Brenda Mayrack, Esquire, who briefed the Commission on a recommendation of a draft Declaration of Clean Power Plan for purposes of litigation in federal court.

A motion was made by Chair Winslow and seconded by Commissioner Drexler to approve signing the Declaration for reasons set forth by Ms. Mayrack; the motion carried 4-0.

Mr. Howatt introduced Natalie White as the new Administrative Specialist II.

Mr. Howatt also announced the next Commission Meeting would be held on Tuesday, December 15, 2015 at 1:00 P.M.

There was no further business and the meeting adjourned at 3:50 p.m.

Respectfully submitted,

/s/ Donna Nickerson

Secretary