

**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 Tuesday, December 15, 2015, at 1:03 p.m. with the following Commissioners in attendance: Joann Conaway, Kim Drexler, Harold Gray, and Mike Karia.

The following Staff members were in attendance: Julie “Jo” Donoghue, Deputy Attorney General, Brenda Mayrack, Deputy Attorney General, Robert Howatt, Matthew Hartigan, James McC. Geddes, Esquire, Joshua Bowman, Lisa Driggins, Joseph DeLosa, Clishona Marshall, Constance McDowell, Pamela Knotts, Donna Nickerson, Natalie White, and Ronnette Brown.

2. Commissioner Karia moved to approve the meeting minutes from the November 24, 2015 meeting as amended; seconded by Commissioner Conaway; motion carried unanimously.

Commissioner Gray moved to approve the meeting minutes, both Public and Executive Sessions, from the December 3, 2015 meeting as presented; seconded by Commissioner Drexler; motion carried 4-0. Commissioner Conaway abstained.

3. CONSENT AGENDA ITEMS:

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

IN THE MATTER OF THE APPLICATION OF GARRISON TNCI LLC, TNCI OPERATING COMPANY, LLC, IMPACT TELECOM, INC. AND MATRIX TELECOM, INC. FOR APPROVAL (1) OF THE PROPOSED TRANSFER OF INDIRECT CONTROL OF MATRIX TELECOM, INC. TO GARRISON TNCI LLC AND RELATED TRANSACTIONS AND (2) FOR TNCI OPERATING COMPANY LLC AND MATRIX TELECOM, INC. TO PARTICIPATE IN CERTAIN FINANCING ARRANGEMENTS; (FILED NOVEMBER 18, 2015) – PSC DOCKET NO. 15-1573

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Commission to consider Staff Memorandum.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFF (FILED NOVEMBER 24, 2015) – PSC DOCKET NO. 15-1590

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Commission to consider Staff Memorandum and proposed Order No. 8828.

IN THE MATTER OF THE APPLICATION OF LEVEL 3 COMMUNICATIONS, LLC  
FOR APPROVAL TO PARTICIPATE IN A FINANCING ARRANGEMENT (FILED  
NOVEMBER 24, 2015) – PSC DOCKET NO. 15-1593

Commission to consider Staff Memorandum.

The motion was seconded by Commissioner Karia; the motion carried unanimously.

4. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE INVESTIGATION INTO THE SOLICITATION  
PRACTICES OF STARION ENERGY PA, INC. (FILED JUNE 16, 2014) – PSC  
COMPLAINT DOCKET NO. 395-13

Julie “Jo” Donoghue, Esquire, and Constance McDowell appeared on behalf of Staff.

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

Tara Lattomus, Esquire, Eckert Seamans, and Alexandria Isaac, Esquire, Starion Energy PA, Inc., appeared on behalf of Starion Energy PA, Inc.

A motion was made by Commissioner Conaway and seconded by Commissioner Gray, to adopt Order No. 8829; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE ADOPTION OF RULES AND REGULATIONS TO  
IMPLEMENT THE PROVISIONS OF 26 DEL. C. CH. 10 RELATING TO THE  
CREATION OF A COMPETITIVE MARKET FOR RETAIL ELECTRIC SUPPLY  
SERVICE (OPENED APRIL 27, 1999; RE-OPENED JANUARY 7, 2003;  
SEPTEMBER 22, 2009; SEPTEMBER 7, 2010; RE-OPENED JULY 17, 2012) – PSC  
REGULATION DOCKET NO. 49

James McC. Geddes, Esquire, and Constance McDowell appeared on behalf of Staff.

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

A motion was made by Commissioner Drexler and seconded by Commissioner Karia, to adopt Order No. 8830; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF 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, appeared on behalf of Staff.

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

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

State Representative John Kowalko attended.

John Nichols attended.

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

A motion was made by Commissioner Gray and seconded by Chair Winslow, to adopt Order No. 8835; motion carried 4-0. Commissioner Conaway abstained.

A verbatim transcript was made of this proceeding.

**DOCKET NOS. 15-0889 AND 15-0890 WAS PRESENTED TO THE  
COMMISSION AT THE SAME TIME BUT AS SEPARATE DOCKETS:**

IN THE MATTER OF REQUEST FOR APPROVAL OF STANDARD OFFER  
SERVICE RATES, PROCUREMENT COST ADJUSTMENT AND RARM FILING -  
PSC DOCKET NO. 15-0889

IN THE MATTER OF 2015 RPS CHARGE & RPS CREDIT RATE CALCULATION  
(FILED APRIL 1, 2015) – PSC DOCKET NO.15-0890

Brenda Mayrack, Esquire, appeared on behalf of Staff.

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

Pamela Scott, Esquire, appeared on behalf of Delmarva Power & Light Company.

A motion was made by Commissioner Conaway and seconded by Gray, to adopt Order No. 3732 as amended and 8731 as presented; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR THE APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE DISTRIBUTION SYSTEM IMPROVEMENT CHARGE PURSUANT TO 26 *DEL. C. §314* (FILED NOVEMBER 19, 2015) - PSC DOCKET NO. 15-1576

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Julie “Jo” Donoghue, Esquire, and Joshua Bowman appeared on behalf of Staff.

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

Kirsten Higgins appeared on behalf of Tidewater Utilities, Inc...

A motion was made by Commissioner Gray and seconded by Conaway, to adopt Order No. 8833; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR THE APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE DISTRIBUTION SYSTEM IMPROVEMENT CHARGE PURSUANT TO 26 *DEL. C. §314* (FILED NOVEMBER 24, 2015) - PSC DOCKET NO. 15-1589

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Julie “Jo” Donoghue, Esquire, and Joshua Bowman appeared on behalf of Staff.

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

John Schreppler, Esquire, and David Valcarengi appeared on behalf of Artesian Water Company, Inc.

A motion was made by Commissioner Conaway and seconded by Drexler, to adopt Order No. 8832; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF SUSSEX SHORES WATER COMPANY FOR THE APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE DISTRIBUTION SYSTEM IMPROVEMENT CHARGE PURSUANT TO 26 *DEL. C. §314* (FILED NOVEMBER 30, 2015) - PSC DOCKET NO. 15-1602

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Julie “Jo” Donoghue, Esquire, and Joshua Bowman appeared on behalf of Staff.

A motion was made by Commissioner Conaway and seconded by Karia, to adopt Order No. 8834; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR APPROVAL PURSUANT TO 26 DEL. C. §215 TO ENTER INTO A LONG-TERM DEBT OBLIGATION (FILED NOVEMBER 30, 2015) – PSC DOCKET NO. 15-1597

Brenda Mayrack, Esquire, and Lisa Driggins appeared on behalf of Staff.

Kirsten Higgins appeared on behalf of Tidewater Utilities, Inc.

A motion was made by Commissioner Conaway and seconded by Karia, to adopt Order No. 8836; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF APPLICATION OF DELMARVA POWER & LIGHT COMPANY TO REVISE THE UTILITY FACILITY RELOCATION CHARGE ("UFRC") RATE TO RECOVER COSTS ASSOCIATED WITH THE RELOCATION OF GAS UTILITY FACILITIES (FILED NOVEMBER 30, 2015; AMENDED DECEMBER 2, 2015) - PSC DOCKET NO. 15-1601

Brenda Mayrack, Esquire, and Joe DeLosa appeared on behalf of Staff.

Pamela Scott, Esquire appeared on behalf of Delmarva Power & Light Company.

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

A motion was made by Commissioner Gray and seconded by Drexler, to adopt Order No. 8837; motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF APPLICATION OF DELMARVA POWER & LIGHT COMPANY TO ESTABLISH THE RATE FOR THE UTILITY FACILITY RELOCATION CHARGE TO RECOVER COSTS INCURRED IN CONNECTION WITH THE RELOCATION OF ELECTRIC UTILITY FACILITIES (SUBMITTED NOVEMBER 30, 2015; AMENDED DECEMBER 2, 2015) – PSC DOCKET NO. 15-1603

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Brenda Mayrack, Esquire, and Clishona Marshall appeared on behalf of Staff.

Pamela Scott, Esquire appeared on behalf of Delmarva Power & Light Company.

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

A motion was made by Commissioner Drexler and seconded by Karia, to adopt Order No. 8836; motion carried unanimously.

A verbatim transcript was made of this proceeding.

5. HEARINGS

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR THE APPROVAL OF THE 2016 PROGRAM FOR THE PROCUREMENT OF SOLAR RENEWABLE ENERGY CREDITS (FILED OCTOBER 8, 2015) – PSC DOCKET NO. 15-1472

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Brenda Mayrack, Esquire, and Pamela Knotts appeared on behalf of Staff.

Pamela Scott, Esquire, appeared on behalf of Delmarva Power & Light Company.

Devera Scott, Esquire, and Thomas Noyes appeared on behalf of the Department of Natural Resources and Environmental Control.

A motion was made by Commissioner Conaway and seconded by Commissioner Karia, to approve the request that the evidentiary hearing scheduled for December 15, 2015 be cancelled and this matter be tabled to a later date as stated in the request; motion carried unanimously.

A verbatim transcript was made of this proceeding.

6. DIRECTOR'S COMMENTS

Chair Winslow introduced Mr. Thomas Noyes from DNREC who announced the department's new location on Water Street.

Mr. Howatt introduced John Farber who briefed the Commission on some outstanding federal issues mainly concerning Artificial Island. Mr. Farber also announced that there would be a technical conference to be held in D.C. on January 12, 2015.

Mr. Howatt informed the Commission that John Farber agreed to be a panelist at the FERC technical conference.

Mr. Howatt announced that the Public Service Commission's holiday party was scheduled for December 16<sup>th</sup> and the next Commission meeting will be held on the first Tuesday of the New Year, January 5, 2016.

There was no further business and the meeting adjourned at 2:25 p.m.

Respectfully submitted,

/s/ Donna Nickerson  
Secretary