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Pamela J. Scott  
Assistant General Counsel

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DELAWARE P.S.C.

92DC42  
500 N. Wakefield Drive  
Newark, DE 19702

P.O. Box 6066  
Newark, DE 19714-6066

302.429.3143 - Telephone  
302.429.3801 - Facsimile  
pjscott@pepcoholdings.com

alisa  
John  
Connie  
Pam  
Jo  
Mark

October 16, 2013

VIA E-MAIL AND OVERNIGHT MAIL

Alisa C. Bentley, Secretary  
Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, DE 19904

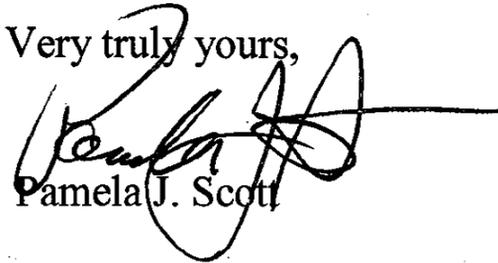
Re: In the Matter of Delmarva Power & Light Company's  
2012 Integrated Resource Plan (Filed December 7, 2012)  
PSC Docket No. 12-544

Dear Ms. Bentley:

Enclosed please find an original and ten (10) copies of Delmarva Power & Light Company's responses to comments filed by intervening parties in this docket.

Should you have any questions, please do not hesitate to contact me at the above-referenced telephone number.

Very truly yours,

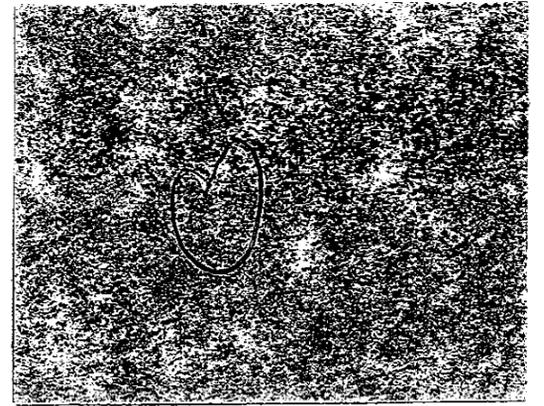


Pamela J. Scott

Enclosures

cc: Service List (via electronic and regular mail)

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE



IN THE MATTER OF DELMARVA )  
POWER & LIGHT COMPANY'S 2012 ) PSC DOCKET NO. 12-544  
INTEGRATED RESOURCE PLAN )  
(FILED DECEMBER 7, 2012) )

**RESPONSE OF DELMARVA POWER & LIGHT COMPANY TO COMMENTS**  
**FILED BY INTERVENING PARTIES**

Pursuant to the procedural schedule approved by the Hearing Examiner in this docket, Delmarva Power (the “Company” or “Delmarva Power”) by and through its counsel, submits the following responses to the comments filed by some of the intervening parties to this docket.

### **Background**

On December 7, 2012, Delmarva Power filed its 2012 Integrated Resource Plan (“IRP”) with the Delaware Public Service Commission (the “Commission”). The IRP was filed consistent with the requirements of the Electric Utility Retail Customer Supply Act of 2006 (“EURCSA”)<sup>1</sup> and the IRP regulations promulgated by the Commission in Order No 7693 pursuant to EURCSA (the “Regulations”)<sup>2</sup>. The IRP addressed the requirements set forth in the Regulations, including, among other things, a projected analysis of future energy demand and supply conditions for Standard Offer Service (“SOS”) customers; evaluations of various options to meet the needs of SOS customers; environmental analyses; and information on energy efficiency and demand response programs. As agreed by the parties, the review of the IRP was conducted through a series of working group meetings held during the spring and summer of 2013, each addressing a topic of particular interest to the stakeholders.

On September 16, 2013, six (6) intervening parties submitted comments regarding the IRP<sup>3</sup>. These intervening parties include:

- The Division of the Public Advocate (“DPA”);
- Delaware Public Service Commission Staff (“Staff”);
- The Delaware Department of Natural Resources and Environmental Control (“DNREC”);
- The Caesar Rodney Institute (“CRI”);
- The Sustainable Energy Utility (“SEU”); and
- The Mid Atlantic Renewable Energy Consortium (“MAREC”).

All of the intervening parties who submitted comments had actively participated in the working group meetings. None of the comments submitted by the intervening parties claimed or

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<sup>1</sup> 26 Del. C. §1007,

<sup>2</sup> 26 Del. Admin. C. §3010.

<sup>3</sup> References to the comments filed by the intervening parties shall be cited as the party name followed by the page number where the comment appears. For example, “DPA at page \_\_\_\_\_”.

suggested that the IRP failed to meet the EURCSA requirements or the requirements of the Regulations, that the IRP was administratively incomplete or that the IRP should not be ratified by the Commission. Rather, most of the comments submitted provide suggestions for ways to improve any future IRP process and/or content. Delmarva Power's responses to the interveners' comments are organized by the following general topic areas:

1. The Frequency of IRP Filings;
2. Energy Efficiency and Demand Response;
3. The Need for New Generation Facilities;
4. Compliance with the State's Renewable Portfolio Standards;
5. The Need for Additional Analysis of Retail Prices; and
6. Analysis of Externalities.

#### **1. The Frequency of IRP Filings**

DPA and CRI argue that the process of filing an IRP every two (2) years should be eliminated (DPA at page 1, CRI at page 2). DPA argues further that if the process cannot be eliminated entirely, it should at least be extended to a period longer than two (2) years, preferably consistent with the same five (5) year cycle employed in the preparation of the Delaware Energy Plan (DPA at pages 9-10). However, the provisions of 26 *Del. C. § 1007 (c)* (1) provide as follows:

DP&L is required to conduct integrated resource planning. On December 1, 2006, and on the anniversary date of the first filing date of every other year thereafter ( i.e., 2008, 2010, et seq.), DP&L shall file with the Commission, the Controller General, the Director of the Office of Management and Budget and the Energy Office an integrated resource plan ("IRP").

The Settlement reached in connection with the 2010 IRP, as presented to the Commission, included a proposal to amend the IRP filing schedule to once every three (3) years instead of the current two (2) year filing requirement. In adopting the Settlement, however, the Commission excepted the proposal to amend the filing schedule. The Commission reasoned

that unless the statutory provision is amended by the General Assembly, the IRP must be filed every two (2) years<sup>4</sup>.

Delmarva Power is committed to preparing and submitting an IRP in accordance with Delaware statutory requirements. If the statutory provision pertaining to the frequency of filing of the IRP is amended, Delmarva Power will adhere to the new amended requirements; however, unless and until the statute is amended, the Company expects to file its next IRP on December 1, 2014.

## **2. Energy Efficiency and Demand Response**

Demand Side Management (“DSM”) programs are an important component of the IRP. The implementation of cost-effective DSM programs has the potential to provide significant benefits to Delmarva Power’s SOS and non-SOS customers. Topics related to DSM were discussed at a number of the IRP working group meetings. DSM programs fall into one of two categories: (1) Energy Efficiency (“EE”) programs; or (2) Demand Response (“DR”) programs. The principle objective of an EE program is to achieve cost-effective reductions in the amount of electricity consumption (kWh) typically measured over an annual period. DR programs are focused on the reduction of electrical capacity (kW) during a limited number of system peak hours. In Delaware, the SEU is statutorily responsible for implementing EE programs throughout the State<sup>5</sup>. Further, pursuant to 26 *Del. C.* § 105(g), the Commission is prohibited from approving cost recovery for any regulated utility for programs designed to achieve energy efficiency savings.

Delmarva Power is responsible for implementing DR programs. Delmarva Power’s DR programs, while targeting Kwh reductions, also provide some kWh savings. Likewise, some of the EE programs sponsored by the SEU, while targeting kWh savings, also produce kWh reductions. In addition, some of Delmarva Power’s grid improvement projects provide

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<sup>4</sup> Order No. 8083, Docket 10-2, dated January 10, 2012.

<sup>5</sup> 29 *Del. C.* §8059.

energy savings as well. It is important for the IRP to capture all of these savings over the 10 year IRP planning horizon<sup>6</sup>.

In preparing the DSM estimates used in the IRP, Delmarva had to take several important factors into consideration. First, under the Delaware Energy Efficiency and Resource Standards Act of 2009, Delmarva Power is responsible for achieving a 15% reduction in both demand (kW) and energy (kWh) compared to 2007 levels, by 2015<sup>7</sup>. This is somewhat problematic for the energy reduction target because even though Delmarva Power is responsible for the energy (kWh) reductions, the Commission is proscribed from permitting any cost recovery by Delmarva Power for such programs. Second, because Delmarva Power's DR and grid improvement programs are not sufficient, by themselves, to achieve the energy reduction targets, after discussing the issue with the SEU, Delmarva Power determined to assume in the IRP that the activities of the SEU would provide the necessary energy reductions to achieve the statutory targets<sup>8</sup>. Due to the importance of the assumptions around expected EE reductions, Delmarva Power included a sensitivity analysis in its IRP so as to examine the impact of a potential shortfall that would occur if the goal of a 15% reduction in energy consumption was met in 2022, rather than in 2015. This analysis begins on page 75 of the IRP.

During the IRP working group meetings, the SEU provided information regarding their overall level of funding in pursuit of energy efficiency reductions. Delmarva Power also shared preliminary information with the working group concerning the expected costs that Delmarva Power may incur to implement EE programs designed to achieve cost-effective energy reductions based on its efforts in its Maryland service territory. Based on this comparison, which identified a rough \$/MWh cost to achieve energy reductions, and the comments received in this docket from the intervening parties on September 16, it appears that the SEU is insufficiently funded to achieve the overall energy reductions assumed by

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<sup>6</sup> Table 2 and Table 3 on page 49 of the IRP provide a summary of the expected energy and demand reductions for the EE programs and DR programs over the 10 year planning horizon.

<sup>7</sup> 26 Del. C. §1502(a)(1).

<sup>8</sup> Delmarva Power met with the SEU during its preparation of the IRP to obtain an understanding of the specific types and characteristics of EE programs that were being implemented/considered by the SEU to meet the reduction goals set forth in the statute.

Delmarva Power in preparing the IRP, as reflected in (Staff at pages 11-15; MAREC at pages 11-12; SEU at pages 1- 2; CRI at pages 1-2).

The energy and demand savings estimates used in the IRP were based on the assumption that the statutory energy targets would be achieved by 2015; it now appears that these targets may not be achieved within that timeframe. Therefore, Delmarva proposes to develop an internal forecast of the expected impacts of SEU implemented programs, combined with the expected impacts of its own programs for use in the next IRP. Delmarva Power further recommends that as part of the IRP to be filed on December 1, 2014, an informal sub-group of the IRP working group composed of, at a minimum, Staff, DPA, DNREC, the SEU and Delmarva be established to discuss the appropriate methodologies, procedures and sources of information to be used in developing an internal forecast of energy efficiency reductions. This group could also consider the suggestions of the intervening parties related to forecasting savings from both the DR and EE programs, including Staff's suggestions regarding Combined Heat and Power ("CHP")(Staff at pages 7- 8), and potential changes related to DR in the PJM capacity markets (Staff at pages 9-10). Further, if Delmarva Power is ultimately permitted the right to seek cost recovery for implementing approved EE programs, the cost-effectiveness tests and procedures suggested by Staff (Staff at pages 9 - 11) could also be evaluated and considered by the group. Delmarva Power notes that if the next IRP is to be filed on December 1, 2014, that the new DSM forecast would need to be ready by July 1, 2014. The Company would incur additional costs to perform such an analysis.

In its filed comments, the SEU indicated that it looks forward to collaborating with Delmarva Power to fund, design, and implement EE programs (SEU at page 2). Such collaboration could be much more beneficial to Delmarva Power customers if the Company was also permitted to implement and recover the costs incurred for select cost-effective energy efficiency programs not otherwise implemented by the SEU.

### **3. The Need for New Generation Facilities**

CRI suggests that, because it expects that Delmarva Power will not meet the energy efficiency goals, the Company should consider building a 300 MW gas-fired combined cycle

generation facility (CRI at page 1). As discussed previously, Delmarva Power may not achieve its EE reduction goals (MWH) because the Commission does not currently have the authority to permit cost recovery to implement such EE programs; however, as shown in Table 3 on page 49 of the IRP, Delmarva Power is on track to meet its prescribed MW reduction goals through its DR programs. In addition, there may be a significant amount of new generation capacity coming on line in the PJM DPL Zone within the next few years, thereby negating the need for Delmarva to construct a facility, at least in the near future.

As discussed in the IRP working group, Calpine has broken ground on a 309 MW, gas-fired combined cycle facility located in the Garrison Oak Technical Park adjacent to the Dover SUN Park Generating Facility near Dover (the "Calpine Facility"). The Calpine Facility has a target commercial operation date of June 2015. In addition, Old Dominion Electric Cooperative has filed for a CPCN with the Maryland Public Service Commission to construct a new 1,000 MW gas-fired generating facility at its existing Rock Springs Generation Facility in Cecil County, MD. This facility, while not in Delaware, is still within the PJM DPL zone. If the CPCN is approved, construction of this new plant, called the Wildcat Point Generation Facility, is scheduled to begin in late 2014, commercial operation to begin in 2017. These generation resources would be in service well before the Company would be in a position to begin construction of a facility.

#### **4. Compliance with Renewable Portfolio Standards**

Several intervening parties provided comments on Delmarva Power's forward looking plan to comply with the State's Renewable Portfolio Standards ("RPS"). Staff recommends that Delmarva Power perform an updated analysis of RPS compliance using more current information to determine, among other items, whether any additional short or long term contracts are needed (Staff at page 17). Staff also recommends that Delmarva Power not purchase any solar or non-solar Renewable Energy Credits ("SRECs" or "RECs") above the minimum levels prescribed by the prevailing legislation, except in certain circumstances where the RECs or SRECs may be "banked" for use in a subsequent compliance year (Staff at page 18). CRI recommends that the Company pursue a long term contract for onshore wind energy in the fourth quarter of 2013 (CRI at page 1). MAREC recommends that Delmarva Power consider a competitive RFP for a long-term contract for at least 100 MW of

wind power (MAREC at 14). MAREC also contends that Delmarva Power has inappropriately applied SRECs under prevailing legislation governing qualified fuel cell projects to cover non-solar RECs towards compliance with RPS (MAREC at pages 10-11).

As described in the IRP, Delmarva Power manages a portfolio of renewable resources including contracts as approved by the Commission, Qualified Fuel Cell Projects, and spot market purchases in order to meet RPS requirements<sup>9</sup>. Delmarva Power regularly monitors the performance of the portfolio and makes changes as needed (such as spot purchases) to ensure compliance with annual REC requirements. Under the assumptions of the IRP, the Company's analysis did not show the need for any additional long term contracts at this time. Also, as noted in the IRP, the process for determining the methods of calculating costs related to RPS compliance pursuant to 26 *Del C.* §§ 354(i) and (j) have not yet been finalized by DNREC (IRP at pages 102-103). Consequently, it may be premature to secure any additional long-term contracts at this time.

As noted previously, Delmarva Power is recommending the creation of a sub group of the IRP working group to provide input into the methods and development of a forecast of expected EE and DR reductions. Once such a forecast is complete, an updated RPS compliance plan and the associated cost of RPS compliance can be undertaken as part of the on-going collaboration with the Renewable Energy Task Force.

Finally, MAREC improperly states that there is a 1 to 6 ration of SRECs to RECs. The actual ratio is 1 to 12 SRECs (2 RECs per QRCPmw or 1 SREC per 2 QFCPmw based on Secretary O'Mara's testimony in the QFCP docket). Delmarva Power did not assume any allocation of the QFCP offset between solar and non-solar. Rather, the Company projected an allocation based on the above-mentioned ratio and on the relative forecasted spot market cost of solar and non-solar RECs, making a decision in each compliance year to maximize the economic benefit to Delmarva Power's customers.

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<sup>9</sup> See IRP, pages 91-108.

## **5. Additional Analyses of Delmarva Retail Prices**

In their comments, Staff recommends that an independent consultant be hired to focus on recommendations to lower the overall cost of electricity in Delaware (Staff at pages 6-7). While concentrating on the rate impact for Delmarva Power ratepayers, the proposed study would also take into consideration the overall impact on the cost of electricity in the entire State, including areas outside of Delmarva Power's service territory (Staff at page 1). Delmarva Power notes that the purpose of the IRP is to provide a resource plan for Delmarva Power customers, with a focus on SOS customers, and that the enabling legislation provided in EURCSA does not suggest that the Company consider electricity prices on a *statewide* basis. Consequently, if Staff's proposal includes statewide issues, the IRP is not the appropriate vehicle for consideration of such expenditures as Delmarva Power's customers should not be responsible for the analysis of statewide issues. The IRP working group provides a convenient and appropriate forum for Staff to raise many of the issues identified in their comments related to the retail energy prices paid by Delmarva Power's customers. It is quite likely that the analysis proposed by Staff could be completed through the working group in large part without the need for an outside consultant. Some of the issues Staff is concerned with may also be addressed by the Renewable Energy Task Force. Delmarva Power notes that the Commission has already approved Liberty Consulting to review the SOS procurement process, and recently approved New Energy Opportunities to review the SREC Financing program. In order to avoid unnecessary and possibly duplicative expenditures and proceedings, Delmarva Power recommends that this issue be presented to the IRP working group or other appropriate existing task force or group for further review and evaluation.

## **6. Analysis of Externalities**

CRI recommends that the IRP evaluation of externalities be discontinued (CRI at page 2). In late 2009, the Commission issued Order No 7693 which promulgated regulations for preparing future IRPs. The regulations, as promulgated, were the result of extended,

negotiated good-faith efforts by a number of parties including Staff, DNREC and Delmarva Power. These regulations include the following sections<sup>10</sup>:

6.1.4. Include a current evaluation, detailing and giving consideration to environmental benefits and externalities associated with the utilization of specific methods of energy production.....

6.2. The Company shall forward a copy of the IRP to DNREC and seek input into externalities, including but not limited to, health effects.

Accordingly, Delmarva Power has complied with these requirements in both of the IRPs that have been filed after the IRP regulations were enacted. Delmarva Power will continue to comply with these regulations unless the regulations or enabling legislation are amended.

### **Conclusions and Recommendations**

Delmarva Power appreciates the continuing active participation of the intervening parties in the IRP working group process. Based on the comments received on September 16, 2013, Delmarva Power suggests the following steps as a path forward in this docket:

1. The Commission ratify the IRP as meeting the requirements of 26 *Del. C. §1007 and 26 Del. Admin. C. §3010*.
2. An informal collaborative sub-group of the IRP working group be created to provide input into the assumptions needed for Delmarva Power to prepare an internal forecast of the expected energy and demand reductions to be achieved over the relevant planning horizon. Assuming that the next IRP is to be submitted December 1, 2014, such a forecast of energy and demand reductions would need to be initiated in early 2014 and substantially completed by no later than July 1, 2014.
3. The sub group of the IRP working group could also consider Staff's recommendations concerning CHP and dynamic pricing.
4. The forecast described in item 2 above can be used to update Delmarva Power's RPS compliance plan.
5. No additional long-term commitments for renewable resources are needed for Delmarva Power's RPS compliance plan at this time.

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<sup>10</sup> 26 *Del. Admin. C. §3010*.

6. In light of facilities coming on line in the very near future, there is no need for Delmarva Power to begin planning for the construction of a 300 MW gas fired generation facility at this time.
7. The IRP working group is an appropriate forum to address Staff's concerns with the prices paid for electric energy by Delmarva Power's SOS customers.
8. Unless and until the regulatory provisions are amended, Delmarva Power will continue to include an evaluation of externalities as part of the next IRP.
9. Unless and until the statutory provisions are amended by the General Assembly, Delmarva Power will continue to submit an IRP pursuant to the schedule set forth in EURSCA. Under the existing statute, the next IRP will be filed on or before December 1, 2014.

Respectfully submitted,



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Pamela J. Scott (#2413)  
Assistant General Counsel  
Delmarva Power & Light Company  
500 N. Wakefield Drive  
Newark, DE 19714  
(302) 429-3143  
[pjscott@pepcoholdings.com](mailto:pjscott@pepcoholdings.com)

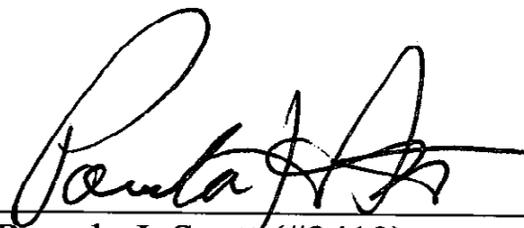
Dated: October 16, 2013

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF DELMARVA )  
POWER & LIGHT COMPANY'S 2012 ) PSC DOCKET NO. 12-544  
INTEGRATED RESOURCE PLAN )  
(FILED DECEMBER 7, 2012) )

**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2013, I caused the attached RESPONSE OF DELMARVA POWER & LIGHT COMPANY TO COMMENTS FILED BY INTERVENING PARTIES to be served on all persons on the accompanying service list in the manner indicated thereon.

  
\_\_\_\_\_  
Pamela J. Scott (#2413)  
Assistant General Counsel  
Delmarva Power & Light Company  
500 N. Wakefield Drive  
Newark, DE 19714  
(302) 429-3143  
[pjscott@pepcoholdings.com](mailto:pjscott@pepcoholdings.com)

Dated: October 16, 2013

**SERVICE LIST**  
**DP&L'S 2012 INTEGRATED RESOURCE PLAN**  
**PSC Docket No. 12-544**  
**As of 09/10/13**

<b><u>Hearing Examiner</u></b>	<b><u>PSC Staff</u></b>
<b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b>	<b><u>ORIGINAL &amp; 10 BY OVERNIGHT MAIL</u></b>
<p>Mark Lawrence          Delaware Public Service Commission          861 Silver Lake Blvd., Suite 100          Dover, Delaware 19904          Tel: 302-736-7540          Fax: 302-739-4849          Email: mark.lawrence@state.de.us</p>	<p>Alisa Bentley, Secretary to the Commission          Delaware Public Service Commission          861 Silver Lake Blvd., Suite 100          Dover, Delaware 19904          Tele: 302-736-7511          Fax: 302-739-4849          Email: alisa.bentley@state.de.us</p>
<b><u>PSC Staff</u></b>	<b><u>PSC Staff</u></b>
<b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b>	<b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b>
<p>Janis Dillard, Deputy Executive Director          Delaware Public Service Commission          861 Silver Lake Blvd., Suite 100          Dover, Delaware 19904          Tel: 302-736-7542          Fax: 302-739-4849          Email: Janis.dillard@state.de.us</p>	<p>Connie McDowell, Sr. Reg Policy Admin.          Pamela Knotts, Regulatory Policy Admin.          John Farber, Public Utilities Analyst          Delaware Public Service Commission          861 Silver Lake Blvd., Suite 100          Dover, Delaware 19904          Email: connie.mcdowell@state.de.us          John.farber@state.de.us          pamela.knotts@state.de.us</p>
<b><u>PSC Staff Counsel</u></b>	<b><u>PSC Staff Counsel</u></b>
<b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b>	<b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b>
<p>James McC. Geddes, Esquire          Ashby &amp; Geddes          500 Delaware Avenue, Suite 800          P.O. Box 1150          Wilmington, DE 19899          Tel: 302-654-1888          Fax: 302-654-2067          E-mail: jgeddes@ashby-geddes.com          jamesgeddes@mac.com</p>	<p>Julie (Jo) M. Donoghue, Esquire          Deputy Attorney General          Delaware Department of Justice          820 North French Street, 6th Floor          Wilmington, DE 19801          Tel: 302-577-8348 (Wilmington)          Tel: 302-736-7558(Dover)          Fax: 302-739-4849          Email: julie.donoghue@state.de.us</p>
<b><u>Division of the Public Advocate</u></b>	<b><u>Div. of the Public Advocate – Counsel</u></b>

<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>David Bonar  Public Advocate  Division of the Public Advocate  John G. Townsend Building  401 Federal Street, Suite 3 (SOS)  Dover, DE 19901  Tel: 302-857-3660  Fax: 302-739-4111  E-mail: david.bonar@state.de.us</p> <p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Ruth Ann Price  Deputy Public Advocate  Division of the Public Advocate  820 North French Street, 4th Floor  Wilmington, DE 19801  Tel: 302-577-5014  Fax: 302-577-3297  Email: ruth.price@state.de.us</p>	<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Regina A. Iorii, Esq.  Deputy Attorney General  Division of the Public Advocate  820 North French Street  Wilmington, DE 19801  Tel: 302-577-8159  Fax: 302-577-3297  Email: regina.iorii@state.de.us</p>
<p><b><u>Division of the Public Advocate</u></b></p>	<p><b><u>Div. of the Public Advocate – Consultant</u></b></p>
<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Andrea B. Maucher  Division of the Public Advocate  John G. Townsend Building  401 Federal Street, Suite 3 (SOS)  Dover, DE 19901  Phone: 302-857-4620  Fax: 302-739-4111  Email: andrea.maucher@state.de.us</p>	
<p><b><u>Delmarva Power &amp; Light Company</u></b></p>	<p><b><u>Delmarva Power &amp; Light Company</u></b></p>
<p><b><u>BY ELECTRONIC MAIL</u></b></p>	<p><b><u>BY ELECTRONIC MAIL</u></b></p>

<p>Todd L. Goodman, Esquire  Associate General Counsel  Pepco Holdings Inc., Legal Services  P.O. Box 6066  Mailstop 92DC42  Newark, DE 19714-6066</p> <p><u>Overnight Mail:</u>  500 North Wakefield Drive  Mailstop 92DC42  Newark, DE 19702</p> <p>Tel: 302-429-3786  Fax: 302-429-3801  Email: todd.goodman@pepcoholdings.com</p>	<p>Jack Barrar  PHI-Delmarva Power – Edison Place  701 Ninth Street, NW, 9<sup>th</sup> Floor , Room 9200  Washington, D.C. 20068  Tel: 202-872-3425  Email: jebarrar@pepco.com</p> <p><b><u>BY ELECTRONIC MAIL</u></b></p> <p><u>Email distribution only:</u>  bill.mitchell@pepcoholdings.com  Mario.Giovannini@Delmarva.com  chknapp@pepco.com  mark.finfrock@pepcoholdings.com  gary.stockbridge@pepcoholdings.com  wrswink@pepco.com  rjreuter@pepco.com  lisa.pfeifer@pepcoholdings.com  wlmcnealy@pepco.com;  spreavey@pepcoholdings.com  slsunderhauf@pepco.com  diana.deangelis@pepcoholdings.com  mscheller@icfi.com  bob.collacchi@pepcoholdings.com</p>
<p><b><u>INTERVENORS</u></b></p>	
<p><b><u>Caesar Rodney Institute</u></b></p>	<p><b><u>Calpine Mid-Atlantic Energy, LLC</u></b></p>
<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>David T. Stevenson  Director, Center for Energy Competitiveness  Caesar Rodney Institute  P.O. Box 795  Dover, DE 19903  Tele: 302- 236-2050  Fax: 302- 645-9017  Email: davidstevenson@caesarrodney.org</p>	<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Steven Schleimer, Vice President  Government and Regulatory Affairs  Calpine Corporation  500 Delaware Avenue, Suite 600  Wilmington, Delaware 19801  Tel: 302-468-5326  Fax: 302-468-5401  E-mail: steven.schleimer@calpine.com</p>
<p><b><u>Mid-Atlantic Renewable Energy Coalition</u></b></p>	<p><b><u>Delaware Chapter of the Sierra Club</u></b></p>

<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Bruce H. Burcat, Esq.  Executive Director  Mid-Atlantic Renewable Coalition  208 Stonegate Way  Camden, DE, 19934  Tel: 302-331-4639  Fax: 302-697-6852 (call first)  Email: bburcat@marec.us</p>	<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Andrew R. Groff  Executive Committee Member  Delaware Chapter of the Sierra Club  503 Rothbury Road  Wilmington, DE 19803  Tel: (302) 476-9500  Email: andrewgroff@verizon.net</p>
<p><b><u>Department of Natural Resources &amp; Environmental Control</u></b></p>	<p><b><u>Department of Natural Resources &amp; Environmental Control - Counsel</u></b></p>
<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Thomas G. Noyes  Division of Energy &amp; Climate  Delaware Department of Natural Resources and Environmental Control  1203 College Park Drive, Suite 101  Dover, DE, 19904  Tel: 302-735-3356  Fax: 302-739-1840  E-mail: thomas.noyes@state.de.us</p>	<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Ralph K. Durstein III  Deputy Attorney General  Carvel State Office Building  820 N. French St.  Wilmington, DE 19801  Tel: 302-577-8510  Fax: 302-577-5866  E-mail: ralph.durstein@state.de.us</p>
<p><b><u>Delaware Sustainable Energy Utility</u></b></p>	<p><b><u>Delaware Sustainable Energy Utility – Consultant</u></b></p>
<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Anthony J. DePrima, Executive Director  Delaware Sustainable Energy Utility  109 South State Street  Dover, DE 19901  Tel: 302-883-3038  Cell: 302 270-6246  Fax: 302-736-9717  Email: tony.deprima@deseu.org</p>	<p><b><u>BY ELECTRONIC &amp; REGULAR MAIL</u></b></p> <p>Sarah Buttner  Principal, Energy Transition Consulting LLC  11 Firechase Circle  Newark, DE 19711  Tel: 302-286-1118  Email: energytransition@comcast.net</p>