BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER AND LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (Filed August 19, 2011)	))))	PSC DOCKET NO. 11-362

ORDER NO. 8034

FOR ADMISSION AS AN INTERVENOR

AND NOW, this 7th day of September, 2011, pursuant to the authority granted to this Hearing Examiner in PSC Order No. 8025 dated September 6, 2011, and having considered the Petition for Intervention ("the Petition") filed by Bloom Energy Corporation ("Bloom Energy"), this Hearing Examiner determines the following:

1. Bloom Energy filed a Petition to Intervene in the above-captioned Docket on September 6, 2011. In the Petition, Bloom Energy addressed the subject Application filed by Delmarva Power & Light Company. ("Delmarva")

2. In PSC Order No. 8025, the Commission ordered that the deadline for filing petitions for intervention was September 6, 2011. (See Order, ¶3.)

3. Thus, Bloom Energy's Petition to Intervene was timely filed.

4. In its Petition, Bloom Energy alleges that "Bloom Energy's interests in this proceeding will not be adequately represented without being granted intervener status, and the public interest will

be served by Bloom Energy's participation as a party to this proceeding." (*See* Bloom Energy's Petition to Intervene at ¶5.)

5. Specifically, in its Petition, Bloom Energy states that it has "economic and business interests in this proceeding" because [i]f the proposed Tariffs are adopted by the Commission, an affiliate of Bloom Energy will deploy the fuel cell energy savers that are the foundation for the project." (*See* Bloom Energy's Petition to Intervene at ¶¶3,4.)Finally, Bloom Energy's Petition states that "[w]hile Bloom Energy's interests are aligned with those of Delmarva, they are separate and potentially different…." (*Id.* at ¶5.)

6. No party has opposed Bloom Energy's Petition.

7. This Hearing Examiner has received a communication from Commission Staff, supporting the Petition.

8. For purposes of considering the merits of Bloom Energy's Petition, I assume as true the representations made in Bloom Energy's Petition. Specifically, Bloom Energy has adequately alleged that it has particularized expertise and experience which may be valuable to the Commission in deciding the issues in this docket. Thus, DNREC has satisfied the intervention requirements of Rule 21 of the Commission's *Rules of Practice and Procedure*.

9. There is no need to disturb the Procedural Schedule ordered by the Commission in PSC Order No. 8025.

Now, therefore, **IT IS ORDERED:**

1. Accordingly, the Petition for Intervention filed by the Bloom Energy Corporation ("Bloom Energy") is **GRANTED.**

2. The Procedural Schedule established by the Commission in PSC Order No. 8025 (September 6, 2011) will not be modified, changed or varied in any respect due to this Order. However, Bloom Energy shall be added to the Service List for this Docket. Bloom Energy's contact information is contained in its Motion.

BY ORDER OF THE COMMISSION

Mark Lawrence,
Hearing Examiner