

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE COMPLAINT FILED BY	)	
MEN'S OXFORD HOUSE AGAINST DELMARVA POWER	)	
& LIGHT COMPANY AND HORIZON POWER AND	)	PSC COMPLAINT DOCKET
LIGHT, LLC CONCERNING ALLEGEDLY IMPROPER	)	NO. 361-09
CLASSIFICATION AS A COMMERCIAL CUSTOMER	)	
AND ALLEGEDLY INAPPROPRIATE BILLING	)	
RESULTING THEREFROM	)	
(FILED MAY 12, 2009)	)	

**ORDER NO. 7569**

**AND NOW**, this 19<sup>th</sup> day of May, 2009;

**WHEREAS**, on May 12, 2009, Men's Oxford House ("Oxford House"), a shelter for individuals recovering from substance abuse, filed a complaint (the "Complaint") with the Delaware Public Service Commission (the "Commission") against Delmarva Power & Light Company ("Delmarva") and Horizon Power and Light, LLC ("Horizon") alleging that Delmarva improperly classified Oxford House as a commercial customer rather than a residential customer, and that such improper classification has resulted in Oxford House paying unnecessarily higher commercial rates for electric usage since April 2001, including the time when it was a customer of Horizon; and

**WHEREAS**, on May 12, 2009, the Commission effected service of the Complaint upon Delmarva and Horizon and directed them to respond to the Complaint pursuant to the Commission's Rules of Practice and Procedure, 26 *Del. Admin. Code* § 1001 *et seq.*; and

**WHEREAS**, Staff may incur legal and other expenses in the course of this docket;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF  
NOT FEWER THAN THREE COMMISSIONERS:**

1. That, pursuant to 26 *Del. C.* §§ 201(a) and 206, this docket is hereby opened to hear the Complaint.

2. That Mark Lawrence is designated as Hearing Examiner for this matter pursuant to the terms of 26 *Del. C.* § 502 and 29 *Del. C.* ch. 101 to schedule and conduct, upon due notice, such public comment sessions and evidentiary hearings as may be necessary to have a full and complete record concerning the allegations of the Complaint. Thereafter, the Hearing Examiner shall file with the Commission his proposed findings and recommendations. Pursuant to Rule 21 of the Commission's Rules of Practice and Procedure, the Hearing Examiner is specifically delegated the authority to grant or deny petitions seeking leave to intervene. In addition, the Hearing Examiner is delegated the authority, under 26 *Del. C.* § 102(A), to determine the form and manner of any further public notice in this matter.

3. That the parties may elect to proceed by informal fact-finding. If the parties make such an election, they are to notify the Commission in writing no later than **Tuesday, June 9, 2009**.

4. Delmarva Power & Light Company and Horizon Power and Light, LLC are hereby placed on notice that the costs of the proceeding will be charged to them under the provisions of 26 *Del. C.* § 114(b)(1).

5. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary