

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE REGULATION)
GOVERNING TERMINATION OF RESIDENTIAL)
ELECTRIC OR NATURAL GAS SERVICE BY)
PUBLIC UTILITIES FOR NON-PAYMENT)
DURING EXTREME SEASONAL TEMPERATURE)
CONDITIONS (OPENED SEPTEMBER 4, 1979,)
AS PSC REGULATION DOCKET NO. 3;) PSC REGULATION DOCKET NO. 53
RE-OPENED ON SEPTEMBER 16, 1980;)
RE-OPENED, RE-CAPTIONED, AND)
RE-NUMBERED AS PSC REGULATION DOCKET)
NO. 53 ON APRIL 15, 2003))

ORDER NO. 8169

AND NOW, this 3rd day of July 2012, the Commission determines and orders the following:

WHEREAS, on June 20, 2012, Delmarva Power & Light Company ("Delmarva") filed a petition¹ ("Petition") requesting that the Commission amend the regulations set forth in 26 *Del. Admin. C.* §3002, "Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions" (the "Regulations"); and

WHEREAS, Delmarva noted in its Petition that pursuant to PSC Order No. 7420 in PSC Docket No. 07-28, Delmarva is completing the installation of electric advanced metering infrastructure ("AMI") in its Delaware electric service territory. AMI gives Delmarva the ability to disconnect electric service remotely, thus avoiding the

¹ Although the filing was entitled "Application of Delmarva Power & Light Company to Amend the Regulations Pertaining to the Method of Service Disconnection for Electric Companies," under 26 *Del. Admin. C.* §1001-1.2, an "Application" means "a document in which a person seeks a certification, permit, license, or other approval, ruling or authorization from the Commission." Because Delmarva's filing is a request for relief which is not an application or a complaint, this filing is more properly entitled a "Petition" under 26 *Del. Admin. C.* §1001-1.2.

personnel, fuel, and equipment costs of sending an employee to physically disconnect service; and

WHEREAS, Delmarva also noted in its Petition that the Staff of the Public Service Commission ("Staff") and the Division of the Public Advocate ("DPA") have agreed that the Regulations should be amended to allow Delmarva and Delmarva's customers to realize the benefits of the installation of AMI; and

WHEREAS, Staff submitted a memorandum to the Commission dated July 3, 2012, in which it supported the re-opening of this docket;

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

1. The Commission determines that good cause exists to re-open this regulation docket.

2. Pursuant to 26 *Del. C.* §209(a) (1) and 29 *Del. C.* §10111 et seq., the Commission proposes to revise and/or amend the "*Regulations Governing Termination of Residential Electric or Natural Gas Service by Utilities for Non-Payment During Extreme Seasonal Temperature Conditions*," 26 *Del. Admin. C.* §3002 (the "Regulations").

3. The Secretary of the Commission shall cause a copy of this Order and the enclosed notice to be sent by U.S. mail to all jurisdictional electric distribution utilities and all jurisdictional gas public utilities currently operating in Delaware and all persons who have made timely written requests for advance notice of the Commission's regulation-making proceedings.

4. The Secretary of the Commission shall cause a copy of the Public Notice attached as Exhibit "A" to be published in The News

PSC Regulation Docket No. 53, Order No. 8169 Cont'd

Journal and Delaware State News newspapers in two column format, outlined in black, **on or before Friday, July 27, 2012.**

5. After receiving any comments solicited by the public notice and after conducting any such workshops as Staff deems necessary, Staff shall submit to the Commission proposals for revisions and/or amendments to the existing Regulations. If the Commission approves such proposed revisions and/or amendments, the Commission will then propose such rules and regulations for adoption under the procedures set forth in 29 Del. C. §§1133 and 10115 to 10118.

6. Julie M. Donoghue, Esquire, is designated Staff Counsel for this matter.

7. Delmarva Power & Light Company is hereby notified that it may be charged for the cost of this proceeding under 26 Del. C. §114.

8. 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary

E X H I B I T "A"

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P U B L I C N O T I C E

**SOLICITING COMMENTS CONCERNING
REVISIONS TO THE RULES AND REGULATIONS
OF THE PUBLIC SERVICE COMMISSION**

On June 20, 2012, Delmarva Power & Light Company ("Delmarva") filed a petition with the Public Service Commission ("the Commission") requesting that the Commission amend the regulations set forth in 26 *Del. Admin. C.* §3002, "Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions" (the "Regulations"). These Regulations were originally adopted in PSC Regulation Docket No. 3 by PSC Order No. 1990 (October 30, 1979) and revised in PSC Order No. 2143 (October 28, 1980). On April 15, 2003, PSC Order No. 6148 re-opened the Regulations, re-captioned the Regulations, and re-numbered the docket as PSC Regulation Docket No. 53. The Regulations were further modified by the Commission in PSC Order No. 6325 (December 9, 2003).

The existing Regulations establish uniform procedures which must be followed prior to termination of service for non-payment during the heating or cooling season and apply to all public utilities subject to the jurisdiction of the Commission. See 26 *Del. Admin. C.* §3002-1.2. In PSC Order No. 8169 (July 3, 2012), the Commission accepted Delmarva's petition to re-open these Regulations. The Commission agreed to consider amendments proposed by Delmarva which would modify the Regulations to:

- (a) Allow electric utilities to utilize the new technology of the installed electric advanced metering infrastructure ("AMI") to disconnect electric service remotely, to not require an electric employee to make a reasonable good faith attempt to make personal contact at the premises to be disconnected prior to termination of service, and replacing this personal contact requirement with a requirement that the electric utility make at least one attempt to contact the customer by telephone; but
- (b) Maintain the existing Regulations for natural gas utilities and the requirements regarding final personal contact prior to termination of gas service.

As the first step in the process, Delmarva has proposed amendments and revisions to the existing Regulations for the

Commission's later consideration. To aid in this initial process, the Commission and its Staff now solicit comments concerning adopting amendments and/or revisions to the existing Regulations.

If you wish, you may file with the Commission written comments regarding this Petition **on or before Friday, August 17, 2012**. Please send these written comments to the Commission's address listed below and note the "attention to" as "PSC Regulation Docket No. 53."

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

If you wish to formally participate as a party in this matter, with the right to present evidence and be represented by counsel, you must file with the Commission a written petition asking for leave to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (26 Del. Admin. C. §1001-2.9) **on or before July 27, 2012**. All such petitions should be sent to the Commission's address listed above with attention to "PSC Regulation Docket No. 53." Petitions filed after the deadline of July 27, 2012, will not be considered except for good cause shown.

After reviewing the written comments, Staff may propose amendments and/or revisions to the Regulations for the Commission's review. If the Commission accepts such proposed amendments and/or revisions, the Commission will promulgate such amendments and/or revisions for adoption under the notice and hearing provisions of 29 Del. C. §§1133 and 10115 to 10118.

You are invited to review Delmarva's Petition to determine how

your interest may be affected. You may review documents posted on the Commission's website at <http://dep.sc.delaware.gov/default.shtml>. If you would like to review documents at the Commission's offices, please contact Monica Hall at monica.hall@state.de.us to arrange a time for your review. You may also review copies of Delmarva's Petition at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801. Please call (302) 577-5077 to arrange for a time to review the documents at that location.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. This form may be found at <http://smu.portal.delaware.gov/cgi-bin/mail.php?foia-request&subj=DOS>. There is also a link to the Freedom of Information Act Request Form on the Commission's website, <http://dep.sc.delaware.gov/default.shtml>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 Del. C. ch. 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding

this matter by Internet e-mail addressed to
patricia.gannon@state.de.us.