

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

IN THE MATTER OF THE APPLICATION OF )  
DELMARVA POWER & LIGHT COMPANY FOR A )  
CHANGE IN ITS ELECTRIC AND GAS )  
TARIFFS TO REFLECT THE NEWLY APPROVED ) PSC DOCKET NO. 11-337T  
PUBLIC UTILITY TAX RATE CHANGE )  
EFFECTIVE JULY 31, 2011 )  
(FILED AUGUST 2, 2011) )

**ORDER NO. 8010**

**AND NOW**, this 9<sup>th</sup> day of August, 2011, the Delaware Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, in House Bill 129, the 146<sup>th</sup> General Assembly, among other things, decreased the public utility tax rates of 5.00% and 2.35% set forth in 30 *Del. C.* §§5502 to 4.25% and 2.00% respectively, effective July 31, 2011;<sup>1</sup>

**WHEREAS**, on August 2, 2011, Delmarva Power & Light Company filed amendments to its tariff to reflect the amendments to the public utility tax rates;

**WHEREAS**, 30 *Del. C.* §5502(c) provides, among other things, that when such taxes apply to a "distributor"<sup>2</sup> subject to

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<sup>1</sup> For purposes of the Public Utility Tax, a "public utility" is defined as including the following commodities and services: "1. Electricity distributed for any heat, light or power use; 2. Gas (except liquefied gas) piped from a distribution center to the consumer or user for any heat, light or power use; 3. Intrastate telephone services that are not intrastate mobile telecommunications services, intrastate mobile telecommunication services and telegraph communication services; 4. Cable television communication services; and 5. Direct-to-home satellite services." 30 *Del. C.* §5501(8)a.1.-5.

<sup>2</sup> "'Distributor' includes any company, corporation, municipality, partnership, firm, association, cooperative or any person or group of persons which supplies any public utility for sale to ultimate consumers or users with this State, whether, in the case of gas or

Commission regulation, "the Commission is directed, after consultation with such distributor and without a public hearing, to adjust the tariff of such distributor so that the tax is passed through *pro rata* to the distributor's customers and the distributor's earnings are neither increased nor decreased by such tax. ...;" and

**WHEREAS**, 30 *Del. C.* §5502(c) further directs the Commission "to allow such adjusted tariffs and the rates therein to become effective immediately upon filing without any requirement of 30 days' notice and without suspension thereof. ...;"

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE**

**VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That the Commission approves the tariff adjustment filed by Delmarva Power & Light Company in the above docket on August 2, 2011 pursuant to House Bill 129 of the 146<sup>th</sup> General Assembly.

2. Delmarva Power & Light Company shall file revised tariff leaves within 10 days from the date of this Order.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

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electricity, the gas or electricity is supplied through a distributor's own or a transmission company's facilities." 30 *Del. C.* §5501(3).

/s/ Jaymes B. Lester  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary