

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

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

ORDER NO. 8032

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 Leave to Intervene ("the Petition") filed by the Caesar Rodney Institute, Center for Energy Competitiveness ("CRI"), this Hearing Examiner determines the following:

1. CRI filed a Petition to Intervene, signed by its Director, David T. Stevenson, in the above-captioned Docket on September 1, 2011. In addition to the Petition, CRI attached a copy of its comments concerning 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, CRI's Petition to Intervene was timely filed.

4. On September 1, 2011, I emailed CRI's Petition to Intervene to the parties for their comment. CRI's Petition includes five (5) pages of extensive comments concerning Delmarva's Application.

5. In its Petition, CRI argues that it will offer "unique testimony" relating to competitive, electric generation costs for Delmarva's ratepayers, the Application's effect on Delmarva's 2010 Integrated Resource Plan (IRP),¹ and the requirements of recently enacted Delaware legislation addressing Qualified Fuel Cell Providers.² CRI contends that its particularized experience and expertise will be useful to the Commission in deciding the issues in this Docket. (See CRI's Petition to Intervene at ¶¶3,4.)

6. No party has opposed CRI's Petition to Intervene.

7. I received a communication from PSC Staff supporting the Petition to Intervene.

8. For purposes of considering the merits of CRI's Petition, I assume as true the representations made in CRI's Petition by its Director, David T. Stevenson. Specifically, in good faith, CRI 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, CRI has satisfied the intervention requirements of Rule 21 of the Commission's *Rules of Practice and Procedure*.

9. Since CRI submitted its comments along with its Petition for Intervention, 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 Caesar Rodney Institute for Energy Competitiveness ("CRI") is **GRANTED**.

¹ See the Commission's website www.depsc.delaware.gov for a description of the Docket involving Delmarva's 2010 IRP, including documents filed therein.

² See 26 Delaware Code §364 (2011).

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, CRI shall be added to the Service List for this Docket.

3. CRI is hereby placed on notice that it is required to comply in all respects with the Commission's *Rules of Practice and Procedure* as well as all Delaware statutes, rules and regulations pertinent to this Docket.

BY ORDER OF THE COMMISSION

Mark Lawrence,
Hearing Examiner