

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 NATURAL GAS BASE RATES) PSC DOCKET NO. 12-546
(FILED DECEMBER 7, 2012))

ORDER NO. 8297

AND NOW, this 21st day of February, 2013:

WHEREAS, on December 7, 2012, Delmarva Power & Light Company ("Delmarva") filed with the Delaware Public Service Commission (the "Commission") an application (the "Application") seeking approval of, among other items, an increase in its natural gas base rates and miscellaneous tariff changes; and

WHEREAS, the Commission having determined that, pursuant to the authority granted to it by 26 Del. C. §306(a)(1), Delmarva's Application shall be suspended pending the completion of evidentiary hearings into the justness and reasonableness of the proposed new rates and tariffs and a final decision of the Commission; and

WHEREAS, on January 8, 2013, in Order No. 8271, the Commission ordered that the rates and revised tariff sheets filed by Delmarva in its Application were suspended pursuant to 26 Del. C. §306(a)(1) and, subject to the implementation of interim rates as further authorized in Order No. 8271, and were not to be placed into force or effect except pursuant to law or further Order of the Commission, and then only to the extent such law or further Commission Order may permit or allow;¹ and

¹ See Order No. 8271, ¶1 (January 8, 2013).

WHEREAS, the Commission also ordered that Delmarva's request to implement interim rates intended to produce an annual increase of \$2.5 million in intrastate operating revenues, effective February 5, 2013, with proration and subject to refund, was granted;² and

WHEREAS, the Commission further ordered that the proposed non-rate modifications to Delmarva's tariffs were suspended until such time as a final Order in this proceeding is issued;³ and

WHEREAS, pursuant to 26 *Del. C.* §502 and 29 *Del. C. ch.* 101, the Commission also designated Robert J. Howatt to act as the Hearing Examiner for this docket, ordered that Hearing Examiner Howatt schedule and conduct such public evidentiary hearings as may be necessary or appropriate to develop a full and complete record concerning this matter, and ordered that Hearing Examiner Howatt report thereafter to the Commission his proposed findings and recommendations based on the evidence presented;⁴ and

WHEREAS, pursuant to 26 *Del. Admin. C.* §1001-2.9 and Order No. 8271, the Commission further delegated to Hearing Examiner Howatt the authority to grant or deny petitions to intervene in this matter and motions for admission of counsel *pro hac vice* and the authority, under 26 *Del. C.* §102A, to determine the content, form, and manner of any further notice in this matter; and

WHEREAS, Hearing Examiner Howatt has been appointed as the Executive Director of the Commission and is no longer able to act as a Hearing Examiner for this matter;

² See Order No. 8271, ¶3 (January 8, 2013).

³ *Id.* at ¶2.

⁴ *Id.* at ¶7.

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

1. That Connie McDowell is designated as the Hearing Examiner for this docket pursuant to 26 *Del. C.* §502 and 29 *Del. C. ch.* 101. Hearing Examiner McDowell shall schedule and conduct such public evidentiary hearings as may be necessary or appropriate to develop a full and complete record concerning this matter. Pursuant to 29 *Del. C.* §10126(a), Hearing Examiner Howatt shall thereafter report to the Commission her recommended findings of fact based upon the evidence, recommended conclusions of law, and recommended decision. Pursuant to 26 *Del. Admin. C.* §1001-2.9, Hearing Examiner McDowell is delegated the authority to grant or deny petitions to intervene and motions for admission of counsel *pro hac vice*. In addition, Hearing Examiner McDowell is delegated the authority, under 26 *Del. C.* §102A, to determine the content, form, and manner of any further notice in this matter.

2. 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/ Dallas Winslow
Chair

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary