BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

COMPLIANCE FILING IN THE MATTER OF THE
APPLICATION OF DELMARVA POWER & LIGHT
COMPANY FOR APPROVAL OF QUALIFIED FUEL
CELL PROVIDER PROJECT TARIFF
(FILED FEBRUARY 22, 2013)

PSC DOCKET NO. 13-76-02

ORDER NO. 8316

AND NOW, this 19th day of March 2013, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on July 7, 2011, the Governor of the State of Delaware signed into law certain amendments (78 Del. Laws ch. 99) (July 7, 2001) (the "Amendments") to the Renewable Energy Portfolio Standards Act, 26 Del. C. §§351 - 364 (the "REPSA") that added Delaware-manufactured fuel cells to the REPSA and allowed energy output from such fuel cells to be considered a resource eligible to fulfill a portion of a Commission-regulated electric company’s renewable energy credit requirements under REPSA; and

WHEREAS, the Amendments were part of a comprehensive State economic development and renewable energy program in which a new form of base load generation was added in Delaware; and

WHEREAS, the Amendments created a regulatory framework whereby a Commission-regulated electric company and a Qualified Fuel Cell Provider ("QFCP")\(^1\) will jointly submit tariffs\(^2\) that enable and oblige a Commission-regulated electric company, as the agent for collection and disbursement, to collect from its customers non-

\(^1\) A "Qualified Fuel Cell Provider" is defined in 26 Del. C. §352(16).
\(^2\) The requirements for the tariffs are set forth in a previous Commission’s Order in PSC Docket 11-362, PSC Order No. 8025, dated September 6, 2011. See also 26 Del. C. §§364(b) and (d).
bypassable charges for costs incurred for incremental site
preparation, filing, administrative, and other costs incurred by the
QFCP, reduced by compensation for any revenues received from PJM\(^3\) or
its successors at law from the output of the Qualified Fuel Cell
Provider Project ("QFCPP"); and

WHEREAS, in accordance with the Amendments, the Commission was
directed to either approve or reject all tariff filings as proposed,
without alteration or the imposition of any condition or conditions;
and

WHEREAS, on August 19, 2011, Delmarva Power & Light Company
("Delmarva") filed an application in PSC Docket No. 11-362 for
approval of a new electric tariff for Service Classification QFCP-RC
and a new gas tariff for Service Classification LVG-QFCP-RC pursuant
to the Amendments; and

WHEREAS, on October 18, 2011, the Commission issued PSC Order No.
8062, which approved Delmarva’s tariff filing and ordered that the
Commission would enter a formal Findings and Opinion in support of PSC
Order 8062 at a later date; and

WHEREAS, on December 1, 2011, the Commission issued PSC Order No.
8079, which, among other things, adopted Order No. 8062, set forth the
Commission’s formal Findings and Opinion approving Delmarva’s
application for a new electric tariff and new gas tariff, and adopted

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\(^{3}\) "PJM” means the regional transmission organization that coordinates the
movement of wholesale electricity in the PJM region, or its successors at
law. See 26 Del. C. §352(14).

\(^{4}\) Under 26 Del. C. §352(17), a "qualified fuel cell provider project" means a
fuel cell power generation project located in Delaware owned and/or operated
by a qualified fuel cell provider under a tariff approved by the Commission
pursuant to 26 Del. C. §364(d).
the allowance adjustments made by the Secretary of the Delaware Department of Natural Resources and Environmental Control ("DNREC") to the Renewable Energy Credit ("REC")\(^5\) and Solar Renewable Energy Credit ("SREC")\(^6\) and

**WHEREAS**, pursuant to the Commission-approved Tariff for Service Classification QFCP-RC, Delmarva will file on a monthly basis with the Commission a copy of the computation of the Service Classification QFCP-RC Charge ("QFCP-RC Charge") with current factors and reconciliation factors at least thirty days prior to applying such QFCP-RC Charge on customers' bills. See P.S.C. Del. No. 8 - Electric, Original Leaf No. 74d, Section F; and

**WHEREAS**, on February 22, 2013, Delmarva submitted its twelfth monthly filing (the "Compliance Filing") to account for the varying QFCP-RC Charge for April 2013, including the typical charges and calculations. In addition, the reconciliation factors (true-ups) of the January billing revenues, January PJM energy revenues, and January operational costs were included in the QFCP-RC Charge; and

**WHEREAS**, the April 2013 QFCP-RC Charge, which is set forth on the attached Exhibit "A", will be effective for bills issued between April 1, 2013, and April 29, 2013, absent a determination of manifest error by the Commission; and

**WHEREAS**, the Commission Staff ("Staff") reviewed the Compliance

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\(^5\) Under 26 Del. C. §352(18), a "Renewable Energy Credit" or "REC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from eligible energy resources and that is used to track and verify compliance with the provisions of the RPS.

\(^6\) Under 26 Del. C. §352(25), a "Solar Renewable Energy Credit" or "SREC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from solar photovoltaic energy resources and that is used to track and verify compliance with the provisions of RPS.
Filing, the calculations supporting the April 2013 QFCP-RC Charge, and the source documents supporting the calculation of the April 2013 QFCP-RC Charge and found no manifest error in the Compliance Filing or the calculations contained therein. Staff therefore recommends that the April 2013 QFCP-RC Charge be permitted to take effect for Delmarva customer bills issued between April 1, 2013, and April 29, 2013, subject to the requirement that Delmarva shall provide to Staff, with each future Compliance Filing under the REPSA, all documents which Staff requested from Delmarva as part of the review of this and any prior Compliance Filings, including, but not limited to, Delmarva’s workpapers, and subject to the requirement that Staff reserves the right to perform more detailed audits of any and all months included in the Compliance Filing or any future tariff filings made to adjust the QFCP-RC Charge;

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

1. That the Commission approves the Compliance Filing made by Delmarva Power & Light Company ("Delmarva") on February 22, 2013, including the April 2013 QFCP-RC Charge which is attached as Exhibit "A".

2. That Delmarva shall provide to the Commission Staff ("Staff"), with each future Compliance Filing under the Renewable Energy Portfolio Standards Act, 26 Del. C. §§351 - 364 (the "REPSA"), all documents that Staff requested from Delmarva as part of its review of this Compliance Filing, including, but not limited to, Delmarva’s workpapers.
3. That Staff hereby reserves the right to perform a more
detailed audit of any months included in Delmarva’s Compliance Filing
made on February 22, 2013, and any and all months included in the
Compliance Filing or any future tariff filings made to adjust the
QFCP-RC Charge.

4. 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/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary
EXHIBIT A

APRIL 2013 QFCP-RC CHARGE

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