

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

IN THE MATTER OF THE APPLICATION OF )  
DELMARVA POWER & LIGHT COMPANY TO )  
APPROVE AN AGREEMENT WITH ) PSC DOCKET NO. 13-99  
WASHINGTON GAS ENERGY SERVICES, INC. )  
FOR THE PURCHASE OF SOLAR RENEWABLE )  
ENERGY CREDITS )  
(FILED MARCH 11, 2013) )

**ORDER NO. 8325**

**AND NOW**, this 19<sup>th</sup> day of March, 2013:

**WHEREAS**, on March 11, 2013, pursuant to 26 *Del. C.* §351 *et seq.*, Delmarva Power & Light Company ("Delmarva") filed an application (the "Application") with the Delaware Public Service Commission (the "Commission") seeking approval to enter into a contract to purchase solar renewable energy credits ("SRECs") from Washington Gas Energy Services, Inc. ("WGES"); and

**WHEREAS**, the Renewable Energy Portfolio Standards Act, 26 *Del. C.* §§351-364 ("REPSA"), was signed into law in 2007, the purpose of which was to "establish a market for electricity from [renewable energy resources] in Delaware, and to lower the cost to consumers of electricity from these resources." 26 *Del. C.* § 351(c); and

**WHEREAS**, REPSA requires all retail electric suppliers, like Delmarva and WGES, to purchase energy from Eligible Energy Resources<sup>1</sup> to meet a portion of their annual retail load. The minimum percentage of retail energy sales to end-users that must

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<sup>1</sup> The term "Eligible Energy Resources" is defined in 26 *Del. C.* §352(6).

come from Eligible Energy Resources increases over time, reaching a requirement of 25% in 2025. See 26 Del. C. §354(a); and

**WHEREAS**, prior to 2011, all retail electric suppliers, such as WGES, were responsible for compliance with REPSA for their retail load; and

**WHEREAS**, in 2011, certain amendments to REPSA made Delmarva responsible for procuring RECs and SRECs necessary for compliance with respect to all energy delivered to Delmarva's distribution customers beginning in compliance year 2012 (i.e., June 2012 to May 2013). See 26 Del. C. §§351-364; and

**WHEREAS**, following the 2011 amendments to REPSA, the Commission revised its regulations and thereby authorized retail electric suppliers like WGES to offer to sell SRECs to Delmarva. See 26 Del. Admin. C. §3008-3.2.3.4;<sup>2</sup> and

**WHEREAS**, Delmarva seeks approval of the Application pursuant to the provisions of 26 Del. C. §1007(b) pertaining to contracts for the procurement of power to meet its electric supply requirements; and

**WHEREAS**, Staff has reviewed the Application and agrees with Delmarva and WGES that the Application should be treated in a timely manner, but requires time to review all of the details of

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<sup>2</sup> 26 Del. Admin. C. §3008-3.2.3.4 provides as follows: "Retail Electricity Suppliers that prior to March 1, 2012, have entered into contracts to purchase or produce RECs and/or SRECs specifically for Delaware RPS compliance may offer to the CREC those RECs and/or SRECs. The price would be determined by separate agreement between the Retail Electricity Supplier and the CREC. In no case shall the CREC be obligated to purchase any RECs/SRECs from the Retail Electricity Supplier." 26 Del. Admin. C. §3008-2.2.3 defines a "CREC" as Commission-regulated electric companies.

the Application and notes that public notice must be given in this proceeding pursuant to 29 *Del. C.* §10122 and 26 *Del. C.* §102A;

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

1. That, pursuant to the requirements of 26 *Del. C.* §102A and 29 *Del. C.* §10122, Delmarva Power & Light Company ("Delmarva") shall give public notice of the application filed on March 11, 2013 (the "Application"), by causing the notice attached as **Exhibit "A"** to be published in the News Journal and Delaware State News newspapers, in two-column format, outlined in black, **on Wednesday, March 20, 2013**. Delmarva shall file proof of such publications with the Commission as soon thereafter as is reasonably practicable, **but prior to April 9, 2013**.

2. That the deadline for written comments on the Application's request for approval to enter into an agreement to purchase solar renewable energy credits ("SRECs") from Washington Gas Energy Services, Inc. ("WGES") and any petitions to intervene in this docket pursuant to 26 *Del. Admin. C.* §1001-2.9 shall be **on or before Monday, April 1, 2013**. Late-filed petitions to intervene will not be granted unless good cause is shown.

3. That, pursuant to 26 *Del. Admin. C.* §1001-2.9.3, the Commission designates Mark Lawrence as the Hearing Examiner in this matter for the sole purposes of granting or denying intervention petitions and for admission of counsel *pro hac vice*.

4. That the Commission will conduct an evidentiary hearing in this matter at its regularly-scheduled meeting **on**

**Tuesday, April 9, 2013, at 1:00 p.m.**, to consider the Application and any further proceedings on this matter.

5. That the Secretary shall promptly serve a copy of this executed Order on the Division of the Public Advocate.

6. Delmarva is hereby placed on notice that the costs of the proceeding will be charged to it under the provisions of 26 Del. C. §114(b)(1).

7. 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

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Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary

**Exhibit A**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF DELAWARE**

|                                      |   |                      |
|--------------------------------------|---|----------------------|
| IN THE MATTER OF THE APPLICATION OF  | ) |                      |
| DELMARVA POWER & LIGHT COMPANY TO    | ) |                      |
| APPROVE AN AGREEMENT WITH            | ) | PSC Docket No. 13-99 |
| WASHINGTON GAS ENERGY SERVICES, INC. | ) |                      |
| FOR THE PURCHASE OF SOLAR RENEWABLE  | ) |                      |
| ENERGY CREDITS                       | ) |                      |
| (FILED MARCH 11, 2013)               | ) |                      |

**PUBLIC NOTICE OF INTENT OF DELMARVA POWER & LIGHT  
COMPANY TO ENTER INTO AN AGREEMENT TO PURCHASE SOLAR RENEWABLE  
ENERGY CREDITS FROM WASHINGTON GAS ENERGY SERVICES, INC.**

**TO: ALL CUSTOMERS OF DELMARVA POWER & LIGHT COMPANY**

On March 11, 2013, Delmarva Power & Light Company ("Delmarva") filed with the Delaware Public Service Commission (the "Commission") an application ("Application") seeking approval to enter into a contract to purchase solar renewable energy credits ("SRECs") from Washington Gas Energy Services, Inc. ("WGES"). The terms of the contract are consistent with the provisions of the SREC Transfer Agreements used in Delmarva's SREC Pilot Program for the transfer of SRECs, approved by the Commission in Docket No. 11-399, Order No. 8093. The price to be paid for the SRECs is the weighted average of the price per tier achieved through the SREC auction for Delmarva's Pilot Program in 2012. The proposed form of contract can be viewed on the Commission's website at <http://dep.sc.delaware.gov/electric.shtml>.

The Commission will hold a public evidentiary hearing on Delmarva's Application **beginning on April 9, 2013, at 1:00 p.m.**

The evidentiary hearing will be held at the Commission's offices located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware 19904. The Commission is holding this hearing in accordance with 26 *Del. C.* §503 and 29 *Del. C.* §§10122, 10125, and 10128. The Commission will render a decision concerning this matter based upon the record evidence presented to it at this evidentiary hearing.

The Commission now solicits comments or objections to Delmarva's Application regarding the proposed contract between Delmarva and WGES for the sale (and purchase) of SRECs. If you wish to comment or object, you should file ten copies of such comments or objections **on or before April 1, 2013**. Please send these comments or objections and such copies to the Commission's address listed above and note the "attention to" as "PSC Docket No. 13-99."

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 April 1, 2013**. All such petitions should be sent to the Commission's address listed above with attention to "PSC Docket No. 13-99." Petitions filed after the deadline of April 1, 2013, will not be considered except for good cause shown.

You are invited to review Delmarva's application and supporting documents to determine how your interests may be affected. You may review documents posted on the Commission's website at <http://dep.sc.delaware.gov/electric.shtml>. If you would like to review documents at the Commission's offices, please contact Monica Hall at [monica.hall@state.de.us](mailto:monica.hall@state.de.us) to arrange a time for your review. You may also review copies of Delmarva's application and supporting documents 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 at <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 [pamela.knotts@state.de.us](mailto:pamela.knotts@state.de.us).