

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF )  
DELMARVA POWER & LIGHT COMPANY, EXELON )  
CORPORATION, PEPCO HOLDINGS, INC., PURPLE )  
ACQUISITION CORPORATION, EXELON ENERGY ) PSC Docket No. 14-193  
DELIVERY COMPANY, LLC AND NEW SPECIAL )  
PURPOSE ENTITY FOR APPROVALS UNDER THE )  
PROVISIONS OF DEL. C. §§ 215 AND 1016 )  
(Filed June 18, 2014) )

Order No. 8603

Omnibus Order Regarding Petitions to Intervene Filed to Date

**AND NOW**, this 5<sup>th</sup> day of August, 2014

**WHEREAS**, pursuant to PSC Order No. 8581 dated July 8, 2014, the deadline for filing Petitions to Intervene in this docket pursuant to Rule 1001-2.9 of the Commission's *Rules of Practice and Procedure* was Monday, July 28, 2014;

**WHEREAS**, in PSC Order No. 8581, the Commission ordered that, as the Hearing Examiner, I may grant a Petition to Intervene filed after the July 28, 2014 intervention deadline "only for good cause."

**WHEREAS**, excluding the Public Advocate which intervened on July 8, 2014 pursuant to its statutory right of intervention, on or before the July 28, 2014 intervention deadline, eight (8) entities or persons timely filed to intervene in this Docket, to wit: 1) Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM; 2) The Mid-Atlantic Renewable Energy Coalition; 3) The Sustainable Energy Utility, Inc.; 4) Jeremy Firestone; 5) NRG Energy, Inc.; 6) The State of Delaware Department of Natural Resources

and Environmental Control ("DNREC"); 7) Chesapeake Utilities Corporation; and 8) James Black, Executive Director, Partnership for Sustainability in Delaware.

**WHEREAS**, at the Scheduling Conference on July 30, 2014, all participating entities or persons, Commission Staff, the Public Advocate and I agreed on the record that, based upon the petitions, oral argument, and the reasonably expedited nature of this docket, I would grant all timely filed petitions to intervene in this Docket;<sup>1</sup>

**WHEREAS**, Clean Air Council ("CAC") filed a Petition to Intervene Out-of-Time on July 31, 2014, along with the *Pro Hac Vice* Motion of Matthew P. Ward, Esq., a member in good standing with the Delaware Bar;

**WHEREAS**, CAC's Petition to Intervene alleges that "[t]he Council and its members are actively involved in the protection of air quality and recognize that energy generation and fossil fuel transportation are major contributors to air pollution in Delaware and states throughout the region, including Pennsylvania and New Jersey. The Council has members in Delaware";

**WHEREAS**, CAC's Petition to Intervene CAC further alleges that "[t]he Council and its members are interested and concerned about the proposed merger's effect on Delaware's commitment to clean and renewable energy and the option for Delaware residents to purchase clean and renewable energy";

**WHEREAS**, on July 31, 2014, the Public Advocate's office objected to the untimely Motion to Intervene filed by CAC, arguing that: 1) CAC

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<sup>1</sup> Most of these participants have pending *Pro Hac Vice* Motions which are scheduled to be heard by the Commission on August 5 or 19, 2014, depending on the Motion.

did not proffer any reason why current parties DNREC, the Mid-Atlantic Renewable Energy Coalition and Jeremy Firestone, would not adequately address the issues of renewable energy and clean air which CAC was seeking to address; and 2) without being excused, CAC failed to attend the Commission-ordered Scheduling Conference;

**WHEREAS**, DNREC, the Mid-Atlantic Renewable Energy Coalition, Chesapeake Utilities Corporation, and The Sustainable Energy Utility, Inc. did not object to CAC's participation, some stating CAC's participation would substantially benefit this docket, provided that CAC's late intervention did not interfere with the Scheduling Order established at the July 30, 2014 Scheduling Conference; the Applicants in this Docket stated that they did not take a position as to whether CAC should be permitted to intervene; and no other participating entity or person responded to my email asking whether they objected to my permitting CAC to intervene.

**NOW, THEREFORE,**

1. All nine (9) Petitions to Intervene filed to date in this Docket, including Clean Air Council's (CAC's) Petition to Intervene Filed Out-of-Time, are granted.

2. I find that "good cause" exists to permit CAC's late intervention. This is based upon: a) the content of CAC's Petition as described earlier herein; and b) all parties save one either seek that CAC be permitted to intervene, do not object to CAC's intervention, or in the case of the Applicants, do not take a position as to whether CAC should be permitted to intervene.

3. All intervening parties are entered this day as parties of record in this Docket. The Commission intends to enter Orders regarding *Pro Hac Vice* Motions filed in this Docket at its August 5 and 19, 2014 meetings, depending on the Motion.

4. All interventions are based upon the posture of this Docket as it currently stands with regard to any prior Commission orders and the "Revised Merger Schedule" dated July 31, 2014.

5. The parties are cautioned that each must hereinafter strictly comply with the Commission's *Rules of Practice and Procedure*, as well as Commission Orders, the Revised Merger Schedule, and regulations and statutes of the State of Delaware applicable to these proceedings. This includes E-filing with the Commission.

Respectfully Submitted,

/s/ Mark Lawrence  
Mark Lawrence  
Senior Hearing Examiner

cc: Service List for PSC Docket No. 14-193