



STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF THE PUBLIC ADVOCATE
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August 29, 2011

VIA ELECTRONIC MAIL

Alisa Bentley
Secretary
Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, DE 19904

Re: **PSC Docket No. 11-362**
IN THE MATTER OF THE APPLICATION OF DELMARVA
POWER AND LIGHT COMPANY FOR APPROVAL OF
QUALIFIED FUEL CELL PROVIDER
PROJECT TARIFFS
(Filed AUGUST 19, 2011)

Dear Ms. Bentley:

Enclosed for filing with the Commission are an original and ten (10) copies of the *Division of the Public Advocate's Notice of Intervention* in the above-captioned docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Sheehy", with a long horizontal flourish extending to the right.

Michael D. Sheehy
Public Advocate

cc: Service List

Enclosures



BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
DELMARVA POWER AND LIGHT COMPANY)
FOR APPROVAL OF QUALIFIED FUEL CELL)
PROVIDER)
PROJECT TARIFFS)
(FILED AUGUST 19, 2011))

PSC DOCKET NO. 11-362

STATUTORY NOTICE OF INTERVENTION

It is the responsibility of the Public Advocate to appear before the Public Service Commission on behalf of the interest of consumers in any matter or proceeding over which the Commission has jurisdiction and in which the interest of consumers requires such participation.

The Public Advocate has been granted the right to intervene in all matters before the Commission:

"When the Public Advocate shall determine to intervene in a matter before the Public Service Commission, the Public Advocate shall file a statement to that effect with the Public Service Commission. Thereupon, the Public Advocate shall be deemed a party in interest and shall have full power to present evidence, subpoena and cross-examine witnesses, submit proof, file briefs, appeal and do any other act appropriate for a party to the Commission." 29 Del. C. § 8716(g).

The Public Advocate requests that this late-filed notice of intervention be allowed pursuant to Rule 21(b) of the Rules of Practice and Procedure of the Delaware Public Service Commission on the grounds that the position of Public Advocate became vacant on December 31, 2010, and no replacement has been nominated by the Governor and confirmed by the Senate, as required by 29 *Del C.* § 8716(a) until April 23, 2011 when the current Public Advocate assumed office. No party is prejudiced by the late intervention of the Public Advocate as the representative of the interests of the ratepayers in this matter.

The Division of the Public Advocate hereby gives notice to the public utility and its counsel that, to the extent permitted by 26 *Del. C.* §114(b)(1), the Division intends to impose and collect from the public utility the expenses of the Division, and the compensation and expenses of its agents, representatives, consultants and employees incurred in connection with this docket.



Pursuant to the powers granted to the Public Advocate, I hereby file a statement of intervention in PSC Docket No. 11-362 for any and all purposes appropriate for a party in such proceedings.

A handwritten signature in black ink, appearing to read "Michael D. Sheehy", with a long horizontal flourish extending to the right.

Michael D. Sheehy
Public Advocate

DATE: August 29, 2011

