



SPONSOR: Sen. McDowell

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1  
TO  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 80

1 AMEND Senate Substitute No. 1 for Senate Bill 80 on Line 59 by inserting after the word “which” the following:  
2 “, in addition to meeting the three foregoing requirements, also satisfy at least one of the following criteria.”.

3 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 on line 60 by striking the letter “d” at the  
4 beginning of the line and substituting in lieu thereof the number “1”.

5 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 on line 63 by striking the letter “e” at the  
6 beginning of the line and substituting in lieu thereof the number “2”.

7 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 on line 65 by striking the letter “f” at the  
8 beginning of the line and substituting in lieu thereof the number “3”.

9 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 on line 68 by striking the letter “g” at the  
10 beginning of the line and substituting in lieu thereof the number “4”.

11 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 by inserting on Line 81 after the word  
12 “Commission” and before the word “rate” the word “proposed” and also by striking the word “automatic”.

13 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 by inserting on line 84 after the word  
14 “Commission.” and before the word “Customers” the following sentence: Customers not principally represented by the  
15 Public Advocate pursuant to §8716(e)(2) of Title 29 and who inform the Commission in writing of their desire to be served  
16 shall also be served with a copy of the public utility filing at the time of its filing.”

17 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 by inserting on line 84 by striking “Customers”  
18 and inserting in lieu thereof “All customers”.

19 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 by inserting on line 87 after “every year.” the  
20 following sentence: “Proposed changes will become effective on those dates unless adjusted or rejected by the Commission  
21 for failure to comply with this Section.”

22 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 by inserting on line 93 after the word “charges”  
23 and before the “.” the following: “established in the most recent general distribution rate case at the Commission”

24 FURTHER AMEND Senate Substitute No. 1 for Senate Bill 80 by inserting after line 118 the following:

25 “(e) In the event a DSIC rate is implemented under this section for any electric or natural gas utility serving over  
26 100,000 customers in the State, such utility shall be precluded from filing an application with the Commission to increase  
27 its distribution base rates until January 1, 2020 at the earliest. In the event any electric or natural gas utility serving over  
28 100,000 customers in the State files for an increase in its distribution base rates before January 1, 2020, such utility shall be  
29 precluded from filing for a DSIC rate.

30 (f) This Section is not intended to preempt the Commission’s requirements under Title 26, Section 3007 of the  
31 Delaware Administrative Code with respect to annual reporting, annual planning or related stakeholder outreach.

32 (g) The provisions of this Act shall expire seven years after the date of its enactment unless extended by action of  
33 the General Assembly.”

#### SYNOPSIS

This amendment clarifies the approval process for DSIC charges, making it clear such charges are subject to the PSC oversight and audit process. In addition, the amendment provides that customers not principally represented by the Delaware Public Advocate will also receive notice of DSIC filings. The amendment also prohibits an electric or gas utility serving over 100,000 customers from otherwise filing an electric distribution rate case until at least January 1, 2020, if the utility utilizes the DSIC mechanism established by this legislation. Finally, the amendment includes an expiration/sunset provision, thus triggering a review by the General Assembly and Governor of the effectiveness of the legislation.

Author: Senator McDowell