

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

IN THE MATTER OF THE APPLICATION)	
OF DELMARVA POWER & LIGHT)	
COMPANY FOR APPROVAL OF A)	PSC DOCKET NO. 17-1094
PROGRAM FOR PLUG IN VEHICLE)	
CHARGING (FILED OCTOBER 19, 2017))	

**THE DIVISION OF THE PUBLIC ADVOCATE’S AND THE PUBLIC SERVICE
COMMISSION STAFF’S MOTION TO STAY FURTHER ACTIVITY ON DELMARVA
POWER & LIGHT COMPANY’S APPLICATION FOR APPROVAL OF A PROGRAM
FOR PLUG IN VEHICLE CHARGING UNTIL THE EARLIER OF JUNE 30, 2019 OR
THE DATE THAT A STATUTE DEREGULATING ELECTRIC CHARGING STATION
OPERATORS BECOMES EFFECTIVE**

The Division of the Public Advocate (“DPA”) and the Public Service Commission Staff (“Staff”) hereby move the Delaware Public Service Commission (“Commission”) to stay Delmarva Power & Light Company’s (“Delmarva” or the “Company”) application for approval of a program for plug in vehicle charging until the earlier of June 30, 2019 or the date that a statute deregulating electric charging station operators becomes effective, and in support thereof state as follows:

1. On October 19, 2017, Delmarva filed an application with the Commission seeking approval of a program for plug in vehicle charging and associated charging equipment. In the application, Delmarva sought approval to implement six programs: (1) a new residential “whole house” time-of-use rate for electric vehicle charging, pursuant to which electric vehicle owners would pay lower rates for all electricity they use (not just the electricity used to charge their vehicles) between the hours of 8 p.m. and 11:59 p.m.; (2) offering credits for the purchase and use of a FleetCarma© device to existing residential owners of electric vehicles; (3) offering up to 50 new purchasers of a Level 2 charger a 50% discount off the purchase price of the charger and 50% off its associated installation costs (along with interest-free financing); (4) offering 50% off the

purchase and installation of 10 Level 2 chargers at multi-family dwelling units; (5) installing 2 DC Fast Chargers along Delaware's main transportation corridor; and (6) installing 2 Level 2 charging stations in appropriate neighborhood locations.

2. On February 19, 2018, Delmarva submitted an amended application proposing a seventh program that would make \$400,000 available to school districts and community centers to defray the difference in cost between diesel school buses and electric school buses.

3. Delmarva proposed to create a regulatory asset, which would allow it to recover 100% of the costs of these programs, plus a return, from Delmarva ratepayers.

4. In August 2017, the Commission denied a Staff petition to open a docket to regulate electric charging station operators as public utilities and to set rates for their customers. The Commission voted to postpone action on the petition until June 30, 2018 to allow for a legislative clarification that electric vehicle charging stations were exempt from the definition of a public utility.¹

5. On April 30, 2018, Senate Bill 188 was introduced in the Delaware Senate. The bill amended the definition of "public utility" in the Public Utilities Act to exempt providers of electric vehicle charging stations from regulation as a public utility. The synopsis of Senate Bill 188 states that "many parties believe it is neither desirable nor necessary to regulate" providers of electric vehicle charging stations in Delaware. Senate Bill 188 passed the Senate by a 20-0 vote. Due to time constraints, it did not reach the floor of the House of Representatives to be voted upon; however, the bill will be renewed in the next legislative session.

¹ 26 *Del. C.* §201(d) provides that, upon application or on its own motion, the Commission may forbear from regulating certain public utilities or some or all of the products or services that public utilities provide when it determines that: (1) a competitive market exists for such products and services; and (2) such deregulation will be in the public interest. Subsection (d)(5) of Section 201 sets forth the findings that the Commission must make in reviewing an application for deregulation of a public utility or any of a public utility's products or services.

6. At its regularly-scheduled meeting on July 10, 2018, the Commission again considered whether to require electric charging station operators to secure a CPCN and seek rates to be charged to customers. Representatives of Tesla, the Sierra Club and the Department of Natural Resources and Environmental Control urged the Commission to postpone its decision until the end of the next legislative session. The Commission voted unanimously to do so.

7. If the General Assembly enacts legislation exempting electric vehicle charging stations from regulation, it seems inconsistent with deregulating the provision of electric charging infrastructure to allow Delmarva to recover the cost of investments in such infrastructure and charging equipment from their captive ratepayers when other unregulated non-utility providers of such infrastructure and charging equipment do not have a guaranteed source of cost recovery for their investments.

8. This situation is akin to when Delmarva entered the HVAC business some years ago. Delmarva created an unregulated subsidiary, Conectiv, to compete with unregulated businesses offering HVAC services. In the Code of Conduct that the Commission ultimately approved, the Commission did its best to ensure that Delmarva's shareholders – not its ratepayers – were responsible for all costs associated with the foray into competitive services.² The Commission required Delmarva to remove all competitive services from the legal entity of Delmarva and transfer them to separate affiliated and unregulated entities. It did not allow Conectiv to offer competitive services at reduced rates, with the shortfall to be made up in the rates charged to utility customers. It did not allow Delmarva's regulated operations to install furnaces, air conditioners, heat pumps or ventilation systems and recover the costs of such installations from regulated ratepayers. It did not allow Delmarva's regulated operations to educate the public on the

² The Company's Code of Conduct is attached as Exhibit 1. Of course, all of the profits made from those competitive services also accrued to shareholders.

merits of particular furnaces, air conditioners and heat pumps and recover those costs from regulated ratepayers. It did not allow Delmarva's regulated operations to tout the claimed benefits of certain unregulated manufacturers' products and recover those costs from regulated ratepayers. This is yet another reason for the Commission to stay this docket pending the General Assembly's action on a bill exempting electric vehicle charging stations from regulation as a public utility.

WHEREFORE, the DPA and Staff respectfully request the Commission to stay Delmarva's application until the earlier of June 30, 2019 or the date that a statute deregulating electric charging station operators becomes effective.

Respectfully submitted,

Regina A. Iorii

Regina A. Iorii (De. Bar No. 2600)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8159
regina.iorii@state.de.us

Counsel for the Delaware Division of the
Public Advocate

Robert W. Willard

Robert W. Willard (De. Bar No. 338)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8637
Robert.willard@state.de.us

Counsel for the Public Service Commission Staff

Dated: July 13, 2018

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

IN THE MATTER OF THE APPLICATION)	
OF DELMARVA POWER & LIGHT)	
COMPANY FOR APPROVAL OF A)	PSC DOCKET NO. 17-1094
PROGRAM FOR PLUG IN VEHICLE)	
<u>CHARGING (FILED OCTOBER 19, 2017)</u>)	

ORDER NO.

AND NOW, this 24th day of July, 2018:

WHEREAS, the Delaware Public Service Commission (the “Commission”) has reviewed the Motion of the Division of the Public Advocate and the Public Service Commission Staff to Stay Delmarva Power & Light Company’s Application for Approval of a Program for Plug In Electric Vehicle Charging Until the Earlier of June 30, 2019 or the date that a statute deregulating electric charging station operators becomes effective (the “Motion”); and

WHEREAS, the Commission has also reviewed Delmarva Power & Light Company’s (“Delmarva” or the “Company”) and other responses to the Motion; and

WHEREAS, on July 10, 2018 the Commission voted unanimously to refrain from sending a letter to the operators of electric vehicle charging stations in Delaware requiring such electric charging station operators to file an application with the Commission to obtain a Certificate of Public Convenience and Necessity and seek rates to be charged to customers until June 30, 2019; and

WHEREAS, the General Assembly’s enactment of legislation exempting electric vehicle charging from the definition of a public utility may have an effect on the relief sought in this application;

**NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF
NO FEWER THAN THREE COMMISSIONERS,**

1. The Motion is **GRANTED**.
2. Further activity in this docket on Delmarva's application is stayed until the earlier of June 30, 2019 or the date on which legislation deregulating electric charging station operators becomes effective.
3. The Commission reserves jurisdiction and authority to enter such further orders as may be deemed necessary and appropriate.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary

EXHIBIT 1

DELAWARE CODE OF CONDUCT
ADOPTED JUNE 2000

CODE OF CONDUCT
GOVERNING REGULATED UTILITY ACTIVITIES
AND COMPETITIVE ACTIVITIES

A. Definitions

Capitalized terms in the Code of Conduct shall have the following meanings:

1. **“Affiliated Suppliers”** shall mean a Competitive Activity which is also duly licensed by the Commission to provide electricity or natural gas supply services to retail customers within Conectiv Power Delivery’s regulated service territory in Delaware.
2. **“Affiliated Supplier Services”** shall mean electricity or natural gas supply services offered to retail customers by an Affiliated Supplier within Conectiv Power Delivery’s regulated service territory in Delaware.
3. **“Bill”** shall mean the billing invoice for Regulated Utility Services.
4. **“Competitive Activities”** shall mean any business activities of Delmarva or its affiliates that are not Regulated Utility Activities.
5. **“Conectiv Power Delivery”** shall mean any operations within Delaware of Delmarva Power & Light Company doing business under the trade name Conectiv Power Delivery (or any successor trade name for such operations), specifically, the Regulated Utility Activities of Delmarva Power & Light Company.
6. **“Customer Information”** shall mean any customer-specific information obtained as a direct result of Conectiv Power Delivery’s providing Regulated Utility Services.
7. **“Delmarva”** shall mean any operations of Delmarva Power & Light Company, or any successor, that are not Regulated Utility Activities.
8. **“Extraordinary Circumstance”** shall mean any of the following, or similar, situations which require any action contrary to this Code of Conduct: (a) an abnormal system condition requiring manual or automatic action to maintain system frequency, or to prevent loss of firm load, equipment damage, disconnection of system elements that could adversely affect the reliability of Conectiv Power Delivery’s electric system or natural gas system or the safety of persons or property; or (b) a fuel shortage requiring departure from normal operating procedures in order to minimize the use of a particular fuel; (c) a condition that requires implementation of emergency procedures as defined in the Pennsylvania-New Jersey-Maryland Interconnection Association Manual; (d) a

condition described in Conectiv Power Delivery's Gas Tariff to which the emergency or curtailment procedures set forth in the Gas Tariff apply; or (e) an applicable law or regulation, or an order or directive by a court or regulatory agency having jurisdiction over Delmarva or Conectiv Power Delivery or an affiliate.

9. **"Field Contact"** shall mean any face-to-face meeting between any Regulated Utility Activities Personnel and a customer at a location outside of an office facility used for Regulated Utility Activities (including at the customer's home or business, or at a location where Regulated Utility Activities Personnel are reading meters related to Regulated Utility Activities, making installations for Regulated Utility Services, or maintaining outside Regulated Utility Activities plant or equipment).
10. **"Regulated Utility Activities"** shall mean, at any given time, any of Conectiv Power Delivery's operations subject by law to regulation by, and the ratemaking authority of, any state utility commission or the Federal Energy Regulatory Commission ("FERC").
11. **"Regulated Utility Activities Personnel"** shall mean any Conectiv Power Delivery personnel who are, at the time in question, performing work as part of providing Regulated Utility Services.
12. **"Regulated Utility Services"** shall mean any services offered to customers by Conectiv Power Delivery as part of its Regulated Utility Activities and for which any state utility commission or the FERC sets or approves the rates that may be charged by Conectiv Power Delivery to its customers.
13. **"Sales Lead"** shall mean any information obtained by Regulated Utility Activities Personnel from a customer of Regulated Utility Services regarding a potential sale to the customer of a Competitive Activities product or service.
14. **"Same Terms"** with respect to the provision of any Regulated Utility Activities-related product or service, shall mean on the same terms and conditions as the provision thereof is made to Competitive Activities (and without the incurrance of any additional cost by Regulated Utility Activities than would have been incurred in the provision of such product or service to Competitive Activities—any such additional costs to be borne by any Third Party requesting the provision of such product or service).
15. **"Supply Sales Lead"** shall mean any information obtained by any Regulated Utility Activities Personnel from a customer of Regulated Utility Services regarding a potential sale to the customer of an Affiliated Supplier Service.

16. **“Third Party,”** individually, and **“Third Parties,”** collectively, shall mean any business enterprise that does not fall within the definition of Regulated Utility Activities or Competitive Activities.
17. **“Third-Party Supplier,”** individually, and **“Third-Party Suppliers,”** collectively, shall mean any business that does not fall within the definition of Regulated Utility Activities or Competitive Activities, which is also duly licensed by the Commission to provide electricity or natural gas supply services to retail customers within Conectiv Power Delivery’s regulated service territory in Delaware.

B. Code of Conduct

The following rules shall apply to transactions between Regulated Utility Activities and Competitive Activities, except in any circumstances where an Extraordinary Circumstance requires a deviation from any such provision, as determined by Conectiv Power Delivery in the exercise of its reasonable judgment:

Treatment of Similarly-Situated Persons

1. Conectiv Power Delivery shall apply each tariff provision in the same manner to the same or similarly situated persons, exercising any discretion with due regard for the particular facts and circumstances to which the tariff provision is applied.
2. Conectiv Power Delivery shall process all similar requests for Regulated Utility Services in the same manner and within the same period of time, whether requested on behalf of Competitive Activities or by a Third Party; provided that this provision shall not in any manner be construed to limit Conectiv Power Delivery’s ability to carry out its public service obligation as it deems necessary.
3. Conectiv Power Delivery shall offer the same discounts, rebates, fee waivers, or penalty waivers with respect to Regulated Utility Services that it may offer to a Competitive Activity or customers of a Competitive Activity, to all similarly situated Third Parties or customers of Third Parties.

Use of Information

4. Customer Information shall not be provided by Conectiv Power Delivery to Competitive Activities or Third Parties unless the customer to which the Customer Information relates has given express written authorization to do so, and then such information shall be provided by Conectiv Power Delivery only to the extent authorized and only to the person(s) specifically authorized to receive it by the customer.

Use of the Bill; Promotions Within the Bill Envelope

5. Conectiv Power Delivery shall include amounts due for electricity or natural gas supplied to Conectiv Power Delivery customers by Affiliated Suppliers and Third-Party Suppliers, if requested by such Affiliated Suppliers or Third-Party Suppliers, if so specified in the Tariff, Commission Orders or Third-Party Supplier Agreements, and on the terms specified therein.
6. Conectiv Power Delivery shall publish a public notice, in at least 2 State newspapers of general circulation, to notify Third Parties of its determination to include any amounts due for any Competitive Activities (other than electricity or natural gas) on the Bill, which notice shall be published at least 60 days prior to including such amounts on the Bill, and, after such 60-day period, shall include on the Bill amounts due for the products and services of its Competitive Activities and any Third Party on the Same Terms, upon request; provided that this provision shall not prevent Competitive Activities (or any Third Party) from including amounts due for Regulated Utility Services on a bill for Competitive Activities (or a Third Party's products or services, as applicable), so long as the customer receiving such consolidated bill has authorized Competitive Activities (or a Third Party, as applicable) to act as its agent for such purpose.
7. In the event that Conectiv Power Delivery determines to insert any advertising or promotional materials for Competitive Activities into the envelope for the Bill:
 - (a) Conectiv Power Delivery shall publish a public notice to notify Third Parties of that determination (as well as the type of advertising or promotional material to be inserted) in at least 2 State newspapers of general circulation at least 60 days prior to making such insertion into the envelope for the Bill; and
 - (b) After such 60-day period, Conectiv Power Delivery shall permit its Competitive Activities and any Third Party to insert advertising or promotional materials of the same general type (*e.g.*, if Conectiv Power Delivery determines to insert help-wanted ads for its Competitive Activities, Third Parties thereafter also may insert help-wanted ads) into the envelope for the Bill upon request, (i) on the Same Terms and (ii) on a fair and non-discriminatory basis.

Customer Telephone Calls

8. Telephone numbers for Regulated Utility Activities shall be different from telephone numbers for Competitive Activities.

Prohibition on Suggestion of Utility Advantage

9. (a) Conectiv Power Delivery shall not state in any advertising, promotional materials or sales efforts, that consumers who purchase products or services from Competitive Activities will receive preferential treatment in the provision of Regulated Utility Services, or that any other advantage regarding the provision of Regulated Utility Services will accrue to customers or others having dealings with Competitive Activities.
 - (b) Conectiv Power Delivery shall not engage in any joint advertising or joint promotions involving both Regulated Utility Activities and Affiliated Supplier Services; provided, however, that nothing herein prohibits the advertising of any Competitive Activities, and nothing herein prohibits Conectiv and the affiliates of Conectiv from engaging in general branding and image advertising, without reference to Third Parties, nor from including in any such advertising factual statements regarding any affiliation with Conectiv Power Delivery or its Regulated Utility Activities, nor from including in any such advertising promotional statements, discounts or other inducements, that are intended to encourage a consumer to use products or services provided by Competitive Activities; provided that such statements, discounts or other inducements are not related to Regulated Utility Services.
 - (c) Notwithstanding anything in Section 9(a) or (b) above, the name “Delmarva Power” or “Delmarva Power & Light Company” and any logo using those names, shall not be used as the legal name or the trade name for any Competitive Activity for a period of two years from the time this Code of Conduct is first approved by the Commission in Docket No. 99-582; provided, however, that the name “Delmarva Power” or “Delmarva Power & Light Company” and any logo using those names, shall not be used as the legal name or the trade name for any Affiliated Supplier Services for a period of ten years from the time this Code of Conduct is first approved by the Commission in Docket No. 99-582.
10. (a) Regulated Utility Activities Personnel shall not specify a preference for any Competitive Activities products or services over those of any Third Party, or for any Third Party’s products and services over those of any other Third Party. However, such Regulated Utility Activities Personnel may inform customers who inquire about products or services that are not provided as part of Conectiv Power Delivery’s Regulated Utility Services that Conectiv Power Delivery’s Competitive Activities are suppliers of such products or services, so long as such Regulated Utility Activities Personnel also make the statements set forth below, which: shall be verbal, if the contact with the customer is on the telephone; and shall be verbal and also confirmed by a written form completed by Regulated

Utility Activities Personnel if the contact with the customer is a Field Contact. The required statements are as follows:

- (i) Similar products or services are available from Third Parties;
 - (ii) A Commission-maintained list of Third Parties will be supplied by Conectiv Power Delivery to the customer if the customer so desires; and
 - (iii) The provision of Regulated Utility Services is not in any way contingent upon or tied to the customer's purchase of any products or services provided by Competitive Activities.
- (b) If a customer requests, during a contact with Regulated Utility Activities Personnel, a list of Third-Party businesses that supply similar types of products and services as a Competitive Activities product or service, the customer shall be provided the list of Third Parties referred to in paragraph (a)(ii) above, as follows: (i) if the contact with the customer is on the telephone, the list shall be provided by U.S. mail (or by facsimile, if requested by the customer), and (ii) if the contact with the customer is a Field Contact, the list shall be provided in person during the Field Contact.
- (c) In addition to complying with the requirements of Section B.10(a) and (b) above, if the contact with the customer is a Field Contact and results in a request by the customer for a list of Third Parties:
- (i) A pre-printed form shall be provided to the customer. The pre-printed form shall contain the disclosures set forth in Section B.10(a) above and the Regulated Utility Activities Personnel involved in such Field Contact shall acknowledge, by checking the boxes provided for such purpose on such form, that the customer was (A) made aware of Competitive Activities products or services only upon the customer's inquiry, and (B) offered a Commission-maintained list of Third Parties.
 - (ii) One copy of the pre-printed form properly completed by the Regulated Utility Activities Personnel shall be left for the customer and one such copy shall be returned to Conectiv Power Delivery. Conectiv Power Delivery shall retain the copy of the completed form for a period of 2 years, and shall produce all copies of such completed forms for inspection upon Commission request.
 - (iii) Conectiv Power Delivery shall, on a quarterly basis, place a follow-up telephone call to a random sample of approximately 10% of the customers who requested a list of Third Parties during a Field Contact during the previous quarter, and inquire whether the

employee complied with Section B.10(a), (b) and (c) above during the Field Contact. Conectiv Power Delivery shall retain records of such telephone calls for a period of two years, and shall produce these records for inspection upon Commission request.

- (d) The list of Third Parties to be supplied to customers upon their request under Section B.10(a) above shall contain a footnote with the following statement “This list includes the names of products and services providers who have requested to be included herein. Neither the Delaware Public Service Commission nor Conectiv Power Delivery hereby makes any recommendations nor other statements concerning the quality of the providers listed herein; nor should any such recommendations or statements be implied with respect to providers not appearing on this list.” Such list shall be compiled and maintained by the Commission and shall include any Third-Party supplier of products and services which delivers to the Commission a written request to be so included, which request shall state the product and/or service types of which such Third Party wishes to be listed as a supplier. Within a reasonable time after receipt of such written request, the Commission shall add such Third Party to the list and shall deliver such revised list to Conectiv Power Delivery. Within a reasonable period of time after receiving such revised list from the Commission, Conectiv Power Delivery shall commence supplying such revised list to customers in accordance with this provision; provided, however, that Conectiv Power Delivery shall use its best efforts to supply such revised list to customers within 15 days after receiving such revised list from the Commission.
 - (e) Subject to the provisions of Sections 14 and 15 below, nothing herein prohibits Delmarva personnel who are not, at the time in question, performing work for Regulated Utility Activities from specifying a preference for any Competitive Activities products or services over those of any Third Party, nor from soliciting or selling such products or services to customers, without reference to Third Parties.
11. (a) Regulated Utility Activities and Competitive Activities may jointly offer their respective products and services to the same customers (*e.g.*, joint responses to requests for proposals, trade show booths and the like) under the following conditions:
- (i) Representatives of Regulated Utility Activities shall inform customers:
 - (A) That they work for the Regulated Utility Activities and not for the Competitive Activities; and

- (B) Of the competitive nature of Competitive Activities products and services and the ability to receive Regulated Utility Services without regard to taking Competitive Activities products and services; and
- (ii) The Regulated Utility Activities offerings and the Competitive Activities offerings shall be distinctly and separately priced, so that customers may select one without the other.

Notwithstanding anything above in paragraph (a) of this Section 11, Regulated Utility Activities and Affiliated Suppliers may not jointly offer Regulated Utility Services and Affiliated Supplier Services to the same customers.

- (b) (i) Regulated Utility Activities Personnel shall not participate with Affiliated Suppliers in sales calls or other meetings with customers of Regulated Utility Activities, unless Regulated Utility Activities Personnel also participate with Third-Party Suppliers, on a non-discriminatory basis and on the Same Terms, in such sales calls or other meetings with customers of Regulated Utility Activities.
- (ii) For a period of three years from the time the Code of Conduct is first approved by the Commission in Docket No. 99-582, Conectiv Power Delivery shall track and keep records showing each sales call or other meeting with a customer of Regulated Utility Activities in which a Regulated Utility Personnel representative participated along with either an Affiliated Supplier or a Third-Party Supplier. Such reports shall detail the date, the name and address of the customer, the identity of the Regulated Utility Activities Personnel representative attending such sales call or meeting, and the identity of the Affiliated Supplier or Third-Party Supplier attending such sales call or meeting. This reporting obligation shall cease at the end of the three-year period, unless the Commission Staff, the Department of the Public Advocate and the Company agree on the need to continue this reporting requirement beyond such period.

12. Sales Leads shall be provided by Regulated Utility Activities Personnel to Competitive Activities only upon the following conditions:

- (a) The requirements of Sections B.9 and B.10(a) and (b) above shall be complied with and, in addition, if the Sales Lead is obtained during a Field Contact, the requirements of Section B.10(c) above shall be complied with;

- (b) Prior to any Sales Lead being provided to Competitive Activities, an express authorization shall be obtained from the customer to do so, which authorization may be verbal or in writing; and
- (c) Conectiv Power Delivery shall track and keep records of any Sales Lead provided to Competitive Activities. Conectiv Power Delivery shall retain these records for a period of 2 years, and shall produce them for inspection upon Commission request.

Notwithstanding anything above in this Section 12, Regulated Utilities Activities Personnel shall not provide Supply Sales Leads to any Competitive Affiliate.

- 13. Conectiv Power Delivery shall not require as a condition to providing Regulated Utility Services that a customer purchase any Competitive Activities products or services.

Provision of Services

- 14. Operational personnel for Regulated Utility Activities, up to and including the Vice President(s) directly responsible for Regulated Utility Activity operations, shall be different individuals from the operational personnel for Affiliated Supplier Services, up to and including the Vice President(s) directly responsible for Affiliated Supplier Services operations, and such individuals shall not be shared among Regulated Utility Activities and activities for Affiliated Supplier Services. This sharing prohibition shall not apply to officers at the Senior Vice President level and above, or to members of Boards of Directors.
- 15. Customer care and marketing functions, whether for Regulated Utility Activities or Competitive Activities, may be employed by a shared service company providing support services for Regulated Utility Activities and Competitive Activities; provided, however that Conectiv Power Delivery shall have a manager (below the Vice President level), for the marketing functions for Regulated Utility Activities, who is a different individual from the manager (below the Vice President level) for marketing functions for Affiliated Supplier Services; and provided, further, that Conectiv Power Delivery shall have a manager (below the Vice President level), for customer care functions for Regulated Utility Activities, who is a different individual from the manager (below the Vice President level) for customer care functions for Affiliated Supplier Services.
- 16. Regulated Utility Activities and Competitive Activities shall be permitted to share office space, office equipment, services and systems, and each can access the computer or information systems of the other, so long as adequate security and system protections are in place to prevent the accessing of information or data of Regulated Utility Activities by Competitive Activities that would be in violation of other provisions of this Code of Conduct. Each of the Commission Staff and the Department of the Public Advocate shall have the opportunity to review such

security and system protections periodically upon its request, at times to be mutually agreed upon by such requesting party and the Company.

Accounting for Costs

17. Transactions between Regulated Utility Activities and Competitive Activities shall be accounted for in accordance with the then-current Cost Accounting Manual in effect for Conectiv Power Delivery.

C. Incorporation by Reference of Other Rules Governing Conduct

Conectiv Power Delivery hereby adopts as a part of the Code of Conduct, and incorporates herein by reference, the “Standards of Conduct of Delmarva,” Corporate Policy No. 8109, effective January 3, 1997, which were adopted by Conectiv Power Delivery in compliance with FERC regulations at 18 C.F.R. § 37.4 *et seq.*, as such Standards of Conduct may be modified, amended or superseded from time to time (the “Standards of Conduct”); provided that, to the extent that there is a conflict between (a) any provision in the Standards of Conduct covering a specific aspect of the Regulated Utility Activities and/or Competitive Activities and (b) any provision in the Code of Conduct; then such specific provision in the Standards of Conduct shall govern.

D. Procedure for Modification of Code of Conduct

The Code of Conduct shall be modified in accordance with the following procedure:

1. Conectiv Power Delivery shall file an application with the Commission requesting approval for the proposed modification(s) and setting forth the reasons therefor.
2. Pursuant to established Commission procedures for changes to regulations governing regulated utilities, the Commission shall approve, deny or modify the application, in whole or in part, within 60 days after the filing of the application; provided that the Commission, in its discretion, may set a longer time period for the taking of such action and may set the matter for hearing before a Hearing Examiner.

E. Dispute Resolution/Compliance with Code of Conduct

Disputes concerning Conectiv Power Delivery’s compliance with the Code of Conduct shall be resolved in accordance with the following procedures:

1. Any Third Party alleging that Conectiv Power Delivery has failed to comply with the Code of Conduct and wishing to have independent resolution thereof shall file a formal complaint with the Commission which meets the requirements of Section 8(b) of the Department of Administrative Services, Public Service Commission Rules of Practice, within 45 days after discovery of such alleged failure.
2. Proceedings on such complaint shall be held in accordance with the Department of Administrative Services, Public Service Commission Rules of Practice.

F. Reporting Requirements

1. Conectiv Power Delivery shall report to the Commission, on an annual basis:
 - (a) All affiliated companies;
 - (b) All contracts entered into with affiliated companies, and all of the types of transactions undertaken with affiliates without a written contract;
 - (c) The dollar amount charged with respect to affiliate transactions, by affiliate by account charged;
 - (d) The basis used to record affiliate transactions charges (*i.e.*, book value, fair market value, fully-distributed cost);
 - (e) Total costs allocated or charged, to or from, Conectiv Power Delivery, by each other Conectiv line of business (*e.g.*, Conectiv Energy – Wholesale, Conectiv Energy – Retail, Conectiv Communications, Conectiv Services, Conectiv Solutions, and Conectiv Thermal Systems), and the allocation of infrastructure (*e.g.*, shared services costs from Conectiv Resource Partners, Inc.) costs to each line of business; and
 - (f) Updates of the allocation factors used for each infrastructure cost center.
2. In addition, Conectiv Power Delivery shall:
 - (a) Make available the books and records of Conectiv, the parent company, and other affiliates when required in the application of Conectiv Power Delivery's Code of Conduct and Cost Accounting Manual;
 - (b) Maintain books of account and supporting records in sufficient detail to permit verification of compliance with Conectiv Power Delivery's Code of Conduct and Cost Accounting Manual;
 - (c) Continue to submit all reports that are currently filed with the Commission;

- (d) Notify the Commission of any plans to pledge Regulated Utility Activities revenues or assets in excess of \$10 million; and
- (e) For a period of two years from the time this Code of Conduct is first approved by the Commission in Docket No. 99-582, file semi-annual reports showing transfers of employees made: (a) from Conectiv Power Delivery to Competitive Activities; (b) from Competitive Activities to Conectiv Power Delivery; (c) from Conectiv Resource Partners, Inc. to Competitive Activities; and (d) from Competitive Activities to Conectiv Resource Partners, Inc. These reporting obligations shall cease at the end of the two-year period, unless the Commission Staff, the Department of the Public Advocate and the Company agree on the need to continue this reporting requirement beyond such period; provided that, if the parties cannot agree and any of such parties believes the reporting obligations should continue, such party may submit the issue to the Commission for resolution.

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

IN THE MATTER OF THE APPLICATION OF)
DELMARVA POWER & LIGHT COMPANY FOR) PSC DOCKET NO. 17-1094
APPROVAL OF A PROGRAM FOR PLUG IN)
VEHICLE CHARGING (Filed October 19, 2017)

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018 I caused the following THE DIVISION OF THE PUBLIC ADVOCATE'S AND THE PUBLIC SERVICE COMMISSION STAFF'S MOTION TO STAY FURTHER ACTIVITY ON DELMARVA POWER & LIGHT COMPANY'S APPLICATION FOR APPROVAL OF A PROGRAM FOR PLUG IN VEHICLE CHARGING UNTIL THE EARLIER OF JUNE 30, 2019 OR THE DATE THAT A SRARUTE DEREGULATING ELECTRIC CHARGING STATION OPERATORS BECOMES EFFECTIVE to be served on the following persons via electronic mail.

Mark Lawrence	mark.lawrence@state.de.us
Thomas McGonigle, Esq.	thomas.mcgonigle@dbr.com
Clark Stalker, Esq.	clark.stalker@exeloncorp.com
Lindsay B. Orr, Esq.	Lindsay.orr@exeloncorp.com
Todd L. Goodman, Esq.	todd.goodman@pepcoholdings.com
Heather Hall	heather.hall@pepcoholdings.com
Kenneth Kristl, Esq.	ktkristl@widener.edu
Robert Willard, Esq.	Robert.willard@state.de.us
Josh Berman	josh.berman@sierraclub.org
Connie McDowell	connie.mcdowell@state.de.us
Amy Woodward	amy.woodward@state.de.us
Eric Mease	eric.mease@state.de.us
Kathleen Harris	kathleen.harris@state.de.us
Ralph K. Durstein, III, Esq.	ralph.durstein@state.de.us
David Stevenson	davidstevenson@caesarrodney.org

Dated: July 13, 2018

/s/ Regina A. Iorii
Regina A. Iorii (De. Bar No. 2600)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8159
regina.iorii@state.de.us

Counsel for the Delaware Division
of the Public Advocate