

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

IN THE MATTER OF THE ADOPTION OF )  
RULES AND REGULATIONS TO )  
IMPLEMENT THE PROVISIONS OF 26 *DEL.* )  
C. CH. 10 RELATING TO THE CREATION )  
OF A COMPETITIVE MARKET FOR ) PSC REGULATION DOCKET NO. 49  
RETAIL ELECTRIC SUPPLY SERVICE )  
(OPENED APRIL 27, 1999; RE-OPENED )  
JANUARY 7, 2003; SEPTEMBER 22, 2009; )  
SEPTEMBER 7, 2010; JULY 17, 2012; JULY )  
14, 2021; AND OCTOBER 12, 2022) )

**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE  
PUBLIC SERVICE COMMISSION’S RULES REGARDING  
NET ENERGY METERING**

**TO: ALL ELECTRIC SERVICE CUSTOMERS OF DELMARVA POWER & LIGHT  
COMPANY AND OTHER INTERESTED PERSONS**

On July 22, 2022, the Governor of the State of Delaware signed into law Senate Bill 298, which amended provisions in Title 26 of the Delaware Code, at § 1014 relating to net energy metering, including: (1) increasing the cap at which an electric utility may elect not to provide net metering services from the current 5% of its peak demand to 8%; (2) providing that the Commission’s net energy metering rules must consider the reliability, safety, and capacity of the electric distribution system; (3) defining “Excess kWh Credit” as any excess production in kWh of a net energy metering customer’s generating facility that exceeds the customer’s on-site consumption of kWh in a billing period; (4) removing the charges for societal benefits programs from those charges against which a commission-regulated utility applies a net energy metering customer’s “Excess kWh Credits” in subsequent monthly billing periods (and to define “societal

benefits programs”); (5) providing that electric utilities shall not reimburse or credit net energy metering customers for any “Excess kWh Credits” at the end of the annualized billing period, and that “Excess kWh Credits” shall revert to the electric distribution company at the end of the annualized billing period; (6) providing that, if a net metering customer abandons the property where the generating equipment is located, the equipment may remain connected to the electric distribution system unless the equipment presents a risk to the safety and reliability of the system; and (7) providing that non-residential customers shall be responsible for the reasonable cost of meters that are installed or modified for net-metering purposes and caps such costs for residential customers at \$200.

By Order No. 10109 dated October 12, 2022 (the “Order”), the Commission now proposes to revise its *Rules for Certification and Regulation of Electric Suppliers*, codified at 26 *Del. Admin. C.* § 3001 (“*Supplier Rules*”) to reflect the Senate Bill 298 amendments as well as make certain other updates to the *Supplier Rules*.

The text of the revised *Supplier Rules* is attached to the Order. The Order and related exhibits are reproduced in the November 1, 2022 edition of the *Delaware Register of Regulations* and may also be reviewed online at the Commission’s website at [www.depsc.delaware.gov](http://www.depsc.delaware.gov). You may also obtain a paper copy of the Orders at the Commission’s Dover office for a fee of \$0.25 per page.

The Commission will conduct a public hearing on the revised *Supplier Rules* on Wednesday, December 14, 2022, beginning at 1:00 PM, in accordance with 26 *Del. C.* § 209(a). All persons who wish to be heard by the Commission may attend in person or by teleconference. Dial-in information will be provided on the agenda for the December 14, 2022 meeting, which can be found on the PSC website at [www.depsc.delaware.gov](http://www.depsc.delaware.gov). Interested parties may file written

comments, suggestions, briefs, compilations of data, or other materials concerning the Amendments. Such material may be submitted to the Commission on or before December 29, 2022, by email to [samuel.kayne@delaware.gov](mailto:samuel.kayne@delaware.gov) or at the following address:

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Bldg., Suite 100  
Dover, Delaware, 19904  
Attn: PSC Reg. Dckt. 49

**To be considered at the December 14, 2022 hearing, however, written materials must be submitted on or before November 28, 2022.**

If you are handicapped and need assistance or aids in participating in this matter, please contact the Commission to discuss any needed assistance or aids. You may contact the Commission with questions or requests about this matter at the Commission's toll-free telephone number (800) 282-8574 (Delaware only) or (302) 739-4333 (including text telephone). You may also send inquiries by Internet e-mail addressed to [psc@delaware.gov](mailto:psc@delaware.gov).