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November 28, 2022

**Via DelaFile**

Ms. Donna Nickerson, Secretary  
Delaware Public Service Commission  
Cannon Building, Suite 100  
861 Silver Lake Boulevard  
Dover, DE 19904

**Re: PSC Reg Docket No. 49 – Delmarva Power & Light Company’s Initial Written Comments Regarding Draft Amendments to the *Rules for Certification and Regulation of Electric Suppliers***

Dear Ms. Nickerson:

On behalf of Delmarva Power & Light Company (“Delmarva Power”), please find the enclosed initial written comments (“Comments”) regarding the draft amendments to the *Rules for Certification and Regulation of Electric Suppliers*, codified at 26 *Del. Admin. C.* § 3001, and pertain to Senate Bill 298 and net energy metering. Delmarva Power’s Comments are being filed pursuant to Ordering Paragraph 4 in Order No. 10109 in the above-referenced docket.

Please contact me at dawn.crompton@exeloncorp.com or Diane Goff at diane.goff@pepcoholdings.com with any questions related to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "DKC", with a long horizontal flourish extending to the right.

Dawn Kurtz Crompton (#5579)

Attachment

cc: Service List (via DelaFile)

**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 ) PSC REGULATION DOCKET NO. 49  
MARKET FOR RETAIL ELECTRIC )  
SUPPLY SERVICE (OPENED APRIL 27, )  
1999; RE-OPENED JANUARY 7, 2003; )  
SEPTEMBER 22, 2009; SEPTEMBER 7, )  
2010, JULY 12, 2012; JULY 14, 2021; AND )  
OCTOBER 12, 2022) )

**INITIAL WRITTEN COMMENTS OF THE  
DELMARVA POWER & LIGHT COMPANY**

**I. INTRODUCTION**

These comments pertain to Order No. 10109 (“Order”), issued October 12, 2022, pertaining to the draft amendments to the Delaware Public Service Commission’s (“Commission”) Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities, codified at 26 *Del. Admin. C.* § 3001. The Order contained amendments to the net metering (“NEM”) section of these rules in compliance with the new requirements set forth by Senate Bill 298 relating to net energy metering (“Proposed NEM Regulations”). The Proposed NEM Regulations were published in the November 1, 2022 edition of the Delaware Register of Regulations.

Pursuant to the Ordering Paragraph 4 of the Order, the Commission will hold a public hearing on the proposed amendments on December 14, 2022 (“Public Hearing”). Interested parties may submit initial written materials on or before November 28, 2022 if they wish them to be considered at the Public Hearing, and parties may also submit written materials after the Public

Hearing prior to December 29, 2022. Delmarva Power & Light Company (“Delmarva Power” or “the Company”) hereby submits its initial comments to the Proposed NEM Regulations.

## II. INITIAL COMMENTS

Delmarva Power thanks Commission Staff (“Staff”) for preparing the Proposed NEM Regulations and generally supports the proposed regulations and would like to focus its initial comments on one critical issue pertaining to timing for implementation.

Delmarva Power has actively participated in Senator Hansen’s Energy Stakeholders’ Meetings since 2021. During Energy Stakeholders’ Meetings, Delaware utilities, solar advocates, environmentalists, Staff, the Delaware Division of the Public Advocate (“DPA”), and other interested stakeholders engage in robust discussion with Senator Hansen to consider and debate various pieces of legislation, including the 2021 amendments to community solar (Senate Bill 2) and revisions to certain sections of the net energy metering statute (Senate Bill 298).

During the discussions in the Energy Stakeholders’ Meetings concerning Senate Bill 298, Delmarva Power advised all stakeholders that if the bill passed in 2022, any related billing system upgrades would be highly complex and that -- due to long lead times for complex IT projects already in the queue at Delmarva Power -- such changes would only be feasible at the end of 2023. This practical constraint was raised several times during the Energy Stakeholders’ Meetings and in email exchanges thereafter.

Accordingly, Delmarva Power proposes to add language to expressly memorialize that certain facets of Senate Bill 298 will be effectuated at the end of 2023. Delmarva Power proposes the edits set forth below in **bold and underline**.<sup>1</sup>

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<sup>1</sup> Any non-bolded language is original to the Proposed NEM Regulations.

Section 15.3.1

**In effect through December 31, 2023, at the end of the Annualized Billing Period, a Customer may request a payment from the Electric Supplier for any excess kWh credits. The payment for residential customer accounts shall be calculated by multiplying the excess kWh credits by the Customer's Supply Service Charges based on a weighted average of the first block of the summer (June through September) and winter Supply Service Charges (October through May) in effect at the end of the Customer's Annualized Billing Period and the preceding 11 billing periods, excluding non-volumetric charges, such as the transmission capacity charge and/or demand charges. The payment for non-residential customer accounts shall be calculated by multiplying the excess kWh credits by the Customer's Supply Service Charges that would otherwise be applicable at the end of the Customer's Annualized Billing Period. If such payment would be less than \$25.00, the Electric Supplier may credit the Customer's account through monthly billing. Effective January 1, 2024, Eexcess kWh credits Credits at the end of the Annualized Billing Period shall revert to the EDC providing electric distribution to the Customer.**

Section 15.3.2

**For existing and future Net Energy Metering Customers, both residential and nonresidential, the monthly Excess kWh Credit shall be valued at the sum of the volumetric (kWh) components of the supply service charges and distribution service charges, not including the charges for Societal Benefits Programs, according to each participating Customer account's rate schedule. This provision shall take effect Effective January 1, 2024.**

Delmarva Power reiterated these timing constraints regarding the Proposed NEM Regulations during discussions with Staff, the DPA, as well as with Senator Hansen and Senate Attorney Frank Murphy. During these conversations, Delmarva Power indicated that -- if the Proposed NEM Regulations are not appropriately updated to address the timing issue -- Delmarva Power would instead consider seeking a waiver to memorialize the requisite effective date. As such, if the proposed edits to Sections 15.3.1 and 15.3.2 as set forth herein are not adopted and the Proposed NEM Regulations are finalized without memorialization of the Company's known billing system constraints, Delmarva Power intends to seek a waiver of the finalized regulations in furtherance of this unavoidable practical constraint.

### III. CONCLUSION

Delmarva Power appreciates the opportunity to provide its initial comments on the Proposed NEM Regulations. The Company looks forward to participating in the Commission

established public hearing on Wednesday, December 14, 2022 to discuss the draft regulations and Delmarva Power's proposed modifications and/or the need to request waiver.

Dated: November 28, 2022

**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 )      **REGULATION DOCKET 49**  
FOR RETAIL ELECTRIC SUPPLY SERVICE )  
(OPENED APRIL 27, 1999; RE-OPENED )  
JANUARY 7, 2003; RE-OPENED )  
SEPTEMBER 22, 2009; RE-OPENED )  
SEPTEMBER 7, 2010; RE-OPENED )  
JULY 17, 2012, RE-OPENED JULY 14, 2021; )  
AND OCTOBER 12, 2022) )**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 28, 2022, I served a copy of **DELMARVA POWER & LIGHT COMPANY'S INTIAL WRITTEN COMMENTS** on the following persons by electronic mail and via DelaFile.

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/s/ Dawn Kurtz Crompton  
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Dated: November 28, 2022