



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION
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MEMORANDUM

TO: The Chairman and Members of the Commission

FROM: Islah Causey, Public Utilities Analyst *IC*

DATE: December 31, 2025

SUBJECT: 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 RETAIL ELECTRIC SUPPLY SERVICE (OPENED APRIL 27, 1999 AND AS AMENDED) – PSC DOCKET NO. REG. 3001 (PREVIOUSLY REGULATION DOCKET NO. 49)

On March 26, 2025, the staff (“Staff”) of the Public Service Commission (“Commission”) filed a petition (the “Petition”) to reopen the Commission’s Rules for Certification and Regulation of Electric Suppliers, codified at 26 Del. Admin. C. § 3001 (“Reg. 3001” or the “Regulation”) for the purpose of improving the customer solicitation process, notification of Supplier rates on customer’s bills, and any other changes to improve the customer experience regarding the electric choice process deemed appropriate, and to address any other pertinent issues that may arise.

Reg. 3001 was previously opened on April 27, 1999, and later re-opened on January 7, 2003, September 22, 2009, September 7, 2010, July 17, 2012, July 14, 2021, October 12, 2022, October 25, 2023, and December 20, 2023. The Commission issued Order No. 10678 on April 2, 2025, granting the Petition.

Staff addressed some complaints from Delmarva Power electric customers regarding high bills in January and February 2025. Staff became aware that some customers were unknowingly receiving their electric supply from Suppliers. Separately, Delmarva Power had also informally notified Staff of examples of high bills due to Supplier charges.

Delaware Governor Matt Meyer raised concerns with Suppliers in meetings with Staff regarding energy policy in Delaware and asked Staff to review the rules and regulations associated with Suppliers.

Staff drafted proposed amendments to Reg. 3001. On April 30, 2025, Staff conducted a workshop with interested stakeholders to discuss the proposed amendments. Notice of the workshop was provided to certified Electric Suppliers and other interested parties. Staff did not receive any proposed changes at the workshop, and no comments were received by the written comment deadline of May 7, 2025.

On June 4, 2025, the Commission issued Order No. 10728, approving publication of the proposed amendments to Reg. 3001 in the Delaware Register of Regulations. The proposed amendments were published in the Delaware Register of Regulations on October 1, 2025.

On October 29, 2025, Delmarva Power filed written comments, recommending changes to sections 7.0 (Notice of Change in Variable Price), 9.0 (Notice of Change in Fixed Price or Material Terms; Expiration; and Cancellation), and 11.0 (Enrollment, Marketing, and Advertising) of the proposed Regulation, to better protect customers.

The Commission held a public hearing on the proposed Regulation on November 5, 2025, where Delmarva Power submitted its October 29, 2025, written comments. Pursuant to 29 Del. C. § 10118(a), written comments would be accepted after the hearing until November 20, 2025. The Commission did not receive any additional written comments, however.

Staff revised the proposed Regulation to include provisions which addressed Delmarva Power's recommended changes. The additional revisions resulted in substantive changes to the proposed Regulation. Therefore, Staff respectfully recommends that the Commission issue the proposed amendments to Reg. 3001 for republication in the Delaware Register of Regulations.