



MSEIA SOLAR REPORT FOR DELAWARE AUGUST 2016 SUMMARY

Strategic Highlights

Stakeholder urges Pennsylvania Attorney General to reconsider PAPUC's revised net energy metering rules. In the [proceeding](#) considering revising the Alternative Energy Portfolio Standards (AEPS) Act, related to standards and policies for net metering, interconnection, and as noted previously, the Independent Regulatory Review Commission (IRRC) issued earlier this summer its second disapproval of the PAPUC's second revised order on August 23. Of recent action, Penn State University [urged](#) the Attorney General on August 23 to rule illegal certain portions of the PAPUC's regulations that contravene both the letter and the intent of the AEPS Act. The PAPUC's second revised order is currently under review with the Attorney General's Office. *PRQ note: The IRRC disapproval does not block the PAPUC's order, however. The legislature must consider whether to pass a disapproval resolution, effectively blocking the PAPUC regulation, or taking no action and allowing the regulation to take effect despite the IRRC disapproval...*

Pennsylvania PUC considers non-bypassable charge, longer compliance period for RPS obligation. On August 15, the Pennsylvania Public Utilities Commission issued a [tentative order](#) considering two measures to mitigate the non-solar Tier I obligations of electric utilities and electric suppliers and inviting comments on other approaches. Parties filed comment on August 25, reply comments are due on September 9....

New York adopts Clean Energy Standard. The New York Public Service Commission continues its summer of momentous policy decisions, the latest being its [adoption of a Clean Energy Standard](#) (*effectively, an RPS*) on August 1. The CES consists of three tiers. Of note, for Tier 1 - New Renewable Resources, the NYPSC will require each Load Serving Entity (LSE) to procure qualifying Renewable Energy Credits (RECs) to cover a percentage of their commodity sales, beginning with .6% of their load in 2017 and increasing to 4.8% by 2021...

Solar advocates win utility rate disputes. Solar advocates in Colorado and Texas successfully challenged proposed utility charges that would have significantly raises costs for distributed generation. A [settlement agreement](#) filed in Colorado on August 15 would have Xcel Energy withdraw its proposed grid-use charge, and a [proposed order](#) approving settlement agreement in Texas on August 11 notably did not include an earlier proposal by El Paso Electric for a distributed generation demand charge. Both settlement agreements are pending final approval by the state utility commissions...



Delaware - Renewable Energy

Reference No.	Description	Why It Matters	Most Recent Action	Next Action
Delaware Renewable Energy Task Force <i>Opened on 08/14/2014</i>	Working group for discussing renewable energy issues.	Could provide interesting intelligence and insight into the Delaware solar industry.	Intelligence from staff at DEPSC advised that a meeting notice for the upcoming Renewable Energy Taskforce; meeting is scheduled to be held on 9/7/16. <i>For more information on this item, please contact PRQ.</i>	Renewable Energy Taskforce meeting scheduled for 9:30 a.m. on 9/7/16.

Delaware - Renewable Energy - Net Metering

Reference No.	Description	Why It Matters	Most Recent Action	Next Action
DEPSC Docket No. 16-0105 <i>Opened on 01/15/2016</i>	Complaint filed by LCP Development against Delmarva Power alleging a deceptive rate design. In effect, LCP objects to Delmarva charging for the relatively small amount of station power consumed when the solar panels are not engaged (including standby demand charges) rather than just purchasing the electricity directly (not metering) as is done by utilities in other states that LCP owns solar stations in.	Rate treatment of utility-scale solar vs. net metered distributed generation.	Letter filed by parties advising the hearing examiner of settlement in this matter (8/8/16).	Awaiting filing of settlement agreement.



Delaware - Renewable Energy - RPS

Reference No.	Description	Why It Matters	Most Recent Action	Next Action
DEPSC Docket No. 15-1462 <i>Opened on 10/17/2015</i>	<p>The Division of Public Advocate (DPA) petitioned the DEPSC to issue regulations governing when a freeze of the minimum percentages of eligible energy resources and solar PV may be declared.</p> <p><i>Also tracked under DE Superior Court Civil Action No. N15A-12-002 (opened 12/8/15).</i></p>	<p>Places greater authority of qualifying renewable energy for the RPS in the hands of the DEPSC.</p> <p>Could have a significant impact on supplier RPS compliance costs.</p>	<p>Notice issued that oral argument scheduled for 8/25/16 has been continued to 9/13/16 (8/23/16).</p>	<p>Oral argument scheduled for 9:00 a.m. ET on 9/13/16.</p>



Delaware - Renewable Energy - RPS

Reference No.	Description	Why It Matters	Most Recent Action	Next Action
House Bill HB414 (Smyk) <i>Opened on 06/09/2016</i>	<p>Would clarify certain issues related to Renewable Energy Portfolio Standards Act (“REPSA”). Would make clear the intent of the Delaware General Assembly that purchases be frozen if the statutory thresholds are reached, and that any such freeze will be lifted if the cost of the compliance with the REPSA can reasonably be expected to be under the statutory thresholds. Also clarifies the items that the DEPSC is to consider in calculating the cost of complying with the REPSA and the total retail cost of electricity for purposes of determining whether a freeze is required.</p>	<p>Would impact current proceedings and court cases related to RPS freeze issues.</p>	<p>Introduced and referred to House Energy Committee (6/9/16).</p>	<p>Awaiting House committee action.</p>



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