

**Rule Making Workgroup:
26 Del. C. § 354(i) & (j) (Renewable Portfolio Standard)**

**Monday, August 6, 1:00 to 2:30 p.m.
Public Service Commission Hearing Room,
861 Silver Lake Boulevard, Cannon Building, Suite 100,
Dover, Delaware 19904**

Meeting Agenda

1. Welcome and introductions
2. Review of agenda
3. Overview of statute
4. Overview of rule making procedure
5. Discussion of cost of RPS compliance
6. Discussion of total retail cost of electricity for retail electricity suppliers
7. Future proceedings

To participate by phone: Call 877 366 0711, participant code 96520857#

Workgroup session on the REPSA
rate cap

DNREC Division of Energy & Climate
August 6, 2012

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§ 354. Renewable energy portfolio standards, eligible energy resources and industrial exemption.

(i) The State Energy Coordinator in consultation with the Commission, may freeze the minimum cumulative solar photovoltaics requirement for regulated utilities if the Delaware Energy Office determines that the total cost of complying with this requirement during a compliance year exceeds 1% of the total retail cost of electricity for retail electricity suppliers during the same compliance year. In the event of a freeze, the minimum cumulative percentage from solar photovoltaics shall remain at the percentage for the year in which the freeze is instituted. The freeze shall be lifted upon a finding by the Coordinator, in consultation with the Commission, that the total cost of compliance can reasonably be expected to be under the 1% threshold. The total cost of compliance shall include the costs associated with any ratepayer funded state solar rebate program, SREC purchases, and solar alternative compliance payments.

§ 354. Renewable energy portfolio standards, eligible energy resources and industrial exemption.

(j) The State Energy Coordinator in consultation with the Commission, may freeze the minimum cumulative eligible energy resources requirement for regulated utilities if the Delaware Energy Office determines that the total cost of complying with this requirement during a compliance year exceeds 3% of the total retail cost of electricity for retail electricity suppliers during the same compliance year. In the event of a freeze, the minimum cumulative percentage from eligible energy resources shall remain at the percentage for the year in which the freeze is instituted. The freeze shall be lifted upon a finding by the Coordinator, in consultation with the Commission, that the total cost of compliance can reasonably be expected to be under the 3% threshold. The total cost of compliance shall include the costs associated with any ratepayer funded state renewable energy rebate program, REC purchases, and alternative compliance payments.

§ 352. Definitions.

(22) "Retail electricity supplier" means a person or entity that sells electrical energy to end-use customers in Delaware, including but not limited to nonregulated power producers, electric utility distribution companies supplying standard offer, default service, or any successor service to end-use customers. A retail electricity supplier does not include a municipal electric company for the purposes of this subchapter.

(26) "Total retail sales" means retail sales of electricity within the State of Delaware exclusive of sales to any industrial customer with a peak demand in excess of 1,500 kilowatts.

$$3\% = \frac{\text{total cost of complying with this requirement}}{\text{total retail cost of electricity for retail electricity suppliers}}$$