



SPONSOR: Sen. Lavelle

DELAWARE STATE SENATE  
147th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO CUSTOMER BILLING FOR RENEWABLE ENERGY PORTFOLIO STANDARDS, QUALIFIED FUEL CELL PROVIDER PROJECTS, AND PUBLIC PURPOSE PROGRAM CHARGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter III-A, Chapter 1, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 365. Customer billing.

(a) Each Commission-regulated electric company, retail electricity provider, or municipal electric company shall include on each customer's monthly bill the cost assessed to the customer for any of the following public purpose program charges or nonbypassable charges:

(1) The Green Energy Fund charge, as established by § 1014(a) of this title;

(2) The Low-Income Home Energy Assistance Program (LIHEAP) charge, as established by § 1014(b) of this title;

(3) The recovery of costs incurred by complying with a state mandated renewable energy portfolio standard, as authorized by § 358(f) of this title and the Rules and Procedures to Implement the Renewable Energy Portfolio Standard, CDR 26-3000-3008 § 3.2.3.2, related to procuring RECs and SRECs;

(4) The recovery of costs related to alternative compliance payments, as authorized by § 358(f)(2) of this title;

and

(5) The charges collected on behalf of a qualified fuel cell provider project, as authorized by § 364 of this title.

(b) The customer's monthly bill shall reflect the cost assessed for the items in paragraph (3)(a)(1) through (5) of this section in terms of total cost and cost per kilowatt hour. The customer's final bill for each calendar year shall reflect the cost assessed for the items in paragraph (3)(a)(1) through (5) of this section in terms of total cost for the calendar year.

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41 Section 2. Amend § 358, Title 26 of the Delaware Code by making deletions as shown by strike through and  
42 insertions as shown by underline as follows:

43 § 358. Issuance of renewable energy credits; reporting requirement; alternative compliance payment.

44 (f)(1) Recovery of costs — A retail electricity supplier or municipal electric company may recover, through a  
45 nonbypassable surcharge, actual dollar for dollar costs incurred in complying with a state mandated renewable energy  
46 portfolio standard, except that any compliance fee assessed pursuant to subsection (d) of this section shall be recoverable  
47 only to the extent authorized by paragraph (f)(2) of this section.

48 (2) A retail electricity supplier or municipal electric company may recover any alternative compliance  
49 payment if:

50 a. The payment of an alternative compliance payment is the least cost measure to ratepayers as compared  
51 to the purchase of eligible energy resources to comply with a renewable energy portfolio standard; or

52 b. There are insufficient eligible energy resources available for the electric supplier to comply with a  
53 renewable energy portfolio standard.

54 (3) Any cost recovered under this section shall be disclosed to customers at least annually on inserts accompanying  
55 customer bills.

56 SYNOPSIS

57 Section 1 of this bill would increase consumer knowledge and corporate transparency by requiring Commission  
58 regulated electric company, retail electricity provider, or municipal electric company to include on each customer’s bill a  
59 line-by-line accounting of the amount of each bill, in total cost and cost per kilowatt hour, directed to:

- 60 (1) the Green Energy Fund;
- 61 (2) the Low-Income Home Energy Assistance Program
- 62 (3) the costs incurred by complying with the state mandated renewable energy portfolio standard
- 63 related to procuring RECs and SRECs; (4) the costs related to alternative compliance payments related to the
- 64 electric company’s decision to make such payment in lieu of meeting the renewable energy portfolio standards
- 65 contained in Subchapter III-A of Title 26; and
- 66 (5) the charges collected on behalf of qualified fuel cell provider projects, such as Bloom Energy.

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68 Section 2 of this bill would remove the current requirement that electric companies annually disclosure the costs  
69 recovered under § 358 of Title 26 on inserts to customer bills as that requirement is incorporated into the changes made in  
70 Section 1 of the bill.

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