

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE LEGISLATIVE)
PETITION FOR REVIEW AND)
RECOMMENDATIONS ON) PSC DOCKET NO. 13-250
DELMARVA POWER & LIGHT COMPANY)
UTILITY BILL TRANSPARENCY)
(FILED JUNE 20, 2013))

**OBJECTION OF THE PUBLIC ADVOCATE
TO JOHN NICHOLS' PETITION TO INTERVENE**

David L. Bonar, Public Advocate, by and through his counsel, hereby objects to the petition for intervention (the "Petition") in this docket filed by John Nichols dated July 10, 2013, and in support of his objection states as follows:

1. Rule 1001.2.9.1.3 of the Delaware Public Service Commission's (the "Commission") Rules of Practice and Procedure (*26 Del. Admin. Code* §1000.2.9) provides that a person seeking to intervene in a proceeding shall file a petition that includes "a concise statement of why the petitioner's interest will not be adequately represented by the parties to the proceeding or why participation in the proceeding would be in the public interest."

2. Mr. Nichols states in the Petition that he requests intervenor status because of his "unique knowledge of, and interest in, energy issues affecting Delaware." (Petition at 1). He conclusorily asserts that his interest will not be adequately represented by the current parties in the docket because he does not believe that they have "the same interest" as he does "regarding the cost of renewable energy." *Id.* Mr. Nichols avers that his intervention is in the public interest because he has "in-depth knowledge of renewable energy legislation and initiatives," which he seeks to have "clearly explained" on utility bills. *Id.*

3. The Public Advocate admires Mr. Nichols' desire to participate as a party in this proceeding; however, there are several existing parties that will adequately represent his

interest. First, by virtue of their filing the original petition for action, the Petitioners have shown that they want to bring these issues to the attention of Delmarva's customers. Next, the Public Advocate (who – as a result of the recent passage of Senate Bill No. 124 - is tasked with the responsibility of representing the interests of Delaware's residential and small commercial utility customers) supports breaking out the cost of renewable energy and other legislative initiatives, such as the Bloom qualified fuel cell provider project, on utility customers' bills and clearly disclosing on customers' bills the additional cost that such initiatives represent. By his own admission, that is Mr. Nichols' interest. Thus, the Public Advocate will more than adequately represent Mr. Nichols' interest. Third, the Caesar Rodney Institute ("CRI") was granted intervenor status by Order No. 8423 dated July 18, 2013. While CRI had not attained intervenor status at the time Mr. Nichols filed his Petition, now that CRI has been granted such status, Mr. Nichols' interest will be more than adequately represented by CRI's participation in this docket. As was noted in CRI's petition to intervene, CRI (through Mr. Stevenson) has undertaken significant research on, and published information regarding, Delaware energy policy, especially with respect to whether such policy has resulted in competitive energy rates.

4. The Public Advocate also respectfully submits that the public interest does not require Mr. Nichols' participation as an intervenor in this docket. There will undoubtedly be opportunities for public comment. This Public Advocate encourages written comments to allow individuals to provide more insight or detail regarding a specific concern or interest. Mr. Nichols can share his "unique knowledge of, and interest in, energy issues affecting Delaware" and his "in-depth knowledge of renewable energy legislation and initiatives" with the parties through public comment, and the Public Advocate invites him to do so.

5. Last, “knowledge of renewable energy legislation and initiatives” is not the focus of this docket. This docket is not a referendum on Delaware energy policy; the appropriate forum for discussions of Delaware renewable energy policy is the General Assembly, not this docket. The sole issue presented in this docket is whether (and if so, how) Delmarva’s customers’ bills should contain a separate breakout of the cost of renewable energy and other legislatively-mandated energy costs. As the Petitioners, the Public Advocate and CRI are already parties to this docket and will be advocating for separate identification of the cost of renewable energy requirements, Mr. Nichols’ participation as an intervener would be cumulative and could make the proceedings unwieldy. The Public Advocate submits that that would not be in the public interest.

6. Should the Presiding Officer and/or the Commission approve Mr. Nichols’ intervention, the Public Advocate respectfully submits that the purpose of this docket should be made clear to all participants: it is a docket to determine whether (and if so, how) Delmarva’s customers’ bills should contain a separate breakout of the cost of renewable energy and other legislatively-mandated energy costs. It is not a docket in which the parties will debate the advisability of such legislation and initiatives. Commission Rule 1000.2.9.4 provides that the Commission or Presiding Officer may condition intervention on reasonable terms and conditions, and limiting the scope of a party’s participation as an intervenor is an appropriate condition.

WHEREFORE, the Public Advocate respectfully requests the Presiding Officer to deny Mr. Nichols’ petition to intervene. In the alternative, if the Presiding Officer should grant the petition, then the Public Advocate respectfully requests that the Presiding Officer make clear that this docket is not a forum for debating the advisability of renewable energy legislation and initiatives.

Respectfully submitted,

/s/ Regina A. Iorii

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