

CHAPTER 146
FORMERLY
SENATE BILL NO. 85
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO NET ENERGY METERING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend §1014(d) (1), Title 26, Delaware Code by redesignating subparagraphs b. as c., and by inserting a new paragraph b. to read as follows:

“b. For farm customers as described in Title 3, Section 902(3), who are customers of DP&L, DEC, or municipal electric companies that receive distribution service under a residential tariff or service offering, does not exceed more than 100 kW. On a case by case basis the Delaware Energy Office shall review a farm’s application for a system above 100 kW by comparing the output of the system to the energy requirements of the farm and may grant a waiver to increase the size of the system above the 100 kW limit. The Delaware Energy Office shall promulgate rules and regulations for such waivers in consultation with DP&L and municipal electric companies. Such waivers for DEC customers shall be approved by DEC.”

Section 2. Amend §1014(e), Title 26, Delaware Code by deleting paragraphs (1) in their entirety and by substituting in lieu thereof new paragraphs (1) to read as follows:

“(1) Provide for customers to be credited in kilowatt-hours (kWh), valued at an amount per kilowatt-hour equal to the sum of delivery service charges and supply service charges for residential customers and the sum of the volumetric energy (kWh) components of the delivery service charges and supply service charges for nonresidential customers for any excess production of their generating facility that exceeds the customer's on-site consumption of kWh in a billing period. Excess kWh credits shall be credited to subsequent billing periods to offset a customer's consumption in those billing periods. At the end of the annualized billing period, a customer may request a payment from the electric supplier for any excess kWh credits. The payment shall be calculated by multiplying the excess kWh credits by the customer’s supply service rate. Such payment if less than \$25.00 may be credited to the customer’s account through monthly billing. Any excess kWh credits shall not reduce any fixed monthly customer charges imposed by the electric supplier. The customer-generator retains ownership of all renewable energy credits (RECs) associated with electric energy produced.

Section 3. Amend §1014 (e) 5, Title 26 of the Delaware Code by deleting “1 percent” and replacing in lieu thereof “5 percent”.

Approved July 09, 2009