

LAWS OF DELAWARE
VOLUME 85
CHAPTER 82
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 2
FOR
HOUSE BILL NO. 116
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITY RATES.

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

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

§ 303. Unjust or unreasonable rates and preferences; change in fuel adjustment rate; economic development credit for qualifying corporations.

(a) ~~No~~ Except as set forth in subsection (e) of this section, a public utility shall may not make, impose-impose, or exact any unjust or unreasonable or unduly preferential or unjustly discriminatory individual or joint rate for any product or service supplied or rendered by it within the State, or adopt, maintain or enforce any regulation, practice or measurement which is unjust, unreasonable, unduly preferential or unjustly discriminatory or otherwise in violation of law, or make, or give, directly or indirectly, any undue or unreasonable preference or advantage to any person or corporation or to any particular description of traffic, in any respect whatsoever.

(e) (1) The Commission may authorize an electric or natural gas public utility to establish an individual or joint rate for any product supplied or service rendered within the State for the purpose of ensuring basic utility service for the State's low-income residential customers where prior to authorizing such individual or joint rate, the Commission finds all of the following:

a. That such rate is in the public interest.

b. That such rate provides a 20% discount from standard residential distribution costs.

(2) Cost of credits and incremental administrative costs shall be deferred and recoverable through the low income program fund described in § 1014(b) of this title or other means if a utility does not participate in a low income program fund, subject to commission review and reconciliation on an annual basis. Commission regulated utilities must petition the Commission to open a regulatory asset to track deferred costs associated with implementing the low income rate. Commission regulated utilities may not request nor receive a return on the regulatory asset. Commission regulated utilities may recover incremental administrative costs through the deferral process.

(3) An electric or natural gas public utility approved for a low-income rate under this subsection must include information about the rate in a bill insert.

(4) Eligibility for a low-income rate under this section will be determined annually as follows:

a. A participating electric or natural gas public utility may submit the names and other required personal identifying information of applicants for the low-income residential rate to the Department of Health and Social Services (DHSS), but only if the applicant has provided written or electronic consent for the sharing of the applicant's information between the participating electric or natural gas public utility and DHSS; or

b. Upon receipt of an applicant's consent and information, DHSS will notify the participating electric or natural gas utility if the applicant is eligible for the low-income rate, based on participation in, or eligibility to participate in, a means-tested program administered by the Division of Social Services.

c. Written or electronic consent for information to be shared must be obtained annually upon redetermination of eligibility for the low-income residential rate.”

d. For purposes of this section, the term “low-income residential customer” means a residential utility customer who is eligible for a means-tested program administered by the Division of Social Services.

(5) An electric or natural gas utility that offers a low-income residential rate must provide customers approved for that rate with information and referrals to available energy efficiency programs such as those offered through Energize Delaware.

(6) The Commission must review a discount rate authorized under paragraph (e)(1) of this section every 5 years and determine whether such rate should be re-authorized.

Approved July 16, 2025