SPONSOR: Sen. Hansen & Rep. Heffernan & Rep. Phillips
Sens. Hoffner, S. McBride; Reps. Baumbach, Bolden, Hilovsky, Morrison, Osienski, K. Williams

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 56
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION.

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:

§ 102A. Public notice.

In any matter or proceeding before the Commission, the Commission may decide the manner and method of giving notice to those persons affected by, likely to be affected by or likely to be interested in the matter or proceeding. In making this determination, the Commission shall not be governed by the provisions for notice by publication set out in §§ 10115(b) and 10124(1) of Title 29. Instead, such notice may be made by:

(1) Publication in 1 or more newspapers of general circulation;

(2) Delivery, by mail or other means, of a written notice to those directly affected, such as ratepayers or subscribers;

(3) Notice on the commission's website or other digital media platforms;

(34) A combination of the above 2 procedures; or

(5) Any other means which is reasonably likely to afford the affected and interested persons notice of the pendency of the matter so that they have the opportunity to present their views, such as the placement of a notice in a customer's bill.

In making its determination, the Commission may consider the nature of the proceedings, the number of persons affected or interested, the ability of alternative means to reach those affected and interested and the comparative costs of the alternative methods. When, under this chapter, a public utility is required to give notice to the public, the Commission shall set the form and manner of such notice.

§ 105. Compensation of Commissioners.

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LC : HVW : CBM : 5081520074
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The members of the Commission shall each receive a salary ~~of $6,000 per year~~ as appropriated in the current fiscal year State of Delaware Operating Budget, to be paid in equal monthly payments by the Treasurer of the State.

§ 115. Public policy; regulatory assessment; definition of revenue; returns; collection of assessment.

(d) (1) An assessment is imposed upon each public utility subject to regulation by the Public Service Commission in an amount equal to the product of .003 (3 mills) multiplied by its gross operating revenue for each calendar year, commencing with the calendar year beginning January 1, ~~1974.~~ 1974 and ending with the calendar year beginning January 1, 2023.

(2) An assessment is imposed upon each public utility subject to regulation by the Public Service Commission in an amount equal to the product of .004 (4 mills) multiplied by its gross operating revenue for each calendar year, commencing with the calendar year beginning January 1, 2024.

(3) No assessment shall be imposed upon a public utility having a gross operating revenue of less than $10,000 in any calendar year.

Section 2. Amend Chapter 13, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 1305. Establishment of a State Water Supply Coordinating Council.~~

~~(a) A Water Supply Coordinating Council is hereby established.~~

~~1. The Council shall have the following members:~~

~~a. The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's designee;~~

~~b. The Secretary of the Department of Agriculture or the Secretary's designee;~~

~~c. The Executive Director of the Public Service Commission or the Executive Director's designee;~~

~~d. The Director of the Delaware Emergency Management Agency or the Director's designee;~~

~~e. The Director of the Division of Public Health or the Director's designee;~~

~~f. The Public Advocate or the Public Advocate's designee;~~

~~g.The Director of the Delaware Geological Survey or the Director's designee;~~

~~h. The Director of the Water Resources Agency at the University of Delaware or the Director's designee;~~

~~i. The Executive Director of the Delaware River Basin Commission or the Executive Director's designee;~~

~~j. A representative of the office of the Governor;~~

~~k. A representative of the Governments of New Castle County, Kent County and Sussex County;~~

~~l. A representative of each public and private water utility serving New Castle County;~~

~~m. A representative of public water supply utilities from the membership of Sussex County Association of Towns (SCAT);~~

~~n. A representative of public water supply utilities of Kent County from the membership of the League of Local Governments;~~

~~o. A representative from the Delaware Rural Water Association;~~

~~p. A representative from the membership of the Delaware Chapter of the National Association of Water Companies not included in "l" above;~~

~~q. One representative from each county representing local Chambers of Commerce in New Castle County, Kent County and Sussex County;~~

~~r. A representative of the Delaware State Chamber of Commerce;~~

~~s. A representative of the New Castle County Chamber of Commerce;~~

~~t. A representative of the Delaware Nursery and Landscape Association;~~

~~u. A representative of the Delaware Grounds Management Association;~~

~~v. A representative of the Delaware State Golf Association;~~

~~w. A representative of the Delaware Nature Society;~~

~~x. A representative from the Delaware Farm Bureau;~~

~~y. A representative from the Center for Inland Bays;~~

~~z. The State Fire Marshal or the State Fire Marshal's designee;~~

~~aa. A representative from the Civic League of New Castle County;~~

~~bb. A representative from the Coalition of Natural Stream Valleys; and~~

~~cc. The State Climatologist or State Climatologist's designee.~~

~~(b) The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's designee shall serve as Chair of the Council.~~

~~(c) The Council, by majority vote, may establish subcommittees to address water supply issues and plans that do not require the full participation of the Council. The subcommittees shall report to the Council and any recommended actions shall require the approval of the Council.~~

~~§ 1306. Reports by the Water Supply Coordinating Council.~~

~~(a) The Water Resources Agency ("WRA"), the Delaware Geological Survey ("DGS"), the Department of~~

~~Natural Resources and Environmental Control ("DNREC"), and the Division of Public Health (DPH) shall assist the Water Supply Coordinating Council ("WSCC") to help ensure the timely implementation of the projects identified in the WSCC report dated January 17, 2003.~~

~~(b) The WRA, DGS, DNREC, and DPH shall prepare periodic reports on behalf of the Water Supply Coordinating Council (WSCC) for the Governor and the General Assembly summarizing the progress towards completion of the projects identified in the report. The first report shall be submitted on or before December 31, 2003, with additional reports submitted at least annually.~~

~~(c) The principal duty of the Council shall be to work cooperatively with WRA, DGS, DNREC, and DPH To continue to achieve water supply self sufficiency in northern New Castle County, and to develop and publish water supply plans for southern New Castle County, Kent County and Sussex County. These plans shall identify and describe uses, localities or areas where water supply issues exist and identify and describe localities or areas where future water supply issues may occur. These areas and uses should include, but not be limited to Middletown-Odessa-Townsend, Dover and central Kent County, Coastal Sussex County and agricultural irrigation uses. These plans shall contain an estimate of existing and future public and private water supplies and water demands through 2030. Private demands shall take into account, to the maximum extent practicable, all domestic, industrial and irrigation uses. Additional duties of the Council shall consist of performing the following specific functions:~~

~~(1) The WSCC may explore development of an appropriate funding mechanism to facilitate timely completion of necessary tasks to provide technical input in conducting hydraulic field tests and/or modeling to optimize and expand, where appropriate, water utility connections; and~~

~~(2) To work with water utilities to develop cost and capacity agreements subject to approval by the applicable rate-setting authority for the purchase of water supplies during drought and other times emphasizing the need for providers with supply deficiencies to enter agreements which assure adequate supply to customers;~~

~~(3) [Repealed.]~~

~~§ 1307. Recovery of costs of water supply enhancement projects in rates of public utilities.~~

~~In the case of a public utility subject to the jurisdiction of the Public Service Commission, upon the determination by the Commission that a water supply enhancement project identified as necessary to assure adequate supply in a report of the Water Supply Coordinating Council has been placed into service by the utility and is used and useful in the provision of public utility service, the public utility shall be entitled to recover, in its rates, its reasonable and prudently incurred capital and ongoing operating costs for such project. Nothing in this section shall~~

~~preclude the Commission from authorizing an allowance for funds used during construction for any such identified enhancement project.~~

~~§ 1308. Length of service for the Water Supply Coordinating Council.~~

~~The designation of the Water Supply Coordinating Council, and the duties and responsibilities conferred by this section shall end on January 31, 2022.~~