SPONSOR: Sen. Hansen & Rep. Burns
Sens. Paradee, Richardson, Seigfried, Walsh; Reps. Griffith, Lambert, Minor-Brown, S. Moore, Morrison, Phillips

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 308
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE LOAD FORECAST ACCOUNTABILITY ACT.

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

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

Subchapter VII-B. Load Forecast Accountability Act

§715. Short Title.

This act and this subchapter shall be known and may be cited as the "Load Forecast Accountability Act."

§716. Legislative Findings and Purpose.

(a) The General Assembly finds and declares as follows:

(1) Recent reports by PJM Interconnection, L.L.C. (PJM), have highlighted that electricity demand across the PJM footprint, including Delaware, is projected to grow due to data centers, electrification of vehicles and buildings, and other large load additions. PJM recently projected that by 2030, PJM expects to add 32 GW of load to the grid – 30 GW of which is attributable to data centers.

(2) PJM relies upon load forecasts submitted by electric distribution companies in Delaware to establish system planning needs and capacity requirements which ultimately have costs associated with both.

(3) Accurate load forecasting is essential to ensure the adequacy of electric supply, maintain system reliability, and protect Delaware consumers from unnecessary costs caused by overbuilding or underbuilding system resources.

(4) Currently, the process by which utilities and load-serving entities submit information to PJM is very opaque, requires revision to ensure confidence and transparency so that policymakers, regulators, and stakeholders can rely upon the results.

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Released: 06/23/2026 06:06 PM

(5) There is a critical need for the Delaware Public Service Commission (Commission) to provide oversight of load forecasting inputs from Commission-regulated electric distribution companies, to ensure accuracy and transparency, and to coordinate with PJM and neighboring state regulators to prevent duplicative counting of projects and customer contracts.

(b) The purpose of this Act is to provide the Commission with authority and responsibility to:

(1) Review and evaluate load forecasts submitted by Commission-regulated electric distribution companies to PJM.

(2) Coordinate with PJM and other states to support system-wide planning.

(3) Access all relevant materials, including confidential agreements, necessary to review and evaluate load forecasts.

§717. Oversight of Load Forecasting.

(a) The Commission shall initiate a proceeding to investigate the methodologies, data, and assumptions used by Commission-regulated electric distribution companies in developing load forecasts submitted to PJM.

(b) As part of this investigation, the Commission shall:

(1) Review all materials, data sets, and filings provided by Commission-regulated electric distribution companies to PJM related to load forecasting.

(2) Review the accuracy, consistency, and transparency of forecasting methods and assumptions.

(3) Review specific load interconnection requests to ensure that only those projects that have a high likelihood of being developed are included in the load forecast. As part of this evaluation, the Commission should consider:

1. The stage of development and project development status, including whether the customer has executed relevant service agreements, demonstrated site control, and met permitting milestones.

2. Expected ramping schedules, including the anticipated in-service date, interim load levels, and full build-out timing.

3. Whether the customer has filed duplicative interconnection requests within or outside of PJM, and the number and associated megawatts of such requests.

4. The status and amount of customer financial commitments, including deposits, construction obligations, or other sureties.

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(4) Coordinate directly with Commission-regulated electric distribution companies and PJM to ensure that Delaware's electric utility forecasts are incorporated into PJM's regional planning on a fair, accurate, and non-duplicative basis.

(5) Work jointly with PJM and other state utility commissions within the PJM footprint to ensure that new large loads and customer contracts are not double counted across jurisdictions and to evaluate whether other state load forecasting policies can improve Delaware's efforts.

(c) The Commission shall have the authority to promulgate regulations to more fully define the requirements necessary for the implementation of this section.

§718. Access to Confidential Contracts.

(a) In carrying out its responsibilities under this Act, the Commission shall have authority to review and access any contracts, agreements, or commitments between interconnecting customers and Commission-regulated electric distribution companies within the State of Delaware that impact load forecasting assumptions.

(b) Commission-regulated electric distribution companies shall provide such contracts to the Commission upon request, subject to the confidentiality provisions of Title 29 of the Delaware Code, § 10002(o)(2) and (6) and any other provisions of Delaware law. The Commission shall put in place appropriate safeguards to protect against disclosure of confidential information.

§719. Annual Reporting.

(a) The Commission shall submit a written report to the General Assembly no later than May 1 of each year on its progress in implementing this Act. This report shall be posted on the Commission's website.

(b) The report shall describe:

(1) The Commission's efforts to implement this Act during the prior year.

(2) Findings from its review of load forecasting processes and materials submitted by Commission-regulated electric distribution companies to PJM.

(3) Any coordination undertaken with PJM and other states to prevent duplicative counting of projects and customer contracts.

(4) Recommendations for legislative or regulatory changes to further improve load forecasting oversight and reliability.

Section 2. This Act shall sunset on December 31, 2035, unless otherwise renewed by the General Assembly.

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