SPONSOR: Sen. Hansen & Rep. Heffernan & Rep. Burns
Sen. Pinkney; Reps. Berry, Carson, Lambert, Phillips, Snyder-Hall

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 321
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATED TO UTILITY BILLING.

WHEREAS, Community Energy Facilities (CEFs) expand access to renewable energy for all customers, including renters and low- to moderate-income (LMI) households; and

WHEREAS, Utility Consolidated Billing (UCB) with net crediting has been successfully implemented in neighboring states such as Maryland and New Jersey, improving billing transparency, reducing administrative burdens, and expanding participation in community energy; and

WHEREAS, it is in the public interest to authorize consolidated billing in Delaware for community energy subscriptions, to reduce billing confusion, and to ensure the financial stability of subscriber coordinators.

NOW, THEREFORE:

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

Section 1. Amend Chapter 10, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1014. Public purpose programs and consumer education [For application of this section, see 85 Del. Laws, c. 83, § 2].

(f) Individual customers may aggregate their individual meters in conjunction with a community-owned energy generating facility provided that:

(14) Every 3 years, the community-owned energy generating facility must certify to the Public Service Commission in writing that it meets the ~~low-~~ low- to moderate- income eligibility criteria provided in this chapter, provided that Community-owned energy generating facilities with a Final Certificate to Operate issued by the Commission on or before September 2, 2026 may elect to only include low income customers as set forth in § 1014 (16)e.

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(16) Before a community-owned energy generating facility receives permission to operate pursuant to the interconnection process from the electric distribution company, a community-owned energy generating facility shall provide the electric distribution company with the following information:

e. Before a community-owned energy generating facility with a Final Certificate to Operate issued by the Commission on or before September 2, 2026, receives permission to interconnect with an electric distribution company, the community-owned energy generating facility must certify to the electric distribution company and the Commission that participants in the community-owned energy generating facility include at least 15% low income customers whose gross annual income, by family size, is at or below 200% of the federal poverty guidelines, or 60% of the state median household income published by the United States Census Bureau, whichever is greater.

f. Before a community-owned energy generating facility with a Final Certificate to Operate issued by the Commission on or after September 3, 2026, receives permission to interconnect with an electric distribution company, the community-owned energy generating facility must certify to the electric distribution company and the Commission that at least 15% of its kilowatt–hour output is served to low- to moderate- income customers whose gross annual income, by family size, is at or below 350% of the federal poverty guidelines, or 80% of the state median household income published by the United States Census Bureau, whichever is greater. Provided however, that community-owned energy generating facilities with a Final Certificate to Operate issued by the Commission on or before September 2, 2026, may elect to certify under the provisions of this section.

§1014A. Consolidated Billing.

(a) Definitions. For purposes of this section:

(1) "Consolidated billing" means a mechanism that requires an electric utility under the regulation of the Delaware Public Service Commission to, at the request of a Community-owned energy generating facility or Subscription Coordinator:

a. Include the monthly subscription charge of a community energy facility on the subscriber's utility bill.

b. Remit payment received for those charges to the Community-owned energy generating facility or Subscription Coordinator.

(2) "Net crediting" means a process in which the Commission-regulated electric public utility subtracts the community energy subscription charge from the monthly community energy credit, applies the savings value

to the customer's bill, and remits the subscription charge directly to the Community-owned energy generating facility or Subscription Coordinator.

(3) "Subscriber" means a retail customer of a Commission-regulated electric public utility that holds a subscription to a community energy facility.

(4) "Subscription Coordinator" means:

a. A person that has a contractual arrangement with a community energy facility, whether having received a final certificate to operate or not, to provide services such as:

1. Market community energy facility projects or otherwise provide community energy facility services under its own brand name.

2. Perform any administrative actions to connect or enroll customers with community energy facility projects or allocate subscriptions. This does not include vendors or subcontractors handling only back-office functions such as electronic data interchange between the community energy facility, subscription coordinator, and the utility company.

3. Manage interactions between a community energy facility and an electric distribution company related to subscribers. This does not include vendors or subcontractors handling only back-office functions such as electronic data interchange between the community energy facility, subscription coordinator, and the utility company.

(b) Consolidated billing authorization.

(1) Commission-regulated electric public utilities must offer consolidated billing for all customer classes.

(2) Consolidated billing shall be the default billing method for all community energy facilities with a Final Certificate to Operate issued by the Commission on or after September 3, 2026. Any Community-owned energy generating facility participating in consolidated billing under this section must comply with § 1014 (f)(16)f and § 1014A (c)(2). However, a Community-owned energy generating facility with a Final Certificate to Operate issued by the Commission on or before September 2, 2026 may elect not to participate in consolidated billing if the Community-owned energy generating facility submits a formal request in writing to the Commission-regulated electric public utility by no later than October 1, 2028.

(3) The Community-owned energy generating facility or the Subscription Coordinator is responsible for managing their customer subscriptions.

(4) Subscription Coordinators may not impose subscription fees, early termination penalties, or charges unrelated to commodity service.

(c) Consumer protections - credit.

(1) No Community-owned energy generating facility or Subscription Coordinator may require residential subscribers to undergo a credit check or pay upfront enrollment fees.

(2) For projects with a Final Certificate to Operate issued by the Commission on or after September 3, 2026, the savings rate for residential customers shall be at least 10%, the savings rate for any income qualified subscriber as defined by § 1014 paragraph (f)(16)f. of this title shall be at least 20%, even when accounting for any subscription or other fees charged by the subscribing organization or Community-owned energy generating facility.

(3) For projects with a Final Certificate to Operate issued by the Commission on or before September 2, 2026, the subscription value for residential customers must provide for a net discount when applying the monetary value of the bill credit on a bill issued by the electric company to the subscriber for electric service, even when accounting for any subscription or other fees charged by the subscribing organization or Community-owned energy generating facility.

(4) Community energy facility owners are solely responsible for managing their customer subscriptions through the utility's community energy portal.

(d) Utility obligations.

(1) Commission-regulated electric public utilities shall:

a. Apply community energy credits and subscription charges on a single consolidated bill.

b. Provide timely electronic remittance of collected subscription charges to Community-owned energy generating facilities or Subscription Coordinators.

c. Payments to subscription coordinators (aggregate subscription charges credit less fees assessed pursuant to §1014A(c)(2) and (3)) would be received by within 60 business days of their billing date.

(2) Utilities may recover reasonable administrative and information technology costs of consolidated billing through a tariffed fee approved by the Delaware Public Service Commission. Any such fee may not exceed 1% of the value of subscriber bill credits unless the Commission finds a higher fee just and reasonable.

(3) Utilities may assess a fee not to exceed 0.25% of the value of the subscriber bill credits, in addition to the Commission-approved administrative fee, to hold accounts in escrow to cover instances of customer arrearage. Unused funds shall be refunded to Community-owned energy generating facilities or Subscription Coordinators on an annual basis.

(4) Every 2 years, the Commission, in conjunction with the regulated utility, must perform a review of the fees outlined in this section and provide recommendations to the legislature, as needed, to ensure adequate recovery of costs associated with the implementation of consolidated billing outlined herein.

(e) Implementation.

(1) The Commission shall adopt regulations establishing protocols for consolidated billing, including:

a. Data exchange standards for electric companies and Community-owned energy generating facilities, and any approved subscription coordinators.

b. Require all electric companies to report billing and crediting errors to the Commission on a regular schedule.

c. Impose requirements for monthly application of bill credits to subscriber bills and application of rollover credits.

d. Require all electric companies to show applied and banked credits on each bill rendered to a subscriber.

e. Implement any additional changes the Commission determines will improve billing and crediting processes for subscribers.

(2) The Commission shall convene a stakeholder working group, including Delmarva Power and Light, Subscription Coordinators, the Division of the Public Advocate, representatives from the community solar industry with operations in Delaware, representatives from the residential and commercial solar industry with operations in Delaware, environmental interests, and low-income representatives, to provide recommendations to the Commission to improve the enrollment and operation of the community energy facility program outlined in this title. The Commission must deliver a final report detailing the results and recommendations of the stakeholder working group to the General Assembly no later than January 31, 2027. The report must include recommendations on:

a. Recommended changes to the Community Energy Facilities program to improve low- to moderate- income customer enrollment, including how to expand elevated discount rates to cover moderate income families, adjusting how an expanded low- to moderate- income customer requirement shall be applied, and recommending alternative methods of satisfying an expanded minimum for low- to moderate- income customer enrollment, and alternative methods of enrolling customers.

b. Methods of strengthening consumer protections relating to participation in the Community Energy Facilities program.

c. Any other topic the Commission or stakeholder working group deems necessary to achieve the outcomes of the Community Energy Facilities program as outlined in this title.

(3) Consolidated billing shall be available to all community energy facilities no later than October 1, 2027.

Section 2. This Act shall take effect upon its enactment, except that subsection (d) of § 1014A of Title 26 of the Delaware Code shall govern implementation timelines.

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