

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER NINETY-ONE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: PUBLIC UTILITY REGULATORY POLICIES STUDY COMMISSION

WHEREAS, the State of Delaware in response to recent National energy shortages and the attendant rise in the price of electricity and other utility services, has initiated assistance and conservation programs to assist Delawareans in meeting the additional financial burdens; and

WHEREAS, the effective regulation of public utilities is a necessary part of the effort to manage our energy resources efficiently; and

WHEREAS, new federal laws have mandated new State responsibilities and duties on the part of the Public Service Commission, the Office of Public Advocate, and regulated public utilities in this State; and

WHEREAS, the increased public attention to utility costs has caused the number of parties in certain proceedings before the Public Service Commission to increase, thereby adding to the size and complexity of such proceedings; and

WHEREAS, the Office of the Public Advocate has been in existence for approximately two years, and it is appropriate to review the experience of that Office and analyze its relationship with the Public Service Commission; and

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WHEREAS, a comprehensive review of the regulatory laws, procedures, responsibilities and resources of the Public Service Commission and the Office of the Public Advocate is advisable to ensure that the conservation goals of the State are achieved and the public welfare of Delaware citizens is protected.

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Effective this date and until terminated by notice from this Office, there is hereby created the Public Utility Regulatory Policy Study Commission (the "Commission") which shall consist of seven (7) members.

2. The Commission shall consist of the following members:

- (a) The Director of the Delaware Energy Office, who shall serve as Chairman,
- (b) Six Delaware citizens to be appointed by the Governor and who shall serve at his pleasure,
- (c) The Chairman of the Public Service Commission and the Public Advocate, each of whom shall serve as ex officio non-voting members.

3. The Commission shall review and examine:

- (a) All constitutional, statutory and administrative provisions, laws, rules and regulations under which the Public Service Commission and the Office of the Public Advocate are organized and pursuant to which their respective operations are conducted;

- (b) The financial resources, from whatever source, available to the Public Service Commission and the Office of the Public Advocate;
- (c) Such other matters and material as the Commission deems appropriate to a comprehensive review of utility regulation in Delaware, including information concerning utility regulation practices of other jurisdictions;
- (d) Provided that, however, the Commission shall have no authority to investigate or examine individual utilities regulated by the Public Service Commission nor shall the Commission have the authority to investigate or review any rulings, judgments or other dispositions made by the Public Service Commission in any particular matter pending before it.

4. Upon the completion of the investigations and examinations described in Paragraph 3 next above, the Commission shall issue a report setting forth its recommendations for improvements in the following areas:

- (a) The administrative structure of the Public Service Commission and the Office of Public Advocate;
- (b) The respective functions of the Public Service Commission and the Office of the Public Advocate and the proper relationship between those agencies;
- (c) The appropriate level of resources available to the Public Service Commission and the Office of the Public Advocate including the manner in which those resources should be made available;
- (d) The regulatory procedures governing the conduct of proceedings before the Public Service Commission; and

(e) Such other matters as the Commission deems necessary in discharging its duty to provide a comprehensive understanding of utility regulation in Delaware and ways in which such regulation can be improved.

5. Such report shall be issued by the Commission within 180 days of its appointment.

6. Subject to the provisions of Paragraph 3(d) herein, the Commission shall have the authority to hold public hearings, review the submission of relevant information and call witnesses.

APPROVED this *30th* day of *October*, 1980.



R. A. Bul

Governor

ATTEST:

Ann C. Kent

Secretary of State