

LAWS OF DELAWARE
VOLUME 85
CHAPTER 83
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 175

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO NET ENERGY METERING.

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

Section 1. Amend §1014(d), Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(d) The Commission, municipal electric companies, and electric cooperatives during any period of exemption under § 223 of this title shall each promulgate rules and regulations that provide for net energy metering for customers who own and operate, lease and operate, or contract with a third party that owns and operates an electric generation facility that:

(5) Is designed to produce no more than 110% of the host customer's expected aggregate electrical consumption, calculated on the average of the 2 previous 12-month periods of actual electrical usage at the time of installation of energy generating equipment. For new building construction, electrical consumption will be estimated at 110% of the consumption of units of similar size and characteristics at the time of installation of energy generating equipment. ~~Subject to the effective dates in subsection (e) of this section, commission-regulated electric utilities, municipal electric companies, and electric cooperatives during any period of exemption under § 223 of this title, shall not, at the end of the annualized billing period, reimburse, credit, or otherwise remunerate the net energy metering customer for any Excess kWh Credits. However, any~~ Any utility may enter into a power supply agreement with a farm customer described in § 902(3) of Title 3; provided that nothing in this subsection or subsection (e) of this section shall prohibit electric distribution companies from entering into contracts with farm customers that allow or provide for the procurement, crediting, or carryover of Excess kWh Credits at the end of an annualized billing period.

(e) The rules and regulations promulgated for net energy metering by the Commission, municipal electric companies, and electric cooperatives during any period of exemption under § 223 of this title must consider the reliability, safety, and capacity of the electric distribution system and:

(1) a. Provide for customers to be credited in kilowatt-hours (kWh) for any excess production of their generating facility that exceeds the customer's on-site consumption of kWh in a billing period (an "Excess kWh Credit"). Excess kWh Credits shall be credited to subsequent monthly billing periods to offset a customer's consumption in those billing periods. ~~Excess kWh Credits at the end of the annualized billing period shall revert to the electric distribution company providing electric distribution to the customer; for commission-regulated utilities, this section shall take effect on May 31, 2023. A commission-regulated utility may continue to make payments for annual Excess kWh until May 31, 2023. Excess kWh Credits at the end of an annualized billing period shall carry over to subsequent annualized billing periods. For nonresidential customers that are not a farm customer described in §902(3) of Title 3, the Commission, municipal electric companies, and electric cooperatives during any period of exemption under §223 of this title may impose a limit on the amount of Excess kWh Credits that may be carried forward at the end of an annualized billing period. Commission-regulated electric utilities shall be permitted to recover implementation costs including the billing system information technology costs incurred because of the carry over of Excess kWh Credits to subsequent annualized billing periods.~~

Section 2. This Act shall take effect upon its enactment into law. Commission-regulated public utilities, municipal electric companies, and electric cooperatives shall have until December 1, 2026 to bring their billing systems into compliance to reflect the changes required by this Act.

Approved July 16, 2025