

LAWS OF DELAWARE
VOLUME 85
CHAPTER 288
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 239

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES AND NET METERING.

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

Section 1. Amend § 1014(e), Chapter 10, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1014. Public purpose programs and consumer education.

(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 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.

b. Effective January 1, 2024, for commission-regulated utilities for existing and future net energy metering customers, both residential and nonresidential, the monthly Excess kWh Credit shall be valued at the sum of the volumetric (kWh) components of the supply service charges and distribution service charges, not including the charges for societal benefits programs, according to each participating customer account's rate schedule. Any Excess kWh Credits shall not reduce any fixed monthly customer charges imposed by the electric distribution company. The customer-generator retains ownership of all renewable energy credits (RECs) associated with electric energy produced unless the customer has relinquished such ownership by contractual agreement with a third party or by other means. This paragraph (e)(1) does not apply to customers participating in a community-owned energy generating facility, as the provisions regarding community-owned energy generating facilities are addressed elsewhere in the Delaware Code. "Societal benefits program" means a program required by law in which a benefit to the public at large accrues as a result of its implementation. Societal benefits programs include:

1. Green Energy Fund under subsection (a) of this section.
2. Low-Income Program Fund under subsection (b) of this section.
3. Charges incurred by the utility in complying with the state mandated renewable energy portfolio standard under § 358(f) (1) of this title.
4. The charge imposed under § 364 of this title for qualified fuel cells.
5. Energy efficiency programs under § 8059(h)(1)e. of Title 29.

(2) Excess kWh Credits for supply service are the responsibility of the entity providing supply to the customer rather than solely the responsibility of the electric distribution company.

(3) In the event that a net-metering customer abandons the property where the energy generating equipment is located, the equipment may remain connected to the electric distribution system, unless the equipment presents a risk to the safety and reliability of the electric distribution system.

(4) Ensure that electric suppliers provide net-metered customers electric service at nondiscriminatory rates that are identical, with respect to rate structure and monthly charges, to the rates that a customer who is not net-metering

would be charged. electric suppliers shall not charge a net-metering customer any stand-by fees or similar charges, with the exception that the Delaware Energy Office shall promulgate rules that allow DEC and municipal electric companies to request to assess nonresidential net-metering customers a fee or charge if the electric utility's direct costs of interconnection and administration of net-metering for these customer classes outweigh the distribution system, environmental, and public policy benefits of allocating the costs among the electric supplier's entire customer base.

(5) Require that all generating systems and grid-integrated electric vehicles used by eligible customers meet all applicable safety and performance standards established by the National Electrical Code, and those of the Institute of Electrical and Electronic Engineers, UL, or the Society of Automotive Engineers, to ensure that net metering customers meet applicable safety and performance standards and comply with the electric supplier's interconnection tariffs and operating guidelines. An electric supplier's interconnection rules must be developed by using as a guide the Interstate Renewable Energy Council's Model Interconnection Rules and best practices identified by the U.S. Department of Energy. Municipal electric companies shall establish interconnection rules no later than July 24, 2008. An electric supplier may not require eligible net-metering customers who meet all applicable safety and performance standards to install excessive controls, perform or pay for unnecessary tests, or purchase excessive liability insurance.

(6) Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in 2 directions. To maintain system safety and reliability, an additional meter or meters to monitor the flow of electricity in each direction may be installed with the consent of the net-metering customer, which consent may be waived by the customer. The additional metering shall be used only to provide the information necessary to accurately bill or credit the customer pursuant to paragraph (e)(1) of this section, or to collect system performance information. If an additional meter or meters are installed, the net energy metering calculation shall yield a result identical to that of a single meter. Nonresidential customers shall be responsible for paying the reasonable cost of any new, replacement, or modified meter or meters installed or caused to be installed for net-metering purposes. Residential customers shall not be responsible for paying more than \$200 toward the reasonable cost of any new, replacement, or modified meter or meters installed or caused to be installed for net-metering purposes. Nonresidential customers and residential customers shall not own the meter or meters, which shall remain the property of the electric supplier.

~~(7) If the total generating capacity, measured in megawatts (MW) of alternating current (AC), of all customer-generation using net-metering systems served by an electric utility exceeds 8% of the capacity necessary to meet the electric utility's average Delaware transmission peak demand for the preceding 3 years, the electric utility may elect not to provide net-metering services to any additional customer generators.~~

Approved June 10, 2026