

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY**

**CARLET D. WARD**

**Appellant,**

**v.**

**DELMARVA POWER AND ELECTRIC :  
COMPANY and DELAWARE PUBLIC :  
SERVICE COMMISSION :**

**Appellee.**

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**C.A. No: 12A-10-001 (RBY)**

*Submitted: January 3, 2013  
Decided: February 19, 2013*

*Upon Consideration of Appellant's Appeal from  
the Decision of the Court of Common Pleas*  
**AFFIRMED**

**ORDER**

Carlet D. Ward, *Pro se*.

Robert W. Whetzel, Esq., Richards, Layton & Finger, P.A., Wilmington, Delaware  
for Appellee Delmarva Power and Electric Company.

Joseph C. Handlon, Esq., Department of Justice, Wilmington, Delaware for Appellee  
Delaware Public Service Commission.

Young, J.

Appellant Carlet D. Ward (“Ward” or “Appellant”) initiated actions in both the Delaware Court of Chancery and Delaware Court of Common Pleas over a service dispute with Delmarva Power & Light Company (“Delmarva Power”). On September 10, 2012 the Court of Common Pleas held a hearing on the Motions to Dismiss filed by Delmarva Power and the Delaware Public Service Commission (the “PSC”). After hearing arguments from the parties, the Court of Common Pleas dismissed Ward’s claims on the for lack of subject matter jurisdiction and failure to state a claim. This appeal arises from the dismissal of her claims by the Court of Common Pleas.

\_\_\_\_\_ Ward’s filing alleges three issues with the decision of the Court of Common Pleas. She claims: the hearing was procedurally improper; the judge was biased and prejudiced against her; and that it was error to dismiss the Complaint.

The Delaware Public Service Commission has exclusive original jurisdiction to supervise and regulate public utilities.<sup>1</sup> The PSC had already concluded that Delmarva Power had properly billed Ward for her electric consumption before these actions were filed. After the PSC gives notice of a decision, an appellant has thirty days from the date of notice to appeal the PSC’s final order.<sup>2</sup> The Superior Court has exclusive jurisdiction over appeals from state administrative agencies.<sup>3</sup> Appellant did not comply with any of the statutory requirements governing such an appeal. Though Appellant’s document is entitled “Complaint,” the allegations contained are in the

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<sup>1</sup> 26 Del. C. §201.

<sup>2</sup> 29 Del C. §10142(b).

<sup>3</sup> See 29 Del C. §10142(a); *id.* §10102(4); *see also* 26 Del. C. §510.

nature of an appeal of the decision of the administrative agency. Under the applicable statutes, Ward should have filed an “Appeal” instead of a Complaint. Either way, the filing occurred outside of the thirty day filing period, in the wrong court. Therefore, the Court of Common Pleas properly dismissed Ward’s claims.

The above stated reasons alone provide an adequate basis for this Court to affirm the Court of Common Pleas decision. Nevertheless, it should be noted that Appellant’s other grounds for appeal are wholly without merit. Even were the case properly before the Court of Common Pleas, Appellant filed outside of the statutorily prescribed time period for such an appeal. In addition, she failed to state a claim upon which relief could be granted. Upon receiving the Complaint, the opposing parties filed Motions to Dismiss, which were properly heard by the Court. Ward’s only basis for challenging that hearing was that it was not on the list of proceedings on a handout purportedly provided to her by someone within the Court of Common Pleas. Such a handout is intended as mere guidance for a *pro se* civil complainant. The Court of Common Pleas Civil Rules clearly provide for such hearings.<sup>4</sup> *Pro se* parties are required to know and comply with court rules.<sup>5</sup> Furthermore, there is utterly nothing in the record to substantiate Ward’s allegations of racism or bias relating to the presiding judge at the Court of Common Pleas. In fact, the record demonstrates that the Court spent considerable time and made considerable effort explaining to Appellant the issues with her Complaint, and the relevant court procedures.

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<sup>4</sup> Ct. Com. Pl. Civ. R. 12(b) and (d).

<sup>5</sup> *State v. McCoy*, 2012 WL 5552033, at \*4 (Del. Super. Oct. 11, 2012).

*Ward v. Delmarva Power & Electric Company & Delaware Public Service Commission*  
*C.A. No.: 12A-10-001 (RBY)*  
*February 19, 2013*

For the foregoing reasons, the decision of the Court of Common Pleas is  
**AFFIRMED.**

**SO ORDERED** this 19<sup>th</sup> day of February, 2013.

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/s/ Robert B. Young  
J.

RBV/lmc

oc: Prothonotary

cc: Opinion Distribution