

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELMARVA POWER & LIGHT	§
COMPANY, a Delaware and	§
Virginia corporation,	§ No. 553, 2004
	§
Plaintiff Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
MOTIVA ENTERPRISES LLC,	§ in and for New Castle County
	§ C.A. No. 03C-11-139
Defendant Below-	§
Appellee.	§

Submitted: December 22, 2004

Decided: December 29, 2004

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 29th day of December 2004, it appears to the Court that:

(1) The plaintiff below, Delmarva Power & Light Company (Delmarva), has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Superior Court dated November 12, 2004. The Superior Court's ruling denied Delmarva's motion to dismiss defendant Motiva Enterprise's counterclaim.

(2) On December 20, 2004, the Superior Court denied Delmarva's application to certify an interlocutory appeal to this Court.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases.

(4) In the exercise of its discretion, this Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice