

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, January 21, 2016 at 9:00 a.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF INSURANCE
OFFICE OF THE COMMISSIONER
PUBLIC NOTICE
602 Motor Vehicle Physical Damage Appraisers

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amended Department of Insurance **Regulation 602** relating to **Motor Vehicle Physical Damage Appraisers [Formerly Regulation 8]**. The docket number for this proposed AMENDED regulation is 2803-2015.

Amendments are being proposed to permit the use of digital imaging by appraisers. The Delaware Code authority for the change is 18 **Del.C.** §311 and Ch. 17; and 29 **Del.C.** Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed amended regulation. The proposed amended regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at:

www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Monday, February 1, 2016. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard
Dover, DE 19904
Phone: (302) 674-7379
Fax: (302) 739-5566
Email: Rhonda.West@state.de.us

OFFICE OF THE COMMISSIONER
PUBLIC NOTICE

1301 Internal Review, Arbitration and Independent Utilization Review of Health Insurance Claims

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed Department of Insurance **Regulation 1301** relating to **Internal Review, Arbitration and Independent Utilization Review of Health Insurance Claims**. The docket number for this proposed regulation is 2999.

The proposed amended regulation amends the current regulation to bring it in compliance with federal statutes and The Centers for Medicare & Medicaid Services' guidelines. Certain provisions are also being removed and placed in a new regulation for arbitration of disputes between health insurance carriers and non-network providers of emergency care services. The Delaware Code authority for this proposed regulation is 18 **Del.C.** §§311, 332, 6408, 6416, and 6417; and 29 **Del.C.** Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed amended regulation. The proposed amended regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at:

<http://www.delawareinsurance.gov/departments/documents/ProposedRegs/>

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amended regulation. Any written submission in response to this notice and relevant to the proposed amended regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Monday, February 1, 2016. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard

Dover, DE 19904
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OFFICE OF THE COMMISSIONER
PUBLIC NOTICE

1313 Arbitration of Health Insurance Disputes Between Carriers and Providers

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed Department of Insurance **Regulation 1313** relating to **Arbitration of Health Insurance Disputes Between Carriers and Providers**. The docket number for this proposed regulation is 3001.

The proposed amended regulation adds clarifying definitions, revises the filing procedure for arbitration requests, adds a provision addressing the allocation of arbitration costs, and adds a requirement for carriers to maintain arbitration records for 5 years after the completion of the arbitration process. The Delaware Code authority for this proposed regulation is 18 **Del.C.** §§311, 333, and 6408; and 29 **Del.C.** Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed regulation. The proposed regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/>.

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed regulation. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Monday, February 1, 2016. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard
Dover, DE 19904
Phone: (302) 674-7379
Fax: (302) 739-5566
Email: rhonda.west@state.de.us

OFFICE OF THE COMMISSIONER
PUBLIC NOTICE

1315 Arbitration of Health Insurance Disputes Between Individuals and Carriers

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed Department of Insurance **Regulation 1315** relating to **Arbitration of Health Insurance Disputes Between Individuals and Carriers**. The docket number for this proposed regulation is 3001.

The proposed regulation contains provisions related to arbitrations under 18 **Del.C.** §332, which were previously contained in Regulation 1301 and also contains modifications of some of those provisions. The Delaware Code authority for this proposed regulation is 18 **Del.C.** §§311 and 332; and 29 **Del.C.** Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed regulation. The proposed regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/>.

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed regulation. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Monday, February 1, 2016. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard
Dover, DE 19904
Phone: (302) 674-7379
Fax: (302) 739-5566

Email: rhonda.west@state.de.us

OFFICE OF THE COMMISSIONER
PUBLIC NOTICE

1316 Arbitration of Health Insurance Disputes Between Carriers And Non-Network Providers of Emergency Care Services

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed Department of Insurance **Regulation 1316** relating to **Arbitration of Health Insurance Disputes Between Carriers And Non-Network Providers of Emergency Care Services**. The docket number for this proposed regulation is 3002.

The proposed regulation moves the provisions related to arbitrations under 18 **Del.C.** §§3349 and 3565 from current Regulation 1301 to a stand-alone regulation. The Delaware Code authority for this proposed regulation is 18 **Del.C.** §§311, 3349, and 3565; and 29 **Del.C.** Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed regulation. The proposed regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/>.

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed regulation. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Monday, February 1, 2016. Any such requests should be directed to:

Regulatory Specialist Rhonda West
Delaware Department of Insurance
841 Silver Lake Boulevard
Dover, DE 19904
Phone: (302) 674-7379
Fax: (302) 739-5566
Email: rhonda.west@state.de.us

DEPARTMENT OF JUSTICE
FRAUD AND CONSUMER PROTECTION DIVISION
SECURITIES UNIT
PUBLIC NOTICE

104 Privacy Policies For Commercial Online Sites, Services, And Applications

The Consumer Protection Unit of the Department of Justice hereby gives notice of proposed **Consumer Protection Unit Regulation 104** relating to **Privacy Policies For Commercial Online Sites, Services, And Applications**.

Senate Substitute No. 1 for Senate Bill No. 68, as amended by Senate Amendment Nos. 1, 2, and 3, of the 148th General Assembly requires operators of commercial Internet websites, online or cloud computing services, online applications, or mobile applications to that collect personally identifiable information through the Internet about individual users residing in Delaware who use or visit the operator's commercial internet website, online or cloud computing service, online application, or mobile application to make their privacy policies conspicuously available on their internet website, online or cloud computing service, online application, or mobile application as of January 1, 2016. The applicable legislation is now found in Chapter 12C, Title 6 of the **Delaware Code**.

The proposed regulation sets forth optional "safe harbor" language that operators may, but are not required to, use in their privacy policies that the Consumer Protection Unit has determined will comply with the disclosure requirements of 6 **Del.C.** §1205C(b). The proposed regulation also declares that the Consumer Protection Unit will treat privacy policies which comply with the disclosure requirements of the California Online Privacy Protection Act (CalOPPA), Cal. Bus. & Prof. Code §§ 22575–22579, as also complying with the requirements of 6 **Del.C.** §1205C. The proposed regulation does not foreclose operators from using other language and formats of their own choosing to comply with 6 **Del.C.** §1205C(b). The Delaware Code authority for this proposed regulation is 29 **Del.C.** §2521.

The Consumer Protection Unit will not hold a public hearing on the proposed regulation. The proposed regulation appears below. Any person who wishes to submit suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed regulation must submit the same by USPS Mail or email no later than 4:30 p.m. EST, Monday, February 1, 2016. Submissions by email should include "Privacy Policies For Commercial Online Sites, Services, And Applications" in the subject line of the email. Submissions must be directed to:

Christian Douglas Wright
Director, Consumer Protection Unit
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
email: christian.wright@state.de.us

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE
PUBLIC NOTICE
3900 Wildlife

The Department of Natural Resources & Environmental Control (DNREC) initiated the development of regulations pertaining to establish reporting requirements for gray fox taken, killed or captured; also to ensure consistency with and to clarify the allowable timeframe and methodology for reporting coyote and nutria harvests. Reporting requirements were presented to the public in proposed form (19 DE Reg. 176 (09/01/15)) and a public hearing on the matter was held September 22, 2015 at 6:30 PM in the DNREC Auditorium, Dover, DE. The hearing record was closed on October 7, 2015. Following careful consideration of the hearing record and in response to public input received during the regulatory process, which was largely in opposition of the proposal for a next business day harvest reporting requirement, the Division is proposing to adjust its previously proposed harvest reporting requirement to rather allow reporting gray fox harvest within seven (7) calendar days of harvest (i.e., reporting within a week).

No additional hearing will be held; the Department will receive written comment through February 1, 2016. Individuals may submit written comments regarding the proposed clarification to 7 **DE Admin Code** §3542 via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
PUBLIC NOTICE
1302 Regulations Governing Hazardous Waste

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to modify the characteristics of ignitability to mirror the federal requirements. Additionally, the proposed modifications will correct typographical and reference errors.

A public hearing on the proposed amendments to DRGHW will be held on Thursday, January 21, 2016 at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE. The hearing record on the proposed modifications will be open January 1, 2016. Interested parties shall submit comments in writing by the end of the comment period, as designated by the hearing officer at this hearing and/or statements and testimony may be presented either orally or in writing at the January 21, 2016 public hearing. Written comments should be sent to: lisa.vest@state.de.us or Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901.

DIVISION OF WATER
PUBLIC NOTICE
7301 Regulations Governing the Construction and Use of Wells

The purpose of this action is to modernize the well construction regulations not modified since 1997 and streamline the process for addressing well construction and siting problems.

The Department held four (4) public workshops to obtain public input and discussion of the proposed changes to the well construction regulations. In addition, the Department participated in several committees both internal and external that reviewed and provided suggestions to changes to the regulations.

The major changes contained in this proposed regulation were the addition of new water well types, technology changes, incorporation of on-line permit application and related electronic options, aligning with related regulations, clarification of special permit requirements such as for emergencies, updating regulatory language to meet several legislative bills regarding advertising and issuance of well permits within water service areas (Certificates of Public Convenience and Necessity), and incorporation of guidelines and policies to account for industry modernization and practices.

The hearing record on the proposed changes to the *Regulations Governing the Construction and Use of Wells* will be open **January 1, 2016**. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on **February 1, 2016** beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
2700 Board of Registration for Professional Land Surveyors

The Delaware Board of Professional Land Surveyors, in accordance with 24 **Del.C.** §2706(a)(1), has proposed revisions to its rules and regulations. The proposed revisions to the Rules and Regulations are intended to eliminate the continuing education ethics requirement. The Board will hold a public hearing on the proposed rule changes on January 21, 2016 at 8:30 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Flora Peer, Administrator of the Delaware Board of Professional Land Surveyors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
2930 Council on Real Estate Appraisers

Pursuant to 24 **Del.C.** §4006(a)(1), the Delaware Council on Real Estate Appraisers has proposed revisions to its rules and regulations. The rules pertaining to continuing education and the AQB criteria are amended to conform to new Appraisal Qualifications Board criteria.

A public hearing will be held on February 16, 2016 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisal, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board to Flora Peer at the above address in accordance with 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals

The Delaware Board of Mental Health and Chemical Dependency Professionals, pursuant to 24 **Del.C.** §3006(a)(1), proposes to revise its regulations. The proposed amendments to the regulations seek to clarify and provide more detailed information regarding the use of telehealth services for the provision of Mental Health Counseling, Chemical Dependency Counseling, or Marriage and Family Therapy.

The Board will hold a public hearing on the proposed rule change on January 27, 2016 at 12:00 p.m., in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jessica Williams, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until February 11, 2016.

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE
3001 Rules for Certification and Regulation of Electric Suppliers

In 1999 the Delaware Public Service Commission ("PSC") has promulgated certain regulations pertaining to certification of electric suppliers in 26 *Del. Admin. C.* §3001, now entitled "Rules for Certification and Regulation of Electric Suppliers ("Supplier Rules"). The PSC has revised the Supplier Rules several times since then.

The PSC now proposes to revise the Supplier Rules. The purpose of the proposed revisions are to ensure electric choice for customers is more competitive and in compliance with the terms of the settlement agreement entered into by the parties in PSC Docket 10-2; to provide additional protection for customers; to require electric suppliers to include additional

details regarding the rates, terms, and conditions of service in their offers to customers to provide electric supply services; to clarify sections of the Supplier Rules; and to make the certification process for electric suppliers more uniform. Pursuant to PSC Order No. 8187 a workgroup was formed and met several times to address the issues above.

The PSC is soliciting comments, suggestions, compilations of data, briefs, or other written materials about the proposed revisions to its Supplier Rules. Please file written comments either in the Commission's electronic filing system, "DelaFile", available at <https://delafile.delaware.gov/>, click Public Comment under the Public Link or send to the Commission's address listed below.

Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware, 19904
Attn: Reg. Doc. 49

The Commission encourages the public to submit written comments on or before **February 1, 2016**, but the last date to submit written comments will be on **February 8, 2016**.

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on **February 23, 2016 at 1:00 P.M.** at the PSC's office at the address set forth above.

You may review PSC Order No. 8830 (December 15, 2015) (the "Order") and the proposed revised Supplier Rules in the January 2016 issue of the *Delaware Register of Regulations*. You may also review the Order and the proposed revised Supplier Rules at the PSC's website located at <https://delafile.delaware.gov/>.

If you would like to review documents at the Commission's offices, please contact Ashley Lyon at ashley.lyon@state.de.us to arrange a time for your review. You may also review copies of these documents at the Wilmington office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801 or the Dover office located at 29 S. State Street, Dover, DE 19901. Please call the Wilmington office at (302) 577-5077 or the Dover office at (302) 241-2555 to arrange for a time to review the documents at that location.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. This form may be found at http://sos.delaware.gov/foia_requests.shtml. The Commission will respond to your request in accordance with the provisions of the Freedom of Information Act, 29 **Del.C.** Ch. 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to psc@state.de.us, include "Regulation Docket 49" in the subject.

DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
PUBLIC NOTICE
2222 School Bus Driver Qualifications and Endorsements

The Delaware Department of Transportation, Division of Motor Vehicles (the "DMV") hereby gives notice of intent to update the School Bus Driver Qualification and Endorsements regulation to meet Delaware State Law and Federal Regulation changes.

This proposal is pursuant to Senate Bill 39 with Senate Amendment 1 of the 147th General Assembly, which went into effect July 8, 2015. This Bill brought Delaware into compliance with the Federal Motor Carrier Safety Administration's commercial driver license and commercial learner permit issuance standards. This Bill added new definitions and commercial learner permit specifications to Delaware law. Other changes include limiting certain endorsements to the commercial learner permit and adding new restrictions to the commercial driver license.

The DMV will take written comments on these proposed revisions to Section 2222 of Title 2, Delaware Administrative Code, from January 1, 2016 through January 31, 2016.

The public may submit their comments to Kami Beers, Chief of Driver Services, Delaware Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19903, or by fax to (302) 739-4750 Attn: Kami Beers.

DIVISION OF MOTOR VEHICLES
DRIVER SERVICES
PUBLIC NOTICE

2225 Delaware Driving Privilege Permit and Driving Privilege Card

The Delaware Division of Motor Vehicles (DMV) gives notice of intent to create a new regulation Title 2 Transportation Regulation 2225 Delaware Driving Privilege Permit and Driving Privilege Card. This regulation pertains to the rules and regulations of the Delaware Driving Privilege Card created by Senate Bill 59 of the 148th General Assembly.

The DMV will take written comments on the proposed new Regulation 2225 of Title 2, Delaware Administrative Code, from January 1, 2016 through January 31, 2016.

The public may submit their comments to Kami Beers, Chief of Driver Services, Delaware Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19903, or by fax to (302) 739-4750 Attn: Kami Beers.

DIVISION OF TRANSPORTATION SOLUTIONS

PUBLIC NOTICE

2401 Utilities Manual Regulations

Under Title 17 of the **Delaware Code**, Sections 131, 132 and 143, as well as 26 **Delaware Code** Chapters 9, 11, and 13 the Delaware Department of Transportation (DelDOT), adopted a Utilities Manual. The Department has now drafted revisions to the Utilities Manual. A description of the proposed changes accompanies this notice.

The Department will take written comments on the draft changes to the Utilities Manual from January 1, 2016 through January 31, 2016. Copies of the Draft DelDOT Utilities Manual Revisions can be obtained by reviewing or downloading a PDF copy at the following web address: <http://regulations.delaware.gov/>

Questions or comments regarding these proposed changes should be supplied in writing to: Eric Cimo, P.E., Utilities Engineer, Division of Transportation Solutions, Delaware Department of Transportation P.O. Box 778 Dover, DE 19903 (302) 760-2515 (telephone) (302) 739-8282 (fax) eric.cimo@state.de.us.
