

DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION
PUBLIC NOTICE

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rule 7.6.6.7.7. The Commission will hold a public hearing on the proposed rule changes on August 17, 2010. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on June 1, 2010.

The proposed changes are for the purpose of updating the Rules to more reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml

A copy is also available for inspection at the Harness Racing Commission office.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, June 17, 2010 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE

Non-Emergency Medical Transportation Services

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Title XIX Medicaid State Plan regarding Non-Emergency Medical Transportation Services.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning & Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by June 30, 2010.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**
DIVISION OF FISH AND WILDLIFE
PUBLIC NOTICE
SAN # 2010-15

TITLE OF THE REGULATIONS:

Tidal Finfish Regulation: 3541 Atlantic Sharks.

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Department of Natural Resources and Environmental Control will hold a public hearing regarding proposed modifications to Tidal Finfish Regulation 3541 concerning Atlantic sharks. The purpose of the proposed revision is to bring Delaware into compliance with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Coastal Sharks.

The Interstate Fishery Management Plan for Atlantic Coastal Shark specifies which gears that fishermen are authorized to use in state waters on the Atlantic Coast. The gears that are authorized by ASFMC are hook and line, longline, gill net, trawl net, shortline, pound net and weir. At present, Delaware allows the use of hook and line, troll line, dip net, lift net, push net, cast net, spear or harpoon, haul seine, bag net, hoop net, fyke net, fish pot, and gill net for use in state waters to harvest food fish which includes sharks. To meet the requirements of the Interstate Fishery Management Plan, Delaware must restrict the commercial gears that may be used for the harvesting of Atlantic coastal sharks to hook and line, and gill net. Recreational fishermen are restricted to the use of rod and reel and hand line. Fishermen with a federal shark permit who are fishing outside of state waters are not restricted to these gear types and may land sharks using any gear that is in accordance with the rules and regulations established by NOAA Fisheries.

Additionally, the Interstate Fishery Management Plan for Atlantic Coastal Shark specifies that a federal Commercial Shark Dealer Permit is required to buy and sell any shark caught in state waters. At the present time, the State of Delaware does not require seafood dealers to have this permit to buy and sell shark caught in state waters.

NOTICE OF PUBLIC COMMENT:

A public hearing on this regulation will be held in the Department of Natural Resources and Environmental Control (DNREC) auditorium located at 89 Kings Highway, Dover DE 19901 on June 21, 2010 at 6:30 PM. Comments for the hearing record should be addressed to Lisa Vest, Hearing Officer, Office of the Secretary, Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, De 19901 or by e-mail to lisa.vest@state.de.us

DEPARTMENT OF STATE PUBLIC SERVICE COMMISSION PUBLIC NOTICE

Notice of Further Proposed Rule-making:

Amendment of Rules for Granting, Supervising, and Revoking Certificates of Public Convenience and Necessity for Water Utilities

Under 26 **Del.C.** §203C, the Public Service Commission ("PSC") holds the authority to grant a Certificate of Public Convenience and Necessity ("CPCN") to authorize an entity to begin water utility operations or allow an existing water utility to expand its operations or business to a new proposed service territory. This CPCN authority encompasses water utilities subject to the PSC's general regulation as well as municipal and other governmental water utilities, districts, or authorities. In 2001, the PSC adopted "Regulations Governing Water Utilities Including the Public Service Commission's Jurisdiction to Grant and Revoke Certificates of Public Convenience and Necessity." See 5 DE Reg. 212 (July 1, 2001). Those regulations set forth the process and criteria for reviewing, granting, or denying requests for CPCNs filed by water utilities.

Earlier, the PSC proposed to repeal the 2001 Rules related to water utility CPCNs in favor of a proposed new set of Rules. See 10 DE Reg. 1563-1580 and 11 **DE Reg.** 465-484. The Commission has now withdrawn those earlier proposed rules.

Pursuant to 26 **Del.C.** §§203(c) and 209(a), the PSC now proposes to repeal the 2001 rules and replace them with new "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities." As set forth in PSC Order No. 7774 (May 4, 2010), the PSC believes the new rules will make improvements in the administration of the CPCN process. Initially, the proposed new rules implement the statutory changes made to the criteria for obtaining a CPCN (and the provisions of 26 **Del.C.** §203C) by 76 **Del. Laws** ch. 55 (June 28, 2007). Second, the new rules provide for more detailed requirements for notice to affected landowners,

other interested persons, and the public of the CPCN application and provide specific requirements about the form of notice to be sent to affected landowners to inform them of their options. In addition, the new regulations add provisions placing limitations on the number of Proposed Service Areas that may be included in a CPCN application, and requiring the inclusion of a Plan of Service with the CPCN application.

You can review PSC Order No. 7774 (May 4, 2010) and the proposed new rules in the June 1, 2010 issue of the Delaware Register of Regulations. You can also review the Order and the new regulations at the PSC's Internet website located at <http://dep.sc.delaware.gov>. Written copies of the Order and proposed regulations can be obtained at the PSC's office at the address located below, for \$0.25 per page.

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials about the proposed repeal of the 2001 Water Utility CPCN rules and the adoption of the proposed new Water Utility CPCN rules. If you want to file any such materials, you should submit an original and ten copies of such written documents on or before June 30, 2010. You should file such materials with the PSC at the following address:

Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, DE 19904
Attn: Reg. Dckt. No. 51

If possible, you should accompany such written comments with an electronic version of the submission. Such electronic copy may be filed on a copy-capable CD-Rom disk or sent as an attachment to an Internet e-mail addressed to alisa.bentley@state.de.us.

The PSC will also conduct a public hearing on the new proposed regulations on Thursday, July 22, 2010. That hearing will begin at 1:00 P.M. and will be held at the PSC's office at the address set forth above. You may also submit comments and materials at such public hearing.

If you are disabled and need assistance or help to participate in the proceedings, please contact the PSC to discuss that assistance. If you want more information or have questions, you can contact the PSC about the matter at (800) 282-8574 (toll-free in Delaware) or (302) 736-7500. Inquiries can also be sent by Internet e-mail addressed to andrea.maucher@state.de.us.