

DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL HEALTH AND FOOD PRODUCTS INSPECTION

PUBLIC NOTICE

304 Exotic Animal Regulations

The Delaware Department of Agriculture re-proposes these regulations in accordance with the General Assembly's mandate to enforce Chapter 72 of Title 3 of the **Delaware Code** and to specify the means by which citizens of the State of Delaware may obtain a permit from the Delaware Department of Agriculture to possess, sell, or exhibit, exotic animals within the state.

An earlier version of these regulations was considered at a public hearing on February 20, 2009 at 10:00 a.m. at the Department of Agriculture Building, Secretary's Conference Room. Public comments were received at that time leading to substantive changes. Those earlier comments led the Delaware Department of Agriculture to re-promulgate the regulations and to solicit additional public commentary. The comment period ended on August 1, 2009.

As a consequence of receiving still additional comments from the public the Delaware Department of Agriculture again proposes these regulations and solicits comments from the public. Any such comments should be submitted to the State Veterinarian, Heather Hirst, DVM at the Delaware Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901 on or before December 1, 2009. Copies of the proposed regulations are available on request.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, November 19, 2009 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

9059 Income Exclusions

PUBLIC NOTICE

Food Supplement Program - Decennial Census 2010

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 Social Services is proposing to amend the Food Supplement Program policies in the Division of Social Services Manual (DSSM) related to the 2010 Decennial Census.

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, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by November 30, 2009.

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 INSURANCE

901 Arbitration of Automobile and Homeowners' Insurance Claims PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt amendments to Department of Insurance Regulation 901 relating to Arbitration. The docket number for this proposed amendment is 1278.

The purpose of the proposed amendment to regulation 901 is to update the existing regulation to conform to statutory changes relative to health insurance arbitration and to provide for the payment of legal services to prevailing consumers in arbitration cases. The text of the proposed amendment is reproduced in the November 2009 edition of the Delaware Register of Regulations. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:00 p.m., Monday December 7, 2009, and should be addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to mitch.crane@state.de.us.

DEPARTMENT OF INSURANCE

1305 Loss Ratio Filing Procedures for Health Insurers and Health Service Corporations for Medical and Hospital Expense-incurred Insurance Policies and Group Plans PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt proposed Department of Insurance Regulation 1305 relating to health insurers, health service corporations and managed care organizations. The docket number for this proposed amendment is 1277.

The purpose of the proposed amendment to Regulation 1305 is to create procedures and time lines for all rate filings made by insurers. The text of the proposed amendment is reproduced in the November 2009 edition of the Delaware Register of Regulations. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:30 p.m., Monday December 7, 2009, and should be addressed to Mitchell G. Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to mitch.crane@state.de.us.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DELAWARE COUNCIL ON POLICE TRAINING

PUBLIC NOTICE

801 Delaware Council on Police Training

The Council on Police Training (COPT), pursuant to 11 **Del.C.** §8404(a)(14) and 29 **Del.C.** §10115 of the Administrative Procedures Act, gives notice that it shall hold a public hearing on November 23, 2009 at 9:00 a.m., in the second floor conference room of the Delaware State Police Training Academy, N. DuPont Highway, Dover, Delaware 19903.

The COPT will receive written comments or oral testimony from interested persons regarding amendments to the following COPT Regulations: 3.0 (Minimum Standards for Initial Employment); 5.0 (Minimum Standards for Training); 8.0 (Re-activation Requirements of Police Officers); 11.0 (Firearms Training); and 25.0 (Substance Abuse Screen), and to adopt a new Regulation 26.0 (Electronic Control Device (ECD) Training). The final date for

interested persons to submit written comments shall be the date of the public hearing. Written comments should be directed to Captain Ralph H. Davis, III, Director, Delaware State Police Training Academy, P.O. Box 430, Dover, DE 19903-0430.

Any person wishing to make written or oral comments who would like a copy of the proposed regulations may contact the COPT at (302) 739-5903 or write to the above address.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
2000 Board of Occupational Therapy Practice
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2006(a)(1), the Board of Occupational Therapy Practice has proposed revisions to its rules and regulations.

A public hearing will be held on January 6, 2010 at 4:45 p.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. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Occupational Therapy Practice, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board proposes a new Rule 4.0, which addresses licensee competence to administer various treatment modalities. Pursuant to this amendment, at the request of the Board or a member of the public, a licensee will be required to provide documentation of training or education to demonstrate competence.

In addition, Rule 1.3.3 is amended to clarify the parameters of an occupational therapist's supervision of an occupational therapy assistant. Provisions are added pertaining to submission of applications for licensure. A new Rule 3.1.2.4 gives the Board authority to conduct hearings and impose sanctions regarding licensees' failure to comply with the Board's continuing education requirements.

Finally, the Board proposes minor typographical revisions and re-numbering of the rules to accommodate the addition of new rules.

The Board will consider promulgating the proposed rules and regulations at its regularly scheduled meeting following the public hearing.

PUBLIC SERVICE COMMISSION
3001 Regulations Governing Service Supplied by Electrical Corporations
NOTICE OF PUBLIC HEARING

Since 1999, Commission-jurisdictional electric utilities and electric suppliers have been obligated to permit residential and smaller commercial customers to use limited capacity generators (powered by renewable resources) to "net meter" their electric production and consumption. *See Rules for Certification and Regulation of Electric Corporations*, adopted by PSC Order No. 5207 (Aug. 31, 1999) and revised from time to time (the "Regulations").

In July and September 2009, certain sections of Title 26 pertaining to net energy metering and vehicle-to-grid ("V2G") resources were enacted into law. The V2G provisions include certain electric vehicles qualifying as "Grid-Integrated Electric Vehicles" in net energy metering. The other changes enacted by the recent legislation: eliminate a customer's forfeiture of excess electric generation and allow customers to request payments from an electrical supplier for the value of excess generation; allow customers to retain ownership of "renewable energy credits;" create a new provision for farm customers with respect to net energy metering; and increase the cap on customer net energy metering generation from 1% to 5% of an electric utility's aggregated customer monthly peak demand for a given calendar year.

To implement these statutory changes, the Commission now proposes changes to the "net metering" section and other sections of the Regulations. You can review the proposed amendments at the Commission's office in

Dover at the address below (and obtain copies for \$0.25 per page), or visit the Commission's website located at <http://dep.sc.delaware.gov>, under PSC Order No. 7652 (Sept. 22, 2009). You can also review PSC Order No. 7652 and the proposed amendments in the November 2009 issue of the Delaware Register of Regulations, available at <http://regulations.delaware.gov/services/register.shtml>.

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials concerning the proposed revisions to the Regulations. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before **December 1, 2009**. You should file such materials with the PSC at the following address:

Public Service Commission
861 Silver Lake Boulevard
Cannon Building
Suite 100
Dover, Delaware, 19904
Attn: Reg. Dckt. No. 49

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 john.farber@state.de.us.

The Commission Hearing will consider the revisions to the Regulations at its regularly scheduled meeting on **Tuesday, December 8, 2009** at 1:00 p.m. at the address for the Commission listed above. The Commission will make its decision to adopt, reject, or adopt with modification, the proposed revisions to the Regulations on the basis of any evidence and information presented of record in this docket. The Commission is authorized to promulgate the proposed amendments under 26 *Del.C.* §§ 362 and 1014(d).

If you have questions about this proceeding, you can contact the Commission at 1-800-282-8574 (in Delaware only) or (302) 736-7500 (text telephone available). You can also send inquiries by Internet e-mail addressed to john.farber@state.de.us. If you are disabled and need assistance to be able to participate, please contact the Commission to make arrangements for such assistance.

PUBLIC SERVICE COMMISSION

3008 Rules and Procedures to Implement the Renewable Energy Portfolio Standard (Opened August 23, 2005)

NOTICE OF PUBLIC HEARING

Under the "Renewable Energy Portfolio Standards Act," 26 *Del.C.* §§351-364 (2006 Supp.) (the "RPS Act"), each electric supplier making retail electric sales in Delaware must, beginning in 2007, accumulate a portfolio of "renewable energy credits" equivalent to a specified percentage of its overall retail electric supply sales. In 2006, the Public Service Commission ("PSC") adopted "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" (the "RPS Rules"). See 10 **DE Reg.** 151-157 (July 1, 2006). The RPS Rules have been amended twice in the interim to conform to subsequent amendments to the RPS Act.

On July 8, 2009, the Governor of the State of Delaware signed into law Senate Bill No. 173 as amended by Senate Bill No. 1 (77 Del. Laws ch. 131) (July 8, 2009) ("Senate Bill 173"), which updated and clarified certain provisions of the Delaware Energy Act pertaining to Delaware's Sustainable Energy Utility (the "SEU") and amended Section 360 of the RPS Act by adding a subsection, that tolls the three-year limit on the existence of renewable energy credits and solar renewable energy credits during any period that those credits are held by the SEU.

The PSC now proposes to revise the RPS Rules to incorporate, and assure consistency with, the statutory changes made by Senate Bill 173.

You can review PSC Order No. 7653 (Sept. 22, 2009) (the "Order") and the proposed revised RPS Rules in the November 2009 issue of the *Delaware Register of Regulations*. You can also review the Order and the proposed revised RPS Rules at the PSC's Internet website located at <http://dep.sc.delaware.gov>. If you wish to obtain written

copies of the Order and proposed revised RPS Rules, please contact the PSC at (302) 736-7500. Copies are \$0.25 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials about the proposed revisions to its RPS Rules. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before December 1, 2009. You should file such materials with the PSC at the following address:

Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware, 19904
Attn: Reg. Dckt. No. 56

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 katie.rochester@state.de.us.

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on December 8, 2009 at 1:00 P.M. at the PSC's office at the address set forth above.

Any individual with a disability desiring to participate in these proceedings or to review the filings should contact the PSC to discuss any auxiliary aids or services needed. The PSC Staff can also provide additional information about this docket. The PSC's toll-free telephone number within Delaware is 1-800-282-8574. The PSC may be reached at (302) 736-7500 (including text telephone communications). Inquiries may be sent to the PSC by Internet e-mail addressed to "pamela.knotts@state.de.us."

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

2309 Standards and Regulations for Subdivision Streets and State Highway Access PUBLIC NOTICE

The Delaware Department of Transportation through its Planning Division has developed proposed revisions to its regulations for access to State-maintained roads and for planning, design, construction, and acceptance for maintenance of subdivision streets. This proposed revision to the Standards and Regulations for Subdivision Streets and State Highway Access is the first revision to the regulations that were enacted in December of 2007.

A public workshop will be held regarding these proposals on November 19, 2009 at the DelDOT Administration Building in the Farmington/Felton Room from 4:00 pm until 7:00 pm.

The Department will take written comments on the proposed changes to the Regulations from November 1, 2009 through December 17, 2009.

Any requests for copies of the Regulations, or any questions or comments regarding amendments to these Regulations should be directed to:

Theodore Bishop, Assistant Director of Planning
Delaware Department of Transportation
PO Box 778
Dover, DE 19903
(302) 760-2122 (telephone)
(302) 739-2251 (fax)
theodore.bishop@state.de.us