

DELAWARE RIVER BASIN COMMISSION

NOTICE OF PUBLIC HEARING

Water Quality Regulations, Water Code and Comprehensive Plan to Classify the Lower Delaware River as Special Protection Waters

Summary: The Commission will hold a public hearing to receive comments on proposed amendments to the Commission's Water Quality Regulations, Water Code and Comprehensive Plan to establish numeric values for existing water quality for the reach of the main stem Delaware River known as the "Lower Delaware" and to assign this reach the SPW classification "Significant Resource Waters" (SRW). The Lower Delaware extends from the southern boundary of the Delaware Water Gap National Recreation Area at River Mile ("RM") 209.4 to the head of tide at Trenton, New Jersey, RM 144.4. Although no area of the State of Delaware falls within the portion of the Basin subject to the proposed regulations, as a member of the Delaware River Basin Commission, Delaware participates in cooperative management of the Basin's water resources and has a role in deciding whether the proposed rules are adopted.

The Lower Delaware River has carried the SPW-SRW classification on a temporary basis since January of 2005, making this reach and its drainage area subject for the past three years to those provisions of the Commission's SPW regulations that do not depend for implementation upon the use of numeric values for existing water quality. The amendments that currently are proposed would make projects within the Lower Delaware drainage subject to all applicable SPW requirements, including those for "no measurable change" to existing water quality as defined by the rule. The amendments also would incorporate language intended to clarify aspects of the SPW regulations that have been a source of confusion for some DRBC docket holders and applicants since the program was originally adopted in 1992 for point sources and in 1994 for non-point sources. Notably, a new term - "substantial alterations or additions" - is proposed to be added to the Definitions section of the regulations and to be inserted in other sections of the rule to clarify which types of additions or alterations to existing wastewater treatment facilities will trigger certain SPW requirements that are deemed appropriate in connection with capital investment projects. A new paragraph also is proposed to expressly authorize effluent trading between point sources to satisfy the requirement for no measurable change to existing water quality under certain circumstances.

Dates: The public hearing will be held on December 4, 2007, at the Commission's office building, located at 25 State Police Drive, West Trenton, New Jersey. Driving directions are available on the Commission's website, www.drbc.net. Please do not rely on Internet mapping services as they may not provide accurate directions to the DRBC. The hearing will begin at 2:30 P.M. and will continue until all those who wish to testify are afforded an opportunity to do so. Persons wishing to testify at the hearing are asked to register in advance by phoning Ms. Paula Schmitt at 609-883-9500, ext. 224. Written comments will be accepted through the close of business on December 6, 2007. Written comments may be submitted by email to paula.schmitt@drbc.state.nj.us; by fax to Commission Secretary at 609-883-9522; by U.S. Mail to Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628-0360; or by overnight mail to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360. In all cases, please include the commenter's name, address and affiliation if any in the comment document and include "SPW" in the subject line.

Further Information: The current rule and the full text of the proposed amendments are posted on the Commission's website, www.drbc.net, along with supporting data, reports, maps and related documents. Hard copies may be obtained by contacting Ms. Paula Schmitt at 609-883-9500, ext. 224. The Commission will hold two informational meetings on the proposed rulemaking. The first will take place on Thursday, October 25, 2007 from 7:00 P.M. to 9:00 P.M. at the office of the Delaware and Raritan Canal Commission at the Prallsville Mills Complex, 33 Risler Street (Route 29) in Stockton, New Jersey. The second will be held on Thursday, November 1, 2007 from 7:00 P.M. to 9:00 P.M. in Room 315 of the Acopian Engineering Building at Lafayette College, located at High Street, Easton, Pennsylvania. Please contact Commission Secretary Pamela Bush, 609-883-9500 ext. 203 with questions about the proposed rule or the rulemaking process.

Pamela M. Bush, Esquire, Commission Secretary
September 14, 2007

DELAWARE STATE FIRE PREVENTION COMMISSION

NOTICE OF PUBLIC HEARING

Delaware State Fire Prevention Regulations Part X, Ambulance Service Regulations

The Delaware State Fire Prevention Commission will hold a hearing pursuant to 16 **Del.C.** §6603 and 29 **Del.C.** §101 on Tuesday, November 20, 2007, at 1:00 P.M. in the Commission Chamber, Delaware State Fire School, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, Delaware. The Commission is proposing changes to the following Regulations.

Persons may view the proposed changes to the Regulations between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, at the Delaware State Fire Prevention Commission, Delaware State Fire School, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, Delaware, 19904, or Office of the State Fire Marshal located at the Delaware Fire Service Center, 1537 Chestnut Grove Road, Dover, Delaware, 19904, or the Regional State Fire Marshal's Offices located 2307 MacArthur Road, New Castle, Delaware and 22705 Park Avenue, Georgetown, Delaware, 19947. You can find the meeting announcement and proposed changes on the Delaware Website <http://www.delaware.gov/egov/calendar.nsf> or on the Delaware State Fire Marshal's Office webpage at www.statefiremarshal.delaware.gov under the tabs "Services" and "Proposed Changes".

Persons may present their views in writing by mailing their views to the Commission at the above addresses prior to the hearing, and the Commission will consider those responses received before 9:00 a.m. on November 20, 2007, or by offering testimony at the Public Hearing. If the number of persons desiring to testify at the Public Hearing is large, the amount of time allotted to each speaker will be limited. There will be a reasonable fee charge for copies of the proposed changes or retrieve from the webpage for free.

DEPARTMENT OF AGRICULTURE

THOROUGHBRED RACING COMMISSION

NOTICE OF PUBLIC HEARING

The Delaware Thoroughbred Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to add rules 13.8.2, 13.13.2, 13.13.3, and 13.13.4 to reflect current policies, practices, and procedures. The Commission will hold a public hearing on the proposed rule change on October 23, 2007. Written comments should be sent to John F. Wayne, Executive Director, Delaware Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, DE 19804.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, October 18, 2007 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF DEVELOPMENTAL DISABILITIES

NOTICE OF PUBLIC COMMENT PERIOD

Disabilities Services Eligibility Criteria 2100 Eligibility Criteria

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 Developmental Disabilities Services (DDDS) is proposing to amend the

eligibility criteria related to DDDS services.

Any person who wishes to make written suggestions, compilations of data, written testimony, written briefs or other written materials concerning the proposed new regulations must submit same to Joseph B. Keyes, Ph.D., Applicant Services Unit; Division of Developmental Disabilities Services, 1052 S. Governor's Avenue, Suite 101, Dover, Delaware 19904 or by fax to (302) 744-9711 by November 2, 2007.

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 at the Public Hearing and written materials filed by other interested persons.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
NOTICE OF PUBLIC COMMENT PERIOD

Pharmaceutical Services Program – Tamper-Resistant Prescription Pads

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 amending the Delaware Medical Assistance Program (DMAP) Provider Manuals to bring the Medicaid regulations into compliance with new Federal law.

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) 255-4454 by October 31, 2007.

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.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
NOTICE OF PUBLIC COMMENT PERIOD

Title XIX Medicaid State Plan Attachment 4.19-D Reimbursement Methodology for Nursing Facilities

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**), and with 42 CFR §447.205, 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 Title XIX Medicaid State Plan regarding the reimbursement methodology for nursing facilities.

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 October 31, 2007.

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.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
NOTICE OF PUBLIC COMMENT PERIOD

Acquired Brain Injury (ABI) §1915(c) Home and Community-Based Services Waiver Application

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, and, in compliance with State Notice procedures as set forth in the Federal Register, September 27, 1994, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is submitting an Acquired Brain Injury (ABI) §1915(c) Home and Community-Based Services Waiver application to the Centers for Medicare and Medicaid Services (CMS).

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning this waiver must submit same to Sharon L. Summers, Planning and 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) 255-4454 by October 31, 2007. A copy of the waiver application is available upon request by contacting Lisa Bond, Division of Services for Aging and Adults with Physical Disabilities at (302) 255-9358.

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.

DIVISION OF SOCIAL SERVICES NOTICE OF PUBLIC COMMENT PERIOD

Food Stamp Program 9006.3 Exceptions From Notice

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 Food Stamp Program policies in the Division of Social Services Manual (DSSM) regarding exemptions from adverse action notices.

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 (new fax number) by October 31, 2007.

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.

DIVISION OF SOCIAL SERVICES NOTICE OF PUBLIC COMMENT PERIOD

Food Stamp Program 9032.2 Alien Eligibility

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 Food Stamp Program policies in the Division of Social Services Manual (DSSM) regarding alien eligibility.

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 (new fax number) by October 31, 2007.

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.

DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH
NOTICE OF PUBLIC COMMENT PERIOD

6100 Substance Abuse Facility Licensing Standards

In compliance with the State's Administrative Procedures Act (APA – Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 16 of the Delaware Code, Chapter 22, Sections 2207 and 2208, Delaware Health and Social Services (DHSS)/Division of Substance Abuse and Mental Health (DSAMH) is proposing to establish updated licensure standards for Substance Abuse Treatment facilities to replace existing standards promulgated in 1979.

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 Mr. Harris Taylor, Dir. of Program Accountability, Division of Substance Abuse and Mental Health, 1901 North DuPont Highway, Main Administration Building, New Castle, Delaware 19720 by October 31, 2007.

The action concerning the determination of whether to adopt the proposed regulations 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
NOTICE OF PUBLIC COMMENT PERIOD

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 606 relating to the standardization of insurance identification cards and notification to the Division of Motor Vehicles of the termination of automobile insurance. The docket number for this proposed amendment is 526.

The purpose of the proposed regulation is to require standardized motor vehicle insurance identification cards, require notification to the Division of Motor Vehicles of the termination of motor vehicle insurance coverage and related changes in the existing Regulation. The text of the proposed amendment is reproduced in the October 2007 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 November 5, 2007, 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 INSURANCE
NOTICE OF PUBLIC COMMENT PERIOD

702 Required Disclosures For Residential Homeowners Policies

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of a proposed change to Department of Insurance Regulation 702 relating to required disclosures for residential homeowners policies. The Commissioner proposes to amend Regulation 702. The docket number for this proposed amendment is 527.

The proposed changes to the regulation appear in section 2 relating to the purpose by requiring notice of deductibles required by the coverage, and by the addition of a section 5.1.5, describing the required disclosures of information relative to deductibles. The text of the proposed amendment is reproduced in the October 2007 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, November 5, 2007, and should be addressed to Mitch Crane, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or email to mitch.crane@state.de.us.

DEPARTMENT OF INSURANCE

NOTICE OF PUBLIC COMMENT PERIOD

2201 Implementation of Medical Malpractice Relief Initiative Pilot Program

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of proposed Department of Insurance Regulation 2201 relating to medical malpractice relief. The docket number for this proposed regulation is 528.

The purpose of this regulation is to provide procedures governing the Medical Malpractice Relief Initiative Pilot Program established by the Fiscal Year 2007 Appropriations Act. The text of the proposed regulation is reproduced in the October 2007 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, November 5, 2007, and should be addressed to Regulatory Specialist Mitch Crane, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or email to mitch.crane@state.de.us.

DEPARTMENT OF LABOR

DIVISION OF INDUSTRIAL AFFAIRS

Health Care Advisory Panel

NOTICE OF PUBLIC HEARING

The Secretary of Labor in accordance with 19 **Del.C.** §§ 2322B and E has proposed rules and regulations relating to workers' compensation. These proposals set forth the Fee Schedule Amounts for professional services and hospital fees, and the use of consistent forms for the health care providers.

A public hearing will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on November 5, 2007, in the Department of Labor Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802 where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules may obtain a copy from John Kirk, Administrator, Workers' Compensation, Division of Industrial Affairs, Department of Labor, P.O. Box 9828, 4425 N. Market Street, Wilmington, Delaware 19809-0828. Persons wishing to submit written

comments may forward these to the Panel at the above address. The final date to receive written comments will be at the public hearing.

The Panel will consider making a recommendation to the Secretary at the regularly scheduled meeting following the public hearing.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**
DIVISION OF AIR AND WASTE MANAGEMENT
NOTICE OF PUBLIC HEARING

SAN #2005-06

Title of the Regulations:

Delaware Regulations Governing Underground Storage Tank Systems

Brief Synopsis of the Subject, Substance and Issues:

The Delaware Regulations Governing Underground Storage Tank Systems were first effective July 11, 1986. The most recent revision date was November 23, 1994. The DNREC is proposing changes to the UST Regulations to incorporate new technological advances in UST system designs and operation to ensure the greatest protection of human health, safety and the environment in Delaware.

The changes to the Delaware UST Regulations are proposed for the following reasons:

- Outdated technology is being phased out of the Regulations to provide better protection of human health, safety and the environment.
- The federal Energy Policy Act (EPACT) of 2005 placed several requirements on state UST programs that had to be incorporated into the UST Regulations.
- New fuels, such as E10 and E85, made new requirements necessary.

Notice of Public Comment:

The DNREC will conduct a Public Hearing on Tuesday, October 30, 2007. The hearing is scheduled to begin at 6:00pm in the conference room at the DNREC office located at 391 Lukens Drive, New Castle, DE. The public and interested parties are invited to attend the hearing and to make comments orally or in writing at the hearing. Written comments not presented at the hearing should be addressed to Ms. Jill Williams Hall, DNREC/TMB, 391 Lukens Drive, New Castle, DE 19720 and must be received by the Department not later than 4:00 pm on October 30, 2007 unless a longer time is specified at the hearing.

Copies of the proposed regulations are available online at <http://www.dnrec.delaware.gov/info/Rules.htm>

Copies may be viewed during regular business hours at the following DNREC offices:

DNREC, 391 Lukens Drive, New Castle, DE

DNREC, R&R Building, 89 Kings Highway, Dover, DE

DNREC, Route 113, Sussex Suites, Unit # 6, Georgetown, DE

Prepared By:

Jill Williams Hall, Planner IV

395-2500

9/4/07

Jill.Hall@state.de.us

DIVISION OF AIR AND WASTE MANAGEMENT
NOTICE OF PUBLIC HEARING

1. TITLE OF THE REGULATIONS:

Delaware Regulations Governing Solid Waste (DRGSW)

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

There are five amendments to update and enhance various sections of the solid waste regulations. The first amendment regarding Permits has three changes to clarify language, define requirements for permit transfers, and to make environmental assessment application requirements consistent. The second and third amendments regarding Sanitary and Industrial Landfills clarifies a reference to an Engineering Report. The fourth amendment regarding to Environmental Covenants updates language to comply with changes to the Delaware Code. The fifth amendment regarding Infectious Waste has eighteen changes that clarify and reorganize the entire Section. These five amendments will help improve understanding and implementation of the solid waste requirements.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

NONE

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

Amendments to DRGSW are proposed and amended in accordance with the provisions found at 7 Delaware Code, Chapter 60.

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

NONE

6. NOTICE OF PUBLIC COMMENT:

The public hearing on the proposed amendments to DRGSW will be held on Monday October 22, 2007 starting at 6:30 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

7. PREPARED BY:

Bill Davis, Environmental Scientist, Solid and Hazardous Waste Management - (302) 739-9403

DIVISION OF AIR AND WASTE MANAGEMENT
NOTICE OF PUBLIC HEARING
SAN # 2007-14

1. TITLE OF THE REGULATIONS:

Delaware Regulations Governing Hazardous Waste (DRGHW)

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

In order for the State of Delaware to maintain authorization from the U. S. Environmental Protection Agency (EPA) to administer its own hazardous waste management program, the State must maintain a program that is equivalent to and no less stringent than the Federal program. To accomplish this, the State regularly amends the DRGHW by adopting amendments previously promulgated by EPA. In addition, the State is proposing to make miscellaneous changes to the DRGHW that correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

NONE

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

Amendments to DRGHW are proposed and amended in accordance with the provisions found at 7 Delaware Code, Chapters 60 and 63.

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

NONE

6. NOTICE OF PUBLIC COMMENT:

The public hearing on the proposed amendments to DRGHW will be held on Monday October 22, 2007 starting at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

7. PREPARED BY:

Bill Davis, Environmental Scientist, Solid and Hazardous Waste Management - (302) 739-9403

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY
BOARD OF EXAMINERS OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES
NOTICE OF PUBLIC COMMENT PERIOD**

1300 Board of Examiners of Private Investigators & Private Security Agencies

Notice is hereby given that the Board of Examiners of Private Investigators and Private Security Agencies, in accordance with **Del. Code** Title 24 Chapter 13 proposes to adopt Rule 13.0 – Training Requirements. This adoption will require mandatory training and re-training of all security guards. If you wish to view the complete Rule, contact Ms. Peggy Anderson at (302) 739-5991. Any persons wishing to present views may submit them in writing, by October 31, 2007, to Delaware State Police, Detective Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold its quarterly meeting Thursday, October 25, 2007, 10:00 am, at the Delaware State Police Headquarters Conference Room, 1441 North DuPont Highway in Dover, Delaware.

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
NOTICE OF RESCHEDULED PUBLIC HEARING**

1400 Board of Electrical Examiners

The Delaware Board of Electrical Examiners, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §1406(a)(1), has proposed amendments to its Regulation 7.0 **Expiration and Renewal**. Specifically, the amendments to Regulation 7.0 would require licensees to provide the name of their insurer and their policy number when they attest to maintenance of their required liability insurance during the renewal process. The amendments would also require licensees to provide course names and approval numbers when they attest to completion of their required continuing education during the renewal process. Minor grammatical, typographic, or stylistic changes may also be included.

The public hearing for the proposed regulatory changes was originally scheduled for September 5, 2007 at 8:30 a.m. but has been rescheduled and will be held on November 7, 2007 at 8:30 a.m. in the second floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, DE 19904. Members of the public may offer verbal comments on the proposal at the hearing. Written comments should be submitted to the Board care of Dianna Meade at the above address. Written comments may be submitted until the public hearing begins. Anyone wishing to obtain a copy of the proposed changes or to make comments at the public hearing should contact Dianna Meade at (302) 744-4526.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION
4400 Delaware Manufactured Home Installation Board
NOTICE OF PUBLIC HEARING**

The Delaware Manufactured Home Installation Board, in accordance with 24 **Del.C.** §4416(b)(1) has

proposed revisions to Regulation 5.0 of its rules and regulations. The proposed revisions address the requirements for re-taking the examination once an applicant for licensure as a manufactured home installer has failed the examination at least twice.

A public hearing on the proposed revisions to the rules and regulations, originally scheduled for Monday, September 10, 2007, will be held on Monday, October 22, 2007, at 9:15 a.m. in Conference Room B, on the second floor 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 Delaware Manufactured Home Installation Board, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 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 will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

PUBLIC SERVICE COMMISSION

PUBLIC NOTICE

Regulations Concerning Certificates Of Public Convenience And Necessity For Water Utilities

ORDER NO. 7254

This 4th day of September, 2007, the Commission determines and Orders the following:

1. In 2000, this Commission regained the authority to issue Certificates of Public Convenience and Necessity ("CPCN") to authorize entities to enter the water utility business or to allow existing water utilities to expand their operations and facilities into new service territories. See 26 **Del.C.** §203C (2006 Supp.) ("§ 203C"). The Commission thereafter promulgated rules to chart how the Commission would navigate this water utility CPCN regime. See "Regulations Governing Water Utilities Including the Public Service Commission's Jurisdiction to Grant and Revoke Certificates of Public Convenience and Necessity" (adopted by PSC Order No. 5730 (June 5, 2001) ("2001 Rules")).

2. Earlier this year, the Commission published notice that it proposed to repeal the 2001 rules in favor of a new set of rules mapping the regime surrounding CPCNs for water utilities. See PSC Order No. 7142 (Mar. 20, 2007) (proposing new rules to supercede 2001 Rules); 10 DE Reg. 1563-1580 (April 1, 2007) (formally noticing repeal and proposed new CPCN rules). However, during the course of the proceedings before the Hearing Examiner reviewing these new rules, the Governor and General Assembly amended the provisions of § 203C. See 76 **Del. Laws** ch. 55 (June 28, 2007) ("chap. 55"). In the main, the amendments reworked the listed criteria for awarding a CPCN under §203C. In particular, the amendment now obligates a utility to obtain petitions asking for water services executed by all of the landowners of each parcel to be included in a new service territory. An exception exists for "existing" subdivisions or developments, and "unincorporated communities." In such situations, the 2007 amendments permit a CPCN to be granted based on petitions for service signed by the landowners of a majority of the parcels within the development or community. In addition, the amendments also direct that, in the case of a CPCN premised on a resolution or ordinance enacted by a county or municipality, the service territory so authorized cannot extend beyond the political boundaries of the county or municipality entering the ordinance. Finally, in addition to making some other "technical" changes, the amendments require a municipal water authority to obtain the endorsement of the municipalities that formed it prior to seeking a CPCN to provide its water services beyond those municipalities' borders.

3. In light of the statutory amendments, the Hearing Examiner - at Staff's suggestion - suspended further proceedings on the previously proposed new rules. The Commission now withdraws the proposed rule changes proposed by Order No. 7142. The recent legislative changes render some of those earlier provisions in need of further changes.

4. Instead, the Commission here proposes to adopt another set of new regulations related to CPCNs for water utilities. See Exhibit B. These new rules not only incorporate the statutory changes made in June, 2007, but also carry forward some of the same provisions, related to the administration of CPCNs, that were included in the earlier March, 2007 proposed rules.

5. The Commission proposes to repeal the 2001 Rules and adopt the revised set of rules pursuant to the authority granted by 26 **Del.C.** §203C(c) and 209(a). The revised rules entitled "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities," will supercede (and hence repeal) the 2001 Rules. They will, as did the 2001 Rules, apply to Commission-jurisdictional water utilities. Moreover, they will also govern in those instances when a governmental, municipal, or municipal authority water utility must also seek a CPCN from the Commission in order to expand its operations and facilities.

6. In many aspects, the new rules track the form and content of the 2001 Rules. However, terms and provisions have now been added to conform to the new statutory criteria, and limitations, enacted in the 2007 amendments to §203C. See proposed rules §§2.1 (definitions of "existing development," "existing subdivision," and "unincorporated community"); 3.9-3.11 (new criteria for CPCN); 3.12 (criteria for CPCN to municipal authority for extra-municipal service area). In addition, this new set of proposed rules includes provisions that respond to various administrative and practical issues that Staff has identified as surfacing since the adoption of the 2001 rules. For example, the new rules provide forms of notice to be sent to landowners to explain the application and the landowners' statutory right to "opt-out." See proposed rules §§ 10.2, 10.3. In a similar vein, the new rules impose particular mailing requirements related to the delivery of notices to landowners. Proposed rules §§9.2-9.6. These mailing directives seek to ensure that the owners have actual notice that their property will be affected by the CPCN application. The new rules also impose an obligation on water utilities to retain, for five years, materials related to each application for a Certificate. This retention obligation will help to make sure that the appropriate documents are available if later disputes might arise about a particular Certificate. Proposed rules §11.6.

7. In several instances, the proposed new rules go beyond administrative detail. First, the proposed new rules require the applying non-governmental water utility to certify that it will actually provide water services to, or have water system facilities available, the proposed service area within three years. Proposed rules § 3.13. And if such certification fails to come true, the new rules then provide a mechanism for the Commission to determine whether the utility should be able to retain the CPCN in order to provide water services to the area. Proposed rules §§ 12.1-12.6. Staff has proposed these provisions. According to Staff, this process for certifying to actual service dovetails with the heart of the CPCN process: to authorize a water utility to "extend[] or expand[] . . . its business or operations." See 26 **Del.C.** §203C(a) (2006 Supp.) (emphasis added). In addition, as Staff sees it, the goal of the certification - to ensure that services follow the CPCN - is consistent with the text of § 203C, which conditions the grant of a CPCN for an area on either the developer signing a "service agreement," the landowners "requesting water service," or a governmental body "request[ing], direct[ing], or authoriz[ing] the applicant to provide water utility services." (all emphasis added.) In each of the instances, the statutory text speaks of the Certificate being a vehicle for meeting an articulated desire to have water "service" in the service area, not a device for the utility to accumulate parcels in order to form a large, exclusive "franchise" area.

8. Second, and also reflective of the statutory focus on "service" territory, the proposed new rules require that a service territory sought on the basis of 26 **Del.C.** §203C(e)(1)b. be comprised of either a single parcel or multiple contiguous parcels to be served by a common system or main extension. Proposed rules §7.4. The Commission believes that this linkage of parcels within a service territory will foster efficient service territories.

9. The Commission now proposes to adopt the new water utility CPCN Rules attached as Exhibit "B." It solicits comments on any of the proposed provisions, including those adding bureaucratic details or the new regulatory section related to the certification of "actual service" to the service territory. While not limiting the scope of any comments, the Commission also seeks input from water utilities and others on the following issues:

(a) Is the three-year period for providing service in a new service area reasonable in light of water utilities' actual historical experiences?;

(b) Should the new rules more explicitly define "existing development", "existing subdivision," and "unincorporated community;" and

(c) Do the provisions of 26 **Del.C.** §203C(e)(1)c. preclude a water utility from utilizing the provisions of 26 **Del.C.** §203C(e)(1)b. to obtain a CPCN to serve one or more parcels in an existing development, existing subdivision, or an unincorporated community?

If a water utility believes the three-year period proposed for in the actual service certification provision (proposed rules §§3.13 & 12.0) is unreasonable, the utility should provide an appropriate time frame to be utilized in that process. It should provide supporting data from its own experience to support its proffered time frame.

Now, therefore, **IT IS ORDERED:**

1. That, for the reasons set forth in the body of this Order, and pursuant to 29 **Del.C.** §10118(a), the Commission hereby withdraws the notice of repeal and rule revisions proposed by PSC Order No. 7142 (Mar. 20, 2007), and published as proposed regulations at 10 *Delaware Register of Regulations* 1563-1580 (April 1, 2007). The Commission requests that the Registrar of Regulations publish notice of such withdrawal in the *Delaware Register of Regulations*.

2. That for the reasons set forth in the body of this Order, and pursuant to 26 **Del.C.** §§209(a)(1) & 203C(c) and 29 **Del.C.** §10113(a), the Commission now again proposes to repeal its "Regulations Governing Water Utilities Including the Public Service Commission's Jurisdiction to Grant and Revoke Certificates of Public Convenience and Necessity (adopted by PSC Order No. 5730 (June 5, 2001)), and to adopt as a replacement for such earlier rules the "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities," attached to this Order as Exhibit "B."

3. That, pursuant to 29 **Del.C.** §§1133 and 10115(a), the Secretary shall transmit to the Registrar of Regulations for publication in the *Delaware Register of Regulations* a copy of this Order; a copy of the current "Regulations Governing Water Utilities Including the Public Service Commission's Jurisdiction to Grant and Revoke Certificates of Public Convenience and Necessity" (Exhibit "A") (now proposed to be repealed); and a copy of the now proposed "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities" (Exhibit "B").

4. That, in addition, the Secretary shall transmit the Notice of Proposed Rule-Making, attached as Exhibit "C," to the Registrar of Regulations for publication in the *Delaware Register of Regulations*. In addition, the Secretary shall cause such Notice of Proposed Rule-Making to be published in *The News Journal* and the *Delaware State News* newspapers on October 1, 2007. The Secretary shall include proof of such publication in the docket file before the public hearing in this matter. Further, the Secretary shall serve (by regular mail or electronic e-mail) a copy of such Notice on: (a) the Division of the Public Advocate; (b) the Department of Natural Resources and Environmental Control; (c) the State Fire Marshal; (d) the Division of Public Health; (e) the State Planning Office; and (f) each person or entity who has made a timely request for advance notice of regulation-making proceedings; (g) each water utility currently subject to the regulatory jurisdiction of the Commission; and (h) each municipal water utility, governmental water district, or municipal water and sewer authority that has previously applied for a Certificate of Public Convenience and Necessity from this Commission.

5. That, pursuant to 29 **Del.C.** §§10115(a) and 10116, persons or entities may file written comments, suggestions, compilations of data, briefs, or other written materials, on or before November 1, 2007. The Commission will conduct a public hearing on the proposed new regulations on November 19, 2007 beginning at 10:00 AM. The comments, documents, briefs, and data received in response to the revised rules proposed by PSC Order No. 7142 (Mar. 20, 2007) (and now withdrawn) shall be incorporated into the record in this proceeding and shall be considered by the Hearing Examiner and Commission.

6. That, pursuant to 26 **Del.C.** §502 and 29 **Del.C.** §10116, Hearing Examiner Ruth Ann Price is designated to supervise the comment period and to conduct the public hearing. Thereafter, Hearing Examiner Price shall organize, classify, and summarize the materials and comments and file a Report with her recommendations concerning the adoption of the new regulations. Hearing Examiner Price is specifically designated, under 26 **Del.C.** §102A, the power to determine the content and manner of any further public notice that might be necessary or appropriate. Hearing Examiner Price may also conduct further proceedings, including additional hearings, as may be necessary or appropriate.

7. That Francis J. Murphy, Esquire, is designated Staff Counsel for this matter.

8. That, pursuant to 26 **Del.C.** §114, all jurisdictional water utilities are notified that they may be charged the costs of this proceeding.

9. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Arnetta McRae, Chairman
Joann T. Conaway, Commissioner
Jaymes B. Lester, Commissioner
Dallas Winslow, Commissioner
Jeffrey J. Clark, Commissioner

ATTEST:

Karen J. Nickerson, Secretary

**NOTICE OF PROPOSED RULE-MAKING: AMENDMENT OF RULES FOR GRANTING and SUPERVISING
CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR WATER UTILITIES**

TO: ALL WATER UTILITIES, CONSUMERS, AND OTHER INTERESTED PERSONS

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 to 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. The Commission has now withdrawn those earlier proposed new rules.

Pursuant to 26 **Del.C.** §§203C(c) and 209(a), the PSC now proposes to repeal those 2001 rules and replace them with new "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities." As outlined in PSC Order No. 7254 (Sept. 4, 2007), 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 of the CPCN application and provide specific requirements on the form of notice to be sent to affected landowners to inform them of their options. In addition, the new regulations add new provisions that require a water utility to certify that it will serve, or have facilities within, the new Proposed Service Area within three years and provide a procedure for the PSC to explore whether a CPCN should continue if service or facilities are not made available within such period.

You can review PSC Order No. 7254 (Sept. 4, 2007) and the proposed new rules in the October 1, 2007 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 November 1, 2007. 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. 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 send as an attachment to an Internet e-mail addressed to karen.nickerson@state.de.us.

The PSC will also conduct a public hearing on the new proposed regulations on Monday, November 19, 2007. That hearing will begin at 10:00 A.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 this 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.

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE

Rules To Implement The Renewable Energy Portfolio Standards Act

ORDER NO. 7276

This 4th day of September, 2007, the Commission determines and Orders the following:

1. In 2005 the General Assembly and the Governor enacted the "Renewable Energy Portfolio Standards Act," 26 **Del.C.** §§351-363 (2006 Supp.) ("the Act"). As its name suggests, the Act requires each electric supplier to annually accumulate a portfolio of "renewable energy credits" equivalent to a specified percentage of its retail electric supply sales within this State. The obligation begins in 2007 and the particular percentages increase each year. In 2006, exercising the authority granted under 26 **Del.C.** §362 (2006 Supp.), the Commission promulgated "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" ("RPS Rules"). See PSC Order No. 6931 (June 6, 2006).¹

2. In the recently-ended legislative session, the General Assembly and Governor enacted significant changes to various provisions in the Act. See 76 **Del. Laws** ch. 165 §§1-9 (July 24, 2007) ("chapter 165"). The Commission now proposes to adopt revisions and amendments to its RPS Rules to incorporate, and assure consistency with, the statutory changes made by chapter 165. The revised RPS Rules, prepared by Staff and now being proposed for adoption, are set forth as Exhibit "B" to this Order.

3. The Commission continues to hold the authority to issue rules to implement the Act. See 26 **Del.C.** §362 (2006 Supp.). As noted, the proposed revisions are intended to mirror the recent changes in the statutory requirements. For example, the revisions incorporate the new "Schedule I" that increases the percentages of retail sales that electric suppliers must meet with renewable energy credits. Section 3.2.1.² The proposed revisions also implement the new requirement that electric suppliers also concurrently acquire, as part of their yearly portfolio obligation, specified levels of "solar renewable energy credits." Section 3.2.1.³ In addition, the proposed revisions provide for the statutory increases to the dollar amounts of "alternative compliance payments" for renewable credits and institute a new solar alternative compliance payment regime to be available as an alternative to solar renewable energy credits. Section 3.3.4.⁴

Now, therefore, **IT IS ORDERED:**

1. That, for the reasons set forth in the body of this Order, and pursuant to 26 **Del.C.** §362 and 29 **Del.C.** §10115, the Commission proposes to revise its "Rules and Procedures to Implement the Renewable Energy Portfolio Standard," originally adopted by PSC Order No. 6931 (June 6, 2006) and published at 10 DE Reg. 151-57. A copy of those rules, in their current form, are appended as Exhibit "A" to this Order. The proposed revised Rules, which include the changes, amendments, and revisions now being proposed for adoption, are attached to this Order as Exhibit "B."

2. That, pursuant to 29 **Del.C.** §§1133 and 10115(a), the Secretary shall transmit to the Registrar of Regulations for publication in the *Delaware Register of Regulations* a copy of this Order; a copy of the current

1. The RPS Rules (attached as Exhibit "A") were formally published at 10 DE Reg. 151-157 (July 1, 2006). Municipal electric utilities and the now self-regulated Delaware Electric Cooperative, Inc., can choose to be exempt from the Act's requirements by pursuing an alternative regime for supporting "renewable energy" resources. See 26 **Del.C.** §§ 353(a), 363 (2006 Supp.).
2. See 26 **Del.C.** § 354(a), as amended by chapter 165 § 4(b).
3. See 26 **Del.C.** §§ 352(22)-(23), 354(a), 356(a), as amended by chapter 165 §§ 3, 4(a)-(b), & 6.
4. See 26 **Del.C.** §§ 352(22), 358(d), 358(e), as amended by chapter 165 §§ 3, 7, & 8.

"Rules and Procedures to Implement the Renewable Energy Portfolio Standard" (adopted in PSC Order No. 6931 (June 6, 2006)) (Exhibit "A"); and a copy of the revised "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" now being proposed for adoption (Exhibit "B").

3. That, in addition, the Secretary shall transmit the Notice of Proposed Rule-Making, attached as Exhibit "C," to the Registrar of Regulations for publication in the *Delaware Register of Regulations*. In addition, the Secretary shall cause such Notice of Proposed Rule-Making to be published in *The News Journal* and the *Delaware State News* newspapers on October 1, 2007. The Secretary shall include proof of such publication in the docket file before the public hearing in this matter. Further, the Secretary shall serve (by regular mail or by electronic e-mail) a copy of such Notice on: (a) the Division of the Public Advocate; (b) the State Energy Office; (c) Delmarva Power & Light Company; (d) all certificated electric suppliers; and (e) each person or entity who has made a timely request for advance notice of regulation-making proceedings.

4. That, pursuant to 29 **Del.C.** §§10115(a) and 10116, persons or entities may file written comments, suggestions, compilations of data, briefs, or other written materials, on or before October 31, 2007. Pursuant to 29 **Del.C.** §10117, the Commission will conduct a public hearing on the proposed revisions and resulting new "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" on December 12, 2007 beginning at 10:00 AM at the Commission's office at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware.

5. That, pursuant to 26 **Del.C.** §502 and 29 **Del.C.** §10116, Hearing Examiner Ruth Ann Price is designated to supervise the comment period and to conduct the public hearing. Thereafter, Hearing Examiner Price shall organize, classify, and summarize the materials and comments and file a Report with the Commission with her recommendations concerning the proposed revisions to the "Rules and Procedures to Implement the Renewable Energy Portfolio Standard." Hearing Examiner Price is specifically delegated the power, under 26 **Del.C.** §102A, to determine the content and manner of any further public notices that might be necessary or appropriate. Hearing Examiner Price may also conduct further proceedings, including additional hearings, as may be necessary or appropriate.

6. That James McC. Geddes, Esquire, is designated Staff Counsel for this matter.

7. That, pursuant to 26 **Del.C.** §§114 and 1012(c)(2), all electric suppliers and electric public utilities are hereby notified that they may be charged the costs of this proceeding.

8. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Arnetta McRae, Chair

Jaymes B. Lester, Commissioner

Jeffrey J. Clark, Commissioner

Joann T. Conaway, Commissioner

Dallas Winslow, Commissioner

ATTEST:

Karen J. Nickerson, Secretary

NOTICE OF PROPOSED RULE-MAKING: AMENDING "RULES and PROCEDURES TO IMPLEMENT THE RENEWABLE ENERGY PORTFOLIO STANDARD"

TO: ALL ELECTRIC SUPPLIERS, ELECTRIC UTILITIES, ELECTRIC GENERATORS USING RENEWABLE RESOURCES, AND OTHER INTERESTED PERSONS

Under the "Renewable Energy Portfolio Standards Act," 26 **Del.C.** §§351-363 (2006 Supp.) ("the 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 its "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" ("RPS Rules"). See 10 DE Reg. 151-157 (July 1, 2006).

On July 24, 2006, the General Assembly and Governor enacted significant changes to various provisions of the Act. See 76 **Del. Laws** ch. 164 (July 24, 2007). In light of those statutory amendments, the PSC now proposes revisions to its RPS Rules to have those rules reflect, and be consistent with, the recent statutory changes. See PSC Order No. 7276 (Sept. 4, 2007). For example, the proposed rule revisions incorporate the new statutory "Schedule I" that increases the percentages of retail sales that electric suppliers must meet with

renewable energy credits. The proposed rule changes also implement the new requirement that electric suppliers also concurrently acquire, as part of their yearly renewable energy portfolio obligation, specified levels of "solar renewable energy credits." In addition, the proposed revisions reflect the increases in the dollar amounts of "alternative compliance payments" for renewable credits and institute a new solar alternative compliance payment regime to be available as a substitute for solar renewable energy credits. The PSC is authorized to make rules to implement the Act under 26 **Del.C.** §362.

You can review PSC Order No. 7276 (Sept. 4, 2007) and the proposed revised RPS Rules in the October 1, 2007 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 have written copies of the Order and proposed revised Rules, you can obtain them 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 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 October 31, 2007. 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 karen.nickerson@state.de.us.

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on Wednesday, December 12, 2007 at 10:00 AM at the Commission's office at the address set forth above. You may also submit comments and materials at such public evidentiary 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 this matter at (800) 282-8574 (toll-free in Delaware) or (302) 736-7500. Inquiries can also be sent by Internet e-mail addressed to david.bloom@state.de.us.

EXECUTIVE DEPARTMENT
DELAWARE ECONOMIC DEVELOPMENT OFFICE
NOTICE OF PUBLIC HEARING

1104 Administration and Operation of Council on Development Finance

In accordance with procedures set forth in 29 **Del.C.** Ch. 11, Subch. III and 29 **Del.C.**, Ch. 101, the Director of the Delaware Economic Development Office, as Chairperson of The Delaware Economic Development Authority, is proposing to adopt a regulation for the administration and operation of the Council on Development Finance as recommended by the Joint Sunset Committee in accordance with 29 **Del.C.** §10214. The proposed regulation sets forth certain procedures for the administration and operation of the Council on Development Finance.

The Director of the Delaware Economic Development Office, as the Chairperson of The Delaware Economic Development Authority, or an employee of the Delaware Economic Development Office designated by the Director, will hold a public hearing at which members of the public may present comments on the proposed regulation on November 26, 2007 at 9:00 A.M. at Buena Vista, 661 South DuPont Highway in New Castle, Delaware 19720. Additionally, members of the public may present written comments on the proposed regulation by

submitting such written comments to Ms. Lee K. Porter, Delaware Economic Development Office, 99 Kings Highway, Dover, DE, 19901-7305. Written comments must be received on or before November 14, 2007. Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing Ms. Lee K. Porter at the Dover, Delaware, address of the Delaware Economic Development Office set forth above, or by calling her at (302) 739-4271.

11 DE Reg. 522 (10/01/07)