

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF CLIMATE, COASTAL AND ENERGY
2000 Division of Climate, Coastal and Energy

2103 Regulations for the Green Energy Fund

1.0 Purpose

This regulation provides rules governing applications for and disbursement of Green Energy Fund grants and loans for renewable energy projects and encouraging energy efficiency in Delaware pursuant to 29 Del.C. Ch. 80, Subchapter 2, the Delaware Energy Act.

25 DE Reg. 721 (01/01/22)

2.0 Statutory Authority

These regulations are promulgated pursuant to of 29 Del.C. §8051(c), §8057(b) and §8058.

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3.0 Definitions

The following words and terms used in this regulation have the following meaning unless the context clearly indicates otherwise.

“**Department**” means the Department of Natural Resources and Environmental Control, the Division of Climate, Coastal and Energy, or such other agents as the department or Secretary may designate.

“**DP&L**” means the trade name used by Delmarva Power and Light Company, or its successor.

“**DP&L service territory**” means the service territory of Delmarva Power and Light Company, or its successor, as such territory is reflected in the electric service territory maps maintained by the Delaware Public Service Commission under the authority of 26 Del.C. §203B

“**Energy efficiency improvement**” means an increase in productivity or output for a given energy input when compared to conventional technologies or practices. Energy efficiency improvements may include equipment replacement, installation of controls, changes in operating practices, or other measures.

“**Energy efficiency technology**” means a hardware device or system that provides an end-use energy service (e.g., lighting, heating, air conditioning, motion, etc.) using less energy per unit of output than minimum standards allow or available conventional equipment.

“**Fiscal year**” means the budget and accounting year of the State beginning on July 1 and ending on June 30. Reference to a fiscal year by year number means the fiscal year ending on June 30 of the named year. For example, a reference to fiscal year 2004 means the period beginning on July 1, 2003 and ending on June 30, 2004.

“**Fuel cell**” is an electrochemical energy conversion device which converts the chemical energy from a fuel directly into electricity and heat.

“**Geothermal heat pump**” means either an open or closed loop system or direct expansion system that uses the thermal energy of the ground or groundwater as the heat source and heat sink for residential or non-residential space heating and cooling. A closed loop system consists of a ground heat exchanger in which the heat transfer fluid is permanently contained in a closed system. An open loop system consists of a ground heat exchanger in which the heat transfer fluid is part of a larger environment. A direct expansion system consists of a geothermal heat pump system in which the refrigerant is circulated in pipes buried in the ground, rather than using a heat transfer fluid, such as water or antifreeze solution in a separate closed loop, and fluid to refrigerant heat exchanger.

“**Green Energy Fund**” means the fund established by 29 Del.C. §8057 and administered by the Department.

“**Grid-connected**”, “**Grid-tied**” or “**Interconnected**” means a condition in which a qualifying system that is an electrical generating system serves and is electrically connected to an electrical load that is also connected to and served by the local utility electrical grid. The delivery or ability to deliver, any portion of the generating capacity into the utility electrical grid is not required, nor must the loads served be only alternating current (AC) loads. Systems need only to be capable of serving electrical loads that would otherwise be served by the local utility.

“**Kilowatt**” means the basic unit of electric power equal to 1,000 watts.

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“**Kilowatt-hour**” or “**kWh**” means the basic unit of electric energy equal to one kilowatt of power supplied to or taken from an electric circuit steadily for one hour. One-kilowatt hour equals 1,000 watt-hours. Electric energy is commonly sold by the kilowatt-hour.

“**Nonresidential**” means all classes of customer purchasing electric power for uses other than for individual households. These groups of customers generally purchase electric power for commercial and industrial purposes. When used as an adjective with respect to qualified systems or Green Energy Endowment Program grants or loans, such term refers to systems owned by, or leased to, or grants or loans awarded to Nonresidential persons.

“**Participating contractor**” means an appropriately Delaware licensed contractor who has submitted to the Department an application designated by the Department with all required attachments and maintains in full force all required insurance, certifications, and warranties as described in subsection 5.6.

“**Passive solar design**” means a residential or non-residential building design that uses no external mechanical power, such as pumps or blowers, to collect and move solar heat.

“**Photovoltaic**” means an electronic semiconductor device, most commonly made of silicon that produces direct current (DC) electricity from sunlight.

“**Placed in service**” means installed, operational, and producing output.

“**Professional engineer**” means “engineer”, as defined in Title 24 **Del.C.** Ch. 28, *Professional Engineers*, namely, a person who by reason of his or her advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice Professional Engineering, and who is licensed by the Delaware Association of Professional Engineers.

“**Purchaser**” means the purchaser or lessee of a qualifying system.

“**Renewable energy technology**” shall have the meaning as prescribed in 29 **Del.C.** Ch. 80.

“**Residential**” means the class or classes of customers purchasing electric power for household uses.

“**Secretary**” means the Secretary of the Department of Natural Resources and Environmental Control.

“**Solar shade analysis**” means a site evaluation that measures the annual solar potential at the installation address.

“**Solar water heating**” means the heating of water by use of the sun’s energy.

“**State**” means the State of Delaware.

“**Ton of capacity**” means 12,000 British Thermal Units (BTU) per hour of cooling capacity.

“**Watt**” means the basic unit of measure of real electric power, or rate of doing work.

“**Watt-hour**” means the basic unit of measure of electric energy consumption. The total amount of energy used in one hour by a device that requires one watt of power for continuous operation.

“**Wind turbine**” means a mechanical/electrical system that converts the kinetic energy of wind into mechanical or electric power.

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4.0 Green Energy Fund

- 4.1 The Green Energy Fund is established per Delaware Code, 29 **Del.C.** §8057.
- 4.2 The programs outlined in §8057(d) are described in full in this regulation and include the following:
 - Green Energy Endowment Program.
 - Technology Demonstration Program.
 - Research and Development Program.
 - Solar Energy Curriculum Program.

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5.0 Green Energy Endowment Program

- 5.1 General Provisions
 - 5.1.1 All grants made under the Green Energy Endowment Program are on a first-come first-served basis.
 - 5.1.2 Under no circumstances will the Department issue grants for land acquisition in association with any project proposed in the Green Energy Endowment Program.
- 5.2 Eligibility. The Delaware Green Energy Endowment Program is available to DP&L electric customers that are contributing to the Green Energy Fund or persons in Delaware receiving services from a non-regulated electric supplier which is contributing to the Green Energy Fund. All eligible equipment and products must be installed in Delaware.

- 5.3 Grant Application Process. Customers and participating contractors applying for any grant for a renewable energy project must submit the Green Energy Endowment Program grant application to the Department within one year of the qualifying system being placed in service. The Department may, at its discretion, extend this deadline for extenuating circumstances. The participating contractor and customer are fully responsible for ensuring that all required forms and documentation have been submitted and the system meets all program requirements and deadlines. The Department may make an inspection of the systems before authorizing grant payment. Applicants must submit the following information as part one of their application to the Department:
- 5.3.1 Completed grant application form signed by both the customer and the participating contractor.
 - 5.3.2 The type of qualifying system.
 - 5.3.3 Copy of project estimate, purchase order, or letter of intent.
 - 5.3.4 Copy of the customer's most recent DP&L electric bill or a bill from a non-regulated electric supplier which is contributing to the Green Energy Fund.
 - 5.3.5 Plot plan illustrating geothermal loop and well, wind turbine, or solar module location. Roof-mounted solar projects will include the following:
 - 5.3.5.1 Location of collectors or modules on roof.
 - 5.3.5.2 Location of any roof-mounted or building-mounted equipment.
 - 5.3.5.3 Orientation and tilt of array or collectors.
 - 5.3.5.4 Area of shading on property that affects system performance.
 - 5.3.6 Detailed system design and a predicted performance calculation, including estimated annual kWh savings, verified by a professional engineer.
 - 5.3.7 Required energy audit report
 - 5.3.7.1 Residential applicants must submit a copy of a home performance with Energy Star audit, conducted by a building performance institute or equivalent certification program trained professional.
 - 5.3.7.2 Commercial and residential new construction applicants must submit evidence of Energy Star Certification or an equivalent third-party green building certification.
- 5.4 Evaluation of Grant Application
- 5.4.1 On receipt of part one of the grant application and supporting documents, the Department will evaluate the application for its compliance with the requirements set forth in subsection 5.3.
 - 5.4.2 Once part one of a residential grant application is deemed complete, the Department will reserve the funds for the project for six (6) months from the date the application is deemed complete. For non-residential applications that have completed part one of the application, the Department will reserve funds twelve (12) months from the date the application is deemed complete.
 - 5.4.3 Since all grants are reserved on a first come-first served basis, viable projects that are not completed within the required time will be placed at the end of the queue and issued an extension of six (6) months from the date of the expired reservation for residential applicants and twelve (12) months from the date of expired reservation for non-residential applicants. To be considered for a reservation extension, the Department will require a project status and summary in writing fourteen (14) business days before the expiration of the original reservation.
- 5.5 Green Energy Endowment Program Renewable Energy Grant Application Part Two
- 5.5.1 After installation, the customer or participating contractor must submit the following to the Department:
 - 5.5.1.1 Completed confirmation and claim form signed by both the customer and participating contractor.
 - 5.5.1.2 Copy of electrical, plumbing or building inspection.
 - 5.5.1.3 Copy of completed and approved DP&L Interconnection Agreement (photovoltaic and wind) or similar document from a non-regulated electric supplier which is contributing to the Green Energy Fund.
 - 5.5.1.4 Copy of final sales invoice (invoice must include actual price paid, itemized list of components, labor, permit fees, method of payment, and verification that the system has been paid in full).
 - 5.5.1.5 Geothermal well permit including all conditions pages.
 - 5.5.1.6 Photographs of the installed equipment.
 - 5.5.1.7 Copy of verification of completion of installation signed by both the customer and participating contractor.
 - 5.5.2 On receipt of part two of the grant application and all final documentation pertaining to the project as noted in subsection 5.5.1, the Department will evaluate part two of the grant application and the required accompanying documents for consideration of grant approval. The participating contractor and customer are fully responsible for ensuring that all forms and documentation have been supplied and the system

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meets all program requirements. The Department may make an inspection of the systems before final grant approval.

- 5.5.3 The Department will approve the grant within 30 days of receipt of part two of the application and all supporting documentation. The Department will ordinarily process the payment to the purchaser, however, if the purchaser so requests in writing and documentation reflects the grant value was reduced directly from the purchase price, the Department will process the payment to the retailer or installing contractor.
- 5.6 Green Energy Endowment Program Participating Contractor Guidelines
- 5.6.1 Participating Contractor Application. Contractors installing qualifying photovoltaic, solar water heating, geothermal heat pumps, or small wind turbines must complete the Department's participating contractor application before applying for a grant from the Green Energy Endowment Program. The application will consist of the following:
- 5.6.1.1 Name of company and key contact information.
 - 5.6.1.2 Brief history and organizational structure of company.
 - 5.6.1.3 Education and experience.
 - 5.6.1.4 General liability and statutory worker's compensation.
 - 5.6.1.5 Statement of reliability and good standing.
 - 5.6.1.6 Copy of Delaware business license.
 - 5.6.1.7 Copy of Delaware professional license.
- 5.6.2 Education and Licensure. Participating contractors shall maintain appropriate education and licenses to ensure that only professionally designed systems are installed within the Program. The participating contractor must maintain a Delaware business license and professional license.
- 5.6.3 Insurance Requirements. The participating contractor and anyone acting under its direction or control or on its behalf shall at its own expense procure and maintain in full force at all times Commercial General Liability Insurance with a bodily injury and property damage combined single limit of liability of at least \$1 million for any occurrence.
- 5.6.4 Statement of Reliability and Good Standing. The participating contractor must be reliable and in good standing with a "Satisfactory Record" (or no negative reports) with the Better Business Bureau. The participating contractor shall provide a copy of their Better Business Bureau report to the Department on request.
- 5.6.5 Participating Contractor Removal or Suspension
- 5.6.5.1 The Department reserves the right to suspend or revoke any contractor's participation in the Green Energy Endowment Program participating contractor list for:
 - 5.6.5.1.1 Poor workmanship as demonstrated through failed inspections (for example, installing severely under-performing systems; installing systems that pose serious safety issues; installing systems that have National Electric Code violations; or installing systems without following the manufacturer's specifications);
 - 5.6.5.1.2 Receipt by the Department of a judicial determination of fraud on part of the contractor;
 - 5.6.5.1.3 Failing to complete at least one Green Energy Endowment Program project each calendar year; or
 - 5.6.5.1.4 Failing to provide applicants with documentation needed to complete the grant application, or failing to advise applicants of all relevant Green Energy Fund programs.
 - 5.6.5.2 In addition to suspension or revocation of inclusion in the participating contractor list, or as a condition before reinstatement of a contractor to the list, the Department may require pending applicant complaints to be resolved to the Department's satisfaction and may require additional training or retraining for current employees.
 - 5.6.5.3 Contractors may apply to DNREC for reinstatement to be on the list. Eligibility for reinstatement will be determined by the reason for initial removal from the participating contractor's list and whether the contractor has taken necessary corrective action as determined by the Department.
- 5.6.6 Limitation of Funds. The Program funds are limited. The participating contractor shall follow program guidelines to ensure reservation of funds before installing a qualifying system.
- 5.6.7 Owner's Manual. Contractors are required to provide each Program participant with an owner's manual.
- 5.7 Renewable Energy Project Warranty. All qualifying systems receiving a Green Energy Endowment Program grant must have a full 5-year warranty against component failure, malfunction and premature output degradation. The warranty must cover all components for which the program incentive is granted and cover the full cost of repair and replacement of all components of the system. For professionally installed systems, the warranty must cover the labor to remove and replace defective components and systems.
- 5.8 Green Energy Endowment Program. Renewable energy project equipment must meet the following standards:

5.8.1 Photovoltaic Systems

5.8.1.1 Grant Limits. The Delaware Green Energy Endowment Program offers grants for grid-connected photovoltaic systems installed by qualified contractors and customers up to 50% of the total installed costs. Grant maximums are set by the Department, in consultation with the Sustainable Energy Utility Oversight Board, and may be changed periodically in response to market conditions.

5.8.1.2 Accepted Products and Equipment

5.8.1.2.1 Grid-connected

5.8.1.2.1.1 All photovoltaic modules must be certified by a nationally recognized testing laboratory as meeting the requirements of the most recent version of Underwriters Laboratory Standard 1703.

5.8.1.2.1.2 All interconnected systems must be designed and installed to follow the National Electric Code (NEC).

5.8.1.3 Array Orientation and Tilt. All projects should have an orientation between 90° and 270°. The Department has the discretion to accept projects with an azimuth greater than 270° but no more than 280° and projects less than 90° but no less than 80°, if a solar shade analysis demonstrates an acceptable Total Solar Resource Fraction percentage according to subsection 5.8.1.4.

5.8.1.4 Array Shading. The installing participating contractor is responsible for ensuring that the system is free from shading. The installing participating contractor shall perform a solar shade analysis to ensure the array meets the minimum daily sunshine requirements. Results of the solar shade analysis must determine that the solar array has a total solar resource fraction of 70% or greater. The Department may request a solar shade analysis report for any project. Any arrays that do not meet the minimum total solar resource fraction threshold will be ineligible for Green Energy Endowment Program funding.

5.8.2 Solar Water Heating

5.8.2.1 Grant Limits

5.8.2.1.1 The Delaware Green Energy Endowment Program offers grants for solar water heating systems installed by qualified contractors and customers up to 50% of the total installed cost. Grant maximums are set by the Department, in consultation with the Sustainable Energy Utility Oversight Board, and may be changed periodically in response to market conditions.

5.8.2.1.2 Solar water heating systems integrated into a radiant heating application are eligible for a grant up to 50% of the installed cost of the solar energy portion of the system.

5.8.2.2 Accepted Products and Equipment. A solar water heating system must be designed to reduce or eliminate the need for electric or gas heated water.

5.8.2.3 Collector Orientation. All projects should have an orientation between 90° and 270°. The Department has the discretion to accept projects with an azimuth greater than 270° but no more than 280° and projects less than 90° but no less than 80°, if a solar shade analysis demonstrates an acceptable total solar resource fraction percentage according to subsection 5.8.2.4.

5.8.2.4 Collector Shading. The installing participating contractor is responsible for ensuring that the system is free from shading. The installing participating contractor shall perform a "Solar Shade Analysis" to ensure the array meets the minimum daily sunshine requirements. Results of the solar shade analysis must determine that the solar array has a total solar resource fraction of 70% or greater. The Department may request a solar shade analysis report for any project. Any arrays that do not meet the minimum total solar resource fraction threshold will be ineligible for Green Energy Endowment Program funding.

5.8.3 Small Wind Turbines

5.8.3.1 Grant Limits. The Delaware Green Energy Endowment Program offers incentives up to 50% of the total installed cost for small grid-connected wind turbines installed by a qualified contractor for a qualified customer. Grant maximums are set by the Department, in consultation with the Sustainable Energy Utility Oversight Board, and may be changed periodically in response to market conditions.

5.8.3.2 Capacity Limits

5.8.3.2.1 Qualifying wind turbine systems must be 500 watts or larger.

5.8.3.2.2 The Department may reject applications if the location of the proposed wind turbine system has an inadequate wind resource for reasonable utilization of the equipment as recommended by the turbine manufacturer. The Department may require additional evidence of feasibility before approving the grant reservation.

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5.8.3.3 Accepted Products and Equipment. Qualifying wind turbine systems must be interconnected with the electrical grid and receive approval to operate from Delmarva Power or a non-regulated electric supplier that is contributing to the Green Energy Fund.

5.8.3.3.1 Grid-connected. All grid interconnected systems must be designed and installed to comply with the National Electric Code (NEC) and must pass inspection.

5.8.4 Geothermal Heat Pump Systems

5.8.4.1 Grant Limits. The Delaware Green Energy Endowment Program offers grants up to 50% of the project cost for geothermal heat pump systems installed by qualified contractors and customers. Grant maximums are set by the Department, in consultation with the Sustainable Energy Utility Oversight Board, and may be changed periodically in response to market conditions.

5.8.4.2 Accepted Products and Equipment. Participating contractors shall complete a calculation to determine the proper size of the equipment and all qualifying systems must have a warranty for protection of the integrity and performance of the system for at least five years.

5.9 The Department is authorized to develop program standards and procedures to administer the Green Energy Endowment Program.

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6.0 Technology Demonstration Program

6.1 General Provisions

6.1.1 Subject to the availability of funds, the Technology Demonstration Program provides grants to projects that demonstrate the market potential for new renewable energy and energy efficiency technologies and accelerate the commercialization of these technologies in Delaware.

6.1.2 Technology Demonstration Program proposals will be accepted by the Department subject to the availability of funds. Grants made under the Technology Demonstration Program shall not exceed 25% of all expenditures from the Green Energy Fund on an annual basis.

6.1.3 To be eligible for consideration, a project must demonstrate a commercially available technology. Research and Development projects will not be funded under the Technology Demonstration Program. To be eligible for consideration, a project must demonstrate either a novel technology or a novel application of an available technology.

6.1.4 The Delaware Technology Demonstration Program grants are available to applicants located within the State of Delaware for projects conducted and sited in the State of Delaware.

6.2 Grant Limits

6.2.1 Individual grants shall not exceed 25% of the cost of the eligible equipment for a renewable energy technology project and will not exceed \$200,000 per project.

6.2.2 In all cases, the cost of the eligible equipment shall include only the costs of labor, overhead expenditures, equipment, materials, and subcontractors incurred during the performance of the Technology Demonstration Program contract. Expenditures made before contract award are not eligible.

6.3 Code Compliance. All Technology Demonstration Program projects must be installed in accordance with the standards and specifications of the manufacturers of the components in the system and in compliance with all applicable local electric, plumbing, and building codes and local ordinances to be considered for application.

6.4 Permits. All Technology Demonstration Program projects must obtain all relevant permits from the Delaware Department of Natural Resources and Environmental Control, other necessary state, local, regional, and federal permits to be considered for application.

6.5 Application Process

6.5.1 Technology Demonstration Program proposals will be accepted as program funding allows. Grant applications may be solicited through a request for proposals or on a rolling basis. Applicants for the Technology Demonstration Program shall submit their proposals and supporting information in accordance with application procedures developed by the Department. Applicants must receive approval before beginning the project.

6.5.2 The Department reserves the right to reject any or all proposals.

6.6 Distribution of Technology Demonstration Grants. The Department will process the invoices from the grant recipient in accordance with contract terms. Invoices may require supporting documentation including, but not limited to, hours worked, receipts for expenditures and a brief progress report.

6.7 Eligible Topic Areas. The Department will consider applications for Technology Demonstration projects in the following topic areas:

6.7.1 Photovoltaic Systems.

- 6.7.2 Solar Thermal.
 - 6.7.3 Small Wind Turbines.
 - 6.7.4 Fuel Cells Using Renewable Fuel.
 - 6.7.5 Hydroelectric Generators.
 - 6.7.6 Storage, Conversion and Conditioning Equipment.
 - 6.7.7 Passive Solar Design.
 - 6.7.8 Biodiesel Manufacturing Facilities.
 - 6.7.9 Energy Efficiency Technologies, Processes and Practices.
 - 6.7.10 Microgrids and Control Technologies Utilizing Renewable Energy.
 - 6.7.11 Other Renewable Energy Technologies.
- 6.8 The Department is authorized to develop program standards and procedures to administer the Technology Demonstration Program.
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7.0 Research and Development Program

- 7.1 General Provisions
 - 7.1.1 Subject to availability of funds, the Green Energy Fund's Research and Development Program offers grants to projects that develop or improve Renewable Energy Technology in Delaware. The Department will accept proposals for Research and Development Program grants for qualifying projects that improve the engineering, adaptation, or development of products or processes that directly relate to renewable energy technology.
 - 7.1.2 Grants made under the Research and Development Program, in the aggregate, shall not exceed 10% of all expenditures from the Green Energy Fund on an annual basis.
 - 7.1.3 The Delaware Research and Development Program grants are available to applicants located within the State of Delaware for projects conducted in the State of Delaware. Under no circumstances will the Department issue grants for land acquisition in association with any project proposed in the Research and Development Program.
- 7.2 Grant Limits
 - 7.2.1 Subject to availability of funds, the Research and Development Program offers grants up to 35% of the cost of qualifying projects. Research and Development Program grants shall not exceed \$250,000 per project. Cost of qualifying projects shall include only the costs of labor, overhead expenditures, equipment, materials, and subcontractors incurred during the performance of the contract. Expenditures made before contract award are not eligible.
 - 7.2.2 The Department will consider multi-year projects in the Research and Development Program. Proposals seeking grants for multi-year projects shall not exceed 50% of the total annual funds available in the Research and Development Program.
- 7.3 Application Process
 - 7.3.1 The following describes the general approach envisioned for these projects. Alternative approaches to achieve the desired results may be considered, provided that the work scope is complete, addresses all of the technical issues, and has a convincing chance for success.
 - 7.3.2 Applicants are to propose projects and tasks that address all issues described in subsection 7.1 with care taken to emphasize the unique application advantages and environmental benefits that will result from the proposed project. The proposal should clearly define why this project is an improvement over existing products that provide a similar function.
 - 7.3.3 Research and Development Program proposals may be solicited through a request for proposal or on a rolling basis. Applicants must receive approval before beginning the project.
 - 7.3.4 Applications will be reviewed by the Department. The Department will determine the eligibility for a grant. A statement of reservation of funds and authorization to proceed will be issued by the Department on completion and acceptance of contract terms.
- 7.4 Acceptable Projects
 - 7.4.1 The Department will accept proposals for Research and Development Program grants for qualifying projects that improve the engineering adaptation, or development of products that directly relate to renewable energy and energy efficiency technologies. The Department reserves the right to reject any or all proposals if the information provided is inadequate or incomplete.
 - 7.4.2 Applicants are to propose projects and tasks that address all issues described in subsection 7.1 with care taken to emphasize the unique application advantages and environmental benefits that will result from the

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proposed project. The proposal should clearly define why this project is an improvement over existing products that provide a similar function.

- 7.5 The Department is authorized to develop program standards and procedures to administer the Research and Development Program.

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8.0 Evaluation of Technology Demonstration and Research and Development Applications

8.1 Proposal Evaluation

8.1.1 Proposals submitted under the Technology Demonstration and Research and Development Programs will receive a thorough evaluation by the Department. An evaluation will be performed to check the proposal package for its compliance with the requirements outlined in Sections 6.0 and 7.0.

8.1.2 The Department reserves the right to reject an application if the information requested is not received within the prescribed timeframe when requested or is inadequate or incomplete.

8.2 Evaluation Process. The comprehensive evaluation of proposals will be performed by the Department, which at its discretion may form an evaluation committee.

8.3 Notification. All applicants will be notified in writing of the action taken on their applications.

8.4 Grant Award

8.4.1 If, on completion of the Comprehensive Evaluation, the review committee finds that the proposed project fits the criteria of the Technology Demonstration or Research and Development Programs, then a statement of reservation of funds and authorization to proceed will be issued by the Department.

8.4.2 All recipients of grants may be required to submit general reporting on a periodic basis.

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9.0 Proprietary Application Information

9.1 Applicants are hereby notified that the Department intends to make all applications submitted available to non-State personnel for the sole purpose of assisting in its evaluation of the applications. These individuals will be required to protect the confidentiality of any specifically identified proprietary information obtained as a result of their participation in the evaluation.

9.2 Proposals submitted may contain trade secrets and privileged or confidential commercial or financial information which the applicant does not want to be used or shown for any purpose other than evaluation of the application. The use and disclosure of such data may be restricted, provided the applicant follows the Department's "Request for Confidentiality" procedure contained in the Department's "Freedom of Information Act" or "FOIA" regulation. It is important to understand that this FOIA regulation's confidentiality procedure is a necessary part of this regulation in that any information submitted to the Department is subject to public review unless deemed to be confidential by the Secretary in accordance with the criteria and procedures established in the FOIA regulation.

9.3 The burden lies with the applicant asserting the claim of confidentiality to meet the criteria established in the FOIA regulation.

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10.0 Solar Energy Curriculum Program

10.1 Subject to the availability of funds, the Solar Energy Curriculum Program shall provide cash grants from the Green Energy Fund to high schools in Delaware that are DP&L customers and that create a course, or curriculum, that teaches the science, economics, policy, and hands-on installation of solar photovoltaic technology.

10.2 Grants made under this program provide up to 100% of funding for the installation of a solar photovoltaic system to be used as part of the qualifying school's solar energy curriculum.

10.3 Total funding may not exceed \$10,000 per school for solar equipment only and shall not prevent the school from participating in the Green Energy Endowment Program. Green Energy Fund dollars committed to such installations shall not exceed \$100,000 per year.

10.4 The Department is authorized to develop program standards and procedures to administer the Solar Energy Curriculum Program.

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11.0 Other Eligible Programs

- 11.1 Subject to the availability of funds, additional programs may be developed that are consistent with the goals of the Green Energy Fund as described in 29 Del.C. §8057(c). Those additional programs may include, but are not limited to:
- Programs establishing and supporting renewable energy and energy efficiency education and public awareness.
 - Programs supporting the construction, maintenance and operation of green buildings, schools, and residential developments.
 - Programs pursuing community outreach on clean energy technologies.
 - Programs supporting the development of green industries and generators in the State.
 - Programs supporting low- to moderate-income solar access.
- 11.2 The Department is authorized to develop program standards and procedures to administer any program developed under this section that is consistent with the goals of the Green Energy Fund.

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12.0 Severability

If any section, subsection, paragraph, sentence, phrase or word of these regulations is declared unconstitutional by a court of competent jurisdiction, the remainder of these regulations shall remain unimpaired and shall continue in full force and effect, and proceedings there under shall not be affected.

8 DE Reg. 114 (07/01/04)

9 DE Reg. 1566 (04/01/06)

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