

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

November 2022

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, November 9, 2022** commencing at **1:30 p.m.** The public hearing will be conducted remotely. Any draft dockets and draft resolutions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least 10 days prior to the meeting date.

The Commission's quarterly business meeting will be held the following month, on **Wednesday, December 7, 2022** commencing at **10:30 a.m.** The business meeting will be conducted remotely. Details about the remote platform and a meeting agenda will be posted on the Commission's website, www.drbc.gov, at least 10 days prior to the meeting date.

For additional information, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF AGRICULTURE

HARNESS RACING COMMISSION

PUBLIC NOTICE

501 Harness Racing Rules and Regulations

Summary

The Harness Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 501. The purpose of the proposed regulations is to amend the rules regarding who can administer Bleeder medication (Furosemide/Salix), in light of an ongoing and nationwide shortage of veterinarians. This amendment permits veterinary technicians to administer Bleeder medication, under the supervision of a licensed veterinarian. This change has already been adopted on a temporary emergency basis, and as there is no indication that the shortage of veterinarians will resolve soon, the Commission desires to implement this rule amendment on a permanent basis. Other regulations issued by the Harness Racing Commission are not affected by this proposal. The Harness Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations is being published in the November 1, 2022 edition of the Delaware Register of Regulations. A copy is also on file in the office of the Harness Racing Commission, and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 *Del.C.* § 10118(a), public comments must be received on or before December 1, 2022. Written materials submitted will be available for inspection at the above address.

OFFICE OF THE SECRETARY

PUBLIC NOTICE

102 Secretarial Powers

Summary

Pursuant to the authority granted by Title 3 chapters 1, 3, 71, 73, 81 of the Delaware Code, the Department of Agriculture proposes to amend its regulations. The purpose of the amended regulations is to provide clear detail regarding the authority of the Secretary of the Delaware Department of Agriculture to prevent the spread of contagious or infectious diseases.

The Department of Agriculture is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations is being published in the November 1, 2022, edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the Delaware Register of Regulations website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations indicating whether these proposed regulations should be adopted, rejected or modified. Interested parties may hand deliver to the Department, any written suggestions, data, briefs or other materials at the above address. Pursuant to 29 **Del.C.** § 10118(a), public comments must be received on or before December 1, 2022. Written materials submitted will be available for inspection at the above address.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education meets monthly. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

Meeting information can be accessed via the public meeting calendar.

Meeting materials available on the State Board of Education's eBoard site (https://simbli.eboardsolutions.com/SB_Meetings/SB_MeetingListing.aspx?S=190001). (If you are having technical difficulties accessing the site, please try a different browser.)

The next meeting is scheduled for November 17, 2022.

Information regarding special meetings or Committee meetings of the State Board will be posted on the public meeting calendar.

Minutes from recent State Board of Education meetings can be found on the public meeting calendar.

Audio recordings are available after every Board meeting (<https://www.doe.k12.de.us/domain/225>).

Public meeting calendar: <https://publicmeetings.delaware.gov/#/search?anyall=any&agencyid=22&startdateinclusive=2019-01-01>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Reasonable Income Compatibility Threshold

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Delaware Social Services Manual (DSSM) 14800 regarding the Reasonable Income Compatibility Threshold.

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, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906,

by email to Melissa.Dohring@Delaware.gov or by fax to 302-255-4413 by 4:30 p.m. on December 1, 2022. Please identify in the subject line: Reasonable Income Compatibility Threshold.

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

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3300 Non-Tidal Finfish

1. TITLE OF THE REGULATIONS:

Amend 7 **DE Admin. Code** 3300 Non-Tidal Finfish - 3301 Definitions and 3304 Creel Limits, Size Limits and Seasons 3.0 Trout.

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

The Department provides a put-and-take freshwater trout fishery each spring in select piedmont streams of New Castle County, one pond in Kent County, and one pond in Sussex County. This action proposes to augment the waters open for trout fishing by adding an additional 0.4 miles of designated trout stream to the stocked portion of Red Clay Creek, create a fly fishing-only area on Red Clay Creek, and increase trout fishing participation by young people with the designation of Youth Days.

Appropriate waters for stocking freshwater trout are limited due to restricted public access and trout habitat requirements. Development, property rights, and population growth have reduced public access on some of Delaware's Designated Trout Streams. Freshwater trout angling remains a seasonally popular activity and the continuing water quality improvement of Red Clay Creek provides an opportunity to expand Delaware's trout waters in an undeveloped area of Auburn Valley State Park, increase public access to Red Clay Creek's freshwater trout fishery, and provide the second fly-fishing only area in the state.

This action will also create Youth Days (one day on the Kent and Sussex County trout ponds and one day on the New Castle County trout streams) for anglers under the age of 16. The growing need of the public to find safe, suitable outdoor activities for children during the 2020 lockdown phase of the COVID pandemic provided the impetus for DNREC to use the State of Emergency to designate the opening day of the trout season on the New Castle County streams as a Youth Day in 2020 and opening day for the ponds and streams as Youth Days in 2021. The Youth Days, which restricted trout fishing to young people under the age of 16, were very popular and helped increase the number of trout anglers both years compared to 2019. Youth Days provide a great introduction to fishing for Delaware's young people with the hope that many of the Youth Day participants become lifelong anglers.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

N/A

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** §1104

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

N/A

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed changes to 7 **DE Admin. Code** 3300 Non-Tidal Finfish - 3301 Definitions and 3304 Creel Limits, Size Limits and Seasons 3.0 Trout opens November 1, 2022 (Hearing Docket No. 2022-R-F-0016). A virtual public hearing will be held on **Tuesday, November 22, 2022, beginning at 6 p.m.** The web link to the virtual meeting is found on the DNREC Public Hearings site at <https://de.gov/dnrechearings>. If prompted for a password, please use: TROUT. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and

enter event code 2340 459 7194. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>

Individuals may submit written comments regarding the proposed changes via e-mail to DNRECHearingComments@delaware.gov, or via USPS to the DNREC Hearing Officer, 89 Kings Highway, Dover, DE 19901. Public comments will be received until close of business **Wednesday, December 7, 2022**.

7. PREPARED BY:

John H. Clark

Email: John.Clark@delaware.gov

Phone: (302)739-9914

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Medical Licensure and Discipline
PUBLIC NOTICE
1700 Board of Medical Licensure and Discipline

Pursuant to 24 **Del.C.** § 1770(c), the Regulatory Council for Physician Assistants ("the Council") of the Board of Medical Licensure and Discipline has proposed revisions to its rules and regulations. A new subsection 13.4 is added to implement standards for the performance of abortion by physician assistants.

A public hearing will be held on December 6, 2022 at 1:00 p.m. in the second floor conference room B 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 Regulatory Council for Physician Assistants, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address or at shauna.slaughter@delaware.gov. Pursuant to 29 **Del.C.** § 10118(a), the final date to receive written comments will be December 21, 2022. The Council will deliberate on the proposed revisions at its next regularly scheduled meeting.

DIVISION OF PROFESSIONAL REGULATION
Board of Home Inspectors
PUBLIC NOTICE
4100 Board of Home Inspectors

The Delaware Board of Home Inspectors, pursuant to 24 *Del. C.* § 4106(a)(1), proposes to amend its rules and regulations. The proposed regulation changes aim to address a growing practice in the profession of licensed home inspectors performing partial home inspections and not producing written reports.

The Board will hold a public hearing on the proposed regulation change on January 10, 2023 at 9:00 a.m., either telephonically or in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Michelle Loper at the Delaware Board of Home Inspectors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until January 25, 2023 pursuant to 29 *Del. C.* § 10118(a).

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE

3001 Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities

IN THE MATTER OF REVISIONS TO THE RULES
AND REGULATIONS TO
IMPLEMENT THE PROVISIONS OF 26 DEL. C.
CH. 10 RELATING TO THE CREATION OF A
COMPETITIVE MARKET FOR RETAIL ELECTRIC
SUPPLY SERVICE (OPENED APRIL 27, 1999;
RE-OPENED JANUARY 7, 2003; SEPTEMBER
22, 2009; SEPTEMBER 7, 2010; JULY 17, 2012;
JULY 14, 2021; AND OCTOBER 12, 2022)

PSC REGULATION DOCKET
NO. 49

**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE PUBLIC SERVICE COMMISSION'S RULES
REGARDING NET ENERGY METERING**

**TO: ALL ELECTRIC SERVICE CUSTOMERS OF DELMARVA POWER & LIGHT COMPANY AND OTHER
INTERESTED PERSONS**

On July 22, 2022, the Governor of the State of Delaware signed into law Senate Bill 298, which amended provisions in Title 26 of the Delaware Code, at § 1014 relating to net energy metering, including: (1) increasing the cap at which an electric utility may elect not to provide net metering services from the current 5% of its peak demand to 8%; (2) providing that the Commission's net energy metering rules must consider the reliability, safety, and capacity of the electric distribution system; (3) defining "Excess kWh Credit" as any excess production in kWh of a net energy metering customer's generating facility that exceeds the customer's on-site consumption of kWh in a billing period; (4) removing the charges for societal benefits programs from those charges against which a commission-regulated utility applies a net energy metering customer's "Excess kWh Credits" in subsequent monthly billing periods (and to define "societal benefits programs"); (5) providing that electric utilities shall not reimburse or credit net energy metering customers for any "Excess kWh Credits" at the end of the annualized billing period, and that "Excess kWh Credits" shall revert to the electric distribution company at the end of the annualized billing period; (6) providing that, if a net metering customer abandons the property where the generating equipment is located, the equipment may remain connected to the electric distribution system unless the equipment presents a risk to the safety and reliability of the system; and (7) providing that non-residential customers shall be responsible for the reasonable cost of meters that are installed or modified for net-metering purposes and caps such costs for residential customers at \$200.

By Order No. 10109 dated October 12, 2022 (the "Order"), the Commission now proposes to revise its *Rules for Certification and Regulation of Electric Suppliers*, codified at 26 Del. Admin. C. § 3001 ("*Supplier Rules*") to reflect the Senate Bill 298 amendments as well as make certain other up-dates to the *Supplier Rules*.

The text of the revised *Supplier Rules* is attached to the Order. The Order and related exhibits are reproduced in the November 1, 2022 edition of the *Delaware Register of Regulations* and may also be reviewed online at the Commission's website at www.depsc.delaware.gov. You may also obtain a pa-per copy of the Orders at the Commission's Dover office for a fee of \$0.25 per page.

The Commission will conduct a public hearing on the revised *Supplier Rules* on Wednesday, December 14, 2022, beginning at 1:00 PM, in accordance with 26 Del. C. § 209(a). All persons who wish to be heard by the Commission may attend in person or by teleconference. Dial-in information will be provided on the agenda for the December 14, 2022 meeting, which can be found on the PSC website at www.depsc.delaware.gov. Interested parties may file written comments, suggestions, briefs, compilations of data, or other materials concerning the Amendments. Such material may be submitted to the Commission on or before December 29, 2022, by email to samuel.kayne@delaware.gov or at the following address:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Bldg., Suite 100

Dover, Delaware, 19904
Attn: PSC Reg. Dckt. 49

To be considered at the December 14, 2022 hearing, however, written materials must be submitted on or before November 28, 2022.

If you are handicapped and need assistance or aids in participating in this matter, please contact the Commission to discuss any needed assistance or aids. You may contact the Commission with questions or requests about this matter at the Commission's toll-free telephone number (800) 282-8574 (Delaware only) or (302) 739-4333 (including text telephone). You may also send inquiries by Inter-net e-mail addressed to psc@delaware.gov.

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SOLUTIONS
PUBLIC NOTICE
2401 Utilities Manual Regulations

Pursuant to the authority provided in Title 17 of the **Delaware Code**, Sections 131, 132 and 143, as well as 26 **Delaware Code** Chapters 9, 11, and 13 the Delaware Department of Transportation (DeIDOT), adopted the 2401 Utilities Manual Regulations. The Department seeks to adopt revisions to the regulation to clarify intent and to address recent updates to federal law.

Public Comment Period

DeIDOT will take written comments on the proposed revisions to Section 2401 of Title 2, Delaware Administrative Code, from November 1, 2022 through December 1, 2022. The public may submit their comments to:

Eric Cimo, P.E., Utilities Engineer, Division of Transportation Solutions
(eric.cimo@delaware.gov) or in writing to their attention,
Delaware Department of Transportation
Division of Transportation Solutions
P.O. Box 778 Dover, DE 19903
