

HEARING OFFICER'S REPORT

Regarding: Proposed Amendments (2006) to Delaware Regulations  
Governing the Green Energy Program

Lisa A. Vest  
Hearing Officer

March 13, 2006

**I. Background:**

On March 1, 2006 a public hearing was held in the DNREC Energy Office, located at 146 S. Governors Avenue, Dover, Delaware, to receive comment on the Department's proposed amendments to the Delaware Regulations Governing the Green Energy Program. The purpose of these amendments is to modify the existing regulation relating to the Green Energy Fund.

Senate Bill 44 passed by the General Assembly and signed into law by Governor Minner in July of 2005 expands the definition of "renewable and alternative energy technologies" to include biodiesel manufacturing facilities. This recent legislative change also allows grants to be given for biodiesel technology demonstration projects.

No members of the public attended this hearing on March 1, 2006, nor were any comments received by the Department concerning these proposed amendments, either prior to or subsequent to the actual hearing date. Proper notice of the hearing was provided as required by law.

**II. Summary of Record:**

As noted above, the proposed amendments to the existing regulation relating to the Green Energy Fund were drafted as a result of the recent passing of Senate Bill 44, which was signed into law in July of 2005. With these proposed amendments, this regulation now includes not only an expanded definition of "renewable and alternative energy

technologies” (thereby including biodiesel manufacturing facilities), but also information concerning the availability of grants for biodiesel technology demonstration projects as well. Moreover, the Bill provides clarification with regard to the existing regulation. The Secretary may get an in-depth understanding of the proposed amendments to the existing regulation by perusing the Department’s actual proposed amendments, dated December 29, 2005, which is expressly incorporated into this report and attached for that purpose.

**III. Conclusions and Recommended Findings:**

On the basis of the record developed in this matter, it appears that the Energy Office has provided a sound basis for the proposed amendments to the Delaware Green Energy Fund Regulations. Furthermore, these proposed amendments modify the existing regulation so as to bring it into alignment with the recent aforementioned legislative changes, and provide clarity with respect to the regulation’s existing language. Therefore, I recommend that the Department’s proposed amendments be promulgated in final form, in accordance with the customary and established rule-making procedure required by law.

In addition, I recommend issuing the attached Secretary's Order to effectuate this purpose and adopting the Hearing Officer's findings and conclusions as expressed hereinabove.

/s/ Lisa A. Vest

Lisa A. Vest  
Hearing Officer