

In The Matter Of:
State of Delaware - 145th General Assembly
Senate Debate

Senate Substitute No. 1 for Senate Bill No. 119
June 22, 2010

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STATE OF DELAWARE

145th GENERAL ASSEMBLY

SENATE DEBATE

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TRANSCRIPT OF AN ELECTRONIC RECORDING

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1 THE PRESIDENT: Senator McDowell?

2 SENATOR McDOWELL: Thank you, Mr.
3 President. At this time I'd like to
4 respectfully request that Senate Substitute 1
5 for Senate Bill 119 be adopted in lieu of the
6 original and read in for the purpose of being
7 considered by the Senate.

8 THE PRESIDENT: Senator DeLuca.

9 SENATOR DeLUCA: It's already
10 been adopted in lieu of original, and it's been
11 laid on the table with the bill, so you need to
12 lift the bill from the table in order to work.

13 SENATOR McDOWELL: Mr. President,
14 I move to lift the bill, the Senate Substitute
15 No. 1 from the table, be worked.

16 THE PRESIDENT: Madam Reading
17 Clerk, for purposes of consideration by the
18 Senate, please read Senate Substitute No. 1 for
19 Senate Bill 119 by title only.

20 READING CLERK: Senate Substitute
21 No. 1 for Senate Bill No. 119, sponsored by
22 Senator McDowell, Representative D.E. Williams
23 and others. An Act to Amend Title 26 of the
24 Delaware Code Relating to the Renewable Energy



1 Portfolio Standards.

2 Mr. President, this completes the
3 reading of Senate Substitute No. 1 for Senate
4 Bill No. 119.

5 THE PRESIDENT: Senate Substitute
6 1 for Senate Bill No. 119 is before the Senate.

7 Senator McDowell.

8 SENATOR McDOWELL: Thank you, Mr.
9 President. Mr. President, this act has been a
10 bill that we have worked on pretty feverishly
11 for about six months, and quite intensively for
12 the last two weeks. But it is a bill that will
13 strengthen Delaware's RPS, which is among the
14 better in the country, by increasing and
15 extending the minimum percentage of renewable
16 energy supply. It will provide for stability
17 for the development of renewable energy markets
18 in Delaware and incentivize renewable energy
19 projects that employ Delaware labor and
20 Delaware manufactured products.

21 It also provides consumer
22 protections by limiting any rate impact that it
23 may create.

24 Finally, it provides for



1 municipal electric companies and rural
2 co-operatives to have equitable participation
3 in the RPS and create greater opportunity for
4 renewable energy technologies to reach market
5 parity for the benefit of all Delaware
6 ratepayers.

7 So, so what exactly does it do?
8 It would increase the minimum requirement for
9 renewables by 25 percent by the year 2025. The
10 previous market portfolio was to reach maximum
11 in 2019. So even though we've increased the
12 portfolio, we've extended the time.

13 The same is true of the set-aside
14 for solar photovoltaics. That's increased from
15 2.5 percent to 3.5 percent by the year 2025.
16 It incentivizes renewable energy markets to
17 employ local labor in manufacturing. There is
18 a 10 percent credit for the use of local labor
19 and a 10 percent additional credit for the use
20 of local manufacturing.

21 It provides for ratepayer
22 protection against cost impacts. Any time the
23 cost impact of the photovoltaic goes up by 1
24 percent, the utility involved can push what



1 we like to call a circuit breaker. In other
2 words, they can suspend the program for that
3 year and simply extend the portfolio forward by
4 a year for their utility. This is on a
5 utility-by- utility basis so each one has the
6 right to do that. It creates parity for the,
7 for the utilities in the state, in that they
8 all can participate in this.

9 And finally, it establishes a
10 task force to develop solutions to key market
11 challenges surrounding renewable energy, such
12 as price stability, revenue certainty for
13 investment, local job creation, and a balance
14 of different size projects.

15 So all in all, we believe that
16 this, this bill will keep Delaware in the
17 forefront in the renewable field and lessen our
18 dependence on oil, and particularly foreign
19 imported oil.

20 Mr. President, there is a key
21 formula that I like to cite. It should be in
22 front of all of us each and every day. At the
23 current moment, we are importing foreign oil at
24 the rate of \$300 billion a year. That's \$300



1 billion that flies away from our country never
2 to be seen again.

3 Should we -- should we develop
4 systems like this for alternatives, we will
5 keep that money here. Keeping that money here
6 will recirculate by 3.5 times. That equals 1
7 trillion and 50 billion new dollars in the
8 American economy each year, not Delaware, the
9 American economy. But if you, if you work that
10 out by an accepted figure of 40 percent of all
11 money in the economy goes to salaries and
12 wages, that means \$420 billion more for
13 salaries and wages in the U.S.

14 And then further, if you
15 calculate \$42,000 per salary or wage, you would
16 create 10,000 new jobs by that effort. Divide
17 that by a factor for Delaware, and Delaware
18 would see 42,000 -- I'm sorry, 24,000 new jobs.
19 That's why this measure is really important.

20 Mr. President, I'll be glad to
21 answer any questions. Otherwise --

22 THE PRESIDENT: I have a list.

23 Senator Bunting?

24 SENATOR BUNTING: Thank you, Mr.



1 President. I think some other (Inaudible)
2 stood before me, but I realize that, Senator
3 McDowell, the time effort you've put into this.

4 I think the nature of the
5 seriousness of this legislation, and here we
6 are in the last few days of the General
7 Assembly, this is legislation I think that
8 needs quite a lot of debate. It may have a
9 positive impact and it may have a negative
10 impact on -- particularly on our small
11 businesses in Delaware.

12 I guess that's what the
13 unintended consequences of many things we do
14 here. It may look good on paper, but our
15 surrounding neighbors are not doing the same
16 thing. We have businesses here are -- today
17 are struggling with their overhead cost, and,
18 but I was lobbied today, by being Chairman of
19 Agriculture, by one of the members of the Isaac
20 family, who has a farm operation near Milton,
21 and they're looking forward to this in the
22 realm of solar power and being able to use
23 that, as farmers need diversity today to stay
24 competitive. So I think that's the positive



1 side of it.

2 But I'm just concerned, as most
3 of the small businesspeople I've talked to, as
4 to what possibly unintended consequences on
5 their bottom line is going to be. And some of
6 the goals that you have here are admirable,
7 certainly, but whether they're truly
8 obtainable, you know, I know we all try to
9 reach for something we can't touch sometimes.

10 But in this case, those of us
11 that are struggling, running businesses,
12 realize today we're pitching pennies all over
13 the place and not having -- trying not to lay
14 off anyone. I'm not sure you're hiring here or
15 you're going to be laying off, and that happens
16 to be my concern.

17 I had e-mailed you and asked for
18 possibly this bill wait till January when it
19 had better time for airing and let the general
20 public know exactly what's coming at them. But
21 that's all I have, sir.

22 SENATOR McDOWELL: Mr. President,
23 I understand the senator's feelings. I think
24 some of those are somewhat misplaced in that



1 we -- this bill has been out here for a year
2 now, more than a year now. And we have had --
3 with the stakeholders, we've had many, many
4 series of meetings, and they are essentially
5 all in agreement now that this compromise that
6 we have, as represented by Senate Substitute 1,
7 is a good compromise that we can go forward
8 with.

9 You will note that I mentioned
10 the creation of a group to work on problems as
11 they may or may not develop. We've also built
12 safety valves into this bill. I told you about
13 the circuit breaker that we have put in where
14 any utility who can show that its rates are
15 going up or would go up by 1 percent in case
16 of -- of solar, the retail electric would go up
17 by 1 percent in a year in the cases of solar,
18 or 3 percent in the overall, they could push
19 the circuit breaker and suspend their
20 participation in the program for one year. And
21 so that is a very, very serious rate
22 production -- ratepayer protection.

23 I don't think there's anybody
24 that would contend that if we stick with the



1 status quo, the, the cost of oil and other
2 petroleum-based alternatives is going to go up
3 far more than that. So that there's actually,
4 in developing the alternative of sustainable
5 energy, there is very, very sincere ratepayer
6 protection.

7 I'd also like to say the success
8 that we've already had, and these are proven
9 successes, we have just recently, Delaware has
10 advanced into the top three, I believe, in the
11 nation in the rate per capita of solar that
12 we're installing. And that's -- we've come a
13 long way to get there, and it is the renewable
14 portfolio system that has allowed us to make
15 those advances.

16 But besides that, just being a
17 statistic, here are some numbers that really
18 count. I'm told today that we now have 210
19 solar installers added to the job market in our
20 state. We have 140 factory jobs at Motech that
21 are factory manufacturing jobs, and they are
22 planning very soon to add 70 more. We believe
23 that this expansion of the renewable portfolio
24 will even grow that number.



1 It's a very interesting number,
2 though. When I add those numbers up, I come
3 very close to the average number that we expect
4 to add jobs back at the, at the former Valero
5 plant at Delaware City. And as you may recall,
6 we invest -- we have invested \$40 million in
7 having those jobs returned.

8 These are jobs that we haven't
9 had to invest in. We've had -- we've developed
10 a portfolio system that has brought these jobs
11 to us and the benefits to our ratepayers and to
12 our population.

13 THE PRESIDENT: Senator Bonini.

14 SENATOR BONINI: Thank you, Mr.
15 President. I apologize for my voice. Be very
16 brief.

17 This is command economy. This is
18 exactly what we should not be doing. Senator,
19 how much, on average, is the cost renewable
20 energy versus traditional energy?

21 I'm sorry if I've asked a
22 question, Mr. President.

23 SENATOR McDOWELL: It depends on
24 the type of renewable energy you're talking



1 about. Some of it, some of it is less.

2 SENATOR BONINI: Okay, the
3 average cost as of last week for renewable
4 energy versus traditional energy is about four
5 times.

6 SENATOR McDOWELL: No, sir.

7 SENATOR BONINI: And -- well, I
8 mean, Senator, I can show you the, the
9 statistics. I looked at them last week. It's
10 about four times. This is going to
11 dramatically increase the price of electricity
12 to our businesses and our constituents. And
13 it's simple math. If you require people to buy
14 a more expensive product, and then they're
15 simply going to pass that on to the, to the
16 ratepayers. It's simple math.

17 When the -- I am a big believer
18 in renewable energy, recycling, all those kind
19 of things. But the bottom line is, they're not
20 going to work till the market says they're
21 going to work. And the government can push
22 them all they want. What we're going to do is
23 increase people's electric bills. And this
24 bill absolutely will increase people's electric



1 bills, bottom line. Thank you.

2 SENATOR McDOWELL: Mr. President,
3 I'd just like to say, I think that is not the
4 correct calculations. I'd like to give you
5 some real numbers.

6 Dover SUN Park came in -- which
7 we just announced last week, it's a 50-megawatt
8 solar park. It came in at 9 cents a kilowatt
9 hour, 9 cents. We're paying retail right now
10 about 15 cents.

11 Mr. President, those are figures
12 that don't lie. You can check with the City of
13 Dover. Nine cents is what that 50 megawatts
14 came in at -- I'm sorry, 10 megawatts.

15 THE PRESIDENT: Senator Venables.

16 SENATOR VENABLES: Thank you, Mr.
17 President. Some of the things that I was going
18 to say have already been said. But there's one
19 thing that hasn't been said, and that's about
20 the preference laws that is incorporated in
21 this for manufacturers and also for Delaware
22 labor.

23 Delaware is too small to have
24 preference laws against people from other



1 states, and all it's going to do is set off
2 other states to do the exact same thing. And
3 it works pretty good in a big state, but not a
4 little state like Delaware.

5 The other thing of it is, I think
6 why we don't see anybody here maybe from
7 Delmarva Power & Light or some of the
8 co-operatives or some of the towns is because
9 all of these costs are passed -- {ooh}, passed
10 on to the consumer.

11 And what Senator McDowell is
12 forgetting about, we have a tremendous amount
13 of people that live on fixed incomes that won't
14 be participating in these jobs he's talking
15 about. They'll be stuck with the salaries --
16 or the pensions that they get, and yet their
17 electric bills are going to go up.

18 The figures that I have are more
19 similar, you know, to what Senator Bonini was
20 saying. The average cost of buying electricity
21 from coal or atomic energy is about 7-1/2 cents
22 kilowatt hour. Prices from this ranges from 27
23 cents to 45 cents. And I realize, you know,
24 it's passed on with a number of years, but each



1 year it steps up, and all of those costs are
2 passed on.

3 And I think that if Delmarva
4 Power & Light and these other utilities really
5 cared about what electricity cost, they would
6 be here today to explain to us that these
7 people are going to really have some -- I don't
8 know why we didn't keep it at 20 percent, why
9 we're trying to go on to 30 percent.

10 And I think another thing that
11 Senator Bonini said that I was going to say,
12 it's the wrong time. We just can't keep adding
13 on to these people's expenses to live, not
14 unless you turn this economy around.

15 SENATOR McDOWELL: Mr. President,
16 I just have to speak. I just don't think the
17 numbers that are presented are anywhere near
18 the reality on the page. As a matter of fact,
19 we have operated under a renewable portfolio
20 system now for 2-1/2 years, and there is no
21 evidence that that system has increased the
22 retail cost of electricity one cent.

23 THE PRESIDENT: Senator Connor?

24 SENATOR CONNOR: Thank you, Mr.



1 President.

2 Senator McDowell, am I to assume
3 that during the substitute bill, and the reason
4 it came about, was because there were some of
5 the co-ops, et cetera, of electric had some
6 concerns? So for the record now, most of them
7 are in agreement with what happened? I know
8 there was compromise. Can you speak to that
9 issue, please?

10 SENATOR McDOWELL: Yes. I
11 believe that as of the last report I had,
12 they're all in agreement. We have satisfied
13 all of them. I mentioned some of the things.
14 One of the things that was questioned here was
15 the, the local, local labor, local supply that
16 was one of the things that was -- I don't
17 remember which of the stakeholders asked for
18 that, but it came from them. All of the
19 changes we made came from trying to meet the
20 concerns of the stakeholders.

21 SENATOR CONNOR: I think, if I
22 look at the letter that was dated June 8th from
23 the City of New Castle, it was them that was
24 worried about taking away local control. So



1 that was my one issue that I'm concerned about
2 here. And if you're saying that they -- the
3 compromise was achieved by that substitute,
4 that's, that's where I'm at. I need to know
5 that, sir.

6 SENATOR McDOWELL: They were not
7 specifically at the table. They were at the
8 table in the form of their umbrella group, the
9 Delaware Municipal -- whatever, with McCullar,
10 Pat McCullar is the president of that group.
11 He was at the table, and he has agreed to the
12 compromises that we've made.

13 I -- I don't really see -- I saw
14 that letter. I don't see where we're taking
15 anything away specifically from New Castle,
16 unless, unless -- I just don't know. I don't
17 know what --

18 SENATOR CONNOR: Thank you very
19 much, sir. I appreciate your verification, and
20 I was glad that you were mentioning that
21 Mr. McCullar was there at the table. And it is
22 DEMEC. Thank you so much, sir.

23 SENATOR McDOWELL: DEMEC.

24 THE PRESIDENT: Senator Simpson.



1 Senator Simpson.

2 SENATOR SIMPSON: Thank you, Mr.
3 President.

4 Senator McDowell, I commend you
5 for, for the work you've done on renewable
6 energy in Delaware. You've certainly got us
7 in, in high regards throughout the world,
8 really.

9 However, I do not agree with this
10 bill. Does this bill ensure that the
11 renewables will be produced in Delaware?

12 THE PRESIDENT: Senator McDowell.

13 SENATOR McDOWELL: Not -- well,
14 not entirely. In the whole renewable system --
15 I mean we are in a big picture of electrical
16 supply, and there is a trading that goes on. I
17 don't know that I can address directly, but
18 the -- how many RECs can be purchased out of
19 state or not. It is possible to purchase out
20 of state. You, you generally get a favorable
21 rate in state if you're getting out of state,
22 and you wouldn't get -- for instance, you
23 wouldn't get any of the local percentage boost
24 of credit for manufacturing or for local labor



1 if you went out of state.

2 But now, some states exclude
3 people from out of state from entering their
4 market. But generally, the market is
5 controlled by the PJM, which is a large pool,
6 and it's simply -- it's like having a stock
7 exchange where more participants make a better
8 base.

9 SENATOR SIMPSON: Isn't it true
10 that the majority, vast majority of renewables
11 being consumed in Delaware today are from out
12 of state?

13 SENATOR McDOWELL: I'm not sure I
14 could quantify that. I don't think so, but I
15 don't think I could quantify that. But it --
16 anyplace --

17 SENATOR SIMPSON: Well, well,
18 where would we be in Delaware today generating
19 anywhere near the renewables that are being
20 consumed in the state? Could you give me a
21 couple examples of major producers of
22 electricity in the state from renewables?

23 SENATOR McDOWELL: Oh, sure.
24 The -- let's say -- better yet, get my thoughts



1 together. I wasn't expecting this. But, for
2 instance, Delaware Electric Co-op has --

3 SENATOR SIMPSON: Most of that's
4 out of state.

5 SENATOR McDOWELL: But they have
6 contracts for wind out of state, but they also
7 have contracts for naturally produced gas, that
8 is, landfill gas, in state. They have -- I
9 don't know what they have -- I know they have
10 some solar, I just can't tell you.

11 And in terms of the Delmarva
12 jurisdiction, they have a lot of solar. There
13 are at least five 100-kilowatt systems in
14 place. I don't know how many of the smaller
15 ones, I just -- I don't have those, that data
16 with me. I think --

17 SENATOR SIMPSON: Do you know
18 what percentage we are right now of
19 photovoltaics and wind energy that we are using
20 currently today in Delaware? What percentage
21 and what total?

22 SENATOR McDOWELL: I can't give
23 you the percentage, but I do believe the
24 majority is in state. I do know both Delmarva



1 and, and --

2 SENATOR SIMPSON: Co-op.

3 SENATOR McDOWELL: -- the co-op
4 have bought wind out of state. They both brag
5 about that, they are very proud of that, and
6 they're meeting the non-solar part of the
7 portfolio with a lot of that. They also have
8 contracts. Delmarva has a very big contract,
9 as you know, which we helped work out here in
10 this chamber with the majority leader's help --
11 I mean, sorry, former majority leader, now
12 Pro-Tem, able assistance, and we were able to
13 work out where they will, if it comes on line,
14 be able to buy offshore wind from Delaware.
15 The -- so there's that.

16 SENATOR SIMPSON: Okay.

17 SENATOR McDOWELL: I am certain
18 I'm on sound ground to say the majority of the
19 solar that we are getting is in Delaware, in
20 the jurisdiction of the thing. I mentioned the
21 10 megawatts that Dover has. That, that 10
22 megawatts has taken them past their need for a
23 while.

24 We have the -- we have the



1 Creamside Dairy. I mentioned there's at least
2 five farms that have done 100-kilowatt systems.
3 There are, there are -- University of Delaware
4 is planning 2 megawatts to go on their campus,
5 and that would be in the DEMEC area. We
6 have -- Del Tech is planning -- in the latter
7 stages of planning, the SEU is participating
8 with that, 2 megawatts, Del Tech campuses. And
9 we are expecting a lot more.

10 SENATOR SIMPSON: The energy that
11 we're purchasing from out of state, could you
12 give me the approximate cost of that energy
13 compared to normal sources?

14 SENATOR McDOWELL: Well, I mean,
15 the only thing I know for sure we're buying out
16 of state is the out-of-state wind. I believe
17 those contracts are in the neighborhood of 7 to
18 8 cents. You can beat that a lot with coal, if
19 that's what you want to do. But I'd rather not
20 do that.

21 SENATOR SIMPSON: Well, I think
22 that's a pretty good rate, and you said the SUN
23 Park's rate will be around 7 cents?

24 SENATOR McDOWELL: Nine. About



1 9.

2 SENATOR SIMPSON: Around 9 cents?

3 SENATOR McDOWELL: Yes, sir.

4 SENATOR SIMPSON: Versus?

5 SENATOR McDOWELL: Well the
6 retail, the retail price is, again troubled, as
7 it's different different places, around 15
8 cents. Residential retail price is about 15
9 cents a kilowatt hour --

10 SENATOR SIMPSON: So the SUN Park
11 is less, when it comes on line it will be less
12 than the 15 cents.

13 SENATOR McDOWELL: Well, Dover
14 has yet to add some charges for the lines and
15 wires and a few things like that.

16 SENATOR SIMPSON: Right.

17 SENATOR McDOWELL: But that's
18 their business.

19 SENATOR SIMPSON: I guess what
20 I'm trying to get at is what we're creating
21 with this bill reminds me of an artificial
22 market, much like price control, whereas in a
23 free market, that SUN Park that can do it for 7
24 cents will probably come in less in, in a



1 regular market. And that's what we should be
2 trying to achieve is giving incentives to those
3 companies to invest, like we did Dover, in a
4 SUN Park without creating artificial demand.

5 SENATOR McDOWELL: Well, I will
6 say that the Dover SUN Park could never be
7 built without the renewable portfolio standards
8 that we, we had. And all we are doing is
9 advancing that a little bit to keep us up
10 competitive with our neighbors.

11 In New Jersey -- let me just say,
12 we have increased in this -- we increased in
13 this bill the value of solar RECs to about
14 \$400. They are selling at \$600 in New Jersey.
15 But we believe that because it's -- well, first
16 of all, we, we can't go buy in New Jersey. New
17 Jersey is a restricted market. But, but it's
18 pressure on us, and we believe the 400 will
19 keep us quite competitive and that we'll be
20 able to be installing solar at a beneficial
21 rate as we go along.

22 SENATOR SIMPSON: Thank you.

23 THE PRESIDENT: Senator
24 Bushweller.



1 SENATOR BUSHWELLER: Thank you,
2 Mr. President.

3 A brief point. The City of Dover
4 is in my district. I've been in conversation
5 with city officials, and the city officials
6 have told me that they are okay with SS 1 to SB
7 119.

8 THE PRESIDENT: Senator Sokola.

9 SENATOR SOKOLA: Thank you, Mr.
10 President.

11 There's been some talk of
12 artificial prices and stuff related to this
13 bill, and I want to point out that a number of
14 times throughout this bill it uses the phrase
15 "emission reduction credits and/or allowances."
16 It's three or four times. And we already are
17 actually paying an artificially low price for
18 electricity generated by coal, and that's
19 because we only pay a little bit of the price
20 in our electric bill. We pay a much greater
21 price through our health care dollars through
22 the, the asthma, the respiratory disease, the
23 lung cancer and all those other things. And
24 what that really costs, we don't know. But



1 that's one cost that goes down when we look at
2 this kind of legislation and when we support
3 it. I will be supporting this bill.

4 THE PRESIDENT: How about Senator
5 Venables, then Senator Simpson. Senator
6 Venables.

7 SENATOR VENABLES: Yeah. When
8 Senator McDowell said they had reached
9 agreement with the power companies, I don't
10 know that this is a fact and that's why I'm
11 going to ask the question. I was told that the
12 agreement with the rural electric was basically
13 they're not included in this, and yet, I see
14 that in the bill itself they're mentioned. And
15 the question to him was, are they, rural
16 electric, in agreement with, excluded from this
17 legislation? Is that the settlement?

18 SENATOR McDOWELL: No, they're
19 not. The first time they are. All utilities
20 are included and it has a fairness section.
21 And at first they didn't like that until we
22 discussed the number of things that they felt
23 would make it better for that. The biggest
24 thing and part of which is what I've called the



1 circuit breaker, whereby, if their rates go --
2 start to go up, and they can demonstrate by
3 empirical data that their rates are going up
4 more than or as much as the numbers we have
5 here, which is 3 percent overall, 1 percent for
6 solar, as a result of participating in the
7 solar, their rates go up in one year by 1
8 percent or more, they can push the circuit
9 breaker and they don't have to comply. And
10 that's all of the utilities can do that.

11 SENATOR VENABLES: Is that same
12 agreement made with Delmarva Power?

13 SENATOR McDOWELL: It's with all
14 three.

15 SENATOR VENABLES: With all of
16 them. I wish some of them were here, you know,
17 to answer some questions. This is a different
18 story than I'm getting, you know.

19 SENATOR McDOWELL: Well, Mr.
20 President, there was a problem -- when we
21 negotiated -- we were negotiating last week on
22 this, and one of the problems is a glitch in
23 our system. We did not have Senate Substitute
24 1 up on the system because of a glitch in our



1 system. So people who were negotiating with
2 us, we were saying yes, we've got your concerns
3 covered. They would go to the Internet, and
4 all they would find was Senate Bill 1, not
5 Senate Substitute 1.

6 THE PRESIDENT: Senator DeLuca.

7 SENATOR DeLUCA: Thank you, Mr.
8 President.

9 Senator, it's not a glitch in the
10 system. The bill can't be put out until it's
11 introduced, and that's specifically why I laid
12 it on the table and placed the substitute with
13 the bill, so that it could be put into the
14 system.

15 SENATOR McDOWELL: That's right.
16 But there was, there was some delay in that,
17 and I'll take the responsibility for that. But
18 it caused some misunderstanding across the end
19 of last week and over the weekend.

20 THE PRESIDENT: Senator Simpson.

21 SENATOR SIMPSON: Thank you, Mr.
22 President. I just wanted to respond to Senator
23 Sokola. I agree with you a hundred percent.
24 There are hidden costs with coal technology,



1 and I understand that and have been very
2 supportive of renewable energy. But I think
3 that in this case, the market needs to work.
4 And if we'll look at the Delaware Electric
5 Co-op, I wish they were here today, the market
6 is working and they are vastly increasing their
7 use of renewable energy products to provide
8 electricity in Delaware. That's all I'm
9 saying, is let the market work and let's not
10 create an artificial demand, driving up costs
11 for our consumers.

12 SENATOR McDOWELL: Well, I think
13 we are setting up a market mechanism by the
14 renewable portfolio. And supporting Senator
15 Sokola's thought, besides the issues that he
16 brought up, which are a little hard to get the
17 hard measurement, there are a lot of subsidies
18 for conventional fuels. Coal is -- benefits
19 from a, what's called a depletion allowance.
20 It's a huge tax break given to them by the, by
21 the federal government. Now, that, we can't
22 really do anything about that. But what we're
23 doing is levelling the playing field just a
24 little bit here and seeing that we're advancing



1 towards the future.

2 I'd also like to go back to the
3 biggest -- the biggest hidden cost of all is
4 that \$300 billion of our money that we export
5 every year to go away, never to be seen again.

6 Roll call, Mr. President.

7 THE PRESIDENT: Senator Bunting.

8 SENATOR BUNTING: I'll be very
9 quick.

10 We're initially -- we're a net
11 importer of power in Delaware. We cannot
12 produce enough power on our own. So regardless
13 of this legislation, we're going to have still
14 the costs coming to us over the transmission
15 that we're going to pay for from out-of-state
16 producers of power regardless of this
17 legislation, so we're, we're handicapped in the
18 sense that we're driven by whatever the market
19 system is away from here. And I feel also this
20 is going to increase the rates for our existing
21 rateholders when it goes into play.

22 THE PRESIDENT: Senator McDowell.

23 SENATOR McDOWELL: Mr. President,
24 I don't know whether we are or aren't a net



1 importer. We -- I think, by one measurement,
2 all states are net importers, because Delaware
3 is selling as much outside of Delaware as we
4 are bringing in. So...

5 THE PRESIDENT: Senator Booth.

6 SENATOR BOOTH: Yes. I was
7 wondering, Mr. President, other than the date
8 2013, I was wondering when this bill gets
9 implemented? Is it from the signature of the
10 governor or, you know, what's the starting
11 point? I know there's been a lot mentioned on
12 the floor about consumers' bills and whatnot,
13 and I was wondering when the bill was supposed
14 to start its effect?

15 THE PRESIDENT: Senator McDowell.

16 SENATOR McDOWELL: Well, I'm not
17 sure that I know exactly the answer to that,
18 but I think once it's signed, we -- if I'm
19 correct, and I think I am on this, in 2010 and
20 2011 we are already ahead of the schedule
21 that's produced here, so that it really doesn't
22 much matter. What matters is when we get to
23 2013 and, and then we're -- we have a new
24 schedule.



1 We're under a schedule just like
2 this now, and we are ahead of the numbers that
3 are shown here for 2010 and 2011. So that it
4 doesn't hold much matter exactly when it
5 starts, but you're going to have to meet those
6 numbers.

7 Everybody will be meeting the
8 numbers right now when we -- when the governor
9 signs this into law. But come somewhere
10 between 2011, 2012, maybe as long as 2013, then
11 they won't be, or they have to do something to
12 get up to those numbers.

13 SENATOR BOOTH: I was wondering,
14 Mr. President, on page 4 of 7 at the bottom of
15 the page it talks about 2013 and special
16 provisions for municipal electric companies,
17 and that may elect to exempt itself from the
18 subchapter. So I was just wondering why, I
19 just -- I guess I'm confused a little bit about
20 when the bill starts. You know, in trying to
21 help consumers with their, with their bills,
22 which is what's been mentioned by several
23 senators, I'm just trying to figure when, when
24 do, when do they expect their bills to go up?



1 SENATOR McDOWELL: Well, I don't
2 think anybody's bill has to go up by this. I
3 mean, I would argue that this whole structure
4 will lower people's bills. But, you know, once
5 the economy, once the economy kicks around --
6 because if you look at what happened to energy
7 from four years ago through, through two years
8 ago, you will see that this is a protection,
9 because the one thing about renewables is, you
10 know, A, in case of wind you can make long-term
11 contracts and they don't go up because there's
12 no fuel. And in case of solar, they're very,
13 very passive. Once installed, once the Capex
14 is expended, you don't have any increase at
15 all.

16 SENATOR BOOTH: I know, Mr.
17 President, that that's Senator McDowell's goal
18 is for cheaper and cleaner production of, of
19 electric. But as mentioned earlier, we have
20 the circuit breaker which talks about the cost
21 going up 1 percent. And I think we're at 1
22 percent of the total retail cost of electricity
23 and also at 3 percent, which was the total cost
24 of electricity for retail electric suppliers



1 during the same compliance years, so that it
2 was built into the bill when costs go up that
3 they could pull the circuit breaker.

4 SENATOR McDOWELL: Right.

5 SENATOR BOOTH: So I know there,
6 I know there's costs that are associated with
7 this bill or else you wouldn't have those
8 circuit breakers built into the bill that you
9 were talking about earlier.

10 So I guess that's what confuses
11 me when you say that the, the providers right
12 now will already meet the, the requirements
13 when this bill is signed into law. But I'm
14 just wondering, do the consumers get that
15 protection of the 1 percent and 3 percent
16 circuit breakers that were mentioned earlier?

17 SENATOR McDOWELL: Well, the, the
18 numbers on page 80 -- line 82, 3 and 4 are for
19 the rural electric co-op and the munis, and
20 that's because they have not been in. They're
21 coming in. That's when they actually
22 officially come into this.

23 But the statement I made earlier,
24 I believe it's correct, they're all ahead of



1 these numbers already. So they will come in --
2 at that time it will be probably close whether
3 they're ahead of the number or not. And they
4 can look at what they're going to do or what
5 they're not going to do to meet the goals.

6 SENATOR BOOTH: But that's --
7 okay. Well, thank you, Mr. President.

8 THE PRESIDENT: Senator Bunting.
9 Senator McDowell.

10 SENATOR McDOWELL: Roll call.

11 THE PRESIDENT: Mr. Secretary,
12 could you please call the roll on Senate
13 Substitute No. 1 for Senate Bill No. 119.

14 (Roll call.)

15 THE SECRETARY: Mr. President,
16 the roll call in Senate Substitute numbered 1
17 to Senate Bill numbered 119, 17 yes and four
18 no.

19 THE PRESIDENT: Having received
20 its requirement, majority Senate Substitute 1
21 for Senate Bill No. 119 has passed the Senate.

22 - - - - -

23

24



1 CERTIFICATE

2 STATE OF DELAWARE)
3)
4 NEW CASTLE COUNTY)

5 I, Julie H. Parrack, Registered
6 Professional Reporter and Notary Public, do
7 hereby certify that the foregoing record, pages
8 2 to 35 inclusive, is a true and accurate
9 transcript, to the best of my ability, of an
10 electronic recording in the above-captioned
11 matter.

12 IN WITNESS WHEREOF, I have
13 hereunto set my hand and seal this 30th day of
14 December, 2013.

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18
19 Julie H. Parrack, RMR-CRR
20
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24



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