

In The Matter Of:
House Energy Committee
In Re: Senate Bill 124, Act to Amend Title 26

Transcript Of Audio Recording
June 22, 2011

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HOUSE ENERGY COMMITTEE

June 22, 2011

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RE: Senate Bill Number 124, An Act to Amend
Title 26 of the Delaware Code Relating
to Delaware's Renewable Energy Portfolio
Standards and Delaware Manufactured
Fuel Cells

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Transcript from Audio Recording

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-- Transcript of Proceedings --

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1 REPRESENTATIVE KOWALKO: --
2 formidable opportunity presents itself, we had to be
3 willing to look at the RPS standards as we have
4 constructed them and not ignore them, not do away
5 with them, but expand the parameters of their
6 effectiveness, and I think that this bill does this
7 in a very responsible, secure way and will enable a
8 successful business opportunity and a job production
9 opportunity to come to Delaware.

10 So if I might, Mr. Chair, I would
11 just have brief remarks from the Secretary of DNREC,
12 who can run us through some of the details briefly,
13 if you might.

14 MR. O'MARA: Thank you, Mr. Chairman.
15 Actually, before I say a few words, I would like to
16 turn it over to the Deputy Chief of Staff to
17 Governor Markell, Geoff Sawyer, to walk through some
18 of the mechanics.

19 MR. SAWYER: Good afternoon. Geoff
20 Sawyer. I'm the Deputy Chief of Staff for Governor
21 Markell.

22 The bill SB 124 essentially has three
23 main parts to it. The first, as Representative
24 Kowalko mentioned, is the statutory definition of



1 "qualified fuel cell provider" and "qualified fuel
2 cell provider project" to the Renewable Portfolio
3 Standards Law.

4 There are some important points about
5 this definition in terms of the law, itself. First,
6 a provider must be done manufacturing operations in
7 Delaware by the time the project comes on line. The
8 project must be certified as an economic development
9 opportunity by both DNREC and DEDO. And the
10 project, itself, is contingent upon a tariff being
11 filed and approved by the PSC according to Section
12 364 of the statute.

13 So, in essence, what we are asking
14 this bill is doing is creating an enabling statute
15 that creates regulatory framework by which the PSC
16 will ultimately be reviewing the project.

17 The second sort of main substantive
18 parts of this bill are in Section 236 of the
19 legislation, and essentially they make Delmarva
20 Power and Light responsible with regard to the
21 (inaudible) obligations of all of its customers,
22 as well as creates a process to ensure that any
23 supplier contractors are grandfathered through the
24 transition. This is necessary so that current



1 suppliers will not be harmed and that the end-use
2 customer is not harmed by the transaction.

3 I think the final piece of it, as I
4 alluded to, is the regulatory framework by which the
5 PSC will review the tariff that's going to be filed
6 by Delmarva once the legislation is passed.

7 Deploying the Delaware-manufactured
8 fuel cells is part of a 30-megawatt project. The
9 framework first requires that there are certain
10 minimum provisions that must be in the tariff, such
11 as it must be a 30-megawatt project. The energy
12 must be coming from Delaware-manufactured fuel
13 cells.

14 And there is some headroom in there
15 for an additional 20 megawatts power for
16 customer-sited installations, but it won't be part
17 of this; it will be part of a separate tariff filed
18 with the Commission at some point down the road, if
19 it materializes and makes sense for customer-sited
20 installations.

21 Twenty-year term. And, importantly,
22 a requirement of the tariff is that the levelized
23 cost impact to customers of this deal not exceed the
24 highest cost of energy source already approved by



1 the Commission in Delmarva's current portfolio.

2 So we didn't want anything more
3 expensive than what's already in there. And that's
4 an important metric for the Commission to take a
5 look at.

6 Ultimately, the PSC will assess any
7 incremental costs of this project to Delmarva's
8 customers in relation to certain factors. And those
9 factors are whether the qualified fuel cell provider
10 project utilizes innovative baseload technology --
11 and we think it does -- whether the qualified fuel
12 cell provider project offers environmental benefit
13 to the state relative to conventional baseload, and
14 whether the qualified fuel cell provider project
15 promotes economic development.

16 And that is the basic framework.
17 It's been a very long process from start to finish
18 in working with Bloom and with Delmarva in seven to
19 nine months. And part of that challenge was trying
20 to take into consideration and then try to find a
21 path forward on solving a lot of what we saw as
22 issues, both issues with renewable community in
23 terms of we didn't want to crowd out certain solar
24 projects or other things. Also, we wanted to keep



1 the costs intact and as low as possible to the
2 customer.

3 So at the end of the day, we feel
4 very good about the project that we have put
5 together, and we feel very good about 1,500 jobs.

6 REPRESENTATIVE KOWALKO: Thank you,
7 Mr. Chairman. There are questions from committee
8 members. Can you entertain those, sir?

9 UNIDENTIFIED SPEAKER: I have a
10 question in regards to -- and this is more probably
11 to Delmarva than it is to anybody else. One of the
12 aspects of the bill is to be able to have this
13 qualify as part of your green energy portfolio or,
14 in essence, qualify or, I guess, offset the RECS
15 that you are going to be required to purchase; is
16 that correct?

17 MR. GOODMAN: Todd Goodman for
18 Delmarva Power. That is correct.

19 UNIDENTIFIED SPEAKER: How, as we
20 ramp up and the quotas change -- for example, how
21 many RECS are supposed to be purchasing in the
22 future once this comes online -- what would, without
23 this, what would the quota be, how many RECS you
24 have to buy, and then what will this basically



1 offset, approximately?

2 MR. GOODMAN: You know, I would have
3 to get you that exact answer, because I don't have
4 it for you, and I apologize for that. But this does
5 fill up a good portion of our REC. There is
6 certainly room for more. It (inaudible) slow us
7 down to 3,025. It also leaves quite a bit of room
8 open in the (inaudible) you know, Sawyer said we
9 were very careful (audio volume drops) take up that
10 mark -- but I guess all I can tell you right now is
11 it does not fill us up, but it does take us a good
12 way there and know that this stays way ahead.

13 UNIDENTIFIED SPEAKER: Right. And I
14 guess the question is more so just that: How will
15 this affect the overall REC market for those private
16 individuals that are trying to put, you know, solar
17 panels on their homes, different spools, things of
18 that sort?

19 Because I think right now the REC
20 market, as I understand -- I don't know if it is
21 that light area right at this moment until new
22 quotas come into play, partly because of the Dover
23 solar array coming online. So if anybody, whoever
24 can answer that question.



1 UNIDENTIFIED SPEAKER: Thank you,
2 Representative, for the question.

3 There is a separate task force right
4 now that's working on trying to stabilize the
5 pricing in the solar market. And the goal is to
6 have a lower price for a longer term so the project
7 is more financeable. Because we are in a regional
8 market. There is an influx of projects from
9 Pennsylvania and other places. And so we're trying
10 to come up with a different mechanism.

11 As part of the negotiation, we were
12 trying to preserve a sufficient amount of market
13 share for the smaller and kind of commercial-sized
14 projects. And then the portion of the RECS that
15 count towards the solar carve-out from this project,
16 would just place in the utility-scaled projects
17 similar to Dover, which are very large projects and
18 do have a large impact on a small state in terms of
19 these obligations.

20 And so we believe we can balance it,
21 but we are very aware of that issue, and we believe
22 we can solve it. But it won't be solved through
23 this bill, but through a different process.

24 UNIDENTIFIED SPEAKER: Right. Okay.



1 Thank you very much.

2 UNIDENTIFIED SPEAKER: Any other
3 questions? Representative Heffernan?

4 REPRESENTATIVE HEFERNIN: Thank you.
5 I am a sponsor and supporter of this bill, but my
6 question is that do you have an estimation of how
7 much the ratepayers, their increase will be from
8 Delmarva to cover this legislation?

9 UNIDENTIFIED SPEAKER: Yes. In order
10 to get to the point where we are today, we had
11 Delmarva's consultant -- they have a consultant out
12 of Virginia -- run some models on both the size of
13 the project and the contract price, et cetera, and
14 forecasting out what's going to happen with the REC
15 market going forward. Very, very complex models.

16 And at the end of the day, we think
17 that impact is going to be about a dollar per month
18 to the average residential customer.

19 And I sort of hesitate to give you a
20 firm number, because at the end of the day it's
21 actually going to be the PSC, the Public Service
22 Commission, who will be retaining their own expert,
23 who will be using some of the same assumptions,
24 maybe some different assumptions, and will come up



1 with a number that may be slightly lower than that,
2 may be slightly higher than that.

3 And at the end of the day, the
4 Commission will be weighing what that incremental
5 cost increase is and compare it to, like I said,
6 those back (inaudible) you know, both the jobs, but
7 even more so, the fact that we think this technology
8 really is going to capture the fuel cell market for
9 a long time. And, you know, it's a very innovative
10 company. And we are very excited about the
11 opportunity of having them be a part of the Delaware
12 community.

13 REPRESENTATIVE HEFERNIN: Thank you.
14 But I am excited about the jobs and also excited
15 about the innovative technology and feel that the
16 jobs will, you know, benefit the entire state.

17 My concern is that, you know, the
18 cost is all being borne by Delmarva Power customers,
19 but the benefits might be seen by, you know,
20 non-customers. So that is my concern here, but
21 (audio drops off)

22 UNIDENTIFIED SPEAKER: Do you have a
23 response?

24 UNIDENTIFIED SPEAKER: Um, we

1 obviously are sort of -- our goals as we went along
2 in this process was to minimize that impact as much
3 as we could, as well as, you know, trying to capture
4 the technology and the jobs.

5 And I'm not -- you know, I'm not sure
6 we would be able to sort of pass the impact on to
7 other customers of other utilities, you know,
8 (inaudible)

9 One of the things that we are eager
10 to do is to try and partner with the coop and the
11 municipal providers to try and customer site or
12 otherwise enter into some deals similar to this so
13 that they, too, can take advantage of the technology
14 and take advantage of, hopefully, a Delaware partner
15 that will be manufacturing. Does that answer your
16 question?

17 REPRESENTATIVE HEFERNIN: Yes. That,
18 I would also encourage that. Thank you.

19 UNIDENTIFIED SPEAKER: Any other
20 questions?

21 REPRESENTATIVE KOWALKO: If I may,
22 yeah, just a brief response to Representative
23 Heffernan. That's the beauty of the PSC
24 involvement. They may look at this and say, "Well,



1 you don't need that much money."

2 I have been at many PSC hearings when
3 there has been rate requests and so-for-nows, and I
4 don't think that in my estimation -- because I have
5 been a defender of the ratepayers being given not
6 just the benefit of the doubt but actually the
7 direction of doubt, that it flows in their
8 direction.

9 And I'm very comfortable with this.
10 And I hesitate to say I'm very comfortable speaking
11 for some ratepayers out there. But I think that the
12 investment, the return on the investment of
13 taxpayers and eventuality of a REC recovery being
14 supplanted by actual generation capacity of things,
15 which is the ultimate intention of the renewable
16 energy credits, that we eventually supply renewable
17 energy to the customers directly.

18 I think this is all part of that
19 direction that we need to head in this state. And
20 that's aside from the fact of the enormous
21 opportunity for jobs creation in manufacturing
22 development, which is very important to this.

23 I don't want you to ever think that
24 my support for this bill is taken lightly, as



1 someone who has dealt with Delmarva in a sometimes
2 contentious, mostly a friendly way. And I just want
3 you to know that my interest is certainly on the
4 ratepayers' part.

5 UNIDENTIFIED SPEAKER: Any further
6 questions from the committee?

7 UNIDENTIFIED SPEAKER: I just have a
8 comment. And if the Secretary wanted to make any
9 comment regarding those. While I do support this, I
10 am a cosponsor, my only concern is that, going
11 forward, that we make sure that steps are taken to
12 stabilize the SREC market.

13 One of the purposes of increasing the
14 renewable portfolio standard last year was to help
15 stabilize that market and help give it the time it
16 needed to grow because the economy could fail which
17 would (inaudible) cost of those solar panels to go
18 down is critical to expand that market.

19 So that is -- that is my big concern
20 with this, is that we stay focused going forward and
21 do not say, "Oh, I've got 30 megawatts coming in,
22 we're fine for now, and let's just ignore it for
23 awhile."

24 UNIDENTIFIED SPEAKER: Thank you,

1 Representative, for the question. (inaudible) We
2 are working on that right now, and there is a task
3 force that will have recommendations for
4 consideration by the Commission, so -- because we do
5 need that stability.

6 And I believe we can achieve a much
7 lower cost than a (inaudible) by giving them more
8 certainty for a longer period of time (inaudible)
9 lower impact on ratepayers and a better -- better
10 benefit for the homeowner or that business, because
11 they will have more certainty for a longer period of
12 time. So we are working on that, and we will
13 hopefully have some good news in the next month or
14 so.

15 UNIDENTIFIED SPEAKER: And I'm going
16 to follow up on that comment, too, because I have
17 seen through project presentations the costs,
18 installation costs of the solar arrays going down
19 compared to what it was.

20 So, clearly, the system is working
21 and making it more cost effective for individuals.
22 So it's very important that we continue that on.

23 If we have no further comments from
24 the committee members or questions, what we would do



1 now is move to public comment. We do have a list of
2 a number of individuals.

3 We apologize for having to put time
4 limits on comments, but in order for everybody to be
5 able to get an opportunity to be able to speak, we
6 have to do that. So we are going to give time
7 limits of three minutes for comments.

8 If you do have additional comments
9 that run past three minutes, one, I will apologize
10 to you ahead of time for having to cut you off, but
11 certainly feel free to be able to submit any
12 additional items through the committee members and,
13 of course, a few other representatives who will be
14 voting on this bill.

15 So what we will do is that we will
16 kind of go back and forth. And the first person on
17 the list is Sarah from Delaware City. Is she here?
18 All right. Well, we will move on to the next. If
19 she does come back, we will jump to her.

20 I then have Mr. Richard Timmons. And
21 even though I have stated your name, please state
22 your name and what organization you are with.

23 MR. TIMMONS: Hi. I'm Richard
24 Timmons, representing myself. I'm a chemical



1 engineer who lost his job in Delaware due to the
2 high cost of power, primarily, a few years ago. So
3 I get real concerned whenever we increase the cost
4 of power in Delaware, for whatever reason,
5 especially for reasons that are mandated by the
6 General Assembly, whether it's RGGI, RECS, SRECS, or
7 things like this.

8 From a purely technical basis, when
9 you look at fuel cells, the lower emissions that
10 have been promoted off and on, that can only be if
11 you are comparing them to a dirty coal plant or a
12 very inefficient peaking curve.

13 If you were to build a new power
14 plant today, you would be looking at the
15 efficiencies, compare a fuel cell to a combined
16 cycle or a combustion turbine gas turbine.

17 Gas turbine is more efficient,
18 slightly, than a fuel cell today. So based on that,
19 when you're looking at CO2 emissions or whatever,
20 you compare them to technology of today for gas
21 turbine, you're going to have more CO2 emissions
22 from the fuel cell than you will that.

23 I'm generally against subsidizing any
24 kind of power needs or whatever we have here in



1 Delaware.

2 Basically, if you look at the money
3 that this is going to cost, you look at the News
4 Journal number from yesterday, 67 million, the
5 investment of the state, if you work this out over
6 900 jobs over 20 years, you're looking at a \$5,000
7 per-year, per-job subsidy. That's a lot of money.
8 I think you could find a lot people that would bring
9 jobs into Delaware if you had a \$5,000 a year
10 subsidy.

11 The other thing, we say that -- or it
12 is stated that the emissions from these units are
13 less because there is no combustion. Well, there is
14 an excess of natural gas in the fuel cell. It is
15 combustion on the tail end of it. Not as much, but
16 you're still going to have the combustion products
17 of all these crazy materials that you had, the same
18 as if you were burning it. You will have lower
19 nitrogen oxide, obviously.

20 A concern I have here is also that we
21 are looking at 900 jobs that are potential jobs.
22 Down the road here from us right now there is the
23 company, Allen Foods, that is going to eliminate
24 over 2,000 jobs, and they are jobs with real people;



1 they are not jobs that are maybe in the future that
2 we are looking at hypothetical people filling them.
3 We are looking at real people, and yet the State is
4 not working to subsidize them in the least.

5 Well, that's a real concern I have.
6 And I get real concerned when the General Assembly
7 is making these economic decisions that are costing
8 me, as a taxpayer and a ratepayer, money.

9 So I am opposed to the fuel cell
10 subsidies. If they can compete even up, fine, but
11 if we have to be subsidizing, then I am opposed to
12 this. Thank you.

13 UNIDENTIFIED SPEAKER: Thank you for
14 your comment. We have former Representative
15 Cathcart on the list, as well. Is he here?

16 Okay. We have Dale Slaughter. Gone,
17 as well. John Butkrite? Gone, as well. We now have
18 John Nichols.

19 MR NICHOLS: Thank you very much.
20 I'm here to ask two questions: Why would we
21 jeopardize our national security to go down the
22 baseload road of fuel cells?

23 Fuel cells require rare earth
24 minerals. All fuel cells, all solid oxidized fuel



1 cells, require them.

2 Currently, 6,000 megawatts or coal
3 are going to be retired, according to American
4 Energy, American Electricity and Power. That means
5 that these fuel cells could be shipped from Delaware
6 to the heartland by rail. They are heavy, and they
7 are going to need the rail. My opinion, that's why
8 they are here.

9 If we choose to use fuel cells to
10 produce natural -- to produce energy replacing coal,
11 we are going to jeopardize national security,
12 because we do not produce any rare earth elements in
13 the United States, none. 95 percent of them come
14 from China.

15 That's my first concern. Why would
16 we want to change our reliance on coal and our
17 security for fuel cells?

18 The second question I want to ask has
19 to do with a provision in the bill that allows the
20 fuel cell provider to fine future legislative bodies
21 into paying them in the event that you choose to not
22 go ahead with it in the future.

23 Let's say a better quality, as
24 Representative Kowalko indicated, presents itself.



1 Why would we have to continue to have to subsidize
2 Bloom?

3 Let's say we are not happy with Bloom
4 for whatever reason. Let's say the taxpayers need
5 relief from the costs. Why would you, as a General
6 Assembly, want to bind yourself having them pay the
7 full amount of tariff that they would have received
8 under the subsidy?

9 I can't imagine why you would do
10 that. Why would you look to the future and say
11 anyone going from here on out has to do this? That
12 doesn't seem prudent.

13 So I would ask you to ask yourselves
14 why you would choose to vote for such a bill with
15 that provision in it and why you would choose to tie
16 our energy security, our national energy security to
17 the importation of rare earth elements. Thank you.

18 UNIDENTIFIED SPEAKER: Thank you. We
19 have next on the list Dave Stevenson.

20 MR. STEVENSON: Hi. Dave Stevenson
21 with the Caesar Rodney Institute. I actually think
22 that including fuel cells in the renewable portfolio
23 standards is a step in the right direction, and I
24 applaud that. It recognizes the benefits of natural



1 gas in improving both greenhouse gas emission and
2 pollution.

3 I think the bill doesn't go far
4 enough. You should consider an amendment that would
5 allow any natural gas-fired generation facility that
6 can equal the efficiency of the Bloom fuel cell in
7 this bill.

8 For example, if we were to take the
9 same investment that Bloom is going to make in this
10 fuel cell plant, 30-megawatt plant, and put it into
11 our national gas combined-cycle baseload plan,
12 instead of 30 megawatts, we would get 350 megawatts.

13 If you look at what that does to the
14 economy of Delaware, it would save probably
15 \$66 million in electric costs. It would actually
16 reduce electric costs instead of increase it.

17 Secondly, if you look at greenhouse
18 gas emission, the extra coal-fired plant emissions
19 that would be replaced by a conventional baseload
20 plant would equal about 700,000 metric tons of
21 carbon dioxide.

22 So I, again, applaud adding this, but
23 I think we should also treat other generators and
24 use natural gas in the same manner and include them



1 in the argument. Thank you.

2 UNIDENTIFIED SPEAKER: Thank you,
3 sir. Next and last on the list that we have is
4 Robert Carl.

5 MR. CARL: Good afternoon, everybody.
6 My name is Robert Carl, business manager for the
7 Insulators and Asbestos Workers Local 42.

8 I would like to thank the committee
9 for allowing me the time to speak on Senate Bill
10 124.

11 Speaking for the members of Local 42,
12 we do not believe that this bill should be released
13 from the committee for various reasons and
14 conditions as of yet.

15 The first reason is that our members,
16 the taxpayers, do not want the University of
17 Delaware to receive any more funding or bonding from
18 us, the taxpayers, for this or any other projects
19 without an agreement between the trades or
20 interested parties.

21 The University promotes higher
22 education and receives an extraordinary amount of
23 monies from us, the taxpayers, blatantly remove
24 project specifications in their existing



1 construction projects, a mandatory requirement that
2 insulation mechanics must have completed a
3 state-approved apprenticeship program to work on
4 their projects.

5 I am assuming that higher education
6 is merely a public publicity ploy for gaining
7 profits for a not-for-profit for-profit
8 organization.

9 Our local spends over \$100,000
10 annually for apprenticeship in training. We have
11 given over \$75,000 in scholarships to our members'
12 children over the last five years.

13 I would say we consider ourselves
14 promoters of programs for higher education. Our
15 members' commitment to education and to further
16 their knowledge of the trade went by the wayside
17 from the race to the bottom on these projects.

18 Secondly, it's my understanding that
19 DP&L is not only getting renewable energy credits.
20 Senate Bill 124 also allows them to increase their
21 billing rates. DP&L has a history of disregarding
22 our members and our contractors and utilizing
23 out-of-state contractors and possible undocumented
24 workers.



1 Thirdly, our legislators had a
2 previous job creation bill that was not released
3 from committee. I'm assuming that the bill was not
4 released from committee to accommodate some
5 legislators' own agendas.

6 There is no prevailing wage attached
7 to these projects benefiting the parties, nor is
8 there any working agreements set in place.

9 This is your opportunity to show your
10 support for our members, the working men and women
11 of this state who spent countless hours and
12 resources to support many of you.

13 Until further conversations dealing
14 with these contractors in Bloom Energy, I
15 consider -- I hope that you guys do not bring it out
16 of committee. Thank you.

17 UNIDENTIFIED SPEAKER: Thank you. Do
18 we have any other comment? Yes, sir.

19 MR. FLUHARTY: My name is Don
20 Fluharty. I'm here to read a statement from Tom
21 Noyes, who couldn't make it here today.

22 I write in support of Senate Bill
23 124, which would encourage the deployment of Broom
24 Energy servers in Delaware by including the



1 technology in the state Renewable Portfolio
2 Standard, or RPS.

3 In my view, the bill would provide
4 cost-effective incentives for promising technology
5 while protecting the use of the bulk of the
6 Renewable Portfolio Standard for additional
7 renewable sources like wind and solar energy.

8 Bloom's decision -- Bloom Energy's
9 decision to locate on the old Chrysler site would
10 help make Delaware a leader in clean energy
11 manufacturing. The deployment of the Bloom Energy
12 servers will have benefits for both the environment
13 and the grid.

14 To the extent that these fuel cells
15 replace coal generation, which provides about one
16 half of our electricity, they will contribute to
17 reductions in air emission.

18 Bloom Energy's fuel cells are
19 reportedly more efficient than conventional natural
20 gas turbines, and their ability to be located on
21 site enhances their efficiency by eliminating loss
22 of power over transmission lines.

23 By providing reliable distributed
24 power, this technology should alleviate congestion



1 on the grid and reduce their reliance on
2 out-of-state electricity.

3 Having reviewed Senate Bill 124, I
4 support the inclusion of fuel cell technology in the
5 Renewable Portfolio Standard in this state. Even
6 though fuel cells consume natural gas and emit CO2,
7 promoting their development and employment strikes
8 me as worthwhile as part of our broader effort to
9 promote clean energy.

10 The Renewable Portfolio Standard
11 provides for a portfolio of energy sources to meet
12 our needs for cost-effective, clean energy, and
13 helps promote new business opportunities from the
14 green sect sector. And no single source can meet
15 all of our possibility objectives.

16 The bill would count the allotments
17 for fuel cells under the RPS at 1,152-megawatt hours
18 per day, which would be 3.58 percent of Delaware's
19 total electricity sales in 2009.

20 As a member of the renewable energy
21 task force, I am familiar with the tradeoff
22 necessary to make renewable energy work in Delaware.
23 In my assessment, Senate Bill Number 124 would
24 provide meaningful incentives for Bloom Energy while



1 preserving the bulk of the eventual 25 percent
2 renewable portfolio standards for renewable sources
3 such as wind and solar.

4 Bloom Energy demonstrates that clean
5 energy jobs are no longer just a theoretical
6 possibility. I support Senate Bill 124 as part of
7 Delaware's effort to replace 19th Century energy
8 sources with 21st Century technology. And that's
9 from Tom Noyes. Thank you.

10 UNIDENTIFIED SPEAKER: Thank you.
11 Any other public comment? Yes, sir. Please
12 approach the mic and state your name and
13 organization.

14 MR. MURPHY: My name is Russ Murphy.
15 I'm the founder and executive director of the 912
16 Delaware Patriots.

17 I'm here representing over 2,500
18 people who have looked at all these promises and
19 projections, RECS, and will read the bill later.

20 Our people are very apprehensive of
21 what's going on. We are not in support of this
22 bill. We offer our facilities, our time, and
23 whatever else is necessary to have more public
24 hearings so the public can actually hear what is



1 happening. We meet five times a month. We have
2 often invited the assembly, and I will open that
3 invitation again. Please come to the public.

4 The only thing we have left is to ask
5 you not to pass this out of committee. We will be
6 watching. Thank you very much.

7 UNIDENTIFIED SPEAKER: Thank you.
8 Any other public comment? Seeing none, roll call.

9 REPRESENTATIVE KOWALKO: Thank you.
10 I just wanted to answer briefly one concern raised
11 by Mr. Carl. And there are going to be ongoing
12 discussions as we sit here to try to attach a
13 guarantee, a certainty of Delaware jobs.

14 And I apologize by way of this. I
15 know there has been a concern, and there is an
16 ongoing concern. I have expressed it myself with
17 the unfettered money going to or unaccountable money
18 going to the University of Delaware and other quasi
19 public private institutions in Del State. And I
20 have legislation that would open that up to the
21 public scrutiny, and I intend to pursue that
22 legislation if not this session, certainly next
23 session.

24 I think it's very important that you



1 have concern about how that money is being spent.
2 But I think, in the case of the Bloom project, I
3 don't want to say it's not applicable, because it
4 certainly is. Your concerns are applicable. To
5 create jobs and good-paying jobs are always
6 applicable. But I assure you that we will not --
7 the members of this committee also will not lose
8 focus on that very, very important concern of yours.
9 So thank you for coming today.

10 UNIDENTIFIED SPEAKER: And I have a
11 comment from Representative Williams. In regards to
12 that, there are clearly discussions that are going
13 to be happening. I open myself and the
14 administration in regards to those discussions, and
15 it is something that will be happening as we move
16 forward if this bill does pass from committee, so --

17 UNIDENTIFIED SPEAKER: Thank you. I
18 also want to echo some of Representative Kowalko's
19 remarks. You know, a lot of legislation we have
20 been looking at here, we've talked about jobs in
21 Delaware. It is important that those jobs go to
22 Delawareans.

23 So, you know, we will continue to
24 dialogue, and we do have to make sure that there are



1 (inaudible) going forward that will guarantee jobs
2 come to the residents and citizens of Delaware.

3 UNIDENTIFIED SPEAKER: I actually
4 have a follow-up question for Bloom Energy. We
5 heard a concern regarding the products that you
6 obtain for the construction of your fuel cells. Can
7 you tell us where those products come from?

8 MR. RICHMAN: Josh Richman from Bloom
9 Energy. They involve -- the boxes, themselves,
10 contain a lot of different parts, and (inaudible)
11 the global supply. It sounds like -- and, you know,
12 obviously I can't get into specifics of every single
13 piece in there (inaudible) there may be stuff in
14 there that I certainly don't know. I'm not the
15 founding scientist.

16 What I can assure you is that we have
17 established a global supply for anything that is
18 an -- I guess referred to as a (inaudible) item,
19 which the thing referred to.

20 But the thing that makes our system
21 so unique is that the four components really are
22 based on a commonly available ceramic material, and
23 advances in material science enable the technologies
24 to achieve what it has achieved thus far and will



1 achieve, being so different than the legacy
2 technology that requires precious metals like
3 platinum, catalyst, et cetera.

4 So while it's absolutely correct that
5 one of the things that limited fuel cells deployment
6 and scalability to date have been a reliance on
7 precious metals. One of the many things that make
8 our technology so unique is that we don't have that
9 (inaudible)

10 UNIDENTIFIED SPEAKER: Thank you.
11 Any other follow-up questions from the committee
12 members?

13 Seeing none, do we have a -- we have
14 one motion to release. Do I have a second? We have
15 a second.

16 All those in favor to release? Five,
17 six -- opposed? Eight, nine opposed. Anybody not
18 voting?

19 At this time the bill has been
20 released from the Energy Committee. We will
21 obviously have further debate on the floor. Those
22 individuals that had concerns of the bill, now is
23 the time to speak to fellow representatives and
24 senators.



1 Okay. At this time that was the only
2 item up for agenda on the Energy Committee. We will
3 now reconvene the Natural Resource Committee.

4 Sarah, how are we doing on time for me? For public
5 safety? All right. For Natural Resources, we have
6 House Bill Number 129. Representative Outten.

7 (The court reporter did not transcribe the
8 rest of the audio, as it was unrelated to SB124.)

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1 CERTIFICATE

2 I, Lorena J. Hartnett, a Notary Public and
3 Registered Professional Reporter, do hereby certify
4 that the foregoing is as accurate and complete a
5 transcription as possible from the audio of the
6 proceeding held at the time and place stated herein.

7 The said proceeding was recorded by another
8 party and then reduced to typewriting under my
9 direction. I was not present at said proceeding and
10 am transcribing only that which is audible by means
11 of audio recording.

12 I further certify that I am not a relative,
13 employee, or attorney of any of the parties or a
14 relative or employee of either counsel, and that I
15 am in no way interested directly or indirectly in
16 this action.

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand and affixed my seal of office on this 30th day
19 of November 2015

20 

21 _____
22 Lorena J. Hartnett, R.P.R.
23
24



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