

1 PROPOSED 2024 WEATHERIZATION ASSISTANCE PROGRAM
2 SERC GRANT APPLICATION

3 _____
4 IN RE: WAP SUSTAINABLE ENERGY Docket No.
5 RESOURCES FOR CONSUMERS (SERC) 2024-WAP-CCE-0
6 GRANT FUNDING 019
7 _____

8 HEARING

9 DATE: Monday, December 9, 2024
10 TIME: 10:03 a.m.
11 BEFORE: Theresa L. Smith, Hearing Officer
12 LOCATION: Remote Proceeding
13 89 Kings Highway
14 Dover, DE 19901
15 REPORTED BY: Richard Livengood
16 JOB NO.: 7059404
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A P P E A R A N C E S

ON BEHALF OF IN RE: WAP SUSTAINABLE ENERGY RESOURCES
FOR CONSUMERS (SERC) GRANT FUNDING:

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I N D E X

OPENING STATEMENT By Mr. Henderson

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Department's:		
Exhibit 1	Sustainable Energy Resources for Consumers Grant Application	11/
Exhibit 2	DNREC Public Notice of the Hearing, published 11/17/24 on the DNREC Website	11/
Exhibit 3	Affidavits of the Publication of the Public Notice of the Hearing in the Delaware State News and in the News Journal on 11/17/24	11/
Exhibit 4	Notice of the Hearing as published on the State Public Meeting Calendar on 12/4/24	11/

1 P R O C E E D I N G S

2 THE REPORTER: We are now on the audio
3 record at 10:03 a.m. on December 12 -- excuse me --
4 December 9, 2024. And we are on the audio record.

5 THE HEARING OFFICER: Okay.

6 THE REPORTER: You may proceed.

7 THE HEARING OFFICER: Thank you.

8 I believe everyone is now connected and
9 ready to go, so we will begin with the virtual public
10 hearing. First and foremost, I want to thank everyone
11 for taking your time out of your schedules. The time
12 is now 10:03 a.m.

13 We are here this morning to provide a
14 virtual platform for the State of Delaware's
15 Department of Natural Resources and Environmental
16 Control to conduct its virtual hearing on proposed
17 2024 Weatherization Assistance Program for the
18 Sustainable Energy Resources for Consumer grant
19 application.

20 My name is Teresa Smith, and Secretary
21 Garvin has appointed me to serve as a hearing officer
22 for today's formal proceeding. It should be noted
23 while this hearing is being conducted virtually,
24 everyone is participating independently at their own

1 respective locations.

2 While we are not physically gathered,
3 the Zoom platform does generate a list of those that
4 are virtually present for this proceeding. So the
5 department will have a record of those who join
6 electronically to this event.

7 At the conclusion of my introductory
8 remarks, I will be turning the hearing over to
9 department staff to provide their presentation for the
10 record being generated in this matter. Whereas we
11 would then allow the public to provide verbal
12 comments, the department did not receive any public
13 comment registration prior to the hearing.

14 Therefore, there will be no verbal
15 comments provided during this virtual hearing. There
16 is a court reporter virtually present who will prepare
17 a verbatim transcript of this hearing pursuant to the
18 statutory requirement for DNREC to have the same
19 prepared.

20 And as always, that transcript will be
21 posted on the hearing webpage dedicated to this matter
22 as soon as it is received. In addition, I would
23 encourage those who are attending today's hearing to
24 also visit the hearing webpage dedicated to this

1 matter for additional details concerning the proposed
2 application.

3 The hearing webpage can be found online
4 under the administrative law section of DNREC's
5 website that will be listed at the conclusion of
6 today's hearing.

7 Before we begin the presentation,
8 please be advised of the following protocols that
9 remain in place for all DNREC public hearings. A
10 written comment received must be limited solely to the
11 subject matter of tonight's hearing.

12 All comments pertinent to the subject
13 matter of this virtual hearing will be incorporated
14 into the record being generated in this matter. In
15 order to ensure that everyone who wishes to offer
16 comment for the department's consideration is
17 accommodated, the record in this matter shall remain
18 open through Tuesday, December 24, 2024.

19 There's only one authentic record of
20 the formal proceeding and is the official court
21 reporter's verbatim transcript. Lastly, per DNREC
22 standard hearing protocols, there will be no Q&A or
23 chat session permitted during the hearing.

24 As previously stated, DNREC wishes to

1 ensure that everyone is enabled to offer their
2 comments for inclusion into the record being generated
3 in this matter. Therefore, the record will remain
4 open through December 24, 2024. So the public may
5 offer written comments should they wish to do so.

6 Comments may be submitted through a
7 comment form link on the hearing webpage via email to
8 DNREC hearing comments@delaware.gov or via the U.S.
9 Postal Service at the physical address for DNREC
10 indicated on the hearing webpage and/or public notices
11 previously issued in this matter.

12 Written comments to DNREC may not be
13 submitted using social media platforms such as
14 Twitter, or Facebook, YouTube, or text messaging.

15 Please remember all comment received
16 either through USPS or via the electronic mechanisms
17 noted just now as long as is received by the
18 department on or before December 24, 2024, will bear
19 the exact same weight and will be considered equally.

20 I will now hand it over to Mr. Matthew
21 Henderson with the Division of Climate, Coastal, and
22 Energy to provide the department's presentation.

23 MR. HENDERSON: Good morning.

24 And thank you, Hearing Officer Smith.

1 My name is Matthew Henderson. I'm a
2 planner for the state energy officer's Weatherization
3 Assistance Program, joined today by Brett Swann, our
4 acting energy programs manager.

5 In March of 2024, the energy section
6 within DNREC's Division of Climate, Coastal, and
7 Energy applied for grant funding from the WAP
8 Sustainable Energy Resources for Consumers grant, SERC
9 for short, detailed in WAP Memorandum 117.

10 Having been selected for the award in
11 August, Delaware's WAP proposed to use the funding to
12 replace inefficient and fossil fuel-burning heating
13 systems with variable-speed heat pump systems and
14 paired smart thermostats in single-family homes
15 previously serviced by our program.

16 The electrification work for this
17 initiative when paired with efforts from our state's
18 low-to-moderate-income solar program would provide
19 clean energy and reduce traditional grid impacts.

20 This hearing is being held pursuant to
21 10 CFR 440.15, which requires that any new or
22 additional subgrantee shall be selected at a hearing
23 to receive comments on our proposed state plan. Our
24 proposed subgrantee for this project, the Energy

1 Coordinating Agency, or ECA, currently serves as the
2 sole subgrantee for our weatherization work.

3 The WAP SERC Award is an add-on to our
4 bipartisan infrastructure law, WAP Award, grant
5 funding that is separate from the formula Department
6 of Energy grant that ECA utilizes in their current
7 contract.

8 DNREC still intends to put out an RFP
9 for WAP BIL Services, but our team has received the
10 Department of Energy's approval to add ECA to the BIL
11 grantee plan exclusively as a SERC Subgrantee.

12 BIL funds would remain untouched,
13 meaning any additional dollars needed for SERC
14 services must come from formula WAP grant funding.
15 When the work proposed for WAP BIL grant funding goes
16 out to RFP, ECA would still have to submit a bid to
17 become a BIL subgrantee.

18 In our grant application, ECA along
19 with two of their subcontractors, provided letters of
20 commitment for SERC services, and our SERC grant
21 funding total is \$1.5 million of which ECA would be
22 given 1.275 million for program operations and
23 relevant health and safety measures, along with
24 \$112,500 for administrative costs.

1 This concludes my prepared testimony
2 for today, but I would like to enter four exhibits as
3 follows.

4 First, a copy of the WAP SERC grant
5 application package. Next, the public notice of this
6 hearing published on DNREC's website. Two affidavits
7 of the public notice of the hearing published in
8 Delaware State News and the News Journal respectively.
9 And lastly, a notice of the hearing published on the
10 State's public meeting calendar.

11 That's all for me, and I'll hand things
12 back over to Hearing Officer Smith.

13 THE HEARING OFFICER: Thank you,
14 Mr. Henderson.

15 I have received the proposed exhibits
16 as you just introduced them, Exhibits 1 through 4.
17 And I hereby mark these exhibits as the Department's
18 Exhibits 1 through 4.

19 (Department's Exhibits 1 through 4 were
20 marked for identification.)

21 THE HEARING OFFICER: Now, that this
22 concludes the department's presentation, please note
23 that the hearing record will remain open until
24 December 24, 2024. I want to thank you all for

1 attending the virtual public hearing. The hearing is
2 now concluded at 10:10 a.m. Thank you.

3 THE REPORTER: Thank you.

4 We will go off the audio record at
5 10:10 a.m. Eastern Standard Time.

6 (Whereupon, at 10:10 a.m., the
7 proceeding was concluded.)

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CERTIFICATE

I, RICHARD LIVENGOOD, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Richard Livengood

RICHARD LIVENGOOD

Notary Public in and for the

State of Maryland

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CERTIFICATE OF TRANSCRIBER

I, CHRISTIAN CHEEHE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A rectangular box containing a handwritten signature in cursive script that reads "C. Cheehe".

CHRISTIAN CHEEHE

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1 DELAWARE RULES OF CIVIL PROCEDURE

2 Part V. Depositions and Discovery

3 Title V, Rule 30

4
5 (e) Submission to witness; changes; signing. When
6 the testimony is fully transcribed, the deposition
7 shall be submitted to the witness for examination
8 and shall be read to the witness, unless such
9 examination and reading are waived by the witness
10 and by the parties. Any changes in form or
11 substance which the witness desires to make shall
12 be entered upon the deposition by the officer with
13 a statement of the reasons given by the witness for
14 making them. The deposition shall then be signed by
15 the witness, unless the parties by stipulation
16 waive the signing or the witness is ill or cannot
17 be found or refuses to sign. If the deposition is
18 not signed by the witness within 30 days after the
19 date when the reporter notifies the witness and
20 counsel by mail of the availability for examination
21 by the witness, the officer shall sign it and state
22 on the record the fact of the waiver or of the
23 illness or absence of the witness or the fact of
24 the refusal to sign together with the reason, if
25 any, given therefor; and the deposition may then be

1 used as fully as though signed, unless on a motion
2 to suppress under Rule 32(d) the Court holds that
3 the reasons given for the refusal to sign require
4 rejection of the deposition in whole or in part.

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10 DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
11 ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
12 THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
13 2019. PLEASE REFER TO THE APPLICABLE STATE RULES
14 OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.