

Delaware Department of Natural Resources
and Environmental Control

Proposed Revisions to: 7 DE Admin. Code 2105
"Regulations Governing Evaluation, Measurement, and
Verification Procedures and Standards"

Docket No. 2025-R-CCE-0007

Moderated by Theresa Smith

Monday, September 22, 2025

6:01 p.m.

Remote Proceeding

Dover, DE 19901

Reported by: Anna Do

JOB NO.: 7516916

A P P E A R A N C E S

List of Attendees:

Theresa Smith, DNREC, Regulatory Specialist

(by videoconference)

Anna Keating, DNREC, Division of Climate, Coastal, and

Energy (by videoconference)

Westley Look, DNREC, Intern (by videoconference)

Scott Hunter, DNREC, Principal Planner

(by videoconference)

Kevin Brozyna, Pre-Registered Commenter

(by videoconference)

E X H I B I T S

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Department:		
Exhibit 1	Delaware Technical Reference Manual, October 2024	16
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1 P R O C E E D I N G S

2 THE HEARING OFFICER: Good evening.

3 We're ready to go on record. The time --

4 THE REPORTER: We are now -- apologies.

5 THE HEARING OFFICER: It's okay. Are
6 you ready?

7 THE REPORTER: Yes.

8 THE HEARING OFFICER: The time is now
9 6:01 p.m. on Monday, September 22, 2025. My name is
10 Theresa Smith, and Secretary Patterson has appointed
11 me to serve as the hearing officer for tonight's
12 formal proceeding.

13 For ADA compliance, tonight's formal
14 proceeding offers closed captioning in a variation of
15 languages. For those that would like to utilize this
16 feature, please be advised of the following steps you
17 will need to take:

18 If you are using a computer, there is a
19 "show captions" button located at the bottom of your
20 screen. You will need to click that option. If you
21 don't see the "show captions" button, you may need to
22 select the three dots that say "more."

23 Once you find the "show captions"
24 button, click the carrot pointing up, which will bring

1 up the translation options. You can select your
2 preferred language from there. If your preferred
3 language is not listed, you can select "more," and all
4 the languages will be listed.

5 If joining on a smartphone, select the
6 "captions" button at the bottom of the screen
7 indicated by "CC." If your preferred language is not
8 listed at the bottom, you may have to select the three
9 dots that say "more." You will need to select
10 "meeting settings" with the gear icon next to it.

11 Once the settings page comes up,
12 located at the very bottom, select "translation
13 language." From there, you'll be able to select your
14 preferred language, then select "done" at the top
15 right corner, and then "done" again. If the captions
16 are not automatically popping up, you may need to
17 select "captions" again and select "show captions."

18 So hopefully, by now, you are now
19 connected properly. And we'll go ahead and begin the
20 introductory remarks for tonight. First and foremost,
21 I want to thank you all for taking your time out of
22 your busy schedules to connect with us today.

23 We are here this evening to provide a
24 virtual platform for the state of Delaware's

1 Department of Natural Resources and Environmental
2 Control to conduct its virtual hearing on docket
3 number 2025-R-CCE-0007, the proposed amendments to
4 7 DE Admin. Code 2105 "Regulations Governing
5 Evaluation, Measurement, and Verification Procedures
6 and Standards."

7 The purpose of tonight's hearing is to
8 build a record in regard to the hearing matter by
9 providing a formal legal platform for the public to
10 learn about the proposed revisions and to enable the
11 public to offer their verbal comment. This hearing is
12 being conducted virtually. No one is together in the
13 same room. Everyone is participating independently at
14 their own respective locations.

15 While we are not physically gathered
16 tonight, Zoom does generate a list of those who are
17 virtually present for this proceeding. So the
18 department will have a record of those who have
19 electronically joined this event.

20 There is a court reporter virtually
21 present who will prepare a verbatim transcript of the
22 hearing pursuant to the statutory requirement for
23 DNREC to have the same prepared. And as always, that
24 transcript will be posted on the hearing web page

1 dedicated to this matter as soon as it is received.

2 In addition, I would encourage those
3 who are attending the hearing to also visit the
4 hearing's web page dedicated to this matter for
5 additional details concerning the proposed revisions
6 to 7 DE Admin. Code 2105 "Regulations Governing
7 Evaluation, Measurement, and Verification Procedures
8 and Standards."

9 The hearing record presented tonight
10 along with other related documents are posted on the
11 department's hearing web page dedicated to this
12 matter. The hearing web page can be found online
13 under the administrative law section of DNREC's
14 website that will be posted at the end of tonight's
15 hearing.

16 At the conclusion of my introductory
17 remarks, I will be turning the hearing record over to
18 the department staff to provide a presentation for the
19 record being generated in this matter.

20 Once the presentation concludes, those
21 person who pre-registered in advance of the hearing
22 will be acknowledged and provided an opportunity to
23 offer comment on the proposed regulatory matter in
24 alignment with DNREC's standard comment protocols that

1 I will discuss in later detail soon.

2 Before we begin the presentation,
3 please be advised of the following protocols that
4 remain in place for all DNREC public hearings:

5 All comment received must be limited
6 solely to the subject matter of tonight's hearing.
7 All comments pertinent to this subject matter of the
8 virtual hearing will be incorporated into the record
9 being generated in this matter.

10 In light of the Administrative
11 Procedures Act and to ensure that everyone who wishes
12 to offer comment for the secretary's consider is
13 accommodated, the department is required to, at a
14 minimum, provide a comment period of a minimum of
15 15 days after the hearing.

16 There's only one authentic record of
17 the formal proceeding tonight, and it is the official
18 court reporter's verbatim transcript. The statutory
19 purpose of tonight's hearing is to build a record with
20 regard to the department's proposed actions.

21 A record consisting of the transcript
22 of the hearing tonight, all written comment, all
23 exhibits, and eventually the hearing officer's report
24 will be reviewed by Secretary Patterson.

1 The secretary will ultimately issue an
2 order following that review process containing his
3 decision on this matter and the reasons therefore.
4 Per DNREC's standard hearing protocols, there will be
5 no Q and A or chat session permitted during the
6 hearing.

7 It is important to note that no
8 decision has already been made by the department, nor
9 will any decision be made tonight with regard to the
10 proposed regulatory matter.

11 As previously stated, DNREC wishes to
12 ensure that everyone is enabled to offer their
13 comments for inclusion into the record being generated
14 in this matter as noticed in the legal ads and online.
15 The public comment period will remain open through
16 October 7, 2025.

17 Comments may be submitted directly to
18 DNREC through a comment form link on the hearing
19 web page via email to
20 dnrechearingcomments@delaware.gov or via the US Postal
21 Service at the physical address for DNREC indicated on
22 the hearing web page and/or the public notices
23 previously issued in this matter.

24 Written comments to DNREC may not be

1 submitted using social media platforms, such as
2 Twitter, Facebook, YouTube, links to videos, or text
3 messaging. Please remember that all comment received
4 either through USPS or via the electronic mechanism
5 noted just now, as long as it is received by the
6 department on or before October 7th, will bear the
7 exact same weight and will be considered equally by
8 the secretary prior to making his final decision.

9 While all comments are appreciated,
10 each comment must be limited solely to the subject
11 matter of tonight's hearing. Multiple comments saying
12 the same thing do not outweigh one singular comment.
13 Simply put, they are not votes, as a single well-
14 supported comment may carry more weight than a
15 thousand form letters.

16 I also want to note that only comments
17 submitted directly to DNREC and entered by myself into
18 the formal hearing record in this matter will be
19 posted on the hearing web page and be considered by
20 the department as a part of the decision process.

21 The department has not partnered with
22 any outside organization or website to assist with the
23 public submission of comments in this matter. So
24 again, only submit comments to DNREC directly.

1 Lastly, the ultimate decision regarding
2 this matter is DNREC Secretary Patterson. This formal
3 proceeding tonight acts as a mechanism to enable the
4 department to thoroughly vet the hearing matter to the
5 public and to let the public know the various ways
6 which comment may be submitted for
7 Secretary Patterson's consideration if so desired.

8 I will now hand it over to Anna Keating
9 with the Division of Climate, Coastal, and Energy to
10 provide the department's presentation.

11 MS. KEATING: Thank you, Theresa.

12 For context, this regulation guides the
13 evaluation, measurement, and verification process in
14 Delaware. EM&V is the process by which energy
15 professionals make sure efficiency programs are saving
16 energy and money. It helps energy professionals
17 assess how programs are working and decide what
18 strategies to continue to pursue.

19 The purpose of the regulatory action is
20 to amend the regulation in order to incorporate the
21 Delaware Technical Reference Manual instead of the
22 Mid-Atlantic Technical Reference Manual to include
23 non-energy impacts as approved by the EEAC as benefits
24 in the total resource cost test and to revise

1 definitions, unit of measure, and terminology for
2 clarity and accuracy.

3 The Mid-Atlantic TRM was a regional
4 effort co-funded by participating states, but many of
5 the measures included were not actually applicable to
6 Delaware's programs. As a result, it became more
7 costly and administratively efficient to focus
8 resources on creating a TRM that reflects the measures
9 that are actually implemented in Delaware. The
10 Delaware TRM allows for more frequent updates and
11 better alignment with local program and evaluation
12 needs.

13 In addition, the Mid-Atlantic TRM was
14 last updated in 2020. And the Northeast Energy
15 Efficiency Partnership, NEEP, is the organization that
16 led the Mid-Atlantic TRM review and update process --
17 is no longer doing so.

18 Regarding the inclusion of the non-
19 energy impacts and the total resource cost test, this
20 change aligns with practices in other states, such as
21 Maryland, New York, and Vermont. These impacts
22 represent quantifiable benefits, such as health,
23 comfort, economic benefits, and including them in
24 cost-effectiveness screening provides a more holistic

1 view of a program's value.

2 Non-energy impacts also support
3 Delaware's broader policy goals, such as reducing
4 greenhouse gas emissions and advancing equity by
5 recognizing the full range of benefits that energy
6 efficiency programs can deliver.

7 Many of the edits provided specificity
8 to the regulation or update the regulation to reflect
9 current practices. An example of this is that the
10 previous version of the regulation indicated that
11 biannual reports should be presented in August and
12 February. And since the EEAC since changed to a
13 quarterly meeting schedule, the updated regulation now
14 reflects this by specifying that the reports will be
15 presented in October and April instead.

16 The statutory basis for this regulatory
17 amendment is Title 26 of Delaware Code, Chapter 15.
18 DNREC is responsible for determining compliance with
19 Delaware's Energy Efficiency Resource Standards
20 requirements and the establishment of evaluation
21 standards.

22 As for stakeholder engagement, the
23 proposed regulation was drafted with significant
24 review and input from the Energy Efficiency Advisory

1 Council's EM&V Committee over the course of numerous
2 meetings on the revisions.

3 During the formal regulatory process,
4 stakeholder engagement with the interested persons
5 list has been continuously maintained through updates.
6 And final review of the proposed regulation took place
7 at the EM&V meeting on April 8th and the EEAC meeting
8 on April 9th. Feedback gathered at these meetings
9 indicated support for the proposed regulation.

10 Regarding the formal regulatory process
11 to date, the Start Action Notice underwent division
12 director's review, received the secretary's signature,
13 and was distributed to the interested persons list.

14 A deputy attorney general from the
15 Department of Justice conducted a legal review of the
16 draft regulation. The deputy secretary reviewed and
17 approved of the draft regulation. Legal notice
18 advertising the public hearing was made available on
19 the DNREC website, the public meeting calendar, and
20 published in both The News Journal and Delaware State
21 News.

22 The Proposed Regulation, the Register
23 Notice, and the Regulatory Flexibility Analysis and
24 Impact Statement were published in the Register of

1 Regulations.

2 I would now like to enter the following
3 proposed exhibits onto the record: the Delaware
4 Technical Reference Manual, the Start Action Notice,
5 the Public Meeting Calendar Legal Notice, the Online
6 Public Notice, the Public Hearing event page, the
7 affidavits and legal notices from The News Journal and
8 Delaware State News, the Register Notice, the
9 Regulatory Flexibility Analysis and Impact Statement,
10 the Proposed Regulation, and the Public Hearing
11 PowerPoint.

12 And that concludes my presentation.

13 Theresa, I think you're still muted.

14 THE HEARING OFFICER: Thank you. I
15 have received the exhibits that are just listed. Have
16 there been any changes to the exhibits since they were
17 initially posted on the hearing web page as proposed?

18 MS. KEATING: Yes, the revised version
19 of the hearing PowerPoint was posted on the DNREC
20 website today.

21 THE HEARING OFFICER: I'm sorry. Can
22 you repeat that one more time?

23 MS. KEATING: A revised version of this
24 hearing PowerPoint was posted on the DNREC website

1 today.

2 THE HEARING OFFICER: Thank you.

3 Okay. I have received the revised
4 version as well of Exhibit 9. I hereby marked the
5 Exhibits 1 through 9 as Department's Exhibits 1
6 through 9.

7 (Department Exhibits 1 through 9 were
8 marked for identification.)

9 THE HEARING OFFICER: Now that the
10 department's presentation has concluded, we will now
11 turn our attention to those who have pre-registered
12 for the opportunity to offer verbal comment at
13 tonight's hearing.

14 Per the protocol set forth in DNREC's
15 Public Hearing web page and in the legal ads issued in
16 this matter, those wishing to offer verbal comment
17 during the virtual hearing must have pre-registered
18 with DNREC no later than noon the day of the hearing.

19 The order of the comments received
20 tonight was established as a result of the
21 department's pre-registration process in which we had
22 one pre-registered comment -- commenter to provide
23 comment tonight.

24 That commenter must adhere to the

1 department's protocols with regard to offering verbal
2 comment, including making their comments as concise as
3 possible, respecting the three-minute time limit that
4 is going to be given, and limiting their comments to
5 this subject matter of this hearing only.

6 When that speaker is called upon, the
7 system will ask to unmute yourself if you have joined
8 electronically. If you have joined electronically or
9 if you have called in, you will need to press "star
10 six" to unmute yourself once you're called upon.

11 Once you have unmuted yourself, I ask
12 that you please state your first and last name for the
13 record and the company that you are representing, if
14 there is one, and the timer will begin.

15 At the end of the three minutes, the
16 speaker's audio will be automatically placed back on
17 mute, and for no reason will the commenter be granted
18 more than three minutes of time to speak.

19 If the commenter is unable to finish
20 their comment within that time period, the department
21 encourages them to complete or submit a written
22 comment no later than October 7, 2025.

23 The comment will be transcribed by the
24 court reporter and thereby incorporated into the

1 hearing record tonight. Please note there is no live
2 video of the commenter. It is only audio.

3 So with that being said, can I please
4 have Kevin Brozyna unmuted?

5 Mr. Brozyna?

6 MR. BROZYNA: Hey, good evening. Can
7 you hear me?

8 THE HEARING OFFICER: I can hear you.
9 Give me one second so I can start the three minutes,
10 and then you may begin when I confirm that.

11 MR. BROZYNA: You don't have to worry
12 about the three minutes. I'm -- I'm going to be very
13 short. I'm actually -- not going to be able to
14 provide comments this evening.

15 THE HEARING OFFICER: Okay. You may go
16 ahead.

17 MR. BROZYNA: So this -- this is Kevin
18 Brozyna with K. Hovnanian Homes. I -- I did plan on
19 submitting comments, but I'll provide the written
20 comments instead of a testimonial this evening. But
21 appreciate you guys having the hearing or, you know,
22 offering this forum for tonight. I'll follow back up
23 with some written testimony and comments afterwards.
24 Thank you.

1 THE HEARING OFFICER: Okay. No
2 problem. Thank you, Mr. Brozyna.

3 That was the one commenter that we had
4 registered for tonight. So I want to thank you all
5 for joining. Again, if you wish to submit your public
6 comment, you're reminded to please follow the
7 instructions that were given during my introductory
8 remarks and that are on the screen right now. The
9 hearing record will remain open through October 7th.

10 The hearing is now concluded at
11 6:17 p.m. Thank you.

12 (Whereupon, at 6:17 p.m., the
13 proceeding was concluded.)
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CERTIFICATE

I, ANNA DO, 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.

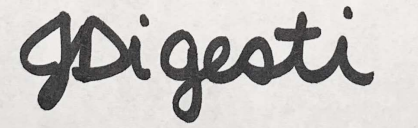


ANNA DO

Notary Public in and for the
Commonwealth of Pennsylvania

CERTIFICATE OF TRANSCRIBER

I, JENNIFER DIGESTI, 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 handwritten signature in black ink, appearing to read "J. Digesti", is written on a light-colored rectangular background.

JENNIFER DIGESTI

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