

**Department of Natural Resources and Environmental Control  
Division of Energy & Climate**

**Affirmation of Director's Determination under 26 Del. C. § 354(i) & (j) and Regulation 104  
Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions**

**April 28, 2016**

According to 26 Del. C. § 354(i) & (j) and Regulation 104 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions, the Director of the DNREC Division of Energy & Climate has the authority to review the calculations of the costs and benefits of Delaware's Renewable Portfolio Standards (RPS), consult with the Public Service Commission, and determine whether to freeze the RPS and the solar PV carve-out of the RPS.

The Director's Determination under 26 Del. C. § 354(i) & (j) and Regulation 104 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions was published in the Register of Regulations on April 1, 2016. The Regulation gives the public 15 business days from the publication of the Determination to submit comments. The Division received four written comments, which were reviewed in a response memorandum prepared by Thomas Noyes dated April 27, 2016.

Mr. Noyes has reported that the comments received do not raise issues that would give cause to revise the determination to not freeze the RPS. The comments and the response memorandum are available online at <http://www.dnrec.delaware.gov/energy/information/otherinfo/Pages/Renewable.aspx>.

Having reviewed the comments and the response memorandum, my determination to not freeze the RPS stands.

Approved:



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Philip J. Cherry, Director  
April 28, 2016