



SPONSOR: Sen. Hansen

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1
TO
SENATE BILL NO. 265

1 AMEND Senate Bill No. 265 on line 39 by deleting “8056(d)(3)” as it appears therein and inserting in lieu thereof
2 “8056(d)(4)”.

3 FURTHER AMEND Senate Bill No. 265 on line 55 by deleting “at least 800 megawatts and” as it appears therein.

4 FURTHER AMEND Senate Bill No. 265 on lines 61 to 62 by deleting “Any particular Solicitation considered
5 may be above or below 800 megawatts, so long as over time, multiple Solicitations provide in aggregate between 800
6 megawatts but not more than 1,200 megawatts.” as it appears therein.

7 FURTHER AMEND Senate Bill No. 265 on lines 64-68 by deleting “Should the State Energy Office determine to
8 use a Coordinated Solicitation, the solicitation does not need to contain the OSW Solicitation Requirements, provided,
9 however, that any proposal resulting from a Coordinated Solicitation must be consistent with the OSW Solicitation
10 Requirements to be considered by the State Energy Office and is subject to paragraphs (d)(4) through (d)(7) of this
11 Section.” as it appears therein.

12 FURTHER AMEND Senate Bill No. 265 by inserting the following after line 68, and by redesignating
13 accordingly:

14 “(3) For both Delaware Solicitations and for Coordinated Solicitations, the State Energy Office is directed to
15 ensure that the ratepayers of one utility never bear the costs of any project alone, either by using a Coordinated Solicitation,
16 or by including at least one additional offtaker for any Delaware Solicitation. For Delaware Solicitations, the State Energy
17 Office is directed to either identify an additional offtaker prior to issuance of a Solicitation (as set forth in section
18 8056(d)(6)) or the bidder must identify an additional offtaker (as is set forth in section 8056(d)(4)d).”.

19 FURTHER AMEND Senate Bill No. 265 on line 71 by deleting “if weighting is considered appropriate by the
20 State Energy Office” as it appears therein.

21 FURTHER AMEND Senate Bill No. 265 by inserting the following after line 86 and by redesignating
22 accordingly:

23 “d. shall identify at least one commitment to enter into a long-term contract to purchase offshore wind energy or
24 renewable energy credits with businesses, nonprofit organizations, the State, municipalities or groups of municipalities, or
25 with cooperative associations. The State Energy Office may identify in the Solicitation materials that this commitment has
26 been secured prior to the Solicitation. However, if no such commitment is identified by the State Energy Office, then such
27 commitment must be included as a part of the bid submitted by a project proponent.”.

28 FURTHER AMEND Senate Bill No. 265 by inserting the following after line 104 and by redesignating
29 accordingly:

30 “(5) For any Coordinated Solicitation, any contract applicable to Delaware offtakers shall meet the requirements of
31 section 8056(d)(4)(b) (the Delaware Benchmark Price). Contracts involving offtakers from other coordinating states need
32 not meet the requirements of section 8056(d)(4)(b). Additionally, any proposal resulting from a Coordinated Solicitation is
33 subject to paragraphs (d)(7) through (d)(9) of this Section.

34 (6) The State Energy Office may, prior to the issuance of Delaware Solicitation or a Coordinated Solicitation, enter
35 agreements with potential offtakers, including but not limited to businesses, nonprofit organizations, the State,
36 municipalities or groups of municipalities, or with cooperative associations, who are willing to enter long term contracts in
37 the event that a project moves forward. Notwithstanding the provisions of Chapter 69 of Title 29 of the Delaware Code, the
38 State of Delaware has authority to enter such an energy supply contract for any portion of the power supply needs of the
39 State upon approval of the Director of the Office of Management and Budget.”.

40 FURTHER AMEND Senate Bill No. 265 on line 118 by deleting “each” as it appears therein and inserting in lieu
41 thereof “a Delaware Solicitation” .

42 FURTHER AMEND Senate Bill No. 265 on lines 118-119 by deleting “any proposal arising from a Delaware
43 Solicitation” as it appears therein and inserting in lieu thereof “whether any Coordinated Solicitation meets the
44 requirements applicable to Coordinated Solicitations in this section. Any Solicitation.”.

45 FURTHER AMEND Senate Bill No. 265 on lines 119-120 by deleting “or in the case of a Coordinated
46 Solicitation, is not consistent with such requirements” as it appears therein.

47 FURTHER AMEND Senate Bill No. 265 on line 121 by deleting “that meet the OSW Solicitation Requirements,
48 and” as it appears therein.

49 FURTHER AMEND Senate Bill No. 265 on line 122 by deleting “(d)(3)b” as it appears therein and inserting in
50 lieu thereof “(d)(4)b”.

51 FURTHER AMEND Senate Bill No. 265 on line 150-151 by deleting “paragraph (d)(6) of” as it appears therein.

FURTHER AMEND Senate Bill No. 265 on line 225 by deleting “2022” and inserting “2025” as it appears therein.

FURTHER AMEND Senate Bill No. 265 on line 227 by deleting “achieve a level” as it appears therein and inserting in lieu thereof “transitioning to increased”.

FURTHER AMEND Senate Bill No. 265 on line 227 by deleting “penetration” as it appears therein and inserting in lieu thereof “purchases, including an evaluation of offshore wind resources and solar resources available”.

FURTHER AMEND Senate Bill No. 265 on line 227 by inserting after “territory, and” the following: “shall set forth a long-term plan detailing how the entity will contribute to helping the State achieve the carbon reduction goals set forth in Chapter 100 of Title 7. The entity”.

FURTHER AMEND Senate Bill No. 265 on line 230 by inserting, at the end of the line, the following:

“If the reporting entity declined to participate in a solicitation by the State Energy Office for an Offshore Wind Contract in the reporting period, the reporting entity shall detail in the report the reasons for its failure to participate, identify changes to the solicitation that would have resulted in its participation, and detail its plans to purchase offshore wind energy through other means, or its plans to otherwise increase its level of purchases of renewable energy resources.”.

FURTHER AMEND Senate Bill No. 265 by inserting in line 337, after “State Energy Plan,” the following, and by redesignating accordingly: “(ii) do not detrimentally impact the ability of the State to procure and transmit renewable energy resources to the citizens of Delaware,”.

FURTHER AMEND Senate Bill No. 265 by inserting, after line 401, the following:

“(p) The provisions of this section 203F shall not apply to any offshore wind interconnection facilities, including any future modifications to such offshore wind interconnection facilities, associated with an offshore wind generation project which has submitted a request for a Federal Consistency Determination from the state’s Coastal Management Program as of April 18, 2024, and which does not travel horizontally along a State of Delaware owned right of way. If, however, any proposed future modifications to the offshore wind interconnection facilities for such an offshore wind generation project include a proposal to travel horizontally along a State of Delaware owned right of way, section 203F shall apply.”.

FURTHER AMEND Senate Bill No. 265 by inserting, after line 501, the following:

“(e) Notwithstanding the provisions hereof related to restrictions on assignment and transfer, a Renewable Energy Entity may pledge and/or collaterally assign its interest in the use and occupancy agreement and associated renewable energy interconnection facilities in the ordinary course of securing financing for any renewable energy interconnection facilities, or associated renewable energy project, without the consent of the Department, provided that no entity may take

82 possession of the renewable energy interconnection facilities in a public right of way, and no entity may receive any interest
83 under a use and occupancy agreement, unless and until the Department has provided its consent to such a transfer under the
84 provisions of section 2005(c).”.

SYNOPSIS

This amendment:

1. Eliminates the requirement that the State Energy Office secure “at least” 800 megawatts of wind energy. The amendment leaves in place the upper limit of 1,200 megawatts for total procurements.
2. Requires that for both Delaware Solicitations and for Coordinated Solicitations, the State Energy Office will ensure that the ratepayers of one utility never bear the costs of any project alone, either by using a Coordinated Solicitation, or by including at least one additional offtaker for any Delaware Solicitation.
3. Clarifies that both Coordinated Solicitations and Delaware Solicitations are subject to the Delaware Benchmark Price, and that Delaware Solicitations are also subject to all of the other OSW Solicitation Requirements.
4. Establishes that the State of Delaware can contract for energy supply from a project resulting from either a Delaware Solicitation or a Coordinated Solicitation, for any portion of the power supply needs of the State.
5. Requires that municipal electric companies or rural electric cooperatives in the State that elect to exempt themselves from Renewable Energy Portfolio Standards submit a report, beginning in 2025, that details its approach to transitioning to increased renewable energy purchases, including a long-term plan detailing how such entity will contribute to helping the State achieve the carbon reduction goals set forth in Chapter 100 of Title 7. The report shall also explain why the entity declined to participate in any solicitation for offshore wind, where there was an opportunity to do so in the reporting period.
6. Adds an additional criteria to be evaluated by the State Energy Office in connection with any Certificate of Public Convenience and Necessity to be issued to any offshore wind interconnection facilities: whether the proposed facilities detrimentally impact the ability of the State to procure and transmit renewable energy resources to the citizens of Delaware.
7. Adds language indicating that any offshore wind project which has submitted a request for a Federal Consistency Determination from the Coastal Management Program as of April 18, 2024 need not secure a Certificate of Public Convenience and Necessity under Section 203F of Title 26, so long as the project does not travel horizontally along a State of Delaware owned right of way.
8. Adds language indicating that a Renewable Energy Entity may pledge its interest in a use and occupancy agreement issued by the Delaware Department of Transportation in connection with project financing, but also that no entity may take possession of the renewable energy interconnection facilities in a public right of way, and no entity may receive any interest under a use and occupancy agreement, unless and until the Department has provided its consent to such a transfer under the provisions of section 2005(c).

Author: Senator Hansen