

Senate Environment, Energy, and Transportation Committee Meeting

153rd General Assembly

March 26, 2025

Senate Chamber/Virtual Meeting

12:01 - 12:49 p.m.

[Senate Committee Recording](#)

Committee Members Present:

Senator Stephanie Hansen

Stephanie.Hansen@delaware.gov

Senator Russ Huxtable

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Senator Elizabeth Lockman (virtually)

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Senator Spiros Mantzavinos

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Senator Trey Paradee

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Senator Eric Buckson

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Senator Brian Pettyjohn

Brian.Pettyjohn@delaware.gov

Staff Members Present:

Anna Shields, Legislative Assistant to **Senator Hansen**

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Kiki Evinger, Policy Director, Senate Majority Caucus

Kathryn.Evinger@delaware.gov

Appendices

Appendix A: Attendees

Appendix B: Submitted Written Public Comment

Introduction

Senator Hansen commenced the meeting at 10:02 and reviewed the hybrid meeting protocol. She explained the meeting structure and the order in which comments would be taken from the committee members and the members of the public.

SB 49 (Pettyjohn) AN ACT TO AMEND TITLE 20 AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING RESTRICTIONS DURING A STATE OF EMERGENCY.

Synopsis: In a state of emergency, getting information to the public as quickly as possible is vital to the safety of the community. This Act provides protections to those who provide these essential communication and broadcasting services by deeming them "first informers." Under this Act, first informers are exempt from driving restrictions that the Governor may impose during a state of emergency. This Act also reorganizes provisions of Chapter 31 of Title 20 for clarity and makes additional technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Senator Pettyjohn introduced the bill and turned it over to Walter Palmer, the Director of Broadcast Operations for Datatech Digital, LLC.

Walter Palmer introduced himself. Datatech Digital manages WGMD radio in Sussex County and WUSX, which is in Seaford. He is also the chair of the Delaware Emergency Communications Committee. They are responsible for administering the emergency alert system here in the State of Delaware, which ensures a timely delivery of critical information during public emergencies.

Walter Palmer stated the following to the committee. The issue at hand is when there is an emergency that causes the State to close its roads. They have personnel in the broadcast industries, whether radio or television, that can work from home when the systems are there to support them working from home. If the Internet goes down, if the phones go down, they have to be at their facilities in order to get their broadcasts on the air. When the Internet goes down, a number of facilities are now using the Internet to get information from their broadcast studios to their transmitters. In his facility, WGMD, he has a 400 foot tower in the backyard of the station on a generator. So he's able to get information out to Southern Delaware easily. The other station in Seaford uses an Internet connection and it does not have a generator. So if the circuits go down, they need to be able to travel down there to establish new interconnectivities or find out why that station is not on the air. Currently, they're not permitted to do that because of the driving restrictions.

Senator Paradee asked if there are requirements to have a particular ID or if that is included in promulgating rules and regulation.

Senator Pettyjohn responded that that is included in rules and regulations but that it is tailored very narrowly.

Senator Huxtable asked about legality of the work of another broadcaster during an emergency.

Walter Palmer responded that it would have been illegal.

Anna Shields facilitated in-person public comment.

Joe Walls of Veterans Services commented in support of the bill.

Anna Shields facilitated virtual public comment.

There was no virtual public comment on that bill.

SJR 3 (Hansen) DIRECTING ALL ELECTRIC PUBLIC UTILITIES IN DELAWARE TO PARTICIPATE IN A STUDY TO BE UNDERTAKEN BY THE DELAWARE SUSTAINABLE ENERGY UTILITY TO ASSESS AND ANALYZE THE COSTS AND BENEFITS OF THE ADOPTION OF ENERGY STORAGE SYSTEMS IN DELAWARE, AND DIRECTING THE DELAWARE SUSTAINABLE ENERGY UTILITY TO CONDUCT A PILOT PROGRAM WITH THE PARTICIPATION AND COOPERATION OF CERTAIN ELECTRIC UTILITIES TO DEVELOP AND DEPLOY PILOT PROJECTS INVOLVING BATTERY STORAGE SYSTEMS IN DELAWARE.

Synopsis: Energy Storage Systems provide benefits to the electric grid, including grid stabilization, managing peak energy demand, and providing backup power during outages. Energy Storage Systems can provide substantial cost savings to residential, commercial, and industrial electricity customers. The construction of Energy Storage Systems will promote economic growth and job creation in Delaware.

This resolution directs the Delaware Sustainable Energy Utility (DESEU) to initiate and undertake a study to assess and analyze the costs and benefits of the adoption of Energy Storage Systems, both in front of and behind the meter, by all electric public utilities in Delaware.

The resolution also directs the DESEU to conduct a pilot program and provide guidance and a level of funding, to be determined by the DESEU, to support Delmarva Power & Light Company, the Delaware Municipal Electric Corporation, the Delaware Electric Cooperative, and one independent power producer to deploy at least one battery storage pilot project in Delaware to serve their Delaware service territory.

The DESEU is to submit a comprehensive report detailing the findings from the battery storage pilot program and the cost-benefit study and analysis of Energy Storage Systems in Delaware on or before June 1, 2026.

Senator Hansen introduced the bill to the committee and summarized it.

Senator Hansen stated that there is a request for an amendment. She invited Matt Hartigan forward.

Matt Hartigan affirmed the request for an amendment to include allowance for cost recovery from Delmarva, excluding the value of benefits that they will receive.

Senator Buckson asked to clarify why we need to do a study when we know we need this.

Matt responded that the study would explain at what level storage would make sense and how big of a system it would be.

Approved on April 9, 2025

Senator Pettyjohn agrees that we need storage. He says he believes that this is being done in other places, he believes that the co-op is already working on this. He mentioned grants from the U.S. Department of Energy. He asked why we are talking about cost recovery if there are grants available.

Matt responded that the assumption is that there is not enough grant funding to cover what the pilot projects may cost.

Senator Pettyjohn asked about how big of a pilot they are looking to do, are they looking at putting them at substations.

Matt responded that that is one idea. They haven't received any application from Delmarva about how they plan to use it.

Senator Pettyjohn asked if we are somehow reinventing the wheel given that we need to move on this issue quickly, noting that he wants to avoid "paralysis by analysis."

Senator Hansen responded that there is a lack of clarity on the costs and also on the reliability of federal grant funding coming from the federal level. The city of Milton sent in a letter about a battery project that they are looking to do. Increased tariffs on batteries are part of this.

Senator Pettyjohn thanked her for the explanation.

Matt Hartigan responded that in other jurisdictions where this has been deployed there are many more customers to spread the costs over.

Senator Buckson asked if we can, are, or should use RGGI funds to pay for this.

Senator Hansen responded that the \$2 million requested by the City of Milford would be coming from RGGI funds through the SEU.

Senator Buckson asked if the entire project could be funded with RGGI.

Senator Hansen responded that we could, but that because there are multiple projects, not just the Milford project, it adds up cost-wise. She said that she does not believe that the SEU intends to spend more than \$1-2 million per project.

Senator Buckson asked about Delmarva's return on investment and if their 10% ROI should be decreased to say 6%.

Senator Hansen responded that that is something that we may need to look into. She explained that they should potentially be compensated not simply as a commodity but more as if they are conducting an orchestra. She emphasized the management component and demand-side management; knowing when to pull from where rather than just the sale of a commodity. How much compensation they should receive for new technologies is also a topic of conversation. She encouraged Senator Buckson to attend any of the Energy Stakeholder Group meetings.

Senator Mantzavinos asked Senator Hansen to confirm that he was understanding the bill correctly and recounted his understanding. She responded affirmatively.

Matt Hartigan was excused.

Anna Shields facilitated in-person public comment.

Jamie Nutter testified on behalf of the Delaware Electric Cooperative (DEC) in support of the resolution.

Senator Hansen interjected to ask Jamie if she could treat him as a witness and if she could explain more about the Georgetown project for Senator Pettyjohn to hear.

Senator Pettyjohn expressed his concern regarding cost recovery given that the power company would benefit from being able to utilize battery storage rather than more expensive power out of state. He feels that this should pay for itself and not need to involve cost recovery for the benefit of the utility.

Senator Buckson asked about other storage projects in other states.

Jamie responded that he cannot speak to them specifically but that DEC feels that it is an initiative worth pursuing.

Joe Walls is the CEO of Veterans Services and believes in capitalism. He does not feel that we as a state should subsidize for-profit companies. He echoed Senator Buckson's comments about cost recovery concerns. Joe feels that DEC's model should be implemented statewide given that they are able to offer lower rates than Delmarva.

Anna Shields facilitated virtual public comment.

Diane Cherry from MAREC commented in support of the bill.

Conclusion

Senator Hansen asked for a motion to adjourn the meeting. **Senator Huxtable** motioned to adjourn. **Senator Pettyjohn** seconded the motion. The meeting was subsequently adjourned at 12:49 p.m.

Appendix A: Attendees

In-Person Attendees

Walter Palmer

Joe Walls

Jamie Nutter

Virtual Attendees

Cheryl Heiks

David Bartoo

Diane Cherry