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June 2, 2025

Members of the Senate Environment, Energy, and Transportation Committee
Delaware General Assembly
Legislative Hall
Dover, DE 19901

Dear Members of the Senate Environment, Energy, and Transportation Committee:

I write as a homeowner in Sussex County and president of the Tower Shores Beach Association (TSBA) to express strong opposition to Senate Bill 159. TSBA represents 225 homes in North Bethany Beach located less than one-third mile from where U.S. Wind is proposing to bring four high voltage electric cables onshore.

SB 159 is special interest legislation, narrowly designed to benefit a single corporate entity—US Wind. This bill is a troubling attempt to overturn a legitimate, well-reasoned decision by the Sussex County Council, which in December 2024 denied a conditional use application for a proposed substation submitted by US Wind through a subsidiary, Renewable Redevelopment, LLC (RRLLC).

The identity of the applicant was concealed during the county's planning and review process. It was only through a Freedom of Information Act (FOIA) request filed by a Tower Shores resident that the public learned that US Wind was behind the project. Because of this lack of transparency, the community was denied a fair opportunity to participate during the critical early stages of the review process, explaining the absence of opposition at the planning commission level. This deception underscores how far corporate interests may go to avoid scrutiny.

Even more troubling, US Wind has already appealed the Council's decision to the Superior Court, and SB 159 now seeks to circumvent that judicial process. Legislation should not be used as a vehicle to override pending litigation or to reverse quasi-judicial decisions made by local government bodies. Sussex County's decision was fully within its jurisdiction, based on public input, and made in accordance with longstanding zoning laws.

Enacting SB 159 would set a dangerous precedent—one that invites future efforts to bypass local land use authority through narrowly targeted state legislation. This is not how zoning decisions in Delaware—or anywhere—should be made. Land use regulation has historically and rightly resided with local governments, which have the knowledge and procedures to make decisions in the best interests of their communities. Legislative attempts to reverse those decisions erode the separation of powers and open the door to litigation.

Finally, I note that this project has already faced rejection in its home state of Maryland, where both Ocean City and Worcester County denied related permits due to concerns about local harms. Delaware should not become a fallback jurisdiction for a project that other communities have refused to accept.

Please include this letter in the public record for the Committee's June 2, 2025, hearing.

Sincerely,

Elizabeth Frazee