

**Sustainable Energy Utility Oversight Board Meeting
May 29, 2008**

Meeting Location: Buena Vista Conference Center, 2:00PM

In attendance

Senator Harris B. McDowell, III, Chair
Dr. John Byrne, Co-chair
Senator Patricia Blevins
Senator Charles Copeland
Senator Gary Simpson*
Representative Pamela Thornburg
Charlie T. Smisson, Jr., Delaware Energy Office
John Citrolo, Division of the Public Advocate
Keth Lake, People's Settlement Association
Andrew Slater*, private citizen

Attorney to the Board:
Frank Murphy, Esquire

Task Force Staff:
Sean Finnigan, Legislative Assistant, Delaware State Senate
Eric Partyka, Delaware Senate Energy and Transit Committee Intern (CEEP, University of Delaware)

** Denotes participation via conference call*

Minutes

The May 5, 2008 SEU Oversight Board minutes were unanimously approved by the Oversight Board.

Review of proposed legislation concerning permanent Board appointments

The Board discussed a new proposal regarding the appointment and composition an eleven member Oversight Board. The new proposal asks the Governor to appoint nine members (in include the Secretary of DNREC and the Public Advocate). The Senate Pro Tempore and the Speaker of the House are each asked to appoint one legislative member. Additionally, the new proposal calls for the creation of an Advisory Committee. The chair position will be decided by

the members of the new Oversight Board. The proposal was unanimously accepted by the Oversight Board.

Senator Blevins recommended that the Board include in the new proposal a statement obligating the Board to comply with FOIA. The Board unanimously agreed to this addition

The Board unanimously agreed to include provisions to apply the Freedom of Information Act and Conflict of Interest provisions to the SEU in the new proposal.

Memorandum on the Status of the SEU Oversight Board

The Board attorney, Frank Murphy, distributed a memo to the Board. It responds to the question if the current Board members can function after January 31, 2008. The Memo concludes that the current Oversight Board “must continue to meet and fulfill its obligations”. Taking into account the full context and meaning of SB 18, the SEU Oversight Board is both a legal and properly functioning entity. The memo was accepted by unanimous vote and will be posted on the website.

Status of RFP for the Contract Administrator

Charlie Smisson, Director of the Delaware Energy Office, stated that a draft of the RFP for the Contract Administrator has been completed and will be circulated to appropriate State agencies and to the Board.

Members of the Public (from Sign-in Sheet)

John Kowalko – State Representative
John Flaherty - Greenwatch
Brain Kramer – LWVDE
Lisa Pertzoff - LWVDE
Dave Woodside
Lorraine Fleming, DNS
Randall Chase, Associated Press
Jim Black – Clean Air Council
Fredia Berryhill
Sally Buttner – PSC
Carol Overland – Legalectric.org