

Proposed Rules
of the
The Tennessee Department of Economic and Community Development
Energy Division

Chapter 0500-3-4
Small Business Energy Loan Program

Presented herein are proposed amendments of the Small Business Energy Loan Program, Department of Economic & Community Development, submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed in the Department of Economic & Community Development, 11th Floor, Tennessee Tower, William Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed rule, contact: Stephanie Tisdale, General Counsel, Department of Economic & Community Development, 11th Floor, Tennessee Tower, 615.741.1888.

The text of the proposed amendments is as follows:

Amendments

Paragraph (1) of Rule 0500-3-4-.03 Definitions “Applicant” is amended by deleting the current language in its entirety and substituting instead the following language so that as amended the rule shall read:

0500-3-4-.03 (1) “Applicant”

Any individual, domestic Tennessee company or unit of county or local government applying for assistance under this program.

Authority: T.C.A. 4-3-702 (c) and 4-3-710 (1) and (8).

Paragraph (4) of Rule 0500-3-4-.03 Definitions “Eligible Applicant” is amended by deleting the current language in its entirety and substituting instead the following language so that as amended the rule shall read:

0500-3-4-.03 (4) “Eligible Applicant”

Any applicant that has met the applicant eligibility criteria published by the Energy Division of the Department of Economic and Community Development.

Authority: T.C.A. 4-3-702(c) and 4-3-710(1) and (8).

Rule 0500-3-4-.05 Repayment Period is amended by deleting the current language in its entirety and substituting instead the following language so that as amended the rule shall read:

Rule 0500-3-4-.05 Repayment Period

All loans approved and accepted under this program shall be paid back monthly within seven (7) years from the date that begins sixty (60) days after the date of loan closing.

Authority: T.C.A. 4-3-702(c) and 4-3-710(1) and (8).

Subparagraph (a) of Paragraph (1) of Rule 0500-3-4-.07 Eligibility is amended by deleting the current language in its entirety and substituting instead the following language so that as amended the rule shall read:

(a) Be classified as either a small business of less than 300 employees or less than \$3.5 million in annual gross sales or receipts or a unit of county or local government utilizing the loan to improve the energy efficiency of an existing building that the applicant owns, occupies or uses for a business, industrial or commercial purpose.

Authority: T.C.A. 4-3-702(c), 4-3-709(2) and 4-3-710(1) and (8).

Rule 0500-3-4-.09 Eligible Energy Efficiency Measures is amended by deleting the current heading and language in its entirety and substituting instead the following heading and language so that as amended the rule shall read:

Rule 0500-3-4-.09 Eligible Measures.

Loans shall be made available only for the purchase and installation of one or more energy efficiency, renewable energy and/or clean energy technology measures on projects that have been identified as having either a simple economic payback of ten (10) years or less or a positive net present value.

Authority: T.C.A. 4-3-702(c) and T.C.A. 4-3-710 (1) and (8).

Legal Contact and/or party who will approve final copy for publication:

Contact for disk acquisition:

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Brian Hensley, Director
Energy Division

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of Economic & Community Development on the ____ day of _____, 20 ____.

The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Matthew Kisber
Commissioner

Subscribed and sworn to before me this the ____ day of _____, 20 ____.

Notary Public

My commission expires on the ____ day of _____, 20 ____.

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers
Attorney General and Reporter

The proposed rules set out herein were properly filed in the Department of State on the 17th day of May, 2006, and pursuant to the instructions set out above, and the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of September, 2006.