

Proposed Rules
of the
Department of Economic & 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

Rule 0500-3-4-.04 Maximum Loan Amount 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-.04 Maximum Loan Amount

The maximum loan amount available per applicant under this program shall be Three Hundred Thousand Dollars (\$300,000.00).

Authority: T.C.A. §§ 4-5-202, 4-3-702(c) and T.C.A. 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 subparagraph 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 not-for-profit or tax exempt organization as classified by the Internal Revenue Service according to Section 501 (a) of the Internal Revenue Code of 1986, as amended; or, a unit of county or local government utilizing the loan to improve the energy efficiency of a building that the county or local government owns and rents or leases to a small business for commercial purposes; and,

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

Subparagraph (c) 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 subparagraph shall read:

(c) Be declared financially sound and capable of repaying the monies borrowed according to criteria published by the Energy Division.

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

Rule 0500-3-4-.14 Undelivered Approval Notices is repealed.

Authority: T.C.A. §§4-3-702(c).

The proposed rules set out herein were properly filed in the Department of State on the 30th day of September, 2005, 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 27th day of January, 2006.