

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

RENEWABLE REDEVELOPMENT, LLC,	)	
	)	
Petitioner,	)	
	)	C.A. No. S24A-12-002 MHC
v.	)	
	)	
SUSSEX COUNTY COUNCIL,	)	
	)	
Respondent.	)	

ORDER STAYING THE PROCEEDINGS

Submitted: September 11, 2025

Decided: December 1, 2025

This 1st day of December, 2025, upon consideration of the letter briefs of the parties, it appears to the Court that:

1. On December 17, 2024, Sussex County Council (hereinafter “Council”) voted 4 – 1 to deny Renewable Redevelopment, LLC’s (hereinafter “Renewable”) application to build an electrical substation in Sussex County near Millsboro. Renewable then filed this Writ of Certiorari.
2. Soon after the parties briefed the merits of the Writ of Certiorari, the Delaware General Assembly passed Senate Bill 159, as amended by Senate Bill 199. These bills took direct aim at the Council’s denial to

build the substation essentially overturning the denial effective January 3, 2026.

3. The Court requested letter briefs on the authority of the General Assembly to enact legislation that overturns the result of Council's denial. Based on the research it appears that the General Assembly possesses such power.
4. Council urges the Court to issue an opinion on the Writ of Certiorari citing several possible change of circumstances that could affect whether the wind farm project moves forward as planned. However, the Court can only proceed on the landscape presently before the Court.
5. If the Court were to opine on the pending Writ of Certiorari, the opinion would be merely advisory in that the Superior Court would not have last authoritative say in the matter effective January 31, 2026. *Opinion of the Justices*, 413 A.2d 1245 (Del. 1980). It is clear that this Court has the ability to grant a stay of matters on its docket where other actions would affect the litigation in this Court. *Sperry Rand Corp. v. United Engines, Inc.*, 261 A.2d 527 (Del. Super. Ct. 1969), rev'd, 269 A.2d 221 (Del. 1970).

6. In light of the forgoing, the litigation regarding the Writ of Certiorari is stayed until determination is made whether the Writ of Certiorari is moot as of February, 2026.

IT IS SO ORDERED.

/s/ Mark H. Conner

Mark H. Conner, Judge

oc: Prothonotary
xc: Richard A. Forsten, Esquire
David Rutt, Esquire