



General Assembly

Substitute Bill No. 5264

February Session, 2006

* HB05264ET 030706 *

AN ACT CONCERNING TECHNICAL REVISIONS TO UTILITY PROVISIONS OF THE GENERAL STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 16-19b of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2006*):

4 (d) The Department of Public Utility Control shall adjust the retail
5 rate charged by each electric distribution company for electric
6 transmission services periodically to recover all transmission costs
7 prudently incurred by each electric distribution company. The
8 Department of Public Utility Control, after notice and hearing, shall
9 design the retail transmission rate to provide for recovery of all Federal
10 Energy Regulatory Commission approved transmission costs, rates,
11 tariffs and charges and of other transmission costs prudently incurred
12 by an electric distribution company in accordance with section 16-19e.
13 Notwithstanding the provisions of section 16-19, the department shall
14 adjust the retail transmission rate in accordance with the provisions of
15 subsections (e) and (h) of this section. A transmission rate adjustment
16 clause approved pursuant to this section shall apply to all electric
17 distribution companies similarly affected by transmission costs. The
18 department's authority to review the [prudency] prudence of costs
19 shall not apply to any matter over which any agency, department or

20 instrumentality of the federal government has exclusive jurisdiction, or
21 has jurisdiction concurrent with that of the state and has exercised
22 such jurisdiction to the exclusion of regulation of such matter by the
23 state.

24 Sec. 2. Subdivision (2) of subsection (c) of section 16-32f of the 2006
25 supplement to the general statutes is repealed and the following is
26 substituted in lieu thereof (*Effective October 1, 2006*):

27 (2) Programs included in the plan shall be screened through cost-
28 effectiveness testing that compares the value and payback period of
29 program benefits to program costs to ensure that the programs are
30 designed to obtain gas savings whose value is greater than the costs of
31 the program. Program cost-effectiveness shall be reviewed annually by
32 the department, or otherwise as is practicable. If the department
33 determines that a program fails the cost-effectiveness test as part of the
34 review process, the program shall either be modified to meet the test
35 or [shall] be terminated. On or before January 1, 2007, and annually
36 thereafter, the board shall provide a report, in accordance with the
37 provisions of section 11-4a, to the joint standing committees of the
38 General Assembly having cognizance of matters relating to energy and
39 the environment, that documents expenditures and funding for such
40 programs and evaluates the cost-effectiveness of such programs
41 conducted in the preceding year, including any increased cost-
42 effectiveness owing to offering programs that save more than one fuel
43 resource.

44 Sec. 3. Subsection (a) of section 16-50k of the 2006 supplement to the
45 general statutes is repealed and the following is substituted in lieu
46 thereof (*Effective October 1, 2006*):

47 (a) Except as provided in subsection (b) of section 16-50z, no person
48 shall exercise any right of eminent domain in contemplation of,
49 commence the preparation of the site for, or commence the
50 construction or supplying of a facility, or commence any modification
51 of a facility, that may, as determined by the council, have a substantial

52 adverse environmental effect in the state without having first obtained
53 a certificate of environmental compatibility and public need,
54 hereinafter referred to as a "certificate", issued with respect to such
55 facility or modification by the council, except fuel cells with a
56 generating capacity of ten kilowatts or less which shall not require
57 such certificate. Any facility with respect to which a certificate is
58 required shall thereafter be built, maintained and operated in
59 conformity with such certificate and any terms, limitations or
60 conditions contained therein. Notwithstanding the provisions of this
61 chapter or title 16a, the council shall, in the exercise of its jurisdiction
62 over the siting of generating facilities, approve by declaratory ruling
63 (1) the construction of a facility solely for the purpose of generating
64 electricity, other than an electric generating facility that uses nuclear
65 materials or coal as fuel, at a site where an electric generating facility
66 operated prior to July 1, 2004, (2) the construction or location of any
67 fuel cell, unless the council finds a substantial adverse environmental
68 effect, or of any customer-side distributed resources project or facility
69 or grid-side distributed resources project or facility with a capacity of
70 not more than sixty-five megawatts, [so] as long as such project meets
71 air quality standards of the Department of Environmental Protection,
72 and (3) the siting of temporary generation solicited by the Department
73 of Public Utility Control pursuant to section 16-19ss, as amended.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2006 | 16-19b(d) |
| Sec. 2 | October 1, 2006 | 16-32f(c)(2) |
| Sec. 3 | October 1, 2006 | 16-50k(a) |

ET *Joint Favorable Subst.*