General Assembly **Substitute Bill No. 5525**

February Session, 2006 *____HB05525ENV__050106___*

AN ACT ESTABLISHING AN ENERGY AND TECHNOLOGY AUTHORITY.

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

Section 1. Section 4-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

As used in sections 4-6, 4-7, as amended, and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Management and Homeland Security, Commissioner of Energy Policy and Development, Commissioner of Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Liquor Control Commission, Commissioner of Mental Health and Addiction Services, Commissioner of Public Safety, Commissioner of Social Services, Commissioner of Mental Retardation, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Public Works, Commissioner of Veterans' Affairs, Commissioner of Health Care Access, Chief Information Officer, the chairperson of the [Public Utilities Control] Energy and Technology

21 Authority, the executive director of the Board of Education and
22 Services for the Blind and the executive director of the Connecticut
23 Commission on Culture and Tourism.

24 Sec. 2. Subsection (a) of section 4d-90 of the 2006 supplement to the
25 general statutes is repealed and the following is substituted in lieu
26 thereof (*Effective July 1, 2006*):

27 (a) There is established a Geospatial Information Systems Council
28 consisting of the following members, or their designees: (1) The
29 Secretary of the Office of Policy and Management; (2) the
30 Commissioners of Environmental Protection, Economic and
31 Community Development, Transportation, Public Safety, Public
32 Health, Public Works, Agriculture, Emergency Management and
33 Homeland Security and Social Services; (3) the Chief Information
34 Officer of the Department of Information Technology; (4) the
35 Chancellor of the Connecticut State University system; (5) the
36 president of The University of Connecticut; (6) the Executive Director
37 of the Connecticut Siting Council; (7) one member who is a user of
38 geospatial information systems appointed by the president pro
39 tempore of the Senate representing a municipality with a population of
40 more than sixty thousand; (8) one member who is a user of geospatial
41 information systems appointed by the minority leader of the Senate
42 representing a regional planning agency; (9) one member who is a user
43 of geospatial information systems appointed by the Governor
44 representing a municipality with a population of less than sixty
45 thousand but more than thirty thousand; (10) one member who is a
46 user of geospatial information systems appointed by the speaker of the
47 House of Representatives representing a municipality with a
48 population of less than thirty thousand; (11) one member appointed by
49 the minority leader of the House of Representatives who is a user of
50 geospatial information systems; (12) the chairperson of the **[**Public
51 Utility Control**]** <u>Energy and Technology</u> Authority; (13) the Adjutant
52 General of the Military Department; and (14) any other persons the
53 council deems necessary appointed by the council. The Governor shall
54 select the chairperson from among the members. The chairperson shall

55 administer the affairs of the council. Vacancies shall be filled by
56 appointment by the authority making the appointment. Members shall
57 receive no compensation for their services on said council, but shall be
58 reimbursed for necessary expenses incurred in the performance of
59 their duties. Said council shall hold one meeting each month and such
60 additional meetings as may be prescribed by council rules. In addition,
61 special meetings may be called by the chairperson or by any three
62 members upon delivery of forty-eight hours written notice to each
63 member.

64 Sec. 3. Section 7-244j of the 2006 supplement to the general statutes
65 is repealed and the following is substituted in lieu thereof (*Effective July*
66 *1, 2006*):

67 An authority shall have an annual audit of its accounts, books and
68 records by a certified public accountant selected by such authority. A
69 copy of the audit shall be filed in the office of the city clerk of the
70 constituent municipality and with the **[**Public Utilities Control]
71 Authority**]** Department of Public Utility Control, and shall be available
72 for public inspection during the ordinary business hours of such
73 authority at the principal office of such authority.

74 Sec. 4. Section 7-244k of the 2006 supplement to the general statutes
75 is repealed and the following is substituted in lieu thereof (*Effective July*
76 *1, 2006*):

77 Neither the **[**Public Utilities Control Authority**]** Department of
78 Public Utility Control nor any successor board or commissioner shall
79 have jurisdiction of any kind over an authority, or the rates fixed or
80 charges collected by the authority.

81 Sec. 5. Subdivisions (1) and (2) of subsection (a) of section 16-1 of the
82 2006 supplement to the general statutes are repealed and the following
83 is substituted in lieu thereof (*Effective July 1, 2006*):

84 (1) **[**"Authority" means the Public Utilities Control Authority and
85 "department"**]** "Department" means the Department of Public Utility

86 Control;

87 (2) "Commissioner" means a member of **[**said authority**]** the
88 Department of Public Utility Control.

89 Sec. 6. Section 16-1b of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective July 1, 2006*):

91 **[**There shall be a Department of Public Utility Control. The
92 department head shall be the chairperson of the Public Utilities
93 Control Authority.**]**

94 (a) There is established an Energy and Technology Authority. The
95 head of the authority shall be the chairperson of the Energy and
96 Technology Authority. The Governor shall appoint the chairperson of
97 the Energy and Technology for a four-year term, coterminous with the
98 Governor's term, or, if said chairperson is appointed during the
99 Governor's term, the appointment shall be for the remainder of the
100 Governor's term. The procedure prescribed by section 4-7, as amended,
101 shall apply to such appointment. The Energy and Technology
102 Authority shall oversee the Department of Public Utility Control and
103 the Department of Energy Policy and Development. The Energy and
104 Technology Authority shall (1) increase the state's energy
105 independence by promoting the use of diverse indigenous and
106 regional energy resources; (2) encourage the use of new energy,
107 telecommunications, and water technologies, particularly technologies
108 that support economic development in the state and promote
109 environmental sustainability; (3) minimize costs of utility services to
110 state consumers while maintaining reliable service; (4) discourage
111 undue price volatility of utility service; (5) encourage competition,
112 when in the interests of state consumers; and (6) serve as an energy
113 planning agency.

114 (b) There is established a Department of Public Utility Control. The
115 head of the department shall be the chairperson who shall be elected
116 pursuant to section 16-2, as amended by this act.

117 (c) There is established a Department of Energy Policy and
118 Development. The head of the department shall be the commissioner.
119 The Governor shall appoint the commissioner to a four-year term that
120 is coterminous with the Governor's term, or if the commissioner is
121 appointed during the Governor's term, the appointment shall be for
122 the remainder of the Governor's term. The procedure prescribed by
123 section 4-7, as amended, shall apply to such appointment.

124 Sec. 7. Section 16-2 of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective July 1, 2006*):

126 (a) **[**There shall continue to be a Public Utilities Control Authority,
127 which**]** The Department of Public Utility Control shall consist of **[**five**]**
128 six electors of this state, appointed by the Governor with the advice
129 and consent of both houses of the General Assembly. Not more than
130 three members of said **[**authority**]** department in office at any one time
131 shall be members of any one political party. On or before July 1, **[**1983**]**
132 2006, and quadrennially thereafter, the Governor shall appoint **[**three**]**
133 two members to the **[**authority and on or before July 1, 1985, and
134 quadrennially thereafter, the Governor shall appoint two members**]**
135 department. All such members shall serve for a term of four years. The
136 procedure prescribed by section 4-7, as amended, shall apply to such
137 appointments, except that the Governor shall submit each nomination
138 on or before May first, and both houses shall confirm or reject it before
139 adjournment sine die. The commissioners shall be sworn to the faithful
140 performance of their duties.

141 (b) The **[**authority**]** department shall elect a chairperson and vice-
142 chairperson each June for one-year terms starting on July first of the
143 same year. The vice-chairperson shall perform the duties of the
144 chairperson in his absence.

145 (c) Any matter coming before the **[**authority**]** department may be
146 assigned by the chairperson to a panel of three commissioners, not
147 more than two of whom shall be members of the same political party.
148 Except as otherwise provided by statute or regulation, the panel shall

149 determine whether a public hearing shall be held on the matter, and
150 may designate one or two of its members to conduct such hearing or
151 appoint an examiner to ascertain the facts and report thereon to the
152 panel. The decision of the panel, if unanimous, shall be the decision of
153 the [authority] department. If the decision of the panel is not
154 unanimous, the matter shall be referred to the entire [authority]
155 department for decision.

156 (d) The commissioners of the [authority] department shall serve full
157 time and shall make full public disclosure of their assets, liabilities and
158 income at the time of their appointment, and thereafter each member
159 of the [authority] department shall make such disclosure on or before
160 July thirtieth of each year of such member's term, and shall file such
161 disclosure with the office of the Secretary of the State. Each
162 commissioner shall receive annually a salary equal to that established
163 for management pay plan salary group seventy-five by the
164 Commissioner of Administrative Services, except that the chairperson
165 shall receive annually a salary equal to that established for
166 management pay plan salary group seventy-seven.

167 (e) To insure the highest standard of public utility regulation, on
168 and after July 1, [1997] 2006, at least three of the commissioners of the
169 [authority] department shall have education or training and three or
170 more years of experience in one or more of the following fields:
171 Economics, engineering, law, accounting, finance, utility regulation,
172 public or government administration, consumer advocacy, business
173 management, and environmental management. [On and after July 1,
174 1997, at] At least three of these fields shall be represented on the
175 authority by individual commissioners at all times. One of the
176 commissioners shall have experience in utility customer advocacy.

177 (f) [The chairperson of the authority, with the consent of two or
178 more other members of the authority, shall appoint an executive
179 director, who shall be the chief administrative officer of the
180 Department of Public Utility Control. The executive director shall be
181 supervised by the chairperson of the authority, serve for a term of four

182 years and annually receive a salary equal to that established for
183 management pay plan salary group seventy-two by the Commissioner
184 of Administrative Services. The executive director**]** The chairperson of
185 the department (1) shall conduct comprehensive planning with respect
186 to the functions of the department; (2) shall coordinate the activities of
187 the department; (3) shall cause the administrative organization of the
188 department to be examined with a view to promoting economy and
189 efficiency; (4) shall **[**, in concurrence with the chairperson of the
190 authority,**]** organize the department into such divisions, bureaus or
191 other units as he deems necessary for the efficient conduct of the
192 business of the department and may from time to time abolish, transfer
193 or consolidate within the department, any division, bureau or other
194 units as may be necessary for the efficient conduct of the business of
195 the department, provided such organization shall include any division,
196 bureau or other unit which is specifically required by the general
197 statutes; (5) shall, for any proceeding on a proposed rate amendment
198 in which staff of the department are to be made a party pursuant to
199 section 16-19j, as amended by this act, determine which staff shall
200 appear and participate in the proceedings and which shall serve the
201 members of the **[**authority**]** department; (6) may enter into such
202 contractual agreements, in accordance with established procedures, as
203 may be necessary for the discharge of his duties; and (7) may, subject
204 to the provisions of section 4-32, and unless otherwise provided by
205 law, receive any money, revenue or services from the federal
206 government, corporations, associations or individuals, including
207 payments from the sale of printed matter or any other material or
208 services. The **[**executive director**]** chairperson shall require the staff of
209 the department to have expertise in public utility engineering and
210 accounting, finance, economics, computers and rate design. Subject to
211 the provisions of chapter 67 and within available funds in any fiscal
212 year, the **[**executive director**]** chairperson may appoint a secretary, and
213 may employ such accountants, clerical assistants, engineers,
214 inspectors, experts, consultants and agents as the department may
215 require.

216 (g) No member of the [authority] department or employee of the
217 department shall, while serving as such, have any interest, financial or
218 otherwise, direct or indirect, or engage in any business, employment,
219 transaction or professional activity, or incur any obligation of any
220 nature, which is in substantial conflict with the proper discharge of his
221 duties or employment in the public interest and of his responsibilities
222 as prescribed in the laws of this state, as defined in section 1-85;
223 provided, no such substantial conflict shall be deemed to exist solely
224 by virtue of the fact that a member of the [authority] department or
225 employee of the department, or any business in which such a person
226 has an interest, receives utility service from one or more Connecticut
227 utilities under the normal rates and conditions of service.

228 (h) No member of the [authority] department or employee of the
229 department shall accept other employment which will either impair
230 his independence of judgment as to his official duties or employment
231 or require him, or induce him, to disclose confidential information
232 acquired by him in the course of and by reason of his official duties.

233 (i) No member of the [authority] department or employee of the
234 department shall wilfully and knowingly disclose, for pecuniary gain,
235 to any other person, confidential information acquired by him in the
236 course of and by reason of his official duties or employment or use any
237 such information for the purpose of pecuniary gain.

238 (j) No member of the [authority] department or employee of the
239 department shall agree to accept, or be in partnership or association
240 with any person, or a member of a professional corporation or in
241 membership with any union or professional association which
242 partnership, association, professional corporation, union or
243 professional association agrees to accept any employment, fee or other
244 thing of value, or portion thereof, in consideration of his appearing,
245 agreeing to appear, or taking any other action on behalf of another
246 person before the [authority] department, the Connecticut Siting
247 Council, the Office of Policy and Management, the Commissioner of
248 Energy Policy and Development or the Commissioner of

249 Environmental Protection.

250 (k) No commissioner of the **[**authority**]** department shall, for a
251 period of one year following the termination of his or her service as a
252 commissioner, accept employment: (1) By a public service company or
253 by any person, firm or corporation engaged in lobbying activities with
254 regard to governmental regulation of public service companies; (2) by
255 a certified telecommunications provider or by any person, firm or
256 corporation engaged in lobbying activities with regard to
257 governmental regulation of persons, firms or corporations so certified;
258 or (3) by an electric supplier or by any person, firm or corporation
259 engaged in lobbying activities with regard to governmental regulation
260 of electric suppliers. No such commissioner who is also an attorney
261 shall in any capacity, appear or participate in any matter, or accept any
262 compensation regarding a matter, before the **[**authority**]** department,
263 for a period of one year following the termination of his or her service
264 as a commissioner.

265 Sec. 8. Subsections (b) and (c) of section 16-2a of the general statutes
266 are repealed and the following is substituted in lieu thereof (*Effective*
267 *July 1, 2006*):

268 (b) Except as prohibited by the provisions of section 4-181, the
269 Office of Consumer Counsel shall have access to the records of the
270 **[**Public Utilities Control**]** Energy and Technology Authority, **[**and**]** the
271 Department of Public Utility Control, and the Department of Energy
272 Policy and Development, shall be entitled to call upon the assistance of
273 the authority's and the **[**department's**]** departments' experts, and shall
274 have the benefit of all other facilities or information of the authority or
275 **[**department**]** departments in carrying out the duties of the Office of
276 Consumer Counsel, except for such internal documents, information or
277 data as are not available to parties to the authority's proceedings. The
278 **[**department**]** Department of Public Utility Control shall provide such
279 space as necessary within **[**the**]** said department's quarters for the
280 operation of the Office of Consumer Counsel, and the department shall
281 be empowered to set regulations providing for adequate compensation

282 for the provision of such office space.

283 (c) The Office of Consumer Counsel shall be under the direction of a
284 Consumer Counsel, who shall be appointed by the Governor with the
285 advice and consent of either house of the General Assembly. The
286 Consumer Counsel shall be an elector of this state and shall have
287 demonstrated a strong commitment and involvement in efforts to
288 safeguard the rights of the public. The Consumer Counsel shall serve
289 for a term of five years unless removed pursuant to section 16-5. The
290 salary of the Consumer Counsel shall be equal to that established for
291 management pay plan salary group seventy-one by the Commissioner
292 of Administrative Services. No Consumer Counsel shall, for a period
293 of one year following the termination of service as Consumer Counsel,
294 accept employment by a public service company, a certified
295 telecommunications provider or an electric supplier. No Consumer
296 Counsel who is also an attorney shall in any capacity, appear or
297 participate in any matter, or accept any compensation regarding a
298 matter, before the **[**Public Utilities Control**]** Energy and Technology
299 Authority, for a period of one year following the termination of service
300 as Consumer Counsel.

301 Sec. 9. Section 16-2c of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective July 1, 2006*):

303 There is established a Division of Adjudication within the
304 **[**Department of Public Utility Control**]** Energy and Technology
305 Authority. The staff of the division shall include but not be limited to,
306 hearing examiners appointed pursuant to subsection (c) of section 16-2,
307 as amended by this act. The responsibilities of the division shall
308 include, but not be limited to, hearing matters assigned under said
309 subsection and advising the chairperson of the **[**Public Utilities Control
310 Authority**]** Department of Public Utility Control and the
311 Commissioner of Energy Policy and Development concerning legal
312 issues.

313 Sec. 10. Section 16-3 of the general statutes is repealed and the

314 following is substituted in lieu thereof (*Effective July 1, 2006*):

315 If any vacancy occurs in **[**said Public Utilities Control**]** the Energy
316 and Technology Authority at any time when the General Assembly is
317 not in session, the Governor shall appoint a commissioner to fill such
318 vacancy until such vacancy is filled at the next session of the General
319 Assembly. Any other vacancy shall be filled, for the unexpired portion
320 of the term, in the manner provided in section 16-2, as amended by this
321 act.

322 Sec. 11. Section 16-4 of the general statutes is repealed and the
323 following is substituted in lieu thereof (*Effective July 1, 2006*):

324 No officer, employee, attorney or agent of any public service
325 company, of any certified telecommunications provider or of any
326 electric supplier shall be a member of the **[**Public Utilities Control**]**
327 Energy and Technology Authority or an employee of the Department
328 of Public Utility Control or the Department of Energy Policy and
329 Development.

330 Sec. 12. Subsection (a) of section 16-19 of the general statutes is
331 repealed and the following is substituted in lieu thereof (*Effective July*
332 *1, 2006*):

333 (a) No public service company may charge rates in excess of those
334 previously approved by the **[**authority or the**]** Department of Public
335 Utility Control except that any rate approved by the Public Utilities
336 Commission **[**or the authority**]** shall be permitted until amended by
337 **[**the authority or**]** the department, that rates not approved by the
338 **[**authority or the**]** department may be charged pursuant to subsection
339 (b) of this section, and that the hearing requirements with respect to
340 adjustment clauses are as set forth in section 16-19b, as amended. Each
341 public service company shall file any proposed amendment of its
342 existing rates with the department in such form and in accordance
343 with such reasonable regulations as the department may prescribe.
344 Each electric, electric distribution, gas or telephone company filing a
345 proposed amendment shall also file with the department an estimate

346 of the effects of the amendment, for various levels of consumption, on
347 the household budgets of high and moderate income customers and
348 customers having household incomes not more than one hundred fifty
349 per cent of the federal poverty level. Each electric and electric
350 distribution company shall also file such an estimate for space heating
351 customers. Each water company, except a water company that
352 provides water to its customers less than six consecutive months in a
353 calendar year, filing a proposed amendment, shall also file with the
354 department a plan for promoting water conservation by customers in
355 such form and in accordance with a memorandum of understanding
356 entered into by the department pursuant to section 4-67e. Each public
357 service company shall notify each customer who would be affected by
358 the proposed amendment, by mail, at least one week prior to the
359 public hearing thereon, that an amendment has been or will be
360 requested. Such notice shall also indicate (1) the Department of Public
361 Utility Control telephone number for obtaining information
362 concerning the schedule for public hearings on the proposed
363 amendment, and (2) whether the proposed amendment would, in the
364 company's best estimate, increase any rate or charge by twenty per
365 cent or more, and, if so, describe in general terms any such rate or
366 charge and the amount of the proposed increase, provided no such
367 company shall be required to provide more than one form of the notice
368 to each class of its customers. In the case of a proposed amendment to
369 the rates of any public service company, the department shall hold a
370 public hearing thereon, except as permitted with respect to interim rate
371 amendments by subsection (d) and subsection (g) of this section, and
372 shall make such investigation of such proposed amendment of rates as
373 is necessary to determine whether such rates conform to the principles
374 and guidelines set forth in section 16-19e, as amended by this act, or
375 are unreasonably discriminatory or more or less than just, reasonable
376 and adequate, or that the service furnished by such company is
377 inadequate to or in excess of public necessity and convenience. The
378 department, if in its opinion such action appears necessary or suitable
379 in the public interest may, and, upon written petition or complaint of
380 the state, under direction of the Governor, shall, make the aforesaid

381 investigation of any such proposed amendment which does not
382 involve an alteration in rates. If the department finds any proposed
383 amendment of rates to not conform to the principles and guidelines set
384 forth in section 16-19e, as amended by this act, or to be unreasonably
385 discriminatory or more or less than just, reasonable and adequate to
386 enable such company to provide properly for the public convenience,
387 necessity and welfare, or the service to be inadequate or excessive, it
388 shall determine and prescribe, as appropriate, an adequate service to
389 be furnished or just and reasonable maximum rates and charges to be
390 made by such company. In the case of a proposed amendment filed by
391 an electric, electric distribution, gas or telephone company, the
392 department shall also adjust the estimate filed under this subsection of
393 the effects of the amendment on the household budgets of the
394 company's customers, in accordance with the rates and charges
395 approved by the department. The department shall issue a final
396 decision on each rate filing within one hundred fifty days from the
397 proposed effective date thereof, provided it may, before the end of
398 such period and upon notifying all parties and intervenors to the
399 proceedings, extend the period by thirty days.

400 Sec. 13. Subsection (b) of section 16-19e of the general statutes is
401 repealed and the following is substituted in lieu thereof (*Effective July*
402 *1, 2006*):

403 (b) The Department of Public Utility Control shall promptly
404 undertake a separate, general investigation of, and shall hold at least
405 one public hearing on new pricing principles and rate structures for
406 electric companies and for gas companies to consider, without
407 limitation, long run incremental cost of marginal cost pricing, peak
408 load or time of day pricing and proposals for optimizing the utilization
409 of energy and restraining its wasteful use and encouraging energy
410 conservation, and any other matter with respect to pricing principles
411 and rate structures as the department shall deem appropriate. The
412 department shall determine whether existing or future rate structures
413 place an undue burden upon those persons of poverty status and shall
414 make such adjustment in the rate structure as is necessary or desirable

415 to take account of their indigency. The department shall require the
416 utilization of such new principles and structures to the extent that the
417 department determines that their implementation is in the public
418 interest and necessary or desirable to accomplish the purposes of this
419 provision without being unfair or discriminatory or unduly
420 burdensome or disruptive to any group or class of customers, and
421 determines that such principles and structures are capable of yielding
422 required revenues. In reviewing the rates and rate structures of electric
423 and gas companies, the department shall take into consideration
424 appropriate energy policies, including those of the state as expressed
425 in subsection (c) of this section. The **[**authority**]** department shall issue
426 its initial findings on such investigation by December 1, 1976, and its
427 final findings and order by June 1, 1977; provided that after such final
428 findings and order are issued, the department shall at least once every
429 two years undertake such further investigations as it deems
430 appropriate with respect to new developments or desirable
431 modifications in pricing principles and rate structures and, after
432 holding at least one public hearing thereon, shall issue its findings and
433 order thereon.

434 Sec. 14. Subsection (a) of section 16-19j of the general statutes is
435 repealed and the following is substituted in lieu thereof (*Effective July*
436 *1, 2006*):

437 (a) The **[**Public Utilities Control**]** Energy and Technology Authority
438 may require a portion of the staff of the department to be made a party
439 to any proceeding.

440 Sec. 15. Subsection (a) of section 16-19ss of the general statutes is
441 repealed and the following is substituted in lieu thereof (*Effective July*
442 *1, 2006*):

443 (a) The Department of Public Utility Control may, from July 1, 2003,
444 to January 1, 2008, inclusive, determine, by an affirmative vote of four
445 commissioners of the **[**Public Utilities Control Authority**]** department,
446 that (1) safe, adequate and reasonably priced electricity is not available

447 on the wholesale market; (2) additional temporary electric generation
448 facilities will result in reductions in federally mandated congestion
449 costs for which the ratepayers of the state are responsible; and (3) the
450 prices and costs specified in subdivision (2) of this subsection will
451 exceed the cost of investment in temporary electric generation
452 facilities. Such determination shall be in writing and shall state the
453 reasons supporting the determination.

454 Sec. 16. Subsection (b) of section 16-50j of the general statutes is
455 repealed and the following is substituted in lieu thereof (*Effective July*
456 *1, 2006*):

457 (b) Except for proceedings under chapter 445, this subsection and
458 subsection (c) of this section and sections 22a-134cc, 22a-134ff and 22a-
459 163 to 22a-163u, inclusive, the council shall consist of: (1) The
460 Commissioner of Environmental Protection, or his designee; (2) the
461 chairman, or his designee, of the **[**Public Utilities Control**]** Energy and
462 Technology Authority; (3) one designee of the speaker of the House
463 and one designee of the president pro tempore of the Senate; and (4)
464 five members of the public, to be appointed by the Governor, at least
465 two of whom shall be experienced in the field of ecology, and not more
466 than one of whom shall have affiliation, past or present, with any
467 utility or governmental utility regulatory agency, or with any person
468 owning, operating, controlling, or presently contracting with respect to
469 a facility, a hazardous waste facility as defined in section 22a-115, a
470 regional low-level radioactive waste facility as defined in section 22a-
471 163a or ash residue disposal area.

472 Sec. 17. Subsection (a) of section 16a-3 of the general statutes is
473 repealed and the following is substituted in lieu thereof (*Effective July*
474 *1, 2006*):

475 (a) There is established a Connecticut Energy Advisory Board
476 consisting of nine members, including the Commissioner of
477 Environmental Protection, the chairperson of the **[**Public Utilities
478 Control**]** Energy and Technology Authority, the Commissioner of

479 Transportation, the Consumer Counsel, the Commissioner of
480 Agriculture, and the Secretary of the Office of Policy and Management,
481 or their respective designees. The Governor shall appoint one member,
482 the president pro tempore of the Senate shall appoint one member, and
483 the speaker of the House of Representatives shall appoint one member,
484 all of whom shall serve in accordance with section 4-1a. No appointee
485 may be employed by, or a consultant of, a public service company, as
486 defined in section 16-1, as amended, or an electric supplier, as defined
487 in section 16-1, as amended, or an affiliate or subsidiary of such
488 company or supplier.

489 Sec. 18. Subsection (f) of section 16a-23t of the 2006 supplement to
490 the general statutes is repealed and the following is substituted in lieu
491 thereof (*Effective July 1, 2006*):

492 (f) The chairperson of the **[**Public Utilities Control**]** Energy and
493 Technology Authority, or the chairperson's designee, the
494 Commissioner of Social Services, or the commissioner's designee, the
495 chairperson of the Connecticut Energy Advisory Board, and the
496 Secretary of the Office of Policy and Management, or the secretary's
497 designee, shall constitute a Home Heating Oil Planning Council to
498 address issues involving the supply, delivery and costs of home
499 heating oil and state policies regarding the future of the state's home
500 heating oil supply. The Secretary of the Office of Policy and
501 Management shall convene the first meeting of the council.

502 Sec. 19. Section 21a-86a of the general statutes is repealed and the
503 following is substituted in lieu thereof (*Effective July 1, 2006*):

504 (a) On or before October 1, 1990, the Commissioner of Consumer
505 Protection, in consultation with the Secretary of the Office of Policy
506 and Management, the chairperson of the **[**Public Utilities Control
507 Authority**]** Department of Public Utility Control, the State Building
508 Inspector and the Commissioners of Public Health and Environmental
509 Protection, shall adopt regulations in accordance with the provisions of
510 chapter 54 establishing minimum efficiency standards for plumbing

511 fixtures and other water-using devices, as appropriate.

512 (b) The maximum water use allowed in the regulations adopted
513 under subsection (a) of this section for showerheads, urinals, faucets
514 and replacement aerators manufactured or sold on or after October 1,
515 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for
516 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen
517 faucets and replacement aerators, 2.5 gallons per minute, except that
518 lavatories in restrooms of public facilities shall be equipped with outlet
519 devices which limit the flow rate to a maximum of 0.5 gallons per
520 minute. The maximum water use allowed in the regulations adopted
521 under subsection (a) of this section for tank-type toilets, flushometer-
522 valve toilets, flushometer-tank toilets and electromechanical hydraulic
523 toilets manufactured or sold on or after January 1, 1992, shall be 1.6
524 gallons per flush, unless and until equivalent standards for similar
525 types of toilets are adopted by the American National Standards
526 Institute, Inc.

527 (c) Notwithstanding the provisions of subsection (b) of this section,
528 the Commissioner of Consumer Protection, after consultation with the
529 Secretary of the Office of Policy and Management, the chairperson of
530 the **[**Public Utilities Control Authority**]** Department of Public Utility
531 Control, the State Building Inspector and the Commissioners of Public
532 Health and Environmental Protection, may increase the level of
533 efficiency for plumbing fixtures upon determination that such increase
534 would promote the conservation of water and energy and be cost-
535 effective for consumers who purchase and use such fixtures. Any
536 increased efficiency standard shall be effective one year after its
537 adoption.

538 (d) The Commissioner of Consumer Protection, in consultation with
539 the Secretary of the Office of Policy and Management, the chairperson
540 of the **[**Public Utilities Control Authority**]** Department of Public Utility
541 Control, the State Building Inspector and the Commissioners of Public
542 Health and Environmental Protection, shall adopt regulations in
543 accordance with the provisions of chapter 54 necessary to implement

544 the provisions of sections 21a-86 to 21a-86g, inclusive. Such regulations
545 shall provide for (1) the sale of plumbing fixtures which do not meet
546 the standards if the commissioner determines that compliance is not
547 feasible or an unnecessary hardship exists and (2) the sale of plumbing
548 fixtures, including, but not limited to, antique reproduction plumbing
549 fixtures, which do not meet the standards, provided such plumbing
550 fixtures were in stock in a store located in the state before October 1,
551 1990, if a showerhead, urinal, faucet or replacement aerator or before
552 January 1, 1992, if a tank-type toilet, flushometer-valve toilet,
553 flushometer-tank toilet or electromechanical hydraulic toilet.

554 Sec. 20. Subsection (a) of section 21a-86c of the general statutes is
555 repealed and the following is substituted in lieu thereof (*Effective July*
556 *1, 2006*):

557 (a) The Commissioner of Consumer Protection, in consultation with
558 the Secretary of the Office of Policy and Management, the chairperson
559 of the **[**Public Utilities Control Authority**]** Department of Public Utility
560 Control, the State Building Inspector and the Commissioners of Public
561 Health and Environmental Protection, shall establish procedures for
562 testing the efficiency of plumbing fixtures offered for retail sale if such
563 procedures are not established in the State Building Code adopted
564 pursuant to section 29-252.

565 Sec. 21. Subsection (a) of section 22a-66k of the general statutes is
566 repealed and the following is substituted in lieu thereof (*Effective July*
567 *1, 2006*):

568 (a) Each electric distribution company, as defined in section 16-1, as
569 amended, shall submit a utilities pesticide management plan to the
570 Commissioner of Environmental Protection for approval with the
571 concurrence of the **[**Public Utilities Control**]** Energy and Technology
572 Authority. A plan shall be revised at such time as the electric company
573 filing the plan or the commissioner determines provided such plan
574 shall be revised not less than once every five years.

575 Sec. 22. Subsection (f) of section 22a-198 of the general statutes is

576 repealed and the following is substituted in lieu thereof (*Effective July*
577 *1, 2006*):

578 (f) The Commissioner of Environmental Protection, in consultation
579 with the chairperson of the **[**Public Utilities Control**]** Energy and
580 Technology Authority, may suspend the prohibition of subsection (b)
581 of this section for a Title IV source if it is determined that the
582 application of the prohibition established under subsection (b) of this
583 section adversely affects the ability to meet the reliability standards, as
584 defined by the New England Power Pool or its successor organization,
585 and the suspension thereof is intended to mitigate such reliability
586 problems. The Commissioner of Environmental Protection, in
587 consultation with the chairperson of the **[**Public Utilities Control**]**
588 Energy and Technology Authority, shall specify in writing the reasons
589 for such suspension and the period of time that such suspension shall
590 be in effect and shall provide notice of such suspension at the time of
591 issuance, or the next business day, to the joint standing committees of
592 the General Assembly having cognizance of matters relating to the
593 environment and energy and technology. No such waiver shall last
594 more than thirty days. The commissioner may reissue additional
595 waivers for such source after said initial waiver has expired. Within
596 ten days of receipt of the commissioner's notice of suspension, the
597 committees having cognizance of matters relating to the environment
598 and energy and technology may hold a joint public hearing and
599 meeting of the committees to either modify or reject the
600 commissioner's suspension by a majority vote. If the committees do
601 not meet, the commissioner's suspension shall be deemed approved.

602 Sec. 23. Subsection (b) of section 22a-354i of the general statutes is
603 repealed and the following is substituted in lieu thereof (*Effective July*
604 *1, 2006*):

605 (b) In adopting such regulations, the commissioner shall consider
606 the guidelines for aquifer protection areas recommended in the report
607 prepared pursuant to special act 87-63, as amended, and shall avoid
608 duplication and inconsistency with other state or federal laws and

609 regulations affecting aquifers. The regulations shall be developed in
610 consultation with an advisory committee appointed by the
611 commissioner. The advisory committee shall include the
612 Commissioners of Public Works and Public Health and the
613 chairperson of the **[**Public Utilities Control Authority**]** Department of
614 Public Utility Control, or their designees, members of the public, and
615 representatives of businesses affected by the regulations, agriculture,
616 environmental groups, municipal officers and water companies.

617 Sec. 24. Section 22a-354w of the general statutes is repealed and the
618 following is substituted in lieu thereof (*Effective July 1, 2006*):

619 The Commissioner of Environmental Protection, in consultation
620 with the Commissioner of Public Health and the chairperson of the
621 **[**Public Utilities Control Authority**]** Department of Public Utility
622 Control, shall prepare guidelines for acquisition of lands surrounding
623 existing or proposed public water supply well fields. In preparing such
624 guidelines the commissioner shall consider economic implications for
625 mandating land acquisition including, but not limited to, the effect on
626 land values and the ability of small water companies to absorb the cost
627 of acquisition.

628 Sec. 25. Subsection (d) of section 22a-371 of the general statutes is
629 repealed and the following is substituted in lieu thereof (*Effective July*
630 *1, 2006*):

631 (d) Upon notifying the applicant in accordance with subsection (c)
632 of this section that the application is complete, the commissioner shall
633 immediately provide notice of the application and a concise
634 description of the proposed diversion to the Governor, the Attorney
635 General, the speaker of the House of Representatives, the president pro
636 tempore of the Senate, the Secretary of the Office of Policy and
637 Management, the Commissioners of Public Health and Economic and
638 Community Development, the chairperson of the **[**Public Utility
639 Control Authority**]** Department of Public Utility Control, chief
640 executive officer and chairmen of the conservation commission and

641 wetlands agency of the municipality or municipalities in which the
642 proposed diversion will take place or have effect, and to any person
643 who has requested notice of such activities.

644 Sec. 26. Section 25-32b of the general statutes is repealed and the
645 following is substituted in lieu thereof (*Effective July 1, 2006*):

646 The Commissioner of Public Health, in consultation with the
647 Commissioner of Environmental Protection and the **[**Public Utilities
648 Control Authority**]** chairperson of the Department of Public Utility
649 Control, may declare a public drinking water supply emergency upon
650 receipt of information that a public water supply emergency exists or
651 is imminent. Notwithstanding any other provision of the general
652 statutes or regulations adopted thereunder, or special act or municipal
653 ordinance, the Commissioner of Public Health may authorize or order
654 the sale, supply or taking of any waters, including waters into which
655 sewage is discharged, or the temporary interconnection of water mains
656 for the sale or transfer of water among water companies. The **[**Public
657 Utilities Control Authority**]** Department of Public Utility Control shall
658 determine the terms of the sale of any water sold pursuant to this
659 section if the water companies that are party to the sale cannot
660 determine such terms or if one of such water companies is regulated
661 by the authority. The authorization or order may be implemented
662 prior to such determination. Any authorization or order shall be for an
663 initial period of not more than thirty days but may be extended for
664 additional periods of thirty days up to one hundred fifty days,
665 consistent with the contingency procedures for a public drinking water
666 supply emergency in the plan approved pursuant to section 25-32d, as
667 amended by this act, to the extent the Commissioner of Public Health
668 deems appropriate. Upon request by the Commissioner of Public
669 Health, the Commissioner of Environmental Protection, pursuant to
670 section 22a-378, shall suspend a permit issued pursuant to section 22a-
671 368 or impose conditions on a permit held pursuant to said section.
672 The time for such suspension or conditions shall be established in
673 accordance with subdivision (1) of subsection (a) of section 22a-378. As
674 used in this section and section 22a-378, "public drinking water supply

675 emergency" includes the contamination of water, the failure of a water
676 supply system or the shortage of water.

677 Sec. 27. Section 25-32d of the general statutes is repealed and the
678 following is substituted in lieu thereof (*Effective July 1, 2006*):

679 (a) Each water company, as defined in section 25-32a, and supplying
680 water to one thousand or more persons or two hundred fifty or more
681 consumers and any other water company as defined in said section
682 requested by the Commissioner of Public Health shall submit a water
683 supply plan to the Commissioner of Public Health for approval with
684 the concurrence of the Commissioner of Environmental Protection. The
685 concurrence of the **[**Public Utilities Control Authority**]** chairperson of
686 the Department of Public Utility Control shall be required for approval
687 of a plan submitted by a water company regulated by the authority.
688 The Commissioner of Public Health shall consider the comments of the
689 **[**Public Utilities Control Authority**]** Department of Public Utility
690 Control on any plan which may impact any water company regulated
691 by the **[**authority**]** Department of Public Utility Control. The
692 Commissioner of Public Health shall distribute a copy of the plan to
693 the Commissioner of Environmental Protection and the **[**Public
694 Utilities Control Authority**]** chairperson of the Department of Public
695 Utility Control. A copy of the plan shall be sent to the Secretary of the
696 Office of Policy and Management for information and comment. A
697 plan shall be revised at such time as the water company filing the plan
698 or the Commissioner of Public Health determines or at intervals of not
699 less than three years nor more than five years after the date of initial
700 approval.

701 (b) Any water supply plan submitted pursuant to this section shall
702 evaluate the water supply needs in the service area of the water
703 company submitting the plan and propose a strategy to meet such
704 needs. The plan shall include: (1) A description of existing water
705 supply systems; (2) an analysis of future water supply demands; (3) an
706 assessment of alternative water supply sources which may include
707 sources receiving sewage and sources located on state land; (4)

708 contingency procedures for public drinking water supply emergencies,
709 including emergencies concerning the contamination of water, the
710 failure of a water supply system or the shortage of water; (5) a
711 recommendation for new water system development; (6) a forecast of
712 any future land sales, an identification which includes the acreage and
713 location of any land proposed to be sold, sources of public water
714 supply to be abandoned and any land owned by the company which it
715 has designated, or plans to designate, as class III land; (7) provisions
716 for strategic groundwater monitoring; (8) an analysis of the impact of
717 water conservation practices and a strategy for implementing supply
718 and demand management measures; and (9) on and after January 1,
719 2004, an evaluation of source water protection measures for all sources
720 of the water supply, based on the identification of critical lands to be
721 protected and incompatible land use activities with the potential to
722 contaminate a public drinking water source.

723 (c) For security and safety reasons, procedures for sabotage
724 prevention and response shall be provided separately from the water
725 supply plan as a confidential document to the Department of Public
726 Health. Such procedures shall not be subject to disclosure under the
727 Freedom of Information Act, as defined in section 1-200. Additionally,
728 procedures for sabotage prevention and response that are established
729 by municipally-owned water companies shall not be subject to
730 disclosure under the Freedom of Information Act, as defined in section
731 1-200.

732 (d) The Commissioner of Public Health, in consultation with the
733 Commissioner of Environmental Protection and the **[**Public Utilities
734 Control Authority**]** <u>chairperson of the Department of Public Utility</u>
735 <u>Control</u>, shall adopt regulations in accordance with the provisions of
736 chapter 54. Such regulations shall include a method for calculating safe
737 yield, the contents of emergency contingency plans and water
738 conservation plans, the contents of an evaluation of source water
739 protection measures, a process for approval, modification or rejection
740 of plans submitted pursuant to this section, a schedule for submission
741 of the plans and a mechanism for determining the completeness of the

742 plan. The plan shall be deemed complete if the commissioner does not
743 request additional information within ninety days after the date on
744 which the plan was submitted or, in the event that additional
745 information has been requested, within forty-five days after the
746 submission of such information, except that the commissioner may
747 request an additional thirty days beyond the time in which the
748 application is deemed complete to further determine completeness. In
749 determining whether the water supply plan is complete, the
750 commissioner may request only information that is specifically
751 required by regulation. The Department of Environmental Protection
752 and the Department of Public Utility Control, in the case of any plan
753 which may impact any water company regulated by that agency, shall
754 have ninety days upon notice that a plan is deemed complete to
755 comment on the plan.

756 (e) Any water company, when submitting any plan or revision or
757 amendment of a plan after July 1, 1998, which involves a forecast of
758 land sales, abandonment of any water supply source, sale of any lands,
759 or land reclassification, shall provide notice, return receipt requested,
760 to the chief elected official of each municipality in which the land or
761 source is located, the Nature Conservancy, the Trust for Public Land
762 and the Land Trust Service Bureau and any organization on the list
763 prepared under subsection (b) of section 16-50c. Such notice shall
764 specify any proposed abandonment of a source of water supply, any
765 proposed changes to land sales forecasts or any land to be designated
766 as class III land in such plan. Such notice shall specify the location and
767 acreage proposed for sale or reclassification as class III land and
768 identify sources to be abandoned and shall be provided no later than
769 the date of submission of such plan or revision. Such notice shall
770 indicate that public comment on such plan or revision shall be received
771 by the Commissioners of Public Health and Environmental Protection
772 not later than sixty days after the date of notice. The Commissioner of
773 Public Health shall take such comment into consideration in making
774 any determination or approval under this section.

775 Sec. 28. Section 25-32i of the general statutes is repealed and the

776 following is substituted in lieu thereof (*Effective July 1, 2006*):

777 There is created a Residential Water-Saving Advisory Board to
778 advise the Commissioner of Public Health on educational materials or
779 information on water conservation. The board shall consist of eight
780 members as follows: The Commissioners of Environmental Protection
781 and Public Health, the Secretary of the Office of Policy and
782 Management, the chairperson of the **[**Public Utilities Control
783 Authority**]** Department of Public Utility Control, and the Consumer
784 Counsel, or their respective designees; a representative of a small
785 investor-owned water company, who shall be appointed by the
786 minority leader of the Senate; a representative of a large investor-
787 owned water company, who shall be appointed by the minority leader
788 of the House of Representatives; and a representative of a municipal or
789 regional water authority, who shall be jointly appointed by the
790 president pro tempore of the Senate and the speaker of the House of
791 Representatives. The Governor shall designate the chairman of the
792 board.

793 Sec. 29. Subsection (a) of section 25-33o of the general statutes is
794 repealed and the following is substituted in lieu thereof (*Effective July*
795 *1, 2006*):

796 (a) The chairperson of the **[**Public Utility Control Authority**]**
797 Department of Public Utility Control, or the chairperson's designee,
798 the Commissioner of Environmental Protection, or the commissioner's
799 designee, the Secretary of the Office of Policy and Management, or the
800 secretary's designee, and the Commissioner of Public Health, or the
801 commissioner's designee, shall constitute a Water Planning Council to
802 address issues involving the water companies, water resources and
803 state policies regarding the future of the state's drinking water supply.
804 **[**The chairperson of the Public Utility Control Authority shall convene
805 the first meeting of the council.**]**

806 Sec. 30. Section 25-157 of the general statutes is repealed and the
807 following is substituted in lieu thereof (*Effective July 1, 2006*):

808 Notwithstanding any other provision of the general statutes, no
809 state agency, including, but not limited to, the Department of
810 Environmental Protection and the Connecticut Siting Council, shall
811 consider or render a final decision for any applications relating to
812 electric power line crossings, gas pipeline crossings or
813 telecommunications crossings of Long Island Sound that have required
814 or will require a certificate issued pursuant to section 16-50k, as
815 amended, or approval by the Federal Energy Regulatory Commission
816 including, but not limited to, electrical power line, gas pipeline or
817 telecommunications applications that are pending or received after
818 June 3, 2002, for a period of three years after June 3, 2002. Such
819 moratorium shall not apply to applications relating solely to the
820 maintenance, repair or replacement necessary for repair of electrical
821 power lines, gas pipelines or telecommunications facilities currently
822 used to provide service to customers located on islands or peninsulas
823 off the Connecticut coast or harbors, embayments, tidal rivers, streams
824 or creeks. An applicant may seek a waiver of such moratorium by
825 submitting a petition to the following: The chairpersons and ranking
826 members of the joint standing committees of the General Assembly
827 having cognizance of matters relating to energy and the environment,
828 the chairman of the Connecticut Siting Council, the chairperson of the
829 **[**Public Utilities Control**]** Energy and Technology Authority, the
830 Commissioner of Environmental Protection, and any other state
831 agency head with jurisdiction over the subject of the petition. Such
832 persons may grant a petition for a waiver by unanimous consent.
833 Nothing in section 16-244j, this section or sections 25-157a to 25-157c,
834 inclusive, shall be construed to affect the project in the corridor across
835 Long Island Sound, from Norwalk to Northport, New York, to replace
836 the existing electric cables that cross the sound.

837 Sec. 31. Subsection (c) of section 28-24 of the 2006 supplement to the
838 general statutes is repealed and the following is substituted in lieu
839 thereof (*Effective July 1, 2006*):

840 (c) Within a time period determined by the commissioner to ensure
841 the availability of funds for the fiscal year beginning July 1, 1997, to the

842 regional public safety emergency telecommunications centers within
843 the state, and not later than April first of each year thereafter, the
844 commissioner shall determine the amount of funding needed for the
845 development and administration of the enhanced emergency 9-1-1
846 program. The commissioner shall specify the expenses associated with
847 (1) the purchase, installation and maintenance of new public safety
848 answering point terminal equipment, (2) the implementation of the
849 subsidy program, as described in subdivision (2) of subsection (a) of
850 this section, (3) the implementation of the transition grant program,
851 described in subdivision (2) of subsection (a) of this section, (4) the
852 implementation of the regional emergency telecommunications service
853 credit, as described in subdivision (2) of subsection (a) of this section,
854 provided, for the fiscal year ending June 30, 2001, and each fiscal year
855 thereafter, such credit for coordinated medical emergency direction
856 services as provided in regulations adopted under this section shall be
857 based upon the factor of thirty cents per capita and shall not be
858 reduced each year, (5) the training of personnel, as necessary, (6)
859 recurring expenses and future capital costs associated with the
860 telecommunications network used to provide emergency 9-1-1 service
861 and the public safety services data networks, (7) for the fiscal year
862 ending June 30, 2001, and each fiscal year thereafter, the collection,
863 maintenance and reporting of emergency medical services data, as
864 required under subparagraphs (A) and (B) of subdivision (8) of section
865 19a-177, <u>as amended,</u> provided the amount of expenses specified
866 under this subdivision shall not exceed two hundred fifty thousand
867 dollars in any fiscal year, (8) for the fiscal year ending June 30, 2001,
868 and each fiscal year thereafter, the initial training of emergency
869 medical dispatch personnel, the provision of an emergency medical
870 dispatch priority reference card set and emergency medical dispatch
871 training and continuing education pursuant to subdivisions (3) and (4)
872 of subsection (g) of section 28-25b, and (9) the administration of the
873 enhanced emergency 9-1-1 program by the Office of State-Wide
874 Emergency Telecommunications, as the commissioner determines to
875 be reasonably necessary. The commissioner shall communicate the
876 commissioner's findings to the chairperson of the **[**Public Utilities

877 Control Authority] Department of Public Utility Control not later than
878 April first of each year.

879 Sec. 32. (NEW) *(Effective July 1, 2006)* (a) The Department of Energy
880 Policy and Development shall constitute a successor department with
881 respect to the duties of the Office of Policy and Management as set
882 forth in chapters 295, 296, 298 and 298a of the general statutes
883 regarding energy policy planning in accordance with sections 4-38d
884 and 4-39 of the general statutes.

885 (b) The functions, powers, duties and personnel of the Division of
886 Energy in the Office of Policy and Management shall be transferred to
887 the Department of Energy Policy and Development pursuant to the
888 provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

889 (c) Any order or regulation of the Office of Policy and Management
890 that is in force on July 1, 2006, pursuant to the powers and duties set
891 forth in chapters 295, 296, 298 and 298a of the general statutes
892 regarding energy policy and planning shall continue in force and effect
893 as an order or regulation until amended, repealed or superseded
894 pursuant to law.

895 Sec. 33. (NEW) *(Effective July 1, 2006):* (a) The Commissioner of
896 Energy Policy and Development shall: (1) Be designated as the state
897 official to implement and execute any federal program, law, order, rule
898 or regulation related to the allocation, rationing, conservation,
899 distribution or consumption of energy resources; (2) coordinate all
900 state and local government programs for the allocation, rationing,
901 conservation, distribution and consumption of energy resources; (3)
902 cooperate with the appropriate authorities of the United States
903 government, or other state or interstate agencies with respect to
904 allocation, rationing, conservation, distribution and consumption of
905 energy resources; (4) carry out a program of studies, hearings,
906 inquiries, surveys and analyses necessary for state-wide energy policy
907 and planning, provided if an individual or business furnishing
908 commercial or financial information concerning said individual or

909 business requests, in writing, at the time such information is furnished
910 that it be treated as confidential proprietary information, such
911 information, to the extent that it is limited to (A) volume of sales,
912 shipments, receipts and exchanges of energy resources, (B) inventories
913 of energy resources, and (C) local distribution patterns of energy
914 resources, shall be exempt from the provisions of subsection (a) of
915 section 1-210 of the 2006 supplement to the general statutes; (5)
916 encourage programs to foster cooperative efforts by and among
917 Connecticut business, industry, utilities, the academic community and
918 government to develop new sources of energy; and (6) undertake such
919 other duties and responsibilities as may be assigned by other state
920 statutes or by the Governor.

921 (b) The commissioner may: (1) Investigate any complaint
922 concerning the violation of any federal or state statute, rule, regulation
923 or order pertaining to pricing, allocation, rationing, conservation,
924 distribution or consumption of energy resources and shall transmit
925 any evidence gathered by such investigation to the proper federal or
926 state authorities; (2) conduct programs of public education regarding
927 energy conservation; (3) enter into contracts with any person to do all
928 things necessary or convenient to carry out the functions, powers and
929 duties of the Department of Energy Policy and Development; (4)
930 employ, subject to the provisions of chapter 67 of the general statutes,
931 such staff as is required for the proper discharge of duties of the office;
932 (5) adopt regulations in accordance with chapter 54 of the general
933 statutes, to carry out the duties of the Commissioner of Energy Policy
934 and Development and the Department of Energy Policy and
935 Development; and (6) provide technical assistance to municipalities
936 that want to aggregate electric generation services.

937 (c) The Department of Public Utility Control may, at the request of
938 the Commissioner of Energy Policy and Development or on its own
939 motion, designate such commissioner as a party in any proceeding
940 before such authority.

941 (d) Except as prohibited by the provisions of section 4-181 of the

942 general statutes, the Commissioner of Energy Policy and Development
943 shall (1) have access to the records of the Energy and Technology
944 Authority and the Department of Public Utility Control, (2) be entitled
945 to call upon the assistance of the authority's and the department's
946 experts, and (3) have the benefit of all other facilities or information of
947 the authority or department in carrying out the duties of the
948 Commissioner of Energy Policy and Development and the Department
949 of Energy Policy and Development, except for such internal
950 documents, information or data that are not available to parties to the
951 authority's proceedings.

952 Sec. 34. (NEW) *(Effective July 1, 2006)* (a) The Commissioner of
953 Energy Policy and Development shall: (1) Hold regular public
954 meetings for the purpose of discussing issues relating to the safety and
955 operation of the nuclear power generating facilities located in this state
956 and advise the Governor, the General Assembly and municipalities
957 within a five-mile radius of any nuclear power generating facility in
958 this state of such issues; (2) work in conjunction with agencies of the
959 federal, state and local governments and with any electric company
960 operating a nuclear power generating facility to ensure the public
961 health and safety; (3) discuss proposed changes in or problems arising
962 from the operation of a nuclear power generating facility; (4)
963 communicate with any electric company operating a nuclear power
964 generating facility about safety or operational concerns at the facility,
965 which communications may include, but not be limited to, receipt of
966 written reports and presentations to the department; and (5) review
967 the current status of facilities with the Nuclear Regulatory
968 Commission.

969 (b) The commissioner may establish a nuclear energy advisory
970 group to assist and advise the department on performance of the
971 commissioner's duties under this section.

972 Sec. 35. (NEW) *(Effective July 1, 2006)* (a) The Department of Energy
973 Policy and Development shall: (1) Represent the state in regional
974 energy system planning processes conducted by the regional

975 independent system operator, as defined in section 16-1 of the 2006
976 supplement to the general statutes; (2) encourage representatives from
977 the municipalities that are affected by a proposed project of regional
978 significance to participate in regional energy system planning
979 processes conducted by the regional independent system operator; (3)
980 participate in a forecast proceeding conducted pursuant to subsection
981 (a) of section 16-50r of the general statutes; and (4) participate in a life-
982 cycle proceeding conducted pursuant to subsection (b) of section 16-
983 50r of the general statutes.

984 (b) The Commissioner of Energy Policy and Development may
985 establish an advisory group to assist and advise the department on the
986 performance of the commissioner's duties under this section.

987 Sec. 36. (NEW) (*Effective July 1, 2006*) (a) The Department of Energy
988 Policy and Development is authorized to participate in proceedings
989 before agencies of the federal government and the federal courts on
990 matters affecting electric distribution companies, as defined in section
991 16-1 of the 2006 supplement to the general statutes, electric suppliers,
992 as defined in said section 16-1, gas companies, as defined in said
993 section 16-1, gas registrants, as defined in said section 16-1, or exempt
994 wholesale generators, as defined in said section 16-1.

995 (b) For any proceeding before the Federal Energy Regulatory
996 Commission, the United States Department of Energy or the United
997 States Nuclear Regulatory Commission, or appeal thereof, the
998 Attorney General, upon request of the Commissioner of Energy Policy
999 and Development, may retain outside legal counsel in accordance with
1000 section 3-125 of the general statutes to participate in such proceedings
1001 on behalf of the department. All reasonable and proper expenses of
1002 such outside legal counsel shall be borne by the electric distribution
1003 companies, electric suppliers, gas companies, gas registrants, or
1004 exempt wholesale generators that are affected by the decisions of such
1005 proceedings and shall be paid at such times and in such manner as the
1006 Department of Energy Policy and Development directs, provided such
1007 expenses shall be apportioned in proportion to the revenues of each

1008 affected entity as reported to the Department of Public Utility Control
1009 for purposes of section 16-49 of the general statutes for the most recent
1010 period, and provided further such expenses shall not exceed two
1011 hundred fifty thousand dollars per proceeding, including any appeals
1012 thereof, in any calendar year unless the department finds good cause
1013 for exceeding the limit and the affected entities have an opportunity,
1014 after reasonable notice, to comment on the proposed overage. All such
1015 legal expenses shall be recognized by the Department of Public Utility
1016 Control as proper business expenses of the affected entities for rate-
1017 making purposes, as provided in section 16-19e of the general statutes,
1018 as amended by this act, if applicable.

1019 Sec. 37. Section 4-38c of the general statutes is repealed and the
1020 following is substituted in lieu thereof (*Effective July 1, 2006*):

1021 There shall be within the executive branch of state government the
1022 following departments: Office of Policy and Management, Department
1023 of Administrative Services, Department of Revenue Services,
1024 Department of Banking, Department of Agriculture, Department of
1025 Children and Families, Department of Consumer Protection,
1026 Department of Correction, Department of Economic and Community
1027 Development, State Board of Education, Department of Emergency
1028 Management and Homeland Security, Department of Energy Policy
1029 and Development, Department of Environmental Protection,
1030 Department of Public Health, Board of Governors of Higher
1031 Education, Insurance Department, Labor Department, Department of
1032 Mental Health and Addiction Services, Department of Mental
1033 Retardation, Department of Public Safety, Department of Social
1034 Services, Department of Transportation, Department of Motor
1035 Vehicles, Department of Veterans' Affairs, Department of Public
1036 Works and Department of Public Utility Control.

1037 Sec. 38. Subsection (a) of section 4-65a of the general statutes is
1038 repealed and the following is substituted in lieu thereof (*Effective July*
1039 *1, 2006*):

1040 (a) There shall be an Office of Policy and Management which shall
1041 be responsible for all aspects of state staff planning and analysis in the
1042 areas of budgeting, management, planning, **[**energy**]** policy
1043 determination and evaluation, intergovernmental policy, criminal and
1044 juvenile justice planning and program evaluation. The department
1045 head shall be the Secretary of the Office of Policy and Management,
1046 who shall be appointed by the Governor in accordance with the
1047 provisions of sections 4-5, as amended by this act, 4-6, 4-7, as amended,
1048 and 4-8, with all the powers and duties therein prescribed. The
1049 Secretary of the Office of Policy and Management shall be the
1050 employer representative (1) in collective bargaining negotiations
1051 concerning changes to the state employees retirement system and
1052 health and welfare benefits, and (2) in all other matters involving
1053 collective bargaining, including negotiation and administration of all
1054 collective bargaining agreements and supplemental understandings
1055 between the state and the state employee unions concerning all
1056 executive branch employees except (A) employees of the Division of
1057 Criminal Justice, and (B) faculty and professional employees of boards
1058 of trustees of constituent units of the state system of higher education.
1059 The secretary may designate a member of the secretary's staff to act as
1060 the employer representative in the secretary's place.

1061 Sec. 39. Subdivision (2) of subsection (e) of section 4a-57 of the
1062 general statutes is repealed and the following is substituted in lieu
1063 thereof (*Effective July 1, 2006*):

1064 (2) Any purchase of or contract by the department for electric
1065 generation services that are subject to competitive bidding and
1066 competitive negotiations shall be conducted in cooperation with the
1067 **[**Office of Policy and Management**]** Commissioner of Energy Policy
1068 and Development pursuant to section 16a-14e, as amended by this act.

1069 Sec. 40. Section 8-37jj of the general statutes is repealed and the
1070 following is substituted in lieu thereof (*Effective July 1, 2006*):

1071 (a) The Department of Economic and Community Development

1072 may not approve electric resistance as the primary heat source in new,
1073 subsidized housing except where justified by a life-cycle cost analysis
1074 whose methodology has been approved by the **[**division of the Office
1075 of Policy and Management responsible for energy matters**]**
1076 Department of Energy Policy and Development.

1077 (b) If the Department of Economic and Community Development or
1078 the Connecticut Housing Finance Authority uses electric resistance
1079 space heating as the primary heating source in any new construction, it
1080 shall construct the unit in such a way as to be eligible for any available
1081 energy conservation incentives provided by the electric company, as
1082 defined in section 16-1, as amended, or the municipal utility furnishing
1083 electric service to such unit.

1084 Sec. 41. Subsection (f) of section 13a-110a of the general statutes is
1085 repealed and the following is substituted in lieu thereof (*Effective July*
1086 *1, 2006*):

1087 (f) The provisions of this section shall not apply to the installation or
1088 replacement of luminaires for which the **[**Secretary of the Office of
1089 Policy and Management**]** Commissioner of Energy Policy and
1090 Development (1) conducts a life-cycle cost analysis of one or more
1091 luminaires which meet the requirements set forth in subsection (b) of
1092 this section and one or more luminaires which do not meet such
1093 requirements, and (2) certifies that a luminaire which meets such
1094 requirements is not cost effective and is not the most appropriate
1095 alternative based on the life-cycle cost analysis.

1096 Sec. 42. Section 16-6b of the general statutes is repealed and the
1097 following is substituted in lieu thereof (*Effective July 1, 2006*):

1098 The Department of Public Utility Control may, in accordance with
1099 chapter 54, adopt such regulations with respect to rates and charges,
1100 services, accounting practices, safety and the conduct of operations
1101 generally of public service companies subject to its jurisdiction as it
1102 deems reasonable and necessary. The department may, in accordance
1103 with chapter 54, adopt such regulations with respect to services,

1104 accounting practices, safety and the conduct of operations generally of
1105 electric suppliers subject to its jurisdiction as it deems reasonable and
1106 necessary. After consultation with the **[**Secretary of the Office of Policy
1107 and Management**]** Commissioner of Energy Policy and Development,
1108 the department may also adopt regulations establishing standards for
1109 systems utilizing cogeneration technology and renewable fuel
1110 resources.

1111 Sec. 43. Subsections (c) and (d) of section 16-19e of the general
1112 statutes are repealed and the following is substituted in lieu thereof
1113 (*Effective July 1, 2006*):

1114 (c) The Department of Public Utility Control shall consult at least
1115 once each year with the Commissioner of Environmental Protection,
1116 the Connecticut Siting Council and the **[**Office of Policy and
1117 Management**]** Commissioner of Energy Policy and Development, so as
1118 to coordinate and integrate its actions, decisions and policies
1119 pertaining to gas and electric companies, so far as possible, with the
1120 actions, decisions and policies of said other agencies and
1121 instrumentalities in order to further the development and optimum
1122 use of the state's energy resources and conform to the greatest
1123 practicable extent with the state energy policy as stated in section 16a-
1124 35k, taking into account prudent management of the natural
1125 environment and continued promotion of economic development
1126 within the state. In the performance of its duties, the department shall
1127 take into consideration the energy policies of the state as expressed in
1128 this subsection and in any annual reports prepared or filed by such
1129 other agencies and instrumentalities, and shall defer, as appropriate, to
1130 any actions taken by such other agencies and instrumentalities on
1131 matters within their respective jurisdictions.

1132 (d) The Commissioner of Environmental Protection, the
1133 Commissioner of Economic and Community Development, the
1134 Connecticut Siting Council and the **[**Office of Policy and Management**]**
1135 Commissioner of Energy Policy and Development shall be made
1136 parties to each proceeding on a rate amendment proposed by a gas,

1137 electric or electric distribution company based upon an alleged need
1138 for increased revenues to finance an expansion of capital equipment
1139 and facilities, and shall participate in such proceedings to the extent
1140 necessary.

1141 Sec. 44. Subdivision (2) of subsection (c) of section 16-32f of the 2006
1142 supplement to the general statutes is repealed and the following is
1143 substituted in lieu thereof (*Effective July 1, 2006*):

1144 (2) Programs included in the plan shall be screened through cost-
1145 effectiveness testing that compares the value and payback period of
1146 program benefits to program costs to ensure that the programs are
1147 designed to obtain gas savings whose value is greater than the costs of
1148 the program. Program cost-effectiveness shall be reviewed annually by
1149 the department, or otherwise as is practicable. If the department
1150 determines that a program fails the cost-effectiveness test as part of the
1151 review process, the program shall either be modified to meet the test
1152 or shall be terminated. On or before January 1, 2007, and annually
1153 thereafter, the board shall provide a report, in accordance with the
1154 provisions of section 11-4a, to the joint standing committees of the
1155 General Assembly having cognizance of matters relating to energy and
1156 the environment <u>and to the Commissioner of Energy Policy and</u>
1157 <u>Development</u>, that documents expenditures and funding for such
1158 programs and evaluates the cost-effectiveness of such programs
1159 conducted in the preceding year, including any increased cost-
1160 effectiveness owing to offering programs that save more than one fuel
1161 resource.

1162 Sec. 45. Subdivision (3) of subsection (a) of section 16-50*l* of the
1163 general statutes is repealed and the following is substituted in lieu
1164 thereof (*Effective July 1, 2006*):

1165 (3) Notwithstanding the provisions of this subsection, an entity that
1166 has submitted a proposal pursuant to the request-for-proposal process
1167 may initiate a certification proceeding by filing with the council an
1168 application containing the information required pursuant to this

1169 section, accompanied by a filing fee of not more than twenty-five
1170 thousand dollars, which fee shall be established in accordance with
1171 section 16-50t, and a municipal participation fee of twenty-five
1172 thousand dollars to be deposited in the account established pursuant
1173 to section 16-50bb, not later than thirty days after the **[**Connecticut
1174 Energy Advisory Board**]** Commissioner of Energy Policy and
1175 Development performs the evaluation process pursuant to subsection
1176 (f) of section 16a-7c, as amended by this act.

1177 Sec. 46. Section 16-243k of the 2006 supplement to the general
1178 statutes is repealed and the following is substituted in lieu thereof
1179 (*Effective July 1, 2006*):

1180 Not later than January 1, 2007, and annually thereafter, the
1181 Department of Public Utility Control shall assess the number and types
1182 of customer-side and grid-side distributed resources, as defined in
1183 section 16-1, as amended, projects financed pursuant to the provisions
1184 of public act 05-1 of the June special session* and such projects'
1185 contributions to achieving fuel diversity, transmission support, and
1186 energy independence in the state. Not later than January 1, 2007, and
1187 biennially thereafter, the department shall collect the information in
1188 such annual assessments and report, in accordance with the provisions
1189 of section 11-4a, on the effectiveness of the award program established
1190 in section 16-243i and on its findings to the joint standing committee of
1191 the General Assembly having cognizance of matters relating to energy
1192 and to the Commissioner of Energy Policy and Development.

1193 Sec. 47. Subsection (m) of section 16-243m of the 2006 supplement to
1194 the general statutes is repealed and the following is substituted in lieu
1195 thereof (*Effective July 1, 2006*):

1196 (m) An electric distribution company may not submit a proposal
1197 under this section on or after February 1, 2011. On or before January 1,
1198 2010, the department shall submit a report, in accordance with section
1199 11-4a, to the joint standing committee of the General Assembly having
1200 cognizance of matters relating to energy and to the Department of

1201 Energy Policy and Development with a recommendation as to whether
1202 the period during which such company may submit proposals under
1203 this section should be extended.

1204 Sec. 48. Subsection (b) of section 16-244d of the general statutes is
1205 repealed and the following is substituted in lieu thereof (*Effective July*
1206 *1, 2006*):

1207 (b) There shall be established a Consumer Education Advisory
1208 Council which shall advise the outreach program coordinator on the
1209 development and implementation of the outreach program until the
1210 termination of the standard offer under section 16-244c, as amended.
1211 Membership of the advisory council shall be established by the
1212 Consumer Counsel not later than December 1, 1998, and shall include,
1213 but not be limited to, representatives of the Department of Public
1214 Utility Control, the Office of Consumer Counsel, the Office of the
1215 Attorney General, the **[**Office of Policy and Management**]** Department
1216 of Energy Policy and Development, the Department of Environmental
1217 Protection, community and business organizations, consumer groups,
1218 including, but not limited to, a group that represents hardship
1219 customers, as defined in section 16-262c, as amended by this act,
1220 electric distribution companies and electric suppliers. The advisory
1221 council shall determine the information to be distributed to customers
1222 as part of the education effort such as customers' rights and obligations
1223 in a restructured environment, how customers can exercise their right
1224 to participate in retail access, the types of electric suppliers expected to
1225 be licensed including the possibility of load aggregation, electric
1226 generation services options that will be available, the environmental
1227 characteristics of different types of generation facilities and other
1228 information determined by the advisory council to be necessary for
1229 customers. The advisory council shall advise the outreach program
1230 coordinator on the methods of distributing information in accordance
1231 with subsection (a) of this section and the timing of such distribution.
1232 The advisory council shall meet on a regular basis and report to the
1233 outreach program coordinator as it deems appropriate until
1234 termination of the advisory council's role upon the termination of the

1235 standard offer under section 16-244c, as amended.

1236 Sec. 49. Subsection (a) of section 16-245*l* of the 2006 supplement to
1237 the general statutes is repealed and the following is substituted in lieu
1238 thereof (*Effective July 1, 2006*):

1239 (a) The Department of Public Utility Control shall establish and each
1240 electric distribution company shall collect a systems benefits charge to
1241 be imposed against all end use customers of each electric distribution
1242 company beginning January 1, 2000. The department shall hold a
1243 hearing that shall be conducted as a contested case in accordance with
1244 chapter 54 to establish the amount of the systems benefits charge. The
1245 department may revise the systems benefits charge or any element of
1246 said charge as the need arises. The systems benefits charge shall be
1247 used to fund (1) the expenses of the public education outreach
1248 program developed under subsections (a), (f) and (g) of section 16-
1249 244d, as amended by this act, other than expenses for department staff,
1250 (2) the reasonable and proper expenses of the education outreach
1251 consultant pursuant to subsection (d) of section 16-244d, as amended
1252 by this act, (3) the cost of hardship protection measures under sections
1253 16-262c, as amended by this act, and 16-262d and other hardship
1254 protections, including, but not limited to, electric service bill payment
1255 programs, funding and technical support for energy assistance, fuel
1256 bank and weatherization programs and weatherization services, (4) the
1257 payment program to offset tax losses described in section 12-94d, (5)
1258 any sums paid to a resource recovery authority pursuant to subsection
1259 (b) of section 16-243e, (6) low income conservation programs approved
1260 by the Department of Public Utility Control, (7) displaced worker
1261 protection costs, (8) unfunded storage and disposal costs for spent
1262 nuclear fuel generated before January 1, 2000, approved by the
1263 appropriate regulatory agencies, (9) postretirement safe shutdown and
1264 site protection costs that are incurred in preparation for
1265 decommissioning, (10) decommissioning fund contributions, (11) the
1266 costs of temporary electric generation facilities incurred pursuant to
1267 section 16-19ss, as amended, **[**(12) operating expenses for the
1268 Connecticut Energy Advisory Board, and (13)**]** and (12) legal, appraisal

1269 and purchase costs of a conservation or land use restriction and other
1270 related costs as the department in its discretion deems appropriate,
1271 incurred by a municipality on or before January 1, 2000, to ensure the
1272 environmental, recreational and scenic preservation of any reservoir
1273 located within this state created by a pump storage hydroelectric
1274 generating facility. As used in this subsection, "displaced worker
1275 protection costs" means the reasonable costs incurred, prior to January
1276 1, 2008, (A) by an electric supplier, exempt wholesale generator,
1277 electric company, an operator of a nuclear power generating facility in
1278 this state or a generation entity or affiliate arising from the dislocation
1279 of any employee other than an officer, provided such dislocation is a
1280 result of (i) restructuring of the electric generation market and such
1281 dislocation occurs on or after July 1, 1998, or (ii) the closing of a Title IV
1282 source or an exempt wholesale generator, as defined in 15 USC 79z-5a,
1283 on or after January 1, 2004, as a result of such source's failure to meet
1284 requirements imposed as a result of sections 22a-197 and 22a-198, as
1285 amended by this act, and this section or those Regulations of
1286 Connecticut State Agencies adopted by the Department of
1287 Environmental Protection, as amended from time to time, in
1288 accordance with Executive Order Number 19, issued on May 17, 2000,
1289 and provided further such costs result from either the execution of
1290 agreements reached through collective bargaining for union
1291 employees or from the company's or entity's or affiliate's programs
1292 and policies for nonunion employees, and (B) by an electric
1293 distribution company or an exempt wholesale generator arising from
1294 the retraining of a former employee of an unaffiliated exempt
1295 wholesale generator, which employee was involuntarily dislocated on
1296 or after January 1, 2004, from such wholesale generator, except for
1297 cause. "Displaced worker protection costs" includes costs incurred or
1298 projected for severance, retraining, early retirement, outplacement,
1299 coverage for surviving spouse insurance benefits and related expenses.
1300 "Displaced worker protection costs" does not include those costs
1301 included in determining a tax credit pursuant to section 12-217bb.

1302 Sec. 50. Subsection (d) of section 16-245m of the 2006 supplement to

1303 the general statutes is repealed and the following is substituted in lieu
1304 thereof (*Effective July 1, 2006*):

1305 (d) (1) The Energy Conservation Management Board shall advise
1306 and assist the electric distribution companies in the development and
1307 implementation of a comprehensive plan, which plan shall be
1308 approved by the Department of Public Utility Control, to implement
1309 cost-effective energy conservation programs and market
1310 transformation initiatives. The plan shall be consistent with the
1311 comprehensive energy plan approved by the **[**Connecticut Energy
1312 Advisory Board**]** Commissioner of Energy Policy and Development
1313 pursuant to section 16a-7a, as amended by this act, at the time of
1314 submission to the department. Each program contained in the plan
1315 shall be reviewed by the electric distribution company and either
1316 accepted or rejected by the Energy Conservation Management Board
1317 prior to submission to the department for approval. The Energy
1318 Conservation Management Board shall, as part of its review, examine
1319 opportunities to offer joint programs providing similar efficiency
1320 measures that save more than one fuel resource or otherwise to
1321 coordinate programs targeted at saving more than one fuel resource.
1322 Any costs for joint programs shall be allocated equitably among the
1323 conservation programs. The Energy Conservation Management Board
1324 shall give preference to projects that maximize the reduction of
1325 federally mandated congestion charges.

1326 (2) There shall be a joint committee of the Energy Conservation
1327 Management Board and the Renewable Energy Investments Advisory
1328 Committee. The board and the advisory committee shall each appoint
1329 members to such joint committee. The joint committee shall examine
1330 opportunities to coordinate the programs and activities funded by the
1331 Renewable Energy Investment Fund pursuant to section 16-245n, as
1332 amended by this act, with the programs and activities contained in the
1333 plan developed under this subsection to reduce the long-term cost,
1334 environmental impacts and security risks of energy in the state. Such
1335 joint committee shall hold its first meeting on or before August 1, 2005.

1336 (3) Programs included in the plan developed under subdivision (1)
1337 of subsection (d) of this section shall be screened through cost-
1338 effectiveness testing which compares the value and payback period of
1339 program benefits to program costs to ensure that programs are
1340 designed to obtain energy savings and system benefits, including
1341 mitigation of federally mandated congestion charges, whose value is
1342 greater than the costs of the programs. Cost-effectiveness testing shall
1343 utilize available information obtained from real-time monitoring
1344 systems to ensure accurate validation and verification of energy use.
1345 Program cost-effectiveness shall be reviewed annually, or otherwise as
1346 is practicable. If a program is determined to fail the cost-effectiveness
1347 test as part of the review process, it shall either be modified to meet the
1348 test or shall be terminated. On or before March 1, 2005, and on or
1349 before March first annually thereafter, the board shall provide a report,
1350 in accordance with the provisions of section 11-4a, to the joint standing
1351 committees of the General Assembly having cognizance of matters
1352 relating to energy and the environment <u>and to the Department of</u>
1353 <u>Energy Policy and Development</u> (A) that documents expenditures and
1354 fund balances and evaluates the cost-effectiveness of such programs
1355 conducted in the preceding year, and (B) that documents the extent to
1356 and manner in which the programs of such board collaborated and
1357 cooperated with programs, established under section 7-233y, of
1358 municipal electric energy cooperatives. To maximize the reduction of
1359 federally mandated congestion charges, programs in the plan may
1360 allow for disproportionate allocations between the amount of
1361 contributions to the Energy Conservation and Load Management
1362 Funds by a certain rate class and the programs that benefit such a rate
1363 class. Before conducting such evaluation, the board shall consult with
1364 the Renewable Energy Investments Advisory Committee. The report
1365 shall include a description of the activities undertaken during the
1366 reporting period jointly or in collaboration with the Renewable Energy
1367 Investment Fund established pursuant to subsection (c) of section 16-
1368 245n<u>, as amended by this act</u>.

1369 (4) Programs included in the plan developed under subdivision (1)

1370 of subsection (d) of this section may include, but not be limited to: (A)
1371 Conservation and load management programs, including programs
1372 that benefit low-income individuals; (B) research, development and
1373 commercialization of products or processes which are more energy-
1374 efficient than those generally available; (C) development of markets for
1375 such products and processes; (D) support for energy use assessment,
1376 real-time monitoring systems, engineering studies and services related
1377 to new construction or major building renovation; (E) the design,
1378 manufacture, commercialization and purchase of energy-efficient
1379 appliances and heating, air conditioning and lighting devices; (F)
1380 program planning and evaluation; (G) indoor air quality programs
1381 relating to energy conservation; (H) joint fuel conservation initiatives
1382 programs targeted at reducing consumption of more than one fuel
1383 resource; and (I) public education regarding conservation. Such
1384 support may be by direct funding, manufacturers' rebates, sale price
1385 and loan subsidies, leases and promotional and educational activities.
1386 The plan shall also provide for expenditures by the Energy
1387 Conservation Management Board for the retention of expert
1388 consultants and reasonable administrative costs provided such
1389 consultants shall not be employed by, or have any contractual
1390 relationship with, an electric distribution company. Such costs shall
1391 not exceed five per cent of the total revenue collected from the
1392 assessment.

1393 Sec. 51. Subsection (f) of section 16-245m of the 2006 supplement to
1394 the general statutes is repealed and the following is substituted in lieu
1395 thereof (*Effective July 1, 2006*):

1396 (f) No later than December 31, 2006, and no later than December
1397 thirty-first every five years thereafter, the Energy Conservation
1398 Management Board shall, after consulting with the Renewable Energy
1399 Investments Advisory Committee, conduct an evaluation of the
1400 performance of the programs and activities of the fund and submit a
1401 report, in accordance with the provisions of section 11-4a, of the
1402 evaluation to the joint standing committee of the General Assembly
1403 having cognizance of matters relating to energy <u>and to the Department</u>

1404 of Energy Policy and Development.

1405 Sec. 52. Subsection (d) of section 16-245n of the 2006 supplement to
1406 the general statutes is repealed and the following is substituted in lieu
1407 thereof (*Effective July 1, 2006*):

1408 (d) The chairperson of the board of directors of Connecticut
1409 Innovations, Incorporated, shall convene a Renewable Energy
1410 Investments Advisory Committee to assist Connecticut Innovations,
1411 Incorporated, in matters related to the Renewable Energy Investment
1412 Fund, including, but not limited to, development of a comprehensive
1413 plan and expenditure of funds. The advisory committee shall, in such
1414 plan, give preference to projects that maximize the reduction of
1415 federally mandated congestion charges. The plan shall be consistent
1416 with the comprehensive energy plan approved by the **[**Connecticut
1417 Energy Advisory Board**]** Commissioner of Energy Policy and
1418 Development pursuant to section 16a-7a, as amended by this act. The
1419 advisory committee shall include not more than twelve individuals
1420 with knowledge and experience in matters related to the purpose and
1421 activities of said fund. The advisory committee shall consist of the
1422 following members: (1) One person with expertise regarding
1423 renewable energy resources appointed by the speaker of the House of
1424 Representatives; (2) one person representing a state or regional
1425 organization primarily concerned with environmental protection
1426 appointed by the president pro tempore of the Senate; (3) one person
1427 with experience in business or commercial investments appointed by
1428 the majority leader of the House of Representatives; (4) one person
1429 representing a state or regional organization primarily concerned with
1430 environmental protection appointed by the majority leader of the
1431 Senate; (5) one person with experience in business or commercial
1432 investments appointed by the minority leader of the House of
1433 Representatives; (6) one person with experience in business or
1434 commercial investments appointed by the minority leader of the
1435 Senate; (7) two state officials with experience in matters relating to
1436 energy policy and one person with expertise regarding renewable
1437 energy resources appointed by the Governor; and (8) three persons

1438 with experience in business or commercial investments appointed by
1439 the board of directors of Connecticut Innovations, Incorporated. The
1440 advisory committee shall issue annually a report to such chairperson
1441 reviewing the activities of the fund in detail and shall provide a copy
1442 of such report, in accordance with the provisions of section 11-4a, to
1443 the joint standing committee of the General Assembly having
1444 cognizance of matters relating to energy, the Department of Public
1445 Utility Control and the Office of Consumer Counsel. The report shall
1446 include a description of the programs and activities undertaken during
1447 the reporting period jointly or in collaboration with the Energy
1448 Conservation and Load Management Funds established pursuant to
1449 section 16-245m, as amended by this act.

1450 Sec. 53. Subsection (a) of section 16-261a of the general statutes is
1451 repealed and the following is substituted in lieu thereof (*Effective July*
1452 *1, 2006*):

1453 (a) There is established an interagency task force to study electric
1454 and magnetic fields. The task force shall determine the appropriate
1455 role of the state in addressing the potential problems associated with
1456 electric and magnetic fields and may make recommendations to the
1457 General Assembly regarding any legislation which it deems
1458 appropriate. The task force shall consist of (1) the Commissioner of
1459 Public Health or his designee; (2) the Commissioner of Environmental
1460 Protection or his designee; (3) the Commissioner of Economic and
1461 Community Development or his designee; (4) the **[**Secretary of the
1462 Office of Policy and Management**]** Commissioner of Energy and Policy
1463 and Development or his designee; (5) the chairperson of the Public
1464 Utilities Control Authority or his designee; and (6) the chairman of the
1465 Connecticut Siting Council or his designee.

1466 Sec. 54. Subdivision (5) of subsection (b) of section 16-262c of the
1467 general statutes is repealed and the following is substituted in lieu
1468 thereof (*Effective July 1, 2006*):

1469 (5) Each gas and electric distribution company shall submit to the

1470 Department of Public Utility Control annually, on or before July first,
1471 an implementation plan which shall include information concerning
1472 amortization agreements, counseling, reinstatement of eligibility, rate
1473 impacts and any other information deemed relevant by the
1474 department. The Department of Public Utility Control may, in
1475 consultation with the **[**Office of Policy and Management**]**
1476 Commissioner of Energy Policy and Development, approve or modify
1477 such plan within ninety days of receipt of the plan. If the department
1478 does not take any action on such plan within ninety days of its receipt,
1479 the plan shall automatically take effect at the end of the ninety-day
1480 period, provided the department may extend such period for an
1481 additional thirty days by notifying the company before the end of the
1482 ninety-day period. Any amount recovered by a company in its rates
1483 pursuant to this subsection shall not include any amount approved by
1484 the Department of Public Utility Control as an uncollectible expense.
1485 The department may deny all or part of the recovery required by this
1486 subsection if it determines that the company seeking recovery has been
1487 imprudent, inefficient or acting in violation of statutes or regulations
1488 regarding amortization agreements.

1489 Sec. 55. Section 16a-2 of the general statutes is repealed and the
1490 following is substituted in lieu thereof (*Effective July 1, 2006*):

1491 As used in this chapter and sections 16a-45a, as amended by this act,
1492 16a-46, as amended by this act, 16a-46a, as amended by this act, and
1493 16a-46b, as amended by this act:

1494 **[**(a) "Office" means the Office of Policy and Management;

1495 (b) "Board" means the Connecticut Energy Advisory Board;**]**

1496 **[**(c)**]** (1) "Secretary" means the Secretary of the Office of Policy and
1497 Management;

1498 (2) "Department" means the Department of Energy Policy and
1499 Development;

1500 (3) "Commissioner" means the Commissioner of Energy Policy and
1501 Development;

1502 [(d)] (4) "Energy" means work or heat that is, or may be, produced
1503 from any fuel or source whatsoever;

1504 [(e)] (5) "Energy emergency" means a situation where the health,
1505 safety or welfare of the citizens of the state is threatened by an actual
1506 or impending acute shortage in usable energy resources;

1507 [(f)] (6) "Energy resource" means natural gas, petroleum products,
1508 coal and coal products, wood fuels, geothermal sources, radioactive
1509 materials and any other resource yielding energy;

1510 [(g)] (7) "Person" means any individual, firm, partnership,
1511 association, syndicate, company, trust, corporation, limited liability
1512 company, municipality, agency or political or administrative
1513 subdivision of the state, or other legal entity of any kind;

1514 [(h)] (8) "Service area" means any geographic area serviced by the
1515 same energy-producing public service company, as defined in section
1516 16-1, as amended;

1517 [(i)] (9) "Renewable resource" means solar, wind, water, wood or
1518 other biomass source of energy and geothermal energy;

1519 [(j)] (10) "Energy-related products" means [(1)] (A) energy systems
1520 and equipment that utilize renewable resources to provide space
1521 heating or cooling, water heating, electricity or other useful energy,
1522 [(2)] (B) insulation materials, and [(3)] (C) equipment designed to
1523 conserve energy or increase the efficiency of its use, including that
1524 used for residential, commercial, industrial and transportation
1525 purposes;

1526 [(k)] (11) "Energy-related services" means [(1)] (A) the design,
1527 construction, installation, inspection, maintenance, adjustment or
1528 repair of energy-related products, [(2)] (B) inspection, adjustment,
1529 maintenance or repair of any conventional energy system, [(3)] (C) the

1530 performance of energy audits or the provision of energy management
1531 consulting services, and **[**(4)**]** (D) weatherization activities carried out
1532 under any federal, state or municipal program;

1533 **[**(l)**]** (12) "Conventional energy system" means any system for
1534 supplying space heating or cooling, ventilation or domestic or
1535 commercial hot water which is not included in **[**subdivision (1) of
1536 subsection (j)**]** subparagraph (A) of subdivision (10) of this section; and

1537 **[**(m)**]** (13) "Energy supply" means any energy resource capable of
1538 being used to perform useful work and any form of energy such as
1539 electricity produced or derived from energy resources which may be
1540 so used.

1541 Sec. 56. Section 16a-4 of the general statutes is repealed and the
1542 following is substituted in lieu thereof (*Effective July 1, 2006*):

1543 The Secretary of the Office of Policy and Management shall employ,
1544 subject to the provisions of chapter 67, such staff as is required for the
1545 proper discharge of duties of the office as set forth in **[**this chapter and**]**
1546 sections **[**4-5,**]** 4-124*l*, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-
1547 189, subsection (b) of section 8-206, sections 16a-20, as amended by this
1548 act, 16a-102, as amended by this act, 22a-352 and 22a-353. The secretary
1549 may adopt, pursuant to chapter 54, such regulations as are necessary
1550 to carry out the purposes of this chapter.

1551 Sec. 57. Section 16a-4a of the general statutes is repealed and the
1552 following is substituted in lieu thereof (*Effective July 1, 2006*):

1553 The Office of Policy and Management shall:

1554 (1) Formulate and prepare state-wide or interregional plans for the
1555 physical, social and economic development of the state. Such plans
1556 may be prepared jointly or in consultation with other state, interstate,
1557 federal, regional or local agencies. Such plans may include, but need
1558 not be limited to, (A) demographic projections, (B) economic
1559 projections, (C) land use and water considerations, (D) transportation

1560 requirements, (E) environmental considerations, (F) energy capabilities
1561 and requirements, (G) public facilities, (H) labor needs and skills, (I)
1562 educational objectives, (J) housing needs, and (K) health needs;

1563 (2) Receive for review, information and recommendations, plans
1564 proposed by any state agency acting alone or jointly which has among
1565 its duties planning responsibilities relating to those considerations set
1566 forth in subdivision (1) of this section or similar subjects;

1567 (3) Coordinate regional and state planning activities and accomplish
1568 such planning review activities as may be necessary;

1569 (4) Designate or redesignate logical planning regions within the
1570 state and promote and assist in the promotion and continuation of
1571 regional planning agencies under chapter 127;

1572 (5) Provide for technical aid and the administration of financial
1573 assistance to regional planning agencies established under chapter 127
1574 or any regional council of elected officials in any region without a
1575 regional planning agency or any regional council of governments
1576 organized under sections 4-124i to 4-124p, inclusive, under such terms
1577 and conditions as may be agreed upon by the secretary;

1578 (6) Accept from any source funds, revenue or other consideration
1579 available to this state for interstate, state, regional, interregional or area
1580 planning activities or projects and provide for the administration of
1581 such funds, revenues or other consideration; and

1582 (7) Make available to the public, for a reasonable fee, all reports,
1583 testing results and other material developed or procured as a result of
1584 activities authorized by this section, section 16a-14 and section 16a-14b,
1585 as amended by this act. **[**; and**]**

1586 **[**(8) Provide technical assistance to municipalities that want to
1587 aggregate electric generation services.**]**

1588 Sec. 58. Section 16a-5 of the general statutes is repealed and the
1589 following is substituted in lieu thereof (*Effective July 1, 2006*):

1590 (a) The [Secretary of the Office of Policy and Management]
1591 Commissioner of Energy Policy and Development, with the assistance
1592 of any other state agency, if needed, shall investigate violations of
1593 chapter 296 and, in connection with the performance of his duties
1594 under this chapter and chapter 296, shall have the power to hold
1595 hearings, issue subpoenas and summon and examine witnesses under
1596 oath and issue subpoenas duces tecum for the production of books,
1597 records, vouchers, memoranda, documents, letters, tapes or other
1598 recordings or other papers or items. If any person refuses to obey a
1599 subpoena, the superior court for the judicial district of Hartford, or any
1600 judge of the court if it is not in session, shall, upon application of the
1601 [secretary] commissioner, have jurisdiction to issue to the person an
1602 order requiring him to appear before the [secretary] commissioner or
1603 to produce the books, records, vouchers, memoranda, documents,
1604 letters, tapes or other recordings or other papers or items requested.

1605 (b) The [secretary] commissioner may, in connection with the
1606 performance of his duties under any other statute or act, apply to the
1607 superior court for the judicial district of Hartford, or to a judge of the
1608 court if the court is not in session, for a subpoena to compel the
1609 attendance and testimony under oath of witnesses or the production of
1610 books, records, vouchers, memoranda, documents, letters, tapes or
1611 other recordings or other papers or items. The court or judge shall,
1612 before issuing the subpoena, provide adequate opportunity for the
1613 [secretary] commissioner and the party against whom the subpoena is
1614 requested to be heard. No such subpoena shall be issued unless the
1615 court or judge finds that the attendance and testimony of the witness
1616 or the production of the requested material is reasonably necessary to
1617 carry out the purposes of such other statute or act and that the
1618 [secretary] commissioner has made reasonable efforts to secure the
1619 attendance, testimony and requested material without recourse to
1620 compulsory process. Such subpoena shall be served by a proper officer
1621 or indifferent person.

1622 Sec. 59. Section 16a-6 of the general statutes is repealed and the
1623 following is substituted in lieu thereof (*Effective July 1, 2006*):

1624 Each department, office, board, commission, council or other agency
1625 of the state and each officer or employee shall cooperate with the
1626 Secretary of the Office of Policy and Management and shall furnish
1627 him such information, personnel and assistance as may be necessary or
1628 appropriate in the discharge of the responsibilities of the secretary and
1629 the board under this chapter and sections 4-5, as amended by this act,
1630 4-124*l*, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-189, subsection
1631 (b) of section 8-206, sections **[**16a-20, 16a-102,**]** 22a-352 and 22a-353.
1632 **[**The Commissioner of Motor Vehicles shall require each person
1633 applying for a license under section 14-319 to submit in his application
1634 the information which persons registering under section 16a-22d are
1635 required to submit. The commissioner shall furnish the secretary with
1636 this information.**]**

1637 Sec. 60. (NEW) (*Effective July 1, 2006*) Each department, office, board,
1638 commission, council or other agency of the state and each officer or
1639 employee shall cooperate with the Commissioner of Energy Policy and
1640 Development and shall furnish the Commissioner of Energy Policy
1641 and Development such information, personnel and assistance as may
1642 be necessary or appropriate in the discharge of the responsibilities of
1643 the Commissioner of Energy Policy and Development under chapter
1644 277 of the general statutes and sections 16a-20 of the general statutes,
1645 as amended by this act, and 16a-102 of the general statutes, as
1646 amended by this act. The Commissioner of Motor Vehicles shall
1647 require each person applying for a license under section 14-319 of the
1648 general statutes to submit in his application the information that
1649 persons registering under section 16a-22d of the general statutes, as
1650 amended by this act, are required to submit. The Commissioner of
1651 Motor Vehicles shall furnish the Commissioner of Energy Policy and
1652 Development with this information.

1653 Sec. 61. Section 16a-7a of the general statutes is repealed and the
1654 following is substituted in lieu thereof (*Effective July 1, 2006*):

1655 On or before January 1, **[**2004**]** 2007, and annually thereafter, the
1656 **[**Connecticut Energy Advisory Board**]** Commissioner of Energy Policy

1657 and Development shall prepare a comprehensive energy plan based on
1658 existing reports and studies as to the need for new energy resources,
1659 new energy transmission facilities in the state and new energy
1660 conservation initiatives in the state. The [board] commissioner shall
1661 hold regional public hearings on the proposed plan and shall give at
1662 least thirty days' notice of each hearing by publication on the Internet
1663 websites of the participating agencies. [participating on the board.]
1664 Notice of such hearing may be published in one or more newspapers
1665 having general circulation in each municipality as deemed necessary
1666 by the [board] commissioner. The notice shall state the date, time and
1667 place of the hearing, the subject matter of the hearing, the statutory
1668 authority for the plan and the location where a copy of the plan may be
1669 examined. Any person may comment on the proposed plan. The
1670 [board] commissioner shall provide a time period of not less than
1671 forty-five days from the date the notice is published on the Internet
1672 websites of the participating agencies [participating on the board] for
1673 review and comment. The [board] commissioner shall consider fully,
1674 after all public hearings, all written and oral comments respecting the
1675 proposed plan and shall mail to each person who commented or
1676 requested notification, notice of availability of the following
1677 documents at a designated location: The text of the final plan, a
1678 summary of the differences between the proposed and final plan and
1679 the reasons for such differences, and the principal considerations
1680 raised in opposition to the proposed plan and the reasons for rejecting
1681 any such considerations. The [chairman of the board] commissioner
1682 shall sign the final plan and shall submit it to the joint standing
1683 committees of the General Assembly having cognizance of matters
1684 relating to energy, the environment and transportation. Such plan shall
1685 reflect the legislative findings and policy stated in section 16a-35k,
1686 shall be consistent with the state plan of conservation and
1687 development adopted under chapter 297 and shall include, but not be
1688 limited to, (1) an assessment of current energy supplies, demand and
1689 costs; (2) an identification and evaluation of the factors likely to affect
1690 future energy supplies, demand and costs; (3) a statement of progress
1691 made toward long-term goals set in the previous report; (4)

1692 recommendations for decreasing dependency on fossil fuels by
1693 promoting energy conservation, solar and other alternative energy
1694 sources; (5) an assessment of the infrastructure of the state for natural
1695 gas and electric systems; (6) an evaluation of the impact of regional
1696 transmission infrastructure planning processes conducted by the
1697 regional independent system operator, as defined in section 16-1, as
1698 amended, on the state's environment, on energy market design, and on
1699 economic development in the state; (7) the consideration of alternative
1700 energy planning mechanisms and targets as an alternative to
1701 integrated resource planning; (8) a statement of energy policies and
1702 long-range energy planning objectives and strategies appropriate to
1703 achieve, among other things, the least-cost mix of energy supply
1704 sources and measures that reduce demand for energy, giving due
1705 regard to such factors as ratepayer impacts, security and diversity of
1706 fuel supplies and energy generating methods, protection of public
1707 health and safety, adverse or beneficial environmental impacts,
1708 conservation of energy and energy resources and the ability of the state
1709 to compete economically; and (9) recommendations for administrative
1710 and legislative actions to implement such policies, objectives and
1711 strategies.

1712 Sec. 62. Section 16a-7b of the general statutes is repealed and the
1713 following is substituted in lieu thereof (*Effective July 1, 2006*):

1714 Not later than December 1, **[**2004, the Connecticut Energy Advisory
1715 Board shall develop**]** 2007, the Commissioner of Energy Policy and
1716 Development shall review and update, if necessary, infrastructure
1717 criteria guidelines for the evaluation process under subsection (f) of
1718 section 16a-7c, as amended by this act, which guidelines shall be
1719 consistent with state environmental policy, state economic
1720 development policy, the state's policy regarding the restructuring of
1721 the electric industry, as set forth in section 16-244, and the findings in
1722 the comprehensive energy plan prepared pursuant to section 16a-7a, as
1723 amended by this act, and shall include, but not be limited to, the
1724 following: (1) Environmental preference standards; (2) efficiency
1725 standards, including, but not limited to, efficiency standards for

1726 transmission, generation and demand-side management; (3)
1727 generation preference standards; (4) electric capacity, use trends and
1728 forecasted resource needs; (5) natural gas capacity, use trends and
1729 forecasted resource needs; and (6) national and regional reliability
1730 criteria applicable to the regional bulk power grid, as determined in
1731 consultation with the regional independent system operator, as
1732 defined in section 16-1, as amended. In developing environmental
1733 preference standards, the **[**board**]** commissioner shall consider the
1734 recommendations and findings of the task force established pursuant
1735 to section 25-157a and Executive Order Number 26 of Governor John
1736 G. Rowland.

1737 Sec. 63. Section 16a-7c of the general statutes is repealed and the
1738 following is substituted in lieu thereof (*Effective from passage*):

1739 (a) Not later than fifteen days after receiving information pursuant
1740 to subsection (e) of section 16-50*l*, as amended by this act, the
1741 **[**Connecticut Energy Advisory Board**]** Commissioner of Energy Policy
1742 and Development shall publish such information in one or more
1743 newspapers or periodicals, as selected by the **[**board**]** commissioner.

1744 (b) On or after December 1, 2004, not later than fifteen days after the
1745 filing of an application pursuant to subdivision (1) of subsection (a) of
1746 section 16-50i, except for an application for a facility described in
1747 subdivision (5) or (6) of subsection (a) of section 16-50i, the
1748 **[**Connecticut Energy Advisory Board**]** commissioner shall issue a
1749 request-for-proposal to seek alternative solutions to the need that will
1750 be addressed by the proposed facility in such application. Such
1751 request-for-proposal shall, where relevant, solicit proposals that
1752 include distributed generation or energy efficiency measures. The
1753 board shall publish such request-for-proposal in one or more
1754 newspapers or periodicals, as selected by the board.

1755 (c) The **[**board**]** commissioner may issue a request-for-proposal for
1756 solutions to a need for new energy resources, new energy transmission
1757 facilities in the state, and new energy conservation initiatives in the

1758 state identified in the annual comprehensive energy report prepared
1759 under section 16a-7a, as amended by this act, or identified in regional
1760 energy system planning processes conducted by the regional
1761 independent system operator, as defined in section 16-1, as amended.
1762 Such request-for-proposal shall, where relevant, solicit proposals that
1763 include distributed generation or energy efficiency measures. The
1764 **[**board**]** commissioner shall publish such request-for-proposal in one or
1765 more newspapers or periodicals, as selected by the **[**board**]**
1766 commissioner.

1767 (d) Not later than sixty days after the first date of publication of a
1768 request-for-proposal, a person or any legal entity may submit a
1769 proposal by filing with the **[**board**]** commissioner information as such
1770 person or entity may consider relevant to such proposal. The **[**board**]**
1771 commissioner may request further information from the person or
1772 entity that it deems necessary to evaluate the proposal pursuant to
1773 subsection (f) of this section.

1774 (e) Upon the submission of a proposal pursuant to a request-for-
1775 proposal, the person or entity submitting the proposal shall consult
1776 with the municipality in which the facility may be located and with
1777 any other municipality that would be required to be served with a
1778 copy of an application for such proposal under subdivision (1) of
1779 subsection (b) of section 16-50*l*, as amended by this act, concerning the
1780 proposed and alternative sites of the facility. Such consultation with
1781 the municipality shall include, but not be limited to, good faith efforts
1782 to meet with the chief elected official of the municipality. At the time
1783 of the consultation, the person or entity submitting the proposal shall
1784 provide the chief elected official with any technical reports concerning
1785 the public need, the site selection process and the environmental
1786 effects of the proposed facility. The municipality may conduct public
1787 hearings and meetings as it deems necessary for it to advise the person
1788 or entity submitting the proposal of its recommendations concerning
1789 the proposed facility. Within sixty days of the initial consultation, the
1790 municipality shall issue its recommendations to the person or entity
1791 submitting the proposal. If a person or entity chooses to file an

1792 application pursuant to subdivision (3) of subsection (a) of section 16-
1793 50*l*, as amended by this act, then such person or entity shall provide to
1794 the Connecticut Siting Council a summary of the consultations with
1795 the municipality, including all recommendations issued by the
1796 municipality. A person or entity that has complied with this subsection
1797 shall be exempt from the provisions of subsection (e) of section 16-50*l*,
1798 as amended by this act.

1799 (f) Not later than forty-five days after the deadline for submissions
1800 in response to a request-for-proposal, the **[**board**]** commissioner shall
1801 issue a report that evaluates each proposal received, including any
1802 proposal contained in an application to the council that initiated a
1803 request-for-proposal, based on the materials received pursuant to
1804 subsection (d) of this section, or information contained in the
1805 application, as required by section 16-50*l*, as amended by this act, for
1806 conformance with the infrastructure criteria guidelines created
1807 pursuant to section 6a-7b. The **[**board**]** commissioner shall forward the
1808 results of such evaluation process to the Connecticut Siting Council.

1809 Sec. 64. Section 16a-9 of the general statutes is repealed and the
1810 following is substituted in lieu thereof (*Effective July 1, 2006*):

1811 (a) There shall continue to be an energy emergency plan. Said plan
1812 may include, but not be limited to, the following: (1) Establishment of
1813 programs, controls, standards, priorities and quotas for the allocation,
1814 rationing, conservation, distribution and consumption of available
1815 energy resources, (2) suspension and modification of existing statutes,
1816 standards and requirements affecting or affected by the use of energy
1817 resources, (3) adoption of measures affecting the type and composition
1818 and production and distribution of energy resources, (4) imposition of
1819 price restrictions on energy resources, (5) adoption of measures
1820 affecting the hours and days on which public buildings and
1821 commercial and industrial establishments may be or are required to
1822 remain open or closed and (6) establishment and implementation of
1823 regional programs and agreements for the purpose of coordinating
1824 energy resource programs and actions of the state with those of the

1825 federal government and of other states and localities. Said plan shall
1826 include such levels of energy emergency as the [secretary]
1827 Commissioner of Energy Policy and Development shall establish.

1828 (b) The [secretary] commissioner shall prepare or cause to be
1829 prepared such amendments to the energy emergency plan as he may
1830 deem necessary. Such amendments shall be submitted to the General
1831 Assembly no later than fifteen days after the convening of any regular
1832 session of the General Assembly following the preparation of such
1833 amendments and shall be referred by the speaker of the House of
1834 Representatives and the president pro tempore of the Senate to the
1835 joint standing committee having cognizance of matters relating to
1836 energy. Said committee shall review such amendments and report its
1837 recommendations within fifteen days to the General Assembly. The
1838 General Assembly may by joint resolution disapprove or reject any
1839 section or sections of such amendments within forty-five days after the
1840 submittal of such amendments.

1841 Sec. 65. Section 16a-13 of the general statutes is repealed and the
1842 following is substituted in lieu thereof (*Effective July 1, 2006*):

1843 (a) (1) Any person aggrieved by any order issued under section 16a-
1844 11 or 16a-12 may file a petition with the [secretary] Commissioner of
1845 Energy Policy and Development requesting an exemption. The petition
1846 shall be in such form as the [secretary] commissioner may prescribe.
1847 The person filing the petition shall be subject to the penalty for making
1848 a false statement under section 53a-157b.

1849 (2) The [secretary] commissioner may grant an exemption to any
1850 person who due to certain circumstances is unable to comply with
1851 such order without suffering inordinate hardship beyond that
1852 hardship suffered by persons generally, including, but not limited to,
1853 circumstances where in the absence of such exemption the petitioner
1854 would: (A) Be prevented from performing activities essential to the
1855 pursuit of his regular occupation or profession, (B) suffer adverse
1856 medical effects or be unable to obtain necessary medical treatment, or

1857 (C) incur permanent and substantial injury to person or property. The
1858 [secretary] commissioner may also grant an exemption to any person
1859 who performs an essential public service and who would be prevented
1860 from performing such service or would be impaired in his
1861 performance in the absence of such exemption.

1862 (3) In making a determination pursuant to this subsection, the
1863 [secretary] commissioner may compare the relevant circumstances of
1864 the petitioner with (A) other users of the same fuel, users of other
1865 fuels, or both, or (B) other persons in the same economic sector or
1866 subsector, persons in other economic sectors or subsectors, or both, as
1867 determined by the [secretary] commissioner to be most appropriate in
1868 terms of the specific energy resource availability situation existing or
1869 forecast at the time such comparison is made.

1870 (b) The [secretary] commissioner may investigate any such petition
1871 and consider in his decision any relevant factual finding resulting from
1872 such investigation. The [secretary] commissioner may accept
1873 submissions from third parties relevant to such petition, provided the
1874 petitioner is afforded the opportunity to respond to such third party
1875 submissions. The [secretary] commissioner may also consider any
1876 other sources of relevant information in deciding the petition before
1877 him. The [secretary] commissioner may hold an informal hearing, if, in
1878 his opinion, such hearing is advisable.

1879 (c) If the [secretary] commissioner determines that there is
1880 insufficient information upon which to base a decision and if upon
1881 request the required additional information is not furnished, the
1882 petition may be dismissed without prejudice. The [secretary]
1883 commissioner shall grant, deny or dismiss without prejudice such
1884 petition not more than thirty days after receipt of such petition. The
1885 [secretary] commissioner may make his decision granting an
1886 exemption conditional upon the petitioner's taking actions specified in
1887 such decision. Upon the granting, denying or dismissal of such
1888 petition, the [secretary] commissioner shall notify the petitioner, in
1889 writing, the reasons for his decision.

1890 (d) The [secretary] commissioner may reconsider and alter any
1891 decision under this section as he deems necessary to implement such
1892 plan, or any provision of such plan or any order adopted pursuant to
1893 section 16a-11 or 16a-12. The [secretary] commissioner may suspend or
1894 revoke any exemption for any reason including, but not limited to: (1)
1895 Changed circumstances where the grounds for granting an exemption
1896 to the petitioner have ceased to exist, (2) failure on the part of the
1897 petitioner to comply with conditions specified in the [secretary's]
1898 commissioner's decision granting the exemption, or (3) where the
1899 exemption was issued by mistake or on the basis of misrepresentation
1900 or false pretenses on the part of the petitioner.

1901 (e) The provisions of sections 4-176e to 4-181a, inclusive, shall not
1902 apply to any proceeding held pursuant to subsections (a) to (d),
1903 inclusive, of this section. Any person aggrieved by the decision of the
1904 [secretary] commissioner may appeal such decision in accordance with
1905 the provisions of sections 4-183 and 4-184.

1906 (f) The [secretary] commissioner shall adopt regulations, in
1907 accordance with chapter 54, establishing administrative procedures to
1908 implement the provisions of this section with respect to petitions for
1909 exemption.

1910 Sec. 66. Section 16a-13a of the general statutes is repealed and the
1911 following is substituted in lieu thereof (*Effective July 1, 2006*):

1912 (a) The [secretary] commissioner, in granting or denying an
1913 exemption under section 16a-13, as amended by this act, may take into
1914 account past levels of energy consumption or changes therein on the
1915 part of the person seeking such exemption.

1916 (b) The [secretary] commissioner may adopt regulations, in
1917 accordance with chapter 54, which establish procedures for
1918 documenting past levels of energy consumption or changes therein for
1919 the purposes of an exemption under said section 16a-13.

1920 (c) The [secretary] commissioner may grant an exemption if he

1921 determines that the person seeking the exemption has fulfilled the
1922 conditions contained in such regulations. The regulations shall permit
1923 exemption: (1) In cases where the applicant documents an absolute
1924 reduction in energy consumption over such periods of time as the
1925 regulations may establish, which periods may vary for different
1926 categories of persons, and the reduction is the result of physical or
1927 behavioral changes or adjustments undertaken for energy conservation
1928 purposes and not from changes or modifications undertaken for other
1929 purposes, such as alterations in building size, extent or type of
1930 production capacity or utilization thereof, or changes in the nature or
1931 number of work force employed, which changes were not undertaken
1932 for energy conservation purposes; or (2) in cases where the applicant
1933 documents that his consumption of energy is substantially less than
1934 that of other persons in like circumstances over such period of time as
1935 the regulations may establish, which periods may vary for different
1936 categories of persons, and the level of consumption is due to physical
1937 or behavioral factors, changes or adjustments, undertaken for energy
1938 conservation purposes and not from factors, changes or modifications
1939 not so related.

1940 (d) The regulations may provide that reductions in or levels of
1941 energy consumption which occur subsequent to the proclamation of an
1942 energy emergency pursuant to section 16a-11 or section 16a-12 shall
1943 not constitute the basis for exemption unless the reductions are due
1944 solely to actions undertaken prior to such proclamation.

1945 Sec. 67. Section 16a-13b of the general statutes is repealed and the
1946 following is substituted in lieu thereof (*Effective July 1, 2006*):

1947 (a) The **[**secretary**]** <u>Commissioner of Energy Policy and</u>
1948 <u>Development</u> shall: (1) Be responsible for the conduct and
1949 administration of energy emergency planning and preparedness
1950 activities generally, including the coordination of such activities under
1951 this title with other state emergency planning conducted under any
1952 other provisions of the general statutes or special acts and with energy
1953 emergency planning or preparedness activities undertaken by the

1954 federal government, other states and regional or interstate
1955 organizations, and (2) coordinate, under the direction of the office of
1956 the Governor, the adoption and implementation of emergency
1957 measures by state departments during any energy emergency
1958 proclaimed under section 16a-11 or section 16a-12, including the
1959 coordination of state, federal, regional and interstate activities.

1960 (b) In exercising the responsibilities under subsection (a) of this
1961 section, the [secretary] commissioner shall consult with the
1962 Department of Emergency Management and Homeland Security, the
1963 Department of Public Safety, the Department of Public Utility Control,
1964 the Department of Transportation and such other state agencies as the
1965 [secretary] commissioner deems appropriate. Each state agency shall
1966 assist the [secretary] commissioner in carrying out the responsibilities
1967 assigned by sections 16a-9 to 16a-13d, inclusive, as amended by this
1968 act.

1969 Sec. 68. Section 16a-14a of the general statutes is repealed and the
1970 following is substituted in lieu thereof (*Effective July 1, 2006*):

1971 (a) The [secretary] Commissioner of Energy Policy and
1972 Development may develop a program to provide grants to small
1973 businesses located within the state which are active in research,
1974 development, demonstration or commercial activities involving
1975 energy-related products and services for which funding from federal
1976 and other nonstate sources is not available. Such assistance shall be
1977 designed to carry out the purposes of this chapter and chapter 298.

1978 (b) The [secretary] Commissioner of Energy Policy and
1979 Development shall adopt regulations, in accordance with chapter 54, in
1980 consultation with the Commissioner of Economic and Community
1981 Development, to govern the operation of any such grant program and
1982 to define small businesses, or specific categories thereof, which are
1983 eligible for such grants. Priority shall be accorded to the development
1984 of small scale technology applicable to residential dwellings and
1985 municipal facilities.

1986 Sec. 69. Section 16a-14b of the general statutes is repealed and the
1987 following is substituted in lieu thereof (*Effective July 1, 2006*):

1988 (a) The [secretary] Commissioner of Energy Policy and
1989 Development shall develop voluntary testing programs for energy-
1990 related products or categories of such products. Such testing shall be
1991 designed to protect the interests of consumers by providing reliable
1992 information on such products, and may include the evaluation of the
1993 energy efficiency, durability, reliability, health and safety aspects, life-
1994 cycle cost or other performance qualities of such products.

1995 (b) The [secretary] Commissioner of Energy Policy and
1996 Development, in consultation with the Commissioner of Consumer
1997 Protection, shall adopt regulations, in accordance with chapter 54,
1998 establishing provisions (1) for standardized procedures for the
1999 performance of such testing; (2) for categories of energy-related
2000 products to be covered by such testing procedures; (3) to differentiate
2001 between the testing of experimental energy-related products and
2002 commercial energy-related products, to determine the range of models
2003 produced by a specific manufacturer to which testing results will
2004 apply and to ensure that products submitted for testing constitute a
2005 representative sample of those produced within such range by said
2006 manufacturer; (4) for a standardized format for the compilation of
2007 information from such tests which shall include all relevant
2008 information from each type of test performed on a product; (5) for the
2009 designation of qualified state or state-certified facilities to perform
2010 such testing; provided, no person or organization which has any
2011 pecuniary interest in the manufacture, distribution or sale of energy-
2012 related products within or without the state shall be eligible for such
2013 designation; and (6) for a schedule of reasonable fees for the
2014 performance of such tests or a procedure for establishing such a
2015 schedule.

2016 Sec. 70. Section 16a-14e of the general statutes is repealed and the
2017 following is substituted in lieu thereof (*Effective July 1, 2006*):

2018 The [Office of Policy and Management] Commissioner of Energy
2019 Policy and Development shall operate a purchasing pool for the
2020 purchase of electricity for state operations. [Said office] The
2021 commissioner shall provide the opportunity to participate in such
2022 purchasing pool to each household that includes an individual who
2023 receives means-tested assistance administered by the state or federal
2024 government. Any such household shall receive through such
2025 purchasing pool the same benefits and rate discounts available for
2026 state facilities. The [Office of Policy and Management] commissioner
2027 shall use federal and state energy assistance funds to leverage the
2028 lowest practicable electric rates for households participating in such
2029 pool, provided such funds shall not be used for administrative
2030 purposes. The provisions of section 16-245 shall not apply to the
2031 [Office of Policy and Management] commissioner for purposes of this
2032 section.

2033 Sec. 71. Section 16a-16 of the general statutes is repealed and the
2034 following is substituted in lieu thereof (*Effective July 1, 2006*):

2035 (a) This chapter may be enforced by the [Secretary of the Office of
2036 Policy and Management] Commissioner of Energy Policy and
2037 Development in the superior court for any judicial district in which
2038 any person who violates any provisions of this chapter resides or
2039 maintains a place of business by an ex parte temporary injunction
2040 issued by said court or a judge thereof; provided, if such injunction is
2041 issued, such person may file a motion to dissolve such injunction and a
2042 hearing upon such motion shall be held by the superior court not later
2043 than three days after service of such motion upon the Governor
2044 pursuant to an order of said court or a judge thereof. If a permanent
2045 injunction is granted, such person may be assessed damages of not
2046 more than ten thousand dollars plus court costs.

2047 (b) The provisions of this section are not exclusive, and the remedies
2048 provided for in this section shall be in addition to any other remedy
2049 provided for in any other section of the general statutes or available
2050 under common law.

2051 Sec. 72. Section 16a-20 of the general statutes is repealed and the
2052 following is substituted in lieu thereof (*Effective July 1, 2006*):

2053 (a) The **[**Office of Policy and Management**]** Commissioner of Energy
2054 Policy and Development may institute a civil action in the Superior
2055 Court, or in the United States District Court, where applicable, against
2056 any person, firm, corporation, business or combination thereof it
2057 believes, or has reason to believe, has violated sections 16a-17 to 16a-
2058 20, inclusive, as amended by this act, to enjoin said parties from
2059 continuing such conduct within this state and to seek repayment of
2060 damages on behalf of those individuals, businesses and industries
2061 harmed by said activities. In such actions it shall be represented by the
2062 Attorney General.

2063 (b) Upon the institution of such civil action, the Attorney General
2064 shall have the right to take the deposition of any witness he believes,
2065 or has reason to believe, has information relative to the prosecution of
2066 said action, upon application made to the Superior Court,
2067 notwithstanding the provisions of other statutes limiting depositions.
2068 The Attorney General shall also have the right to take such depositions
2069 in other states and to utilize the laws of said other states relative to the
2070 taking of depositions where allowed by the laws of those states. The
2071 state of Connecticut shall allow similar depositions to be taken within
2072 this state on behalf of any governmental agency of another state or any
2073 territory or possession of the United States seeking to pursue litigation
2074 similar to that permitted under sections 16a-17 to 16a-20, inclusive, as
2075 amended by this act, so long as such other state allows the Attorney
2076 General to take depositions within its jurisdiction. In so doing, the
2077 Superior Court shall enforce the orders of the courts of such other state
2078 relative to the deposition requested and issue subpoenas or subpoenas
2079 duces tecum, as necessary, as well as enforcing said subpoenas
2080 through citations of contempt or other available remedies.

2081 (c) In any case where damages referred to in subsection (a) of this
2082 section shall be proven by a fair preponderance of the evidence, the
2083 court shall order repayment by any or all defendants of said damages

2084 to the applicable parties or businesses through the **[**Office of Policy and
2085 Management**]** Department of Energy Policy and Development.

2086 (d) The court shall also have the right, in its discretion, to assess
2087 treble damages against said defendants.

2088 (e) Any such civil action shall be privileged in assignment for trial.

2089 Sec. 73. Section 16a-22 of the general statutes is repealed and the
2090 following is substituted in lieu thereof (*Effective July 1, 2006*):

2091 (a) Any person engaged in the business of selling petroleum
2092 products, as defined in section 16a-22c, as amended by this act, on a
2093 wholesale basis who has sufficient knowledge of an impending
2094 shortage in the availability of petroleum products, as defined in section
2095 16a-22c, as amended by this act, or any officer or manager of a firm or
2096 corporation engaged in such business who has such knowledge, shall
2097 cause to be given immediate written notice of any possible inability as
2098 a result of such shortage to deliver petroleum products, as defined in
2099 section 16a-22c, as amended by this act, to the **[**Secretary of the Office
2100 of Policy and Management**]** Commissioner of Energy Policy and
2101 Development and to each retail oil dealer engaged in the business of
2102 supplying petroleum products, as defined in section 16a-22c, as
2103 amended by this act, for residential heating that such person, firm or
2104 corporation customarily supplies with petroleum products, as defined
2105 in section 16a-22c, as amended by this act, on a wholesale basis. No
2106 such person engaged in the business of selling petroleum products, as
2107 defined in section 16a-22c, as amended by this act, on a wholesale basis
2108 and no such officer or manager shall discriminate, in the percentage of
2109 supplies delivered, against independent retail oil dealers in favor of
2110 dealers affiliated with such supplier.

2111 (b) Any person engaged in the business of distributing or selling
2112 petroleum products, as defined in section 16a-22c, as amended by this
2113 act, on a wholesale basis who intends to terminate the supply of
2114 petroleum products, as defined in section 16a-22c, as amended by this
2115 act, to a retail dealer shall give written notice at least fourteen days in

2116 advance of such termination to the retail dealer, the municipality or
2117 municipalities in which the retail dealer distributes and the [Secretary
2118 of the Office of Policy and Management] Commissioner of Energy
2119 Policy and Development concerning such proposed termination of
2120 supply.

2121 (c) Any person, firm or corporation who violates the provisions of
2122 this section shall be fined one thousand dollars for each violation.

2123 Sec. 74. Section 16a-22c of the general statutes is repealed and the
2124 following is substituted in lieu thereof (*Effective July 1, 2006*):

2125 For the purposes of sections [16a-15 and] 16a-22c to 16a-22g,
2126 inclusive, as amended by this act:

2127 (1) "Company" means any corporation, partnership, proprietorship
2128 or any other business, firm or commercial entity;

2129 (2) "Petroleum products" means middle distillate, residual fuel oil,
2130 liquefied petroleum gas, motor gasoline, aviation gasoline or aviation
2131 turbine fuel, as defined in regulations which the [secretary]
2132 commissioner shall adopt in accordance with the provisions of chapter
2133 54. Notwithstanding any provision of this subdivision to the contrary,
2134 "petroleum products" shall not include gasoline other than aviation
2135 gasoline, which is sold at retail in accordance with the provisions of
2136 chapter 250;

2137 (3) ["Secretary" means the Secretary of the Office of Policy and
2138 Management, or his] "Commissioner" means the Commissioner of
2139 Energy Policy and Development or the commissioner's designee.

2140 Sec. 75. Section 16a-22d of the general statutes is repealed and the
2141 following is substituted in lieu thereof (*Effective July 1, 2006*):

2142 (a) (1) Any person that is engaged in the wholesale or retail sale, or
2143 both, of petroleum products in this state or in the wholesale sale of
2144 petroleum products for consumption in this state and that sells at least
2145 one million gallons of such products annually or any person that is

2146 engaged in the operation of a petroleum product storage terminal or
2147 petroleum product pipeline shall register with the [secretary]
2148 commissioner not later than September thirtieth of each year or not
2149 later than thirty days of commencing operations in the state by such
2150 person, whichever is later.

2151 (2) Any person that is engaged in the wholesale or retail sale, or
2152 both, of petroleum products in this state or in the wholesale sale of
2153 petroleum products for consumption in this state and that sells at least
2154 five thousand but less than one million gallons of such products
2155 annually shall register with the [secretary] commissioner, if so
2156 requested by the [secretary] commissioner, not more than thirty days
2157 after such request. The [secretary] commissioner shall not require such
2158 registration more than once in any twelve-month period.

2159 (3) Such registration shall be on a form prescribed or furnished by
2160 the [secretary] commissioner and shall require the registrant, subject to
2161 the penalty for false statement under section 53a-157b, to provide the
2162 following information: (A) The name, mailing address and telephone
2163 number of the registrant; (B) the name, mailing address and telephone
2164 number of any company with which the registrant is affiliated, and
2165 whether any such affiliated company is engaged in the wholesale or
2166 retail sale, or both, or the delivery into or storage of petroleum
2167 products in this state or another state, or both; (C) whether the
2168 registrant engages in wholesale operations, retail operations, or both,
2169 or the delivery into or storage of petroleum products and whether the
2170 registrant engages in sales to residential customers; (D) any other
2171 names and places of business used by the registrant to conduct
2172 business; and (E) any further information which the [secretary]
2173 commissioner may request pursuant to this title.

2174 (b) For the purposes of this section, "affiliated" means the existence
2175 of one or more of the following relationships between the registrant
2176 and any other company: (1) The registrant owns or is owned by, in
2177 whole or in part, another company; (2) the registrant has one or more
2178 common officers or directors with another company; (3) the registrant

2179 owns facilities or equipment in common with another company; (4) the
2180 registrant engages in common operations or joint ventures with
2181 another company; or (5) the registrant controls the activities of another
2182 company, or the activities of the registrant are controlled by another
2183 company.

2184 Sec. 76. Section 16a-22e of the general statutes is repealed and the
2185 following is substituted in lieu thereof (*Effective July 1, 2006*):

2186 The [secretary] commissioner shall maintain a public listing of
2187 persons engaging in the wholesale or retail sale of petroleum products
2188 who have registered in accordance with section 16a-22d, as amended
2189 by this act. Such public listing shall include the information provided
2190 in accordance with subdivisions (1) and (3) of subsection (a) of [said]
2191 section 16a-22d, as amended by this act.

2192 Sec. 77. Section 16a-22h of the general statutes is repealed and the
2193 following is substituted in lieu thereof (*Effective July 1, 2006*):

2194 (a) (1) Each person, firm or corporation which is required to register
2195 pursuant to section 16a-22d, as amended by this act, which engages in
2196 the wholesale or retail sale, or both, of propane in the state and which
2197 sells at least five hundred thousand gallons of such product annually,
2198 shall report to the [Secretary of the Office of Policy and Management]
2199 Commissioner of Energy Policy and Development upon the request of
2200 the [secretary] commissioner and on such forms as prescribed by the
2201 [secretary] commissioner, not later than the fifteenth day of each
2202 month for which the [secretary] commissioner requests a report. Such
2203 report shall state the number of gallons held in storage on the last day
2204 of the previous month, the location of each storage facility in which the
2205 propane was stored, the number of gallons of propane held for
2206 shipment out of state and the estimated number of days' supply
2207 represented by the gallons held in storage.

2208 (2) Any person, firm or corporation who engages in the sale, other
2209 than at retail, of propane in the state shall report to the [secretary]
2210 commissioner upon the request of the [secretary] commissioner and on

2211 such forms as prescribed by the [secretary] commissioner, not later
2212 than the fifteenth of each month for which the [secretary]
2213 commissioner requests a report. Such report shall state the number of
2214 gallons of propane sold, other than at retail, during the previous
2215 calendar month and the estimated number of gallons to be sold during
2216 the current month.

2217 (b) (1) Each person, firm or corporation which is required to register
2218 pursuant to section 16a-22d, as amended by this act, which engages in
2219 the wholesale or retail sale, or both, of number two distillate fuel in the
2220 state, in excess of five million gallons of such product annually, shall
2221 report to the [Secretary of the Office of Policy and Management]
2222 commissioner upon the request of the [secretary] commissioner and on
2223 such forms as prescribed by the [secretary] commissioner, not later
2224 than the fifteenth day of each month for which the [secretary]
2225 commissioner requests a report. Such report shall state the number of
2226 gallons held in storage on the last day of the previous month, the
2227 location of each storage facility in which the number two distillate fuel
2228 was stored, the number of gallons of number two distillate fuel held
2229 for shipment out of state and the estimated number of days' supply
2230 represented by the gallons held in storage. In any such report number
2231 two heating oil and diesel fuel shall be reported separately.

2232 (2) Any person, firm or corporation who engages in the sale, other
2233 than at retail, of number two distillate fuel in the state shall report to
2234 the [secretary] commissioner upon the request of the [secretary]
2235 commissioner and on such forms as prescribed by the [secretary]
2236 commissioner, not later than the fifteenth of each month for which the
2237 [secretary] commissioner requests a report. Such report shall state the
2238 number of gallons of number two distillate fuel sold, other than at
2239 retail, during the previous calendar month and the estimated number
2240 of gallons to be sold during the current month. In any such report
2241 number two heating oil and diesel fuel shall be reported separately.

2242 (c) Any person, firm or corporation who violates subsection (a) or
2243 (b) of this section shall be fined not more than one hundred dollars for

2244 the first offense nor more than five hundred dollars for each
2245 subsequent offense.

2246 (d) The **[**Secretary of the Office of Policy and Management**]**
2247 commissioner may adopt regulations, in accordance with the
2248 provisions of chapter 54, to establish reporting requirements for other
2249 petroleum products, as defined in subdivision (2) of section 16a-22c, as
2250 amended by this act.

2251 Sec. 78. Section 16a-22i of the general statutes is repealed and the
2252 following is substituted in lieu thereof (*Effective July 1, 2006*):

2253 Notwithstanding any other provision of the general statutes to the
2254 contrary, whenever the **[**Secretary of the Office of Policy and
2255 Management**]** Commissioner of Energy Policy and Development finds
2256 that conditions in the petroleum products market require additional
2257 sales, inventory or price information for a complete analysis of such
2258 market the **[**secretary**]** commissioner may require any person, firm or
2259 corporation engaged in the sale or storage of petroleum products in the
2260 state to provide such information concerning the petroleum products
2261 market as he directs.

2262 Sec. 79. Section 16a-22j of the general statutes is repealed and the
2263 following is substituted in lieu thereof (*Effective July 1, 2006*):

2264 Each person, firm or corporation, registered pursuant to section 16a-
2265 22d, as amended by this act, shall notify the **[**Secretary of the Office of
2266 Policy and Management**]** Commissioner of Energy Policy and
2267 Development, in writing, within thirty days of the sale or acquisition
2268 of another person, firm or corporation registered, pursuant to said
2269 section, or of a change in the current business practices of such person,
2270 firm or corporation. As used in this section "current business practices"
2271 shall include the sale or acquisition of petroleum storage facilities, the
2272 withdrawal from or entry into a petroleum market or any activity
2273 which would alter the information provided in the registrants most
2274 recent registration.

2275 Sec. 80. Subsection (f) of section 16a-23t of the 2006 supplement to
2276 the general statutes is repealed and the following is substituted in lieu
2277 thereof (*Effective July 1, 2006*):

2278 (f) The chairperson of the Public Utilities Control Authority, or the
2279 chairperson's designee, the Commissioner of Social Services, or the
2280 commissioner's designee, **[**the chairperson of the Connecticut Energy
2281 Advisory Board, and the Secretary of the Office of Policy and
2282 Management, or the secretary's**]** and the Commissioner of Energy
2283 Policy and Development, or the commissioner's designee, shall
2284 constitute a Home Heating Oil Planning Council to address issues
2285 involving the supply, delivery and costs of home heating oil and state
2286 policies regarding the future of the state's home heating oil supply. The
2287 **[**Secretary of the Office of Policy and Management**]** Commissioner of
2288 Energy Policy and Development shall convene the first meeting of the
2289 council.

2290 Sec. 81. Section 16a-37f of the general statutes is repealed and the
2291 following is substituted in lieu thereof (*Effective July 1, 2006*):

2292 A budgeted agency, as defined in section 4-69, shall only purchase
2293 replacement light bulbs which (1) are provided under an electric
2294 company's customer lighting efficiency program, (2) are equivalent in
2295 energy efficiency to bulbs provided under such electric company
2296 lighting efficiency program, as determined by the **[**Secretary of the
2297 Office of Policy and Management**]** Commissioner of Energy Policy and
2298 Development, in consultation with the Commissioner of
2299 Administrative Services, or (3) meet such other life-cycle cost analysis
2300 standards as the **[**Secretary of the Office of Policy and Management**]**
2301 Commissioner of Energy Policy and Development, with the
2302 concurrence of the Commissioner of Administrative Services, may
2303 designate.

2304 Sec. 82. Section 16a-37u of the general statutes is repealed and the
2305 following is substituted in lieu thereof (*Effective July 1, 2006*):

2306 (a) The **[**Secretary of the Office of Policy and Management**]**

2307 Commissioner of Energy Policy and Development shall be responsible
2308 for planning and managing energy use in state-owned and leased
2309 buildings and shall establish a program to maximize the efficiency
2310 with which energy is utilized in such buildings. The [secretary]
2311 commissioner shall exercise this authority by (1) preparing and
2312 implementing annual and long-range plans, with timetables,
2313 establishing goals for reducing state energy consumption and, based
2314 on energy audits, specific objectives for state agencies to meet the
2315 performance standards adopted under section 16a-38, as amended by
2316 this act; (2) coordinating federal and state energy conservation
2317 resources and activities, including but not limited to, those required to
2318 be performed by other state agencies under this chapter; and (3)
2319 monitoring energy use and costs by budgeted state agencies on a
2320 monthly basis.

2321 (b) Not later than January fifth, annually, the [Secretary of the Office
2322 of Policy and Management] Commissioner of Energy Policy and
2323 Development shall submit a report to the Governor and the joint
2324 standing committee of the General Assembly having cognizance of
2325 matters relating to energy planning and activities. The report shall (1)
2326 indicate the total number of energy audits and technical assistance
2327 audits of state-owned and leased buildings, (2) summarize the status of
2328 the energy conservation measures recommended by such audits, (3)
2329 summarize all energy conservation measures implemented during the
2330 preceding twelve months in state-owned and leased buildings which
2331 have not had such audits, (4) analyze the availability and allocation of
2332 funds to implement the measures recommended under subdivision (2)
2333 of this subsection, (5) list each budgeted agency, as defined in section
2334 4-69, which occupies a state-owned or leased building and has not
2335 cooperated with the Commissioner of Public Works and the [Secretary
2336 of the Office of Policy and Management] Commissioner of Energy
2337 Policy and Development in conducting energy and technical assistance
2338 audits of such building and implementing operational and
2339 maintenance improvements recommended by such audits and any
2340 other energy conservation measures required for such building by the

2341 [secretary] Commissioner of Energy Policy and Development, (6)
2342 summarize all life-cycle cost analyses prepared under section 16a-38,
2343 as amended by this act, during the preceding twelve months, and
2344 summarize agency compliance with the life-cycle cost analyses, and (7)
2345 identify any state laws, regulations or procedures that impede
2346 innovative energy conservation and load management projects in state
2347 buildings.

2348 (c) The [Secretary of the Office of Policy and Management]
2349 Commissioner of Energy Policy and Development, in conjunction with
2350 the Department of Public Works, shall as soon as practicable and
2351 where cost-effective connect all state-owned buildings to a district
2352 heating and cooling system, where such heating and cooling system
2353 currently exists or where one is proposed. The [secretary]
2354 Commissioner of Energy Policy and Development, in conjunction with
2355 the Department of Public Works, shall prepare an annual report with
2356 the results of the progress in connecting state-owned buildings to such
2357 a heating and cooling system, the cost of such connection and any
2358 projected energy savings achieved through any such connection. The
2359 [secretary] Commissioner of Energy Policy and Development shall
2360 submit the report to the joint standing committee of the General
2361 Assembly having cognizance of matters relating to energy on or before
2362 January 1, 1993, and January first annually thereafter.

2363 (d) The [Secretary of the Office of Policy and Management]
2364 Commissioner of Energy Policy and Development shall require each
2365 state agency to maximize its use of public service companies' energy
2366 conservation and load management programs and to provide sites in
2367 its facilities for demonstration projects of highly energy efficient
2368 equipment, provided no such demonstration project impairs the
2369 functioning of the facility.

2370 Sec. 83. Section 16a-37v of the general statutes is repealed and the
2371 following is substituted in lieu thereof (*Effective July 1, 2006*):

2372 Not later than July 1, 2004, the [Office of Policy and Management]

2373 Department of Energy Policy and Development and the Department of
2374 Public Works shall establish a pilot program under which the state
2375 selects an existing state facility or complex of facilities to be covered by
2376 an energy performance contract with a private vendor. The agencies
2377 that participate in the pilot program shall submit reports on the results
2378 of the program to the joint standing committees of the General
2379 Assembly having cognizance of matters relating to appropriations and
2380 energy and technology in accordance with section 11-4a. Such reports
2381 shall be submitted not later than three months after the effective date
2382 of the contract and annually thereafter until the final report is
2383 submitted not later than three months after the termination of the
2384 contract.

2385 Sec. 84. Section 16a-38 of the general statutes is repealed and the
2386 following is substituted in lieu thereof (*Effective July 1, 2006*):

2387 (a) As used in this section, subsection (e) of section 4b-23, as
2388 amended, sections 16a-38a, as amended by this act, and 16a-38b, as
2389 amended by this act, unless the context otherwise requires: (1) "Major
2390 capital project" means the construction or renovation of a major
2391 facility; (2) "major facility" means any building owned by the state or
2392 constructed or renovated wholly or partly with state funds, including a
2393 state-financed housing project, which is used or intended to be used as
2394 a school or which has ten thousand or more gross square feet, or any
2395 other building so owned, constructed or renovated which is
2396 designated a major facility by the Commissioner of Public Works; (3)
2397 "renovation" means additions, alterations or repairs to a major facility
2398 which the Commissioner of Public Works finds will have a substantial
2399 effect upon the energy consumption of the facility; (4) "life-cycle cost"
2400 means the cost, as determined by the methodology identified in the
2401 National Institute of Standards and Technology's special publication
2402 544 and interagency report 80-2040, available as set forth in the Code of
2403 Federal Regulations, Title 15, Part 230, of a major facility including the
2404 initial cost of its construction or renovation, the marginal cost of future
2405 energy capacity, the cost of the energy consumed by the facility over
2406 its expected useful life or, in the case of a leased facility, over the

2407 remaining term of the lease, and the cost of operating and maintaining
2408 the facility as such cost affects energy consumption; (5) "energy
2409 performance standard" means a rate of energy consumption which is
2410 the minimum practically achievable, on a life-cycle cost basis, by
2411 adjusting maintenance or operating procedures, modifying a
2412 building's equipment or structure and utilizing renewable sources of
2413 energy; (6) "energy audit" means an evaluation of, recommendations
2414 for and improvements of the energy consumption characteristics of all
2415 passive, active and operational energy systems and components by
2416 demand and type of energy used including the internal energy load
2417 imposed on a building by its occupants, equipment and components,
2418 and the external energy load imposed on a building by the climatic
2419 conditions at its location; (7) "renewable sources of energy" means
2420 energy from direct solar radiation, wind, water, geothermal sources,
2421 wood and other forms of biomass; (8) "cost effective" means that
2422 savings exceed cost over a ten-year period; (9) "state agency" means
2423 any department, board, commission, institution, or other agency of this
2424 state; and (10) "covered products" means the consumer products set
2425 forth as covered products in the Energy Policy and Conservation Act,
2426 42 USC 6292.

2427 (b) (1) Except as provided in subsection (f) of this section, the
2428 Commissioner of Public Works and the **[**Secretary of the Office of
2429 Policy and Management**]** Commissioner of Energy Policy and
2430 Development shall jointly establish and publish standards for life-cycle
2431 cost analyses required by this section for buildings owned or leased by
2432 the state. Such life-cycle cost analyses for buildings shall provide, but
2433 shall not be limited to, information on the estimated initial cost of each
2434 energy-consuming system being compared and evaluated, annual
2435 operating and maintenance costs of all energy-consuming systems
2436 over the useful life of the building, cost of energy, salvage value and
2437 the estimated replacement cost for each energy-consuming system or
2438 component expressed in annual terms for the useful life of the
2439 building.

2440 (2) Except as provided in subsection (f) of this section, the

2441 Commissioner of Administrative Services and the [Secretary of the
2442 Office of Policy and Management] Commissioner of Energy Policy and
2443 Development may jointly establish and publish standards for life-cycle
2444 cost analyses required by this section for equipment and appliances
2445 owned or leased by the state which are not covered products, and for
2446 such equipment and appliances which are covered products. In
2447 establishing such standards, the [commissioner and secretary]
2448 commissioners shall consider the criteria set forth in subsection (j) of
2449 this section.

2450 (c) No state agency shall obtain preliminary design approval for a
2451 major capital project unless the Commissioner of Public Works makes
2452 a written determination that the design is cost effective on a life-cycle
2453 cost basis. To make such a determination, the commissioner (1) shall
2454 require documentation that the design meets or exceeds the standards
2455 set forth in the National Bureau of Standards Handbook 135, or
2456 subsequent corresponding handbook of the United States Department
2457 of Commerce and the State Building Code, and (2) may require
2458 additional documentation, including, but not limited to, a life-cycle
2459 cost analysis that complies with the standards established pursuant to
2460 subdivision (1) of subsection (b) of this section.

2461 (d) All design proposals for major capital projects shall include at
2462 least two differing energy systems for space heating, cooling and hot
2463 water to supplement the passive features designed into the building.
2464 Such proposals may include computer or other analytical modeling or
2465 simulation but shall not be construed to require the development of
2466 architectural or mechanical design plans for each such system. All cost
2467 evaluations of the competing energy systems shall be based on life-
2468 cycle costs. A life-cycle cost analysis for each competing energy system
2469 determined by the Commissioner of Public Works to meet the
2470 standards of subsection (b) of this section shall be included as part of
2471 the design proposal for all projects. No major capital project shall be
2472 approved by the Commissioner of Public Works or by the State
2473 Properties Review Board pursuant to section 4b-23, as amended, after
2474 June 30, 1980, unless the proposed project achieves to the maximum

2475 extent practicable the energy performance standards established in
2476 accordance with subsection (b) or (g) of this section.

2477 (e) All applications for state funding of major capital projects shall
2478 be accompanied by a life-cycle cost analysis which the Commissioner
2479 of Public Works has determined complies with the standards
2480 established pursuant to subsection (b) of this section. The
2481 Commissioner of Public Works or the **[**Secretary of the Office of Policy
2482 and Management**]** Commissioner of Energy Policy and Development
2483 may require such a life-cycle cost analysis for projects other than major
2484 capital projects.

2485 (f) The Commissioner of Economic and Community Development
2486 and the **[**Secretary of the Office of Policy and Management**]**
2487 Commissioner of Energy Policy and Development shall jointly
2488 establish and publish energy performance standards for buildings
2489 constructed as part of state-owned and state-financed housing projects
2490 and establish standards for life-cycle cost analyses for such projects. In
2491 establishing such standards, the **[**commissioner and secretary**]**
2492 commissioners shall consider (1) the coordination, positioning and
2493 solar orientation of the project on its situs, (2) the amount of glazing,
2494 degree of sun shading and direction of exposure, (3) the levels of
2495 insulation incorporated into the design, (4) the variable occupancy and
2496 operating conditions of the facility, (5) all architectural features which
2497 affect energy consumption, and (6) the design and location of all
2498 heating, cooling, hot water and electrical systems.

2499 (g) Notwithstanding any provision in this section concerning the
2500 review of life-cycle cost analyses by the Commissioner of Public
2501 Works, a life-cycle cost analysis of a major capital project prepared for
2502 the Department of Housing shall be reviewed by the Commissioner of
2503 Economic and Community Development and the **[**Secretary of the
2504 Office of Policy and Management**]** Commissioner of Energy Policy and
2505 Development to determine if such analysis is in compliance with the
2506 life-cycle cost analyses standards established for such project under
2507 subsection (f) of this section.

2508 (h) Each state agency preparing a life-cycle cost analysis under this
2509 section shall submit a summary of the analysis to the **[**Secretary of the
2510 Office of Policy and Management**]** Commissioner of Energy Policy and
2511 Development.

2512 (i) Except as provided in subsection (f) of this section, the
2513 Commissioner of Public Works and the **[**Secretary of the Office of
2514 Policy and Management**]** Commissioner of Energy Policy and
2515 Development shall jointly establish and publish energy performance
2516 standards for existing and new buildings owned or leased by the state.
2517 Such standards shall require maximum efficiency in energy use in all
2518 such buildings and maximum practicable use of renewable sources of
2519 energy in all such buildings. In establishing such standards, the
2520 **[**commissioner and secretary**]** commissioners shall consider (1) the
2521 coordination, positioning and solar orientation of the project on its
2522 situs, (2) the amount of glazing, degree of sun shading and direction of
2523 exposure, (3) the levels of insulation incorporated into the design, (4)
2524 the variable occupancy and operating conditions of the facility, (5) all
2525 architectural features which affect energy consumption, and (6) the
2526 design and location of all heating, cooling, hot water and electrical
2527 systems.

2528 (j) Except as provided in subsection (f) of this section, the
2529 Commissioner of Administrative Services and the **[**Secretary of the
2530 Office of Policy and Management**]** Commissioner of Energy Policy and
2531 Development may jointly establish and publish energy performance
2532 standards for equipment and appliances owned or leased by the state
2533 which are not covered products, and for such equipment and
2534 appliances which are covered products. Any such standards shall
2535 require maximum energy efficiency for all such equipment and
2536 appliances and, for equipment and appliances owned or leased by the
2537 state which are covered products, shall be more stringent than the
2538 corresponding federal energy conservation standards set forth in the
2539 Energy Policy and Conservation Act, 42 USC 6295, or federal
2540 regulations adopted thereunder. In establishing such standards, the
2541 **[**commissioner and secretary**]** commissioners shall consider, without

2542 limitation, (1) the initial cost of the equipment or appliance, (2) the
2543 projected useful lifetime of the equipment or appliance, (3) the
2544 projected cost of the energy that the equipment or appliance will
2545 consume over its projected useful lifetime, (4) the estimated operating
2546 costs for maintenance and repair, over the projected useful lifetime of
2547 the equipment or appliance, and (5) the positive or negative salvage
2548 value of the equipment or appliance upon disposal at the conclusion of
2549 its projected useful lifetime.

2550 (k) Any life-cycle cost analysis standards established pursuant to
2551 subdivision (2) of subsection (b) of this section and any energy
2552 performance standards established pursuant to subsection (j) of this
2553 section shall be implemented in accordance with the purchasing
2554 requirements set forth in chapter 58, and any regulations adopted
2555 thereunder, and the provisions of this section and section 16a-38j, as
2556 amended by this act.

2557 Sec. 85. Section 16a-38a of the general statutes is repealed and the
2558 following is substituted in lieu thereof (*Effective July 1, 2006*):

2559 (a) The Commissioner of Public Works, in consultation with the
2560 Commissioner of Energy Policy and Development, shall conduct an
2561 energy audit of all buildings owned by the state to determine the
2562 energy conservation and energy consumption characteristics of such
2563 buildings. Such energy audits shall be conducted in cooperation with
2564 the state department, agency, board or commission occupying such
2565 building. Such energy audits shall be conducted in accordance with
2566 guidelines established under the "National Energy Conservation Policy
2567 Act", Public Law 95-619, 92 Stat. 3206 (1978), as amended from time to
2568 time, and with the following schedule: (1) Preliminary energy audits of
2569 all buildings owned or leased by the state shall be completed within
2570 one year after July 1, 1979. The results from such preliminary audits
2571 shall be used to set priorities for subsequent audits. (2) Subsequent
2572 energy audits based on the priorities established in accordance with
2573 subdivision (1) of this subsection, shall be initiated at a rate of at least
2574 twenty per cent of total building floor space per year. Each audit

2575 procedure shall be completed within two years of its initiation.

2576 (b) **[**(1)**]** The Commissioner of Public Works shall review and
2577 evaluate the energy audits completed in accordance with this section
2578 and shall, within six months, recommend to the **[**Secretary of the Office
2579 of Policy and Management**]** Commissioner of Energy Policy and
2580 Development buildings for cost effective retrofit measures to enable
2581 such buildings to attain the energy performance standards established
2582 under subdivision (1) of subsection (b) of section 16a-38, as amended
2583 by this act. **[**(2) It shall be a goal that beginning not later than July 1,
2584 1982, work to retrofit at least twenty per cent of the total floor area of
2585 existing state-owned buildings for energy conservation shall be
2586 commenced in each fiscal year. Where technically feasible, renewable
2587 sources of energy shall be used for space heating and cooling, domestic
2588 hot water and other applications. (3) It shall be a goal that not later
2589 than June 30, 1991, all state-owned buildings be the subject of such
2590 energy conservation and renewable energy retrofit measures as will
2591 enable them to meet the energy performance standards established in
2592 accordance with subdivision (1) of subsection (b) of section 16a-38.**]**

2593 (c) The Commissioner of Public Works and the **[**Secretary of the
2594 Office of Policy and Management**]** Commissioner of Energy Policy and
2595 Development shall jointly develop and publish guidelines applicable
2596 to all state agencies for an energy efficiency maintenance program for
2597 all state-owned buildings. The program shall include, but not be
2598 limited to, annually inspecting, testing and tuning fossil fuel burning
2599 equipment utilized for space heating or the production of steam or hot
2600 water for process uses. All agencies shall cooperate in implementing
2601 such maintenance program.

2602 Sec. 86. Section 16a-38b of the general statutes is repealed and the
2603 following is substituted in lieu thereof (*Effective July 1, 2006*):

2604 The Commissioner of Public Works, **[**and**]** the Secretary of the Office
2605 of Policy and Management and the Commissioner of Energy Policy
2606 and Development shall take such actions as may be necessary or

2607 appropriate to enable all state facilities to meet the energy performance
2608 standards established in accordance with subdivision (1) of subsection
2609 (b) of section 16a-38, as amended by this act.

2610 Sec. 87. Section 16a-38i of the general statutes is repealed and the
2611 following is substituted in lieu thereof (*Effective July 1, 2006*):

2612 (a) The energy performance standards established by the
2613 Commissioner of Public Works, **[**and**]** the Secretary of the Office of
2614 Policy and Management and the Commissioner of Energy Policy and
2615 Development pursuant to section 16a-38, as amended by this act, shall
2616 require that the Commissioner of Public Works, in consultation with
2617 the **[**secretary**]** Commissioner of Energy Policy and Development,
2618 establish a process for calculating annually, from currently available
2619 data, the average energy use per square foot in state buildings.

2620 (b) In accordance with section 16a-37u, as amended by this act, the
2621 **[**secretary**]** Commissioner of Energy Policy and Development shall (1)
2622 implement a system requiring all state agencies to use the process
2623 established by the Department of Public Works to annually calculate
2624 energy use, (2) establish one or more thresholds of acceptability for
2625 energy use in state buildings, and (3) (A) reduce energy use, on a cost-
2626 effective life-cycle basis and within available fiscal resources as
2627 determined by the secretary, in those buildings under the care and
2628 control of the Department of Public Works which do not meet such
2629 thresholds, and (B) assist other agencies in reducing energy use, on a
2630 cost-effective life-cycle basis and within available fiscal resources as
2631 determined by the **[**secretary**]** Commissioner of Energy Policy and
2632 Development, in those buildings under their care and control which do
2633 not meet the applicable thresholds.

2634 Sec. 88. Section 16a-38j of the general statutes is repealed and the
2635 following is substituted in lieu thereof (*Effective July 1, 2006*):

2636 The Department of Public Works, in consultation with the **[**Secretary
2637 of the Office of Policy and Management**]** Commissioner of Energy
2638 Policy and Development, shall adopt regulations, in accordance with

2639 the provisions of chapter 54, establishing criteria to be used by each
2640 state agency in selecting equipment for use in state buildings. Such
2641 criteria shall include a life-cycle cost analysis. Such criteria for
2642 equipment for which energy performance standards have been
2643 established pursuant to subsection (j) of section 16a-38, as amended by
2644 this act, shall include such energy performance standards.

2645 Sec. 89. Section 16a-39 of the general statutes is repealed and the
2646 following is substituted in lieu thereof (*Effective July 1, 2006*):

2647 (a) As used in this section:

2648 (1) "Public building" means any building or portion thereof, other
2649 than an "exempted building", which is open to the public during
2650 normal business hours, including (A) any building which provides
2651 facilities or shelter for public assembly, (B) any inn, hotel, motel, sports
2652 arena, supermarket, transportation terminal, retail store, restaurant, or
2653 other commercial establishment which provides services or retails
2654 merchandise, and (C) any building owned or leased by the state of
2655 Connecticut or any political subdivision thereof, or by another state or
2656 political subdivision thereof and located in Connecticut, including
2657 libraries, museums, schools, hospitals, auditoriums, sports arenas and
2658 university buildings;

2659 (2) "Exempted building" means (A) any building whose peak design
2660 rate of energy usage for all purposes is less than one watt per square
2661 foot of floor area for all purposes, (B) any building with neither a
2662 heating nor cooling system and (C) any building owned or leased in
2663 whole or in part by the United States; and

2664 **[**(3) "Commissioner" means the Commissioner of Public Works or
2665 his designee;

2666 (4) "Secretary" means the Secretary of the Office of Policy and
2667 Management or his designee; and**]**

2668 **[**(5)**]** (3) "Eligible building" means a building owned by a

2669 municipality, located within the state and not used for public
2670 education purposes.

2671 (b) The [commissioner] Commissioner of Public Works, after
2672 consultation with the [secretary] Commissioner of Energy Policy and
2673 Development and with such advisory board as [said secretary] the
2674 Commissioner of Energy Policy and Development may appoint, shall
2675 adopt, in accordance with chapter 54, regulations establishing lighting
2676 standards for all public buildings. The members of any such advisory
2677 board shall receive neither compensation nor expenses for the
2678 performance of their duties.

2679 (c) The lighting standards adopted pursuant to subsection (b) of this
2680 section shall provide for the maximum feasible energy efficiency of
2681 lighting equipment commensurate with other factors relevant to
2682 lighting levels and equipment, including, but not limited to, the
2683 purposes of the lighting, reasonable economic considerations in terms
2684 both of initial capital costs and of operating costs including nonenergy
2685 operating costs, reasonable budgetary considerations in terms of the
2686 feasibility of implementing changes which require a significant capital
2687 expenditure in a given time period, any constraints imposed on
2688 lighting equipment by the nature of the activities being carried out in
2689 the facility involved, considerations involving historic preservation or
2690 unusual architectural features, the amount of remaining useful lifetime
2691 which a particular structure would be expected to enjoy and the size of
2692 the building or portion of the building involved.

2693 (d) The [commissioner] Commissioner of Public Works shall, upon
2694 the adoption of the regulations required by subsection (b) of this
2695 section, make random inspections of public buildings to monitor
2696 compliance with the standards established by such regulations. The
2697 [commissioner] Commissioner of Public Works may also inspect any
2698 public buildings against which complaints alleging violation of such
2699 standards have been received. The operator of a public building or
2700 portion thereof shall provide access to such inspectors at any
2701 reasonable time, including all times during which the facility is open to

2702 the public. If an inspector is denied access to a public building for the
2703 purposes of making an inspection in accordance with the provisions of
2704 this section, the [commissioner] Commissioner of Public Works may
2705 apply to the superior court for the judicial district wherein such
2706 building is located for injunctive or other equitable relief. If upon
2707 inspection it is determined that the lighting levels in a public building
2708 do not conform to such standards, the inspector shall make available to
2709 the owner or operator of such building, information regarding such
2710 standards and the economic and energy savings expected to result
2711 from compliance therewith. The owner or operator of a public building
2712 may, after having taken appropriate measures to render such building
2713 in compliance with such standards request a reinspection of such
2714 building by the [commissioner] Commissioner of Public Works. The
2715 [commissioner] Commissioner of Public Works may, upon such
2716 request or at his own discretion, conduct such reinspection and
2717 determine whether or not such building has been brought into
2718 compliance with such standards.

2719 (e) The [commissioner] Commissioner of Public Works shall
2720 maintain a listing of all public buildings found to be in compliance
2721 with the lighting standards adopted pursuant to subsection (c) of this
2722 section.

2723 (f) The [secretary] Commissioner of Energy Policy and Development
2724 may award lighting grants to municipalities for the purpose of
2725 improving the energy efficiency of lighting equipment in eligible
2726 buildings. All lighting grants shall be awarded based on an
2727 application, submitted by a municipality, which sets forth the lighting
2728 conservation measures to be implemented. Such measures shall meet
2729 the standards established pursuant to subsection (b) of this section and
2730 be consistent with the state energy policy, as set forth in section 16a-
2731 35k. When evaluating the applications submitted pursuant to this
2732 section and determining the amount of a lighting grant, the [secretary]
2733 Commissioner of Energy Policy and Development shall consider the
2734 energy savings and the payback period for the measures to be
2735 implemented and any other information which the [secretary]

2736 Commissioner of Energy Policy and Development deems relevant. The
2737 funds for lighting grants shall be provided from proceeds of bonds
2738 issued for such purpose. The amount of each grant shall be not less
2739 than five thousand dollars but not more than fifty thousand dollars,
2740 provided the [secretary] Commissioner of Energy Policy and
2741 Development may award grants of less than five thousand dollars or
2742 more than fifty thousand dollars if the [secretary] Commissioner of
2743 Energy Policy and Development finds good cause to do so. All public
2744 service company incentive payments contributed to any energy
2745 conservation project at an eligible building shall be applied to pay the
2746 principal cost of that project.

2747 Sec. 90. Section 16a-39b of the general statutes is repealed and the
2748 following is substituted in lieu thereof (*Effective July 1, 2006*):

2749 The [Secretary of the Office of Policy and Management]
2750 Commissioner of Energy Policy and Development shall convene
2751 periodic meetings, to be held at least once every twelve months, to
2752 discuss opportunities for energy savings by the state. Such meetings
2753 shall consist of the [secretary] commissioner, or the [secretary's]
2754 commissioner's designee, and representatives from each state agency
2755 that the [secretary] commissioner determines to be among the ten
2756 agencies that consumed the greatest amount of energy during the
2757 previous twelve months.

2758 Sec. 91. Subsection (a) of section 16a-40b of the 2006 supplement to
2759 the general statutes is repealed and the following is substituted in lieu
2760 thereof (*Effective July 1, 2006*):

2761 (a) The [commissioner] Commissioner of Economic and Community
2762 Development, acting on behalf of the state, may, with respect to loans
2763 for which funds have been authorized by the State Bond Commission
2764 prior to July 1, 1992, in his discretion make low-cost loans or deferred
2765 loans to residents of this state for the purchase and installation in
2766 residential structures of insulation, alternative energy devices, energy
2767 conservation materials and replacement furnaces and boilers,

2768 approved in accordance with regulations to be adopted by the
2769 [Secretary of the Office of Policy and Management] Commissioner of
2770 Energy Policy and Development. In the purchase and installation of
2771 insulation in new residential structures, only that insulation which
2772 exceeds the requirements of the State Building Code shall be eligible
2773 for such loans or deferred loans. The [commissioner] Commissioner of
2774 Economic and Community Development may also make low-cost
2775 loans or deferred loans to persons in the state residing in dwellings
2776 constructed not later than December 31, 1979, and for which the
2777 primary source of heating since such date has been electricity, for the
2778 purchase of a secondary heating system using a source of heat other
2779 than electricity or for the conversion of a primary electric heating
2780 system to a system using a source of heat other than electricity.

2781 Sec. 92. Section 16a-41 of the general statutes is repealed and the
2782 following is substituted in lieu thereof (*Effective July 1, 2006*):

2783 (a) Any public or private agency or organization administering an
2784 energy assistance program which is funded or administered, in whole
2785 or in part, by the state shall take simultaneous applications from
2786 applicants for all energy assistance programs and energy conservation
2787 loan, grant, audit or service programs which that agency or
2788 organization administers and for which an applicant may be eligible
2789 and shall provide the applicants with written summaries of all such
2790 programs administered by other agencies and organizations and for
2791 which an applicant may be eligible. Any public or private agency or
2792 organization administering an energy conservation loan, grant, audit
2793 or service program or renewable resources loan, grant or service
2794 program which is funded or administered, in whole or in part, by the
2795 state shall provide applicants with written summaries of all other such
2796 programs in the state for which an applicant may be eligible. The
2797 Department of Social Services, in consultation with the Department of
2798 Economic and Community Development and the Department of
2799 [Public Utility Control] Energy Policy and Development, shall adopt
2800 regulations, in accordance with the provisions of chapter 54, to carry
2801 out the purposes of this subsection. Such regulations shall, without

2802 limitation, set forth requirements for the form and content of the
2803 summaries. The Department of Social Services shall be responsible for
2804 collecting and disseminating information on all such programs in the
2805 state to agencies and organizations administering the programs.

2806 (b) Any state agency which administers or funds an energy
2807 assistance program, an energy conservation loan, grant, audit, or
2808 service program or a renewable resources loan, grant or service
2809 program shall adopt regulations in accordance with chapter 54 for
2810 such program in order to protect the due process rights of the
2811 applicants. The regulations shall include, but not be limited to, the
2812 following, where applicable: (1) Procedures for applications and their
2813 disposition, including record-keeping; (2) procedures for the
2814 immediate provision of appropriate assistance to eligible applicants
2815 who are without or in imminent danger of being without heat, hot
2816 water or utilities; (3) standards of assistance, including eligibility and
2817 benefits; (4) procedures for assisting elderly, handicapped, bilingual
2818 and other persons who are unable to file such applications without
2819 assistance; (5) procedures for assisting applicants in obtaining other
2820 forms of assistance; (6) procedures for written notice to applicants of
2821 the disposition of their applications and the basis for each full or
2822 partial denial of assistance; and (7) administrative appeal procedures,
2823 including notice to applicants of the availability of such procedures.

2824 (c) The regulations adopted under subsection (a) or (b) of this
2825 section shall not require an applicant for assistance to be without fuel
2826 or utility service before an agency may accept his application or as a
2827 condition of eligibility.

2828 (d) The Department of **[**Public Utility Control**]** <u>Energy Policy and</u>
2829 <u>Development</u> shall assure: (1) That any energy assistance program,
2830 energy conservation loan, grant, audit or service program or
2831 renewable resources loan, grant or service program concerning
2832 residential dwellings, funded or administered by a public service
2833 company or municipal utility, shall include provisions to address the
2834 needs of persons residing in rental housing and persons of poverty

2835 status; and (2) that the audit report on any audit conducted on a
2836 dwelling occupied by persons of poverty status, under a conservation
2837 audit program funded or administered by a public service company or
2838 municipal utility, include a section which excerpts from the audit
2839 report the results of those audit procedures required under
2840 weatherization or conservation programs available to such persons.

2841 (e) As used in this section, "applicant" means a natural person or a
2842 household seeking assistance under any program referred to in this
2843 section.

2844 Sec. 93. Section 16a-45a of the general statutes is repealed and the
2845 following is substituted in lieu thereof (*Effective July 1, 2006*):

2846 As used in section 16a-46, as amended by this act, "participant"
2847 means: (1) Each electric or gas company, as defined in section 16-1, as
2848 amended, which has annual sales, other than for resale, in excess of
2849 seven hundred fifty million kilowatt hours of electricity or ten billion
2850 cubic feet of natural gas; (2) any company, person or entity fulfilling
2851 the responsibilities of section 16a-46, as amended by this act, in whole
2852 or in part, on behalf of one or more such electric or gas companies, as
2853 determined by the **[**secretary**]** Commissioner of Energy Policy and
2854 Development; (3) any petroleum product vendor registered under
2855 section 16a-22d, as amended by this act, whose gross volume of retail
2856 fuel oil, propane or kerosene delivered in its most recently completed
2857 year exceeds two million gallons; and (4) any other electric or gas
2858 company, as defined in section 16-1, as amended, municipal electric
2859 utility organized under chapter 101, municipal electric energy
2860 cooperative organized under chapter 101a or electric cooperative
2861 organized under chapter 597 which is included in a plan under section
2862 16a-46a, as amended by this act, and subsequently approved by the
2863 **[**secretary**]** commissioner, and which voluntarily participates in the
2864 program under section 16a-46, as amended by this act.

2865 Sec. 94. Section 16a-46 of the 2006 supplement to the general statutes
2866 is repealed and the following is substituted in lieu thereof (*Effective July*

2867 *1, 2006*):

2868 (a) The **[**Secretary of the Office of Policy and Management**]**
2869 Commissioner of Energy Policy and Development shall be responsible
2870 for the development and implementation of a residential energy
2871 conservation service program in accordance with the provisions of this
2872 section, sections 16a-46a, as amended by this act, 16a-46b, as amended
2873 by this act, and 16a-46c, as amended by this act, and applicable federal
2874 law. Participants in the program shall provide or arrange for low cost
2875 energy audits. No participant under subdivision (1) or (3) of section
2876 16a-45a, as amended by this act, may be required to provide such
2877 services outside its authorized service area or area of normal
2878 operation. The residential energy conservation service program shall
2879 terminate on July 1, 2010.

2880 (b) The **[**secretary**]** commissioner, in consultation with the
2881 Department of Public Utility Control, may adopt regulations, in
2882 accordance with chapter 54, with regard to the conduct and
2883 administration of such program. **[**Not later than January first in 1996
2884 and 1997, each participant shall submit a report to the secretary
2885 concerning the energy audits the participant provided or arranged for
2886 pursuant to this section. Not later than February first in 1996 and 1997,
2887 the secretary shall submit a report to the joint standing committee of
2888 the General Assembly having cognizance of matters relating to energy
2889 and technology concerning all energy audits provided or arranged for
2890 pursuant to this section.**]**

2891 Sec. 95. Section 16a-46a of the general statutes is repealed and the
2892 following is substituted in lieu thereof (*Effective July 1, 2006*):

2893 (a) The **[**Secretary of the Office of Policy and Management**]**
2894 Commissioner of Energy Policy and Development shall prepare and
2895 may from time to time amend a residential energy conservation service
2896 plan which implements the program established under section 16a-46,
2897 as amended, and which complies with applicable federal law. The
2898 residential energy conservation service plan shall include, but not be

2899 limited to, a designation of the classes of residential buildings that may
2900 receive low-cost energy audits during the period covered by the plan.

2901 (b) Prior to implementing any amendments to the residential energy
2902 conservation service plan, the **[**secretary**]** commissioner shall submit
2903 the plan or amendments to the joint standing committee of the General
2904 Assembly having cognizance of matters relating to energy planning
2905 and activities. The committee may approve or disapprove such plan or
2906 amendments at a meeting held not later than sixty days after receipt of
2907 the plan or amendments. If the committee takes no action with regard
2908 to the plan or amendments during such sixty-day period, they shall be
2909 deemed approved. Upon such approval, the **[**secretary**]** commissioner
2910 shall submit the plans or amendments to the United States Department
2911 of Energy.

2912 Sec. 96. Section 16a-46b of the general statutes is repealed and the
2913 following is substituted in lieu thereof (*Effective July 1, 2006*):

2914 The **[**secretary**]** Commissioner of Energy Policy and Development
2915 shall (1) review and evaluate, on an ongoing basis, the implementation
2916 of the plan prepared under section 16a-46a, as amended by this act, to
2917 insure compliance with applicable state statutes and regulations and
2918 the provisions of such plan; (2) participate in proceedings before the
2919 Department of Public Utility Control which involve, in whole or in
2920 part, the implementation of said statutes, regulations or plan; and (3)
2921 report on the implementation of, and make any recommendations
2922 concerning, said plan not later than January fifteenth, annually, to the
2923 Governor, the joint standing committee of the General Assembly
2924 having cognizance of matters relating to energy planning and activities
2925 and the Legislative Program Review and Investigations Committee.

2926 Sec. 97. Section 16a-46c of the general statutes is repealed and the
2927 following is substituted in lieu thereof (*Effective July 1, 2006*):

2928 The Department of Public Utility Control shall exercise its
2929 regulatory responsibilities as they relate to the residential energy
2930 conservation service program within any program guidelines

2931 established by the [Secretary of the Office of Policy and Management]
2932 Commissioner of Energy Policy and Development in regulations
2933 adopted under section 16a-46, as amended by this act, and in the plan
2934 authorized under section 16a-46a, as amended by this act. The
2935 [secretary] commissioner shall consult with the department in the
2936 development of the program. The department, in consultation with the
2937 [secretary] commissioner, may adopt regulations in accordance with
2938 chapter 54 concerning the conduct and administration of the program
2939 as it relates to the department's regulatory responsibilities.

2940 Sec. 98. Section 16a-48 of the general statutes is repealed and the
2941 following is substituted in lieu thereof (*Effective July 1, 2006*):

2942 (a) As used in this section:

2943 (1) "Department" means the Department of Public Utility Control;

2944 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
2945 to operate fluorescent lamps by providing a starting voltage and
2946 current and limiting the current during normal operation, but does not
2947 include such devices that have a dimming capability or are intended
2948 for use in ambient temperatures of zero degrees Fahrenheit or less or
2949 have a power factor of less than sixty-one hundredths for a single
2950 F40T12 lamp;

2951 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
2952 nominal forty-watt lamp, with a forty-eight-inch tube length and one
2953 and one-half inches in diameter;

2954 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
2955 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
2956 one and one-half inches in diameter;

2957 (5) "Luminaire" means a complete lighting unit consisting of a
2958 fluorescent lamp, or lamps, together with parts designed to distribute
2959 the light, to position and protect such lamps, and to connect such
2960 lamps to the power supply;

2961 (6) "New product" means a product that is sold, offered for sale, or
2962 installed for the first time and specifically includes floor models and
2963 demonstration units;

2964 **[**(7) "Secretary" means the Secretary of the Office of Policy and
2965 Management;**]**

2966 (7) "Commissioner" means the Commissioner of Energy Policy and
2967 Development;

2968 (8) "State Building Code" means the building code adopted
2969 pursuant to section 29-252;

2970 (9) "Torchiere lighting fixture" means a portable electric lighting
2971 fixture with a reflector bowl giving light directed upward so as to give
2972 indirect illumination;

2973 (10) "Unit heater" means a self-contained, vented fan-type
2974 commercial space heater that uses natural gas or propane that is
2975 designed to be installed without ducts within the heated space. "Unit
2976 heater" does not include a product regulated by federal standards
2977 pursuant to 42 USC 6291, as amended from time to time, a product that
2978 is a direct vent, forced flue heater with a sealed combustion burner, or
2979 any oil fired heating system;

2980 (11) "Transformer" means a device consisting of two or more coils of
2981 insulated wire that transfers alternating current by electromagnetic
2982 induction from one coil to another in order to change the original
2983 voltage or current value;

2984 (12) "Low-voltage dry-type transformer" means a transformer that:
2985 (A) Has an input voltage of 600 volts or less; (B) is between 14 kilovolt-
2986 amperes and 2,501 kilovolt-amperes in size; (C) is air-cooled; and (D)
2987 does not use oil as a coolant. "Low-voltage dry-type transformer" does
2988 not include such transformers excluded from the low-voltage dry-type
2989 distribution transformer definition contained in the California Code of
2990 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance

2991 Efficiency Regulations;

2992 (13) "Pass-through cabinet" means a refrigerator or freezer with
2993 hinged or sliding doors on both the front and rear of the refrigerator or
2994 freezer;

2995 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
2996 thereof, with hinged or sliding doors or lids;

2997 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
2998 freezer with hinged or sliding doors that allows wheeled racks of
2999 product to be rolled into or through the refrigerator or freezer;

3000 (16) "Commercial refrigerators and freezers" means reach-in
3001 cabinets, pass-through cabinets, roll-in cabinets and roll-through
3002 cabinets that have less than eighty-five feet of capacity. "Commercial
3003 refrigerators and freezers" does not include walk-in models or
3004 consumer products regulated under the federal National Appliance
3005 Energy Conservation Act of 1987;

3006 (17) "Traffic signal module" means a standard eight-inch or twelve-
3007 inch round traffic signal indicator consisting of a light source, lens and
3008 all parts necessary for operation and communication of movement
3009 messages to drivers through red, amber and green colors;

3010 (18) "Illuminated exit sign" means an internally illuminated sign that
3011 is designed to be permanently fixed in place and used to identify an
3012 exit by means of a light source that illuminates the sign or letters from
3013 within where the background of the exit sign is not transparent;

3014 (19) "Packaged air-conditioning equipment" means air-conditioning
3015 equipment that is built as a package and shipped as a whole to end-
3016 user sites;

3017 (20) "Large packaged air-conditioning equipment" means air-cooled
3018 packaged air-conditioning equipment having not less than 240,000
3019 BTUs per hour of capacity;

3020 (21) "Commercial clothes washer" means a soft mount front-loading
3021 or soft mount top-loading clothes washer that is designed for use in
3022 (A) applications where the occupants of more than one household will
3023 be using it, such as in multifamily housing common areas and coin
3024 laundries; or (B) other commercial applications, if the clothes container
3025 compartment is no greater than 3.5 cubic feet for horizontal-axis
3026 clothes washers, or no greater than 4.0 cubic feet for vertical-axis
3027 clothes washers;

3028 (22) "Energy efficiency ratio" means a measure of the relative
3029 efficiency of a heating or cooling appliance that is equal to the unit's
3030 output in BTUs per hour divided by its consumption of energy,
3031 measured in watts.

3032 (b) The provisions of this section apply to the testing, certification
3033 and enforcement of efficiency standards for the following types of new
3034 products sold, offered for sale or installed in the state: (1) Commercial
3035 clothes washers; (2) commercial refrigerators and freezers; (3)
3036 illuminated exit signs; (4) large packaged air-conditioning equipment;
3037 (5) low voltage dry-type distribution transformers; (6) torchiere
3038 lighting fixtures; (7) traffic signal modules; (8) unit heaters; and (9) any
3039 other products as may be designated by the department in accordance
3040 with subdivision (3) of subsection (d) of this section.

3041 (c) The provisions of this section do not apply to (1) new products
3042 manufactured in the state and sold outside the state, (2) new products
3043 manufactured outside the state and sold at wholesale inside the state
3044 for final retail sale and installation outside the state, (3) products
3045 installed in mobile manufactured homes at the time of construction, or
3046 (4) products designed expressly for installation and use in recreational
3047 vehicles.

3048 (d) (1) Not later than July 1, 2005, the department, in consultation
3049 with the **[**secretary**]** <u>commissioner</u>, shall adopt regulations, in
3050 accordance with the provisions of chapter 54, to implement the
3051 provisions of this section and to establish minimum energy efficiency

3052 standards for the types of new products set forth in subsection (b) of
3053 this section. The regulations shall provide for the following minimum
3054 energy efficiency standards: (A) Commercial clothes washers shall
3055 meet the requirements shown in Table P-3 of section 1605.3 of the
3056 California Code of Regulations, Title 20: Division 2, Chapter 4, Article
3057 4; (B) commercial refrigerators and freezers shall meet the August 1,
3058 2004, requirements shown in Table A-6 of said California regulation;
3059 (C) illuminated exit signs shall meet the version 2.0 product
3060 specification of the "Energy Star Program Requirements for Exit Signs"
3061 developed by the United States Environmental Protection Agency; (D)
3062 large packaged air-conditioning equipment having not more than
3063 760,000 BTUs per hour of capacity shall meet a minimum energy
3064 efficiency ratio of 10.0 for units using both electric heat and air
3065 conditioning or units solely using electric air conditioning, and 9.8 for
3066 units using both natural gas heat and electric air conditioning; (E) large
3067 packaged air-conditioning equipment having not less than 761,000
3068 BTUs per hour of capacity shall meet a minimum energy efficiency
3069 ratio of 9.7 for units using both electric heat and air conditioning or
3070 units solely using electric air conditioning, and 9.5 for units using both
3071 natural gas heat and electric air conditioning; (F) low voltage dry-type
3072 distribution transformers shall meet or exceed the energy efficiency
3073 values shown in Table 4-2 of the National Electrical Manufacturers
3074 Association Standard TP-1-2002; (G) torchiere lighting fixtures shall
3075 not consume more than 190 watts and shall not be capable of operating
3076 with lamps that total more than 190 watts; (H) traffic signal modules
3077 shall meet the product specification of the "Energy Star Program
3078 Requirements for Traffic Signals" developed by the United States
3079 Environmental Protection Agency that took effect in February, 2001,
3080 except where the department, in consultation with the Commissioner
3081 of Transportation, determines that such specification would
3082 compromise safe signal operation; (I) unit heaters shall not have pilot
3083 lights and shall have either power venting or an automatic flue
3084 damper.

3085 (2) Such efficiency standards, where in conflict with the State

3086 Building Code, shall take precedence over the standards contained in
3087 the Building Code. Not later than July 1, 2007, and biennially
3088 thereafter, the department, in consultation with the [secretary]
3089 commissioner, shall review and increase the level of such efficiency
3090 standards by adopting regulations in accordance with the provisions
3091 of chapter 54 upon a determination that increased efficiency standards
3092 would serve to promote energy conservation in the state and would be
3093 cost-effective for consumers who purchase and use such new products,
3094 provided no such increased efficiency standards shall become effective
3095 within one year following the adoption of any amended regulations
3096 providing for such increased efficiency standards.

3097 (3) The department, in consultation with the [secretary]
3098 commissioner, shall adopt regulations, in accordance with the
3099 provisions of chapter 54, to designate additional products to be subject
3100 to the provisions of this section and to establish efficiency standards
3101 for such products upon a determination that such efficiency standards
3102 (A) would serve to promote energy conservation in the state, (B)
3103 would be cost-effective for consumers who purchase and use such new
3104 products, and (C) that multiple products are available which meet
3105 such standards, provided no such efficiency standards shall become
3106 effective within one year following their adoption pursuant to this
3107 subdivision.

3108 (e) On or after July 1, 2006, except for commercial clothes washers,
3109 for which the date shall be July 1, 2007, commercial refrigerators and
3110 freezers, for which the date shall be July 1, 2008, and large packaged
3111 air-conditioning equipment, for which the date shall be July 1, 2009, no
3112 new product of a type set forth in subsection (b) of this section or
3113 designated by the department may be sold, offered for sale, or
3114 installed in the state unless the energy efficiency of the new product
3115 meets or exceeds the efficiency standards set forth in such regulations
3116 adopted pursuant to subsection (d) of this section.

3117 (f) The department, in consultation with the [secretary]
3118 commissioner, shall adopt procedures for testing the energy efficiency

3119 of the new products set forth in subsection (b) of this section or
3120 designated by the department if such procedures are not provided for
3121 in the State Building Code. The department shall use United States
3122 Department of Energy approved test methods, or in the absence of
3123 such test methods, other appropriate nationally recognized test
3124 methods. The manufacturers of such products shall cause samples of
3125 such products to be tested in accordance with the test procedures
3126 adopted pursuant to this subsection or those specified in the State
3127 Building Code.

3128 (g) Manufacturers of new products set forth in subsection (b) of this
3129 section or designated by the department shall certify to the [secretary]
3130 commissioner that such products are in compliance with the
3131 provisions of this section. The department, in consultation with the
3132 [secretary] commissioner, shall promulgate regulations governing the
3133 certification of such products. The [secretary] commissioner shall
3134 publish an annual list of such products.

3135 (h) The Attorney General may institute proceedings to enforce the
3136 provisions of this section. Any person who violates any provision of
3137 this section shall be subject to a civil penalty of not more than two
3138 hundred fifty dollars. Each violation of this section shall constitute a
3139 separate offense, and each day that such violation continues shall
3140 constitute a separate offense.

3141 Sec. 99. Section 16a-102 of the general statutes is repealed and the
3142 following is substituted in lieu thereof (*Effective July 1, 2006*):

3143 (a) The [Secretary of the Office of Policy and Management]
3144 Commissioner of Energy Policy and Development shall coordinate all
3145 atomic development activities in the state. Said [secretary or his]
3146 commissioner or the commissioner's designee shall (1) advise the
3147 Governor with respect to atomic industrial development within the
3148 state; (2) act as coordinator of the development and regulatory
3149 activities of the state relating to the industrial and commercial uses of
3150 atomic energy; (3) act as deputy of the Governor in matters relating to

3151 atomic energy, including participation in the activities of any
3152 committee formed by the New England states to represent their
3153 interests in such matters and also cooperation with other states and
3154 with the government of the United States; (4) coordinate the studies,
3155 recommendations and proposals of the several departments and
3156 agencies of the state required by section 16a-103 with each other and
3157 also with the programs and activities of the development commission.
3158 So far as practicable, he shall coordinate the studies conducted, and the
3159 recommendations and proposals made, in this state with like activities
3160 in the New England and other states and with the policies and
3161 regulations of the Energy Research and Development Administration
3162 and the Nuclear Regulatory Commission. In carrying out his duties, he
3163 shall proceed in close cooperation with the development commission.

3164 (b) The several agencies of the state which are directed by section
3165 16a-103 to initiate and pursue continuing studies are directed to keep
3166 the **[**Secretary of the Office of Policy and Management**]** Commissioner
3167 of Energy Policy and Development fully and currently informed as to
3168 their activities relating to atomic energy. No regulation or amendment
3169 to a regulation applying specifically to an atomic energy matter which
3170 any such agency may propose to issue shall become effective until
3171 thirty days after it has been submitted to the **[**Secretary of the Office of
3172 Policy and Management**]** Commissioner of Energy Policy and
3173 Development, unless, upon a finding of emergency need, the Governor
3174 by order waives all or any part of this thirty-day period.

3175 (c) The **[**Secretary of the Office of Policy and Management or his**]**
3176 Commissioner of Energy Policy and Development or the
3177 commissioner's designee shall keep the Governor and the several
3178 interested agencies informed as to private and public activities
3179 affecting atomic industrial development and shall enlist their
3180 cooperation in taking action to further such development as is
3181 consistent with the health, safety and general welfare of this state.

3182 (d) Within amounts appropriated for the purposes of this section,
3183 the **[**Secretary of the Office of Policy and Management**]** Commissioner

3184 of Energy Policy and Development may retain on a contractual or
3185 other basis such assistance as is required to carry out the purposes of
3186 this section.

3187 Sec. 100. Section 21a-86a of the general statutes is repealed and the
3188 following is substituted in lieu thereof (*Effective July 1, 2006*):

3189 (a) On or before October 1, 1990, the Commissioner of Consumer
3190 Protection, in consultation with the [Secretary of the Office of Policy
3191 and Management] Commissioner of Energy Policy and Development,
3192 the chairperson of the Public Utilities Control Authority, the State
3193 Building Inspector and the Commissioners of Public Health and
3194 Environmental Protection, shall adopt regulations, in accordance with
3195 the provisions of chapter 54, establishing minimum efficiency
3196 standards for plumbing fixtures and other water-using devices, as
3197 appropriate.

3198 (b) The maximum water use allowed in the regulations adopted
3199 under subsection (a) of this section for showerheads, urinals, faucets
3200 and replacement aerators manufactured or sold on or after October 1,
3201 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for
3202 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen
3203 faucets and replacement aerators, 2.5 gallons per minute, except that
3204 lavatories in restrooms of public facilities shall be equipped with outlet
3205 devices which limit the flow rate to a maximum of 0.5 gallons per
3206 minute. The maximum water use allowed in the regulations adopted
3207 under subsection (a) of this section for tank-type toilets, flushometer-
3208 valve toilets, flushometer-tank toilets and electromechanical hydraulic
3209 toilets manufactured or sold on or after January 1, 1992, shall be 1.6
3210 gallons per flush, unless and until equivalent standards for similar
3211 types of toilets are adopted by the American National Standards
3212 Institute, Inc.

3213 (c) Notwithstanding the provisions of subsection (b) of this section,
3214 the Commissioner of Consumer Protection, after consultation with the
3215 [Secretary of the Office of Policy and Management] Commissioner of

3216 Energy Policy and Development, the chairperson of the Public Utilities
3217 Control Authority, the State Building Inspector and the
3218 Commissioners of Public Health and Environmental Protection, may
3219 increase the level of efficiency for plumbing fixtures upon
3220 determination that such increase would promote the conservation of
3221 water and energy and be cost-effective for consumers who purchase
3222 and use such fixtures. Any increased efficiency standard shall be
3223 effective one year after its adoption.

3224 (d) The Commissioner of Consumer Protection, in consultation with
3225 the **[**Secretary of the Office of Policy and Management**]** Commissioner
3226 of Energy Policy and Development, the chairperson of the Public
3227 Utilities Control Authority, the State Building Inspector and the
3228 Commissioners of Public Health and Environmental Protection, shall
3229 adopt regulations in accordance with the provisions of chapter 54
3230 necessary to implement the provisions of sections 21a-86 to 21a-86g,
3231 inclusive. Such regulations shall provide for (1) the sale of plumbing
3232 fixtures which do not meet the standards if the commissioner
3233 determines that compliance is not feasible or an unnecessary hardship
3234 exists and (2) the sale of plumbing fixtures, including, but not limited
3235 to, antique reproduction plumbing fixtures, which do not meet the
3236 standards, provided such plumbing fixtures were in stock in a store
3237 located in the state before October 1, 1990, if a showerhead, urinal,
3238 faucet or replacement aerator or before January 1, 1992, if a tank-type
3239 toilet, flushometer-valve toilet, flushometer-tank toilet or
3240 electromechanical hydraulic toilet.

3241 Sec. 101. Section 32-317 of the general statutes is repealed and the
3242 following is substituted in lieu thereof (*Effective July 1, 2006*):

3243 (a) The **[**commissioner**]** Commissioner of Economic and Community
3244 Development, acting on behalf of the state, may in his discretion make
3245 loans or deferred loans to residents of this state for the purchase and
3246 installation in residential structures of insulation, alternative energy
3247 devices, energy conservation materials and replacement furnaces and
3248 boilers, approved in accordance with regulations to be adopted by the

3249 [Secretary of the Office of Policy and Management] Commissioner of
3250 Energy Policy and Development. In the purchase and installation of
3251 insulation in new residential structures, only that insulation which
3252 exceeds the requirements of the State Building Code shall be eligible
3253 for such loans or deferred loans. The [commissioner] Commissioner of
3254 Economic and Community Development may also make loans or
3255 deferred loans to persons in the state residing in dwellings constructed
3256 not later than December 31, 1979, and for which the primary source of
3257 heating since such date has been electric resistance, for (1) the purchase
3258 and installation of a high-efficiency secondary heating system using a
3259 source of heat other than electric resistance, (2) the conversion of a
3260 primary electric heating system to a high-efficiency system using a
3261 source of heat other than electric resistance, or (3) the purchase and
3262 installation of a high-efficiency combination heating and cooling
3263 system. As used in this subsection, "high-efficiency" means having a
3264 seasonal energy efficiency ratio of 11.0 or higher or a heating season
3265 performance factor of 7.2 or higher as designated by the American
3266 Refrigeration Institute in the Directory of Certified Unitary Air
3267 Conditioners, Air Source Heat Pumps and Outdoor Unitary
3268 Equipment, as from time to time amended, or an equivalent ratio for a
3269 fossil fuel system.

3270 (b) Except as provided under subsection (c) of this section, any such
3271 loan or deferred loan shall be available only for a residential structure
3272 containing not more than four dwelling units, shall be not less than
3273 four hundred dollars and not more than fifteen thousand dollars per
3274 structure and shall be made only to an applicant who submits
3275 evidence, satisfactory to the [commissioner] Commissioner of
3276 Economic and Community Development, that the adjusted gross
3277 income of the household member or members who contribute to the
3278 support of his household was not in excess of one hundred fifty per
3279 cent of the median area income by household size. Repayment of all
3280 loans or deferred loans made under this subsection shall be subject to a
3281 rate of interest to be determined in accordance with subsection (t) of
3282 section 3-20, as amended, and such terms and conditions as the

3283 commissioner may establish. The State Bond Commission shall
3284 establish a range of rates of interest payable on all loans or deferred
3285 loans under this subsection and shall apply the range to applicants in
3286 accordance with a formula which reflects their income. Such range
3287 shall be not less than zero per cent for any applicant in the lowest
3288 income class and not more than one per cent above the rate of interest
3289 borne by the general obligation bonds of the state last issued prior to
3290 the most recent date such range was established for any applicant for
3291 whom the adjusted gross income of the household member or
3292 members who contribute to the support of his household was at least
3293 one hundred fifteen per cent of the median area income by household
3294 size.

3295 (c) The **[**commissioner**]** Commissioner of Economic and Community
3296 Development shall establish a program under which he shall make
3297 funds authorized under section 32-318 available for loans or deferred
3298 loans under subsection (a) of this section for residential structures
3299 containing more than four dwelling units, or for contracts
3300 guaranteeing payment of loans provided by private institutions for
3301 such structures for the purposes specified under subsection (a) of this
3302 section. Any such loan or deferred loan shall be an amount equaling
3303 not more than two thousand dollars multiplied by the number of
3304 dwelling units in such structure, provided no such loan shall exceed
3305 sixty thousand dollars. If the applicant seeks a loan or deferred loan for
3306 a structure containing more than thirty dwelling units, he shall include
3307 in his application a commitment to make comparable energy
3308 improvements of benefit to all dwelling units in the structure in
3309 addition to the thirty units which are eligible for the loan or deferred
3310 loan. Applications for contracts of guarantee shall be limited to
3311 structures containing not more than thirty dwelling units and the
3312 amount of the guarantee shall be not more than three thousand dollars
3313 for each dwelling unit benefiting from the loan. There shall not be an
3314 income eligibility limitation for applicants for such loans, deferred
3315 loans or guarantees, but the commissioner shall give preference to
3316 applications for loans, deferred loans or guarantees for such structures

3317 which are occupied by persons of low or moderate income. Repayment
3318 of such loans or deferred loans shall be subject to such rates of interest,
3319 terms and conditions as the commissioner shall establish. The state
3320 shall have a lien on each property for which a loan, deferred loan or
3321 guarantee has been made under this section to ensure compliance with
3322 such terms and conditions.

3323 (d) With respect to all loans or deferred loans under this section, any
3324 repayments of principal shall be paid to the State Treasurer for deposit
3325 in the energy conservation revolving loan account. The interest
3326 applicable to any such loans made shall be paid to the State Treasurer
3327 for deposit in the General Fund. In the case of a deferred loan,
3328 payments on interest are due and payable but payments on principal
3329 may be deferred to a time certain.

3330 (e) The **[**commissioner**]** Commissioner of Economic and Community
3331 Development shall adopt regulations, in accordance with chapter 54,
3332 (1) concerning qualifications for such loans or deferred loans,
3333 requirements and limitations as to adjustments of terms and conditions
3334 of repayment and any additional requirements deemed necessary to
3335 carry out the provisions of this section and to assure that those tax-
3336 exempt bonds and notes used to fund such loans qualify for exemption
3337 from federal income taxation, (2) providing for the maximum feasible
3338 availability of such loans or deferred loans for dwelling units owned or
3339 occupied by persons of low and moderate income, (3) establishing
3340 procedures to inform such persons of the availability of such loans or
3341 deferred loans and to encourage and assist them to apply for such
3342 loans and (4) providing that (A) the interest payments received from
3343 the recipients of loans or deferred loans, less the expenses incurred by
3344 the commissioner in the implementation of the program of loans,
3345 deferred loans and loan guarantees under this section, and (B) the
3346 payments received from electric, electric distribution and gas
3347 companies under subsection (f) of this section shall be applied to
3348 reimburse the General Fund for interest on the outstanding bonds and
3349 notes used to fund such loans or deferred loans.

3350 (f) Not later than August first, annually, the [commissioner]
3351 Commissioner of Economic and Community Development shall
3352 calculate the difference between (1) the weighted average of the
3353 percentage rates of interest payable on all subsidized loans or deferred
3354 loans made from the energy conservation loan program authorized
3355 under sections 32-315 to 32-318, inclusive, and (2) the average of the
3356 percentage rates of interest on any bonds and notes issued pursuant to
3357 section 3-20, as amended, which have been dedicated to the energy
3358 conservation loan program under sections 32-315 to 32-318, inclusive,
3359 and used to fund such loans or deferred loans, and multiply such
3360 difference by the outstanding amount of all such loans or deferred
3361 loans, or such lesser amount as may be required under Section
3362 103(b)(2) of the Internal Revenue Code of 1986, or any subsequent
3363 corresponding internal revenue code of the United States, as from time
3364 to time amended. The product of such difference and such applicable
3365 amount shall not exceed six per cent of the sum of the outstanding
3366 principal amount at the end of each fiscal year of all loans or deferred
3367 loans made under the energy conservation loan program authorized
3368 under sections 32-315 to 32-318, inclusive, and the balance remaining
3369 in the energy conservation revolving loan account. Not later than
3370 September first, annually, the Department of Public Utility Control
3371 shall allocate such product among each electric, electric distribution
3372 and gas company having at least seventy-five thousand customers, in
3373 accordance with a formula taking into account, without limitation, the
3374 average number of residential customers of each company. Not later
3375 than October first, annually, each such company shall pay its assessed
3376 amount to the commissioner. The commissioner shall pay to the State
3377 Treasurer for deposit in the General Fund all such payments from
3378 electric, electric distribution and gas companies, and shall adopt
3379 procedures to assure that such payments are not used for purposes
3380 other than those specifically provided in this section. The department
3381 shall include each company's payment as an operating expense of the
3382 company for the purposes of rate-making under section 16-19, as
3383 amended by this act.

3384 Sec. 102. Section 16-245m of the 2006 supplement to the general
3385 statutes is repealed and the following is substituted in lieu thereof
3386 (*Effective July 1, 2006*):

3387 (a) (1) On and after January 1, 2000, the Department of Public Utility
3388 Control shall assess or cause to be assessed a charge of three mills per
3389 kilowatt hour of electricity sold to each end use customer of an electric
3390 distribution company to be used to implement the program as
3391 provided in this section for conservation and load management
3392 programs but not for the amortization of costs incurred prior to July 1,
3393 1997, for such conservation and load management programs.

3394 (2) Notwithstanding the provisions of this section, receipts from
3395 such charge shall be disbursed to the resources of the General Fund
3396 during the period from July 1, 2003, to June 30, 2005, unless the
3397 department shall, on or before October 30, 2003, issue a financing order
3398 for each affected electric distribution company in accordance with
3399 sections 16-245e to 16-245k, inclusive, to sustain funding of
3400 conservation and load management programs by substituting an
3401 equivalent amount, as determined by the department in such financing
3402 order, of proceeds of rate reduction bonds for disbursement to the
3403 resources of the General Fund during the period from July 1, 2003, to
3404 June 30, 2005. The department may authorize in such financing order
3405 the issuance of rate reduction bonds that substitute for disbursement to
3406 the General Fund for receipts of both the charge under this subsection
3407 and under subsection (b) of section 16-245n<u>, as amended by this act,</u>
3408 and also may, in its discretion, authorize the issuance of rate reduction
3409 bonds under this subsection and subsection (b) of section 16-245n<u>, as</u>
3410 <u>amended by this act,</u> that relate to more than one electric distribution
3411 company. The department shall, in such financing order or other
3412 appropriate order, offset any increase in the competitive transition
3413 assessment necessary to pay principal, premium, if any, interest and
3414 expenses of the issuance of such rate reduction bonds by making an
3415 equivalent reduction to the charge imposed under this subsection,
3416 provided any failure to offset all or any portion of such increase in the
3417 competitive transition assessment shall not affect the need to

3418 implement the full amount of such increase as required by this
3419 subsection and by sections 16-245e to 16-245k, inclusive. Such
3420 financing order shall also provide if the rate reduction bonds are not
3421 issued, any unrecovered funds expended and committed by the
3422 electric distribution companies for conservation and load management
3423 programs, provided such expenditures were approved by the
3424 department after August 20, 2003, and prior to the date of
3425 determination that the rate reduction bonds cannot be issued, shall be
3426 recovered by the companies from their respective competitive
3427 transition assessment or systems benefits charge but such expenditures
3428 shall not exceed four million dollars per month. All receipts from the
3429 remaining charge imposed under this subsection, after reduction of
3430 such charge to offset the increase in the competitive transition
3431 assessment as provided in this subsection, shall be disbursed to the
3432 Energy Conservation and Load Management Fund commencing as of
3433 July 1, 2003. Any increase in the competitive transition assessment or
3434 decrease in the conservation and load management component of an
3435 electric distribution company's rates resulting from the issuance of or
3436 obligations under rate reduction bonds shall be included as rate
3437 adjustments on customer bills.

3438 (b) The electric distribution company shall establish an Energy
3439 Conservation and Load Management Fund which shall be held
3440 separate and apart from all other funds or accounts. Receipts from the
3441 charge imposed under subsection (a) of this section shall be deposited
3442 into the fund. Any balance remaining in the fund at the end of any
3443 fiscal year shall be carried forward in the fiscal year next succeeding.
3444 Disbursements from the fund by electric distribution companies to
3445 carry out the plan developed under subsection **[**(d)**]** (c) of this section
3446 shall be authorized by the Department of Public Utility Control upon
3447 its approval of such plan.

3448 **[**(c) The Department of Public Utility Control shall appoint and
3449 convene an Energy Conservation Management Board which shall
3450 include representatives of: (1) An environmental group knowledgeable
3451 in energy conservation program collaboratives; (2) the Office of

3452 Consumer Counsel; (3) the Attorney General; (4) the Department of
3453 Environmental Protection; (5) the electric distribution companies in
3454 whose territories the activities take place for such programs; (6) a state-
3455 wide manufacturing association; (7) a chamber of commerce; (8) a
3456 state-wide business association; (9) a state-wide retail organization;
3457 (10) a representative of a municipal electric energy cooperative created
3458 pursuant to chapter 101a; (11) two representatives selected by the gas
3459 companies in this state; and (12) residential customers. Such members
3460 shall serve for a period of five years and may be reappointed.
3461 Representatives of the gas companies shall not vote on matters
3462 unrelated to gas conservation. Representatives of the electric
3463 distribution companies and the municipal electric energy cooperative
3464 shall not vote on matters unrelated to electricity conservation.**]**

3465 **[**(d)**]** (c) (1) The **[**Energy Conservation Management Board**]**
3466 Department of Energy Policy and Development shall advise and assist
3467 the electric distribution companies in the development and
3468 implementation of a comprehensive plan, which plan shall be
3469 approved by the Department of Public Utility Control, to implement
3470 cost-effective energy conservation programs and market
3471 transformation initiatives. The plan shall be consistent with the
3472 comprehensive energy plan approved by the **[**Connecticut Energy
3473 Advisory Board**]** Department of Energy Policy and Development
3474 pursuant to section 16a-7a, as amended by this act, at the time of
3475 submission to the department. Each program contained in the plan
3476 shall be reviewed by the electric distribution company and either
3477 accepted or rejected by the **[**Energy Conservation Management Board**]**
3478 Department of Energy Policy and Development prior to submission to
3479 the department for approval. The **[**Energy Conservation Management
3480 Board**]** Department of Energy, Policy and Development shall, as part
3481 of its review, examine opportunities to offer joint programs providing
3482 similar efficiency measures that save more than one fuel resource or
3483 otherwise to coordinate programs targeted at saving more than one
3484 fuel resource. Any costs for joint programs shall be allocated equitably
3485 among the conservation programs. The **[**Energy Conservation

3486 Management Board**]** Department of Energy Policy and Development
3487 shall give preference to projects that maximize the reduction of
3488 federally mandated congestion charges.

3489 (2) **[**There shall be a joint committee of the Energy Conservation
3490 Management Board and the Renewable Energy Investments Advisory
3491 Committee. The board and the advisory committee shall each appoint
3492 members to such joint committee. The joint committee**]** The
3493 Department of Energy Policy and Development shall examine
3494 opportunities to coordinate the programs and activities funded by the
3495 Renewable Energy Investment Fund pursuant to section 16-245n, as
3496 amended by this act, with the programs and activities contained in the
3497 plan developed under this subsection to reduce the long-term cost,
3498 environmental impacts and security risks of energy in the state. **[**Such
3499 joint committee shall hold its first meeting on or before August 1,
3500 2005.**]**

3501 (3) Programs included in the plan developed under subdivision (1)
3502 of this subsection **[**(d) of this section**]** shall be screened through cost-
3503 effectiveness testing which compares the value and payback period of
3504 program benefits to program costs to ensure that programs are
3505 designed to obtain energy savings and system benefits, including
3506 mitigation of federally mandated congestion charges, whose value is
3507 greater than the costs of the programs. Cost-effectiveness testing shall
3508 utilize available information obtained from real-time monitoring
3509 systems to ensure accurate validation and verification of energy use.
3510 Program cost-effectiveness shall be reviewed annually, or otherwise as
3511 is practicable. If a program is determined to fail the cost-effectiveness
3512 test as part of the review process, it shall either be modified to meet the
3513 test or shall be terminated. On or before March 1, 2005, and on or
3514 before March first annually thereafter, the **[**board**]** Department of
3515 Energy Policy and Development shall provide a report, in accordance
3516 with the provisions of section 11-4a, to the joint standing committees of
3517 the General Assembly having cognizance of matters relating to energy
3518 and the environment (A) that documents expenditures and fund
3519 balances and evaluates the cost-effectiveness of such programs

3520 conducted in the preceding year, and (B) that documents the extent to
3521 and manner in which the programs of such board collaborated and
3522 cooperated with programs, established under section 7-233y, as
3523 amended by this act, of municipal electric energy cooperatives. To
3524 maximize the reduction of federally mandated congestion charges,
3525 programs in the plan may allow for disproportionate allocations
3526 between the amount of contributions to the Energy Conservation and
3527 Load Management Funds by a certain rate class and the programs that
3528 benefit such a rate class. **[**Before conducting such evaluation, the board
3529 shall consult with the Renewable Energy Investments Advisory
3530 Committee.**]** The report shall include a description of the activities
3531 undertaken during the reporting period jointly or in collaboration with
3532 the Renewable Energy Investment Fund established pursuant to
3533 subsection (c) of section 16-245n, as amended by this act.

3534 (4) Programs included in the plan developed under subdivision (1)
3535 of this subsection **[**(d) of this section**]** may include, but not be limited
3536 to: (A) Conservation and load management programs, including
3537 programs that benefit low-income individuals; (B) research,
3538 development and commercialization of products or processes which
3539 are more energy-efficient than those generally available; (C)
3540 development of markets for such products and processes; (D) support
3541 for energy use assessment, real-time monitoring systems, engineering
3542 studies and services related to new construction or major building
3543 renovation; (E) the design, manufacture, commercialization and
3544 purchase of energy-efficient appliances and heating, air conditioning
3545 and lighting devices; (F) program planning and evaluation; (G) indoor
3546 air quality programs relating to energy conservation; (H) joint fuel
3547 conservation initiatives programs targeted at reducing consumption of
3548 more than one fuel resource; and (I) public education regarding
3549 conservation. Such support may be by direct funding, manufacturers'
3550 rebates, sale price and loan subsidies, leases and promotional and
3551 educational activities. The plan shall also provide for expenditures by
3552 the **[**Energy Conservation Management Board**]** Department of Energy
3553 Policy and Development for the retention of expert consultants and

3554 reasonable administrative costs provided such consultants shall not be
3555 employed by, or have any contractual relationship with, an electric
3556 distribution company. Such costs shall not exceed five per cent of the
3557 total revenue collected from the assessment.

3558 **[**(e)**]** (d) Notwithstanding the provisions of subsections (a) to **[**(d)**]**
3559 (c), inclusive, of this section, the Department of Public Utility Control
3560 shall authorize the disbursement of a total of one million dollars in
3561 each month, commencing with July, 2003, and ending with July, 2005,
3562 from the Energy Conservation and Load Management Funds
3563 established pursuant to said subsections. The amount disbursed from
3564 each Energy Conservation and Load Management Fund shall be
3565 proportionately based on the receipts received by each fund. Such
3566 disbursements shall be deposited in the General Fund.

3567 **[**(f)**]** (e) No later than December 31, 2006, and no later than
3568 December thirty-first every five years thereafter, the **[**Energy
3569 Conservation Management Board shall, after consulting with the
3570 Renewable Energy Investments Advisory Committee,**]** Department of
3571 Energy Policy and Development shall conduct an evaluation of the
3572 performance of the programs and activities of the fund and submit a
3573 report, in accordance with the provisions of section 11-4a, of the
3574 evaluation to the joint standing committee of the General Assembly
3575 having cognizance of matters relating to energy.

3576 **[**(g)**]** (f) Notwithstanding the provisions of subsections (a) to **[**(d)**]**
3577 (c), inclusive, of this section, the Department of Public Utility Control
3578 shall authorize the disbursement of a total of one million dollars in
3579 each month, commencing with August 1, 2006, and ending with July
3580 31, 2007, from the Energy Conservation and Load Management Funds
3581 established pursuant to said subsections. The amount disbursed from
3582 each Energy Conservation and Load Management Fund shall be
3583 proportionately based on the receipts received by each fund. Such
3584 disbursements shall be deposited in the General Fund.

3585 Sec. 103. Subsection (c) of section 7-233y of the 2006 supplement to

3586 the general statutes is repealed and the following is substituted in lieu
3587 thereof (*Effective July 1, 2006*):

3588 (c) Such cooperative shall, annually, adopt a comprehensive plan for
3589 the expenditure of such funds by the cooperative on behalf of such
3590 municipal electric utilities for the purpose of carrying out electric
3591 conservation, investments in renewable energy sources, energy
3592 efficiency and electric load management programs funded by the
3593 charge accrued pursuant to subsection (a) of this section. The
3594 cooperative shall expend or cause to be expended the amounts held in
3595 such fund in conformity with the adopted plan. The plan may direct
3596 the expenditure of funds on facilities or measures located in any one or
3597 more of the service areas of the municipal electric utilities who are
3598 members or participants in such cooperative and may provide for the
3599 establishment of goals and standards for measuring the cost
3600 effectiveness of expenditures made from such fund, for the
3601 minimization of federally mandated congestion charges and for
3602 achieving appropriate geographic coverage and scope in each such
3603 service area. Such plan shall be consistent with the comprehensive
3604 plan of the **[**Energy Conservation Management Board**]** Department of
3605 Energy Policy and Development established under section 16-245m, as
3606 amended by this act. Such cooperative, annually, shall submit its plan
3607 to such board for review.

3608 Sec. 104. Subsection (c) of section 16-32f of the 2006 supplement to
3609 the general statutes is repealed and the following is substituted in lieu
3610 thereof (*Effective July 1, 2006*):

3611 (c) (1) The **[**Energy Conservation Management Board, established
3612 pursuant to section 16-245m,**]** Department of Energy Policy and
3613 Development shall advise and assist each such gas company in the
3614 development and implementation of the plan submitted under
3615 subsection (b) of this section. Each program contained in the plan shall
3616 be reviewed by each such gas company and shall be either accepted,
3617 modified or rejected by the **[**Energy Conservation Management Board**]**
3618 Department of Energy Policy and Development before submission of

3619 the plan to the department for approval. The **[**Energy Conservation
3620 Management Board**]** Department of Energy Policy and Development
3621 shall, as part of its review, examine opportunities to offer joint
3622 programs providing similar efficiency measures that save more than
3623 one fuel resource or to otherwise coordinate programs targeted at
3624 saving more than one fuel resource. Any costs for joint programs shall
3625 be allocated equitably among the conservation programs.

3626 (2) Programs included in the plan shall be screened through cost-
3627 effectiveness testing that compares the value and payback period of
3628 program benefits to program costs to ensure that the programs are
3629 designed to obtain gas savings whose value is greater than the costs of
3630 the program. Program cost-effectiveness shall be reviewed annually by
3631 the department, or otherwise as is practicable. If the department
3632 determines that a program fails the cost-effectiveness test as part of the
3633 review process, the program shall either be modified to meet the test
3634 or shall be terminated. On or before January 1, 2007, and annually
3635 thereafter, the board shall provide a report, in accordance with the
3636 provisions of section 11-4a, to the joint standing committees of the
3637 General Assembly having cognizance of matters relating to energy and
3638 the environment, that documents expenditures and funding for such
3639 programs and evaluates the cost-effectiveness of such programs
3640 conducted in the preceding year, including any increased cost-
3641 effectiveness owing to offering programs that save more than one fuel
3642 resource.

3643 (3) Programs included in the plan may include, but are not limited
3644 to: (A) Conservation and load management programs, including
3645 programs that benefit low-income individuals; (B) research,
3646 development and commercialization of products or processes that are
3647 more energy-efficient than those generally available; (C) development
3648 of markets for such products and processes; (D) support for energy use
3649 assessment, engineering studies and services related to new
3650 construction or major building renovations; (E) the design,
3651 manufacture, commercialization and purchase of energy-efficient
3652 appliances, air conditioning and heating devices; (F) program planning

3653 and evaluation; (G) joint fuel conservation initiatives and programs
3654 targeted at saving more than one fuel resource; and (H) public
3655 education regarding conservation. Such support may be by direct
3656 funding, manufacturers' rebates, sale price and loan subsidies, leases
3657 and promotional and educational activities. The plan shall also provide
3658 for expenditures by the **[**Energy Conservation Management Board**]**
3659 Department of Energy Policy and Development for the retention of
3660 expert consultants and reasonable administrative costs, provided such
3661 consultants shall not be employed by, or have any contractual
3662 relationship with, a gas company. Such costs shall not exceed five per
3663 cent of the total cost of the plan.

3664 Sec. 105. Subsection (b) of section 16-243s of the 2006 supplement to
3665 the general statutes is repealed and the following is substituted in lieu
3666 thereof (*Effective July 1, 2006*):

3667 (b) Not later than January 31, 2007, and annually thereafter ending
3668 after January 31, 2011, or ending on such later date specified by the
3669 department, each electric distribution company shall report to the
3670 **[**Energy Conservation Management Board**]** Department of Energy
3671 Policy and Development on such company's activities under this
3672 section.

3673 Sec. 106. Section 16-245z of the 2006 supplement to the general
3674 statutes is repealed and the following is substituted in lieu thereof
3675 (*Effective July 1, 2006*):

3676 Not later than October 1, 2005, the Department of Public Utility
3677 Control and the **[**Energy Conservation Management Board, established
3678 in section 16-245m,**]** Department of Energy Policy and Development
3679 shall establish links on their Internet web sites to the Energy Star
3680 program or successor program that promotes energy efficiency and
3681 each electric distribution company shall establish a link under its
3682 conservation programs on its Internet web site to the Energy Star
3683 program or such successor program.

3684 Sec. 107. Subdivision (5) of subsection (c) of section 16-244c of the

3685 2006 supplement to the general statutes is repealed and the following
3686 is substituted in lieu thereof (*Effective July 1, 2006*):

3687 (5) Each bidder for a standard service contract shall submit its bid to
3688 the electric distribution company and the third-party entity who shall
3689 jointly review the bids and submit an overview of all bids together
3690 with a joint recommendation to the department as to the preferred
3691 bidders. The department may, within ten business days of submission
3692 of the overview, reject the recommendation regarding preferred
3693 bidders. In the event that the department rejects the preferred bids, the
3694 electric distribution company and the third-party entity shall rebid the
3695 service pursuant to this subdivision. Upon approval of the preferred
3696 bids by the department, the authority shall transfer the contracts to the
3697 respective electric distribution company. Successful bids received by
3698 the authority during the procurement process shall be available for
3699 public review six months after department approval.

3700 Sec. 108. (*Effective July 1, 2006*) (a) The Department of Public Utility
3701 Control shall conduct a contested case, in accordance with chapter 54
3702 of the general statutes, to establish the principles and standards to be
3703 used in developing and issuing a request for proposals for eligible
3704 generation pursuant to this section. For purposes of this section,
3705 "eligible generation" means an electric generating facility that is located
3706 in the state, uses energy resources other than natural gas, oil and
3707 nuclear power, and meets relevant air and water quality standards of
3708 the Department of Environmental Protection or an electric generating
3709 wind facility located in the New York, Pennsylvania, New Jersey,
3710 Maryland, Delaware or the New England states. The department shall
3711 complete such contested case on or before January 1, 2007.

3712 (b) On or before February 1, 2007, the department shall conduct a
3713 proceeding to develop and issue a request for proposals to solicit the
3714 development of two thousand megawatts of new, expanded or
3715 repowered electric generation or electric capacity, including baseload,
3716 peaking, renewable and demand response electric power. Such request
3717 for proposals shall encourage responses from a variety of resource

3718 types and encourage diversity in the fuel mix used in generation. An
3719 electric distribution company may submit proposals pursuant to this
3720 subsection on the same basis as other respondents to the solicitation. A
3721 proposal submitted by an electric distribution company shall include
3722 its full projected costs such that any project costs recovered from or
3723 defrayed by ratepayers are included in the projected costs. An electric
3724 distribution company submitting a bid under this subsection shall
3725 demonstrate to the satisfaction of the department that its bid is not
3726 supported in any form of cross subsidization by affiliated entities. If
3727 such electric distribution company's proposal is approved pursuant to
3728 this section, the costs and revenues of such proposal shall not be
3729 included in calculating such company's earnings for purposes of, or in
3730 determining whether its rates are just and reasonable under sections
3731 16-19 of the general statutes, as amended by this act, 16-19a and 16-19e
3732 of the general statutes, as amended by this act. Electric distribution
3733 companies shall not recover more than the full costs identified in the
3734 proposals, as approved under this section. Affiliates of the electric
3735 distribution company may submit proposals consistent with section
3736 16-244h of the general statutes, regulations adopted under said section
3737 16-244h and other requirements the department may impose. The
3738 department may request from a person submitting a proposal further
3739 information, that the department determines to be in the public
3740 interest, to be used in evaluating the proposal.

3741 (c) The department shall publish such request for proposals in one
3742 or more newspapers or periodicals, as selected by the department, and
3743 shall post such request for proposals on its web site. The department
3744 may retain the services of a third-party entity with expertise in the area
3745 of energy procurement to oversee the development of the request for
3746 proposals and to assist the department in its approval of proposals
3747 pursuant to this section. The reasonable and proper expenses for
3748 retaining such third-party entity shall be recoverable through federally
3749 mandated congestion charges, as defined in section 16-1 of the 2006
3750 supplement to the general statutes, which charges the department shall
3751 allocate to electric distribution companies in proportion to their

3752 revenue.

3753 (d) Any person, other than an electric distribution company,
3754 submitting a proposal pursuant to this section shall include with its
3755 proposal a draft of a contract that includes the transfer to the electric
3756 distribution company of all the rights to the installed capacity,
3757 including, but not limited to, forward reserve capacity, locational
3758 forward reserve capacity and similar rights associated with such
3759 proposal, provided such rights shall not include energy. No such draft
3760 of a contract shall have a term exceeding fifteen years. Such draft
3761 contract shall include such provisions as the Department of Public
3762 Utility Control directs.

3763 (e) The department shall, on or before May 1, 2007, evaluate such
3764 proposals received pursuant to this section and may approve one or
3765 more of such proposals. The department shall evaluate the bids based
3766 on fuel diversity, price stability, speed of implantation, federally
3767 mandated congestion charge mitigation, capital cost and
3768 environmental sustainability.

3769 (f) An electric distribution company shall negotiate in good faith the
3770 final terms of the draft contract, and shall apply to the department for
3771 approval of each such contract. After thirty days, either party may
3772 request the assistance of the department to resolve any outstanding
3773 issues. No such contract may become effective without approval of the
3774 department. The department shall hold a hearing that shall be
3775 conducted as a contested case, in accordance with the provisions of
3776 chapter 54 of the general statutes, to approve, reject or modify an
3777 application for approval of a capacity purchase contract. Such a
3778 contract shall contain terms that mitigate the long-term risk assumed
3779 by ratepayers. No contract approved by the department shall have a
3780 term exceeding fifteen years.

3781 (g) Projects approved pursuant to this subsection are eligible for
3782 expedited siting pursuant to subsection (a) of section 16-50k of the 2006
3783 supplement to the general statutes. The provisions of section 16a-7c of

3784 the general statutes shall not apply to projects approved pursuant to
3785 this section.

3786 Sec. 109. (*Effective July 1, 2006*) Not later than September 1, 2007, if
3787 the Department of Public Utility Control does not receive and approve
3788 bids pursuant to the request for proposal process pursuant to section
3789 108 of this act sufficient to reach the two thousand megawatt goal set
3790 by said section 108, the Department of Energy Policy and Development
3791 shall conduct a contested case proceeding, in accordance with chapter
3792 54 of the general statutes, to develop a plan to serve as the builder of
3793 last resort for the shortfall of megawatts from said request for proposal
3794 process.

3795 Sec. 110. (*Effective July 1, 2006*) The following sum is appropriated
3796 for the fiscal year ending June 30, 2007:

T1	DEPARTMENT OF ENERGY POLICY	
T2	AND DEVELOPMENT	
T3	Personal Services	688,900
T4	Other Expenses	141,100
T5	Equipment	20,000
T6	AGENCY TOTAL	850,000

3797 Sec. 111. Subdivision (16) of subsection (d) of section 2c-2b, and
3798 sections 4-67e, 16-11a, 16-261a, 16a-1, 16a-3, 16a-8 and 16a-14 of the
3799 general statutes are repealed. (*Effective July 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2006*	4-5
Sec. 2	*July 1, 2006*	4d-90(a)
Sec. 3	*July 1, 2006*	7-244j
Sec. 4	*July 1, 2006*	7-244k
Sec. 5	*July 1, 2006*	16-1(a)(1) and (2)
Sec. 6	*July 1, 2006*	16-1b

Sec. 7	*July 1, 2006*	16-2
Sec. 8	*July 1, 2006*	16-2a(b) and (c)
Sec. 9	*July 1, 2006*	16-2c
Sec. 10	*July 1, 2006*	16-3
Sec. 11	*July 1, 2006*	16-4
Sec. 12	*July 1, 2006*	16-19(a)
Sec. 13	*July 1, 2006*	16-19e(b)
Sec. 14	*July 1, 2006*	16-19j(a)
Sec. 15	*July 1, 2006*	16-19ss(a)
Sec. 16	*July 1, 2006*	16-50j(b)
Sec. 17	*July 1, 2006*	16a-3(a)
Sec. 18	*July 1, 2006*	16a-23t(f)
Sec. 19	*July 1, 2006*	21a-86a
Sec. 20	*July 1, 2006*	21a-86c(a)
Sec. 21	*July 1, 2006*	22a-66k(a)
Sec. 22	*July 1, 2006*	22a-198(f)
Sec. 23	*July 1, 2006*	22a-354i(b)
Sec. 24	*July 1, 2006*	22a-354w
Sec. 25	*July 1, 2006*	22a-371(d)
Sec. 26	*July 1, 2006*	25-32b
Sec. 27	*July 1, 2006*	25-32d
Sec. 28	*July 1, 2006*	25-32i
Sec. 29	*July 1, 2006*	25-33o(a)
Sec. 30	*July 1, 2006*	25-157
Sec. 31	*July 1, 2006*	28-24(c)
Sec. 32	*July 1, 2006*	New section
Sec. 33	*July 1, 2006*	New section
Sec. 34	*July 1, 2006*	New section
Sec. 35	*July 1, 2006*	New section
Sec. 36	*July 1, 2006*	New section
Sec. 37	*July 1, 2006*	4-38c
Sec. 38	*July 1, 2006*	4-65a(a)
Sec. 39	*July 1, 2006*	4a-57(e)(2)
Sec. 40	*July 1, 2006*	8-37jj
Sec. 41	*July 1, 2006*	13a-110a(f)
Sec. 42	*July 1, 2006*	16-6b
Sec. 43	*July 1, 2006*	16-19e(c) and (d)
Sec. 44	*July 1, 2006*	16-32f(c)(2)
Sec. 45	*July 1, 2006*	16-50l(a)(3)
Sec. 46	*July 1, 2006*	16-243k

Sec. 47	*July 1, 2006*	16-243m(m)
Sec. 48	*July 1, 2006*	16-244d(b)
Sec. 49	*July 1, 2006*	16-245l(a)
Sec. 50	*July 1, 2006*	16-245m(d)
Sec. 51	*July 1, 2006*	16-245m(f)
Sec. 52	*July 1, 2006*	16-245n(d)
Sec. 53	*July 1, 2006*	16-261a(a)
Sec. 54	*July 1, 2006*	16-262c(b)(5)
Sec. 55	*July 1, 2006*	16a-2
Sec. 56	*July 1, 2006*	16a-4
Sec. 57	*July 1, 2006*	16a-4a
Sec. 58	*July 1, 2006*	16a-5
Sec. 59	*July 1, 2006*	16a-6
Sec. 60	*July 1, 2006*	New section
Sec. 61	*July 1, 2006*	16a-7a
Sec. 62	*July 1, 2006*	16a-7b
Sec. 63	*from passage*	16a-7c
Sec. 64	*July 1, 2006*	16a-9
Sec. 65	*July 1, 2006*	16a-13
Sec. 66	*July 1, 2006*	16a-13a
Sec. 67	*July 1, 2006*	16a-13b
Sec. 68	*July 1, 2006*	16a-14a
Sec. 69	*July 1, 2006*	16a-14b
Sec. 70	*July 1, 2006*	16a-14e
Sec. 71	*July 1, 2006*	16a-16
Sec. 72	*July 1, 2006*	16a-20
Sec. 73	*July 1, 2006*	16a-22
Sec. 74	*July 1, 2006*	16a-22c
Sec. 75	*July 1, 2006*	16a-22d
Sec. 76	*July 1, 2006*	16a-22e
Sec. 77	*July 1, 2006*	16a-22h
Sec. 78	*July 1, 2006*	16a-22i
Sec. 79	*July 1, 2006*	16a-22j
Sec. 80	*July 1, 2006*	16a-23t(f)
Sec. 81	*July 1, 2006*	16a-37f
Sec. 82	*July 1, 2006*	16a-37u
Sec. 83	*July 1, 2006*	16a-37v
Sec. 84	*July 1, 2006*	16a-38
Sec. 85	*July 1, 2006*	16a-38a
Sec. 86	*July 1, 2006*	16a-38b

Sec. 87	*July 1, 2006*	16a-38i
Sec. 88	*July 1, 2006*	16a-38j
Sec. 89	*July 1, 2006*	16a-39
Sec. 90	*July 1, 2006*	16a-39b
Sec. 91	*July 1, 2006*	16a-40b(a)
Sec. 92	*July 1, 2006*	16a-41
Sec. 93	*July 1, 2006*	16a-45a
Sec. 94	*July 1, 2006*	16a-46
Sec. 95	*July 1, 2006*	16a-46a
Sec. 96	*July 1, 2006*	16a-46b
Sec. 97	*July 1, 2006*	16a-46c
Sec. 98	*July 1, 2006*	16a-48
Sec. 99	*July 1, 2006*	16a-102
Sec. 100	*July 1, 2006*	21a-86a
Sec. 101	*July 1, 2006*	32-317
Sec. 102	*July 1, 2006*	16-245m
Sec. 103	*July 1, 2006*	7-233y(c)
Sec. 104	*July 1, 2006*	16-32f(c)
Sec. 105	*July 1, 2006*	16-243s(b)
Sec. 106	*July 1, 2006*	16-245z
Sec. 107	*July 1, 2006*	16-244c(c)(5)
Sec. 108	*July 1, 2006*	New section
Sec. 109	*July 1, 2006*	New section
Sec. 110	*July 1, 2006*	New section
Sec. 111	*July 1, 2006*	Repealer section

ET *Joint Favorable Subst.*

PD *Joint Favorable*

APP *Joint Favorable*

GAE *Joint Favorable*

ENV *Joint Favorable*