



General Assembly

January Session, 2007

**Bill No. 7080**

LCO No. 4120

\*04120 \_\_\_\_\_ \*

Referred to Committee on Energy and Technology

Introduced by:

REP. CAFERO, 142<sup>nd</sup> Dist.

SEN. DELUCA, 32<sup>nd</sup> Dist.

***AN ACT CREATING A STATE DEPARTMENT OF ENERGY.***

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

1 Section 1. (NEW) (*Effective July 1, 2007*) (a) There is established a  
2 Department of Energy which shall be under the direction and  
3 supervision of the Commissioner of Energy who shall be appointed by  
4 the Governor, in accordance with the provisions of sections 4-5 to 4-8,  
5 inclusive, of the general statutes, as amended by this act, with the  
6 powers and duties prescribed in said sections.

7 (b) The Department of Energy shall constitute a successor  
8 department with respect to the duties of the Office of Policy and  
9 Management as set forth in chapters 295, 296, 298 and 298a of the  
10 general statutes regarding energy policy planning in accordance with  
11 sections 4-38d and 4-39 of the general statutes.

12 (c) The Department of Energy shall constitute a successor  
13 department to the Department of Public Utility Control in matters  
14 relating to natural gas and electric public utility policy and planning.

15 (d) The functions, powers, duties and personnel of the Division of  
16 Energy in the Office of Policy and Management, shall be transferred to  
17 the Department of Energy pursuant to the provisions of sections 4-38d,  
18 4-38e and 4-39 of the general statutes.

19 (e) Any order or regulation of the Office of Policy and Management  
20 that is in force on July 1, 2006, pursuant to the powers and duties set  
21 forth in chapters 295, 296, 298 and 298a of the general statutes  
22 regarding energy policy and planning shall continue in force and effect  
23 as an order or regulation until amended, repealed or superseded  
24 pursuant to law.

25 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) The Commissioner of Energy  
26 shall: (1) Be designated as the state official to implement and execute  
27 any federal program, law, order, rule or regulation related to the  
28 allocation, rationing, conservation, distribution or consumption of  
29 energy resources; (2) coordinate all state and local government  
30 programs for the allocation, rationing, conservation, distribution and  
31 consumption of energy resources; (3) cooperate with the appropriate  
32 authorities of the United States government, or other state or interstate  
33 agencies with respect to allocation, rationing, conservation,  
34 distribution and consumption of energy resources; (4) carry out a  
35 program of studies, hearings, inquiries, surveys and analyses  
36 necessary for state-wide energy policy and planning, provided if an  
37 individual or business furnishing commercial or financial information  
38 concerning said individual or business requests, in writing, at the time  
39 such information is furnished that it be treated as confidential  
40 proprietary information, such information, to the extent that it is  
41 limited to (A) volume of sales, shipments, receipts and exchanges of  
42 energy resources, (B) inventories of energy resources, and (C) local  
43 distribution patterns of energy resources, shall be exempt from the  
44 provisions of subsection (a) of section 1-210 of the general statutes; (5)  
45 shall encourage programs to foster cooperative efforts by and among  
46 Connecticut business, industry, utilities, the academic community and  
47 government to develop new sources of energy; and (6) undertake such

48 other duties and responsibilities as may be delegated by other state  
49 statutes or by the Governor.

50 (b) The commissioner may: (1) Investigate any complaint  
51 concerning the violation of any federal or state statute, rule, regulation  
52 or order pertaining to pricing, allocation, rationing, conservation,  
53 distribution or consumption of energy resources and shall transmit  
54 any evidence gathered by such investigation to the proper federal or  
55 state authorities; (2) conduct programs of public education regarding  
56 energy conservation; (3) enter into contracts with any person to do all  
57 things necessary or convenient to carry out the functions, powers and  
58 duties of the Department of Energy; (4) employ, subject to the  
59 provisions of chapter 67 of the general statutes, such staff as is required  
60 for the proper discharge of duties of the office; (5) adopt regulations in  
61 accordance with chapter 54 of the general statutes, to carry out the  
62 duties of the Commissioner of Energy and the Department of Energy;  
63 and (6) provide technical assistance to municipalities that want to  
64 aggregate electric generation services.

65 (c) The Department of Public Utility Control may, at the request of  
66 the Commissioner of Energy or on its own motion, designate said  
67 commissioner a party in any proceeding before such authority.

68 (d) Except as prohibited by the provisions of section 4-181 of the  
69 general statutes, the Commissioner of Energy shall (1) have access to  
70 the records of the Public Utilities Control Authority and the  
71 Department of Public Utility Control, (2) be entitled to call upon the  
72 expert assistance of the authority and the department, and (3) have the  
73 benefit of all other facilities or information of the authority or  
74 department in carrying out his or her duties and those of the  
75 Department of Energy, except for such internal documents,  
76 information or data that are not available to parties to the authority's  
77 proceedings.

78 Sec. 3. (NEW) (*Effective July 1, 2007*) (a) The Commissioner of Energy  
79 shall: (1) Hold regular public meetings for the purpose of discussing

80 issues relating to the safety and operation of the nuclear power  
81 generating facilities located in this state and to advise the Governor,  
82 the General Assembly and municipalities within a five-mile radius of  
83 any nuclear power generating facility in this state of such issues; (2)  
84 work in conjunction with agencies of the federal, state and local  
85 governments and with any electric company operating a nuclear  
86 power generating facility to ensure the public health and safety; (3)  
87 discuss proposed changes in or problems arising from the operation of  
88 a nuclear power generating facility; (4) communicate with any electric  
89 company operating a nuclear power generating facility about safety or  
90 operational concerns at the facility, which communications may  
91 include, but not be limited to, receipt of written reports and  
92 presentations to the department; and (5) review the current status of  
93 facilities with the Nuclear Regulatory Commission.

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

97 Sec. 4. (NEW) (*Effective July 1, 2007*) (a) The Department of Energy  
98 shall: (1) Represent the state in regional energy system planning  
99 processes conducted by the regional independent system operator, as  
100 defined in section 16-1 of the general statutes; (2) encourage  
101 representatives from the municipalities that are affected by a proposed  
102 project of regional significance to participate in regional energy system  
103 planning processes conducted by the regional independent system  
104 operator; (3) participate in a forecast proceeding conducted pursuant  
105 to subsection (a) of section 16-50r of the general statutes; and (4)  
106 participate in a life-cycle proceeding conducted pursuant to subsection  
107 (b) of section 16-50r of the general statutes.

108 (b) The Commissioner of Energy may establish an advisory group to  
109 assist and advise the department on performance of the  
110 commissioner's duties under this section.

111 Sec. 5. (NEW) (*Effective July 1, 2007*) (a) The Department of Energy is

112 authorized to participate in proceedings before agencies of the federal  
113 government and the federal courts on matters affecting electric  
114 distribution companies, as defined in section 16-1 of the general  
115 statutes, electric suppliers, as defined in said section 16-1, gas  
116 companies, as defined in said section 16-1, gas registrants, as defined  
117 in said section 16-1, or exempt wholesale generators, as defined in said  
118 section 16-1.

119 (b) For any proceeding before the Federal Energy Regulatory  
120 Commission, the United States Department of Energy or the United  
121 States Nuclear Regulatory Commission, or appeal thereof, the  
122 Attorney General, upon request of the Commissioner of Energy, may  
123 retain outside legal counsel in accordance with section 3-125 of the  
124 general statutes to participate in such proceedings on behalf of the  
125 department. All reasonable and proper expenses of such outside legal  
126 counsel shall be borne by the electric distribution companies, electric  
127 suppliers, gas companies, gas registrants, or exempt wholesale  
128 generators that are affected by the decisions of such proceedings and  
129 shall be paid at such times and in such manner as the Department of  
130 Energy directs, provided such expenses shall be apportioned in  
131 proportion to the revenues of each affected entity as reported to the  
132 Department of Public Utility Control for purposes of section 16-49 of  
133 the general statutes for the most recent period, and provided further  
134 such expenses shall not exceed two hundred fifty thousand dollars per  
135 proceeding, including any appeals thereof, in any calendar year unless  
136 the department finds good cause for exceeding the limit and the  
137 affected entities have an opportunity, after reasonable notice, to  
138 comment on the proposed overage. All such legal expenses shall be  
139 recognized by the Department of Public Utility Control as proper  
140 business expenses of the affected entities for rate-making purposes, as  
141 provided in section 16-19e of the general statutes, as amended by this  
142 act, if applicable.

143 Sec. 6. Section 4-5 of the general statutes is repealed and the  
144 following is substituted in lieu thereof (*Effective July 1, 2007*):

145 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
146 means Secretary of the Office of Policy and Management,  
147 Commissioner of Administrative Services, Commissioner of Revenue  
148 Services, Banking Commissioner, Commissioner of Children and  
149 Families, Commissioner of Consumer Protection, Commissioner of  
150 Correction, Commissioner of Economic and Community Development,  
151 State Board of Education, Commissioner of Emergency Management  
152 and Homeland Security, Commissioner of Energy, Commissioner of  
153 Environmental Protection, Commissioner of Agriculture,  
154 Commissioner of Public Health, Insurance Commissioner, Labor  
155 Commissioner, Liquor Control Commission, Commissioner of Mental  
156 Health and Addiction Services, Commissioner of Public Safety,  
157 Commissioner of Social Services, Commissioner of Mental Retardation,  
158 Commissioner of Motor Vehicles, Commissioner of Transportation,  
159 Commissioner of Public Works, Commissioner of Veterans' Affairs,  
160 Commissioner of Health Care Access, Chief Information Officer, the  
161 chairperson of the Public Utilities Control Authority, the executive  
162 director of the Board of Education and Services for the Blind and the  
163 executive director of the Connecticut Commission on Culture and  
164 Tourism.

165 Sec. 7. Section 4-38c of the general statutes is repealed and the  
166 following is substituted in lieu thereof (*Effective July 1, 2007*):

167 There shall be within the executive branch of state government the  
168 following departments: Office of Policy and Management, Department  
169 of Administrative Services, Department of Revenue Services,  
170 Department of Banking, Department of Agriculture, Department of  
171 Children and Families, Department of Consumer Protection,  
172 Department of Correction, Department of Economic and Community  
173 Development, State Board of Education, Department of Emergency  
174 Management and Homeland Security, Department of Energy,  
175 Department of Environmental Protection, Department of Public  
176 Health, Board of Governors of Higher Education, Insurance  
177 Department, Labor Department, Department of Mental Health and

178 Addiction Services, Department of Mental Retardation, Department of  
179 Public Safety, Department of Social Services, Department of  
180 Transportation, Department of Motor Vehicles, Department of  
181 Veterans' Affairs, Department of Public Works and Department of  
182 Public Utility Control.

183 Sec. 8. Subsection (a) of section 4-65a of the general statutes is  
184 repealed and the following is substituted in lieu thereof (*Effective July*  
185 *1, 2007*):

186 (a) There shall be an Office of Policy and Management which shall  
187 be responsible for all aspects of state staff planning and analysis in the  
188 areas of budgeting, management, planning, [energy] policy  
189 determination and evaluation, intergovernmental policy, criminal and  
190 juvenile justice planning and program evaluation. The department  
191 head shall be the Secretary of the Office of Policy and Management,  
192 who shall be appointed by the Governor in accordance with the  
193 provisions of sections 4-5, as amended by this act, 4-6, 4-7 and 4-8, with  
194 all the powers and duties therein prescribed. The Secretary of the  
195 Office of Policy and Management shall be the employer representative  
196 (1) in collective bargaining negotiations concerning changes to the state  
197 employees retirement system and health and welfare benefits, and (2)  
198 in all other matters involving collective bargaining, including  
199 negotiation and administration of all collective bargaining agreements  
200 and supplemental understandings between the state and the state  
201 employee unions concerning all executive branch employees except  
202 (A) employees of the Division of Criminal Justice, and (B) faculty and  
203 professional employees of boards of trustees of constituent units of the  
204 state system of higher education. The secretary may designate a  
205 member of the secretary's staff to act as the employer representative in  
206 the secretary's place.

207 Sec. 9. Subdivision (2) of subsection (e) of section 4a-57 of the  
208 general statutes is repealed and the following is substituted in lieu  
209 thereof (*Effective July 1, 2007*):

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

215 Sec. 10. Section 8-37jj of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective July 1, 2007*):

217 (a) The Department of Economic and Community Development  
218 may not approve electric resistance as the primary heat source in new,  
219 subsidized housing except where justified by a life-cycle cost analysis  
220 whose methodology has been approved by the [division of the Office  
221 of Policy and Management responsible for energy matters]  
222 Department of Energy.

223 (b) If the Department of Economic and Community Development or  
224 the Connecticut Housing Finance Authority uses electric resistance  
225 space heating as the primary heating source in any new construction, it  
226 shall construct the unit in such a way as to be eligible for any available  
227 energy conservation incentives provided by the electric company, as  
228 defined in section 16-1, or the municipal utility furnishing electric  
229 service to such unit.

230 Sec. 11. Subsection (f) of section 13a-110a of the general statutes is  
231 repealed and the following is substituted in lieu thereof (*Effective July*  
232 *1, 2007*):

233 (f) The provisions of this section shall not apply to the installation or  
234 replacement of luminaires for which the [Secretary of the Office of  
235 Policy and Management] Commissioner of Energy (1) conducts a life-  
236 cycle cost analysis of one or more luminaires which meet the  
237 requirements set forth in subsection (b) of this section and one or more  
238 luminaires which do not meet such requirements, and (2) certifies that  
239 a luminaire which meets such requirements is not cost effective and is  
240 not the most appropriate alternative based on the life-cycle cost

241 analysis.

242 Sec. 12. Subsections (a) and (b) of section 16-2 of the general statutes  
243 are repealed and the following is substituted in lieu thereof (*Effective*  
244 *July 1, 2007*):

245 (a) There shall continue to be a Public Utilities Control Authority,  
246 which shall consist of [~~five~~] four electors of this state, appointed by the  
247 Governor with the advice and consent of both houses of the General  
248 Assembly. Not more than three members of said authority in office at  
249 any one time shall be members of any one political party. [~~On or before~~  
250 ~~July 1, 1983, and quadrennially thereafter, the Governor shall appoint~~  
251 ~~three members to the authority and on or before July 1, 1985, and~~  
252 ~~quadrennially thereafter, the Governor shall appoint two members.]~~  
253 On or before July 1, 2007, the Governor shall appoint four members to  
254 the authority. All such members shall serve for a term of four years,  
255 except that of the four members appointed on or before July 1, 2007,  
256 one shall serve a term of one year, one shall serve a term of two years,  
257 one shall serve a term of three years and one shall serve a term of four  
258 years. The procedure prescribed by section 4-7 shall apply to such  
259 appointments, except that the Governor shall submit each nomination  
260 on or before May first, and both houses shall confirm or reject it before  
261 adjournment sine die. The commissioners shall be sworn to the faithful  
262 performance of their duties.

263 (b) The authority shall elect a chairperson [~~and vice-chairperson~~]  
264 each June for a one-year [~~terms~~] term starting on July first of the same  
265 year. [~~The vice-chairperson shall perform the duties of the chairperson~~  
266 ~~in his absence.~~]

267 Sec. 13. Subsection (d) of section 16-2 of the general statutes is  
268 repealed and the following is substituted in lieu thereof (*Effective July*  
269 *1, 2007*):

270 (d) The commissioners of the authority shall serve full time and  
271 shall make full public disclosure of their assets, liabilities and income

272 at the time of their appointment, and thereafter each member of the  
273 authority shall make such disclosure on or before July thirtieth of each  
274 year of such member's term, and shall file such disclosure with the  
275 office of the Secretary of the State. Each commissioner shall receive  
276 annually a salary equal to that established for management pay plan  
277 salary group seventy-five by the Commissioner of Administrative  
278 Services. [, except that the chairperson shall receive annually a salary  
279 equal to that established for management pay plan salary group  
280 seventy-seven.]

281 Sec. 14. Subsection (j) of section 16-2 of the general statutes is  
282 repealed and the following is substituted in lieu thereof (*Effective July*  
283 *1, 2007*):

284 (j) No member of the authority or employee of the department shall  
285 agree to accept, or be in partnership or association with any person, or  
286 a member of a professional corporation or in membership with any  
287 union or professional association which partnership, association,  
288 professional corporation, union or professional association agrees to  
289 accept any employment, fee or other thing of value, or portion thereof,  
290 in consideration of his appearing, agreeing to appear, or taking any  
291 other action on behalf of another person before the authority, the  
292 Connecticut Siting Council, the Office of Policy and Management, the  
293 Commissioner of Energy or the Commissioner of Environmental  
294 Protection.

295 Sec. 15. Subsection (a) of section 16-2a of the general statutes is  
296 repealed and the following is substituted in lieu thereof (*Effective July*  
297 *1, 2007*):

298 (a) There shall continue to be an independent Office of Consumer  
299 Counsel, within the Department of Public Utility Control for  
300 administrative purposes only, to act as the advocate for consumer  
301 interests in all matters which may affect Connecticut consumers with  
302 respect to public service companies, electric suppliers and certified  
303 telecommunications providers. The Office of Consumer Counsel shall

304 receive and investigate consumer complaints with regard to utility  
305 issues and act as a liaison with the utilities in the resolution of  
306 consumer complaints and concerns. The Office of Consumer Counsel  
307 is authorized to appear in and participate in any regulatory or judicial  
308 proceedings, federal or state, in which such interests of Connecticut  
309 consumers may be involved, or in which matters affecting utility  
310 services rendered or to be rendered in this state may be involved. The  
311 Office of Consumer Counsel shall be a party to each contested case  
312 before the Department of Public Utility Control and shall participate in  
313 such proceedings to the extent it deems necessary. Said Office of  
314 Consumer Counsel may appeal from a decision, order or authorization  
315 in any such state regulatory proceeding notwithstanding its failure to  
316 appear or participate in said proceeding.

317 Sec. 16. Section 16-6a of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective July 1, 2007*):

319 (a) The Department of Public Utility Control and the Office of  
320 Consumer Counsel are authorized to participate in proceedings before  
321 agencies of the federal government and the federal courts on matters  
322 affecting [utility] services relating to telephone, telegraph, pipeline,  
323 sewage, water and community antenna television companies and  
324 certified telecommunications providers rendered or to be rendered in  
325 this state.

326 (b) For any proceeding before the Federal Energy Regulatory  
327 Commission, the United States Department of Energy or the United  
328 States Nuclear Regulatory Commission, or appeal thereof, the  
329 Attorney General, upon request of the department, may retain outside  
330 legal counsel in accordance with section 3-125 to participate in such  
331 proceedings on behalf of the department. All reasonable and proper  
332 expenses of such outside legal counsel shall be borne by the [public  
333 service companies,] telephone, telegraph, pipeline, sewage, water and  
334 community antenna television companies and certified  
335 telecommunications providers [, electric suppliers or gas registrants]

336 that are affected by the decisions of such proceedings and shall be paid  
337 at such times and in such manner as the department directs, provided  
338 such expenses shall be apportioned in proportion to the revenues of  
339 each affected entity as reported to the department for purposes of  
340 section 16-49 for the most recent period, and provided further such  
341 expenses shall not exceed two hundred fifty thousand dollars per  
342 proceeding, including any appeals thereof, in any calendar year unless  
343 the department finds good cause for exceeding the limit and the  
344 affected entities have an opportunity, after reasonable notice, to  
345 comment on the proposed overage. All such legal expenses shall be  
346 recognized by the department as proper business expenses of the  
347 affected entities for rate-making purposes, as provided in section 16-  
348 19e, as amended by this act, if applicable.

349 (c) For any proceeding before the Federal Energy Regulatory  
350 Commission, the United States Department of Energy, the United  
351 States Nuclear Regulatory Commission, the Securities and Exchange  
352 Commission, the Federal Trade Commission, the United States  
353 Department of Justice or the Federal Communications Commission, or  
354 appeal thereof, the Attorney General, upon request of the Office of  
355 Consumer Counsel, may retain outside legal counsel in accordance  
356 with section 3-125 to participate in such proceedings on behalf of the  
357 office, provided the work performed on behalf of the office shall not  
358 include lobbying activities, as defined in 2 USC 1602. All reasonable  
359 and proper expenses of such outside legal counsel shall be borne by  
360 the public service companies, certified telecommunications providers,  
361 electric suppliers or gas registrants that are affected by the decisions of  
362 such proceedings and shall be paid at such times and in such manner  
363 as the office directs, provided such expenses shall be apportioned in  
364 proportion to the revenues of each affected entity as reported to the  
365 department for purposes of section 16-49 for the most recent period,  
366 and provided further such expenses shall not exceed two hundred fifty  
367 thousand dollars, including any appeals thereof, in any calendar year.  
368 The Department of Public Utility Control shall recognize all such legal  
369 expenses as proper business expenses of the affected entities for rate-

370 making purposes, as provided in section 16-19e, as amended by this  
371 act, if applicable.

372 Sec. 17. Section 16-6b of the general statutes is repealed and the  
373 following is substituted in lieu thereof (*Effective July 1, 2007*):

374 The Department of Public Utility Control may, in accordance with  
375 chapter 54, adopt such regulations with respect to rates and charges,  
376 services, accounting practices, safety and the conduct of operations  
377 generally of public service companies subject to its jurisdiction as it  
378 deems reasonable and necessary. The department may, in accordance  
379 with chapter 54, adopt such regulations with respect to services,  
380 accounting practices, safety and the conduct of operations generally of  
381 electric suppliers subject to its jurisdiction as it deems reasonable and  
382 necessary. After consultation with the [Secretary of the Office of Policy  
383 and Management] Commissioner of Energy, the department may also  
384 adopt regulations establishing standards for systems utilizing  
385 cogeneration technology and renewable fuel resources.

386 Sec. 18. Section 16-12 of the general statutes is repealed and the  
387 following is substituted in lieu thereof (*Effective July 1, 2007*):

388 Any person or any town, city or borough may make complaint, in  
389 writing, to the [Department of Public Utility Control] Office of  
390 Consumer Counsel, of any defects in any portion of the plant or  
391 equipment of any public service company or electric supplier, or of the  
392 manner of operating such plant, by reason of which the public safety  
393 or the health or safety of employees is endangered; and, if he or it so  
394 requests, the name of the complainant shall not be divulged unless in  
395 the opinion of the [department] Office of Consumer Counsel the  
396 complaint is such that publicity is demanded.

397 Sec. 19. Section 16-13 of the general statutes is repealed and the  
398 following is substituted in lieu thereof (*Effective July 1, 2007*):

399 Upon receipt of such complaint from the Office of Consumer

400 Counsel, the Department of Public Utility Control shall fix a time and  
401 place for hearing thereon and shall give notice thereof to all parties in  
402 interest, and shall make such further investigation into the alleged  
403 conditions as it deems necessary. If, upon such hearing, the  
404 department finds the conditions to be dangerous to public safety or to  
405 the safety of employees, it shall make such order as may be necessary  
406 to remedy the same and shall furnish a copy of such order to the  
407 complainant, upon request. If the department finds that the complaint  
408 is not justified, it shall so notify the complainant in writing, by  
409 registered or certified letter, specifying the reasons for such finding,  
410 and shall file a copy of such notification in the office of the department.

411 Sec. 20. Section 16-14 of the general statutes is repealed and the  
412 following is substituted in lieu thereof (*Effective July 1, 2007*):

413 Any town, city or borough, or any person or corporation  
414 maintaining pipes, conductors or other structures under or above  
415 ground in the streets or highways, or owning cattle, as defined in  
416 section 22-381, may make complaint in writing to the [Department of  
417 Public Utility Control] Office of Consumer Counsel of conditions  
418 resulting in injury to or destruction of such pipes, conductors,  
419 structures or cattle by electrolysis or by reason of the escape of  
420 electricity of any public service company or electric supplier.  
421 Proceedings shall be had upon such complaint as provided in sections  
422 16-12 and 16-13. After hearing, as therein provided, [said department]  
423 the Department of Public Utility Control may make such order as may  
424 be necessary to prevent such injury or destruction, and said  
425 department may, at any time thereafter, for cause shown, upon  
426 hearing, after notice to all parties in interest, alter any such decision or  
427 order. Neither the provisions of this section nor compliance with any  
428 order passed pursuant to the provisions hereof shall constitute a  
429 defense in an action for damages resulting from electrolysis.

430 Sec. 21. Section 16-16 of the general statutes is repealed and the  
431 following is substituted in lieu thereof (*Effective July 1, 2007*):

432 Each public service company and electric supplier subject to  
433 regulation by the Department of Public Utility Control shall, in the  
434 event of any accident attended with personal injury or involving  
435 public safety, which was or may have been connected with or due to  
436 the operation of its or his property, or caused by contact with the wires  
437 of any public service company or electric supplier, notify the  
438 [department] Office of Consumer Counsel thereof, by telephone or  
439 otherwise, as soon as may be reasonably possible after the occurrence  
440 of such accident, unless such accident is a minor accident, as defined  
441 by regulations of the department. Each such person, company or  
442 electric supplier shall report such minor accidents to the [department]  
443 Office of Consumer Counsel in writing, in summary form, once each  
444 month. If notice of such accident, other than a minor accident, is given  
445 otherwise than in writing, it shall be confirmed in writing within five  
446 days after the occurrence of such accident. Any person, company or  
447 electric supplier failing to comply with the provisions of this section  
448 shall be fined not more than five hundred dollars for each offense.

449 Sec. 22. Subsection (a) of section 16-19 of the general statutes is  
450 repealed and the following is substituted in lieu thereof (*Effective July*  
451 *1, 2007*):

452 (a) No public service company may charge rates in excess of those  
453 previously approved by the authority or the Department of Public  
454 Utility Control except that any rate approved by the Public Utilities  
455 Commission or the authority shall be permitted until amended by the  
456 authority or the department, that rates not approved by the authority  
457 or the department may be charged pursuant to subsection (b) of this  
458 section, and that the hearing requirements with respect to adjustment  
459 clauses are as set forth in section 16-19b. Each public service company  
460 shall file any proposed amendment of its existing rates with the  
461 department in such form and in accordance with such reasonable  
462 regulations as the department may prescribe. Each electric, electric  
463 distribution, gas or telephone company filing a proposed amendment  
464 shall also file with the department an estimate of the effects of the

465 amendment, for various levels of consumption, on the household  
466 budgets of high and moderate income customers and customers  
467 having household incomes not more than one hundred fifty per cent of  
468 the federal poverty level. Each electric and electric distribution  
469 company shall also file such an estimate for space heating customers.  
470 Each water company, except a water company that provides water to  
471 its customers less than six consecutive months in a calendar year, filing  
472 a proposed amendment, shall also file with the department a plan for  
473 promoting water conservation by customers in such form and in  
474 accordance with a memorandum of understanding entered into by the  
475 department pursuant to section 4-67e. Each public service company  
476 shall notify each customer who would be affected by the proposed  
477 amendment, by mail, at least one week prior to the public hearing  
478 thereon, that an amendment has been or will be requested. Such notice  
479 shall also indicate (1) the Department of Public Utility Control  
480 telephone number for obtaining information concerning the schedule  
481 for public hearings on the proposed amendment, and (2) whether the  
482 proposed amendment would, in the company's best estimate, increase  
483 any rate or charge by twenty per cent or more, and, if so, describe in  
484 general terms any such rate or charge and the amount of the proposed  
485 increase, provided no such company shall be required to provide more  
486 than one form of the notice to each class of its customers. In the case of  
487 a proposed amendment to the rates of any public service company, the  
488 department shall hold a public hearing thereon, except as permitted  
489 with respect to interim rate amendments by subsection (d) and  
490 subsection (g) of this section, and shall make such investigation of such  
491 proposed amendment of rates as is necessary to determine whether  
492 such rates conform to the principles and guidelines set forth in section  
493 16-19e, as amended by this act, or would create a hardship for  
494 residential or commercial customers or are unreasonably  
495 discriminatory or more or less than just, reasonable and adequate, or  
496 that the service furnished by such company is inadequate to or in  
497 excess of public necessity and convenience. The department, if in its  
498 opinion such action appears necessary or suitable in the public interest

499 may, and, upon written petition or complaint of the state, under  
500 direction of the Governor, shall, make the aforesaid investigation of  
501 any such proposed amendment which does not involve an alteration in  
502 rates. If the department finds any proposed amendment of rates to not  
503 conform to the principles and guidelines set forth in section 16-19e, as  
504 amended by this act, or to be unreasonably discriminatory or more or  
505 less than just, reasonable and adequate to enable such company to  
506 provide properly for the public convenience, necessity and welfare, or  
507 the service to be inadequate or excessive, it shall determine and  
508 prescribe, as appropriate, an adequate service to be furnished or just  
509 and reasonable maximum rates and charges to be made by such  
510 company. In the case of a proposed amendment filed by an electric,  
511 electric distribution, gas or telephone company, the department shall  
512 also adjust the estimate filed under this subsection of the effects of the  
513 amendment on the household budgets of the company's customers, in  
514 accordance with the rates and charges approved by the department.  
515 The department shall issue a final decision on each rate filing within  
516 one hundred fifty days from the proposed effective date thereof,  
517 provided it may, before the end of such period and upon notifying all  
518 parties and intervenors to the proceedings, extend the period by thirty  
519 days.

520 Sec. 23. Subsection (a) of section 16-19a of the general statutes is  
521 repealed and the following is substituted in lieu thereof (*Effective July*  
522 *1, 2007*):

523 (a) (1) The Department of Public Utility Control shall, at intervals of  
524 not more than four years from the last previous general rate hearing of  
525 each gas, electric and electric distribution company having more than  
526 seventy-five thousand customers, conduct a complete review and  
527 investigation of the financial and operating records of each such  
528 company and hold a public hearing to determine whether the rates of  
529 each such company create a hardship for residential or commercial  
530 customers, are unreasonably discriminatory or more or less than just,  
531 reasonable and adequate, or that the service furnished by such

532 company is inadequate to or in excess of public necessity and  
533 convenience or that the rates do not conform to the principles and  
534 guidelines set forth in section 16-19e, as amended by this act. In  
535 making such determination, the department shall consider the gross  
536 and net earnings of such company since its last previous general rate  
537 hearing, its retained earnings, its actual and proposed capital  
538 expenditures, its advertising expenses, the dividends paid to its  
539 stockholders, the rate of return paid on its preferred stock, bonds,  
540 debentures and other obligations, its credit rating, and such other  
541 financial and operating information as the department may deem  
542 pertinent.

543 (2) The department may conduct a general rate hearing in  
544 accordance with subsection (a) of section 16-19, as amended by this act,  
545 in lieu of the periodic review and investigation proceedings required  
546 under subdivision (1) of this subsection.

547 Sec. 24. Subsections (c) and (d) of section 16-19e of the general  
548 statutes are repealed and the following is substituted in lieu thereof  
549 (*Effective July 1, 2007*):

550 (c) The Department of Public Utility Control shall consult at least  
551 [once] quarterly each year with the Commissioner of Environmental  
552 Protection, the Connecticut Siting Council and the [Office of Policy and  
553 Management] Commissioner of Energy, so as to coordinate and  
554 integrate its actions, decisions and policies pertaining to gas and  
555 electric companies, so far as possible, with the actions, decisions and  
556 policies of said other agencies and instrumentalities in order to further  
557 the development and optimum use of the state's energy resources and  
558 conform to the greatest practicable extent with the state energy policy  
559 as stated in section 16a-35k, taking into account prudent management  
560 of the natural environment and continued promotion of economic  
561 development within the state. In the performance of its duties, the  
562 department shall take into consideration the energy policies of the  
563 state as expressed in this subsection and in any annual reports

564 prepared or filed by such other agencies and instrumentalities, and  
565 shall defer, as appropriate, to any actions taken by such other agencies  
566 and instrumentalities on matters within their respective jurisdictions.

567 (d) The Commissioner of Environmental Protection, the  
568 Commissioner of Economic and Community Development, the  
569 Connecticut Siting Council and the [Office of Policy and Management]  
570 Commissioner of Energy shall be made parties to each proceeding on a  
571 rate amendment proposed by a gas, electric or electric distribution  
572 company based upon an alleged need for increased revenues to  
573 finance an expansion of capital equipment and facilities, and shall  
574 participate in such proceedings to the extent necessary.

575 Sec. 25. Section 16-19cc of the general statutes is repealed and the  
576 following is substituted in lieu thereof (*Effective July 1, 2007*):

577 (a) Every electric public service company, as defined by section 16-1,  
578 which owns a five per cent or larger share of a nuclear generating  
579 facility shall file with the Department of Public Utility Control, the  
580 Department of Energy and the Office of Consumer Counsel,  
581 semiannually, on April first and October first, a report on the projected  
582 availability, maintenance, refueling and shutdown schedules, for the  
583 next twelve-month period, of all generating facilities over one hundred  
584 megawatts of capacity of each electric public service company and any  
585 generating facilities which are part of the New England Power Pool.

586 (b) The Department of Public Utility Control shall hold a hearing at  
587 the end of each calendar quarter in which fifty per cent or more of an  
588 electric public service company's nuclear generating capacity has been  
589 out of service for a significant period of time. If the department finds  
590 that the electric public service company has not fulfilled its public  
591 service responsibilities under this title and title 16a, then the  
592 department, in its discretion, may prohibit the electric public service  
593 company from recovering, directly or indirectly, all or any portion of  
594 the costs associated with the purchase of electricity from other sources  
595 through its rates or charges.

596 (c) The Department of Public Utility Control shall adopt regulations,  
597 in accordance with the provisions of chapter 54, to administer the  
598 provisions contained in this section.

599 Sec. 26. Section 16-19ee of the general statutes is repealed and the  
600 following is substituted in lieu thereof (*Effective July 1, 2007*):

601 Each electric or electric distribution company with more than  
602 seventy-five thousand customers, shall, in its periodic report to the  
603 Department of Public Utility Control and the Department of Energy,  
604 concerning electrical outages, indicate which outages resulted from a  
605 power surge.

606 Sec. 27. Section 16-19mm of the general statutes is repealed and the  
607 following is substituted in lieu thereof (*Effective July 1, 2007*):

608 In its review of an electric [,] or gas [and water] public service  
609 company's resource planning, the Department of [Public Utility  
610 Control] Energy shall consider the external costs and benefits of all  
611 proposed resources, consistent with the state's energy and other policy,  
612 and integrated resource planning principles.

613 Sec. 28. (NEW) (*Effective July 1, 2007*) In its review of a water public  
614 service company's resource planning, the Department of Public Utility  
615 Control shall consider the external costs and benefits of all proposed  
616 resources, consistent with the state's energy and other policy and  
617 integrated resource planning principles.

618 Sec. 29. Section 16-19nn of the general statutes is repealed and the  
619 following is substituted in lieu thereof (*Effective July 1, 2007*):

620 The Department of Public Utility Control may permit electric and  
621 gas public service companies, as defined in section 16-1, to encourage  
622 specific end uses of electricity and gas to further the state's energy and  
623 other policy consistent with integrated resource planning principles as  
624 administered by the Department of Energy and with the provisions of  
625 section 16-19d.

626 Sec. 30. Subsection (a) of section 16-19ss of the general statutes is  
627 repealed and the following is substituted in lieu thereof (*Effective July*  
628 *1, 2007*):

629 (a) The Department of Public Utility Control may, from July 1, 2003,  
630 to ~~January 1, 2008~~ June 30, 2007, inclusive, determine, by an  
631 affirmative vote of four commissioners of the Public Utilities Control  
632 Authority, and from July 1, 2007, to January 1, 2008, inclusive,  
633 determine, by an affirmative vote of three commissioners of the Public  
634 Utilities Control Authority, that (1) safe, adequate and reasonably  
635 priced electricity is not available on the wholesale market; (2)  
636 additional temporary electric generation facilities will result in  
637 reductions in federally mandated congestion costs for which the  
638 ratepayers of the state are responsible; and (3) the prices and costs  
639 specified in subdivision (2) of this subsection will exceed the cost of  
640 investment in temporary electric generation facilities. Such  
641 determination shall be in writing and shall state the reasons  
642 supporting the determination.

643 Sec. 31. Subsection (b) of section 16-32e of the general statutes is  
644 repealed and the following is substituted in lieu thereof (*Effective July*  
645 *1, 2007*):

646 (b) Not later than June 1, 1996, and every five years thereafter, each  
647 public service company, as defined in section 16-1, each  
648 telecommunications company, as defined in said section, that installs,  
649 maintains, operates or controls poles, wires, conduits or other fixtures  
650 under or over any public highway for the provision of  
651 telecommunications service authorized by section 16-247c, and each  
652 municipal utility furnishing electric, gas or water service shall file with  
653 the Department of Public Utility Control, the Department of Energy,  
654 the Department of Emergency Management and Homeland Security  
655 and each municipality located within the service area of the public  
656 service company, telecommunications company or municipal utility an  
657 updated plan for restoring service which is interrupted as a result of an

658 emergency, except no such plan shall be required of a public service  
659 company or municipal utility that submits a water supply plan  
660 pursuant to section 25-32d. Plans filed by public service companies  
661 and municipal utilities furnishing water shall be prepared in  
662 accordance with the memorandum of understanding entered into  
663 pursuant to section 4-67e. Not later than September 15, 1996, and every  
664 five years thereafter, the Department of Public Utility Control may  
665 conduct public hearings on such plans and, in consultation with the  
666 Department of Energy, the Department of Emergency Management  
667 and Homeland Security, the Department of Public Health and the joint  
668 standing committee of the General Assembly having cognizance of  
669 matters relating to public utilities, revise such plans to the extent  
670 necessary to provide properly for the public convenience, necessity  
671 and welfare. If the Department of Public Utility Control revises the  
672 emergency plan of a public service company, telecommunications  
673 company or municipal utility, such company or municipal utility shall  
674 file a copy of the revised plan with each municipality located within  
675 the service area of the company.

676 Sec. 32. Section 16-32f of the general statutes is repealed and the  
677 following is substituted in lieu thereof (*Effective July 1, 2007*):

678 (a) On or before October first of each even-numbered year, a gas  
679 company, as defined in section 16-1, shall furnish a report to the  
680 Department of [Public Utility Control] Energy containing a five-year  
681 forecast of loads and resources. The report shall describe the facilities  
682 and supply sources that, in the judgment of such gas company, will be  
683 required to meet gas demands during the forecast period. The report  
684 shall be made available to the public and shall be furnished to the chief  
685 executive officer of each municipality in the service area of such gas  
686 company, the regional planning agency which encompasses each such  
687 municipality, the Attorney General, the president pro tempore of the  
688 Senate, the speaker of the House of Representatives, the joint standing  
689 committee of the General Assembly having cognizance of matters  
690 relating to public utilities, any other member of the General Assembly

691 making a request to the department for the report and such other state  
692 and municipal entities as the department may designate by regulation.  
693 The report shall include: (1) A tabulation of estimated peak loads and  
694 resources for each year; (2) data on gas use and peak loads for the five  
695 preceding calendar years; (3) a list of present and projected gas supply  
696 sources; (4) specific measures to control load growth and promote  
697 conservation; and (5) such other information as the department may  
698 require by regulation. A full description of the methodology used to  
699 arrive at the forecast of loads and resources shall also be furnished to  
700 the department. The department shall hold a public hearing on such  
701 reports upon the request of any person. On or before August first of  
702 each odd-numbered year, the department may request a gas company  
703 to furnish to the department an updated report. A gas company shall  
704 furnish any such updated report not later than sixty days following the  
705 request of the department.

706 (b) Not later than October 1, 2005, and annually thereafter, a gas  
707 company, as defined in section 16-1, shall submit to the Department of  
708 [Public Utility Control] Energy a gas conservation plan, in accordance  
709 with the provisions of this section, to implement cost-effective energy  
710 conservation programs and market transformation initiatives. All  
711 supply and conservation and load management options shall be  
712 evaluated and selected within an integrated supply and demand  
713 planning framework. The department [shall, in an uncontested  
714 proceeding during which the department] may hold a public hearing,  
715 approve, modify or reject the plan.

716 (c) (1) The [Energy Conservation Management Board] Conservation  
717 Advisory Board, established pursuant to section 16-245m, as amended  
718 by this act, shall advise and assist each such gas company in the  
719 development and implementation of the plan submitted under  
720 subsection (b) of this section. Each program contained in the plan shall  
721 be reviewed by each such gas company and shall be either accepted,  
722 modified or rejected by the [Energy Conservation Management Board]  
723 Conservation Advisory Board before submission of the plan to the

724 department for approval. The [Energy Conservation Management  
725 Board] Conservation Advisory Board shall, as part of its review,  
726 examine opportunities to offer joint programs providing similar  
727 efficiency measures that save more than one fuel resource or to  
728 otherwise coordinate programs targeted at saving more than one fuel  
729 resource. Any costs for joint programs shall be allocated equitably  
730 among the conservation programs.

731 (2) Programs included in the plan shall be screened through cost-  
732 effectiveness testing that compares the value and payback period of  
733 program benefits to program costs to ensure that the programs are  
734 designed to obtain gas savings whose value is greater than the costs of  
735 the program. Program cost-effectiveness shall be reviewed annually by  
736 the department, or otherwise as is practicable. If the department  
737 determines that a program fails the cost-effectiveness test as part of the  
738 review process, the program shall either be modified to meet the test  
739 or be terminated. On or before January 1, [2007] 2008, and annually  
740 thereafter, the [board] department shall provide a report, in  
741 accordance with the provisions of section 11-4a, to the joint standing  
742 committees of the General Assembly having cognizance of matters  
743 relating to energy and the environment, that documents expenditures  
744 and funding for such programs and evaluates the cost-effectiveness of  
745 such programs conducted in the preceding year, including any  
746 increased cost-effectiveness owing to offering programs that save more  
747 than one fuel resource.

748 (3) Programs included in the plan may include, but are not limited  
749 to: (A) Conservation and load management programs, including  
750 programs that benefit low-income individuals; (B) research,  
751 development and commercialization of products or processes that are  
752 more energy-efficient than those generally available; (C) development  
753 of markets for such products and processes; (D) support for energy use  
754 assessment, engineering studies and services related to new  
755 construction or major building renovations; (E) the design,  
756 manufacture, commercialization and purchase of energy-efficient

757 appliances, air conditioning and heating devices; (F) program planning  
758 and evaluation; (G) joint fuel conservation initiatives and programs  
759 targeted at saving more than one fuel resource; and (H) public  
760 education regarding conservation. Such support may be by direct  
761 funding, manufacturers' rebates, sale price and loan subsidies, leases  
762 and promotional and educational activities. The plan shall also provide  
763 for expenditures by the [Energy Conservation Management Board]  
764 Conservation Advisory Board for the retention of expert consultants  
765 and reasonable administrative costs, provided such consultants shall  
766 not be employed by, or have any contractual relationship with, a gas  
767 company. Such costs shall not exceed five per cent of the total cost of  
768 the plan.

769 (d) The Department of Energy shall submit the plan to the  
770 Department of Public Utility Control for deliberation regarding retail  
771 rate recovery of costs associated with implementing the initiatives  
772 contained in the plan. Nothing in this section shall be construed to  
773 require the Department of Public Utility Control to establish a  
774 conservation charge to support the programs in this section.

775 Sec. 33. Section 16-32g of the general statutes is repealed and the  
776 following is substituted in lieu thereof (*Effective July 1, 2007*):

777 Not later than January 1, 1988, each electric or electric distribution  
778 company shall submit to the Department of Public Utility Control and  
779 the Department of Energy a plan for the maintenance of poles, wires,  
780 conduits or other fixtures, along public highways or streets for the  
781 transmission or distribution of electric current, owned, operated,  
782 managed or controlled by such company, in such format as the  
783 department shall prescribe. Such plan shall include a program for the  
784 trimming of tree branches and limbs located in close proximity to  
785 overhead electric wires where such branches and limbs may cause  
786 damage to such electric wires. The [department] Department of Public  
787 Utility Control shall review each plan and may issue such orders as  
788 may be necessary to ensure compliance with this section. The

789 [department] Department of Public Utility Control may require each  
790 electric or electric distribution company to submit an updated plan at  
791 such time and containing such information as the [department]  
792 Department of Public Utility Control may prescribe. The [department]  
793 Department of Public Utility Control shall adopt regulations, in  
794 accordance with the provisions of chapter 54, to carry out the  
795 provisions of this section.

796 Sec. 34. Section 16-48 of the general statutes is repealed and the  
797 following is substituted in lieu thereof (*Effective July 1, 2007*):

798 The Department of Public Utility Control is authorized to enter into  
799 compacts in the name of the state of Connecticut with the states of  
800 New York, Vermont, Massachusetts, Rhode Island, New Jersey and  
801 Pennsylvania, or any one or more of said states, through such body in  
802 such state or states as may be designated by law to act, for the purpose  
803 of establishing joint regulation and control of rates for electricity and  
804 gas transmitted between such states; provided the power to enter into  
805 such compacts shall be authorized by the Congress of the United  
806 States. The [department] Department of Public Utility Control shall  
807 report the terms of any such compact to the Department of Energy and  
808 the General Assembly of this state at its first regular session after such  
809 compact has been agreed upon; but no such agreements or compacts  
810 shall become effective until approved by the General Assembly and  
811 the Congress of the United States.

812 Sec. 35. Section 16-48a of the general statutes is repealed and the  
813 following is substituted in lieu thereof (*Effective July 1, 2007*):

814 There is established a fund to be known as the ["Consumer Counsel  
815 and Public Utility Control Fund"] "Energy Policy and Regulatory  
816 Fund". The fund may contain any moneys required by law to be  
817 deposited in the fund and shall be held by the Treasurer separate and  
818 apart from all other moneys, funds and accounts. The interest derived  
819 from the investment of the fund shall be credited to the fund. Amounts  
820 in the fund may be expended only pursuant to appropriation by the

821 General Assembly. Any balance remaining in the fund at the end of  
822 any fiscal year shall be carried forward in the fund for the fiscal year  
823 next succeeding.

824 Sec. 36. Subsection (b) of section 16-49 of the general statutes is  
825 repealed and the following is substituted in lieu thereof (*Effective July*  
826 *1, 2007*):

827 (b) On or before July 15, 1999, and on or before May first, annually  
828 thereafter, each company shall report its intrastate gross revenues of  
829 the preceding calendar year to the [department] Department of Public  
830 Utility Control, which amount shall be subject to audit by [the] said  
831 department. For each fiscal year, each company shall pay the  
832 Department of Public Utility Control the company's share of all  
833 expenses of the [department] Department of Public Utility Control, the  
834 Department of Energy and the Office of Consumer Counsel for such  
835 fiscal year. On or before September first, annually, the department  
836 shall give to each company a statement which shall include: (1) The  
837 amount appropriated to the department and the Office of Consumer  
838 Counsel for the fiscal year beginning July first of the same year; (2) the  
839 total gross revenues of all companies; and (3) the proposed assessment  
840 against the company for the fiscal year beginning on July first of the  
841 same year, adjusted to reflect the estimated payment required under  
842 subdivision (1) of subsection (c) of this section. Such proposed  
843 assessment shall be calculated by multiplying the company's  
844 percentage share of the total gross revenues as specified in subdivision  
845 (2) of this subsection by the total revenue appropriated to the  
846 [department] Department of Public Utility Control, the Department of  
847 Energy and the Office of Consumer Counsel as specified in subdivision  
848 (1) of this subsection.

849 Sec. 37. Subsection (d) of section 16-49 of the general statutes is  
850 repealed and the following is substituted in lieu thereof (*Effective July*  
851 *1, 2007*):

852 (d) Immediately following the close of each fiscal year, the

853 department shall recalculate the proposed assessment of each  
854 company, based on the expenses, as determined by the Comptroller, of  
855 the [department] Department of Public Utility Control, the Department  
856 of Energy and the Office of Consumer Counsel for such fiscal year. On  
857 or before September first, annually, the department shall give to each  
858 company a statement showing the difference between its recalculated  
859 assessment and the amount previously paid by the company.

860 Sec. 38. Section 16-50j of the general statutes is repealed and the  
861 following is substituted in lieu thereof (*Effective July 1, 2007*):

862 (a) There is established a "Connecticut Siting Council", hereinafter  
863 referred to as the "council", which shall be within the Department of  
864 Public Utility Control.

865 (b) Except for proceedings under chapter 445, this subsection and  
866 subsection (c) of this section, the council shall consist of: (1) The  
867 Commissioner of Environmental Protection, or his designee; (2) the  
868 chairman, or his designee, of the Public Utilities Control Authority; (3)  
869 one designee of the speaker of the House and one designee of the  
870 president pro tempore of the Senate; (4) the Commissioner of Energy,  
871 or his designee; and [(4) five] (5) four members of the public, to be  
872 appointed by the Governor, at least two of whom shall be experienced  
873 in the field of ecology, and not more than one of whom shall have  
874 affiliation, past or present, with any utility or governmental utility  
875 regulatory agency, or with any person owning, operating, controlling,  
876 or presently contracting with respect to a facility, a hazardous waste  
877 facility as defined in section 22a-115 or ash residue disposal area.

878 (c) For proceedings under chapter 445, subsection (b) of this section  
879 and this subsection, the council shall consist of (1) the Commissioners  
880 of Public Health and Public Safety or their designated representatives;  
881 (2) the designees of the speaker of the House of Representatives and  
882 the president pro tempore of the Senate as provided in subsection (b)  
883 of this section; (3) the Commissioner of Energy, or his designee; (4) the  
884 [five] four members of the public as provided in subsection (b) of this

885 section; and [(4) four] (5) three ad hoc members, [three] two of whom  
886 shall be electors from the municipality in which the proposed facility is  
887 to be located and one of whom shall be an elector from a neighboring  
888 municipality likely to be most affected by the proposed facility. The  
889 municipality most affected by the proposed facility shall be  
890 determined by the permanent members of the council. If any one of the  
891 [five] four members of the public or of the designees of the speaker of  
892 the House of Representatives or the president pro tempore of the  
893 Senate resides (A) in the municipality in which a hazardous waste  
894 facility is proposed to be located for a proceeding concerning a  
895 hazardous waste facility or in which a low-level radioactive waste  
896 facility is proposed to be located for a proceeding concerning a low-  
897 level radioactive waste facility, or (B) in the neighboring municipality  
898 likely to be most affected by the proposed facility, the appointing  
899 authority shall appoint a substitute member for the proceedings on  
900 such proposal. If any appointee is unable to perform his duties on the  
901 council due to illness, or has a substantial financial or employment  
902 interest which is in conflict with the proper discharge of his duties  
903 under this chapter, the appointing authority shall appoint a substitute  
904 member for proceedings on such proposal. An appointee shall report  
905 any substantial financial or employment interest which might conflict  
906 with the proper discharge of his duties under this chapter to the  
907 appointing authority who shall determine if such conflict exists. If any  
908 state agency is the applicant, an appointee shall not be deemed to have  
909 a substantial employment conflict of interest because of employment  
910 with the state unless such appointee is directly employed by the state  
911 agency making the application. Ad hoc members shall be appointed by  
912 the chief elected official of the municipality they represent and shall  
913 continue their membership until the council issues a letter of  
914 completion of the development and management plan to the applicant.

915 (d) For proceedings under sections 22a-285d to 22a-285h, inclusive,  
916 the council shall consist of (1) the Commissioners of Public Health and  
917 Public Safety or their designated representatives; (2) the designees of  
918 the speaker of the House of Representatives and the president pro

919 tempore of the Senate as provided in subsection (b) of this section; [,  
920 and (3) five] (3) the Commissioner of Energy or his designee; (4) the  
921 four members of the public as provided in subsection (b) of this  
922 section; and (5) the three ad hoc members. If any one of the [five] four  
923 members of the public or of the designees of the speaker of the House  
924 of Representatives or the president pro tempore of the Senate resides  
925 in the municipality in which an ash residue disposal area is proposed  
926 to be located the appointing authority shall appoint a substitute  
927 member for the proceedings on such proposal. If any appointee is  
928 unable to perform his duties on the council due to illness, or has a  
929 substantial financial or employment interest which is in conflict with  
930 the proper discharge of his duties under sections 22a-285d to 22a-285h,  
931 inclusive, the appointing authority shall appoint a substitute member  
932 for proceedings on such proposal. An appointee shall report any  
933 substantial financial or employment interest which might conflict with  
934 the proper discharge of his duties under said sections to the appointing  
935 authority who shall determine if such conflict exists. If any state  
936 agency is the applicant, an appointee shall not be deemed to have a  
937 substantial employment conflict of interest because of employment  
938 with the state unless such appointee is directly employed by the state  
939 agency making the application.

940 (e) The chairman of the council shall be appointed by the Governor  
941 from among the [five] four public members appointed by him, with  
942 the advice and consent of the House or Senate, and shall serve as  
943 chairman at the pleasure of the Governor.

944 (f) The public members of the council, including the chairman, the  
945 members appointed by the speaker of the House and president pro  
946 tempore of the Senate and the [four] three ad hoc members specified in  
947 subsection (c) of this section, shall be compensated for their attendance  
948 at public hearings, executive sessions, or other council business as may  
949 require their attendance at the rate of one hundred fifty dollars,  
950 provided in no case shall the daily compensation exceed one hundred  
951 fifty dollars. The annual compensation for any member for attending

952 such hearings shall not exceed twelve thousand dollars a year.

953 (g) The council shall, in addition to its other duties prescribed in this  
954 chapter, adopt, amend, or rescind suitable regulations to carry out the  
955 provisions of this chapter and the policies and practices of the council  
956 in connection therewith, and appoint and prescribe the duties of such  
957 staff as may be necessary to carry out the provisions of this chapter.  
958 The chairman of the council, with the consent of five or more other  
959 members of the council, may appoint an executive director, who shall  
960 be the chief administrative officer of the Connecticut Siting Council.  
961 The executive director shall be exempt from classified service.

962 (h) Prior to commencing any hearing pursuant to section 16-50m,  
963 the council shall consult with and solicit written comments from the  
964 Department of Environmental Protection, the Department of Energy,  
965 the Department of Public Health, the Council on Environmental  
966 Quality, the Department of Agriculture, the Department of Public  
967 Utility Control, the Office of Policy and Management, the Department  
968 of Economic and Community Development and the Department of  
969 Transportation. In addition, the Department of Environmental  
970 Protection shall have the continuing responsibility to investigate and  
971 report to the council on all applications which prior to October 1, 1973,  
972 were within the jurisdiction of said Department of Environmental  
973 Protection with respect to the granting of a permit. Copies of such  
974 comments shall be made available to all parties prior to the  
975 commencement of the hearing. Subsequent to the commencement of  
976 the hearing, said departments and council may file additional written  
977 comments with the council within such period of time as the council  
978 designates. All such written comments shall be made part of the record  
979 provided by section 16-50o. Said departments and council shall not  
980 enter any contract or agreement with any party to the proceedings or  
981 hearings described in this section or section 16-50p, that requires said  
982 departments or council to withhold or retract comments, refrain from  
983 participating in or withdraw from said proceedings or hearings.

984 Sec. 39. Subsection (e) of section 16-50l of the general statutes is  
985 repealed and the following is substituted in lieu thereof (*Effective July*  
986 *1, 2007*):

987 (e) [Except as provided in subsection (e) of section 16a-7c, at] At  
988 least sixty days prior to the filing of an application with the council, the  
989 applicant shall consult with the municipality in which the facility may  
990 be located and with any other municipality required to be served with  
991 a copy of the application under subdivision (1) of subsection (b) of this  
992 section concerning the proposed and alternative sites of the facility. For  
993 a facility described in subdivisions (1) to (4), inclusive, of subsection (a)  
994 of section 16-50i, the applicant shall submit to the [Connecticut Energy  
995 Advisory Board] Department of Energy the same information that it  
996 provides to a municipality pursuant to this subsection on the same day  
997 of the consultation with the municipality. Such consultation with the  
998 municipality shall include, but not be limited to good faith efforts to  
999 meet with the chief elected official of the municipality. At the time of  
1000 the consultation, the applicant shall provide the chief elected official  
1001 with any technical reports concerning the public need, the site  
1002 selection process and the environmental effects of the proposed  
1003 facility. The municipality may conduct public hearings and meetings  
1004 as it deems necessary for it to advise the applicant of its  
1005 recommendations concerning the proposed facility. Within sixty days  
1006 of the initial consultation, the municipality shall issue its  
1007 recommendations to the applicant. No later than fifteen days after  
1008 submitting an application to the council, the applicant shall provide to  
1009 the council all materials provided to the municipality and a summary  
1010 of the consultations with the municipality including all  
1011 recommendations issued by the municipality.

1012 Sec. 40. Subdivision (2) of subsection (a) of section 16-50p of the  
1013 general statutes is repealed and the following is substituted in lieu  
1014 thereof (*Effective July 1, 2007*):

1015 (2) The council's decision shall be rendered in accordance with the

1016 following:

1017 (A) Not later than twelve months after the deadline for filing an  
1018 application [following the request-for-proposal process] for a facility  
1019 described in subdivision (1) or (2) of subsection (a) of section 16-50i or  
1020 subdivision (4) of said subsection (a) if the application was  
1021 incorporated in an application concerning a facility described in  
1022 subdivision (1) of said subsection (a);

1023 (B) Not later than one hundred eighty days after the deadline for  
1024 filing an application [following the request-for-proposal process] for a  
1025 facility described in subdivision (4) of said subsection (a), and an  
1026 application concerning a facility described in subdivision (3) of said  
1027 subsection (a), provided such time periods may be extended by the  
1028 council by not more than one hundred eighty days with the consent of  
1029 the applicant; and

1030 (C) Not later than one hundred eighty days after the filing of an  
1031 application for a facility described in subdivision (5) or (6) of said  
1032 subsection (a), provided such time period may be extended by the  
1033 council by not more than one hundred eighty days with the consent of  
1034 the applicant.

1035 Sec. 41. Subsection (a) of section 16-50r of the general statutes is  
1036 repealed and the following is substituted in lieu thereof (*Effective July*  
1037 *1, 2007*):

1038 (a) Every person engaged in electric transmission services, as  
1039 defined in section 16-1, electric generation services, as defined in said  
1040 section, or electric distribution services, as defined in said section  
1041 generating electric power in the state utilizing a generating facility  
1042 with a capacity greater than one megawatt, shall, annually, on or  
1043 before March first, file a report on a forecast of loads and resources  
1044 which may consist of an update of the previous year's report with the  
1045 council for its review. The report shall cover the ten-year forecast  
1046 period beginning with the year of the report. Upon request, the report

1047 shall be made available to the public. The report shall include, as  
1048 applicable: (1) A tabulation of estimated peak loads, resources and  
1049 margins for each year; (2) data on energy use and peak loads for the  
1050 five preceding calendar years; (3) a list of existing generating facilities  
1051 in service; (4) a list of scheduled generating facilities for which  
1052 property has been acquired, for which certificates have been issued  
1053 and for which certificate applications have been filed; (5) a list of  
1054 planned generating units at plant locations for which property has  
1055 been acquired, or at plant locations not yet acquired, that will be  
1056 needed to provide estimated additional electrical requirements, and  
1057 the location of such facilities; (6) a list of planned transmission lines on  
1058 which proposed route reviews are being undertaken or for which  
1059 certificate applications have already been filed; (7) a description of the  
1060 steps taken to upgrade existing facilities and to eliminate overhead  
1061 transmission and distribution lines in accordance with the regulations  
1062 and standards described in section 16-50t; and (8) for each private  
1063 power producer having a facility generating more than one megawatt  
1064 and from whom the person furnishing the report has purchased  
1065 electricity during the preceding calendar year, a statement including  
1066 the name, location, size and type of generating facility, the fuel  
1067 consumed by the facility and the by-product of the consumption.  
1068 Confidential, proprietary or trade secret information provided under  
1069 this section may be submitted under a duly granted protective order.  
1070 The council may adopt regulations, in accordance with the provisions  
1071 of chapter 54, that specify the expected filing requirements for persons  
1072 that transmit electric power in the state, electric distribution  
1073 companies, and persons that generate electric power in the state  
1074 utilizing a generating facility with a capacity of greater than one  
1075 megawatt. Until such regulations are adopted, persons that transmit  
1076 electric power in the state shall file reports pursuant to this section that  
1077 include the information requested in subdivisions (6) and (7) of this  
1078 subsection; electric distribution companies in the state shall file reports  
1079 pursuant to this section that include the information requested in  
1080 subdivisions (1), (2), (7) and (8) of this subsection; persons that

1081 generate electric power in the state utilizing a generating facility with a  
1082 capacity greater than one megawatt shall file reports pursuant to this  
1083 section that include the information requested in subdivisions (3), (4),  
1084 (5) and (8) of this subsection. The council shall hold a public hearing on  
1085 such filed forecast reports annually. The council shall conduct a review  
1086 in an executive session of any confidential, proprietary or trade secret  
1087 information submitted under a protective order during such a hearing.  
1088 At least one session of such hearing shall be held after six-thirty p.m.  
1089 Upon reviewing such forecast reports, the council [may] shall issue its  
1090 own report assessing the overall status of loads and resources in the  
1091 state. [If the council issues such a] Said report, [it] shall be made  
1092 available to the public and shall be furnished to the Department of  
1093 Energy and each member of the joint standing committee of the  
1094 General Assembly having cognizance of matters relating to energy and  
1095 technology, any other member of the General Assembly making a  
1096 written request to the council for the report and such other state and  
1097 municipal bodies as the council may designate.

1098 Sec. 42. Subsection (a) of section 16-50bb of the general statutes is  
1099 repealed and the following is substituted in lieu thereof (*Effective July*  
1100 *1, 2007*):

1101 (a) There is established an account to be known as the "municipal  
1102 participation account", within the General Fund, which shall be a  
1103 separate, nonlapsing account. There shall be deposited in the account  
1104 the municipal participation fees received pursuant to [subdivisions]  
1105 subdivision (1) [and (3)] of subsection (a) of section 16-50l. The interest  
1106 derived from the investment of the account shall be credited to the  
1107 account. Any balance remaining in the account at the end of any fiscal  
1108 year shall be carried forward in the account for the fiscal year next  
1109 succeeding.

1110 Sec. 43. Section 16-243f of the general statutes is repealed and the  
1111 following is substituted in lieu thereof (*Effective July 1, 2007*):

1112 (a) The Department of [Public Utility Control] Energy shall adopt

1113 regulations, in accordance with chapter 54, which establish procedures  
1114 to determine the manner in which capacity needs of electric public  
1115 service companies may be met through the provision of electricity  
1116 conservation and demand management measures by private power  
1117 providers, in addition to or in lieu of electricity generation facilities  
1118 and to determine the monitoring and evaluation plans to be employed  
1119 in documenting the demand and energy savings achieved, including,  
1120 where practicable and cost-effective, impact measurement methods  
1121 implemented through metering arrangements, with appropriate  
1122 adjustment for weather normalization and other factors influencing  
1123 usage levels. In adopting and implementing said regulations, the  
1124 department shall take into account state energy policy, pursuant to  
1125 section 16a-35k.

1126 (b) A private power provider may offer to provide electricity  
1127 conservation or demand management measures to an electric public  
1128 service company pursuant to section 16-243b and this section and the  
1129 regulations adopted under subsection (a) of this section. The  
1130 [department] Department of Energy shall review and evaluate such  
1131 proposals based on the factors specified in said regulations [, and after  
1132 notice and a hearing,] and render a determination as to the feasibility  
1133 of the proposed electricity conservation and demand management  
1134 measures. The [department] Department of Public Utility Control may,  
1135 in accordance with such regulations, order an electric public service  
1136 company to enter into an agreement with a private power provider  
1137 where the private power provider would furnish electricity  
1138 conservation or demand management measures to the electric public  
1139 service company or its customers.

1140 Sec. 44. Section 16-243k of the general statutes is repealed and the  
1141 following is substituted in lieu thereof (*Effective July 1, 2007*):

1142 Not later than January 1, [2007] 2008, and annually thereafter, the  
1143 Department of [Public Utility Control] Energy shall assess the number  
1144 and types of customer-side and grid-side distributed resources, as

1145 defined in section 16-1, projects financed pursuant to the provisions of  
1146 public act 05-1 of the June special session\* and such projects'  
1147 contributions to achieving fuel diversity, transmission support, and  
1148 energy independence in the state. Not later than January 1, [2007] 2008,  
1149 and biennially thereafter, the department shall collect the information  
1150 in such annual assessments and report, in accordance with the  
1151 provisions of section 11-4a, on the effectiveness of the award program  
1152 established in section 16-243i and report on its findings to the joint  
1153 standing committee of the General Assembly having cognizance of  
1154 matters relating to energy and to the Commissioner of Energy.

1155 Sec. 45. Subsections (k) through (m) of section 16-243m of the  
1156 general statutes are repealed and the following is substituted in lieu  
1157 thereof (*Effective July 1, 2007*):

1158 (k) The department may order an electric distribution company to  
1159 submit a proposal pursuant to the provisions of this section and may  
1160 approve such a proposal under this section. [Nothing in sections 16-1,  
1161 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-243i to 16-243q, inclusive, 16-  
1162 244c, 16-244e, 16-245d, 16-245m, 16-245n and 16-245z and section 21 of  
1163 public act 05-1 of the June special session\* shall limit the department's  
1164 ability to conduct requests for proposals, in addition to that in  
1165 subsection (c) of this section, to reduce federally mandated congestion  
1166 charges and to approve such proposals or otherwise to meet its  
1167 responsibility under this title.]

1168 (l) The department shall hold a hearing that shall be conducted as a  
1169 contested case, in accordance with the provisions of chapter 54, to  
1170 investigate any impact on the financial condition of electric  
1171 distribution companies of long-term contracts entered into pursuant to  
1172 this section and to establish, before issuing a request for proposals in  
1173 accordance with subsection (c) of this section, the methodology for  
1174 compensating the companies for such impacts. The methodology for  
1175 addressing such impacts shall be included in the request for proposals  
1176 under subsection (c) of this section, if appropriate. If the department

1177 determines that entering into such long-term contracts results in  
1178 increased costs incurred by the electric distribution companies, the  
1179 department, annually, shall allow such costs to be recovered through  
1180 rates or in such manner as the department considers appropriate. The  
1181 department shall determine whether such costs shall be considered in  
1182 the evaluation or selection of bids under this section.

1183 (m) An electric distribution company may not submit a proposal  
1184 under this section on or after February 1, 2011. On or before January 1,  
1185 2010, the [department] Department of Energy, in consultation with the  
1186 Department of Public Utility Control, shall submit a report, in  
1187 accordance with section 11-4a, to the joint standing committee of the  
1188 General Assembly having cognizance of matters relating to energy  
1189 with a recommendation as to whether the period during which such  
1190 company may submit proposals under this section should be  
1191 extended.

1192 Sec. 46. Subsection (c) of section 16-244c of the general statutes is  
1193 repealed and the following is substituted in lieu thereof (*Effective July*  
1194 *1, 2007*):

1195 (c) (1) On and after January 1, 2007, each electric distribution  
1196 company shall provide electric generation services through standard  
1197 service to any customer who (A) does not arrange for or is not  
1198 receiving electric generation services from an electric supplier, and (B)  
1199 does not use a demand meter or has a maximum demand of less than  
1200 five hundred kilowatts.

1201 (2) Not later than October 1, 2006, and periodically as required by  
1202 subdivision (3) of this subsection, but not more often than every  
1203 calendar quarter, the Department of Public Utility Control shall  
1204 establish the standard service price for such customers pursuant to  
1205 subdivision (3) of this subsection. Each electric distribution company  
1206 shall recover the actual net costs of procuring and providing electric  
1207 generation services pursuant to this subsection, provided such  
1208 company mitigates the costs it incurs for the procurement of electric

1209 generation services for customers who are no longer receiving service  
1210 pursuant to this subsection.

1211 (3) An electric distribution company providing electric generation  
1212 services pursuant to this subsection shall mitigate the variation of the  
1213 price of the service offered to its customers by procuring electric  
1214 generation services contracts in the manner prescribed in a plan  
1215 approved by the [department] Department of Energy. Such plan shall  
1216 require the procurement of a portfolio of service contracts sufficient to  
1217 meet the projected load of the electric distribution company. Such plan  
1218 shall require that the portfolio of service contracts be procured in an  
1219 overlapping pattern of fixed periods at such times and in such manner  
1220 and duration as the department determines to be most likely to  
1221 produce just, reasonable and reasonably stable retail rates while  
1222 reflecting underlying wholesale market prices over time. The portfolio  
1223 of contracts shall be assembled in such manner as to invite  
1224 competition; guard against favoritism, improvidence, extravagance,  
1225 fraud and corruption; and secure a reliable electricity supply while  
1226 avoiding unusual, anomalous or excessive pricing. The portfolio of  
1227 contracts procured under such plan shall be for terms of not less than  
1228 six months, provided contracts for shorter periods may be procured  
1229 under such conditions as the department shall prescribe to (A) ensure  
1230 the lowest rates possible for end-use customers; (B) ensure reliable  
1231 service under extraordinary circumstances; and (C) ensure the prudent  
1232 management of the contract portfolio. An electric distribution  
1233 company may receive a bid for an electric generation services contract  
1234 from any of its generation entities or affiliates, provided such  
1235 generation entity or affiliate submits its bid the business day preceding  
1236 the first day on which an unaffiliated electric supplier may submit its  
1237 bid and further provided the electric distribution company and the  
1238 generation entity or affiliate are in compliance with the code of  
1239 conduct established in section 16-244h.

1240 (4) The [department] Department of Energy, in consultation with  
1241 the Office of Consumer Counsel, shall retain the services of a third-

1242 party entity with expertise in the area of energy procurement to  
1243 oversee the initial development of the request for proposals and the  
1244 procurement of contracts by an electric distribution company for the  
1245 provision of electric generation services offered pursuant to this  
1246 subsection. Costs associated with the retention of such third-party  
1247 entity shall be included in the cost of electric generation services that is  
1248 included in such price.

1249 (5) Each bidder for a standard service contract shall submit its bid to  
1250 the electric distribution company and the third-party entity who shall  
1251 jointly review the bids and submit an overview of all bids together  
1252 with a joint recommendation to the [department] Department of  
1253 Energy as to the preferred bidders. The department may, within ten  
1254 business days of submission of the overview, reject the  
1255 recommendation regarding preferred bidders. In the event that the  
1256 department rejects the preferred bids, the electric distribution  
1257 company and the third-party entity shall rebid the service pursuant to  
1258 this subdivision.

1259 Sec. 47. Subsection (d) of section 16-244c of the general statutes is  
1260 repealed and the following is substituted in lieu thereof (*Effective July*  
1261 *1, 2007*):

1262 (d) (1) Notwithstanding the provisions of this section regarding the  
1263 electric generation services component of the transitional standard  
1264 offer or the procurement of electric generation services under standard  
1265 service, section 16-244h or 16-245o, the Department of Public Utility  
1266 Control in consultation with the Department of Energy may, from time  
1267 to time, direct an electric distribution company to offer, through an  
1268 electric supplier or electric suppliers, before January 1, 2007, one or  
1269 more alternative transitional standard offer options or, on or after  
1270 January 1, 2007, one or more alternative standard service options. Such  
1271 alternative options shall include, but not be limited to, an option that  
1272 consists of the provision of electric generation services that exceed the  
1273 renewable portfolio standards established in section 16-245a and may

1274 include an option that utilizes strategies or technologies that reduce  
1275 the overall consumption of electricity of the customer.

1276 (2) (A) The [department] Department of Energy shall develop such  
1277 alternative option or options. [in a contested case conducted in  
1278 accordance with the provisions of chapter 54.] The department shall  
1279 determine the terms and conditions of such alternative option or  
1280 options, including, but not limited to, (i) the minimum contract terms,  
1281 including pricing, length and termination of the contract, and (ii) the  
1282 minimum percentage of electricity derived from Class I or Class II  
1283 renewable energy sources, if applicable. The electric distribution  
1284 company shall, under the supervision of the department, subsequently  
1285 conduct a bidding process in order to solicit electric suppliers to  
1286 provide such alternative option or options.

1287 (B) The [department] Department of Energy may reject some or all  
1288 of the bids received pursuant to the bidding process.

1289 (3) The [department] Department of Energy may require an electric  
1290 supplier to provide forms of assurance to satisfy the department that  
1291 the contracts resulting from the bidding process will be fulfilled.

1292 (4) An electric supplier who fails to fulfill its contractual obligations  
1293 resulting from this subdivision shall be subject to civil penalties, in  
1294 accordance with the provisions of section 16-41, or the suspension or  
1295 revocation of such supplier's license or a prohibition on the acceptance  
1296 of new customers, following a hearing that is conducted as a contested  
1297 case by the Department of Public Utility Control, in accordance with  
1298 the provisions of chapter 54.

1299 Sec. 48. Subsection (f) of section 16-244c of the general statutes is  
1300 repealed and the following is substituted in lieu thereof (*Effective July*  
1301 *1, 2007*):

1302 (f) On and after January 1, 2000, and until such time the regional  
1303 independent system operator implements procedures for the provision

1304 of back-up power to the satisfaction of the Department of Public Utility  
1305 Control, each electric distribution company shall provide electric  
1306 generation services to any customer who has entered into a service  
1307 contract with an electric supplier that fails to provide electric  
1308 generation services for reasons other than the customer's failure to pay  
1309 for such services. Between January 1, 2000, and December 31, 2006, an  
1310 electric distribution company may procure electric generation services  
1311 through a competitive bidding process or through any of its generation  
1312 entities or affiliates. On and after January 1, 2007, such company shall  
1313 procure electric generation services through a competitive bidding  
1314 process pursuant to a plan submitted by the electric distribution  
1315 company and approved by the [department] Department of Energy.  
1316 Such company may procure electric generation services through any of  
1317 its generation entities or affiliates, provided such entity or affiliate is  
1318 the lowest qualified bidder and provided further any such entity or  
1319 affiliate is licensed pursuant to section 16-245.

1320 Sec. 49. Subdivision (2) of subsection (j) of section 16-244c of the  
1321 general statutes is repealed and the following is substituted in lieu  
1322 thereof (*Effective July 1, 2007*):

1323 (2) Notwithstanding the provisions of subsection (d) of this section  
1324 regarding an alternative transitional standard offer option or an  
1325 alternative standard service option, an electric distribution company  
1326 providing transitional standard offer service, standard service,  
1327 supplier of last resort service or back-up electric generation service in  
1328 accordance with this section shall, not later than July 1, 2008, file with  
1329 the Department of Public Utility Control for its approval one or more  
1330 long-term power purchase contracts from Class I renewable energy  
1331 source projects that receive funding from the Renewable Energy  
1332 Investment Fund and that are not less than one megawatt in size, at a  
1333 price that is either, at the determination of the project owner, (A) not  
1334 more than the total of the comparable wholesale market price for  
1335 generation plus five and one-half cents per kilowatt hour, or (B) fifty  
1336 per cent of the wholesale market electricity cost at the point at which

1337 transmission lines intersect with each other or interface with the  
1338 distribution system, plus the project cost of fuel indexed to natural gas  
1339 futures contracts on the New York Mercantile Exchange at the natural  
1340 gas pipeline interchange located in Vermillion Parish, Louisiana that  
1341 serves as the delivery point for such futures contracts, plus the fuel  
1342 delivery charge for transporting fuel to the project, plus five and one-  
1343 half cents per kilowatt hour. In its approval of such contracts, the  
1344 department shall give preference to purchase contracts from those  
1345 projects that would provide a financial benefit to ratepayers or would  
1346 enhance the reliability of the electric transmission system of the state,  
1347 consistent with the Department of Energy's integrated resources plan  
1348 developed pursuant to section 50 of this act. Such projects shall be  
1349 located in this state. The owner of a fuel cell project principally  
1350 manufactured in this state shall be allocated all available air emissions  
1351 credits and tax credits attributable to the project and no less than fifty  
1352 per cent of the energy credits in the Class I renewable energy credits  
1353 program established in section 16-245a attributable to the project. Such  
1354 contracts shall be comprised of not less than a total, apportioned  
1355 among each electric distribution company, of one hundred megawatts.  
1356 The cost of such contracts and the administrative costs for the  
1357 procurement of such contracts directly incurred shall be eligible for  
1358 inclusion in the adjustment to the transitional standard offer as  
1359 provided in this section and any subsequent rates for standard service,  
1360 provided such contracts are for a period of time sufficient to provide  
1361 financing for such projects, but not less than ten years, and are for  
1362 projects which began operation on or after July 1, 2003. Except as  
1363 provided in this subdivision, the amount from Class I renewable  
1364 energy sources contracted under such contracts shall be applied to  
1365 reduce the applicable Class I renewable energy source portfolio  
1366 standards. For purposes of this subdivision, the department's  
1367 determination of the comparable wholesale market price for  
1368 generation shall be based upon a reasonable estimate.

1369       Sec. 50. (NEW) (*Effective July 1, 2007*) (a) Not later than January 1,  
1370 2008, and annually thereafter, the Department of Energy, in

1371 consultation with the electric distribution companies, the regional  
1372 independent system operator, the Siting Council, the Department of  
1373 Public Utility Control and entities in the state who own electric  
1374 generating facilities, shall develop a revised integrated resource plan  
1375 that analyzes, over the subsequent ten years, the state's electricity  
1376 generation, transmission and demand-side resources and programs.  
1377 The plan shall address system-wide needs and the needs in specific  
1378 areas to ensure the reliability of the system and the affordability of  
1379 electricity in the state. Each plan shall include information that serves  
1380 as an input for improving the design of the regional markets,  
1381 improving the economic performance of the system and identifying  
1382 areas in which market-based solutions can be used to meet these  
1383 economic needs. Each plan shall specify for the subsequent ten years:  
1384 (1) The total amount of resources needed to meet the state's customer  
1385 peak demand, (2) the location, fuel source and type of resources,  
1386 including, but not limited to, demand-side measures, including  
1387 demand response, conservation measures, efficiency and load  
1388 management programs, peaking, intermediate and baseload  
1389 generation, that need to be adjusted or created.

1390 (b) Each plan developed pursuant to subsection (a) of this section  
1391 shall identify: (1) Types and locations for generation that will optimize  
1392 the generation portfolio within the state; (2) the mix of baseload,  
1393 cycling and peaking generation; (3) fuel types, diversity, availability,  
1394 firmness of supply and security and environmental impacts thereof; (4)  
1395 reliability, peak load and energy forecasts, system contingencies and  
1396 existing resource availabilities; and (5) import limitations and the  
1397 appropriate reliance on such imports.

1398 (c) Each plan developed pursuant to subsection (a) of this section  
1399 shall also analyze how procurement of identified resources should be  
1400 adjusted, if necessary, to reduce or stabilize rates. The plan shall  
1401 consider if it is in the best interest of customers, how the new resources  
1402 would be integrated into the standard service power supply for  
1403 customers and the impact of the plan on rates of electric customers,

1404 including, but not limited to, effects on capacity and energy costs, rate  
1405 stability, affordability for low-income customers, the potential to  
1406 displace reliability must-run contracts, locational installed capacity  
1407 and other federally mandated congestion charges. The Department of  
1408 Energy shall hold three public hearings on the draft plan and provide  
1409 an opportunity for interested parties to submit comments to the  
1410 department regarding said plan.

1411 Sec. 51. Subsection (a) of section 16-245l of the general statutes is  
1412 repealed and the following is substituted in lieu thereof (*Effective July*  
1413 *1, 2007*):

1414 (a) The Department of Public Utility Control shall establish and each  
1415 electric distribution company shall collect a systems benefits charge to  
1416 be imposed against all end use customers of each electric distribution  
1417 company beginning January 1, 2000. The department shall hold a  
1418 hearing that shall be conducted as a contested case in accordance with  
1419 chapter 54 to establish the amount of the systems benefits charge. The  
1420 department may revise the systems benefits charge or any element of  
1421 said charge as the need arises. The systems benefits charge shall be  
1422 used to fund (1) the expenses of the public education outreach  
1423 program developed under subsections (a), (f) and (g) of section 16-  
1424 244d, as amended by this act, other than expenses for department staff,  
1425 (2) the reasonable and proper expenses of the education outreach  
1426 consultant pursuant to subsection (d) of section 16-244d, as amended  
1427 by this act, (3) the cost of hardship protection measures under sections  
1428 16-262c, as amended by this act, and 16-262d and other hardship  
1429 protections, including, but not limited to, electric service bill payment  
1430 programs, funding and technical support for energy assistance, fuel  
1431 bank and weatherization programs and weatherization services, (4) the  
1432 payment program to offset tax losses described in section 12-94d, (5)  
1433 any sums paid to a resource recovery authority pursuant to subsection  
1434 (b) of section 16-243e, (6) low income conservation programs approved  
1435 by the Department of Public Utility Control, (7) displaced worker  
1436 protection costs, (8) unfunded storage and disposal costs for spent

1437 nuclear fuel generated before January 1, 2000, approved by the  
1438 appropriate regulatory agencies, (9) postretirement safe shutdown and  
1439 site protection costs that are incurred in preparation for  
1440 decommissioning, (10) decommissioning fund contributions, (11) the  
1441 costs of temporary electric generation facilities incurred pursuant to  
1442 section 16-19ss, (12) [operating] expenses for the [Connecticut Energy  
1443 Advisory Board] Department of Energy for technical consultants as  
1444 may be required to fulfill its responsibilities for the development of an  
1445 integrated resource plan established in section 50 of this act, and (13)  
1446 legal, appraisal and purchase costs of a conservation or land use  
1447 restriction and other related costs as the department in its discretion  
1448 deems appropriate, incurred by a municipality on or before January 1,  
1449 2000, to ensure the environmental, recreational and scenic preservation  
1450 of any reservoir located within this state created by a pump storage  
1451 hydroelectric generating facility. As used in this subsection, "displaced  
1452 worker protection costs" means the reasonable costs incurred, prior to  
1453 January 1, 2008, (A) by an electric supplier, exempt wholesale  
1454 generator, electric company, an operator of a nuclear power generating  
1455 facility in this state or a generation entity or affiliate arising from the  
1456 dislocation of any employee other than an officer, provided such  
1457 dislocation is a result of (i) restructuring of the electric generation  
1458 market and such dislocation occurs on or after July 1, 1998, or (ii) the  
1459 closing of a Title IV source or an exempt wholesale generator, as  
1460 defined in 15 USC 79z-5a, on or after January 1, 2004, as a result of  
1461 such source's failure to meet requirements imposed as a result of  
1462 sections 22a-197 and 22a-198 and this section or those Regulations of  
1463 Connecticut State Agencies adopted by the Department of  
1464 Environmental Protection, as amended from time to time, in  
1465 accordance with Executive Order Number 19, issued on May 17, 2000,  
1466 and provided further such costs result from either the execution of  
1467 agreements reached through collective bargaining for union  
1468 employees or from the company's or entity's or affiliate's programs  
1469 and policies for nonunion employees, and (B) by an electric  
1470 distribution company or an exempt wholesale generator arising from

1471 the retraining of a former employee of an unaffiliated exempt  
1472 wholesale generator, which employee was involuntarily dislocated on  
1473 or after January 1, 2004, from such wholesale generator, except for  
1474 cause. "Displaced worker protection costs" includes costs incurred or  
1475 projected for severance, retraining, early retirement, outplacement,  
1476 coverage for surviving spouse insurance benefits and related expenses.  
1477 "Displaced worker protection costs" does not include those costs  
1478 included in determining a tax credit pursuant to section 12-217bb.

1479 Sec. 52. Subsection (c) of section 16-245m of the general statutes is  
1480 repealed and the following is substituted in lieu thereof (*Effective July*  
1481 *1, 2007*):

1482 (c) The Department of [Public Utility Control] Energy shall appoint  
1483 and convene [an Energy Conservation Management Board] a  
1484 Conservation Advisory Board, which shall include representatives of:  
1485 (1) An environmental group knowledgeable in energy conservation  
1486 program collaboratives; (2) the Office of Consumer Counsel; (3) the  
1487 Attorney General; (4) the Department of Environmental Protection; (5)  
1488 the electric distribution companies in whose territories the activities  
1489 take place for such programs; (6) a state-wide manufacturing  
1490 association; (7) a chamber of commerce; (8) a state-wide business  
1491 association; (9) a state-wide retail organization; (10) a representative of  
1492 a municipal electric energy cooperative created pursuant to chapter  
1493 101a; (11) two representatives selected by the gas companies in this  
1494 state; [and] (12) residential customers; and (13) a representative of  
1495 retail heating oil dealers. Such members shall serve for a period of five  
1496 years and may be reappointed. Representatives of the gas companies  
1497 shall not vote on matters unrelated to gas conservation.  
1498 Representatives of the electric distribution companies and the  
1499 municipal electric energy cooperative shall not vote on matters  
1500 unrelated to electricity conservation. Representatives of the heating oil  
1501 dealers shall not vote on matters unrelated to petroleum heating fuels  
1502 conservation.

1503 Sec. 53. Subsection (d) of section 16-245m of the 2006 supplement to  
1504 the general statutes is repealed and the following is substituted in lieu  
1505 thereof (*Effective July 1, 2007*):

1506 (d) (1) The [Energy Conservation Management Board] Conservation  
1507 Advisory Board shall advise and assist the electric distribution  
1508 companies in the development and implementation of a  
1509 comprehensive plan, which plan shall be approved by the Department  
1510 of [Public Utility Control] Energy, to implement cost-effective energy  
1511 conservation programs and market transformation initiatives. The plan  
1512 shall be consistent with the comprehensive energy plan approved by  
1513 the [Connecticut Energy Advisory Board] Commissioner of Energy  
1514 pursuant to section [16a-7a] 50 of this act at the time of submission to  
1515 the department. Each program contained in the plan shall be reviewed  
1516 by the electric distribution company and either accepted or rejected by  
1517 the [Energy Conservation Management Board] Conservation Advisory  
1518 Board prior to submission to the department for approval. The [Energy  
1519 Conservation Management Board] Conservation Advisory Board shall,  
1520 as part of its review, examine opportunities to offer joint programs  
1521 providing similar efficiency measures that save more than one fuel  
1522 resource or otherwise to coordinate programs targeted at saving more  
1523 than one fuel resource. Any costs for joint programs shall be allocated  
1524 equitably among the conservation programs. The [Energy  
1525 Conservation Management Board] Conservation Advisory Board shall  
1526 give preference to projects that maximize the reduction of federally  
1527 mandated congestion charges.

1528 (2) There shall be a joint committee of the [Energy Conservation  
1529 Management Board] Conservation Advisory Board and the Renewable  
1530 Energy Investments Advisory Committee. The board and the advisory  
1531 committee shall each appoint members to such joint committee. The  
1532 joint committee shall examine opportunities to coordinate the  
1533 programs and activities funded by the Renewable Energy Investment  
1534 Fund pursuant to section 16-245n with the programs and activities  
1535 contained in the plan developed under this subsection to reduce the

1536 long-term cost, environmental impacts and security risks of energy in  
1537 the state. Such joint committee shall hold its first meeting on or before  
1538 August 1, 2005.

1539 (3) Programs included in the plan developed under subdivision (1)  
1540 of subsection (d) of this section shall be screened through cost-  
1541 effectiveness testing which compares the value and payback period of  
1542 program benefits to program costs to ensure that programs are  
1543 designed to obtain energy savings and system benefits, including  
1544 mitigation of federally mandated congestion charges, whose value is  
1545 greater than the costs of the programs. Cost-effectiveness testing shall  
1546 utilize available information obtained from real-time monitoring  
1547 systems to ensure accurate validation and verification of energy use.  
1548 Program cost-effectiveness shall be reviewed annually, or otherwise as  
1549 is practicable. If a program is determined to fail the cost-effectiveness  
1550 test as part of the review process, it shall either be modified to meet the  
1551 test or shall be terminated. On or before March 1, 2005, and on or  
1552 before March first annually thereafter, the board shall provide a report,  
1553 in accordance with the provisions of section 11-4a, to the joint standing  
1554 committees of the General Assembly having cognizance of matters  
1555 relating to energy and the environment (A) that documents  
1556 expenditures and fund balances and evaluates the cost-effectiveness of  
1557 such programs conducted in the preceding year, and (B) that  
1558 documents the extent to and manner in which the programs of such  
1559 board collaborated and cooperated with programs, established under  
1560 section 7-233y, of municipal electric energy cooperatives. To maximize  
1561 the reduction of federally mandated congestion charges, programs in  
1562 the plan may allow for disproportionate allocations between the  
1563 amount of contributions to the Energy Conservation and Load  
1564 Management Funds by a certain rate class and the programs that  
1565 benefit such a rate class. Before conducting such evaluation, the board  
1566 shall consult with the Renewable Energy Investments Advisory  
1567 Committee. The report shall include a description of the activities  
1568 undertaken during the reporting period jointly or in collaboration with  
1569 the Renewable Energy Investment Fund established pursuant to

1570 subsection (c) of section 16-245n.

1571 (4) Programs included in the plan developed under subdivision (1)  
1572 of subsection (d) of this section may include, but not be limited to: (A)  
1573 Conservation and load management programs, including programs  
1574 that benefit low-income individuals; (B) research, development and  
1575 commercialization of products or processes which are more energy-  
1576 efficient than those generally available; (C) development of markets for  
1577 such products and processes; (D) support for energy use assessment,  
1578 real-time monitoring systems, engineering studies and services related  
1579 to new construction or major building renovation; (E) the design,  
1580 manufacture, commercialization and purchase of energy-efficient  
1581 appliances and heating, air conditioning and lighting devices; (F)  
1582 program planning and evaluation; (G) indoor air quality programs  
1583 relating to energy conservation; (H) joint fuel conservation initiatives  
1584 programs targeted at reducing consumption of more than one fuel  
1585 resource; and (I) public education regarding conservation. Such  
1586 support may be by direct funding, manufacturers' rebates, sale price  
1587 and loan subsidies, leases and promotional and educational activities.  
1588 The plan shall also provide for expenditures by the [Energy  
1589 Conservation Management Board] Conservation Advisory Board for  
1590 the retention of expert consultants and reasonable administrative costs  
1591 provided such consultants shall not be employed by, or have any  
1592 contractual relationship with, an electric distribution company. Such  
1593 costs shall not exceed five per cent of the total revenue collected from  
1594 the assessment.

1595 Sec. 54. Subsection (f) of section 16-245m of the general statutes is  
1596 repealed and the following is substituted in lieu thereof (*Effective July*  
1597 *1, 2007*):

1598 (f) No later than December 31, 2006, and no later than December  
1599 thirty-first every five years thereafter, the [Energy Conservation  
1600 Management Board] Conservation Advisory Board shall, after  
1601 consulting with the Renewable Energy Investments Advisory

1602 Committee, conduct an evaluation of the performance of the programs  
1603 and activities of the fund and submit a report, in accordance with the  
1604 provisions of section 11-4a, of the evaluation to the joint standing  
1605 committee of the General Assembly having cognizance of matters  
1606 relating to energy and to the Department of Energy.

1607 Sec. 55. Subsection (d) of section 16-245n of the general statutes is  
1608 repealed and the following is substituted in lieu thereof (*Effective July*  
1609 *1, 2007*):

1610 (d) The chairperson of the board of directors of Connecticut  
1611 Innovations, Incorporated, shall convene a Renewable Energy  
1612 Investments Advisory Committee to assist Connecticut Innovations,  
1613 Incorporated, in matters related to the Renewable Energy Investment  
1614 Fund, including, but not limited to, development of a comprehensive  
1615 plan and expenditure of funds. The advisory committee shall, in such  
1616 plan, give preference to projects that maximize the reduction of  
1617 federally mandated congestion charges. The plan shall be consistent  
1618 with the comprehensive energy plan approved by the [Connecticut  
1619 Energy Advisory Board] Commissioner of Energy pursuant to section  
1620 [16a-7a] 50 of this act. The advisory committee shall include not more  
1621 than twelve individuals with knowledge and experience in matters  
1622 related to the purpose and activities of said fund. The advisory  
1623 committee shall consist of the following members: (1) One person with  
1624 expertise regarding renewable energy resources appointed by the  
1625 speaker of the House of Representatives; (2) one person representing a  
1626 state or regional organization primarily concerned with environmental  
1627 protection appointed by the president pro tempore of the Senate; (3)  
1628 one person with experience in business or commercial investments  
1629 appointed by the majority leader of the House of Representatives; (4)  
1630 one person representing a state or regional organization primarily  
1631 concerned with environmental protection appointed by the majority  
1632 leader of the Senate; (5) one person with experience in business or  
1633 commercial investments appointed by the minority leader of the  
1634 House of Representatives; (6) one person with experience in business

1635 or commercial investments appointed by the minority leader of the  
1636 Senate; (7) two state officials with experience in matters relating to  
1637 energy policy and one person with expertise regarding renewable  
1638 energy resources appointed by the Governor; and (8) three persons  
1639 with experience in business or commercial investments appointed by  
1640 the board of directors of Connecticut Innovations, Incorporated. The  
1641 advisory committee shall issue annually a report to such chairperson  
1642 reviewing the activities of the fund in detail and shall provide a copy  
1643 of such report, in accordance with the provisions of section 11-4a, to  
1644 the joint standing committee of the General Assembly having  
1645 cognizance of matters relating to energy, the Department of Energy,  
1646 the Department of Public Utility Control and the Office of Consumer  
1647 Counsel. The report shall include a description of the programs and  
1648 activities undertaken during the reporting period jointly or in  
1649 collaboration with the Energy Conservation and Load Management  
1650 Funds established pursuant to section 16-245m.

1651 Sec. 56. Section 16-245n of the general statutes is repealed and the  
1652 following is substituted in lieu thereof (*Effective July 1, 2007*):

1653 (a) For purposes of this section, "renewable energy" means solar  
1654 energy, wind, ocean thermal energy, wave or tidal energy, fuel cells,  
1655 landfill gas, hydrogen production and hydrogen conversion  
1656 technologies, low emission advanced biomass conversion technologies,  
1657 usable electricity from combined heat and power systems with waste  
1658 heat recovery systems, thermal storage systems and other energy  
1659 resources and emerging technologies which have significant potential  
1660 for commercialization and which do not involve the combustion of  
1661 coal, petroleum or petroleum products, municipal solid waste or  
1662 nuclear fission.

1663 (b) On and after July 1, 2004, the Department of Public Utility  
1664 Control shall assess or cause to be assessed a charge of not less than  
1665 one mill per kilowatt hour charged to each end use customer of electric  
1666 services in this state which shall be deposited into the Renewable

1667 Energy Investment Fund established under subsection (c) of this  
1668 section. Notwithstanding the provisions of this section, receipts from  
1669 such charges shall be disbursed to the resources of the General Fund  
1670 during the period from July 1, 2003, to June 30, 2005, unless the  
1671 department shall, on or before October 30, 2003, issue a financing order  
1672 for each affected distribution company in accordance with sections 16-  
1673 245e to 16-245k, inclusive, to sustain funding of renewable energy  
1674 investment programs by substituting an equivalent amount, as  
1675 determined by the department in such financing order, of proceeds of  
1676 rate reduction bonds for disbursement to the resources of the General  
1677 Fund during the period from July 1, 2003, to June 30, 2005. The  
1678 department may authorize in such financing order the issuance of rate  
1679 reduction bonds that substitute for disbursement to the General Fund  
1680 for receipts of both charges under this subsection and subsection (a) of  
1681 section 16-245m and also may in its discretion authorize the issuance of  
1682 rate reduction bonds under this subsection and subsection (a) of  
1683 section 16-245m that relate to more than one electric distribution  
1684 company. The department shall, in such financing order or other  
1685 appropriate order, offset any increase in the competitive transition  
1686 assessment necessary to pay principal, premium, if any, interest and  
1687 expenses of the issuance of such rate reduction bonds by making an  
1688 equivalent reduction to the charges imposed under this subsection,  
1689 provided any failure to offset all or any portion of such increase in the  
1690 competitive transition assessment shall not affect the need to  
1691 implement the full amount of such increase as required by this  
1692 subsection and sections 16-245e to 16-245k, inclusive. Such financing  
1693 order shall also provide if the rate reduction bonds are not issued, any  
1694 unrecovered funds expended and committed by the electric  
1695 distribution companies for renewable resource investment through  
1696 deposits into the Renewable Energy Investment Fund, provided such  
1697 expenditures were approved by the department following August 20,  
1698 2003, and prior to the date of determination that the rate reduction  
1699 bonds cannot be issued, shall be recovered by the companies from  
1700 their respective competitive transition assessment or systems benefits

1701 charge except that such expenditures shall not exceed one million  
1702 dollars per month. All receipts from the remaining charges imposed  
1703 under this subsection, after reduction of such charges to offset the  
1704 increase in the competitive transition assessment as provided in this  
1705 subsection, shall be disbursed to the Renewable Energy Investment  
1706 Fund commencing as of July 1, 2003. Any increase in the competitive  
1707 transition assessment or decrease in the renewable energy investment  
1708 component of an electric distribution company's rates resulting from  
1709 the issuance of or obligations under rate reduction bonds shall be  
1710 included as rate adjustments on customer bills.

1711 (c) There is hereby created a Renewable Energy Investment Fund  
1712 which shall be administered by [Connecticut Innovations,  
1713 Incorporated] the Commissioner of Energy. The fund may receive any  
1714 amount required by law to be deposited into the fund and may receive  
1715 any federal funds as may become available to the state for renewable  
1716 energy investments. [Connecticut Innovations, Incorporated,] The  
1717 commissioner may use any amount in said fund for expenditures  
1718 which promote investment in renewable energy sources in accordance  
1719 with a comprehensive plan developed by it to foster the growth,  
1720 development and commercialization of renewable energy sources,  
1721 related enterprises and stimulate demand for renewable energy and  
1722 deployment of renewable energy sources which serve end use  
1723 customers in this state. Such expenditures may include, but not be  
1724 limited to, grants, direct or equity investments, contracts or other  
1725 actions which support research, development, manufacture,  
1726 commercialization, deployment and installation of renewable energy  
1727 technologies, and actions which expand the expertise of individuals,  
1728 businesses and lending institutions with regard to renewable energy  
1729 technologies.

1730 (d) [The chairperson of the board of directors of Connecticut  
1731 Innovations, Incorporated, shall convene] There shall continue to be a  
1732 Renewable Energy Investments Advisory Committee, [to assist  
1733 Connecticut Innovations, Incorporated,] which shall assist the

1734 Commissioner of Energy in matters related to the Renewable Energy  
1735 Investment Fund, including, but not limited to, development of a  
1736 comprehensive plan and expenditure of funds. The advisory  
1737 committee shall, in such plan, give preference to projects that  
1738 maximize the reduction of federally mandated congestion charges. The  
1739 plan shall be consistent with the comprehensive energy plan approved  
1740 by the Connecticut Energy Advisory Board pursuant to section 16a-7a.  
1741 The advisory committee shall include not more than twelve  
1742 individuals with knowledge and experience in matters related to the  
1743 purpose and activities of said fund. The advisory committee shall  
1744 consist of the following members: (1) One person with expertise  
1745 regarding renewable energy resources appointed by the speaker of the  
1746 House of Representatives; (2) one person representing a state or  
1747 regional organization primarily concerned with environmental  
1748 protection appointed by the president pro tempore of the Senate; (3)  
1749 one person with experience in business or commercial investments  
1750 appointed by the majority leader of the House of Representatives; (4)  
1751 one person representing a state or regional organization primarily  
1752 concerned with environmental protection appointed by the majority  
1753 leader of the Senate; (5) one person with experience in business or  
1754 commercial investments appointed by the minority leader of the  
1755 House of Representatives; (6) one person with experience in business  
1756 or commercial investments appointed by the minority leader of the  
1757 Senate; (7) two state officials with experience in matters relating to  
1758 energy policy and one person with expertise regarding renewable  
1759 energy resources appointed by the Governor; and (8) three persons  
1760 with experience in business or commercial investments appointed by  
1761 the board of directors of Connecticut Innovations, Incorporated. The  
1762 advisory committee shall issue annually a report to [such chairperson]  
1763 the commissioner reviewing the activities of the fund in detail and  
1764 shall provide a copy of such report, in accordance with the provisions  
1765 of section 11-4a, to the joint standing committee of the General  
1766 Assembly having cognizance of matters relating to energy, the  
1767 Department of Public Utility Control and the Office of Consumer

1768 Counsel. The report shall include a description of the programs and  
1769 activities undertaken during the reporting period jointly or in  
1770 collaboration with the Energy Conservation and Load Management  
1771 Funds established pursuant to section 16-245m.

1772 (e) There shall be a joint committee of the Energy Conservation  
1773 Management Board and the Renewable Energy Investments Advisory  
1774 Committee, as provided in subdivision (2) of subsection (d) of section  
1775 16-245m.

1776 (f) No later than December 31, 2006, and no later than December  
1777 thirty-first every five years thereafter, the advisory committee shall,  
1778 after consulting with the Energy Conservation Management Board,  
1779 conduct an evaluation of the performance of the programs and  
1780 activities of the fund and submit a report, in accordance with the  
1781 provisions of section 11-4a, of the evaluation to the joint standing  
1782 committee of the General Assembly having cognizance of matters  
1783 relating to energy.

1784 Sec. 57. (NEW) (*Effective from passage*) The Commissioner of Energy  
1785 may enter into any agreements with Connecticut Innovations,  
1786 Incorporated, that the commissioner deems necessary to facilitate the  
1787 transfer of the Renewable Energy Investment Fund, established  
1788 pursuant to subsection (c) of section 16-245 of the general statutes,  
1789 from Connecticut Innovations, Incorporated, to the Department of  
1790 Energy.

1791 Sec. 58. Subsection (a) of section 16-245p of the general statutes is  
1792 repealed and the following is substituted in lieu thereof (*Effective July*  
1793 *1, 2007*):

1794 (a) An electric supplier and an electric distribution company  
1795 providing standard service or back-up electric generation service,  
1796 pursuant to section 16-244c, shall submit information to the  
1797 Department of Public Utility Control that the department, after  
1798 consultation with the [Consumer Education Advisory Council,

1799 established under section 16-244d] Department of Energy, determines  
1800 will assist customers in making informed decisions when choosing an  
1801 electric supplier, including, but not limited to, the information  
1802 provided in subsection (b) of this section. Each supplier or electric  
1803 distribution company providing standard service or back-up electric  
1804 generation service, pursuant to section 16-244c, shall, at such times as  
1805 the department requires, but not less than annually, submit in a form  
1806 prescribed by the department, information that the department must  
1807 make available pursuant to subsection (b) of this section and any other  
1808 information the department considers relevant. After the department  
1809 has received the information required pursuant to this subsection, the  
1810 supplier shall be eligible to receive customer marketing information  
1811 from electric or electric distribution companies, as provided in section  
1812 16-245o.

1813 Sec. 59. Section 16-245t of the general statutes is repealed and the  
1814 following is substituted in lieu thereof (*Effective July 1, 2007*):

1815 (a) The [Department of Public Utility Control] Office of Consumer  
1816 Counsel shall be responsible for receiving and acting upon customer  
1817 inquiries and complaints regarding electric suppliers, as defined in  
1818 section 16-1. The [department] Office of Consumer Counsel shall  
1819 establish a toll-free telephone number for such purposes. Customers of  
1820 any electric supplier having complaints regarding disputed bills,  
1821 terminations of service or adequacy of service may bring their  
1822 complaints to the department pursuant to any provision in section 16-  
1823 20, sections 16-262c, as amended by this act, to 16-262j, inclusive, or the  
1824 regulations adopted to implement those sections.

1825 (b) Nothing contained in this section shall be construed so as to  
1826 restrict the right of any person to pursue any other remedy available to  
1827 the person under law.

1828 Sec. 60. Section 16-245u of the general statutes is repealed and the  
1829 following is substituted in lieu thereof (*Effective July 1, 2007*):

1830 (a) The Department of Public Utility Control, in consultation with  
1831 the Department of Energy, shall monitor the market for electric  
1832 generation services and electric distribution services to end use  
1833 customers and take actions to prevent unfair or deceptive trade  
1834 practices, anticompetitive or discriminatory conduct, and the unlawful  
1835 exercise of market power.

1836 (b) (1) Upon complaint or upon its own motion, for cause shown,  
1837 the [department] Department of Public Utility Control shall conduct an  
1838 investigation of any possible anticompetitive or discriminatory  
1839 conduct affecting the retail sale of electricity or any unfair or deceptive  
1840 trade practices. Such investigations may include, but are not limited to,  
1841 the effect of mergers, consolidations, acquisition and disposition of  
1842 assets or securities of electric suppliers, as defined in section 16-1, or  
1843 transmission congestion on the proper functioning of a fully  
1844 competitive market.

1845 (2) The [department] Department of Public Utility Control may  
1846 require an electric supplier to provide information, including  
1847 documents and testimony, in accordance with the procedures  
1848 contained in subsection (a) of section 16-8 and section 16-8c.

1849 (3) Confidential, proprietary or trade secret information provided  
1850 under this section may be submitted under a duly granted protective  
1851 order. Any hearings that may be held during the course of the  
1852 investigation may also be conducted in camera to prevent the  
1853 inadvertent revelation of such confidential information.

1854 (4) The Department of Energy, the Office of the Attorney General  
1855 and the Office of Consumer Counsel shall have the right to participate  
1856 in such investigations under appropriate nondisclosure agreements.

1857 (5) At the conclusion of the investigation, and notwithstanding any  
1858 previously granted protective orders, if the [department] Department  
1859 of Public Utility Control finds that facts exist that indicate any  
1860 violation of state or federal law, it shall transmit such written findings

1861 along with supporting information gathered in its investigation to  
1862 appropriate enforcement officials. Such referrals may recommend that  
1863 further investigation be made or that immediate enforcement  
1864 procedures be initiated. Such referrals may be made to the Office of the  
1865 Attorney General, the Department of Consumer Protection, the United  
1866 States Department of Justice, the Securities and Exchange Commission,  
1867 the Federal Energy Regulatory Commission, or any other appropriate  
1868 enforcement agency. The [department] Department of Public Utility  
1869 Control may intervene as permitted by law in any proceeding initiated  
1870 under this subsection. The results of such investigations may also serve  
1871 as a basis for department sanctions, after notice and hearing, under  
1872 subsection (l) of section 16-245.

1873 (c) Nothing contained in this section shall be construed so as to  
1874 restrict the right of any person to pursue any other remedy available to  
1875 the person under law.

1876 Sec. 61. Section 16-245x of the general statutes is repealed and the  
1877 following is substituted in lieu thereof (*Effective July 1, 2007*):

1878 (a) The Department of [Public Utility Control] Energy shall, in  
1879 consultation with the Department of Public Utility Control and the  
1880 Office of Consumer Counsel, monitor on an on-going basis the state of  
1881 competition, as it exists and as it is likely to evolve, and the average  
1882 total rates of each customer class. Not later than January 1, 2002, and  
1883 annually thereafter, the [department] Department of Energy shall  
1884 report its findings to the joint standing committee of the General  
1885 Assembly having cognizance of matters relating to energy.

1886 (b) (1) As used in this subdivision, "total average residential rate"  
1887 means the total residential revenues divided by total residential  
1888 kilowatt hour sales, and "total average industrial rate" means the total  
1889 industrial revenues divided by total industrial kilowatt hour sales. At  
1890 least annually, the [department] Department of Energy shall compute  
1891 the rate differential for electric service between residential and  
1892 industrial customers by comparing the total average residential rate

1893 and the total average industrial rate, based on filings made by electric  
1894 suppliers and electric distribution companies with the Federal Energy  
1895 Regulatory Commission or the department. The rate differential shall  
1896 be the difference between the total average residential rate and the  
1897 total average industrial rates, divided by the total average residential  
1898 rate.

1899 (2) If the [department] Department of Energy determines that the  
1900 rate differential for electric service between residential and industrial  
1901 customers has increased by three percentage points or more from the  
1902 rate differential that existed on January 1, 1998, the department shall  
1903 institute an investigatory proceeding in which the Department of  
1904 Public Utility Control and the Office of the Consumer Counsel shall  
1905 participate. Not more than ninety days after the official  
1906 commencement of the proceeding, the department shall issue written  
1907 findings that identify the factors or circumstances that contributed to  
1908 such increase in the rate differential. If the [department] Department of  
1909 Energy finds that such increase is a result of a violation of this title or  
1910 of other state or federal laws, [the] said department shall refer the  
1911 matter to the Department of Public Utility Control, which shall take  
1912 appropriate enforcement action or refer such violation to the  
1913 appropriate state or federal authority. If the [department] Department  
1914 of Energy finds that such increase is due to factors or circumstances  
1915 other than a violation of state or federal law, [the] said department  
1916 shall take action in accordance with methods of allocation in effect on  
1917 January 1, 1997, to minimize to the greatest extent possible such  
1918 differential to less than three percentage points, within the authority  
1919 granted to the department pursuant to section 16-7, subsection (a) or  
1920 (b) of section 16-8, section 16-8c, 16-9, 16-10, 16-10a, 16-15, 16-19, 16-  
1921 19a, subsection (g) of section 16-19b, section 16-19e, 16-19f, 16-19gg, 16-  
1922 19hh, 16-19kk, 16-20, 16-21, 16-24, 16-28, 16-32, 16-41, 16-244c 16-245,  
1923 16-245g or 16-245l, provided any action taken by the [department]  
1924 Department of Public Utility Control shall be in compliance with the  
1925 principles set forth in section 16-244, and provided further the  
1926 department shall not allow inter or intra-class rate subsidization.

1927 (3) Not later than January first, as applicable, the [department]  
1928 Department of Energy shall report its findings described in  
1929 subdivisions (1) and (2) of this subsection, including a description of  
1930 the factors or circumstances that contributed to such increase in the  
1931 rate differential and a description of actions taken by [the] said  
1932 department, along with any legislative recommendations to minimize  
1933 such differential to less than three percentage points without creating  
1934 intra or inter class rate subsidization, to members of the joint standing  
1935 committee of the General Assembly having cognizance of matters  
1936 relating to energy.

1937 (c) Each electric distribution company shall submit, on a form  
1938 prescribed by the [department] Department of Energy, quarterly  
1939 reports containing (1) the average price for electric service for each  
1940 customer class, and (2) separately within the residential class, the price  
1941 for electric service under the standard offer, as provided in subsection  
1942 (a) of section 16-244c and the price for default service, as provided in  
1943 subsection (b) of said section 16-244c.

1944 (d) The [department] Department of Energy shall require electric  
1945 distribution companies and electric suppliers to supply to [the] said  
1946 department whatever pricing information the department needs to  
1947 complete its reporting and monitoring requirements under this section.  
1948 The department may grant confidential status to certain data if a valid  
1949 claim is made that the information is competitively sensitive, provided  
1950 composite numbers shall be public information. Any electric  
1951 distribution company or electric supplier that fails to provide  
1952 information requested by the department more than thirty days after  
1953 the department makes such request shall be subject to enforcement  
1954 measures under this title. The department may adopt regulations  
1955 pursuant to chapter 54 to implement the provisions of this subsection.

1956 Sec. 62. Section 16-245y of the general statutes is repealed and the  
1957 following is substituted in lieu thereof (*Effective July 1, 2007*):

1958 (a) Not later than October 1, 1999, and annually thereafter, each

1959 electric company and electric distribution company, as defined in  
1960 section 16-1, shall report to the Department of [Public Utility Control]  
1961 Energy its system average interruption duration index (SAIDI) and its  
1962 system average interruption frequency index (SAIFI) for the preceding  
1963 twelve months. For purposes of this section: (1) Interruptions shall not  
1964 include outages attributable to major storms, scheduled outages and  
1965 outages caused by customer equipment, each as determined by the  
1966 department; (2) SAIDI shall be calculated as the sum of customer  
1967 interruptions in the preceding twelve-month period, in minutes,  
1968 divided by the average number of customers served during that  
1969 period; and (3) SAIFI shall be calculated as the total number of  
1970 customers interrupted in the preceding twelve-month period, divided  
1971 by the average number of customers served during that period. Not  
1972 later than January 1, 2000, and annually thereafter, the department  
1973 shall report on the SAIDI and SAIFI data for each electric company and  
1974 electric distribution, and all state-wide SAIDI and SAIFI data to the  
1975 joint standing committee of the General Assembly having cognizance  
1976 of matters relating to energy.

1977 (b) Not later than October 1, 1999, and annually thereafter, each  
1978 electric supplier, as defined in section 16-1, shall report to the  
1979 Department of Public Utility Control and the Department of  
1980 Environmental Protection the following information regarding the  
1981 preceding twelve-month period or any part thereof that the supplier  
1982 has been licensed pursuant to section 16-245: (1) Total megawatt hours  
1983 of electricity produced from generating facilities owned by the  
1984 supplier or under long-term contract to the supplier that are sold to  
1985 end use customers in the state; (2) total megawatt hours of electricity  
1986 purchased by the supplier from other sources and sold to end use  
1987 customers in the state; (3) the proportion of such production from  
1988 facilities listed under subdivision (1) of this subsection that use nuclear  
1989 fuels, oil, coal, natural gas, hydropower and other fuels as the principal  
1990 generation fuel; and (4) the amount of emissions from facilities listed  
1991 under subdivision (1) of this subsection of the pollutants identified by  
1992 the Department of Environmental Protection, which shall include, but

1993 not be limited to: (A) Volatile organic compounds; (B) nitrogen oxides;  
1994 (C) sulfur oxides; (D) carbon dioxide; (E) carbon monoxide; (F)  
1995 particulates; and (G) heavy metals. Not later than January 1, 2000, and  
1996 annually thereafter, the Department of Environmental Protection, in  
1997 consultation with the Department of Public Utility Control, shall report  
1998 state-wide data for these variables to the joint standing committees of  
1999 the General Assembly having cognizance of matters relating to the  
2000 environment and energy.

2001 (c) Not later than January 1, 1999, and annually thereafter until  
2002 January 1, 2005, the Department of Public Utility Control shall report  
2003 to the joint standing committees of the General Assembly having  
2004 cognizance of matters relating to energy and labor the number of  
2005 dislocated workers contained on the roster established pursuant to  
2006 section 16-245v and the number of such workers hired by electric  
2007 suppliers in the preceding twelve months.

2008 (d) Not later than January 1, 1999, and annually thereafter, the  
2009 Department of Public Utility Control shall report to the joint standing  
2010 committee of the General Assembly having cognizance of matters  
2011 relating to energy the number of applicants for licensure pursuant to  
2012 section 16-245 during the preceding twelve months, the number of  
2013 applicants licensed by the department and the average period of time  
2014 taken to process a license application.

2015 Sec. 63. Section 16-245z of the general statutes is repealed and the  
2016 following is substituted in lieu thereof (*Effective July 1, 2007*):

2017 Not later than October 1, 2005, the Department of Public Utility  
2018 Control, the Department of Energy and the [Energy Conservation  
2019 Management Board] Conservation Advisory Board, established in  
2020 section 16-245m, as amended by this act, shall establish links on their  
2021 Internet web sites to the Energy Star program or successor program  
2022 that promotes energy efficiency and each electric distribution company  
2023 shall establish a link under its conservation programs on its Internet  
2024 web site to the Energy Star program or such successor program.

2025 Sec. 64. Section 16-246e of the general statutes is repealed and the  
2026 following is substituted in lieu thereof (*Effective July 1, 2007*):

2027 (a) The Governor may designate the Department of Public Utility  
2028 Control or the Department of Energy as the agent of the state, subject  
2029 only to the limitation under subsection (b) of this section, to conduct  
2030 negotiations and perform all acts necessary to procure electric power  
2031 capacity, power output from such capacity or both from any out-of-  
2032 state electric power producer, to transmit it to within the state and to  
2033 sell or resell it on a nonprofit basis for distribution within the state to  
2034 electric companies, as defined in section 16-1, municipal electric  
2035 utilities established under chapter 101, municipal electric energy  
2036 cooperatives organized under chapter 101a, membership electric  
2037 cooperatives organized under chapter 597 and such other persons or  
2038 entities as may be designated by the governor. [The department, if] If  
2039 designated as such agent, the Department of Energy or the Department  
2040 of Public Utility Control shall arrange for the sale or resale of such  
2041 power on an equitable basis and in such manner as it finds will most  
2042 effectively promote the objectives of this title, chapters 101, 101a and  
2043 597, and section 16a-35k, subject to any conditions or limitations  
2044 imposed by the out-of-state electric power producer selling such  
2045 power. [The department, if] If so designated, the Department of  
2046 Energy or the Department of Public Utility Control may also enter into  
2047 any contracts or other arrangements for the sale or resale of such  
2048 power for transmission outside the state if such sale or resale is  
2049 reasonably incidental to and furthers the needs of the state and the  
2050 purposes of this section.

2051 (b) [The department shall submit any] Any final action [it takes]  
2052 taken under subsection (a) of this section shall be submitted to the  
2053 Governor, who may, not later than sixty days after such submission,  
2054 disapprove such action by notifying the submitting department in  
2055 writing of such disapproval and the reasons for it.

2056 Sec. 65. Section 16-261a of the general statutes is repealed and the

2057 following is substituted in lieu thereof (*Effective July 1, 2007*):

2058 (a) There is established an interagency task force to study electric  
2059 and magnetic fields. The task force shall determine the appropriate  
2060 role of the state in addressing the potential problems associated with  
2061 electric and magnetic fields and may make recommendations to the  
2062 General Assembly regarding any legislation which it deems  
2063 appropriate. The task force shall consist of (1) the Commissioner of  
2064 Public Health or [his] the commissioner's designee; (2) the  
2065 Commissioner of Environmental Protection or [his] the commissioner's  
2066 designee; (3) the Commissioner of Economic and Community  
2067 Development or [his] the commissioner's designee; (4) the [Secretary of  
2068 the Office of Policy and Management or his] Commissioner of Energy  
2069 or the commissioner's designee; (5) the chairperson of the Public  
2070 Utilities Control Authority or [his] the chairperson's designee; and (6)  
2071 the [chairman] chairperson of the Connecticut Siting Council or [his]  
2072 the chairperson's designee.

2073 (b) The Commissioner of Environmental Protection, in consultation  
2074 with the Department of Public Health, the Department of Energy and  
2075 the Department of Public Utility Control, shall assess all electric public  
2076 service companies, as defined in section 16-1, for a total of one  
2077 hundred fifty thousand dollars for the fiscal year ending June 30, 1992.  
2078 The commissioner, in consultation with the task force, shall develop an  
2079 equitable method of assessing the companies for their reasonable pro  
2080 rata share of the assessment. The moneys assessed by the  
2081 commissioner shall be deposited with the Treasurer and shall only be  
2082 expended by the interagency electric and magnetic fields task force for  
2083 the purpose of (1) contracting for the services of electric and magnetic  
2084 fields experts to assist the task force in determining the need for and  
2085 the development of recommendations to the public concerning  
2086 prudent methods of avoiding exposure to electric and magnetic fields,  
2087 and (2) reviewing and compiling the existing scientific literature  
2088 concerning electric and magnetic fields to identify any significant  
2089 adverse effects caused by exposure to electric and magnetic fields and

2090 to determine whether there are gaps in the existing scientific literature  
2091 that could be filled by original scientific research completed in  
2092 Connecticut. The task force shall submit reports of its findings and  
2093 recommendations to the joint standing committees on energy and  
2094 technology, public health and the environment on or before February  
2095 1, 1998.

2096 Sec. 66. Subdivision (4) of subsection (b) of section 16-262c of the  
2097 general statutes is repealed and the following is substituted in lieu  
2098 thereof (*Effective July 1, 2007*):

2099 (4) In order for a residential customer of a gas or electric distribution  
2100 company using gas or electricity for heat to be eligible to have any  
2101 moneys due and owing deducted from the customer's delinquent  
2102 account pursuant to this subdivision, the company furnishing gas or  
2103 electricity shall require that the customer (A) apply and be eligible for  
2104 benefits available under the Connecticut energy assistance program or  
2105 state appropriated fuel assistance program; (B) authorize the company  
2106 to send a copy of the customer's monthly bill directly to any energy  
2107 assistance agency for payment; (C) enter into and comply with an  
2108 amortization agreement, which agreement is consistent with decisions  
2109 and policies of the Department of Public Utility Control and the  
2110 Department of Energy. Such an amortization agreement shall reduce a  
2111 customer's payment by the amount of the benefits reasonably  
2112 anticipated from the Connecticut energy assistance program, state  
2113 appropriated fuel assistance program or other energy assistance  
2114 sources. Unless the customer requests otherwise, the company shall  
2115 budget a customer's payments over a twelve-month period with an  
2116 affordable increment to be applied to any arrearage, provided such  
2117 payment plan will not result in loss of any energy assistance benefits to  
2118 the customer. If a customer authorizes the company to send a copy of  
2119 his monthly bill directly to any energy assistance agency for payment,  
2120 the energy assistance agency shall make payments directly to the  
2121 company. If, on April thirtieth, a customer has been in compliance  
2122 with the requirements of subparagraphs (A) to (C), inclusive, of this

2123 subdivision, during the period starting on the preceding November  
2124 first, or from such time as the customer's account becomes delinquent,  
2125 the company shall deduct from such customer's delinquent account an  
2126 additional amount equal to the amount of money paid by the customer  
2127 between the preceding November first and April thirtieth and paid on  
2128 behalf of the customer through the Connecticut energy assistance  
2129 program and state appropriated fuel assistance program. Any  
2130 customer in compliance with the requirements of subparagraphs (A) to  
2131 (C), inclusive, of this subdivision, on April thirtieth who continues to  
2132 comply with an amortization agreement through the succeeding  
2133 October thirty-first, shall also have an amount equal to the amount  
2134 paid pursuant to such agreement and any amount paid on behalf of  
2135 such customer between May first and the succeeding October thirty-  
2136 first deducted from the customer's delinquent account. In no event  
2137 shall the deduction of any amounts pursuant to this subdivision result  
2138 in a credit balance to the customer's account. No customer shall be  
2139 denied the benefits of this subdivision due to an error by the company.  
2140 The Department of Public Utility Control shall allow the amounts  
2141 deducted from the customer's account pursuant to the implementation  
2142 plan, described in subdivision (5) of this subsection, to be recovered by  
2143 the company in its rates as an operating expense, pursuant to said  
2144 implementation plan. If the customer fails to comply with the terms of  
2145 the amortization agreement or any decision of the department  
2146 rendered in lieu of such agreement and the requirements of  
2147 subparagraphs (A) to (C), inclusive, of this subdivision, the company  
2148 may terminate service to the customer, pursuant to all applicable  
2149 regulations, provided such termination shall not occur between  
2150 November first and April fifteenth.

2151 Sec. 67. Subdivision (5) of subsection (b) of section 16-262c of the  
2152 general statutes is repealed and the following is substituted in lieu  
2153 thereof (*Effective July 1, 2007*):

2154 (5) Each gas and electric distribution company shall submit to the  
2155 Department of Public Utility Control and the Department of Energy

2156 annually, on or before July first, an implementation plan which shall  
2157 include information concerning amortization agreements, counseling,  
2158 reinstatement of eligibility, rate impacts and any other information  
2159 deemed relevant by the department. The Department of Public Utility  
2160 Control may, in consultation with the [Office of Policy and  
2161 Management] Department of Energy, approve or modify such plan  
2162 within ninety days of receipt of the plan. If the department does not  
2163 take any action on such plan within ninety days of its receipt, the plan  
2164 shall automatically take effect at the end of the ninety-day period,  
2165 provided the department may extend such period for an additional  
2166 thirty days by notifying the company before the end of the ninety-day  
2167 period. Any amount recovered by a company in its rates pursuant to  
2168 this subsection shall not include any amount approved by the  
2169 Department of Public Utility Control as an uncollectible expense. The  
2170 [department] Department of Public Utility Control may deny all or  
2171 part of the recovery required by this subsection if it determines that the  
2172 company seeking recovery has been imprudent, inefficient or acting in  
2173 violation of statutes or regulations regarding amortization agreements.

2174 Sec. 68. Section 16-280h of the general statutes is repealed and the  
2175 following is substituted in lieu thereof (*Effective July 1, 2007*):

2176 Each person, firm or corporation operating a natural gas pipeline,  
2177 upon receipt of a written request from the Department of Public Utility  
2178 Control or the Department of Energy, shall file with the requesting  
2179 department a copy of (1) each contract with a producer for the supply  
2180 of natural gas for the state and each contract with a gas company, as  
2181 defined in section 16-1, or any other person, firm or corporation for the  
2182 transmission of natural gas to the state, or (2) the current data required  
2183 to be filed with the Federal Energy Regulatory Commission concerning  
2184 the cost of natural gas available for sale by the natural gas pipeline in  
2185 the state, including the most recent purchased gas tariff adjustment.  
2186 Each such contract or such data shall be filed with the requesting  
2187 department not later than thirty days after receipt of such written  
2188 request.

2189 Sec. 69. Section 16a-2 of the general statutes is repealed and the  
2190 following is substituted in lieu thereof (*Effective July 1, 2007*):

2191 As used in this chapter and sections 16a-45a, as amended by this act,  
2192 16a-46, as amended by this act, 16a-46a, as amended by this act, and  
2193 16a-46b, as amended by this act:

2194 [(a) "Office" means the Office of Policy and Management;

2195 (b) "Board" means the Connecticut Energy Advisory Board;]

2196 [(c)] (1) "Secretary" means the Secretary of the Office of Policy and  
2197 Management;

2198 (2) "Department" means the Department of Energy;

2199 (3) "Commissioner" means the Commissioner of Energy;

2200 [(d)] (4) "Energy" means work or heat that is, or may be, produced  
2201 from any fuel or source whatsoever;

2202 [(e)] (5) "Energy emergency" means a situation where the health,  
2203 safety or welfare of the citizens of the state is threatened by an actual  
2204 or impending acute shortage in usable energy resources;

2205 [(f)] (6) "Energy resource" means natural gas, petroleum products,  
2206 coal and coal products, wood fuels, geothermal sources, radioactive  
2207 materials and any other resource yielding energy;

2208 [(g)] (7) "Person" means any individual, firm, partnership,  
2209 association, syndicate, company, trust, corporation, limited liability  
2210 company, municipality, agency or political or administrative  
2211 subdivision of the state, or other legal entity of any kind;

2212 [(h)] (8) "Service area" means any geographic area serviced by the  
2213 same energy-producing public service company, as defined in section  
2214 16-1;

2215 [(i)] (9) "Renewable resource" means solar, wind, water, wood or  
2216 other biomass source of energy and geothermal energy;

2217 [(j)] (10) "Energy-related products" means [(1)] (A) energy systems  
2218 and equipment that utilize renewable resources to provide space  
2219 heating or cooling, water heating, electricity or other useful energy,  
2220 [(2)] (B) insulation materials, and [(3)] (C) equipment designed to  
2221 conserve energy or increase the efficiency of its use, including that  
2222 used for residential, commercial, industrial and transportation  
2223 purposes;

2224 [(k)] (11) "Energy-related services" means [(1)] (A) the design,  
2225 construction, installation, inspection, maintenance, adjustment or  
2226 repair of energy-related products, [(2)] (B) inspection, adjustment,  
2227 maintenance or repair of any conventional energy system, [(3)] (C) the  
2228 performance of energy audits or the provision of energy management  
2229 consulting services, and [(4)] (D) weatherization activities carried out  
2230 under any federal, state or municipal program;

2231 [(l)] (12) "Conventional energy system" means any system for  
2232 supplying space heating or cooling, ventilation or domestic or  
2233 commercial hot water which is not included in [subdivision (1) of  
2234 subsection (j)] subparagraph (A) of subdivision (10) of this section; and

2235 [(m)] (13) "Energy supply" means any energy resource capable of  
2236 being used to perform useful work and any form of energy such as  
2237 electricity produced or derived from energy resources which may be  
2238 so used.

2239 Sec. 70. Section 16a-4 of the general statutes is repealed and the  
2240 following is substituted in lieu thereof (*Effective July 1, 2007*):

2241 The Secretary of the Office of Policy and Management shall employ,  
2242 subject to the provisions of chapter 67, such staff as is required for the  
2243 proper discharge of duties of the office as set forth in [this chapter and]  
2244 sections [4-5,] 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, 8-189, subsection

2245 (b) of section 8-206, sections 16a-20, as amended by this act, 16a-102, as  
2246 amended by this act, 22a-352 and 22a-353. The secretary may adopt,  
2247 pursuant to chapter 54, such regulations as are necessary to carry out  
2248 the purposes of this chapter.

2249 Sec. 71. Section 16a-4a of the general statutes is repealed and the  
2250 following is substituted in lieu thereof (*Effective July 1, 2007*):

2251 The Office of Policy and Management shall:

2252 (1) Formulate and prepare state-wide or interregional plans for the  
2253 physical, social and economic development of the state. Such plans  
2254 may be prepared jointly or in consultation with other state, interstate,  
2255 federal, regional or local agencies. Such plans may include, but need  
2256 not be limited to, (A) demographic projections, (B) economic  
2257 projections, (C) land use and water considerations, (D) transportation  
2258 requirements, (E) environmental considerations, (F) energy capabilities  
2259 and requirements, (G) public facilities, (H) labor needs and skills, (I)  
2260 educational objectives, (J) housing needs, and (K) health needs;

2261 (2) Receive for review, information and recommendations, plans  
2262 proposed by any state agency acting alone or jointly which has among  
2263 its duties planning responsibilities relating to those considerations set  
2264 forth in subdivision (1) of this section or similar subjects;

2265 (3) Coordinate regional and state planning activities and accomplish  
2266 such planning review activities as may be necessary;

2267 (4) Designate or redesignate logical planning regions within the  
2268 state and promote and assist in the promotion and continuation of  
2269 regional planning agencies under chapter 127;

2270 (5) Provide for technical aid and the administration of financial  
2271 assistance to regional planning agencies established under chapter 127  
2272 or any regional council of elected officials in any region without a  
2273 regional planning agency or any regional council of governments  
2274 organized under sections 4-124i to 4-124p, inclusive, under such terms

2275 and conditions as may be agreed upon by the secretary;

2276 (6) Accept from any source funds, revenue or other consideration  
2277 available to this state for interstate, state, regional, interregional or area  
2278 planning activities or projects and provide for the administration of  
2279 such funds, revenues or other consideration; and

2280 (7) Make available to the public, for a reasonable fee, all reports,  
2281 testing results and other material developed or procured as a result of  
2282 activities authorized by this section, section 16a-14 and section 16a-14b,  
2283 as amended by this act. [; and]

2284 [(8) Provide technical assistance to municipalities that want to  
2285 aggregate electric generation services.]

2286 Sec. 72. Section 16a-5 of the general statutes is repealed and the  
2287 following is substituted in lieu thereof (*Effective July 1, 2007*):

2288 (a) The [Secretary of the Office of Policy and Management]  
2289 Commissioner of Energy, with the assistance of any other state agency,  
2290 if needed, shall investigate violations of chapter 296 and, in connection  
2291 with the performance of his duties under this chapter and chapter 296,  
2292 shall have the power to hold hearings, issue subpoenas and summon  
2293 and examine witnesses under oath and issue subpoenas duces tecum  
2294 for the production of books, records, vouchers, memoranda,  
2295 documents, letters, tapes or other recordings or other papers or items.  
2296 If any person refuses to obey a subpoena, the superior court for the  
2297 judicial district of Hartford, or any judge of the court if it is not in  
2298 session, shall, upon application of the [secretary] commissioner, have  
2299 jurisdiction to issue to the person an order requiring him to appear  
2300 before the [secretary] commissioner or to produce the books, records,  
2301 vouchers, memoranda, documents, letters, tapes or other recordings or  
2302 other papers or items requested.

2303 (b) The [secretary] commissioner may, in connection with the  
2304 performance of his duties under any other statute or act, apply to the

2305 superior court for the judicial district of Hartford, or to a judge of the  
2306 court if the court is not in session, for a subpoena to compel the  
2307 attendance and testimony under oath of witnesses or the production of  
2308 books, records, vouchers, memoranda, documents, letters, tapes or  
2309 other recordings or other papers or items. The court or judge shall,  
2310 before issuing the subpoena, provide adequate opportunity for the  
2311 [secretary] commissioner and the party against whom the subpoena is  
2312 requested to be heard. No such subpoena shall be issued unless the  
2313 court or judge finds that the attendance and testimony of the witness  
2314 or the production of the requested material is reasonably necessary to  
2315 carry out the purposes of such other statute or act and that the  
2316 [secretary] commissioner has made reasonable efforts to secure the  
2317 attendance, testimony and requested material without recourse to  
2318 compulsory process. Such subpoena shall be served by a proper officer  
2319 or indifferent person.

2320 Sec. 73. Section 16a-6 of the general statutes is repealed and the  
2321 following is substituted in lieu thereof (*Effective July 1, 2007*):

2322 Each department, office, board, commission, council or other agency  
2323 of the state and each officer or employee shall cooperate with the  
2324 Secretary of the Office of Policy and Management and shall furnish  
2325 him such information, personnel and assistance as may be necessary or  
2326 appropriate in the discharge of the responsibilities of the secretary and  
2327 the board under this chapter and sections 4-5, as amended by this act,  
2328 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, 8-189, subsection (b) of section  
2329 8-206, sections [16a-20, 16a-102,] 22a-352 and 22a-353. [The  
2330 Commissioner of Motor Vehicles shall require each person applying  
2331 for a license under section 14-319 to submit in his application the  
2332 information which persons registering under section 16a-22d are  
2333 required to submit. The commissioner shall furnish the secretary with  
2334 this information.]

2335 Sec. 74. (NEW) (*Effective July 1, 2007*) Each department, office, board,  
2336 commission, council or other agency of the state and each officer or

2337 employee shall cooperate with the Commissioner of Energy and shall  
2338 furnish said commissioner with such information, personnel and  
2339 assistance as may be necessary or appropriate in the discharge of the  
2340 responsibilities of the Commissioner of Energy pursuant to chapter 227  
2341 of the general statutes and sections 16a-20 of the general statutes, as  
2342 amended by this act, and 16a-102 of the general statutes, as amended  
2343 by this act.

2344 Sec. 75. Section 16a-7a of the general statutes is repealed and the  
2345 following is substituted in lieu thereof (*Effective July 1, 2007*):

2346 On or before [January 1, 2004] October 1, 2008, and [annually]  
2347 biennially thereafter, the [Connecticut Energy Advisory Board]  
2348 Commissioner of Energy shall prepare a comprehensive energy plan,  
2349 [based on existing reports and studies as to the need for new energy  
2350 resources, new energy transmission facilities in the state and new  
2351 energy conservation initiatives in the state.] The [board] commissioner  
2352 shall hold regional public hearings on the proposed plan and shall give  
2353 at least thirty days' notice of each hearing. [by publication on the  
2354 Internet websites of the agencies participating on the board.] Notice of  
2355 such hearing may be published in one or more newspapers having  
2356 general circulation in each municipality as deemed necessary by the  
2357 [board] commissioner. The notice shall state the date, time and place of  
2358 the hearing, the subject matter of the hearing, the statutory authority  
2359 for the plan and the location where a copy of the plan may be  
2360 examined. Any person may comment on the proposed plan. The  
2361 [board] commissioner shall provide a time period of not less than  
2362 forty-five days from the date the notice is published [on the Internet  
2363 websites of the agencies participating on the board] for review and  
2364 comment. The [board] commissioner shall consider fully, after all  
2365 public hearings, all written and oral comments respecting the  
2366 proposed plan and shall mail to each person who commented or  
2367 requested notification, notice of availability of the following  
2368 documents at a designated location: The text of the final plan, a  
2369 summary of the differences between the proposed and final plan and

2370 the reasons for such differences, and the principal considerations  
2371 raised in opposition to the proposed plan and the reasons for rejecting  
2372 any such considerations. The [chairman of the board] commissioner  
2373 shall sign the final plan and shall submit it to the joint standing  
2374 committees of the General Assembly having cognizance of matters  
2375 relating to energy, the environment and transportation. Such plan shall  
2376 reflect the legislative findings and policy stated in section 16a-35k,  
2377 shall be consistent with the Connecticut climate change action plan  
2378 developed pursuant to section 22a-200a, and the state plan of  
2379 conservation and development adopted under chapter 297 and shall  
2380 include, but not be limited to, (1) an assessment of current energy  
2381 supplies, demand and costs; (2) an identification and evaluation of the  
2382 factors likely to affect future energy supplies, demand and costs; (3) a  
2383 statement of progress made toward long-term goals set in the previous  
2384 report; (4) recommendations for decreasing dependency on fossil fuels  
2385 by promoting energy conservation, solar and other alternative energy  
2386 sources; (5) an assessment of the infrastructure of the state for natural  
2387 gas and electric systems; (6) an evaluation of the impact of regional  
2388 transmission infrastructure planning processes conducted by the  
2389 regional independent system operator, as defined in section 16-1, on  
2390 the state's environment, on energy market design, and on economic  
2391 development in the state; (7) the consideration of alternative energy  
2392 planning mechanisms and targets as an alternative to integrated  
2393 resource planning; (8) a statement of energy policies and long-range  
2394 energy planning objectives and strategies appropriate to achieve,  
2395 among other things, the least-cost mix of energy supply sources and  
2396 measures that reduce demand for energy, giving due regard to such  
2397 factors as [ratepayer] consumer price impacts, security and diversity of  
2398 fuel supplies and energy generating methods, protection of public  
2399 health and safety, adverse or beneficial environmental impacts,  
2400 conservation of energy and energy resources and the ability of the state  
2401 to compete economically; and (9) recommendations for administrative  
2402 and legislative actions to implement such policies, objectives and  
2403 strategies.

2404 Sec. 76. Section 16a-7b of the general statutes is repealed and the  
2405 following is substituted in lieu thereof (*Effective July 1, 2007*):

2406 Not later than December 1, [2004, the Connecticut Energy Advisory  
2407 Board shall develop] 2007, the Commissioner of Energy shall review  
2408 and update, if necessary, infrastructure criteria guidelines [for the  
2409 evaluation process under subsection (f) of section 16a-7c,] which  
2410 [guidelines] shall be consistent with state environmental policy, state  
2411 economic development policy, the state's policy regarding the  
2412 restructuring of the electric industry, as set forth in section 16-244, and  
2413 the findings in the comprehensive energy plan prepared pursuant to  
2414 section 16a-7a, and shall include, but not be limited to, the following:  
2415 (1) Environmental preference standards; (2) efficiency standards,  
2416 including, but not limited to, efficiency standards for transmission,  
2417 generation and demand-side management; (3) generation preference  
2418 standards; (4) electric capacity, use trends and forecasted resource  
2419 needs; (5) natural gas capacity, use trends and forecasted resource  
2420 needs; and (6) national and regional reliability criteria applicable to the  
2421 regional bulk power grid, as determined in consultation with the  
2422 regional independent system operator, as defined in section 16-1. In  
2423 developing environmental preference standards, the [board]  
2424 commissioner shall consider the recommendations and findings of the  
2425 task force established pursuant to section 25-157a and Executive Order  
2426 Number 26 of Governor John G. Rowland.

2427 Sec. 77. Section 16a-9 of the general statutes is repealed and the  
2428 following is substituted in lieu thereof (*Effective July 1, 2007*):

2429 (a) There shall continue to be an energy emergency plan. Said plan  
2430 may include, but not be limited to, the following: (1) Establishment of  
2431 programs, controls, standards, priorities and quotas for the allocation,  
2432 rationing, conservation, distribution and consumption of available  
2433 energy resources, (2) suspension and modification of existing statutes,  
2434 standards and requirements affecting or affected by the use of energy  
2435 resources, (3) adoption of measures affecting the type and composition

2436 and production and distribution of energy resources, (4) imposition of  
2437 price restrictions on energy resources, (5) adoption of measures  
2438 affecting the hours and days on which public buildings and  
2439 commercial and industrial establishments may be or are required to  
2440 remain open or closed and (6) establishment and implementation of  
2441 regional programs and agreements for the purpose of coordinating  
2442 energy resource programs and actions of the state with those of the  
2443 federal government and of other states and localities. Said plan shall  
2444 include such levels of energy emergency as the [secretary]  
2445 Commissioner of Energy, in consultation with the Office of Policy and  
2446 Management, shall establish.

2447 (b) The [secretary] commissioner shall prepare or cause to be  
2448 prepared such amendments to the energy emergency plan as he may  
2449 deem necessary. Such amendments shall be submitted to the General  
2450 Assembly no later than fifteen days after the convening of any regular  
2451 session of the General Assembly following the preparation of such  
2452 amendments and shall be referred by the speaker of the House of  
2453 Representatives and the president pro tempore of the Senate to the  
2454 joint standing committee having cognizance of matters relating to  
2455 energy. Said committee shall review such amendments and report its  
2456 recommendations within fifteen days to the General Assembly. The  
2457 General Assembly may by joint resolution disapprove or reject any  
2458 section or sections of such amendments within forty-five days after the  
2459 submittal of such amendments.

2460 Sec. 78. Section 16a-13 of the general statutes is repealed and the  
2461 following is substituted in lieu thereof (*Effective July 1, 2007*):

2462 (a) (1) Any person aggrieved by any order issued under section 16a-  
2463 11 or 16a-12 may file a petition with the [secretary] Commissioner of  
2464 Energy requesting an exemption. The petition shall be in such form as  
2465 the [secretary] commissioner may prescribe. The person filing the  
2466 petition shall be subject to the penalty for making a false statement  
2467 under section 53a-157b.

2468 (2) The [secretary] commissioner may grant an exemption to any  
2469 person who due to certain circumstances is unable to comply with  
2470 such order without suffering inordinate hardship beyond that  
2471 hardship suffered by persons generally, including, but not limited to,  
2472 circumstances where in the absence of such exemption the petitioner  
2473 would: (A) Be prevented from performing activities essential to the  
2474 pursuit of his regular occupation or profession, (B) suffer adverse  
2475 medical effects or be unable to obtain necessary medical treatment, or  
2476 (C) incur permanent and substantial injury to person or property. The  
2477 [secretary] commissioner may also grant an exemption to any person  
2478 who performs an essential public service and who would be prevented  
2479 from performing such service or would be impaired in his  
2480 performance in the absence of such exemption.

2481 (3) In making a determination pursuant to this subsection, the  
2482 [secretary] commissioner may compare the relevant circumstances of  
2483 the petitioner with (A) other users of the same fuel, users of other  
2484 fuels, or both, or (B) other persons in the same economic sector or  
2485 subsector, persons in other economic sectors or subsectors, or both, as  
2486 determined by the [secretary] commissioner to be most appropriate in  
2487 terms of the specific energy resource availability situation existing or  
2488 forecast at the time such comparison is made.

2489 (b) The [secretary] commissioner may investigate any such petition  
2490 and consider in his decision any relevant factual finding resulting from  
2491 such investigation. The [secretary] commissioner may accept  
2492 submissions from third parties relevant to such petition, provided the  
2493 petitioner is afforded the opportunity to respond to such third party  
2494 submissions. The [secretary] commissioner may also consider any  
2495 other sources of relevant information in deciding the petition before  
2496 him. The [secretary] commissioner may hold an informal hearing, if, in  
2497 his opinion, such hearing is advisable.

2498 (c) If the [secretary] commissioner determines that there is  
2499 insufficient information upon which to base a decision and if upon

2500 request the required additional information is not furnished, the  
2501 petition may be dismissed without prejudice. The [secretary]  
2502 commissioner shall grant, deny or dismiss without prejudice such  
2503 petition not more than thirty days after receipt of such petition. The  
2504 [secretary] commissioner may make his decision granting an  
2505 exemption conditional upon the petitioner's taking actions specified in  
2506 such decision. Upon the granting, denying or dismissal of such  
2507 petition, the [secretary] commissioner shall notify the petitioner, in  
2508 writing, the reasons for his decision.

2509 (d) The [secretary] commissioner may reconsider and alter any  
2510 decision under this section as he deems necessary to implement such  
2511 plan, or any provision of such plan or any order adopted pursuant to  
2512 section 16a-11 or 16a-12. The [secretary] commissioner may suspend or  
2513 revoke any exemption for any reason including, but not limited to: (1)  
2514 Changed circumstances where the grounds for granting an exemption  
2515 to the petitioner have ceased to exist, (2) failure on the part of the  
2516 petitioner to comply with conditions specified in the [secretary's]  
2517 commissioner's decision granting the exemption, or (3) where the  
2518 exemption was issued by mistake or on the basis of misrepresentation  
2519 or false pretenses on the part of the petitioner.

2520 (e) The provisions of sections 4-176e to 4-181a, inclusive, shall not  
2521 apply to any proceeding held pursuant to subsections (a) to (d),  
2522 inclusive, of this section. Any person aggrieved by the decision of the  
2523 [secretary] commissioner may appeal such decision in accordance with  
2524 the provisions of sections 4-183 and 4-184.

2525 (f) The [secretary] commissioner shall adopt regulations, in  
2526 accordance with chapter 54, establishing administrative procedures to  
2527 implement the provisions of this section with respect to petitions for  
2528 exemption.

2529 Sec. 79. Section 16a-13a of the general statutes is repealed and the  
2530 following is substituted in lieu thereof (*Effective July 1, 2007*):

2531 (a) The [secretary] Commissioner of Energy, in granting or denying  
2532 an exemption under section 16a-13, as amended by this act, may take  
2533 into account past levels of energy consumption or changes therein on  
2534 the part of the person seeking such exemption.

2535 (b) The [secretary] commissioner may adopt regulations, in  
2536 accordance with chapter 54, which establish procedures for  
2537 documenting past levels of energy consumption or changes therein for  
2538 the purposes of an exemption under said section 16a-13.

2539 (c) The [secretary] commissioner may grant an exemption if he  
2540 determines that the person seeking the exemption has fulfilled the  
2541 conditions contained in such regulations. The regulations shall permit  
2542 exemption: (1) In cases where the applicant documents an absolute  
2543 reduction in energy consumption over such periods of time as the  
2544 regulations may establish, which periods may vary for different  
2545 categories of persons, and the reduction is the result of physical or  
2546 behavioral changes or adjustments undertaken for energy conservation  
2547 purposes and not from changes or modifications undertaken for other  
2548 purposes, such as alterations in building size, extent or type of  
2549 production capacity or utilization thereof, or changes in the nature or  
2550 number of work force employed, which changes were not undertaken  
2551 for energy conservation purposes; or (2) in cases where the applicant  
2552 documents that his consumption of energy is substantially less than  
2553 that of other persons in like circumstances over such period of time as  
2554 the regulations may establish, which periods may vary for different  
2555 categories of persons, and the level of consumption is due to physical  
2556 or behavioral factors, changes or adjustments, undertaken for energy  
2557 conservation purposes and not from factors, changes or modifications  
2558 not so related.

2559 (d) The regulations may provide that reductions in or levels of  
2560 energy consumption which occur subsequent to the proclamation of an  
2561 energy emergency pursuant to section 16a-11 or section 16a-12 shall  
2562 not constitute the basis for exemption unless the reductions are due

2563 solely to actions undertaken prior to such proclamation.

2564 Sec. 80. Section 16a-13b of the general statutes is repealed and the  
2565 following is substituted in lieu thereof (*Effective July 1, 2007*):

2566 (a) The [secretary] Commissioner of Energy shall: (1) Be responsible  
2567 for the conduct and administration of energy emergency planning and  
2568 preparedness activities generally, including the coordination of such  
2569 activities [under this title] with other state [emergency planning  
2570 conducted under any other provisions of the general statutes or special  
2571 acts] agencies and with energy emergency planning or preparedness  
2572 activities undertaken by the federal government, other states and  
2573 regional or interstate organizations, and (2) coordinate, under the  
2574 direction of the office of the Governor, the adoption and  
2575 implementation of emergency measures by state departments during  
2576 any energy emergency proclaimed under section 16a-11 or section 16a-  
2577 12, including the coordination of state, federal, regional and interstate  
2578 activities.

2579 (b) In exercising the responsibilities under subsection (a) of this  
2580 section, the [secretary] commissioner shall consult with the  
2581 Department of Emergency Management and Homeland Security, the  
2582 Department of Public Safety, the Department of Public Utility Control,  
2583 the Department of Transportation, the Office of Policy and  
2584 Management and such other state agencies as the [secretary]  
2585 commissioner deems appropriate. Each state agency shall assist the  
2586 [secretary] commissioner in carrying out the responsibilities assigned  
2587 by sections 16a-9 to 16a-13d, inclusive, as amended by this act.

2588 Sec. 81. Section 16a-14a of the general statutes is repealed and the  
2589 following is substituted in lieu thereof (*Effective July 1, 2007*):

2590 (a) The [secretary] Commissioner of Energy may develop a program  
2591 to provide grants to small businesses located within the state which are  
2592 active in research, development, demonstration or commercial  
2593 activities involving energy-related products and services for which

2594 funding from federal and other nonstate sources is not available. Such  
2595 assistance shall be designed to carry out the purposes of this chapter  
2596 and chapter 298.

2597 (b) The [secretary] Commissioner of Energy shall adopt regulations,  
2598 in accordance with chapter 54, in consultation with the Commissioner  
2599 of Economic and Community Development, to govern the operation of  
2600 any such grant program and to define small businesses, or specific  
2601 categories thereof, which are eligible for such grants. Priority shall be  
2602 accorded to the development of small scale technology applicable to  
2603 residential dwellings and municipal facilities.

2604 Sec. 82. Section 16a-14b of the general statutes is repealed and the  
2605 following is substituted in lieu thereof (*Effective July 1, 2007*):

2606 (a) The [secretary] Commissioner of Energy shall develop voluntary  
2607 testing programs for energy-related products or categories of such  
2608 products. Such testing shall be designed to protect the interests of  
2609 consumers by providing reliable information on such products, and  
2610 may include the evaluation of the energy efficiency, durability,  
2611 reliability, health and safety aspects, life-cycle cost or other  
2612 performance qualities of such products.

2613 (b) The [secretary] Commissioner of Energy, in consultation with  
2614 the Commissioner of Consumer Protection, shall adopt regulations, in  
2615 accordance with chapter 54, establishing provisions (1) for  
2616 standardized procedures for the performance of such testing; (2) for  
2617 categories of energy-related products to be covered by such testing  
2618 procedures; (3) to differentiate between the testing of experimental  
2619 energy-related products and commercial energy-related products, to  
2620 determine the range of models produced by a specific manufacturer to  
2621 which testing results will apply and to ensure that products submitted  
2622 for testing constitute a representative sample of those produced within  
2623 such range by said manufacturer; (4) for a standardized format for the  
2624 compilation of information from such tests which shall include all  
2625 relevant information from each type of test performed on a product; (5)

2626 for the designation of qualified state or state-certified facilities to  
2627 perform such testing; provided, no person or organization which has  
2628 any pecuniary interest in the manufacture, distribution or sale of  
2629 energy-related products within or without the state shall be eligible for  
2630 such designation; and (6) for a schedule of reasonable fees for the  
2631 performance of such tests or a procedure for establishing such a  
2632 schedule.

2633 Sec. 83. Section 16a-14e of the general statutes is repealed and the  
2634 following is substituted in lieu thereof (*Effective July 1, 2007*):

2635 The [Office of Policy and Management] Commissioner of Energy  
2636 shall operate a purchasing pool for the purchase of electricity for state  
2637 operations. [Said office shall provide the opportunity to participate in  
2638 such purchasing pool to each household that includes an individual  
2639 who receives means-tested assistance administered by the state or  
2640 federal government. Any such household shall receive through such  
2641 purchasing pool the same benefits and rate discounts available for  
2642 state facilities. The Office of Policy and Management shall use federal  
2643 and state energy assistance funds to leverage the lowest practicable  
2644 electric rates for households participating in such pool, provided such  
2645 funds shall not be used for administrative purposes.] The provisions of  
2646 section 16-245 shall not apply to the [Office of Policy and Management]  
2647 commissioner for purposes of this section.

2648 Sec. 84. Section 16a-16 of the general statutes is repealed and the  
2649 following is substituted in lieu thereof (*Effective July 1, 2007*):

2650 (a) This chapter may be enforced by the [Secretary of the Office of  
2651 Policy and Management] Commissioner of Energy in the superior  
2652 court for any judicial district in which any person who violates any  
2653 provisions of this chapter resides or maintains a place of business by  
2654 an ex parte temporary injunction issued by said court or a judge  
2655 thereof; provided, if such injunction is issued, such person may file a  
2656 motion to dissolve such injunction and a hearing upon such motion  
2657 shall be held by the superior court not later than three days after

2658 service of such motion upon the Governor pursuant to an order of said  
2659 court or a judge thereof. If a permanent injunction is granted, such  
2660 person may be assessed damages of not more than ten thousand  
2661 dollars plus court costs.

2662 (b) The provisions of this section are not exclusive, and the remedies  
2663 provided for in this section shall be in addition to any other remedy  
2664 provided for in any other section of the general statutes or available  
2665 under common law.

2666 Sec. 85. Section 16a-20 of the general statutes is repealed and the  
2667 following is substituted in lieu thereof (*Effective July 1, 2007*):

2668 (a) The [Office of Policy and Management] Commissioner of Energy  
2669 may institute a civil action in the Superior Court, or in the United  
2670 States District Court, where applicable, against any person, firm,  
2671 corporation, business or combination thereof it believes, or has reason  
2672 to believe, has violated sections 16a-17 to 16a-20, inclusive, as amended  
2673 by this act, to enjoin said parties from continuing such conduct within  
2674 this state and to seek repayment of damages on behalf of those  
2675 individuals, businesses and industries harmed by said activities. In  
2676 such actions it shall be represented by the Attorney General.

2677 (b) Upon the institution of such civil action, the Attorney General  
2678 shall have the right to take the deposition of any witness the Attorney  
2679 General believes, or has reason to believe, has information relative to  
2680 the prosecution of such action, upon application made to the Superior  
2681 Court, notwithstanding the provisions of other statutes limiting  
2682 depositions. The Attorney General shall also have the right to take  
2683 such depositions in other states and to utilize the laws of such other  
2684 states relative to the taking of depositions where allowed by the laws  
2685 of such states. The state of Connecticut shall allow similar depositions  
2686 to be taken within this state on behalf of any governmental agency of  
2687 another state or any territory or possession of the United States seeking  
2688 to pursue litigation similar to that permitted under sections 16a-17 to  
2689 16a-20, inclusive, as amended by this act, as long as such other state

2690 allows the Attorney General to take depositions within its jurisdiction.  
2691 In so doing, the Superior Court shall enforce the orders of the courts of  
2692 such other state relative to the deposition requested and issue  
2693 subpoenas or subpoenas duces tecum, as necessary, as well as  
2694 enforcing such subpoenas through citations of contempt or other  
2695 available remedies.

2696 (c) In any case where damages referred to in subsection (a) of this  
2697 section shall be proven by a fair preponderance of the evidence, the  
2698 court shall order repayment by any or all defendants of said damages  
2699 to the applicable parties or businesses through the [Office of Policy and  
2700 Management] Department of Energy.

2701 (d) The court shall also have the right, in its discretion, to assess  
2702 treble damages against said defendants.

2703 (e) Any such civil action shall be privileged in assignment for trial.

2704 Sec. 86. Section 16a-22 of the general statutes is repealed and the  
2705 following is substituted in lieu thereof (*Effective July 1, 2007*):

2706 (a) Any person engaged in the business of selling petroleum  
2707 products, as defined in section 16a-22c, on a wholesale basis who has  
2708 sufficient knowledge of an impending shortage in the availability of  
2709 petroleum products, as defined in section 16a-22c, or any officer or  
2710 manager of a firm or corporation engaged in such business who has  
2711 such knowledge, shall cause to be given immediate written notice of  
2712 any possible inability as a result of such shortage to deliver petroleum  
2713 products, as defined in section 16a-22c, to the [Secretary of the Office  
2714 of Policy and Management] Commissioner of Energy and to each retail  
2715 oil dealer engaged in the business of supplying petroleum products, as  
2716 defined in section 16a-22c, for residential heating that such person,  
2717 firm or corporation customarily supplies with petroleum products, as  
2718 defined in section 16a-22c, on a wholesale basis. No such person  
2719 engaged in the business of selling petroleum products, as defined in  
2720 section 16a-22c, on a wholesale basis and no such officer or manager

2721 shall discriminate, in the percentage of supplies delivered, against  
2722 independent retail oil dealers in favor of dealers affiliated with such  
2723 supplier.

2724 (b) Any person engaged in the business of distributing or selling  
2725 petroleum products, as defined in section 16a-22c, on a wholesale basis  
2726 who intends to terminate the supply of petroleum products, as defined  
2727 in section 16a-22c, to a retail dealer shall give written notice at least  
2728 fourteen days in advance of such termination to the retail dealer, the  
2729 municipality or municipalities in which the retail dealer distributes  
2730 and the [Secretary of the Office of Policy and Management]  
2731 Commissioner of Energy concerning such proposed termination of  
2732 supply.

2733 (c) Any person, firm or corporation who violates the provisions of  
2734 this section shall be fined one thousand dollars for each violation.

2735 Sec. 87. Section 16a-22i of the general statutes is repealed and the  
2736 following is substituted in lieu thereof (*Effective July 1, 2007*):

2737 Notwithstanding any other provision of the general statutes, [to the  
2738 contrary,] whenever the [Secretary of the Office of Policy and  
2739 Management] Commissioner of Energy finds that conditions in the  
2740 petroleum products market require additional sales, inventory or price  
2741 information for a complete analysis of such market the [secretary]  
2742 commissioner may require any person, firm or corporation engaged in  
2743 the sale or storage of petroleum products in the state to provide such  
2744 information concerning the petroleum products market as he directs.

2745 Sec. 88. Section 16a-23t of the general statutes is repealed and the  
2746 following is substituted in lieu thereof (*Effective July 1, 2007*):

2747 (a) For purposes of this section, ["secretary" means the Secretary of  
2748 the Office of Policy and Management] "commissioner" means the  
2749 Commissioner of Energy.

2750 (b) The [secretary] commissioner shall collect, monitor and

2751 distribute information concerning home heating oil in a manner that  
2752 will provide transparency of market prices to the public. Not later than  
2753 one hundred twenty days after October 31, 2005, the [secretary]  
2754 commissioner shall provide an opportunity for public comment to  
2755 determine the manner in which this policy mission will be  
2756 implemented.

2757 (c) In implementing the provisions of this section, the [secretary]  
2758 commissioner shall consult with other relevant agencies of the state.  
2759 Any ongoing assistance provided by an agency that may result in a  
2760 material budgetary impact upon the assisting agency shall be provided  
2761 pursuant to a memorandum of understanding, which shall be  
2762 negotiated between the [secretary] commissioner and the subject  
2763 agency.

2764 (d) In implementing the provisions of subsection (b) of this section,  
2765 the [secretary] commissioner shall collect, or cause to be collected,  
2766 information on the wholesale and retail prices of home heating oil and  
2767 shall establish indices of those prices so as to provide transparent  
2768 market prices to the public. The indices developed pursuant to this  
2769 subsection shall be transmitted to the public in a manner that provides  
2770 the greatest possible public access to understandable and current  
2771 information on a cost-effective basis. On and after December 1, 2005,  
2772 and not later than April 30, 2006, the indices developed pursuant to  
2773 this section shall be updated on a weekly basis and posted on the  
2774 [Office of Policy and Management's] Department of Energy's Internet  
2775 web site.

2776 (e) (1) The [secretary] commissioner shall monitor and analyze the  
2777 information collected pursuant to subsection (d) of this section for  
2778 evidence of market activities that impair the free and fair operation of  
2779 the home heating oil market. The [secretary] commissioner shall refer  
2780 such evidence, together with any other information or  
2781 recommendations, to such agencies as the [secretary] commissioner  
2782 determines may have jurisdiction to provide remedies, including, but

2783 not limited to, state, federal or local administrative, regulatory or law  
2784 enforcement agencies

2785 (2) The [secretary] commissioner, in the performance of the  
2786 [secretary's] commissioner's duties, may summon and examine, under  
2787 oath, such witnesses, and may direct the production of, and examine  
2788 or cause to be produced and examined, such books, records, vouchers,  
2789 memoranda, documents, letters, contracts or other papers in relation to  
2790 the affairs of any home heating oil seller or distributor at the wholesale  
2791 or retail level operating in the state as the secretary may find advisable.

2792 (3) Notwithstanding the provisions of the general statutes, any  
2793 information, analysis or work product developed by the [secretary]  
2794 commissioner pursuant to the provisions of subdivision (1) of this  
2795 subsection shall not be a public record, as defined in section 4d-33,  
2796 except as provided in this section. Any such information referred by  
2797 the [secretary] commissioner pursuant to subdivision (1) of this  
2798 subsection shall become a public record not more than sixty days after  
2799 the date of a referral unless such law enforcement agency protects such  
2800 information from disclosure pursuant to law. Any information that the  
2801 [secretary] commissioner determines not to refer pursuant to  
2802 subdivision (1) of this subsection shall become a public record not  
2803 more than thirty days after such determination is made.

2804 (4) The [secretary] commissioner shall notify the joint standing  
2805 committee of the General Assembly having cognizance of matters  
2806 relating to energy of every referral of information to other agencies  
2807 pursuant to subdivision (1) of this subsection, provided the scope of  
2808 information provided shall be limited pursuant to subdivision (3) of  
2809 this subsection. The [secretary] commissioner, in such notification,  
2810 shall include recommendations for addressing the conditions  
2811 identified, including, but not limited to, any recommendations for  
2812 legislation.

2813 [(f) The chairperson of the Public Utilities Control Authority, or the  
2814 chairperson's designee, the Commissioner of Social Services, or the

2815 commissioner's designee, the chairperson of the Connecticut Energy  
2816 Advisory Board, and the Secretary of the Office of Policy and  
2817 Management, or the secretary's designee, shall constitute a Home  
2818 Heating Oil Planning Council to address issues involving the supply,  
2819 delivery and costs of home heating oil and state policies regarding the  
2820 future of the state's home heating oil supply. The Secretary of the  
2821 Office of Policy and Management shall convene the first meeting of the  
2822 council.]

2823 [(g)] (f) The [Home Heating Oil Planning Council] commissioner  
2824 shall, on an ongoing basis, monitor and analyze the information  
2825 collected pursuant to subsection (d) of this section, and such other  
2826 information from other sources as it deems appropriate, for evidence  
2827 of operational or infrastructure conditions that should be addressed to  
2828 enhance the reliable, free and fair operation of the state's home heating  
2829 oil market. Not later than January 1, 2007, and periodically thereafter  
2830 as it deems appropriate, the [council] commissioner shall submit to the  
2831 joint standing committee of the General Assembly having cognizance  
2832 of matters relating to energy a report on the status of the state's home  
2833 heating oil market, including, but not limited to, its recommendations  
2834 for addressing any negative conditions identified and  
2835 recommendations for legislation.

2836 Sec. 89. Section 16a-37f of the general statutes is repealed and the  
2837 following is substituted in lieu thereof (*Effective July 1, 2007*):

2838 A budgeted agency, as defined in section 4-69, shall only purchase  
2839 replacement light bulbs which (1) are provided under an electric  
2840 company's customer lighting efficiency program, (2) are equivalent in  
2841 energy efficiency to bulbs provided under such electric company  
2842 lighting efficiency program, as determined by the [Secretary of the  
2843 Office of Policy and Management] Commissioner of Energy, in  
2844 consultation with the Commissioner of Administrative Services, or (3)  
2845 meet such other life-cycle cost analysis standards as the [Secretary of  
2846 the Office of Policy and Management] Commissioner of Energy, with

2847 the concurrence of the Commissioner of Administrative Services, may  
2848 designate.

2849 Sec. 90. Section 16a-37u of the general statutes is repealed and the  
2850 following is substituted in lieu thereof (*Effective July 1, 2007*):

2851 (a) The [Secretary of the Office of Policy and Management]  
2852 Commissioner of Energy shall be responsible for planning and  
2853 managing energy use in state-owned and leased buildings and shall  
2854 establish a program to maximize the efficiency with which energy is  
2855 utilized in such buildings. The [secretary] commissioner shall exercise  
2856 this authority by (1) preparing and implementing annual and long-  
2857 range plans [, with timetables, establishing] that establish goals for  
2858 reducing state energy consumption and [, based on energy audits,]  
2859 establish specific objectives for state agencies to meet the performance  
2860 standards adopted under section 16a-38; (2) coordinating federal and  
2861 state energy conservation resources and activities, including, but not  
2862 limited to, those required to be performed by other state agencies  
2863 under this chapter; [and] (3) monitoring energy use and costs by  
2864 budgeted state agencies; [on a monthly basis.] and (4) awarding any  
2865 contracts necessary to carry out the commissioner's responsibilities  
2866 under this chapter.

2867 (b) Not later than January [fifth, annually, the Secretary of the Office  
2868 of Policy and Management] 15, 2008, and biennially thereafter, the  
2869 Commissioner of Energy shall submit a report to the Governor and the  
2870 joint standing committee of the General Assembly having cognizance  
2871 of matters relating to energy planning and activities. The report shall  
2872 (1) [indicate the total number of energy audits and technical assistance  
2873 audits of state-owned and leased buildings] summarize the energy  
2874 consumption costs of state owned and leased buildings during the last  
2875 two fiscal years, (2) summarize the status of the energy conservation  
2876 and efficiency measures [recommended by such audits, (3) summarize  
2877 all energy conservation measures implemented during the preceding  
2878 twelve months in state-owned and leased buildings which have not

2879 had such audits, (4)] undertaken at state owned and leased buildings  
2880 during the last two fiscal years, (3) analyze the availability and  
2881 allocation of funds to implement [the measures recommended under  
2882 subdivision (2) of this subsection, (5) list each budgeted agency, as  
2883 defined in section 4-69, which occupies a state-owned or leased  
2884 building and has not cooperated with the Commissioner of Public  
2885 Works and the Secretary of the Office of Policy and Management in  
2886 conducting energy and technical assistance audits of such building and  
2887 implementing operational and maintenance improvements  
2888 recommended by such audits and any other energy conservation  
2889 measures required for such building by the secretary, (6) summarize  
2890 all life-cycle cost analyses prepared under section 16a-38 during the  
2891 preceding twelve months, and summarize agency compliance with the  
2892 life-cycle cost analyses, and (7)] energy conservation and efficiency  
2893 measures in state owned and leased buildings, (4) summarize the  
2894 status of state facilities' efforts to comply with the energy performance  
2895 standards established pursuant to section 16a-38, as amended by this  
2896 act, (5) summarize the status of state agencies in achieving established  
2897 energy goals, and (6) identify any state laws, regulations or procedures  
2898 that impede innovative energy conservation and load management  
2899 projects in state buildings.

2900 [(c) The Secretary of the Office of Policy and Management, in  
2901 conjunction with the Department of Public Works, shall as soon as  
2902 practicable and where cost-effective connect all state-owned buildings  
2903 to a district heating and cooling system, where such heating and  
2904 cooling system currently exists or where one is proposed. The  
2905 secretary, in conjunction with the Department of Public Works, shall  
2906 prepare an annual report with the results of the progress in connecting  
2907 state-owned buildings to such a heating and cooling system, the cost of  
2908 such connection and any projected energy savings achieved through  
2909 any such connection. The secretary shall submit the report to the joint  
2910 standing committee of the General Assembly having cognizance of  
2911 matters relating to energy on or before January 1, 1993, and January  
2912 first annually thereafter.]

2913 [(d) The Secretary of the Office of Policy and Management]

2914 (c) The Commissioner of Energy shall require each state agency to  
2915 maximize its use of public service companies' energy conservation and  
2916 load management programs and to provide sites in its facilities for  
2917 demonstration projects of highly energy efficient equipment, provided  
2918 no such demonstration project impairs the functioning of the facility.

2919 Sec. 91. Section 16a-38 of the general statutes is repealed and the  
2920 following is substituted in lieu thereof (*Effective July 1, 2007*):

2921 (a) As used in this section, subsection (e) of section 4b-23, sections  
2922 16a-38a, as amended by this act, and 16a-38b, as amended by this act,  
2923 unless the context otherwise requires: (1) "Major capital project" means  
2924 the construction or renovation of a major facility; (2) "major facility"  
2925 means any building owned by the state or constructed or renovated  
2926 wholly or partly with state funds, including a state-financed housing  
2927 project, which is used or intended to be used as a school or which has  
2928 ten thousand or more gross square feet, or any other building so  
2929 owned, constructed or renovated which is designated a major facility  
2930 by the Commissioner of Public Works; (3) "renovation" means  
2931 additions, alterations or repairs to a major facility which the  
2932 Commissioner of Public Works finds will have a substantial effect  
2933 upon the energy consumption of the facility; (4) "life-cycle cost" means  
2934 the cost, as determined by the methodology identified in the National  
2935 Institute of Standards and Technology's special publication 544 and  
2936 interagency report 80-2040, available as set forth in the Code of Federal  
2937 Regulations, Title 15, Part 230, of a major facility including the initial  
2938 cost of its construction or renovation, the marginal cost of future  
2939 energy capacity, the cost of the energy consumed by the facility over  
2940 its expected useful life or, in the case of a leased facility, over the  
2941 remaining term of the lease, and the cost of operating and maintaining  
2942 the facility as such cost affects energy consumption; (5) "energy  
2943 performance standard" means a rate of energy consumption which is  
2944 the minimum practically achievable, on a life-cycle cost basis, by

2945 adjusting maintenance or operating procedures, modifying a  
2946 building's equipment or structure and utilizing renewable sources of  
2947 energy; (6) "energy audit" means an evaluation of, recommendations  
2948 for and improvements of the energy consumption characteristics of all  
2949 passive, active and operational energy systems and components by  
2950 demand and type of energy used including the internal energy load  
2951 imposed on a building by its occupants, equipment and components,  
2952 and the external energy load imposed on a building by the climatic  
2953 conditions at its location; (7) "renewable sources of energy" means  
2954 energy from direct solar radiation, wind, water, geothermal sources,  
2955 wood and other forms of biomass; (8) "cost effective" means that  
2956 savings exceed cost over a ten-year period; (9) "state agency" means  
2957 any department, board, commission, institution, or other agency of this  
2958 state; and (10) "covered products" means the consumer products set  
2959 forth as covered products in the Energy Policy and Conservation Act,  
2960 42 USC 6292.

2961 (b) (1) Except as provided in subsection (f) of this section, the  
2962 Commissioner of [Public Works and the Secretary of the Office of  
2963 Policy and Management] Energy shall [jointly] establish and publish  
2964 standards for life-cycle cost analyses required by this section for  
2965 buildings owned or leased by the state. Such life-cycle cost analyses for  
2966 buildings shall provide, but shall not be limited to, information on the  
2967 estimated initial cost of each energy-consuming system being  
2968 compared and evaluated, annual operating and maintenance costs of  
2969 all energy-consuming systems over the useful life of the building, cost  
2970 of energy, salvage value and the estimated replacement cost for each  
2971 energy-consuming system or component expressed in annual terms for  
2972 the useful life of the building.

2973 (2) Except as provided in subsection (f) of this section, the  
2974 Commissioner of [Administrative Services and the Secretary of the  
2975 Office of Policy and Management] Energy may jointly establish and  
2976 publish standards for life-cycle cost analyses required by this section  
2977 for equipment and appliances owned or leased by the state which are

2978 not covered products, and for such equipment and appliances which  
2979 are covered products. In establishing such standards, the  
2980 commissioner [and secretary] shall consider the criteria set forth in  
2981 subsection (j) of this section.

2982 (c) No state agency shall obtain preliminary design approval for a  
2983 major capital project unless the Commissioner of Public Works, in  
2984 consultation with the Commissioner of Energy, makes a written  
2985 determination that the design is cost effective on a life-cycle cost basis.  
2986 To make such a determination, the commissioner (1) shall require  
2987 documentation that the design meets or exceeds the standards set forth  
2988 in the National Bureau of Standards Handbook 135, or subsequent  
2989 corresponding handbook of the United States Department of  
2990 Commerce and the State Building Code, and (2) may require  
2991 additional documentation, including, but not limited to, a life-cycle  
2992 cost analysis that complies with the standards established pursuant to  
2993 subdivision (1) of subsection (b) of this section.

2994 (d) All design proposals for major capital projects shall include at  
2995 least two differing energy systems for space heating, cooling and hot  
2996 water to supplement the passive features designed into the building.  
2997 Such proposals may include computer or other analytical modeling or  
2998 simulation but shall not be construed to require the development of  
2999 architectural or mechanical design plans for each such system. All cost  
3000 evaluations of the competing energy systems shall be based on life-  
3001 cycle costs. A life-cycle cost analysis for each competing energy system  
3002 determined by the Commissioner of Public Works to meet the  
3003 standards of subsection (b) of this section shall be included as part of  
3004 the design proposal for all projects. No major capital project shall be  
3005 approved by the Commissioner of Public Works or by the State  
3006 Properties Review Board pursuant to section 4b-23, after June 30, 1980,  
3007 unless the proposed project achieves to the maximum extent  
3008 practicable the energy performance standards established in  
3009 accordance with subsection (b) or (g) of this section.

3010 (e) All applications for state funding of major capital projects shall  
3011 be accompanied by a life-cycle cost analysis which the Commissioner  
3012 of Public Works has determined complies with the standards  
3013 established pursuant to subsection (b) of this section. The  
3014 Commissioner of Public Works or the [Secretary of the Office of Policy  
3015 and Management] Commissioner of Energy may require such a life-  
3016 cycle cost analysis for projects other than major capital projects.

3017 (f) The Commissioner of Energy, in consultation with the  
3018 Commissioner of Economic and Community Development [and the  
3019 Secretary of the Office of Policy and Management] shall [jointly]  
3020 establish and publish energy performance standards for buildings  
3021 constructed as part of state-owned and state-financed housing projects  
3022 and establish standards for life-cycle cost analyses for such projects. In  
3023 establishing such standards, the [commissioner and secretary]  
3024 Commissioner of Energy shall consider (1) the coordination,  
3025 positioning and solar orientation of the project on its situs, (2) the  
3026 amount of glazing, degree of sun shading and direction of exposure,  
3027 (3) the levels of insulation incorporated into the design, (4) the variable  
3028 occupancy and operating conditions of the facility, (5) all architectural  
3029 features which affect energy consumption, and (6) the design and  
3030 location of all heating, cooling, hot water and electrical systems.

3031 (g) Notwithstanding any provision in this section concerning the  
3032 review of life-cycle cost analyses by the Commissioner of Public  
3033 Works, a life-cycle cost analysis of a major capital project prepared for  
3034 the Department of Housing shall be reviewed by the Commissioner of  
3035 Economic and Community Development and the [Secretary of the  
3036 Office of Policy and Management] Commissioner of Energy to  
3037 determine if such analysis is in compliance with the life-cycle cost  
3038 analyses standards established for such project under subsection (f) of  
3039 this section.

3040 (h) Each state agency preparing a life-cycle cost analysis under this  
3041 section shall submit a summary of the analysis to the [Secretary of the

3042 Office of Policy and Management] Commissioner of Energy.

3043 (i) Except as provided in subsection (f) of this section, the  
3044 Commissioner of [Public Works and the Secretary of the Office of  
3045 Policy and Management] Energy shall [jointly] establish and publish  
3046 energy performance standards for existing and new buildings owned  
3047 or leased by the state. Such standards shall require maximum  
3048 efficiency in energy use in all such buildings and maximum practicable  
3049 use of renewable sources of energy in all such buildings. In  
3050 establishing such standards, the commissioner [and secretary] shall  
3051 consider (1) the coordination, positioning and solar orientation of the  
3052 project on its situs, (2) the amount of glazing, degree of sun shading  
3053 and direction of exposure, (3) the levels of insulation incorporated into  
3054 the design, (4) the variable occupancy and operating conditions of the  
3055 facility, (5) all architectural features which affect energy consumption,  
3056 and (6) the design and location of all heating, cooling, hot water and  
3057 electrical systems. In establishing the standards under this subsection,  
3058 the commissioner may consult with the Office of Policy and  
3059 Management, the Department of Public Works, the Department of  
3060 Administrative Services or any other agency said commissioner deems  
3061 appropriate.

3062 (j) Except as provided in subsection (f) of this section, the  
3063 Commissioner of [Administrative Services and the Secretary of the  
3064 Office of Policy and Management] Energy may [jointly] establish and  
3065 publish energy performance standards for equipment and appliances  
3066 owned or leased by the state which are not covered products, and for  
3067 such equipment and appliances which are covered products. Any such  
3068 standards shall require maximum energy efficiency for all such  
3069 equipment and appliances and, for equipment and appliances owned  
3070 or leased by the state which are covered products, shall be more  
3071 stringent than the corresponding federal energy conservation  
3072 standards set forth in the Energy Policy and Conservation Act, 42 USC  
3073 6295, or federal regulations adopted thereunder. In establishing such  
3074 standards, the [commissioner and secretary] Commissioner of Energy

3075 shall consider, without limitation, (1) the initial cost of the equipment  
3076 or appliance, (2) the projected useful lifetime of the equipment or  
3077 appliance, (3) the projected cost of the energy that the equipment or  
3078 appliance will consume over its projected useful lifetime, (4) the  
3079 estimated operating costs for maintenance and repair, over the  
3080 projected useful lifetime of the equipment or appliance, and (5) the  
3081 positive or negative salvage value of the equipment or appliance upon  
3082 disposal at the conclusion of its projected useful lifetime. In  
3083 establishing the standards under this subsection, the commissioner  
3084 may consult with the Office of Policy and Management, the  
3085 Department of Public Works, the Department of Administrative  
3086 Services or any other agency said commissioner deems appropriate.

3087 (k) Any life-cycle cost analysis standards established pursuant to  
3088 subdivision (2) of subsection (b) of this section and any energy  
3089 performance standards established pursuant to subsection (j) of this  
3090 section shall be implemented in accordance with the purchasing  
3091 requirements set forth in chapter 58, and any regulations adopted  
3092 thereunder, and the provisions of this section and section 16a-38j.

3093 Sec. 92. Section 16a-38a of the general statutes is repealed and the  
3094 following is substituted in lieu thereof (*Effective July 1, 2007*):

3095 (a) The Commissioner of [Public Works] shall periodically conduct  
3096 on a schedule to be determined by the commissioner an energy audit  
3097 of all buildings owned by the state to determine the energy  
3098 conservation and energy consumption characteristics of such  
3099 buildings. Such energy audits shall be conducted in cooperation with  
3100 the state department, agency, board or commission occupying such  
3101 building. Such energy audits shall be conducted in accordance with  
3102 guidelines established under the "National Energy Conservation Policy  
3103 Act", Public Law 95-619, 92 Stat. 3206 (1978), as amended from time to  
3104 time. [, and with the following schedule: (1) Preliminary energy audits  
3105 of all buildings owned or leased by the state shall be completed within  
3106 one year after July 1, 1979. The results from such preliminary audits

3107 shall be used to set priorities for subsequent audits. (2) Subsequent  
3108 energy audits based on the priorities established in accordance with  
3109 subdivision (1) of this subsection, shall be initiated at a rate of at least  
3110 twenty per cent of total building floor space per year.] Each audit  
3111 procedure shall be completed within two years of its initiation.

3112 (b) [(1)] The Commissioner of [Public Works] Energy shall review  
3113 and evaluate the energy audits completed in accordance with this  
3114 section and shall, within six months, recommend to the Secretary of  
3115 the Office of Policy and Management buildings for cost effective  
3116 retrofit measures to enable such buildings to attain the energy  
3117 performance standards established under subdivision (1) of subsection  
3118 (b) of section 16a-38. [(2) It shall be a goal that beginning not later than  
3119 July 1, 1982, work to retrofit at least twenty per cent of the total floor  
3120 area of existing state-owned buildings for energy conservation shall be  
3121 commenced in each fiscal year.] Where technically feasible, renewable  
3122 sources of energy shall be used for space heating and cooling, domestic  
3123 hot water and other applications. [(3) It shall be a goal that not later  
3124 than June 30, 1991, all state-owned buildings be the subject of such  
3125 energy conservation and renewable energy retrofit measures as will  
3126 enable them to meet the energy performance standards established in  
3127 accordance with subdivision (1) of subsection (b) of section 16a-38.]

3128 (c) The Commissioner of [Public Works and the Secretary of the  
3129 Office of Policy and Management] Energy shall [jointly] develop and  
3130 publish guidelines applicable to all state agencies for an energy  
3131 efficiency maintenance program for all state-owned buildings. The  
3132 program shall include, but not be limited to, annually inspecting,  
3133 testing and tuning fossil fuel burning equipment utilized for space  
3134 heating or the production of steam or hot water for process uses. All  
3135 agencies shall cooperate in implementing such maintenance program.

3136 Sec. 93. Section 16a-38b of the general statutes is repealed and the  
3137 following is substituted in lieu thereof (*Effective July 1, 2007*):

3138 The Commissioner of [Public Works and] Energy, in consultation

3139 with the Secretary of the Office of Policy and Management, shall take  
3140 such actions as may be necessary or appropriate to enable all state  
3141 facilities to meet the energy performance standards established in  
3142 accordance with subdivision (1) of subsection (b) of section 16a-38, as  
3143 amended by this act.

3144 Sec. 94. Section 16a-38d of the general statutes is repealed and the  
3145 following is substituted in lieu thereof (*Effective July 1, 2007*):

3146 As used in this section and sections 16a-38e, as amended by this act,  
3147 to 16a-38g, inclusive:

3148 (1) "Agency" means an agency, department, board, institution or  
3149 commission, other than the State Bond Commission, of the state or any  
3150 of its political subdivisions or an agency or instrumentality of a special  
3151 governmental authority created by the state or any of its political  
3152 subdivisions.

3153 (2) "Agency decision" means any decision required to be made, or  
3154 any other action required to be taken, by any agency with respect to  
3155 any energy saving capital project.

3156 (3) "Commissioner" means the Commissioner of [Public Works]  
3157 Energy.

3158 (4) "Secretary" means the Secretary of the Office of Policy and  
3159 Management.

3160 [(4)] (5) "Energy-saving capital project" means any capital project for  
3161 the purpose of adopting energy conservation or energy efficiency  
3162 measures in a state building.

3163 Sec. 95. Section 16a-38e of the general statutes is repealed and the  
3164 following is substituted in lieu thereof (*Effective July 1, 2007*):

3165 (a) The commissioner, in consultation with the Secretary of the  
3166 Office of Policy and Management, shall adopt regulations, in

3167 accordance with the provisions of chapter 54, establishing standards  
3168 for use by said commissioner in designating certain energy-saving  
3169 capital projects as priority energy projects. Any agency of the state  
3170 may apply to the commissioner for such designation with respect to an  
3171 energy-saving capital project. The commissioner, in consultation with  
3172 the secretary, shall, within ninety days after an application is received  
3173 by him, either make or refuse to make such designation.

3174 (b) In determining whether to make such designation, the  
3175 commissioner shall consider among other things the extent to which  
3176 such project would conserve energy, the time that would normally be  
3177 required to obtain all necessary agency decisions, the adverse effects of  
3178 delay in the completion of such project, comments received concerning  
3179 such project and the extent to which the project has been assessed in  
3180 terms of cost effectiveness and energy efficiency.

3181 [(c) On or before February 1, 1992, each commissioner of a state  
3182 agency, as defined in section 4-166, shall submit a report to the joint  
3183 standing committee of the General Assembly having cognizance of  
3184 matters relating to energy and public utilities listing the projects  
3185 initiated pursuant to subsection (a) of this section.]

3186 Sec. 96. Section 16a-38i of the general statutes is repealed and the  
3187 following is substituted in lieu thereof (*Effective July 1, 2007*):

3188 (a) The energy performance standards established by the  
3189 Commissioner of [Public Works and the Secretary of the Office of  
3190 Policy and Management] Energy pursuant to section 16a-38, as  
3191 amended by this act, shall require that the [Commissioner of Public  
3192 Works, in consultation with the secretary,] commissioner establish a  
3193 process for calculating annually, from currently available data, the  
3194 average energy use per square foot in state buildings.

3195 (b) In accordance with section 16a-37u, as amended by this act, the  
3196 [secretary] Commissioner of Energy shall (1) implement a system  
3197 requiring all state agencies to use the process established by the

3198 Department of Public Works to annually calculate energy use, (2)  
3199 establish one or more thresholds of acceptability for energy use in state  
3200 buildings, and (3) [(A)] reduce energy use, on a cost-effective life-cycle  
3201 basis and within available fiscal resources as determined by the  
3202 secretary, in those buildings [under the care and control of the  
3203 Department of Public Works which] that do not meet such thresholds,  
3204 [, and (B) assist other agencies in reducing energy use, on a cost-  
3205 effective life-cycle basis and within available fiscal resources as  
3206 determined by the secretary in those buildings under their care and  
3207 control which do not meet the applicable thresholds.]

3208 Sec. 97. Section 16a-38j of the general statutes is repealed and the  
3209 following is substituted in lieu thereof (*Effective July 1, 2007*):

3210 The Department of [Public Works] Energy, in consultation with the  
3211 Secretary of the Office of Policy and Management, shall adopt  
3212 regulations, in accordance with the provisions of chapter 54,  
3213 establishing criteria to be used by each state agency in selecting  
3214 equipment for use in state buildings. Such criteria shall include a  
3215 life-cycle cost analysis. Such criteria for equipment for which energy  
3216 performance standards have been established pursuant to subsection  
3217 (j) of section 16a-38, as amended by this act, shall include such energy  
3218 performance standards.

3219 Sec. 98. Section 16a-39 of the general statutes is repealed and the  
3220 following is substituted in lieu thereof (*Effective July 1, 2007*):

3221 (a) As used in this section:

3222 (1) "Public building" means any building or portion thereof, other  
3223 than an "exempted building", which is open to the public during  
3224 normal business hours, including (A) any building which provides  
3225 facilities or shelter for public assembly, (B) any inn, hotel, motel, sports  
3226 arena, supermarket, transportation terminal, retail store, restaurant, or  
3227 other commercial establishment which provides services or retails  
3228 merchandise, and (C) any building owned or leased by the state of

3229 Connecticut or any political subdivision thereof, or by another state or  
3230 political subdivision thereof and located in Connecticut, including  
3231 libraries, museums, schools, hospitals, auditoriums, sports arenas and  
3232 university buildings;

3233 (2) "Exempted building" means (A) any building whose peak design  
3234 rate of energy usage for all purposes is less than one watt per square  
3235 foot of floor area for all purposes, (B) any building with neither a  
3236 heating nor cooling system and (C) any building owned or leased in  
3237 whole or in part by the United States; and

3238 [(3) "Commissioner" means the Commissioner of Public Works or  
3239 his designee;

3240 (4) "Secretary" means the Secretary of the Office of Policy and  
3241 Management or his designee; and]

3242 [(5)] (3) "Eligible building" means a building owned by a  
3243 municipality, located within the state and not used for public  
3244 education purposes.

3245 (b) The [commissioner] Commissioner of Energy, after consultation  
3246 [with the secretary and] with such advisory board as said [secretary]  
3247 commissioner may appoint, shall adopt, in accordance with chapter 54,  
3248 regulations establishing lighting standards for all public buildings. The  
3249 members of any such advisory board shall receive neither  
3250 compensation nor expenses for the performance of their duties.

3251 (c) The lighting standards adopted pursuant to subsection (b) of this  
3252 section shall provide for the maximum feasible energy efficiency of  
3253 lighting equipment commensurate with other factors relevant to  
3254 lighting levels and equipment, including, but not limited to, the  
3255 purposes of the lighting, reasonable economic considerations in terms  
3256 both of initial capital costs and of operating costs including nonenergy  
3257 operating costs, reasonable budgetary considerations in terms of the  
3258 feasibility of implementing changes which require a significant capital

3259 expenditure in a given time period, any constraints imposed on  
3260 lighting equipment by the nature of the activities being carried out in  
3261 the facility involved, considerations involving historic preservation or  
3262 unusual architectural features, the amount of remaining useful lifetime  
3263 which a particular structure would be expected to enjoy and the size of  
3264 the building or portion of the building involved.

3265 (d) The [commissioner] Commissioner of Energy shall, upon the  
3266 adoption of the regulations required by subsection (b) of this section,  
3267 make random inspections of public buildings to monitor compliance  
3268 with the standards established by such regulations. The commissioner  
3269 may also inspect any public buildings against which complaints  
3270 alleging violation of such standards have been received. The operator  
3271 of a public building or portion thereof shall provide access to such  
3272 inspectors at any reasonable time, including all times during which the  
3273 facility is open to the public. If an inspector is denied access to a public  
3274 building for the purposes of making an inspection in accordance with  
3275 the provisions of this section, the commissioner may apply to the  
3276 superior court for the judicial district wherein such building is located  
3277 for injunctive or other equitable relief. If upon inspection it is  
3278 determined that the lighting levels in a public building do not conform  
3279 to such standards, the inspector shall make available to the owner or  
3280 operator of such building, information regarding such standards and  
3281 the economic and energy savings expected to result from compliance  
3282 therewith. The owner or operator of a public building may, after  
3283 having taken appropriate measures to render such building in  
3284 compliance with such standards request a reinspection of such  
3285 building by the commissioner. The commissioner may, upon such  
3286 request or at his own discretion, conduct such reinspection and  
3287 determine whether or not such building has been brought into  
3288 compliance with such standards.

3289 (e) The [commissioner] Commissioner of Energy shall maintain a  
3290 listing of all public buildings found to be in compliance with the  
3291 lighting standards adopted pursuant to subsection (c) of this section.

3292 (f) The [secretary] Commissioner of Energy may award lighting  
3293 grants to municipalities for the purpose of improving the energy  
3294 efficiency of lighting equipment in eligible buildings. All lighting  
3295 grants shall be awarded based on an application, submitted by a  
3296 municipality, which sets forth the lighting conservation measures to be  
3297 implemented. Such measures shall meet the standards established  
3298 pursuant to subsection (b) of this section and be consistent with the  
3299 state energy policy, as set forth in section 16a-35k. When evaluating the  
3300 applications submitted pursuant to this section and determining the  
3301 amount of a lighting grant, the [secretary] Commissioner of Energy  
3302 shall consider the energy savings and the payback period for the  
3303 measures to be implemented and any other information which the  
3304 [secretary] Commissioner of Energy deems relevant. The funds for  
3305 lighting grants shall be provided from proceeds of bonds issued for  
3306 such purpose. The amount of each grant shall be not less than five  
3307 thousand dollars but not more than fifty thousand dollars, provided  
3308 the [secretary] Commissioner of Energy may award grants of less than  
3309 five thousand dollars or more than fifty thousand dollars if the  
3310 [secretary] Commissioner of Energy finds good cause to do so. All  
3311 public service company incentive payments contributed to any energy  
3312 conservation project at an eligible building shall be applied to pay the  
3313 principal cost of that project.

3314 Sec. 99. Section 16a-39b of the general statutes is repealed and the  
3315 following is substituted in lieu thereof (*Effective July 1, 2007*):

3316 The [Secretary of the Office of Policy and Management]  
3317 Commissioner of Energy shall convene periodic meetings, to be held at  
3318 least once every twelve months, to discuss opportunities for energy  
3319 savings by the state. Such meetings shall consist of the [secretary]  
3320 commissioner, or the [secretary's] commissioner's designee, and  
3321 representatives from each state agency that the [secretary]  
3322 commissioner determines to be among the ten agencies that consumed  
3323 the greatest amount of energy during the previous twelve months.

3324 Sec. 100. Subsection (a) of section 16a-40b of the general statutes is  
3325 repealed and the following is substituted in lieu thereof (*Effective July*  
3326 *1, 2007*):

3327 (a) The [commissioner] Commissioner of Economic and Community  
3328 Development, acting on behalf of the state, may, with respect to loans  
3329 for which funds have been authorized by the State Bond Commission  
3330 prior to July 1, 1992, in his discretion make low-cost loans or deferred  
3331 loans to residents of this state for the purchase and installation in  
3332 residential structures of insulation, alternative energy devices, energy  
3333 conservation materials and replacement furnaces and boilers,  
3334 approved in accordance with regulations to be adopted by the  
3335 [Secretary of the Office of Policy and Management] Commissioner of  
3336 Energy. In the purchase and installation of insulation in new  
3337 residential structures, only that insulation which exceeds the  
3338 requirements of the State Building Code shall be eligible for such loans  
3339 or deferred loans. The [commissioner] Commissioner of Economic and  
3340 Community Development may also make low-cost loans or deferred  
3341 loans to persons in the state residing in dwellings constructed not later  
3342 than December 31, 1979, and for which the primary source of heating  
3343 since such date has been electricity, for the purchase of a secondary  
3344 heating system using a source of heat other than electricity or for the  
3345 conversion of a primary electric heating system to a system using a  
3346 source of heat other than electricity.

3347 Sec. 101. Section 16a-41 of the general statutes is repealed and the  
3348 following is substituted in lieu thereof (*Effective July 1, 2007*):

3349 (a) Any public or private agency or organization administering an  
3350 energy assistance program which is funded or administered, in whole  
3351 or in part, by the state shall take simultaneous applications from  
3352 applicants for all energy assistance programs and energy conservation  
3353 loan, grant, audit or service programs which that agency or  
3354 organization administers and for which an applicant may be eligible  
3355 and shall provide the applicants with written summaries of all such

3356 programs administered by other agencies and organizations and for  
3357 which an applicant may be eligible. Any public or private agency or  
3358 organization administering an energy conservation loan, grant, audit  
3359 or service program or renewable resources loan, grant or service  
3360 program which is funded or administered, in whole or in part, by the  
3361 state shall provide applicants with written summaries of all other such  
3362 programs in the state for which an applicant may be eligible. The  
3363 Department of Social Services, in consultation with the Department of  
3364 Economic and Community Development and the Department of  
3365 [Public Utility Control] Energy, shall adopt regulations<sub>2</sub> in accordance  
3366 with the provisions of chapter 54<sub>2</sub> to carry out the purposes of this  
3367 subsection. Such regulations shall, without limitation, set forth  
3368 requirements for the form and content of the summaries. The  
3369 Department of Social Services shall be responsible for collecting and  
3370 disseminating information on all such programs in the state to  
3371 agencies and organizations administering the programs.

3372 (b) Any state agency which administers or funds an energy  
3373 assistance program, an energy conservation loan, grant, audit, or  
3374 service program or a renewable resources loan, grant or service  
3375 program shall adopt regulations in accordance with chapter 54 for  
3376 such program in order to protect the due process rights of the  
3377 applicants. The regulations shall include, but not be limited to, the  
3378 following, where applicable: (1) Procedures for applications and their  
3379 disposition, including record-keeping; (2) procedures for the  
3380 immediate provision of appropriate assistance to eligible applicants  
3381 who are without or in imminent danger of being without heat, hot  
3382 water or utilities; (3) standards of assistance, including eligibility and  
3383 benefits; (4) procedures for assisting elderly, handicapped, bilingual  
3384 and other persons who are unable to file such applications without  
3385 assistance; (5) procedures for assisting applicants in obtaining other  
3386 forms of assistance; (6) procedures for written notice to applicants of  
3387 the disposition of their applications and the basis for each full or  
3388 partial denial of assistance; and (7) administrative appeal procedures,  
3389 including notice to applicants of the availability of such procedures.

3390 (c) The regulations adopted under subsection (a) or (b) of this  
3391 section shall not require an applicant for assistance to be without fuel  
3392 or utility service before an agency may accept his application or as a  
3393 condition of eligibility.

3394 (d) The Department of [Public Utility Control] Energy shall assure:  
3395 (1) That any energy assistance program, energy conservation loan,  
3396 grant, audit or service program or renewable resources loan, grant or  
3397 service program concerning residential dwellings, funded or  
3398 administered by a public service company or municipal utility, shall  
3399 include provisions to address the needs of persons residing in rental  
3400 housing and persons of poverty status; and (2) that the audit report on  
3401 any audit conducted on a dwelling occupied by persons of poverty  
3402 status, under a conservation audit program funded or administered by  
3403 a public service company or municipal utility, include a section which  
3404 excerpts from the audit report the results of those audit procedures  
3405 required under weatherization or conservation programs available to  
3406 such persons.

3407 (e) As used in this section, "applicant" means a natural person or a  
3408 household seeking assistance under any program referred to in this  
3409 section.

3410 Sec. 102. Subsections (a) and (b) of section 16a-41b of the general  
3411 statutes are repealed and the following is substituted in lieu thereof  
3412 (*Effective July 1, 2007*):

3413 (a) There shall be a Low-Income Energy Advisory Board which shall  
3414 consist of the following members: The Secretary of the Office of Policy  
3415 and Management or the secretary's designee; the Commissioner of  
3416 Social Services or the commissioner's designee; the executive director  
3417 of the Commission on Aging; a representative of each electric and gas  
3418 public service company designated by each such company; the  
3419 chairperson of the Department of Public Utility Control or a  
3420 commissioner of the Department of Public Utility Control designated  
3421 by the chairperson; the Consumer Counsel or the counsel's designee;

3422 the Commissioner of Energy or the commissioner's designee; the  
3423 executive director of Operation Fuel; the executive director of Infoline;  
3424 the director of the Connecticut Local Administrators of Social Services;  
3425 the executive director of Legal Assistance Resource Center of  
3426 Connecticut; the Connecticut president of AARP; a designee of the  
3427 Norwich Public Utility; a designee of the Connecticut Petroleum  
3428 Dealers Association; and a representative of the community action  
3429 agencies administering energy assistance programs under contract  
3430 with the Department of Social Services, designated by the Connecticut  
3431 Association for Community Action.

3432 (b) The Low-Income Energy Advisory Board shall advise and assist  
3433 the Office of Policy and Management, the Department of Energy and  
3434 the Department of Social Services in the planning, development,  
3435 implementation and coordination of energy-assistance-related  
3436 programs and policies and low-income weatherization assistance  
3437 programs and policies, shall advise the Department of Public Utility  
3438 Control and the Department of Energy regarding the impact of utility  
3439 rates and policies, and shall make recommendations to the General  
3440 Assembly regarding legislation and plans subject to legislative  
3441 approval to ensure affordable access to residential energy services to  
3442 low-income state residents.

3443 Sec. 103. Section 16a-45a of the general statutes is repealed and the  
3444 following is substituted in lieu thereof (*Effective July 1, 2007*):

3445 As used in section 16a-46, as amended by this act, "participant"  
3446 means: (1) Each electric or gas company, as defined in section 16-1,  
3447 which has annual sales, other than for resale, in excess of seven  
3448 hundred fifty million kilowatt hours of electricity or ten billion cubic  
3449 feet of natural gas; (2) any company, person or entity fulfilling the  
3450 responsibilities of section 16a-46, as amended by this act, in whole or in  
3451 part, on behalf of one or more such electric or gas companies, as  
3452 determined by the [secretary] Commissioner of Energy; (3) any  
3453 petroleum product vendor registered under section 16a-22d, whose

3454 gross volume of retail fuel oil, propane or kerosene delivered in its  
3455 most recently completed year exceeds two million gallons; and (4) any  
3456 other electric or gas company, as defined in section 16-1, municipal  
3457 electric utility organized under chapter 101, municipal electric energy  
3458 cooperative organized under chapter 101a or electric cooperative  
3459 organized under chapter 597 which is included in a plan under section  
3460 16a-46a, as amended by this act, and subsequently approved by the  
3461 [secretary] commissioner, and which voluntarily participates in the  
3462 program under section 16a-46, as amended by this act.

3463 Sec. 104. Section 16a-46 of the general statutes is repealed and the  
3464 following is substituted in lieu thereof (*Effective July 1, 2007*):

3465 (a) The [Secretary of the Office of Policy and Management]  
3466 Commissioner of Energy shall be responsible for the development and  
3467 implementation of a residential energy conservation service program  
3468 in accordance with the provisions of this section, sections 16a-46a, as  
3469 amended by this act, 16a-46b, as amended by this act, and 16a-46c, as  
3470 amended by this act, and applicable federal law. Participants in the  
3471 program shall provide or arrange for low cost energy audits. No  
3472 participant under subdivision (1) or (3) of section 16a-45a, as amended  
3473 by this act, may be required to provide such services outside its  
3474 authorized service area or area of normal operation. The residential  
3475 energy conservation service program shall terminate on July 1, 2010.

3476 (b) The [secretary] commissioner, in consultation with the  
3477 Department of Public Utility Control, may adopt regulations, in  
3478 accordance with chapter 54, with regard to the conduct and  
3479 administration of such program. [Not later than January first in 1996  
3480 and 1997, each participant shall submit a report to the secretary  
3481 concerning the energy audits the participant provided or arranged for  
3482 pursuant to this section. Not later than February first in 1996 and 1997,  
3483 the secretary shall submit a report to the joint standing committee of  
3484 the General Assembly having cognizance of matters relating to energy  
3485 and technology concerning all energy audits provided or arranged for

3486 pursuant to this section.]

3487 Sec. 105. Section 16a-46a of the general statutes is repealed and the  
3488 following is substituted in lieu thereof (*Effective July 1, 2007*):

3489 (a) The [Secretary of the Office of Policy and Management]  
3490 Commissioner of Energy shall prepare and may from time to time  
3491 amend a residential energy conservation service plan which  
3492 implements the program established under section 16a-46, and which  
3493 complies with applicable federal law. The residential energy  
3494 conservation service plan shall include, but not be limited to, a  
3495 designation of the classes of residential buildings that may receive low-  
3496 cost energy audits during the period covered by the plan.

3497 (b) Prior to implementing any amendments to the residential energy  
3498 conservation service plan, the [secretary] commissioner shall submit  
3499 the plan or amendments to the joint standing committee of the General  
3500 Assembly having cognizance of matters relating to energy planning  
3501 and activities. The committee may approve or disapprove such plan or  
3502 amendments at a meeting held not later than sixty days after receipt of  
3503 the plan or amendments. If the committee takes no action with regard  
3504 to the plan or amendments during such sixty-day period, they shall be  
3505 deemed approved. Upon such approval, the [secretary] commissioner  
3506 shall submit the plans or amendments to the United States Department  
3507 of Energy as may be necessary.

3508 Sec. 106. Section 16a-46b of the general statutes is repealed and the  
3509 following is substituted in lieu thereof (*Effective July 1, 2007*):

3510 The [secretary] Commissioner of Energy shall (1) review and  
3511 evaluate, on an ongoing basis, the implementation of the plan  
3512 prepared under section 16a-46a, as amended by this act, to insure  
3513 compliance with applicable state statutes and regulations and the  
3514 provisions of such plan; (2) participate in proceedings before the  
3515 Department of Public Utility Control which involve, in whole or in  
3516 part, the implementation of said statutes, regulations or plan; and (3)

3517 report on the implementation of, and make any recommendations  
3518 concerning, said plan not later than January fifteenth, annually, to the  
3519 Governor, the joint standing committee of the General Assembly  
3520 having cognizance of matters relating to energy planning and activities  
3521 and the Legislative Program Review and Investigations Committee.

3522 Sec. 107. Section 16a-46c of the general statutes is repealed and the  
3523 following is substituted in lieu thereof (*Effective July 1, 2007*):

3524 The Department of Public Utility Control shall exercise its  
3525 regulatory responsibilities as they relate to the residential energy  
3526 conservation service program within any program guidelines  
3527 established by the [Secretary of the Office of Policy and Management]  
3528 Commissioner of Energy in regulations adopted under section 16a-46,  
3529 as amended by this act, and in the plan authorized under section 16a-  
3530 46a, as amended by this act. The [secretary] commissioner shall consult  
3531 with the department in the development of the program. The  
3532 department, in consultation with the [secretary] commissioner, may  
3533 adopt regulations in accordance with chapter 54 concerning the  
3534 conduct and administration of the program as it relates to the  
3535 department's regulatory responsibilities.

3536 Sec. 108. Section 16a-48 of the general statutes is repealed and the  
3537 following is substituted in lieu thereof (*Effective July 1, 2007*):

3538 (a) As used in this section:

3539 (1) "Department" means the Department of [Public Utility Control]  
3540 Energy;

3541 (2) "Fluorescent lamp ballast" or "ballast" means a device designed  
3542 to operate fluorescent lamps by providing a starting voltage and  
3543 current and limiting the current during normal operation, but does not  
3544 include such devices that have a dimming capability or are intended  
3545 for use in ambient temperatures of zero degrees Fahrenheit or less or  
3546 have a power factor of less than sixty-one hundredths for a single

3547 F40T12 lamp;

3548 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a  
3549 nominal forty-watt lamp, with a forty-eight-inch tube length and one  
3550 and one-half inches in diameter;

3551 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a  
3552 nominal seventy-five-watt lamp with a ninety-six-inch tube length and  
3553 one and one-half inches in diameter;

3554 (5) "Luminaire" means a complete lighting unit consisting of a  
3555 fluorescent lamp, or lamps, together with parts designed to distribute  
3556 the light, to position and protect such lamps, and to connect such  
3557 lamps to the power supply;

3558 (6) "New product" means a product that is sold, offered for sale, or  
3559 installed for the first time and specifically includes floor models and  
3560 demonstration units;

3561 [(7) "Secretary" means the Secretary of the Office of Policy and  
3562 Management;]

3563 (7) "Commissioner" means the Commissioner of Energy;

3564 (8) "State Building Code" means the building code adopted  
3565 pursuant to section 29-252;

3566 (9) "Torchiere lighting fixture" means a portable electric lighting  
3567 fixture with a reflector bowl giving light directed upward so as to give  
3568 indirect illumination;

3569 (10) "Unit heater" means a self-contained, vented fan-type  
3570 commercial space heater that uses natural gas or propane that is  
3571 designed to be installed without ducts within the heated space. "Unit  
3572 heater" does not include a product regulated by federal standards  
3573 pursuant to 42 USC 6291, as amended from time to time, a product that  
3574 is a direct vent, forced flue heater with a sealed combustion burner, or

3575 any oil fired heating system;

3576 (11) "Transformer" means a device consisting of two or more coils of  
3577 insulated wire that transfers alternating current by electromagnetic  
3578 induction from one coil to another in order to change the original  
3579 voltage or current value;

3580 (12) "Low-voltage dry-type transformer" means a transformer that:  
3581 (A) Has an input voltage of 600 volts or less; (B) is between 14 kilovolt-  
3582 amperes and 2,501 kilovolt-amperes in size; (C) is air-cooled; and (D)  
3583 does not use oil as a coolant. "Low-voltage dry-type transformer" does  
3584 not include such transformers excluded from the low-voltage dry-type  
3585 distribution transformer definition contained in the California Code of  
3586 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance  
3587 Efficiency Regulations;

3588 (13) "Pass-through cabinet" means a refrigerator or freezer with  
3589 hinged or sliding doors on both the front and rear of the refrigerator or  
3590 freezer;

3591 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination  
3592 thereof, with hinged or sliding doors or lids;

3593 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or  
3594 freezer with hinged or sliding doors that allows wheeled racks of  
3595 product to be rolled into or through the refrigerator or freezer;

3596 (16) "Commercial refrigerators and freezers" means reach-in  
3597 cabinets, pass-through cabinets, roll-in cabinets and roll-through  
3598 cabinets that have less than eighty-five feet of capacity. "Commercial  
3599 refrigerators and freezers" does not include walk-in models or  
3600 consumer products regulated under the federal National Appliance  
3601 Energy Conservation Act of 1987;

3602 (17) "Traffic signal module" means a standard eight-inch or twelve-  
3603 inch round traffic signal indicator consisting of a light source, lens and  
3604 all parts necessary for operation and communication of movement

3605 messages to drivers through red, amber and green colors;

3606 (18) "Illuminated exit sign" means an internally illuminated sign that  
3607 is designed to be permanently fixed in place and used to identify an  
3608 exit by means of a light source that illuminates the sign or letters from  
3609 within where the background of the exit sign is not transparent;

3610 (19) "Packaged air-conditioning equipment" means air-conditioning  
3611 equipment that is built as a package and shipped as a whole to end-  
3612 user sites;

3613 (20) "Large packaged air-conditioning equipment" means air-cooled  
3614 packaged air-conditioning equipment having not less than 240,000  
3615 BTUs per hour of capacity;

3616 (21) "Commercial clothes washer" means a soft mount front-loading  
3617 or soft mount top-loading clothes washer that is designed for use in  
3618 (A) applications where the occupants of more than one household will  
3619 be using it, such as in multifamily housing common areas and coin  
3620 laundries; or (B) other commercial applications, if the clothes container  
3621 compartment is no greater than 3.5 cubic feet for horizontal-axis  
3622 clothes washers, or no greater than 4.0 cubic feet for vertical-axis  
3623 clothes washers;

3624 (22) "Energy efficiency ratio" means a measure of the relative  
3625 efficiency of a heating or cooling appliance that is equal to the unit's  
3626 output in BTUs per hour divided by its consumption of energy,  
3627 measured in watts.

3628 (b) The provisions of this section apply to the testing, certification  
3629 and enforcement of efficiency standards for the following types of new  
3630 products sold, offered for sale or installed in the state: (1) Commercial  
3631 clothes washers; (2) commercial refrigerators and freezers; (3)  
3632 illuminated exit signs; (4) large packaged air-conditioning equipment;  
3633 (5) low voltage dry-type distribution transformers; (6) torchiere  
3634 lighting fixtures; (7) traffic signal modules; (8) unit heaters; and (9) any

3635 other products as may be designated by the department in accordance  
3636 with subdivision (3) of subsection (d) of this section.

3637 (c) The provisions of this section do not apply to (1) new products  
3638 manufactured in the state and sold outside the state, (2) new products  
3639 manufactured outside the state and sold at wholesale inside the state  
3640 for final retail sale and installation outside the state, (3) products  
3641 installed in mobile manufactured homes at the time of construction, or  
3642 (4) products designed expressly for installation and use in recreational  
3643 vehicles.

3644 (d) (1) Not later than July 1, 2005, the department [, in consultation  
3645 with the secretary,] shall adopt regulations, in accordance with the  
3646 provisions of chapter 54, to implement the provisions of this section  
3647 and to establish minimum energy efficiency standards for the types of  
3648 new products set forth in subsection (b) of this section. The regulations  
3649 shall provide for the following minimum energy efficiency standards:  
3650 (A) Commercial clothes washers shall meet the requirements shown in  
3651 Table P-3 of section 1605.3 of the California Code of Regulations, Title  
3652 20: Division 2, Chapter 4, Article 4; (B) commercial refrigerators and  
3653 freezers shall meet the August 1, 2004, requirements shown in Table A-  
3654 6 of said California regulation; (C) illuminated exit signs shall meet the  
3655 version 2.0 product specification of the "Energy Star Program  
3656 Requirements for Exit Signs" developed by the United States  
3657 Environmental Protection Agency; (D) large packaged air-conditioning  
3658 equipment having not more than 760,000 BTUs per hour of capacity  
3659 shall meet a minimum energy efficiency ratio of 10.0 for units using  
3660 both electric heat and air conditioning or units solely using electric air  
3661 conditioning, and 9.8 for units using both natural gas heat and electric  
3662 air conditioning; (E) large packaged air-conditioning equipment  
3663 having not less than 761,000 BTUs per hour of capacity shall meet a  
3664 minimum energy efficiency ratio of 9.7 for units using both electric  
3665 heat and air conditioning or units solely using electric air conditioning,  
3666 and 9.5 for units using both natural gas heat and electric air  
3667 conditioning; (F) low voltage dry-type distribution transformers shall

3668 meet or exceed the energy efficiency values shown in Table 4-2 of the  
3669 National Electrical Manufacturers Association Standard TP-1-2002; (G)  
3670 torchiere lighting fixtures shall not consume more than 190 watts and  
3671 shall not be capable of operating with lamps that total more than 190  
3672 watts; (H) traffic signal modules shall meet the product specification of  
3673 the "Energy Star Program Requirements for Traffic Signals" developed  
3674 by the United States Environmental Protection Agency that took effect  
3675 in February, 2001, except where the department, in consultation with  
3676 the Commissioner of Transportation, determines that such  
3677 specification would compromise safe signal operation; (I) unit heaters  
3678 shall not have pilot lights and shall have either power venting or an  
3679 automatic flue damper.

3680 (2) Such efficiency standards, where in conflict with the State  
3681 Building Code, shall take precedence over the standards contained in  
3682 the Building Code. Not later than July 1, 2007, and biennially  
3683 thereafter, the department [, in consultation with the secretary,] shall  
3684 review and increase the level of such efficiency standards by adopting  
3685 regulations in accordance with the provisions of chapter 54 upon a  
3686 determination that increased efficiency standards would serve to  
3687 promote energy conservation in the state and would be cost-effective  
3688 for consumers who purchase and use such new products, provided no  
3689 such increased efficiency standards shall become effective within one  
3690 year following the adoption of any amended regulations providing for  
3691 such increased efficiency standards.

3692 (3) The department [, in consultation with the secretary,] shall adopt  
3693 regulations, in accordance with the provisions of chapter 54, to  
3694 designate additional products to be subject to the provisions of this  
3695 section and to establish efficiency standards for such products upon a  
3696 determination that such efficiency standards (A) would serve to  
3697 promote energy conservation in the state, (B) would be cost-effective  
3698 for consumers who purchase and use such new products, and (C) that  
3699 multiple products are available which meet such standards, provided  
3700 no such efficiency standards shall become effective within one year

3701 following their adoption pursuant to this subdivision.

3702 (e) On or after July 1, 2006, except for commercial clothes washers,  
3703 for which the date shall be July 1, 2007, commercial refrigerators and  
3704 freezers, for which the date shall be July 1, 2008, and large packaged  
3705 air-conditioning equipment, for which the date shall be July 1, 2009, no  
3706 new product of a type set forth in subsection (b) of this section or  
3707 designated by the department may be sold, offered for sale, or  
3708 installed in the state unless the energy efficiency of the new product  
3709 meets or exceeds the efficiency standards set forth in such regulations  
3710 adopted pursuant to subsection (d) of this section.

3711 (f) The department [, in consultation with the secretary,] shall adopt  
3712 procedures for testing the energy efficiency of the new products set  
3713 forth in subsection (b) of this section or designated by the department  
3714 if such procedures are not provided for in the State Building Code. The  
3715 department shall use United States Department of Energy approved  
3716 test methods, or in the absence of such test methods, other appropriate  
3717 nationally recognized test methods. The manufacturers of such  
3718 products shall cause samples of such products to be tested in  
3719 accordance with the test procedures adopted pursuant to this  
3720 subsection or those specified in the State Building Code.

3721 (g) Manufacturers of new products set forth in subsection (b) of this  
3722 section or designated by the department shall certify [to the secretary]  
3723 that such products are in compliance with the provisions of this  
3724 section. The department [, in consultation with the secretary,] shall  
3725 promulgate regulations governing the certification of such products.  
3726 The [secretary] commissioner shall publish an annual list of such  
3727 products.

3728 (h) The Attorney General may institute proceedings to enforce the  
3729 provisions of this section. Any person who violates any provision of  
3730 this section shall be subject to a civil penalty of not more than two  
3731 hundred fifty dollars. Each violation of this section shall constitute a  
3732 separate offense, and each day that such violation continues shall

3733 constitute a separate offense.

3734 Sec. 109. Section 16a-49 of the general statutes is repealed and the  
3735 following is substituted in lieu thereof (*Effective July 1, 2007*):

3736 (a) The Department of Public Utility Control shall require each gas  
3737 and electric public service company to implement a cost effective  
3738 conservation and load management program consistent with  
3739 integrated resource planning principles, as determined by the  
3740 Commissioner of Energy. As part of each conservation and load  
3741 management program the department shall require specific programs  
3742 to target the needs of manufacturers. The department shall allow the  
3743 gas or electric public service company either: (1) To earn a return on  
3744 prudently incurred multiyear conservation and load management  
3745 expenditures on programs and measures approved by the department  
3746 included in the company's rate base and successfully implemented by  
3747 the company at a rate at least one percentage point but no more than  
3748 five percentage points higher than such company's rate of return  
3749 otherwise found to be reasonable; or (2) authorize a return of at least  
3750 one percentage point but no more than five percentage points on the  
3751 company's prudently incurred conservation and load management  
3752 expenditures treated as operating costs on programs and measures  
3753 approved by the department and successfully implemented by the  
3754 company. For the purposes of this section "conservation and load  
3755 management expenditures" shall include all prudent expenditures,  
3756 approved by the department by gas or electric public service  
3757 companies designed to conserve energy or manage gas or energy load.

3758 (b) The department may authorize an electric public service  
3759 company a return on such company's expenditures in acquiring energy  
3760 conservation or load management measures, approved by the  
3761 department, from private power providers, as defined in section 16-  
3762 243b.

3763 Sec. 110. Section 16a-102 of the general statutes is repealed and the  
3764 following is substituted in lieu thereof (*Effective July 1, 2007*):

3765 (a) The [Secretary of the Office of Policy and Management]  
3766 Commissioner of Energy shall coordinate all atomic development  
3767 activities in the state. Said [secretary or his] commissioner or the  
3768 commissioner's designee shall (1) advise the Governor with respect to  
3769 atomic industrial development within the state; (2) act as coordinator  
3770 of the development and regulatory activities of the state relating to the  
3771 industrial and commercial uses of atomic energy; (3) act as deputy of  
3772 the Governor in matters relating to atomic energy, including  
3773 participation in the activities of any committee formed by the New  
3774 England states to represent their interests in such matters and also  
3775 cooperation with other states and with the government of the United  
3776 States; (4) coordinate the studies, recommendations and proposals of  
3777 the several departments and agencies of the state required by section  
3778 16a-103 with each other and also with the programs and activities of  
3779 the development commission. So far as practicable, he shall coordinate  
3780 the studies conducted, and the recommendations and proposals made,  
3781 in this state with like activities in the New England and other states  
3782 and with the policies and regulations of the Energy Research and  
3783 Development Administration and the Nuclear Regulatory  
3784 Commission. In carrying out his duties, he shall proceed in close  
3785 cooperation with the development commission.

3786 (b) The several agencies of the state which are directed by section  
3787 16a-103 to initiate and pursue continuing studies are directed to keep  
3788 the [Secretary of the Office of Policy and Management] Commissioner  
3789 of Energy fully and currently informed as to their activities relating to  
3790 atomic energy. No regulation or amendment to a regulation applying  
3791 specifically to an atomic energy matter which any such agency may  
3792 propose to issue shall become effective until thirty days after it has  
3793 been submitted to the [Secretary of the Office of Policy and  
3794 Management] Commissioner of Energy, unless, upon a finding of  
3795 emergency need, the Governor by order waives all or any part of this  
3796 thirty-day period.

3797 (c) The [Secretary of the Office of Policy and Management or his]

3798 Commissioner of Energy or the commissioner's designee shall keep the  
3799 Governor and the several interested agencies informed as to private  
3800 and public activities affecting atomic industrial development and shall  
3801 enlist their cooperation in taking action to further such development as  
3802 is consistent with the health, safety and general welfare of this state.

3803 (d) Within amounts appropriated for the purposes of this section,  
3804 the [Secretary of the Office of Policy and Management] Commissioner  
3805 of Energy may retain on a contractual or other basis such assistance as  
3806 is required to carry out the purposes of this section.

3807 Sec. 111. Section 21a-86a of the general statutes is repealed and the  
3808 following is substituted in lieu thereof (*Effective July 1, 2007*):

3809 (a) On or before October 1, 1990, the Commissioner of Consumer  
3810 Protection, in consultation with the [Secretary of the Office of Policy  
3811 and Management] Commissioner of Energy, the chairperson of the  
3812 Public Utilities Control Authority, the State Building Inspector and the  
3813 Commissioners of Public Health and Environmental Protection, shall  
3814 adopt regulations, in accordance with the provisions of chapter 54,  
3815 establishing minimum efficiency standards for plumbing fixtures and  
3816 other water-using devices, as appropriate.

3817 (b) The maximum water use allowed in the regulations adopted  
3818 under subsection (a) of this section for showerheads, urinals, faucets  
3819 and replacement aerators manufactured or sold on or after October 1,  
3820 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for  
3821 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen  
3822 faucets and replacement aerators, 2.5 gallons per minute, except that  
3823 lavatories in restrooms of public facilities shall be equipped with outlet  
3824 devices which limit the flow rate to a maximum of 0.5 gallons per  
3825 minute. The maximum water use allowed in the regulations adopted  
3826 under subsection (a) of this section for tank-type toilets, flushometer-  
3827 valve toilets, flushometer-tank toilets and electromechanical hydraulic  
3828 toilets manufactured or sold on or after January 1, 1992, shall be 1.6  
3829 gallons per flush, unless and until equivalent standards for similar

3830 types of toilets are adopted by the American National Standards  
3831 Institute, Inc.

3832 (c) Notwithstanding the provisions of subsection (b) of this section,  
3833 the Commissioner of Consumer Protection, after consultation with the  
3834 [Secretary of the Office of Policy and Management] Commissioner of  
3835 Energy, the chairperson of the Public Utilities Control Authority, the  
3836 State Building Inspector and the Commissioners of Public Health and  
3837 Environmental Protection, may increase the level of efficiency for  
3838 plumbing fixtures upon determination that such increase would  
3839 promote the conservation of water and energy and be cost-effective for  
3840 consumers who purchase and use such fixtures. Any increased  
3841 efficiency standard shall be effective one year after its adoption.

3842 (d) The Commissioner of Consumer Protection, in consultation with  
3843 the [Secretary of the Office of Policy and Management] Commissioner  
3844 of Energy, the chairperson of the Public Utilities Control Authority, the  
3845 State Building Inspector and the Commissioners of Public Health and  
3846 Environmental Protection, shall adopt regulations in accordance with  
3847 the provisions of chapter 54 necessary to implement the provisions of  
3848 sections 21a-86 to 21a-86g, inclusive. Such regulations shall provide for  
3849 (1) the sale of plumbing fixtures which do not meet the standards if the  
3850 commissioner determines that compliance is not feasible or an  
3851 unnecessary hardship exists, and (2) the sale of plumbing fixtures,  
3852 including, but not limited to, antique reproduction plumbing fixtures,  
3853 which do not meet the standards, provided such plumbing fixtures  
3854 were in stock in a store located in the state before October 1, 1990, if a  
3855 showerhead, urinal, faucet or replacement aerator or before January 1,  
3856 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank  
3857 toilet or electromechanical hydraulic toilet.

3858 Sec. 112. Section 32-317 of the general statutes is repealed and the  
3859 following is substituted in lieu thereof (*Effective July 1, 2007*):

3860 (a) The [commissioner] Commissioner of Economic and Community  
3861 Development, acting on behalf of the state, may in his discretion make

3862 loans or deferred loans to residents of this state for the purchase and  
3863 installation in residential structures of insulation, alternative energy  
3864 devices, energy conservation materials and replacement furnaces and  
3865 boilers, approved in accordance with regulations to be adopted by the  
3866 [Secretary of the Office of Policy and Management] Commissioner of  
3867 Energy. In the purchase and installation of insulation in new  
3868 residential structures, only that insulation which exceeds the  
3869 requirements of the State Building Code shall be eligible for such loans  
3870 or deferred loans. The [commissioner] Commissioner of Economic and  
3871 Community Development may also make loans or deferred loans to  
3872 persons in the state residing in dwellings constructed not later than  
3873 December 31, 1979, and for which the primary source of heating since  
3874 such date has been electric resistance, for (1) the purchase and  
3875 installation of a high-efficiency secondary heating system using a  
3876 source of heat other than electric resistance, (2) the conversion of a  
3877 primary electric heating system to a high-efficiency system using a  
3878 source of heat other than electric resistance, or (3) the purchase and  
3879 installation of a high-efficiency combination heating and cooling  
3880 system. As used in this subsection, "high-efficiency" means having a  
3881 seasonal energy efficiency ratio of 11.0 or higher or a heating season  
3882 performance factor of 7.2 or higher as designated by the American  
3883 Refrigeration Institute in the Directory of Certified Unitary Air  
3884 Conditioners, Air Source Heat Pumps and Outdoor Unitary  
3885 Equipment, as from time to time amended, or an equivalent ratio for a  
3886 fossil fuel system.

3887 (b) Except as provided under subsection (c) of this section, any such  
3888 loan or deferred loan shall be available only for a residential structure  
3889 containing not more than four dwelling units, shall be not less than  
3890 four hundred dollars and not more than fifteen thousand dollars per  
3891 structure and shall be made only to an applicant who submits  
3892 evidence, satisfactory to the [commissioner] Commissioner of  
3893 Economic and Community Development, that the adjusted gross  
3894 income of the household member or members who contribute to the  
3895 support of his household was not in excess of one hundred fifty per

3896 cent of the median area income by household size. Repayment of all  
3897 loans or deferred loans made under this subsection shall be subject to a  
3898 rate of interest to be determined in accordance with subsection (t) of  
3899 section 3-20 and such terms and conditions as the commissioner may  
3900 establish. The State Bond Commission shall establish a range of rates of  
3901 interest payable on all loans or deferred loans under this subsection  
3902 and shall apply the range to applicants in accordance with a formula  
3903 which reflects their income. Such range shall be not less than zero per  
3904 cent for any applicant in the lowest income class and not more than  
3905 one per cent above the rate of interest borne by the general obligation  
3906 bonds of the state last issued prior to the most recent date such range  
3907 was established for any applicant for whom the adjusted gross income  
3908 of the household member or members who contribute to the support  
3909 of his household was at least one hundred fifteen per cent of the  
3910 median area income by household size.

3911 (c) The [commissioner] Commissioner of Economic and Community  
3912 Development shall establish a program under which he shall make  
3913 funds authorized under section 32-318 available for loans or deferred  
3914 loans under subsection (a) of this section for residential structures  
3915 containing more than four dwelling units, or for contracts  
3916 guaranteeing payment of loans provided by private institutions for  
3917 such structures for the purposes specified under subsection (a) of this  
3918 section. Any such loan or deferred loan shall be an amount equaling  
3919 not more than two thousand dollars multiplied by the number of  
3920 dwelling units in such structure, provided no such loan shall exceed  
3921 sixty thousand dollars. If the applicant seeks a loan or deferred loan for  
3922 a structure containing more than thirty dwelling units, he shall include  
3923 in his application a commitment to make comparable energy  
3924 improvements of benefit to all dwelling units in the structure in  
3925 addition to the thirty units which are eligible for the loan or deferred  
3926 loan. Applications for contracts of guarantee shall be limited to  
3927 structures containing not more than thirty dwelling units and the  
3928 amount of the guarantee shall be not more than three thousand dollars  
3929 for each dwelling unit benefiting from the loan. There shall not be an

3930 income eligibility limitation for applicants for such loans, deferred  
3931 loans or guarantees, but the commissioner shall give preference to  
3932 applications for loans, deferred loans or guarantees for such structures  
3933 which are occupied by persons of low or moderate income. Repayment  
3934 of such loans or deferred loans shall be subject to such rates of interest,  
3935 terms and conditions as the commissioner shall establish. The state  
3936 shall have a lien on each property for which a loan, deferred loan or  
3937 guarantee has been made under this section to ensure compliance with  
3938 such terms and conditions.

3939 (d) With respect to all loans or deferred loans under this section, any  
3940 repayments of principal shall be paid to the State Treasurer for deposit  
3941 in the energy conservation revolving loan account. The interest  
3942 applicable to any such loans made shall be paid to the State Treasurer  
3943 for deposit in the General Fund. In the case of a deferred loan,  
3944 payments on interest are due and payable but payments on principal  
3945 may be deferred to a time certain.

3946 (e) The [commissioner] Commissioner of Economic and Community  
3947 Development shall adopt regulations, in accordance with chapter 54,  
3948 (1) concerning qualifications for such loans or deferred loans,  
3949 requirements and limitations as to adjustments of terms and conditions  
3950 of repayment and any additional requirements deemed necessary to  
3951 carry out the provisions of this section and to assure that those tax-  
3952 exempt bonds and notes used to fund such loans qualify for exemption  
3953 from federal income taxation, (2) providing for the maximum feasible  
3954 availability of such loans or deferred loans for dwelling units owned or  
3955 occupied by persons of low and moderate income, (3) establishing  
3956 procedures to inform such persons of the availability of such loans or  
3957 deferred loans and to encourage and assist them to apply for such  
3958 loans and (4) providing that (A) the interest payments received from  
3959 the recipients of loans or deferred loans, less the expenses incurred by  
3960 the commissioner in the implementation of the program of loans,  
3961 deferred loans and loan guarantees under this section, and (B) the  
3962 payments received from electric, electric distribution and gas

3963 companies under subsection (f) of this section shall be applied to  
3964 reimburse the General Fund for interest on the outstanding bonds and  
3965 notes used to fund such loans or deferred loans.

3966 (f) Not later than August first, annually, the [commissioner]  
3967 Commissioner of Economic and Community Development shall  
3968 calculate the difference between (1) the weighted average of the  
3969 percentage rates of interest payable on all subsidized loans or deferred  
3970 loans made from the energy conservation loan program authorized  
3971 under sections 32-315 to 32-318, inclusive, and (2) the average of the  
3972 percentage rates of interest on any bonds and notes issued pursuant to  
3973 section 3-20, which have been dedicated to the energy conservation  
3974 loan program under sections 32-315 to 32-318, inclusive, and used to  
3975 fund such loans or deferred loans, and multiply such difference by the  
3976 outstanding amount of all such loans or deferred loans, or such lesser  
3977 amount as may be required under Section 103(b)(2) of the Internal  
3978 Revenue Code of 1986, or any subsequent corresponding internal  
3979 revenue code of the United States, as from time to time amended. The  
3980 product of such difference and such applicable amount shall not  
3981 exceed six per cent of the sum of the outstanding principal amount at  
3982 the end of each fiscal year of all loans or deferred loans made under  
3983 the energy conservation loan program authorized under sections 32-  
3984 315 to 32-318, inclusive, and the balance remaining in the energy  
3985 conservation revolving loan account. Not later than September first,  
3986 annually, the Department of Public Utility Control shall allocate such  
3987 product among each electric, electric distribution and gas company  
3988 having at least seventy-five thousand customers, in accordance with a  
3989 formula taking into account, without limitation, the average number of  
3990 residential customers of each company. Not later than October first,  
3991 annually, each such company shall pay its assessed amount to the  
3992 commissioner. The commissioner shall pay to the State Treasurer for  
3993 deposit in the General Fund all such payments from electric, electric  
3994 distribution and gas companies, and shall adopt procedures to assure  
3995 that such payments are not used for purposes other than those  
3996 specifically provided in this section. The department shall include each

3997 company's payment as an operating expense of the company for the  
 3998 purposes of rate-making under section 16-19.

3999 Sec. 113. Subdivision (16) of subsection (d) of section 2c-2b, section  
 4000 16-11a, subsection (g) of section 16-50i, subdivision (3) of subsection (a)  
 4001 of section 16-50l, subsection (j) of section 16-243m and sections 16-244d,  
 4002 16a-1, 16a-3, 16a-7c, 16a-8, 16a-14, 16a-22c, 16a-22d, 16a-22e, 16a-22g,  
 4003 16a-22h, 16a-22j, 16a-37c and 16a-37v of the general statutes are  
 4004 repealed. (*Effective July 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>July 1, 2007</i>	New section
Sec. 4	<i>July 1, 2007</i>	New section
Sec. 5	<i>July 1, 2007</i>	New section
Sec. 6	<i>July 1, 2007</i>	4-5
Sec. 7	<i>July 1, 2007</i>	4-38c
Sec. 8	<i>July 1, 2007</i>	4-65a(a)
Sec. 9	<i>July 1, 2007</i>	4a-57(e)(2)
Sec. 10	<i>July 1, 2007</i>	8-37jj
Sec. 11	<i>July 1, 2007</i>	13a-110a(f)
Sec. 12	<i>July 1, 2007</i>	16-2(a) and (b)
Sec. 13	<i>July 1, 2007</i>	16-2(d)
Sec. 14	<i>July 1, 2007</i>	16-2(j)
Sec. 15	<i>July 1, 2007</i>	16-2a(a)
Sec. 16	<i>July 1, 2007</i>	16-6a
Sec. 17	<i>July 1, 2007</i>	16-6b
Sec. 18	<i>July 1, 2007</i>	16-12
Sec. 19	<i>July 1, 2007</i>	16-13
Sec. 20	<i>July 1, 2007</i>	16-14
Sec. 21	<i>July 1, 2007</i>	16-16
Sec. 22	<i>July 1, 2007</i>	16-19(a)
Sec. 23	<i>July 1, 2007</i>	16-19a(a)
Sec. 24	<i>July 1, 2007</i>	16-19e(c) and (d)
Sec. 25	<i>July 1, 2007</i>	16-19cc
Sec. 26	<i>July 1, 2007</i>	16-19ee

Sec. 27	July 1, 2007	16-19mm
Sec. 28	July 1, 2007	New section
Sec. 29	July 1, 2007	16-19nn
Sec. 30	July 1, 2007	16-19ss(a)
Sec. 31	July 1, 2007	16-32e(b)
Sec. 32	July 1, 2007	16-32f
Sec. 33	July 1, 2007	16-32g
Sec. 34	July 1, 2007	16-48
Sec. 35	July 1, 2007	16-48a
Sec. 36	July 1, 2007	16-49(b)
Sec. 37	July 1, 2007	16-49(d)
Sec. 38	July 1, 2007	16-50j
Sec. 39	July 1, 2007	16-50l(e)
Sec. 40	July 1, 2007	16-50p(a)(2)
Sec. 41	July 1, 2007	16-50r(a)
Sec. 42	July 1, 2007	16-50bb(a)
Sec. 43	July 1, 2007	16-243f
Sec. 44	July 1, 2007	16-243k
Sec. 45	July 1, 2007	16-243m(k) through (m)
Sec. 46	July 1, 2007	16-244c(c)
Sec. 47	July 1, 2007	16-244c(d)
Sec. 48	July 1, 2007	16-244c(f)
Sec. 49	July 1, 2007	16-244c(j)(2)
Sec. 50	July 1, 2007	New section
Sec. 51	July 1, 2007	16-245l(a)
Sec. 52	July 1, 2007	16-245m(c)
Sec. 53	July 1, 2007	16-245m(d)
Sec. 54	July 1, 2007	16-245m(f)
Sec. 55	July 1, 2007	16-245n(d)
Sec. 56	July 1, 2007	16-245n
Sec. 57	from passage	New section
Sec. 58	July 1, 2007	16-245p(a)
Sec. 59	July 1, 2007	16-245t
Sec. 60	July 1, 2007	16-245u
Sec. 61	July 1, 2007	16-245x
Sec. 62	July 1, 2007	16-245y
Sec. 63	July 1, 2007	16-245z
Sec. 64	July 1, 2007	16-246e
Sec. 65	July 1, 2007	16-261a
Sec. 66	July 1, 2007	16-262c(b)(4)

Sec. 67	July 1, 2007	16-262c(b)(5)
Sec. 68	July 1, 2007	16-280h
Sec. 69	July 1, 2007	16a-2
Sec. 70	July 1, 2007	16a-4
Sec. 71	July 1, 2007	16a-4a
Sec. 72	July 1, 2007	16a-5
Sec. 73	July 1, 2007	16a-6
Sec. 74	July 1, 2007	New section
Sec. 75	July 1, 2007	16a-7a
Sec. 76	July 1, 2007	16a-7b
Sec. 77	July 1, 2007	16a-9
Sec. 78	July 1, 2007	16a-13
Sec. 79	July 1, 2007	16a-13a
Sec. 80	July 1, 2007	16a-13b
Sec. 81	July 1, 2007	16a-14a
Sec. 82	July 1, 2007	16a-14b
Sec. 83	July 1, 2007	16a-14e
Sec. 84	July 1, 2007	16a-16
Sec. 85	July 1, 2007	16a-20
Sec. 86	July 1, 2007	16a-22
Sec. 87	July 1, 2007	16a-22i
Sec. 88	July 1, 2007	16a-23t
Sec. 89	July 1, 2007	16a-37f
Sec. 90	July 1, 2007	16a-37u
Sec. 91	July 1, 2007	16a-38
Sec. 92	July 1, 2007	16a-38a
Sec. 93	July 1, 2007	16a-38b
Sec. 94	July 1, 2007	16a-38d
Sec. 95	July 1, 2007	16a-38e
Sec. 96	July 1, 2007	16a-38i
Sec. 97	July 1, 2007	16a-38j
Sec. 98	July 1, 2007	16a-39
Sec. 99	July 1, 2007	16a-39b
Sec. 100	July 1, 2007	16a-40b(a)
Sec. 101	July 1, 2007	16a-41
Sec. 102	July 1, 2007	16a-41b(a) and (b)
Sec. 103	July 1, 2007	16a-45a
Sec. 104	July 1, 2007	16a-46
Sec. 105	July 1, 2007	16a-46a
Sec. 106	July 1, 2007	16a-46b

Sec. 107	<i>July 1, 2007</i>	16a-46c
Sec. 108	<i>July 1, 2007</i>	16a-48
Sec. 109	<i>July 1, 2007</i>	16a-49
Sec. 110	<i>July 1, 2007</i>	16a-102
Sec. 111	<i>July 1, 2007</i>	21a-86a
Sec. 112	<i>July 1, 2007</i>	32-317
Sec. 113	<i>July 1, 2007</i>	Repealer section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*