



General Assembly

**Substitute Bill No. 6512**

January Session, 2009

\* \_\_\_\_\_ HB06512ET \_\_\_\_\_ 031909 \_\_\_\_\_ \*

**AN ACT CONCERNING THE ELECTRIC CONTRACT PROCUREMENT PROCESS.**

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

1 Section 1. Subsection (c) of section 16-244c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

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

10 (2) Not later than October 1, 2006, and periodically as required by  
11 subdivision (3) of this subsection, but not more often than every  
12 calendar quarter, the Department of Public Utility Control shall  
13 establish the standard service price for such customers pursuant to  
14 subdivision (3) of this subsection. Each electric distribution company  
15 shall recover the actual net costs of procuring and providing electric  
16 generation services pursuant to this subsection, provided such  
17 company mitigates the costs it incurs for the procurement of electric  
18 generation services for customers who are no longer receiving service

19 pursuant to this subsection.

20 (3) An electric distribution company providing electric generation  
21 services pursuant to this subsection shall mitigate the variation of the  
22 price of the service offered to its customers by procuring electric  
23 generation services contracts in the manner prescribed in a plan  
24 approved by the department. Such plan shall require the procurement  
25 of a portfolio of service contracts sufficient to meet the projected load  
26 of the electric distribution company. Such plan shall require that the  
27 portfolio of service contracts be procured in an overlapping pattern of  
28 fixed periods at such times and in such manner and duration as the  
29 department determines to be most likely to produce just, reasonable  
30 and reasonably stable retail rates while reflecting underlying  
31 wholesale market prices over time. The portfolio of contracts shall be  
32 assembled in such manner as to invite competition; guard against  
33 favoritism, improvidence, extravagance, fraud and corruption; and  
34 secure a reliable electricity supply while avoiding unusual, anomalous  
35 or excessive pricing. The portfolio of contracts procured under such  
36 plan shall be for terms of not less than six months, provided contracts  
37 for shorter periods may be procured under such conditions as the  
38 department shall prescribe to (A) ensure the lowest rates possible for  
39 end-use customers; (B) ensure reliable service under extraordinary  
40 circumstances; and (C) ensure the prudent management of the contract  
41 portfolio. An electric distribution company may receive a bid for an  
42 electric generation services contract from any of its generation entities  
43 or affiliates, provided such generation entity or affiliate submits its bid  
44 the business day preceding the first day on which an unaffiliated  
45 electric supplier may submit its bid and further provided the electric  
46 distribution company and the generation entity or affiliate are in  
47 compliance with the code of conduct established in section 16-244h.

48 (4) On or before July 1, 2010, each electric distribution company  
49 providing electric generation services pursuant to this subsection shall  
50 file with the department a procurement plan that provides for a  
51 transition from sole reliance on full requirements generation service

52 contracts for standard service supply to a procurement process in  
53 which the distribution company manages a portfolio of electric  
54 generation supply resources by January 1, 2012. Each electric  
55 distribution company shall develop such portfolio in a manner that  
56 mitigates the variation of the price of the service offered to the electric  
57 distribution company's customers by blending short and mid-term  
58 market purchases at prevailing market prices with long-term  
59 purchases at prices aligned with the cost of electricity production. Such  
60 plan shall specify the method for purchasing power for standard  
61 service and the electric distribution companies may (A) procure load  
62 following full requirements service contracts in a manner similar to  
63 that pursuant to subdivision (3) of this subsection; (B) procure  
64 individual electric supply components, including, but not limited to,  
65 base load, intermediate and peaking energy resources, capacity and  
66 other power supply services, using requests for proposals, bilateral  
67 contracts outside the request for proposals process and the regional  
68 power market; and (C) procure physical and financial hedges to  
69 manage prices, including, but not limited to, tolling arrangements and  
70 financial transmission rights. Such plan shall describe how an electric  
71 distribution company shall, over time, transition to its new supply  
72 aggregation role and manage the power supply portfolio on a real-time  
73 basis to optimize supply for the benefit of customers. The department  
74 shall set standard service rates in accordance with subdivision (2) of  
75 this subsection, provided such rates will be trued up to actual revenues  
76 and expenses twice per year, with any over or under recovery being  
77 included in either the current period or subsequent standard service  
78 rate, as determined by the department. An electric distribution  
79 company shall recover the reasonable costs it incurs to provide such  
80 service.

81 [(4) The] (5) In approving a plan pursuant to subdivision (3) or (4) of  
82 this subsection, the department, in consultation with the Office of  
83 Consumer Counsel, shall retain the services of a third-party entity with  
84 expertise in the area of energy procurement to oversee the initial  
85 development of the request for proposals and the procurement of

86 contracts by an electric distribution company for the provision of  
87 electric generation services offered pursuant to this subsection. Costs  
88 associated with the retention of such third-party entity shall be  
89 included in the cost of electric generation services that is included in  
90 such price.

91 [(5) Each] (6) For resources acquired pursuant to subdivision (3) of  
92 this subsection, each bidder for a standard service contract shall  
93 submit its bid to the electric distribution company and the third-party  
94 entity who shall jointly review the bids and submit an overview of all  
95 bids together with a joint recommendation to the department as to the  
96 preferred bidders. The department may, within ten business days of  
97 submission of the overview, reject the recommendation regarding  
98 preferred bidders. In the event that the department rejects the  
99 preferred bids, the electric distribution company and the third-party  
100 entity shall rebid the service pursuant to this subdivision.

101 Sec. 2. (NEW) (*Effective from passage*) (a) Each electric distribution  
102 company shall apply for any federal economic recovery funds received  
103 by the state pursuant to any federal economic stimulus recovery  
104 legislation passed in 2008 or 2009 for energy purposes for any qualified  
105 project. Any money received by such electric distribution companies  
106 shall be used to offset costs to customers.

107 (b) On or before February 1, 2010, each electric distribution  
108 company shall report, in accordance with the provisions of section 11-  
109 4a of the general statutes, to the joint standing committee of the  
110 General Assembly having cognizance of matters relating to energy  
111 regarding federal economic recovery funds applied for and received, if  
112 applicable.

113 Sec. 3. (NEW) (*Effective from passage*) The Department of Public  
114 Utility Control shall direct the electric distribution companies to seek  
115 proposals to renegotiate any outstanding contracts pursuant to section  
116 16-244c of the general statutes. If any electric distribution company  
117 receives proposals and renegotiates contracts pursuant to this section,

118 the department shall conduct a contested case proceeding to determine  
119 if reopening such contracts has resulted in lower prices for consumers.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-244c(c)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

**ET**      *Joint Favorable Subst.*