



General Assembly

January Session, 2009

Raised Bill No. 6633

LCO No. 4435

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Referred to Committee on Energy and Technology

Introduced by:

(ET)

**AN ACT CONCERNING RECOMMENDATIONS OF THE
CONNECTICUT ACADEMY FOR SCIENCE AND ENGINEERING
REGARDING CONSOLIDATION OF ENERGY PROGRAMS AND A
SECRETARY OF ENERGY.**

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

1 Section 1. (NEW) (*Effective from passage*) There is established an
2 Energy Office, which shall be within the Office of Policy and
3 Management for administrative purposes only. The executive head of
4 such office shall be the Secretary of Energy, who shall be appointed by
5 the Governor in accordance with the provisions of sections 4-5 to 4-8,
6 inclusive, of the general statutes, as amended by this act, with the
7 powers and duties prescribed in section 2 of this act.

8 Sec. 2. (NEW) (*Effective from passage*) (a) The Secretary of Energy
9 shall have the following powers, duties and responsibilities: (1) To
10 serve as the chairperson of the coordinating council, established
11 pursuant to section 3 of this act; (2) to serve as an ex-officio member of
12 and provide support to the Connecticut Energy Advisory Group,
13 established pursuant to section 4 of this act; and (3) to report annually
14 on or before January first to the joint standing committee of the

15 General Assembly having cognizance of matters relating to energy in
16 accordance with the provisions of section 11-4a of the general statutes
17 regarding the Energy Office programs and activities.

18 (b) In the course of performing the powers, duties and
19 responsibilities pursuant to subsection (a) of this section, the secretary
20 shall give consideration to: (1) Maximizing energy efficiency; (2)
21 favoring environmentally-friendly solutions; (3) maximizing the use of
22 renewable and clean energy; (4) diversifying fuel source mix for
23 electricity production; (5) reducing dependence on fossil fuels, while
24 exploring the potential for clean coal technologies; (6) investing in
25 innovative clean energy technologies through grants, loans, technical
26 assistance and business development, as well as developing a research-
27 based program that is linked to market deployment, and continued
28 funding for operational demonstration programs; (7) fostering energy
29 interdependence by collaborating with other states and regions to
30 acquire energy rather than striving to be independent by producing all
31 energy within the state, as well as supporting fuel sources indigenous
32 to Connecticut; (8) encouraging the development and growth of
33 industries in the renewable energy, energy efficiency and
34 transportation alternatives sectors, as well as job creation; (9) helping
35 to account for the environmental ramifications of energy-related
36 deliberations and external interactions by recognizing the implications
37 of environmental initiatives on energy policy, planning and programs;
38 (10) identifying, seeking, procuring and utilizing federal dollars by
39 having a mechanism in place to aggressively pursue clean and
40 renewable energy research grants and related required matching funds
41 and program implementation funding; (11) establishing effective
42 working interfaces with the federal government to facilitate access to
43 resources and to contribute to state and national energy goals; (12)
44 working with other states regarding regional planning to expand upon
45 current regional initiatives; (13) promoting regional transmission and
46 electricity planning to meet regional renewable objectives; (14)
47 working with the Connecticut congressional delegation to advance
48 state energy priorities at the federal level; and (15) informing the

49 public about energy initiatives and encouraging education initiatives
50 in the kindergarten through grade twelve, and higher, educational
51 systems.

52 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a
53 coordinating council, which shall develop and continually update the
54 state's energy vision, policy and planning and shall consist of (1) the
55 Secretary of Energy, who shall serve as the chairperson; (2) the
56 Commissioner of Agriculture, or the commissioner's designee; (3) the
57 president of the Connecticut Clean Energy Fund, or the president's
58 designee; (4) the Commissioner of Transportation, or the
59 commissioner's designee; (5) the Commissioner of Administrative
60 Services, or the commissioner's designee; (6) the Commissioner of
61 Economic and Community Development, or the commissioner's
62 designee; (7) the Commissioner of Environmental Protection, or the
63 commissioner's designee; (8) the chairperson of the Public Utilities
64 Control Authority, or the chairperson's designee; (9) the Commissioner
65 of Emergency Management and Homeland Security, or the
66 commissioner's designee; (10) the Consumer Counsel, or the Consumer
67 Counsel's designee; (11) the Secretary of the Office of Policy and
68 Management, or the secretary's designee; and (12) the executive
69 director of the Connecticut Siting Council, or the executive director's
70 designee.

71 (b) The coordinating council shall meet at least monthly,
72 commencing on or before September 30, 2009.

73 Sec. 4. (NEW) (*Effective from passage*) (a) There is established a
74 Connecticut Energy Advisory Group consisting of fifteen members
75 appointed as follows: (1) The Governor shall appoint three members,
76 at least two of whom shall be energy stakeholders from business and
77 industry, energy-related organizations or energy consumer groups; (2)
78 the president pro tempore of the Senate shall appoint two members, at
79 least one of whom shall be an energy stakeholder from business and
80 industry, an energy-related organization or an energy consumer

81 group; (3) the speaker of the House of Representatives shall appoint
82 two members, at least one of whom shall be an energy stakeholder
83 from business and industry, an energy-related organization or an
84 energy consumer group; (4) the majority leader of the Senate shall
85 appoint two members, at least one of whom shall be an energy
86 stakeholder from business and industry, an energy-related
87 organization or an energy consumer group; (5) the majority leader of
88 the House of Representatives shall appoint two members, at least one
89 of whom shall be an energy stakeholder from business and industry,
90 an energy-related organization or an energy consumer group; (6) the
91 minority leader of the Senate shall appoint two members, at least one
92 of whom shall be an energy stakeholder from business and industry,
93 an energy-related organization or an energy consumer group; and (7)
94 the minority leader of the House of Representatives shall appoint two
95 members, at least one of whom shall be an energy stakeholder from
96 business and industry, an energy-related organization or an energy
97 consumer group. All appointed members shall serve in accordance
98 with section 4-1a of the general statutes. Members shall serve for terms
99 of two years and no member shall serve more than two consecutive
100 terms. The Secretary of Energy shall be an ex-officio, nonvoting
101 member and the Energy Office shall provide administrative support
102 for the advisory group. Any member who fails to attend three
103 consecutive meetings or fifty per cent of all meetings in any calendar
104 year shall be deemed to have resigned. The president pro tempore of
105 the Senate and the speaker of the House of Representatives shall
106 jointly choose, from among the members, a chairperson and a vice-
107 chairperson to act in the chairperson's absence.

108 (b) The advisory group shall meet at least quarterly, commencing on
109 or before December 31, 2009. A majority of the members shall
110 constitute a quorum.

111 (c) The advisory group shall provide the Energy Office and the
112 coordinating council with input from energy stakeholders, while
113 maintaining awareness of state energy activities, policy and planning.

114 (d) The advisory group shall have the following goals: (1) To review
115 the impacts of oil shortages, long-term availability and price increases
116 on the living standards and food security of residents and farmers; (2)
117 to reduce carbon emissions by increasing reliance on renewable and
118 clean energy sources and promote energy independence, local energy
119 production and distributed generation; (3) to coordinate and evaluate
120 short and long-term energy policies, planning and programs and their
121 implementation; (4) to react to and anticipate change within the state's
122 broader external environment, with an emphasis on initiatives and
123 opportunities that might be forthcoming from the federal government
124 and other states; and (5) to ensure that state policies, regulations and
125 programs that provide for energy production, distribution and use are
126 consistent with state environmental laws and regulations, broader
127 state environmental goals and objectives and the need to reduce
128 greenhouse gas emissions.

129 Sec. 5. (NEW) (*Effective from passage*) (a) The Secretary of Energy
130 shall (1) provide leadership for the coordination and facilitation of
131 actions of the various agencies, departments and organizations to
132 assure the implementation of policy and plans and the accountability
133 for the state's energy-related programs; (2) serve as the executive
134 branch's liaison to the Governor, the General Assembly, the federal
135 government and other states on energy related issues; (3) be
136 responsible for developing policies, plans and programs in
137 consultation with the coordinating council while benefiting from
138 guidance and input from the advisory group; (4) conduct an
139 assessment of staff requirements in consultation with the coordinating
140 council to determine future staff requirements of the Energy Office and
141 whether action committees or working groups can be formed with
142 staff from various agencies to assist with initiatives and projects or
143 when new issues arise; (5) routinely review and comment on all
144 existing and proposed energy-related budget items and programs of
145 all state agencies and departments; (6) report at least annually, in
146 accordance with the provisions of section 11-4a of the general statutes,
147 to the joint standing committee of the General Assembly having

148 cognizance of matters relating to energy regarding activities of the
149 Energy Office and the coordinating council and about challenges and
150 opportunities that have emerged for short and long-term
151 consideration; (7) produce an annual report and hold an annual
152 conference to report on annual progress in achieving goals and to
153 identify ways to improve programs and amend future plans; and (8)
154 report, in accordance with the provisions of section 11-4a of the general
155 statutes, to the joint standing committee of the General Assembly
156 having cognizance of matters relating to energy as needed about
157 specific issues that arise between scheduled reports in accordance with
158 the provisions of section 11-4a of the general statutes.

159 (b) The secretary, in consultation with the coordinating council,
160 shall analyze all energy-related programs in the state to determine the
161 best way to provide services to program recipients and to achieve
162 program goals and objectives and to determine whether programs may
163 be consolidated. The secretary shall report, in accordance with the
164 provisions of section 11-4a of the general statutes, the findings of such
165 analysis to the joint standing committee of the General Assembly
166 having cognizance of matters relating to energy on or before January
167 10, 2010.

168 Sec. 6. Section 16-50l of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective from passage*):

170 (a) (1) To initiate a certification proceeding, an applicant for a
171 certificate shall file with the [council] Connecticut Siting Council an
172 application, in such form as the [council] Connecticut Siting Council
173 may prescribe, accompanied by a filing fee of not more than twenty-
174 five thousand dollars, which fee shall be established in accordance
175 with section 16-50t, and a municipal participation fee of twenty-five
176 thousand dollars to be deposited in the account established pursuant
177 to section 16-50bb, except that an application for a facility described in
178 subdivision (5) or (6) of subsection (a) of section 16-50i shall not pay
179 such municipal participation fee. An application shall contain such

180 information as the applicant may consider relevant and the [council]
181 Connecticut Siting Council or any department or agency of the state
182 exercising environmental controls may by regulation require,
183 including the following information:

184 (A) In the case of facilities described in subdivisions (1), (2) and (4)
185 of subsection (a) of section 16-50i: (i) A description, including
186 estimated costs, of the proposed transmission line, substation or
187 switchyard, covering, where applicable underground cable sizes and
188 specifications, overhead tower design and appearance and heights, if
189 any, conductor sizes, and initial and ultimate voltages and capacities;
190 (ii) a statement and full explanation of why the proposed transmission
191 line, substation or switchyard is necessary and how the facility
192 conforms to a long-range plan for expansion of the electric power grid
193 serving the state and interconnected utility systems, that will serve the
194 public need for adequate, reliable and economic service; (iii) a map of
195 suitable scale of the proposed routing or site, showing details of the
196 rights-of-way or site in the vicinity of settled areas, parks, recreational
197 areas and scenic areas, residential areas, private or public schools,
198 licensed child day care facilities, licensed youth camps, and public
199 playgrounds and showing existing transmission lines within one mile
200 of the proposed route or site; (iv) justification for adoption of the route
201 or site selected, including comparison with alternative routes or sites
202 which are environmentally, technically and economically practical; (v)
203 a description of the effect of the proposed transmission line, substation
204 or switchyard on the environment, ecology, and scenic, historic and
205 recreational values; (vi) a justification for overhead portions, if any,
206 including life-cycle cost studies comparing overhead alternatives with
207 underground alternatives, and effects described in clause (v) of this
208 subparagraph of undergrounding; (vii) a schedule of dates showing
209 the proposed program of right-of-way or property acquisition,
210 construction, completion and operation; (viii) identification of each
211 federal, state, regional, district and municipal agency with which
212 proposed route or site reviews have been undertaken, including a copy
213 of each written agency position on such route or site; and (ix) an

214 assessment of the impact of any electromagnetic fields to be produced
215 by the proposed transmission line; and

216 (B) In the case of facilities described in subdivision (3) of subsection
217 (a) of section 16-50i: (i) A description of the proposed electric
218 generating or storage facility; (ii) a statement and full explanation of
219 why the proposed facility is necessary; (iii) a statement of loads and
220 resources as described in section 16-50r; (iv) safety and reliability
221 information, including planned provisions for emergency operations
222 and shutdowns; (v) estimated cost information, including plant costs,
223 fuel costs, plant service life and capacity factor, and total generating
224 cost per kilowatt-hour, both at the plant and related transmission, and
225 comparative costs of alternatives considered; (vi) a schedule showing
226 the program for design, material acquisition, construction and testing,
227 and operating dates; (vii) available site information, including maps
228 and description and present and proposed development, and
229 geological, scenic, ecological, seismic, biological, water supply,
230 population and load center data; (viii) justification for adoption of the
231 site selected, including comparison with alternative sites; (ix) design
232 information, including a description of facilities, plant efficiencies,
233 electrical connections to the system, and control systems; (x) a
234 description of provisions, including devices and operations, for
235 mitigation of the effect of the operation of the facility on air and water
236 quality, for waste disposal, and for noise abatement, and information
237 on other environmental aspects; and (xi) a listing of federal, state,
238 regional, district and municipal agencies from which approvals either
239 have been obtained or will be sought covering the proposed facility,
240 copies of approvals received and the planned schedule for obtaining
241 those approvals not yet received.

242 (2) On or after December 1, 2004, the filing of an application
243 pursuant to subdivision (1) of this subsection shall initiate the request
244 for proposal process, except for an application for a facility described
245 in subdivision (4), (5) or (6) of subsection (a) of section 16-50i and
246 except for a facility exempt from such requirement pursuant to

247 subsection (b) of section 16a-7c, as amended by this act.

248 (3) Notwithstanding the provisions of this subsection, an entity that
249 has submitted a proposal pursuant to the request for proposal process
250 may initiate a certification proceeding by filing with the [council]
251 Connecticut Siting Council an application containing the information
252 required pursuant to this section, accompanied by a filing fee of not
253 more than twenty-five thousand dollars, which fee shall be established
254 in accordance with section 16-50t, and a municipal participation fee of
255 twenty-five thousand dollars to be deposited in the account
256 established pursuant to section 16-50bb, not later than thirty days after
257 the [Connecticut Energy Advisory Board] coordinating council,
258 established pursuant to section 3 of this act, performs the evaluation
259 process pursuant to subsection (f) of section 16a-7c, as amended by this
260 act.

261 (b) Each application shall be accompanied by proof of service of a
262 copy of such application on: (1) Each municipality in which any
263 portion of such facility is to be located, both as primarily proposed and
264 in the alternative locations listed, and any adjoining municipality
265 having a boundary not more than two thousand five hundred feet
266 from such facility, which copy shall be served on the chief executive
267 officer of each such municipality and shall include notice of the date on
268 or about which the application is to be filed, and the zoning
269 commissions, planning commissions, planning and zoning
270 commissions, conservation commissions and inland wetlands agencies
271 of each such municipality, and the regional planning agencies which
272 encompass each such municipality; (2) the Attorney General; (3) each
273 member of the legislature in whose assembly or senate district the
274 facility or any alternative location listed in the application is to be
275 located; (4) any agency, department or instrumentality of the federal
276 government that has jurisdiction, whether concurrent with the state or
277 otherwise, over any matter that would be affected by such facility; (5)
278 each state department, agency and commission named in subsection
279 (h) of section 16-50j; and (6) such other state and municipal bodies as

280 the [council] Connecticut Siting Council may by regulation designate.
281 A notice of such application shall be given to the general public, in
282 municipalities entitled to receive notice under subdivision (1) of this
283 subsection, by the publication of a summary of such application and
284 the date on or about which it will be filed. Such notice shall be
285 published under the regulations to be promulgated by the [council]
286 Connecticut Siting Council, in such form and in such newspapers as
287 will serve substantially to inform the public of such application and to
288 afford interested persons sufficient time to prepare for and to be heard
289 at the hearing prescribed in section 16-50m. Such notice shall be
290 published in not less than ten-point type. A notice of such an
291 application for a certificate for a facility described in subdivision (3),
292 (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by
293 certified or registered mail, to each person appearing of record as an
294 owner of property which abuts the proposed primary or alternative
295 sites on which the facility would be located. Such notice shall be sent at
296 the same time that notice of such application is given to the general
297 public. Notice of an application for a certificate for a facility described
298 in subdivision (1) of subsection (a) of section 16-50i shall also be
299 provided to each electric company or electric distribution company
300 customer in the municipality where the facility is proposed to be
301 placed. Such notice shall (A) be provided on a separate enclosure with
302 each customer's monthly bill for one or more months, (B) be provided
303 by the electric company or electric distribution company not earlier
304 than sixty days prior to filing the application with the [council]
305 Connecticut Siting Council, but not later than the date that the
306 application is filed with the [council] Connecticut Siting Council, and
307 (C) include: A brief description of the project, including its location
308 relative to the affected municipality and adjacent streets; a brief
309 technical description of the project including its proposed length,
310 voltage, and type and range of heights of support structures or
311 underground configuration; the reason for the project; the address and
312 a toll-free telephone number of the applicant by which additional
313 information about the project can be obtained; and a statement in print

314 no smaller than twenty-four-point type size stating "NOTICE OF
315 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC
316 TRANSMISSION LINE".

317 (c) An application for a certificate shall contain information on the
318 extent to which the proposed facility has been identified in, and is
319 consistent with, the annual forecast reports and life-cycle cost analysis
320 required by section 16-50r and other advance planning that has been
321 carried out, and shall include an explanation for any failure of the
322 facility to conform with such information.

323 (d) An amendment proceeding may be initiated by an application
324 for amendment of a certificate filed with the [council] Connecticut
325 Siting Council by the holder of the certificate or by a resolution of the
326 [council] Connecticut Siting Council. An amendment application by a
327 certificate holder shall be in such form and contain such information as
328 the [council] Connecticut Siting Council shall prescribe. A resolution
329 for amendment by the [council] Connecticut Siting Council shall
330 identify the design, location or route of the portion of a certificated
331 facility described in subdivisions (1) or (2) of subsection (a) of section
332 16-50i which is subject to modification on the basis of stated conditions
333 or events which could not reasonably have been known or foreseen
334 prior to the issuance of the certificate. No such resolution for
335 amendment of a certificate shall be adopted after the commencement
336 of site preparation or construction of the certificated facility or, in the
337 case of a facility for which approval by the council of a right-of-way
338 development and management plan or other detailed construction
339 plan is a condition of the certificate, after approval of that part of the
340 plan which includes the portion of the facility proposed for
341 modification. A copy and notice of each amendment application shall
342 be given by the holder of the certificate in the manner set forth in
343 subsection (b) of this section. A copy and notice of each resolution for
344 amendment shall be given by the [council] Connecticut Siting Council
345 in the manner set forth in subsection (b) of this section. The [council]
346 Connecticut Siting Council shall also provide the certificate holder

347 with a copy of such resolution. The certificate holder and the [council]
348 Connecticut Siting Council shall not be required to give such copy and
349 notice to municipalities and the commissions and agencies of such
350 municipalities other than those in which the modified portion of the
351 facility would be located.

352 (e) Except as provided in subsection (e) of section 16a-7c, as
353 amended by this act, at least sixty days prior to the filing of an
354 application with the [council] Connecticut Siting Council, the applicant
355 shall consult with the municipality in which the facility may be located
356 and with any other municipality required to be served with a copy of
357 the application under subdivision (1) of subsection (b) of this section
358 concerning the proposed and alternative sites of the facility. For a
359 facility described in subdivisions (1) to (4), inclusive, of subsection (a)
360 of section 16-50i, the applicant shall submit to the [Connecticut Energy
361 Advisory Board] coordinating council the same information that it
362 provides to a municipality pursuant to this subsection on the same day
363 of the consultation with the municipality. Such consultation with the
364 municipality shall include, but not be limited to good faith efforts to
365 meet with the chief elected official of the municipality. At the time of
366 the consultation, the applicant shall provide the chief elected official
367 with any technical reports concerning the public need, the site
368 selection process and the environmental effects of the proposed
369 facility. The municipality may conduct public hearings and meetings
370 as it deems necessary for it to advise the applicant of its
371 recommendations concerning the proposed facility. Within sixty days
372 of the initial consultation, the municipality shall issue its
373 recommendations to the applicant. No later than fifteen days after
374 submitting an application to the [council] Connecticut Siting Council,
375 the applicant shall provide to the [council] Connecticut Siting Council
376 all materials provided to the municipality and a summary of the
377 consultations with the municipality including all recommendations
378 issued by the municipality.

379 (f) For purposes of this chapter, an application that is subject to the

380 request for proposal process of section 16a-7c, as amended by this act,
381 shall be deemed to be a "preapplication" until the completion of [the]
382 such request for proposal process. At the completion of the request for
383 proposal process, such preapplication shall be considered an
384 application. The requirements of this section shall apply to
385 applications and preapplications.

386 Sec. 7. Subsection (a) of section 16-245l of the general statutes is
387 repealed and the following is substituted in lieu thereof (*Effective from*
388 *passage*):

389 (a) The Department of Public Utility Control shall establish and each
390 electric distribution company shall collect a systems benefits charge to
391 be imposed against all end use customers of each electric distribution
392 company beginning January 1, 2000. The department shall hold a
393 hearing that shall be conducted as a contested case in accordance with
394 chapter 54 to establish the amount of the systems benefits charge. The
395 department may revise the systems benefits charge or any element of
396 said charge as the need arises. The systems benefits charge shall be
397 used to fund (1) the expenses of the public education outreach
398 program developed under subsections (a), (f) and (g) of section 16-
399 244d other than expenses for department staff, (2) the reasonable and
400 proper expenses of the education outreach consultant pursuant to
401 subsection (d) of section 16-244d, (3) the cost of hardship protection
402 measures under sections 16-262c and 16-262d and other hardship
403 protections, including, but not limited to, electric service bill payment
404 programs, funding and technical support for energy assistance, fuel
405 bank and weatherization programs and weatherization services, (4) the
406 payment program to offset tax losses described in section 12-94d, (5)
407 any sums paid to a resource recovery authority pursuant to subsection
408 (b) of section 16-243e, (6) low income conservation programs approved
409 by the Department of Public Utility Control, (7) displaced worker
410 protection costs, (8) unfunded storage and disposal costs for spent
411 nuclear fuel generated before January 1, 2000, approved by the
412 appropriate regulatory agencies, (9) postretirement safe shutdown and

413 site protection costs that are incurred in preparation for
414 decommissioning, (10) decommissioning fund contributions, (11) the
415 costs of temporary electric generation facilities incurred pursuant to
416 section 16-19ss, (12) operating expenses for the [Connecticut Energy
417 Advisory Board] coordinating council, established pursuant to section
418 3 of this act, (13) costs associated with the Connecticut electric
419 efficiency partner program established pursuant to section 16-243v,
420 (14) reinvestments and investments in energy efficiency programs and
421 technologies pursuant to section 16a-38l, as amended by this act, costs
422 associated with the electricity conservation incentive program
423 established pursuant to section 119 of public act 07-242*, and (15) legal,
424 appraisal and purchase costs of a conservation or land use restriction
425 and other related costs as the department in its discretion deems
426 appropriate, incurred by a municipality on or before January 1, 2000, to
427 ensure the environmental, recreational and scenic preservation of any
428 reservoir located within this state created by a pump storage
429 hydroelectric generating facility. As used in this subsection, "displaced
430 worker protection costs" means the reasonable costs incurred, prior to
431 January 1, 2008, (A) by an electric supplier, exempt wholesale
432 generator, electric company, an operator of a nuclear power generating
433 facility in this state or a generation entity or affiliate arising from the
434 dislocation of any employee other than an officer, provided such
435 dislocation is a result of (i) restructuring of the electric generation
436 market and such dislocation occurs on or after July 1, 1998, or (ii) the
437 closing of a Title IV source or an exempt wholesale generator, as
438 defined in 15 USC 79z-5a, on or after January 1, 2004, as a result of
439 such source's failure to meet requirements imposed as a result of
440 sections 22a-197 and 22a-198 and this section or those Regulations of
441 Connecticut State Agencies adopted by the Department of
442 Environmental Protection, as amended from time to time, in
443 accordance with Executive Order Number 19, issued on May 17, 2000,
444 and provided further such costs result from either the execution of
445 agreements reached through collective bargaining for union
446 employees or from the company's or entity's or affiliate's programs

447 and policies for nonunion employees, and (B) by an electric
448 distribution company or an exempt wholesale generator arising from
449 the retraining of a former employee of an unaffiliated exempt
450 wholesale generator, which employee was involuntarily dislocated on
451 or after January 1, 2004, from such wholesale generator, except for
452 cause. "Displaced worker protection costs" includes costs incurred or
453 projected for severance, retraining, early retirement, outplacement,
454 coverage for surviving spouse insurance benefits and related expenses.
455 "Displaced worker protection costs" does not include those costs
456 included in determining a tax credit pursuant to section 12-217bb.

457 Sec. 8. Subsection (b) of section 16a-2 of the general statutes is
458 repealed and the following is substituted in lieu thereof (*Effective from*
459 *passage*):

460 (b) ["Board"] "Council" means the [Connecticut Energy Advisory
461 Board] coordinating council, established pursuant to section 3 of this
462 act.

463 Sec. 9. Section 16a-3a of the general statutes is repealed and the
464 following is substituted in lieu thereof (*Effective from passage*):

465 (a) The electric distribution companies, in consultation with the
466 [Connecticut Energy Advisory Board] coordinating council,
467 established pursuant to section [16a-3] 3 of this act, shall review the
468 state's energy and capacity resource assessment and develop a
469 comprehensive plan for the procurement of energy resources,
470 including, but not limited to, conventional and renewable generating
471 facilities, energy efficiency, load management, demand response,
472 combined heat and power facilities, distributed generation and other
473 emerging energy technologies to meet the projected requirements of
474 their customers in a manner that minimizes the cost of such resources
475 to customers over time and maximizes consumer benefits consistent
476 with the state's environmental goals and standards.

477 (b) On or before January 1, 2008, and annually thereafter, the

478 companies shall submit to the [Connecticut Energy Advisory Board]
479 coordinating council an assessment of (1) the energy and capacity
480 requirements of customers for the next three, five and ten years, (2) the
481 manner of how best to eliminate growth in electric demand, (3) how
482 best to level electric demand in the state by reducing peak demand and
483 shifting demand to off-peak periods, (4) the impact of current and
484 projected environmental standards, including, but not limited to, those
485 related to greenhouse gas emissions and the federal Clean Air Act
486 goals and how different resources could help achieve those standards
487 and goals, (5) energy security and economic risks associated with
488 potential energy resources, and (6) the estimated lifetime cost and
489 availability of potential energy resources.

490 (c) Resource needs shall first be met through all available energy
491 efficiency and demand reduction resources that are cost-effective,
492 reliable and feasible. The projected customer cost impact of any
493 demand-side resources considered pursuant to this subsection shall be
494 reviewed on [an] equitable bases with nondemand-side resources. The
495 procurement plan shall specify (1) the total amount of energy and
496 capacity resources needed to meet the requirements of all customers,
497 (2) the extent to which demand-side measures, including efficiency,
498 conservation, demand response and load management can cost-
499 effectively meet these needs, (3) needs for generating capacity and
500 transmission and distribution improvements, (4) how the development
501 of such resources will reduce and stabilize the costs of electricity to
502 consumers, and (5) the manner in which each of the proposed
503 resources should be procured, including the optimal contract periods
504 for various resources.

505 (d) The procurement plan shall consider: (1) Approaches to
506 maximizing the impact of demand-side measures; (2) the extent to
507 which generation needs can be met by renewable and combined heat
508 and power facilities; (3) the optimization of the use of generation sites
509 and generation portfolio existing within the state; (4) fuel types,
510 diversity, availability, firmness of supply and security and

511 environmental impacts thereof, including impacts on meeting the
512 state's greenhouse gas emission goals; (5) reliability, peak load and
513 energy forecasts, system contingencies and existing resource
514 availabilities; (6) import limitations and the appropriate reliance on
515 such imports; and (7) the impact of the procurement plan on the costs
516 of electric customers.

517 (e) The [board] coordinating council, in consultation with the
518 regional independent system operator, shall review and approve or
519 review, modify and approve the proposed procurement plan as
520 submitted not later than one hundred twenty days after receipt. For
521 calendar years 2009 and thereafter, the [board] council shall conduct
522 such review not later than sixty days after receipt. For the purpose of
523 reviewing the plan, the Commissioners of Transportation and
524 Agriculture and the chairperson of the Public Utilities Control
525 Authority, or their respective designees, shall not participate as
526 members of the board. The electric distribution companies shall
527 provide any additional information requested by the [board] council
528 that is relevant to the consideration of the procurement plan. In the
529 course of conducting such review, the [board] council shall conduct a
530 public hearing, may retain the services of a third-party entity with
531 experience in the area of energy procurement and may consult with
532 the regional independent system operator. The [board] council shall
533 submit the reviewed procurement plan, together with a statement of
534 any unresolved issues, to the Department of Public Utility Control. The
535 department shall consider the procurement plan in an uncontested
536 proceeding and shall conduct a hearing and provide an opportunity
537 for interested parties to submit comments regarding the procurement
538 plan. Not later than one hundred twenty days after submission of the
539 procurement plan, the department shall approve, or modify and
540 approve, the procurement plan. For calendar years 2009 and thereafter,
541 the department shall approve, or modify and approve, said
542 procurement plan not later than sixty days after submission.

543 (f) On or before September 30, 2009, and every two years thereafter,

544 the Department of Public Utility Control shall report to the joint
545 standing committees of the General Assembly having cognizance of
546 matters relating to energy and the environment regarding goals
547 established and progress toward implementation of the procurement
548 plan established pursuant to this section, as well as any
549 recommendations for the process.

550 (g) All electric distribution companies' costs associated with the
551 development of the resource assessment and the development of the
552 procurement plan shall be recoverable through the systems benefits
553 charge.

554 Sec. 10. Section 16a-7b of the general statutes is repealed and the
555 following is substituted in lieu thereof (*Effective from passage*):

556 (a) Not later than December 1, 2004, the [Connecticut Energy
557 Advisory Board] coordinating council, established pursuant to section
558 3 of this act, shall develop infrastructure criteria guidelines for the
559 evaluation process under subsection (f) of section 16a-7c, as amended
560 by this act, which guidelines shall be consistent with state
561 environmental policy, state economic development policy, and the
562 state's policy regarding the restructuring of the electric industry, as set
563 forth in section 16-244, and shall include, but not be limited to, the
564 following: (1) Environmental preference standards; (2) efficiency
565 standards, including, but not limited to, efficiency standards for
566 transmission, generation and demand-side management; (3)
567 generation preference standards; (4) electric capacity, use trends and
568 forecasted resource needs; (5) natural gas capacity, use trends and
569 forecasted resource needs; and (6) national and regional reliability
570 criteria applicable to the regional bulk power grid, as determined in
571 consultation with the regional independent system operator, as
572 defined in section 16-1. In developing environmental preference
573 standards, the board shall consider the recommendations and findings
574 of the task force established pursuant to section 25-157a and Executive
575 Order Number 26 of Governor John G. Rowland.

576 (b) No municipality other than a municipality operating a plant
577 pursuant to chapter 101 or any special act and acting for purposes
578 thereto may take an action to condemn, in whole or in part, or restrict
579 the operation of any existing and currently operating energy facility, if
580 such facility is first determined by the Department of Public Utility
581 Control, following a contested case proceeding, held in accordance
582 with the provisions of chapter 54, to comprise a critical, unique and
583 unmovable component of the state's energy infrastructure, unless the
584 municipality first receives written approval from the department, the
585 Office of Policy and Management, the [Connecticut Energy Advisory
586 Board] coordinating council and the Connecticut Siting Council that
587 such taking would not have a detrimental impact on the state's or
588 region's ability to provide a particular energy resource to its citizens.

589 Sec. 11. Section 16a-7c of the general statutes is repealed and the
590 following is substituted in lieu thereof (*Effective from passage*):

591 (a) Not later than fifteen days after receiving information pursuant
592 to subsection (e) of section 16-50l, as amended by this act, the
593 [Connecticut Energy Advisory Board] coordinating council,
594 established pursuant to section 3 of this act, shall publish such
595 information in one or more newspapers or periodicals, as selected by
596 the [board] coordinating council.

597 (b) On or after December 1, 2004, not later than fifteen days after the
598 filing of an application pursuant to subdivision (1) of subsection (a) of
599 section 16-50i, except for an application for a facility described in
600 subdivision (5) or (6) of subsection (a) of section 16-50i, the
601 [Connecticut Energy Advisory Board] coordinating council shall issue
602 a request for proposal to seek alternative solutions to the need that will
603 be addressed by the proposed facility in such application. Such request
604 for proposal shall, where relevant, solicit proposals that include
605 distributed generation or energy efficiency measures. The [board]
606 coordinating council shall publish such request for proposal in one or
607 more newspapers or periodicals, as selected by the [board]

608 coordinating council. Any facility generating not more than five
609 megawatts and any electric transmission line, electric generation
610 facility or electric substation otherwise constituting a facility as
611 described in subsection (a) of section 16-50i that, as part of the
612 proceeding conducted pursuant to section 8 of public act 07-242* and
613 in accordance with this subsection, shall be determined by the
614 Connecticut Siting Council and the Department of Public Utility
615 Control to be required for the reliability of electric supply to critical
616 national defense and homeland security infrastructure shall be exempt
617 from the request for proposal process described in this subsection and
618 exempt from the municipal participation fee requirements of
619 subdivision (1) of subsection (a) of section 16-50l, as amended by this
620 act. Such determination shall be made on or before December 31, 2007.
621 Notwithstanding the provisions of this subsection, the [board]
622 coordinating council, by a vote of two-thirds of the members present
623 and voting, may determine that a request for proposal is unnecessary
624 for a specific application because the process is not likely to result in a
625 reasonable alternative to the proposed facility. On or before December
626 1, 2007, after seeking public comment, the [board] coordinating council
627 shall approve additional criteria for considering whether a request for
628 proposal process should not be required for a specific application. Any
629 determination that a request for proposal is not required shall include
630 the [board's] coordinating council's reasons for such determination.

631 (c) The [board] coordinating council may issue a request for
632 proposal for solutions to a need for new energy resources, new energy
633 transmission facilities in the state, and new energy conservation
634 initiatives in the state identified in regional energy system planning
635 processes conducted by the regional independent system operator, as
636 defined in section 16-1. Such request for proposal shall, where
637 relevant, solicit proposals that include distributed generation or energy
638 efficiency measures. The [board] coordinating council shall publish
639 such request for proposal in one or more newspapers or periodicals, as
640 selected by the [board] coordinating council.

641 (d) Not later than sixty days after the first date of publication of a
642 request for proposal, a person or any legal entity may submit a
643 proposal by filing with the [board] coordinating council information as
644 such person or entity may consider relevant to such proposal. The
645 [board] coordinating council may request further information from the
646 person or entity that it deems necessary to evaluate the proposal
647 pursuant to subsection (f) of this section.

648 (e) Upon the submission of a proposal pursuant to a request for
649 proposal, the person or entity submitting the proposal shall consult
650 with the municipality in which the facility may be located and with
651 any other municipality that would be required to be served with a
652 copy of an application for such proposal under subdivision (1) of
653 subsection (b) of section 16-50l, as amended by this act, concerning the
654 proposed and alternative sites of the facility. Such consultation with
655 the municipality shall include, but not be limited to, good faith efforts
656 to meet with the chief elected official of the municipality. At the time
657 of the consultation, the person or entity submitting the proposal shall
658 provide the chief elected official with any technical reports concerning
659 the public need, the site selection process and the environmental
660 effects of the proposed facility. The municipality may conduct public
661 hearings and meetings as it deems necessary for it to advise the person
662 or entity submitting the proposal of its recommendations concerning
663 the proposed facility. Within sixty days of the initial consultation, the
664 municipality shall issue its recommendations to the person or entity
665 submitting the proposal. If a person or entity chooses to file an
666 application pursuant to subdivision (3) of subsection (a) of section 16-
667 50l, as amended by this act, then such person or entity shall provide to
668 the Connecticut Siting Council a summary of the consultations with
669 the municipality, including all recommendations issued by the
670 municipality. A person or entity that has complied with this subsection
671 shall be exempt from the provisions of subsection (e) of section 16-50l,
672 as amended by this act.

673 (f) Not later than forty-five days after the deadline for submissions

674 in response to a request for proposal, the [board] coordinating council
675 shall issue a report that evaluates each proposal received, including
676 any proposal contained in an application to the council that initiated a
677 request for proposal, based on the materials received pursuant to
678 subsection (d) of this section, or information contained in the
679 application, as required by section 16-50i, as amended by this act, for
680 conformance with the infrastructure criteria guidelines created
681 pursuant to section 6a-7b. The [board] coordinating council shall
682 forward the results of such evaluation process to the Connecticut
683 Siting Council.

684 (g) When evaluating submissions pursuant to subsection (f) of this
685 section for a generation facility described in subdivision (3) of
686 subsection (a) of section 16-50i that are in excess of sixty-five
687 megawatts, the [board] coordinating council shall perform a net
688 energy analysis for each proposal. Such analysis shall include
689 calculations of all embodied energy requirements used in the materials
690 for initial construction of the facility over its projected useful lifetime.
691 The analysis shall be expressed in a dimensionless unit as an energy
692 profit ratio of energy generated by the facility to the calculated net
693 energy expended in plant construction, maintenance and total fuel
694 cycle energy requirements over the projected useful lifetime of the
695 facility. The boundary for both the net energy calculations of the fuel
696 cycle and materials for the facility construction and maintenance shall
697 both be at the point of primary material extraction and include the
698 energy consumed through the entire supply chain to final, but not be
699 limited to, such subsequent steps as transportation, refinement and
700 energy for delivery to the end consumer. The results of said net energy
701 analysis shall be included in the results forwarded to the Connecticut
702 Siting Council pursuant to subsection (f) of this section. For purposes
703 of this subsection, "facility net energy" means the heat energy
704 delivered by the facility contained in a fuel minus the life cycle energy
705 used to produce the facility, ["Fuel net energy"] "fuel net energy"
706 means the heat energy contained in a fuel minus the energy used to
707 extract the fuel from the environment, refine it to a socially useful state

708 and deliver it to consumers, and "embodied energy" means the total
709 energy used to build and maintain a process, expressed in calorie
710 equivalents of one type of energy.

711 Sec. 12. Subsection (f) of section 16a-23t of the general statutes is
712 repealed and the following is substituted in lieu thereof (*Effective from*
713 *passage*):

714 (f) The chairperson of the Public Utilities Control Authority, or the
715 chairperson's designee, the Commissioner of Social Services, or the
716 commissioner's designee, the [chairperson of the Connecticut Energy
717 Advisory Board] Secretary of Energy, and the Secretary of the Office of
718 Policy and Management, or the secretary's designee, shall constitute a
719 Home Heating Oil Planning Council to address issues involving the
720 supply, delivery and costs of home heating oil and state policies
721 regarding the future of the state's home heating oil supply. The
722 Secretary of the Office of Policy and Management shall convene the
723 first meeting of the council.

724 Sec. 13. Subsection (b) of section 16a-38l of the general statutes is
725 repealed and the following is substituted in lieu thereof (*Effective from*
726 *passage*):

727 (b) On or before September 1, 2007, and annually thereafter, the
728 Office of Policy and Management shall file such strategic plan with the
729 [Connecticut Energy Advisory Board] coordinating council,
730 established pursuant to section 3 of this act. On or before January 1,
731 2008, and annually thereafter, the [board] coordinating council shall
732 approve or modify and approve said plan. On or before March 15,
733 2008, and annually thereafter, the [board] coordinating council shall
734 measure the success of the implementation of said plan and determine
735 any actual financial benefits that have been derived by the overall
736 electric system, including, but not limited to, state facilities. Any
737 savings shall be allocated as follows: (1) Seventy-five per cent shall be
738 retained by electric ratepayers, and (2) twenty-five per cent shall be
739 divided equally between (A) reinvestment into energy efficiency

740 programs in state buildings, and (B) investment into energy efficiency
741 programs and technologies on behalf of participants of energy
742 assistance programs administered by the Department of Social
743 Services. Any reinvestments or investments made in programs
744 pursuant to this section shall be paid through the systems benefits
745 charge.

746 Sec. 14. Section 16a-41c of the general statutes is repealed and the
747 following is substituted in lieu thereof (*Effective from passage*):

748 The sum of two million dollars is appropriated from the funds
749 credited to the General Fund for the fiscal year ending June 30, 2009,
750 pursuant to subsection (a) of section 1 of public act 08-2 of the August
751 special session* to the Department of Social Services to develop a plan
752 for (1) providing funds for weatherization projects for low-income
753 households participating in the Connecticut energy assistance
754 program, (2) prioritizing assistance to households with incomes below
755 two hundred per cent of the federal poverty level, and (3) coordinating
756 provision of assistance to maximize effectiveness of the funds with the
757 weatherization assistance provided to low-income households by the
758 municipal electric utility and public service utility companies under
759 programs overseen by the Energy Conservation Management Board
760 pursuant to sections 7-233y, 16-245m and 16-32f and the Fuel Oil
761 Conservation Board pursuant to section 16a-22l. No later than
762 November 1, 2008, and at least forty-five days before implementation,
763 the department shall submit such plan to the [Connecticut Energy
764 Advisory Board] coordinating council, established pursuant to section
765 3 of this act, the Fuel Oil Conservation Board and the Energy
766 Conservation Management Board for input and advice. The Energy
767 Conservation Management Board may order modification of the plan
768 to ensure effective prioritization and coordination of weatherization
769 assistance in accordance with this section.

770 Sec. 15. Section 22a-200a of the general statutes is repealed and the
771 following is substituted in lieu thereof (*Effective from passage*):

772 (a) The state shall reduce the level of emissions of greenhouse gas:

773 (1) Not later than January 1, 2020, to a level at least ten per cent
774 below the level emitted in 1990; [and]

775 (2) Not later than January 1, 2050, to a level at least eighty per cent
776 below the level emitted in 2001; and [.]

777 (3) All of the levels referenced in this subsection shall be determined
778 by the Commissioner of Environmental Protection.

779 (b) On or before January 1, 2010, and biannually thereafter, [the] any
780 state agencies that are members of the [Governor's Steering Committee
781 on Climate Change] coordinating council, established pursuant to
782 section 3 of this act, shall submit a report to the Secretary of the Office
783 of Policy and Management and the Commissioner of Environmental
784 Protection. The report shall identify existing and proposed activities
785 and improvements to the facilities of such agencies that are designed
786 to meet state agency energy savings goals established by the Governor.
787 The report shall also identify policies and regulations that could be
788 adopted in the near future by such agencies to reduce greenhouse gas
789 emissions in accordance with subsection (a) of this section.

790 (c) Not later than January 1, 2012, and every three years thereafter,
791 the Commissioner of Environmental Protection shall, in consultation
792 with the Secretary of the Office of Policy and Management and the
793 [Governor's Steering Committee on Climate Change] coordinating
794 council, established pursuant to section 3 of this act, report, in
795 accordance with the provisions of section 11-4a, to the joint standing
796 committees of the General Assembly having cognizance of matters
797 relating to the environment, energy and transportation on the
798 quantifiable emissions reductions achieved pursuant to subsection (a)
799 of this section. The report shall include a schedule of proposed
800 regulations, policies and strategies designed to achieve the limits of
801 greenhouse gas emissions imposed by said subsection, an assessment
802 of the latest scientific information and relevant data regarding global

803 climate change and the status of greenhouse gas emission reduction
804 efforts in other states and countries.

805 (d) At least one year prior to the effective date of any federally
806 mandated greenhouse cap and trade program including greenhouse
807 gas emissions subject to any state cap and trade requirements adopted
808 pursuant to this section, the Commissioner of Environmental
809 Protection and the Secretary of the Office of Policy and Management
810 shall report, in accordance with the provisions of section 11-4a, to the
811 joint standing committees of the General Assembly having cognizance
812 of matters relating to the environment, energy and technology and
813 transportation. Such report shall explain the differences between such
814 federal and state requirements and shall identify any further
815 regulatory or legislative actions needed to achieve consistency with
816 such federal program.

817 Sec. 16. (NEW) (*Effective from passage*) The functions, powers, duties
818 and personnel of the Energy Management Unit of the Office of Policy
819 and Management shall be transferred to the Energy Office established
820 pursuant to section 1 of this act in accordance with the provisions of
821 sections 4-38d, 4-38e and 4-39 of the general statutes.

822 Sec. 17. (NEW) (*Effective from passage*) (a) There is established a
823 Clean Energy Technology Center, which shall be a program within the
824 Renewable Energy Investment Fund, which shall support clean
825 energy-related research, development and demonstration efforts not
826 adequately addressed by markets. The Secretary of Energy and the
827 coordinating council shall oversee the Clean Energy Technology
828 Center.

829 (b) There is established a Comprehensive Strategic Energy
830 Investment Fund which shall be within Connecticut Innovations,
831 Incorporated, for administrative purposes only. The fund may receive
832 any moneys required by law to be deposited into the fund and may
833 receive any federal or private moneys as may become available to the
834 state for clean energy technology investments.

835 (c) Goals of the Clean Energy Technology Center include, but are
836 not limited to: (1) Coordinating and overseeing clean and renewable
837 energy research and development efforts taking place throughout the
838 state on behalf of the Secretary of Energy and the coordinating council;
839 (2) seeking to foster and implement distributed strategies for clean
840 energy technology innovation through partnerships with the private
841 sector, universities, federal agencies and other states; (3) serving as a
842 clean energy industry incubator and providing outreach and technical
843 support to further Connecticut's green industry; (4) providing
844 technical, project and business planning assistance to municipalities
845 interested in advancing local clean energy projects; and (5)
846 administering the Comprehensive Strategic Energy Investment Fund,
847 established pursuant to subsection (b) of this section, through an
848 expansion of the Renewable Energy Investment Fund.

849 Sec. 18. Section 4-5 of the general statutes is repealed and the
850 following is substituted in lieu thereof (*Effective from passage*):

851 As used in sections 4-6, 4-7 and 4-8, the term "department head"
852 means Secretary of the Office of Policy and Management,
853 Commissioner of Administrative Services, Commissioner of Revenue
854 Services, Banking Commissioner, Commissioner of Children and
855 Families, Commissioner of Consumer Protection, Commissioner of
856 Correction, Commissioner of Economic and Community Development,
857 State Board of Education, Commissioner of Emergency Management
858 and Homeland Security, Commissioner of Environmental Protection,
859 Commissioner of Agriculture, Commissioner of Public Health,
860 Insurance Commissioner, Labor Commissioner, Liquor Control
861 Commission, Commissioner of Mental Health and Addiction Services,
862 Commissioner of Public Safety, Commissioner of Social Services,
863 Commissioner of Developmental Services, Commissioner of Motor
864 Vehicles, Commissioner of Transportation, Commissioner of Public
865 Works, Commissioner of Veterans' Affairs, Commissioner of Health
866 Care Access, Chief Information Officer, the chairperson of the Public
867 Utilities Control Authority, the executive director of the Board of

868 Education and Services for the Blind, the executive director of the
 869 Connecticut Commission on Culture and Tourism, the Ombudsman
 870 for Property Rights, the Secretary of Energy and the executive director
 871 of the Office of Military Affairs. As used in sections 4-6 and 4-7,
 872 "department head" also means the Commissioner of Education.

873 Sec. 19. Subdivision (16) of subsection (d) of section 2c-2b of the
 874 general statutes and sections 16a-3 and 22a-200e of the general statutes
 875 are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	16-50l
Sec. 7	<i>from passage</i>	16-245l(a)
Sec. 8	<i>from passage</i>	16a-2(b)
Sec. 9	<i>from passage</i>	16a-3a
Sec. 10	<i>from passage</i>	16a-7b
Sec. 11	<i>from passage</i>	16a-7c
Sec. 12	<i>from passage</i>	16a-23t(f)
Sec. 13	<i>from passage</i>	16a-38l(b)
Sec. 14	<i>from passage</i>	16a-41c
Sec. 15	<i>from passage</i>	22a-200a
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	4-5
Sec. 19	<i>from passage</i>	Repealer section

Statement of Purpose:

To restructure the state's energy leadership by reorganizing and combining existing entities.

[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.]