AN ACT CONCERNING ENERGY EFFICIENCY.

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

Section 1. Subsections (c) and (d) of section 16-245m of the general statutes are repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(c) The Department of Public Utility Control shall appoint and convene an Energy Conservation Management Board which shall include representatives of: (1) An environmental group knowledgeable in energy conservation program collaboratives; (2) the Office of Consumer Counsel; (3) the Attorney General; (4) the Department of Environmental Protection; (5) the electric distribution companies in whose territories the activities take place for such programs; (6) a state-wide manufacturing association; (7) a chamber of commerce; (8) a state-wide business association; (9) a state-wide retail organization; (10) a municipal electric energy cooperative created pursuant to chapter 101a; (11) two representatives selected by the gas companies in this state; (12) residential customers; (13) municipal government; and (14) a municipal clean energy task force. Such members shall serve for a period of five years and may be reappointed. Representatives of the gas companies shall not vote on matters unrelated to gas conservation. Representatives of the electric distribution companies and the municipal electric energy cooperative
shall not vote on matters unrelated to electricity conservation.

(d) (1) The Energy Conservation Management Board shall advise and assist the electric distribution companies in the development and implementation of a comprehensive plan, which plan shall be approved by the Department of Public Utility Control, to implement cost-effective energy conservation programs and market transformation initiatives. Such plan shall include steps to achieve the goal of weatherization of eighty percent of the state's residential units by 2030. Each program contained in the plan shall be reviewed by the electric distribution company and either accepted or rejected by the Energy Conservation Management Board prior to submission to the department for approval. The Energy Conservation Management Board shall, as part of its review, examine opportunities to offer joint programs providing similar efficiency measures that save more than one fuel resource or otherwise to coordinate programs targeted at saving more than one fuel resource. Any costs for joint programs shall be allocated equitably among the conservation programs. The Energy Conservation Management Board shall give preference to projects that maximize the reduction of federally mandated congestion charges. The Department of Public Utility Control shall, in an uncontested proceeding during which the department may hold a public hearing, approve, modify or reject the comprehensive plan prepared pursuant to this subsection.

(2) There shall be a joint committee of the Energy Conservation Management Board and the Renewable Energy Investments Board. The board and the advisory committee shall each appoint members to such joint committee. The joint committee shall examine opportunities to coordinate the programs and activities funded by the Renewable Energy Investment Fund pursuant to section 16-245n with the programs and activities contained in the plan developed under this subsection to reduce the long-term cost, environmental impacts and security risks of energy in the state. Such joint committee shall hold its first meeting on or before August 1, 2005.
(3) Programs included in the plan developed under subdivision (1) of this subsection shall be screened through cost-effectiveness testing [which] that compares the value and payback period of program benefits to program costs to ensure that programs are designed to obtain energy savings and system benefits, including mitigation of federally mandated congestion charges, whose value is greater than the costs of the programs. [Cost-effectiveness testing shall utilize available information obtained from real-time monitoring systems to ensure accurate validation and verification of energy use. Such testing shall include an analysis of the effects of investments on increasing the state's load factor.] Program cost-effectiveness shall be reviewed annually, or otherwise as is practicable, and shall incorporate the results of the evaluation process set forth in subdivision (4) of this subsection. If a program is determined to fail the cost-effectiveness test as part of the review process, it shall either be modified to meet the test or shall be terminated. On or before March 1, 2005, and on or before March first annually thereafter, the board shall provide a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to energy and the environment [(A)] that documents (A) expenditures and fund balances and evaluates the cost-effectiveness of such programs conducted in the preceding year, and (B) [that documents] the extent to and manner in which the programs of such board collaborated and cooperated with programs, established under section 7-233y, of municipal electric energy cooperatives. To maximize the reduction of federally mandated congestion charges, programs in the plan may allow for disproportionate allocations between the amount of contributions to the Energy Conservation and Load Management Funds by a certain rate class and the programs that benefit such a rate class. Before conducting such evaluation, the board shall consult with the Renewable Energy Investments Board. The report shall include a description of the activities undertaken during the reporting period jointly or in collaboration with the Renewable Energy Investment Fund established pursuant to subsection (c) of section 16-245n.
(4) The Department of Public Utility Control shall adopt an independent, comprehensive program evaluation, measurement and verification process to ensure the Energy Conservation Management Board's programs are administered appropriately and efficiently, comply with statutory requirements, programs and measures are cost effective, evaluation reports are accurate and issued in a timely manner, evaluation results are appropriately and accurately taken into account in program development and implementation, and information necessary to meet any third-party evaluation requirements is provided. An annual schedule and budget for evaluations as determined by the board shall be included in the plan filed with the department pursuant to subdivision (1) of this subsection. The electric distribution and gas company representatives and the representative of a municipal electric energy cooperative may not vote on board plans, budgets, recommendations, actions or decisions regarding such process or its program evaluations and their implementation. Program and measure evaluation, measurement and verification shall be conducted on an ongoing basis, with emphasis on impact and process evaluations, programs or measures that have not been studied, and those that account for a relatively high percentage of program spending. Evaluations shall use statistically valid monitoring and data collection techniques appropriate for the programs or measures being evaluated. Impact evaluations shall use information obtained from a sampling of program participants using either real-time monitoring systems or billing analyses, whichever is most appropriate for the measure or program being studied, to ensure accurate validation and verification of energy use and effects on the state's load factor. All evaluations shall contain a description of any problems encountered in the process of the evaluation, including, but not limited to, data collection issues, and recommendations regarding addressing those problems in future evaluations. The board shall contract with one or more consultants not affiliated with the board members to act as an evaluation administrator, advising the board regarding development of a schedule and plans for evaluations and overseeing the program evaluation, measurement and verification process on behalf of the
board. Consistent with board processes and approvals and department
decisions regarding evaluation, such evaluation administrator shall
implement the evaluation process by preparing requests for proposals
and selecting evaluation contractors to perform program and measure
evaluations and by facilitating communications between evaluation
contractors and program administrators to ensure accurate and
independent evaluations. In the evaluation administrator's discretion
and at his or her request, the electric distribution and gas companies
shall communicate with the evaluation administrator for purposes of
data collection, vendor contract administration, and providing
necessary factual information during the course of evaluations. The
evaluation administrator shall bring unresolved administrative issues
or problems that arise during the course of an evaluation to the board
for resolution, but shall have sole authority regarding substantive and
implementation decisions regarding any evaluation. Board members,
including electric distribution and gas company representatives, may
not communicate with an evaluation contractor about an ongoing
evaluation except with the express permission of the evaluation
administrator, which may only be granted if the administrator believes
the communication will not compromise the independence of the
evaluation. The evaluation administrator shall file evaluation reports
with the board and with the department in its most recent uncontested
proceeding pursuant to subdivision (1) of this subsection and the
board shall post a copy of each report on its Internet web site. The
board and its members, including electric distribution and gas
company representatives, may file written comments regarding any
evaluation with the department or for posting on the board's Internet
web site. Within ten days of the filing of any evaluation report, the
department shall issue a notice to parties and participants in the most
recent uncontested proceeding pursuant to subdivision (1) of this
subsection and to all board members that board members have ten
days from the notice in which to request, in writing, that the
department conduct a transcribed technical meeting to review the
methodology, results and recommendations in any evaluation. Such
technical meeting shall be scheduled to immediately follow a public
presentation by the evaluation administrator of the evaluation report on a date mutually arranged between the evaluation administrator and the department. At the request of the department or any board member, the evaluation administrator and the evaluation contractor shall be available for examination at the technical meeting. Examination of such administrator and contractor shall be limited to a department proceeding not to exceed six hours. The Office of Consumer Counsel shall participate in such proceeding. The cost of the evaluation administrator and evaluation contractors shall be paid by the fund.

[(4)] (5) Programs included in the plan developed under subdivision (1) of this subsection may include, but not be limited to: (A) Conservation and load management programs, including programs that benefit low-income individuals; (B) research, development and commercialization of products or processes which are more energy-efficient than those generally available; (C) development of markets for such products and processes; (D) support for energy use assessment, real-time monitoring systems, engineering studies and services related to new construction or major building renovation; (E) the design, manufacture, commercialization and purchase of energy-efficient appliances and heating, air conditioning and lighting devices; (F) program planning and evaluation; (G) indoor air quality programs relating to energy conservation; (H) joint fuel conservation initiatives programs targeted at reducing consumption of more than one fuel resource; (I) public education regarding conservation; and (J) [the] demand-side technology programs recommended by the procurement plan approved by the Department of Public Utility Control pursuant to section 16a-3a. The board shall periodically review contractors to determine whether they are qualified to conduct work related to such programs. Such support may be by direct funding, manufacturers' rebates, sale price and loan subsidies, leases and promotional and educational activities. The plan shall also provide for expenditures by the Energy Conservation Management Board for the retention of expert consultants and reasonable administrative costs provided such
consultants shall not be employed by, or have any contractual relationship with, an electric distribution company. Such costs shall not exceed five per cent of the total revenue collected from the assessment.

Sec. 2. (NEW) (Effective July 1, 2011) (a) As used in this section:

(I) "Energy-savings measure" means any improvement to facilities or other energy-consuming systems designed to reduce energy or water consumption and operating costs and increase the operating efficiency of facilities or systems for their appointed functions. "Energy-savings measure" includes, but is not limited to, one or more of the following:

(A) Replacement or modification of lighting and electrical components, fixtures or systems, including daylighting systems, improvements in street lighting efficiency or computer power management software;

(B) Class I renewable energy or solar thermal systems;

(C) Cogeneration systems that produce steam or forms of energy, such as heat or electricity, for use primarily within a building or complex of buildings;

(D) Automated or computerized energy control systems;

(E) Heating, ventilation or air conditioning system modifications or replacements;

(F) Indoor air quality improvements that conform to applicable building code requirements;

(G) Water-conserving fixtures, appliances and equipment or the substitution of non-water-using fixtures, appliances and equipment, or water-conserving landscape irrigation equipment; and

(H) Changes in operation and maintenance practices.
(2) "Cost effective" means the present value to a state agency or municipality of the energy reasonably expected to be saved or produced by a facility, activity, measure or piece of equipment over its useful life, including any compensation received from a utility, is greater than the net present value of the costs of implementing, maintaining and operating such facility, activity, measure or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(3) "Operation and maintenance cost savings" means a measurable decrease in operation and maintenance costs and future replacement expenditures that is a direct result of the implementation of one or more utility cost savings measures. Such savings shall be calculated in comparison with an established baseline of operation and maintenance costs.

(4) "Qualified energy service provider" means a corporation approved by the Department of Administrative Services with a record of successful energy performance contract projects experienced in the design, implementation and installation of energy efficiency and facility improvement measures, the technical capabilities to ensure such measures generate energy and operational cost savings, and the ability to secure the financing necessary to support energy savings guarantees.

(5) "Utility cost savings" means any utility expenses eliminated or avoided on a long-term basis as a result of equipment installed or modified, or services performed by a qualified energy service provider; "utility cost savings" does not include merely shifting personnel costs or similar short-term cost savings.

(6) "State agency" has the same meaning as provided in section 1-79 of the general statutes.

(7) "Municipality" has the same meaning as provided in section 4-230 of the general statutes.
(8) "Participating municipality" means a municipality that voluntarily takes part in the standardized energy performance contract process.

(9) "Standardized energy performance contract process" means standardized processes, documents and procedures established by the Energy Conservation Management Board, the Office of Policy and Management and the Department of Administrative Services.

(10) "Investment-grade energy audit" means a study by the qualified energy services provider selected for a particular energy performance contract project which includes detailed descriptions of the improvements recommended for the project, the estimated costs of the improvements, and the utility and operations and maintenance cost savings projected to result from the recommended improvements.

(11) "Energy performance contract" means a contract between the state agency or municipality and a qualified energy service provider for evaluation, recommendation and implementation of one or more cost savings measures. A performance contract shall be a guaranteed energy savings performance contract, which shall include, but not be limited to, (A) the design and installation of equipment and, if applicable, operation and maintenance of any of the measures implemented; and (B) guaranteed annual savings that meet or exceed the total annual contract payments made by the state agency or municipality for such contract, including financing charges to be incurred by the state agency or municipality over the life of the contract.

(b) On or before January 1, 2012, the Energy Conservation Management Board, in consultation with the Office of Policy and Management, the Department of Administrative Services and the Department of Public Works, shall establish a standardized energy performance contract process for state agencies and municipalities. The standardized process shall include standard procedures for entering into a performance contract and standard energy performance
contract documents, including, but not limited to, requests for qualifications, requests for proposals, investment-grade audit contracts, energy services agreements, including the form of the project savings guarantee, and project financing agreements. A municipality may use the established state energy performance contract process or establish its own energy performance contract process.

(c) The Energy Conservation Management Board, in consultation with the Office of Policy and Management, shall help state agencies and municipalities identify, evaluate and implement cost-effective conservation projects at their facilities and create promotional materials to explain the energy performance contract program.

(d) The Energy Conservation Management Board, in consultation with the Office of Policy and Management and the Department of Public Utility Control, shall apprise state agencies and municipalities of opportunities to develop and finance energy performance contracting projects and provide technical and analytical support, including, but not limited to, (1) procurement of energy performance contracting services; (2) reviewing verification procedures for energy savings; and (3) assisting in the structuring and arranging of financing for energy performance contracting projects.

(e) The Office of Policy and Management may fix, charge and collect fees to cover costs incurred for any administrative support and resources or services provided under this section from the state agencies and participating municipalities that use its technical support services. State agencies and participating municipalities may add the costs of these fees to the total cost of the energy performance contract. Initial administrative funding to establish the energy performance contracting process for state agencies and municipalities shall be recovered from the Energy Conservation Management Board.

(f) The standardized energy performance contract process for state agencies and participating municipalities shall include requests for qualifications or requests for proposals.
(1) The Department of Administrative Services shall issue a request for qualifications from companies that can offer energy performance contract services to create a prequalified list of companies. A state agency shall use the prequalified list. A municipality may use the prequalified list or establish its own qualification process. If a municipality uses the prequalified list, it shall follow the standardized energy performance contract process.

(2) When reviewing requests for qualifications, the department shall consider a company’s experience with (A) design, engineering, installation, maintenance and repairs associated with performance contracts; (B) conversions to a different energy or fuel source, associated with a comprehensive energy efficiency retrofit; (C) post-installation project monitoring, data collection and reporting of savings; (D) overall project management and qualifications; (E) accessing long-term financing; (F) financial stability; (G) projects of similar size and scope; (H) in-state projects and Connecticut-based subcontractors; (I) United States Department of Energy programs; (J) professional certifications; and (K) other factors determined by the department to be relevant and appropriate.

(3) Before entering an energy performance contract pursuant to this section, a state agency or participating municipality shall issue a request for proposals from up to three qualified energy service providers. A state agency or municipality may award the performance contract to the qualified energy service provider that best meets the needs of the agency or municipality, which need not be the lowest cost provided. A cost-effective feasibility analysis shall be prepared in response to the request for proposals.

(4) The feasibility analysis included in the response to the request for proposals shall serve as the selection document for purposes of selecting a qualified energy service provider to engage in final contract negotiations. Factors to be included in selecting among the selected qualified energy service providers shall include, but not be limited to, (A) contract terms, (B) comprehensiveness of the proposal, (C)
financial stability of the provider, (D) comprehensiveness of cost
savings measures, (E) experience and quality of technical approach,
and (F) overall benefits to the state agency or municipality.

(g) One qualified energy service provider selected as a result of the
request for qualifications process set forth in subsection (f) of this
section shall prepare an investment-grade energy audit, which, upon
acceptance, shall be part of the final energy performance contract or
energy services agreement entered into by the state agency or
participating municipality. Such investment-grade energy audit shall
include estimates of the amounts by which utility cost savings and
operation and maintenance cost savings would increase and estimates
of all costs of such utility cost savings measures or energy-savings
measures, including, but not limited to, (1) itemized costs of design, (2)
engineering, (3) equipment, (4) materials, (5) installation, (6)
maintenance, (7) repairs, and (8) debt service. If, after preparation of
the investment-grade energy audit, the state agency or participating
municipality decides not to execute an energy services agreement and
the costs and benefits described in the energy audit are not materially
different from those described in the feasibility study submitted in
response to the request for proposals, the state agency or participating
municipality shall pay the costs incurred in preparing such energy
audit. In all other instances, the costs of the energy audit shall be
deemed part of the costs of the energy performance contract or energy
services agreement.

(h) The guidelines adopted pursuant to this section shall require
that the cost savings projected by the qualified provider be reviewed
by a licensed professional engineer who has a minimum of three years
experience in energy calculation and review, is not an officer or
employee of a qualified provider for the contract under review, and is
not otherwise associated with the contract. In conducting the review,
the engineer shall focus primarily on the proposed improvements from
an engineering perspective, the methodology and calculations related
to cost savings, increases in revenue, and, if applicable, efficiency or
accuracy of metering equipment. An engineer who reviews a contract
shall maintain the confidentiality of any proprietary information the
engineer acquires while reviewing the contract.

(i) A guaranteed energy performance savings contract may provide
for financing, including tax exempt financing, by a third party. The
contract for third-party financing may be separate from the energy
performance contract. A state agency or participating municipality
may use designated funds, bonds or master lease for any energy
performance contracts or lease purchase agreements, provided its use
is consistent with the purpose of the appropriation.

(j) Each energy performance contract shall provide that all payments
between parties, except obligations on termination of the contract
before its expiration, shall be made over time and the objective of such
energy performance contracts is implementation of cost savings
measures and energy and operational cost savings.

(k) An energy performance contract, and payments provided
thereunder, may extend beyond the fiscal year in which the energy
performance contract became effective, subject to appropriation of
moneys, if required by law, for costs incurred in future fiscal years.
The energy performance contract may extend for a term not to exceed
twenty years. The allowable length of the contract may also reflect the
useful life of the cost savings measures. An energy performance
contract may provide for payments over a period not to exceed
deadlines specified in the energy performance contract from the date
of the final installation of the cost savings measures.

(l) Each state agency or participating municipality shall allocate
sufficient moneys for each fiscal year to make payment of any amounts
payable under energy performance contracts during such fiscal year.

(m) The energy performance contract may provide that
reconciliation of the amounts owed under the contract shall occur in a
period beyond one year with final reconciliation occurring within the
term of the contract. An energy performance contract shall include
contingency provisions in the event that actual savings do not meet
predicted savings.

(n) The energy performance contract shall require the qualified energy service provider to provide to the state agency or municipality an annual reconciliation of the guaranteed energy cost savings. If the reconciliation reveals a shortfall in annual energy cost savings, the qualified provider is liable for such shortfall. If the reconciliation reveals an excess in annual energy cost savings, the excess savings shall not be used to cover potential energy cost savings shortages in subsequent contract years.

(o) During the term of each energy performance contract, the qualified energy service provider shall monitor the reductions in energy consumption and cost savings attributable to the cost savings measures installed pursuant to the performance contract and shall, not less than annually, prepare and provide a report to the state agency or municipality documenting the performance of the cost savings measures to the state agency or municipality. The report shall comply with International Performance Measurement and Verification Protocols.

(p) The qualified energy service provider and state agency or municipality may agree to modify savings calculations based on any of the following:

1. Subsequent material change to the baseline energy consumption identified at the beginning of the performance contract;
2. Changes in the number of days in the utility billing cycle;
3. Changes in the total square footage of the building;
4. Changes in the operational schedule of the facility;
5. Changes in facility temperature;
6. Material change in the weather;
(7) Material changes in the amount of equipment or lighting used at the facility; or

(8) Any other change which reasonably would be expected to modify energy use or energy costs.

(q) Any state agency or municipality participating in the standardized energy performance contract process that enters into an energy performance contract pursuant to this section shall report the name of the project, the project host, the investment on the project and the expected energy savings to the Office of Policy and Management.

(r) A state agency or participating municipality shall direct savings realized under the performance contract to contract payment and other required expenses and shall, when practicable, reinvest savings beyond that required for contract payment and other required expenses into additional energy-savings measures.

Sec. 3. Section 16a-37u of the general statutes is amended by adding subsection (e) as follows (Effective July 1, 2011):

(NEW) (e) Any state agency or municipality may enter into an energy performance contract, as defined in section 2 of this act, with a qualified energy services provider, as defined in said section 2, to produce utility cost savings, as defined in said section 2, or operation and maintenance cost savings, as defined in said section 2. Any energy-savings measure, as defined in said section 2, implemented under such contracts shall comply with state or local building codes. Any state agency or municipality may implement other capital improvements in conjunction with an energy performance contract so long as the measures that are being implemented to achieve utility and operation and maintenance cost savings and other capital improvements are in the aggregate cost effective over the term of the contract.

Sec. 4. Section 16a-40f of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):
(a) For the purposes of this section:

(1) "Participating qualified nonprofit organizations" means individuals, nonprofit organizations and small businesses;

(2) "Small business" means a business entity employing not more than fifty full-time employees;

(3) "Eligible energy conservation project" means an energy conservation project meeting the criteria identified, as provided in subsection (d) of this section; and

(4) "Participating lending institution" means any bank, trust company, savings bank, savings and loan association or credit union, whether chartered by the United States of America or this state, or any insurance company authorized to do business in this state that participates in the Green Connecticut Loan Guaranty Fund program.

(b) The Connecticut Health and Educational Facilities Authority shall establish the Green Connecticut Loan Guaranty Fund program from the proceeds of the bonds issued pursuant to section 16a-40d for the purpose of guaranteeing loans made by participating lending institutions to a participating qualified nonprofit organization for eligible energy conservation projects, including for two or more joint eligible energy conservation projects. In carrying out the purposes of this section, the authority shall have and may exercise the powers provided in section 10a-180.

(c) Participating qualified nonprofit organizations may borrow money from a participating lending institution for any energy conservation project for which the authority provides guaranties pursuant to this section. In connection with the provision of such a guaranty by the Connecticut Health and Educational Facilities Authority, (1) a participating qualified nonprofit organization shall enter into any loan or other agreement and make such covenants, representations and indemnities as a participating lending institution deems necessary or appropriate; and (2) a participating lending
institution shall enter into a guaranty agreement with the authority, pursuant to which the authority has agreed to provide a first loss guaranty of an agreed percentage of the original principal amount of loans for eligible energy conservation projects.

(d) In consultation with the Office of Policy and Management, the Connecticut Health and Educational Facilities Authority shall identify types of projects that qualify as eligible energy conservation projects, including, but not limited to, the purchase and installation of insulation, alternative energy devices, energy conservation materials, replacement furnaces and boilers, and technologically advanced energy-conserving equipment. The authority, in consultation with said office, shall establish priorities for financing eligible energy conservation projects based on need and quality determinants. The authority shall adopt procedures, in accordance with the provisions of section 1-121, to implement the provisions of this section.

(e) The authority shall, in consultation with the Energy Conservation Management Board and the Renewable Energy Investments Board, (1) ensure that the program established pursuant to this section integrates with existing state energy efficiency and renewable energy programs; (2) establish performance targets for the program to ensure sufficient participation in the secondary financial markets and to operate in coordination with existing financing programs to enable efficiency improvements for at least fifteen per cent of single family homes in the state by 2020; (3) enter into contracts with one or more program implementers to perform such functions as the authority deems appropriate; (4) enter into financial partnership agreements with banks and other financial institutions to provide loan origination services; and (5) exercise such other powers as are necessary for the proper administration of the program.

(f) Financial assistance provided by the authority pursuant to this section shall be subject to the following terms:

(1) Eligible energy conservation projects shall meet cost-
effectiveness standards adopted by the authority in consultation with
the Energy Conservation Management Board and the Renewable
Energy Investments Board.

(2) Loans shall be at interest rates determined by the authority to be
no higher than necessary to make the provision of the eligible energy
conservation projects feasible. In determining whether to make a loan
and the amount of any loan, the authority may consider whether the
applicant or borrower has received, or is eligible to receive, financial
assistance and other incentives from any other source for the qualified
energy efficiency services which would be the subject of the loan.

(3) The authority or its designee shall review and evaluate
applications for financial assistance pursuant to this section pursuant
to eligibility and qualification requirements and criteria established by
said authority in consultation with the Energy Conservation
Management Board and the Renewable Energy Investments Board.

(4) The amount of a fee paid for an energy audit provided pursuant
to this program may be added to the amount of a loan to finance the
cost of an eligible project conducted in response to such energy audit.
In such cases, the amount of the fee may be reimbursed from the fund
to the borrower.

Sec. 5. (NEW) (Effective from passage) Commencing January 1, 2012,
each electric distribution, electric and gas company shall maintain and
make available to the public, free of charge, records of the energy
consumption data of all nonresidential buildings to which such
company provides service. This data shall be maintained in a format
(1) compatible for uploading to the United States Environmental
Protection Agency's Energy Star portfolio manager or similar system,
for at least the most recent thirty-six months, and (2) that preserves the
confidentiality of the customer.

Sec. 6. (NEW) (Effective from passage) Commencing January 1, 2012,
each electric distribution, electric and gas company shall provide.aggregate town customer usage information that preserves the
confidentiality of individual customers to any legislative body of a municipality that requests such information.

This act shall take effect as follows and shall amend the following sections:

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**Statement of Legislative Commissioners:**
In section 1(d)(4), "electric distribution and gas companies" was changed to "electric distribution and gas company representatives" for accuracy; in section 2(a), definitions were renumbered for accuracy; in section 2(e), "provided under this subsection" was changed to "provided under this section" for accuracy; in section 2(f)(3), "qualified energy service company or qualified provider that best meets the needs of the unit" was changed to "qualified energy service provider that best meets the needs of the agency or municipality" for internal consistency; in section 2(n), (o) and (p), "qualified provider", "qualified energy service company or provider" and "qualified provider or qualified energy service company" were changed to "qualified energy service provider" for internal consistency; in section 2(q), "a performance-based contract" was changed to "an energy performance contract" for internal consistency; and the terms in section 3 were modified and references to section 2 were added for internal consistency.

*ET*  
Joint Favorable Subst.