



General Assembly

Substitute Bill No. 1

January Session, 2011

* SB00001FIN__052511__ *

AN ACT CONCERNING CONNECTICUT'S ENERGY FUTURE.

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

1 Section 1. (NEW) (*Effective July 1, 2011*) (a) There is established a
2 Department of Energy and Environmental Protection, which shall, for
3 the purposes of energy policy and regulation, have the following goals:
4 (1) Reducing rates and decreasing costs for Connecticut's ratepayers,
5 (2) ensuring the reliability and safety of our state's energy supply, (3)
6 increasing the state's use of clean energy, and (4) creating jobs and
7 developing the state's energy related economy. The department head
8 shall be the Commissioner of Energy and Environmental Protection
9 who shall be appointed by the Governor in accordance with the
10 provisions of sections 4-5 to 4-8, inclusive, of the general statutes, as
11 amended by this act, with the powers and duties therein prescribed.

12 (b) The Department of Energy and Environmental Protection shall
13 constitute a successor department to the Department of Environmental
14 Protection and the Department of Public Utility Control in accordance
15 with the provisions of sections 4-38d, 4-38e and 4-39 of the general
16 statutes. The Department of Energy and Environmental Protection
17 shall be divided into three bureaus, which shall include the Bureau of
18 Energy, the Bureau of Environmental Protection and the Bureau of
19 Public Utility Control. The bureaus shall further be divided into units
20 or divisions, as the commissioner deems appropriate, which shall

21 include, but not be limited to, the following units or divisions: (1)
22 Energy research, (2) telecommunications and technology policy, and
23 (3) conservation and renewable energy. The Bureau of Energy head
24 shall be the energy bureau chief who shall have a background in
25 energy conservation, generation and renewable energy and shall have
26 no industry conflicts. The Bureau of Public Utility Control shall
27 include a procurement manager whose duties shall include, but not be
28 limited to, overseeing the procurement of electricity for standard
29 service. There shall also be, within the department, an Office of the
30 Ombudsman for the purpose of programmatic oversight. Said
31 ombudsman shall communicate with policymakers, stakeholders and
32 individuals affected by the department's implementation of energy
33 policy. The ombudsman shall make findings and recommendations to
34 the Commissioner of Energy and Environmental Protection who may
35 implement such recommendations as appropriate. Annually, the
36 ombudsman shall report in accordance with the provisions of section
37 11-4a of the general statutes to the joint standing committee of the
38 General Assembly having cognizance of matters relating to energy.

39 (c) Wherever the words "Commissioner of Environmental
40 Protection" are used or referenced to in the following sections of the
41 general statutes, the words "Commissioner of Energy and
42 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
43 100, 4-5, as amended by this act, 4-168, 4a-57, 4a-67d, 4b-15, 4b-15a, 4b-
44 21, 5-238a, 7-121d, 7-131, 7-131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i,
45 7-131l, 7-131t, 7-131u, 7-136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246,
46 7-246f, 7-247, 7-249a, 7-323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-
47 231d, 10-231g, 10-382, 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-
48 217mm, 12-263m, 12-407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b,
49 13a-142e, 13a-175j, 13b-11a, 13b-31c, 13b-31e, 13b-38x, 13b-51, 13b-56,
50 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-100b,
51 14-164c, 14-164h, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125, 15-
52 127, 15-130, 15-133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-
53 140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144,
54 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-

55 155d, 15-156, 15-174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j,
56 16-245, as amended by this act, 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-
57 103, 16a-106, 19a-35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c,
58 22-11h, 22-26cc, 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b,
59 22a-5c, 22a-6, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-6i, 22a-
60 6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v, 22a-
61 6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-8a,
62 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h, 22a-
63 21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-27r,
64 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-38,
65 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54, 22a-
66 54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y, 22a-
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68 22a-114, 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-
69 133l, 22a-133m, 22a-133n, 22a-133u, 22a-133v, 22a-133w, 22a-133y, 22a-
70 133z, 22a-133aa, 22a-133bb, 22a-133ee, 22a-134, 22a-134e, 22a-134f, 22a-
71 134g, 22a-134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-
72 134p, 22a-134q, 22a-134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149,
73 22a-150, 22a-151, 22a-153, 22a-154, 22a-155, 22a-156, 22a-158, 22a-160,
74 22a-162, 22a-170, 22a-171, 22a-173, 22a-174c, 22a-174d, 22a-174e, 22a-
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81 22a-208y, 22a-208aa, 22a-208bb, 22a-209a, 22a-209b, 22a-209d, 22a-209f,
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83 22a-219e, 22a-220, 22a-220a, 22a-220d, 22a-222, 22a-223, 22a-225, 22a-
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89 22a-256o, 22a-256q, 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260,

90 22a-264, 22a-283, 22a-285a, 22a-285d, 22a-285e, 22a-285g, 22a-285h, 22a-
91 285j, 22a-295, 22a-300, 22a-308, 22a-309, 22a-314, 22a-315, 22a-316, 22a-
92 317, 22a-318, 22a-319, 22a-320, 22a-321, 22a-322, 22a-324, 22a-326, 22a-
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94 22a-339g, 22a-339h, 22a-342a, 22a-349, 22a-349a, 22a-351, 22a-352, 22a-
95 354b, 22a-354c, 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-
96 354j, 22a-354k, 22a-354l, 22a-354m, 22a-354p, 22a-354q, 22a-354t, 22a-
97 354u, 22a-354v, 22a-354w, 22a-354x, 22a-354z, 22a-354aa, 22a-354bb,
98 22a-354cc, 22a-355, 22a-357, 22a-359, 22a-361, 22a-361a, 22a-363b, 22a-
99 364, 22a-367, 22a-368a, 22a-378a, 22a-381, 22a-401, 22a-402, 22a-406,
100 22a-409, 22a-416, 22a-423, 22a-426, 22a-430b, 22a-430c, 22a-434a, 22a-
101 439, 22a-439a, 22a-444, 22a-445, 22a-449, 22a-449d, 22a-449e, 22a-449f,
102 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-449k, 22a-449l, 22a-449n,
103 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-452e, 22a-453a, 22a-454c,
104 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461, 22a-462, 22a-463, 22a-471,
105 22a-472, 22a-474, 22a-475, 22a-482, 22a-485, 22a-497, 22a-500, 22a-501,
106 22a-517, 22a-521, 22a-522, 22a-523, 22a-524, 22a-525, 22a-526, 22a-527,
107 22a-601, 22a-602, 22a-604, 22a-605, 22a-613, 22a-616, 22a-626, 22a-627,
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112 26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a, 23-37b, 23-41, 23-
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115 102, 24-2, 25-32b, 25-32d, 25-32i, 25-33e, 25-33g, 25-33h, 25-33k, 25-33m,
116 25-33o, 25-34, 25-68b, 25-68i, 25-68k, 25-68l, 25-68m, 25-68n, 25-71, 25-
117 72, 25-74, 25-76, 25-80, 25-83a, 25-94, 25-95, 25-97, 25-102a, 25-102d, 25-
118 102e, 25-102f, 25-102m, 25-102t, 25-102ii, 25-102qq, 25-102xx, 25-109e,
119 25-109q, 25-131, 25-139, 25-155, 25-157, 25-178, 25-199, 25-199a, 25-201,
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129 66d, 47-66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a, 53a-54b and 53a-
130 217e.

131 (d) Wherever the words "Department of Environmental Protection"
132 are used or referred to in the following sections of the general statutes,
133 the words "Department of Energy and Environmental Protection" shall
134 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, as
135 amended by this act, 4-66c, 4-66aa, 4-89, 4a-53, 4b-15, 5-142, 7-131e, 7-
136 151a, 7-151b, 7-252, 8-387, 10-282, 10-291, 10-413, 10a-119e, 12-63e, 12-
137 263m, 13a-142b, 13a-142c, 13a-142d, 13b-38a, 14-386, 15-129, 15-130a,
138 15-140e, 15-140f, 15-140j, 15-154, 15-155, 16-19h, 16-19o, 16-50j, 16-50k,
139 16-50p, 16-243q, 16-244d, 16-244j, 16-245l, 16-245y, 16-262m, 16-262n,
140 19a-197b, 19a-320, 20-420, 21-84b, 22-11f, 22-11g, 22-11h, 22-26cc, 22-81,
141 22-91e, 22-455, 22a-1d, 22a-2, 22a-2a, 22a-2c, 22a-5b, 22a-6, 22a-6f, 22a-
142 6g, 22a-6l, 22a-6p, 22a-6r, 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-
143 20a, 22a-21, 22a-21a, 22a-21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22,
144 22a-25, 22a-26, 22a-26a, 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40,
145 22a-47a, 22a-58, 22a-61, 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-
146 122, 22a-123, 22a-126, 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135,
147 22a-170, 22a-174, 22a-174l, 22a-186, 22a-188a, 22a-196, 22a-198, 22a-
148 200b, 22a-200c, 22a-200d, 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-
149 233a, 22a-239a, 22a-244, 22a-245a, 22a-247, 22a-248, 22a-250, 22a-255h,
150 22a-256m, 22a-256y, 22a-259, 22a-260, 22a-264, 22a-275, 22a-314, 22a-
151 315, 22a-336, 22a-352, 22a-355, 22a-361, 22a-363b, 22a-416, 22a-426, 22a-
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153 22a-521, 22a-601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b,
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158 25-206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-

159 40a, 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a,
160 26-157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-
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162 32-242a, 32-726, 46b-220, 47-46a, 47-64, 52-557b, 53-204, 53-205, 53-206d,
163 53a-44a, 53a-217e, 54-56g and 54-143.

164 (e) Wherever the words "Department of Public Utility Control" are
165 used or referred to in the following sections of the general statutes, the
166 words "Department of Energy and Environmental Protection" shall be
167 substituted in lieu thereof: 1-84, 1-84b, 2-20a, 2-71p, 4-38c, as amended
168 by this act, 4a-57, 4a-74, 4d-2, 4d-80, 7-223, 7-233t, 7-233ii, 8-387, 12-81q,
169 12-94d, 12-264, 12-265, 12-408b, 12-412, 12-491, 13a-82, 13a-126, 13a-
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174 16-19o, 16-19u, 16-19w, 16-19x, 16-19z, 16-19aa, 16-19bb, 16-19cc, 16-
175 19dd, 16-19ee, 16-19ff, 16-19gg, 16-19jj, 16-19kk, 16-19mm, 16-19nn, 16-
176 19oo, 16-19pp, 16-19qq, 16-19ss, 16-19tt, 16-19uu, 16-19vv, 16-20, 16-21,
177 16-23, 16-24, 16-25, 16-25a, 16-26, 16-27, 16-28, 16-29, 16-32, 16-32a, 16-
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179 43d, 16-44, 16-44a, 16-45, 16-46, 16-47, 16-47a, 16-48, 16-49e, 16-50c, 16-
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181 235, 16-238, 16-243, 16-243a, 16-243b, 16-243c, 16-243f, 16-243j, 16-243k,
182 16-243m, 16-243n, 16-243p, 16-243q, 16-243r, 16-243s, 16-243t, 16-243u,
183 16-243w, 16-244a, 16-244b, 16-244c, as amended by this act, 16-244d,
184 16-244e, 16-244f, 16-244g, 16-244h, 16-244i, 16-244k, 16-244l, 16-245, as
185 amended by this act, 16-245a, 16-245b, 16-245c, 16-245d, 16-245e, 16-
186 245g, 16-245l, 16-245o, as amended by this act, 16-245p, 16-245q, 16-
187 245s, 16-245t, 16-245u, 16-245v, 16-245w, 16-245x, 16-245y, 16-246, 16-
188 246e, 16-246g, 16-247c, 16-247j, 16-247l, 16-247m, 16-247o, 16-247p, 16-
189 247q, 16-247t, 16-249, 16-250, 16-250a, 16-250b, 16-256b, 16-256c, 16-
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195 331c, 16-331e, 16-331f, 16-331g, 16-331h, 16-331i, 16-331j, 16-331k, 16-
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201 16a-7c, 16a-13b, 16a-37c, 16a-38n, 16a-38o, 16a-40b, 16a-40k, 16a-41,
202 16a-46, 16a-46b, 16a-46c, 16a-47a, 16a-47b, 16a-47c, 16a-47d, 16a-47e,
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208 33-951, 42-287, 43-44, 49-4c and 52-259a.

209 (f) Wherever the words "Secretary of the Office of Policy and
210 Management" are used or referred to in the following sections of title
211 16a of the general statutes, the words "Commissioner of Energy and
212 Environmental Protection" shall be substituted in lieu thereof: 16a-3,
213 16a-4d, 16a-6, 16a-14, 16a-22, 16a-22c, 16a-22h, 16a-22i, 16a-22j, 16a-23t,
214 16a-35c, 16a-35d, 16a-35h, 16a-37c, 16a-37f, 16a-37u, 16a-38, 16a-38a,
215 16a-38b, 16a-38i, 16a-38j, 16a-38k, 16a-38m, 16a-38o, 16a-39b, 16a-40b,
216 16a-41a, 16a-44b, 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-102 and 16a-
217 106.

218 (g) Wherever the words "Office of Policy and Management" are
219 used or referred to in the following sections of title 16a of the general
220 statutes, the words "Department of Energy and Environmental
221 Protection" shall be substituted in lieu thereof: 16a-2, 16a-3, 16a-4d,
222 16a-6, 16a-7b, 16a-14, 16a-14e, 16a-20, 16a-22, 16a-22c, 16a-22h, 16a-22i,
223 16a-22j, 16a-23t, 16a-35c, 16a-35d, 16a-35g, 16a-35h, 16a-37c, 16a-37f,
224 16a-37u, 16a-37v, 16a-37w, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j,
225 16a-38k, 16a-38l, 16a-38m, 16a-38n, 16a-38o, 16a-39b, 16a-40b, 16a-40f,
226 16a-41a, 16a-44b, 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-46g, 16a-102

227 and 16a-106.

228 (h) Wherever the word "secretary" is used or referred to in the
229 following sections of title 16a of the general statutes, the word
230 "commissioner" shall be substituted in lieu thereof: 16a-2, 16a-3, 16a-
231 4d, 16a-6, 16a-9, 16a-11, 16a-12, 16a-13, 16a-13a, 16a-13b, 16a-14, 16a-
232 14a, 16a-14b, 16a-22, 16a-22c, 16a-22d, 16a-22e, 16a-22f, 16a-22h, 16a-
233 22i, 16a-22j, 16a-23t, 16a-35c, 16a-35d, 16a-35h, 16a-37c, 16a-37f, 16a-
234 37u, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, 16a-38m, 16a-
235 38o, 16a-39b, 16a-40b, 16a-41a, 16a-44b, 16a-45a, 16a-46a, 16a-46b, 16a-
236 46c, 16a-46e, 16a-46f, 16a-102, 16a-106 and 16a-111.

237 (i) If the term "Department of Environmental Protection" or
238 "Department of Public Utility Control" is used or referred to in any
239 public or special act of 2011, or in any section of the general statutes
240 which is amended in 2011, it shall be deemed to refer to the
241 Department of Energy and Environmental Protection.

242 (j) If the term "Commissioner of Environmental Protection" is used
243 or referred to in any public or special act of 2011, or in any section of
244 the general statutes which is amended in 2011, it shall be deemed to
245 refer to the Commissioner of Energy and Environmental Protection.

246 Sec. 2. Section 4-5 of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective July 1, 2011*):

248 As used in sections 4-6, 4-7 and 4-8, the term "department head"
249 means Secretary of the Office of Policy and Management,
250 Commissioner of Administrative Services, Commissioner of Revenue
251 Services, Banking Commissioner, Commissioner of Children and
252 Families, Commissioner of Consumer Protection, Commissioner of
253 Correction, Commissioner of Economic and Community Development,
254 State Board of Education, Commissioner of Emergency Management
255 and Homeland Security, Commissioner of Energy and Environmental
256 Protection, Commissioner of Agriculture, Commissioner of Public
257 Health, Insurance Commissioner, Labor Commissioner, Liquor
258 Control Commission, Commissioner of Mental Health and Addiction

259 Services, Commissioner of Public Safety, Commissioner of Social
260 Services, Commissioner of Developmental Services, Commissioner of
261 Motor Vehicles, Commissioner of Transportation, Commissioner of
262 Public Works, Commissioner of Veterans' Affairs, Chief Information
263 Officer, [the chairperson of the Public Utilities Control Authority,] the
264 executive director of the Board of Education and Services for the Blind,
265 the executive director of the Connecticut Commission on Culture and
266 Tourism, and the executive director of the Office of Military Affairs. As
267 used in sections 4-6 and 4-7, "department head" also means the
268 Commissioner of Education.

269 Sec. 3. Section 4-38c of the general statutes is repealed and the
270 following is substituted in lieu thereof (*Effective July 1, 2011*):

271 There shall be within the executive branch of state government the
272 following departments: Office of Policy and Management, Department
273 of Administrative Services, Department of Revenue Services,
274 Department of Banking, Department of Agriculture, Department of
275 Children and Families, Department of Consumer Protection,
276 Department of Correction, Department of Economic and Community
277 Development, State Board of Education, Department of Emergency
278 Management and Homeland Security, Department of Energy and
279 Environmental Protection, Department of Public Health, Board of
280 Governors of Higher Education, Insurance Department, Labor
281 Department, Department of Mental Health and Addiction Services,
282 Department of Developmental Services, Department of Public Safety,
283 Department of Social Services, Department of Transportation,
284 Department of Motor Vehicles, Department of Veterans' Affairs [,] and
285 Department of Public Works. [and Department of Public Utility
286 Control.]

287 Sec. 4. Section 16a-3a of the general statutes is repealed and the
288 following is substituted in lieu thereof (*Effective July 1, 2011*):

289 (a) The [electric distribution companies, in consultation with the
290 Connecticut Energy Advisory Board, established pursuant to section

291 16a-3,] Department of Energy and Environmental Protection, in
292 consultation with the Connecticut Energy Advisory Board, shall
293 review the state's energy and capacity resource assessment and
294 develop a comprehensive plan for the procurement of energy
295 resources, including, but not limited to, conventional and renewable
296 generating facilities, energy efficiency, load management, demand
297 response, combined heat and power facilities, distributed generation
298 and other emerging energy technologies to meet the projected
299 requirements of their customers in a manner that minimizes the cost of
300 such resources to customers over time and maximizes consumer
301 benefits consistent with the state's environmental goals and standards.
302 Such plan shall seek to lower the cost of electricity.

303 (b) On or before January 1, [2008] 2012, and biennially thereafter, the
304 Department of Energy and Environmental Protection, in consultation
305 with the Connecticut Energy Advisory Board and the companies, shall
306 [submit to the Connecticut Energy Advisory Board] prepare an
307 assessment of (1) the energy and capacity requirements of customers
308 for the next three, five and ten years, (2) the manner of how best to
309 eliminate growth in electric demand, (3) how best to level electric
310 demand in the state by reducing peak demand and shifting demand to
311 off-peak periods, (4) the impact of current and projected
312 environmental standards, including, but not limited to, those related to
313 greenhouse gas emissions and the federal Clean Air Act goals and how
314 different resources could help achieve those standards and goals, (5)
315 energy security and economic risks associated with potential energy
316 resources, and (6) the estimated lifetime cost and availability of
317 potential energy resources.

318 (c) Resource needs shall first be met through all available energy
319 efficiency and demand reduction resources that are cost-effective for
320 the general class of consumers, reliable and feasible. The projected
321 customer cost impact of any demand-side resources considered
322 pursuant to this subsection shall be reviewed on an equitable bases
323 with nondemand-side resources. The procurement plan shall specify
324 (1) the total amount of energy and capacity resources needed to meet

325 the requirements of all customers, (2) the extent to which demand-side
326 measures, including efficiency, conservation, demand response and
327 load management can cost-effectively meet these needs from the
328 perspective of the general class of consumers, (3) needs for generating
329 capacity and transmission and distribution improvements, (4) how the
330 development of such resources will reduce and stabilize the costs of
331 electricity to the general class of consumers, and (5) the manner in
332 which each of the proposed resources should be procured, including
333 the optimal contract periods for various resources.

334 (d) The procurement plan shall consider: (1) Approaches to
335 maximizing the impact of demand-side measures; (2) the extent to
336 which generation needs can be met by renewable and combined heat
337 and power facilities; (3) the optimization of the use of generation sites
338 and generation portfolio existing within the state; (4) fuel types,
339 diversity, availability, firmness of supply and security and
340 environmental impacts thereof, including impacts on meeting the
341 state's greenhouse gas emission goals; (5) reliability, peak load and
342 energy forecasts, system contingencies and existing resource
343 availabilities; (6) import limitations and the appropriate reliance on
344 such imports; and (7) the impact of the procurement plan on the costs
345 of electric customers. Such plan shall include options for lowering the
346 cost of electricity.

347 (e) The [board, in consultation with the regional independent
348 system operator, shall review and approve or review, modify and
349 approve] Department of Energy and Environmental Protection, in
350 consultation with the electric distribution companies, the regional
351 independent system operator, and the Connecticut Energy Advisory
352 Board, shall develop a procurement plan and hold public hearings on
353 the proposed procurement plan. [as submitted not later than one
354 hundred twenty days after receipt. For calendar years 2009 and
355 thereafter, the board shall conduct such review not later than sixty
356 days after receipt. For the purpose of reviewing the plan, the
357 Commissioners of Transportation and Agriculture and the chairperson
358 of the Public Utilities Control Authority, or their respective designees,

359 shall not participate as members of the board. The electric distribution
360 companies shall provide any additional information requested by the
361 board that is relevant to the consideration of the procurement plan. In
362 the course of conducting such review, the board shall conduct a public
363 hearing, may retain the services of a third-party entity with experience
364 in the area of energy procurement and may consult with the regional
365 independent system operator. The board shall submit the reviewed
366 procurement plan, together with a statement of any unresolved issues,
367 to the Department of Public Utility Control. The department shall
368 consider the procurement plan in an uncontested proceeding and shall
369 conduct a hearing and provide an opportunity for interested parties to
370 submit comments regarding the procurement plan. Not later than one
371 hundred twenty days after submission of the procurement plan, the
372 department shall approve, or modify and approve, the procurement
373 plan.] The department's Bureau of Energy shall, after the public
374 hearing, make recommendations to the Commissioner of Energy and
375 Environmental Protection regarding plan modifications. Said
376 commissioner shall approve, modify or reject the plan.

377 (f) On or before September 30, [2009] 2011, and every two years
378 thereafter, the Department of [Public Utility Control] Energy and
379 Environmental Protection shall report to the joint standing committees
380 of the General Assembly having cognizance of matters relating to
381 energy and the environment regarding goals established and progress
382 toward implementation of the procurement plan established pursuant
383 to this section, as well as any recommendations for the process.

384 (g) All electric distribution companies' costs associated with the
385 development of the resource assessment and the development of the
386 procurement plan shall be recoverable through the systems benefits
387 charge.

388 Sec. 5. (NEW) (*Effective July 1, 2011*) (a) The plan developed,
389 pursuant to section 16a-3a of the general statutes, as amended by this
390 act, to be adopted in 2012 shall (1) indicate specific options to reduce
391 the price of electricity. Such options may include the procurement of

392 new sources of generation. In reviewing new sources of generation, the
393 plan shall determine whether the private wholesale market can supply
394 such additional sources or whether state financial assistance, long-term
395 purchasing of electricity contracts or other interventions are needed to
396 achieve the goal; (2) analyze in-state renewable sources of electricity in
397 comparison to transmission line upgrades or new projects and out-of-
398 state renewable energy sources, provided such analysis also considers
399 the benefits of additional jobs and other economic impacts; (3) include
400 an examination of other states' best practices to determine why
401 electricity rates are lower elsewhere in the region; (4) assess and
402 compare the cost of transmission line projects, new power sources,
403 renewable sources of electricity, conservation and distributed
404 generation projects to ensure the state pursues only the least-cost
405 alternative projects; (5) continually monitor supply and distribution
406 systems to identify potential need for transmission line projects early
407 enough to identify alternatives; and (6) assess the least cost alternative
408 to address reliability concerns, including, but not limited to, lowering
409 electricity demand through conservation and distributed generation
410 projects before an electric distribution company submits a proposal for
411 transmission lines or transmission line upgrades to the independent
412 system operator or the Federal Energy Regulatory Commission.

413 (b) If, on and after July 1, 2012, the 2012 plan contains an option to
414 procure new sources of generation, the Department of Energy and
415 Environmental Protection shall pursue the most cost-effective
416 approach. If the department seeks new sources of generation, it shall
417 issue a notice of interest for generation without any financial
418 assistance, including, but not limited to, long-term contract financing
419 or ratepayer guarantees. If the department fails to receive any
420 responsive proposal, it shall issue a request for proposals that may
421 include such financial assistance.

422 (c) On or before February 1, 2012, the department shall report to the
423 joint standing committee of the General Assembly having cognizance
424 of matters relating to energy regarding state policy and legislative
425 changes the department feels would most likely lower the state's

426 electricity rates.

427 Sec. 6. Section 16-244c of the general statutes is repealed and the
428 following is substituted in lieu thereof (*Effective July 1, 2011*):

429 (a) (1) On and after January 1, 2000, each electric distribution
430 company shall make available to all customers in its service area, the
431 provision of electric generation and distribution services through a
432 standard offer. Under the standard offer, a customer shall receive
433 electric services at a rate established by the Department of [Public
434 Utility Control] Energy and Environmental Protection pursuant to
435 subdivision (2) of this subsection. Each electric distribution company
436 shall provide electric generation services in accordance with such
437 option to any customer who affirmatively chooses to receive electric
438 generation services pursuant to the standard offer or does not or is
439 unable to arrange for or maintain electric generation services with an
440 electric supplier. The standard offer shall automatically terminate on
441 January 1, 2004. While providing electric generation services under the
442 standard offer, an electric distribution company may provide electric
443 generation services through any of its generation entities or affiliates,
444 provided such entities or affiliates are licensed pursuant to section 16-
445 245, as amended by this act.

446 (2) Not later than October 1, 1999, the Department of [Public Utility
447 Control] Energy and Environmental Protection shall establish the
448 standard offer for each electric distribution company, effective January
449 1, 2000, which shall allocate the costs of such company among electric
450 transmission and distribution services, electric generation services, the
451 competitive transition assessment and the systems benefits charge. The
452 department shall hold a hearing that shall be conducted as a contested
453 case in accordance with chapter 54 to establish the standard offer. The
454 standard offer shall provide that the total rate charged under the
455 standard offer, including electric transmission and distribution
456 services, the conservation and load management program charge
457 described in section 16-245m, the renewable energy investment charge
458 described in section 16-245n, electric generation services, the

459 competitive transition assessment and the systems benefits charge
460 shall be at least ten per cent less than the base rates, as defined in
461 section 16-244a, in effect on December 31, 1996. The standard offer
462 shall be adjusted to the extent of any increase or decrease in state taxes
463 attributable to sections 12-264 and 12-265 and any other increase or
464 decrease in state or federal taxes resulting from a change in state or
465 federal law and shall continue to be adjusted during such period
466 pursuant to section 16-19b. Notwithstanding the provisions of section
467 16-19b, the provisions of said section 16-19b shall apply to electric
468 distribution companies. The standard offer may be adjusted, by an
469 increase or decrease, to the extent approved by the department, in the
470 event that (A) the revenue requirements of the company are affected as
471 the result of changes in (i) legislative enactments other than public act
472 98-28, (ii) administrative requirements, or (iii) accounting standards
473 occurring after July 1, 1998, provided such accounting standards are
474 adopted by entities independent of the company that have authority to
475 issue such standards, or (B) an electric distribution company incurs
476 extraordinary and unanticipated expenses required for the provision of
477 safe and reliable electric service to the extent necessary to provide such
478 service. Savings attributable to a reduction in taxes shall not be shifted
479 between customer classes.

480 (3) The price reduction provided in subdivision (2) of this
481 subsection shall not apply to customers who, on or after July 1, 1998,
482 are purchasing electric services from an electric company or electric
483 distribution company, as the case may be, under a special contract or
484 flexible rate tariff, and the company's filed standard offer tariffs shall
485 reflect that such customers shall not receive the standard offer price
486 reduction.

487 (b) (1) (A) On and after January 1, 2004, each electric distribution
488 company shall make available to all customers in its service area, the
489 provision of electric generation and distribution services through a
490 transitional standard offer. Under the transitional standard offer, a
491 customer shall receive electric services at a rate established by the
492 Department of [Public Utility Control] Energy and Environmental

493 Protection pursuant to subdivision (2) of this subsection. Each electric
494 distribution company shall provide electric generation services in
495 accordance with such option to any customer who affirmatively
496 chooses to receive electric generation services pursuant to the
497 transitional standard offer or does not or is unable to arrange for or
498 maintain electric generation services with an electric supplier. The
499 transitional standard offer shall terminate on December 31, 2006. While
500 providing electric generation services under the transitional standard
501 offer, an electric distribution company may provide electric generation
502 services through any of its generation entities or affiliates, provided
503 such entities or affiliates are licensed pursuant to section 16-245, as
504 amended by this act.

505 (B) The department shall conduct a proceeding to determine
506 whether a practical, effective, and cost-effective process exists under
507 which an electric customer, when initiating electric service, may
508 receive information regarding selecting electric generating services
509 from a qualified entity. The department shall complete such
510 proceeding on or before December 1, 2005, and shall implement the
511 resulting decision on or before March 1, 2006, or on such later date that
512 the department considers appropriate. An electric distribution
513 company's costs of participating in the proceeding and implementing
514 the results of the department's decision shall be recoverable by the
515 company as generation services costs through an adjustment
516 mechanism as approved by the department.

517 (2) (A) Not later than December 15, 2003, the Department of [Public
518 Utility Control] Energy and Environmental Protection shall establish
519 the transitional standard offer for each electric distribution company,
520 effective January 1, 2004.

521 (B) The department shall hold a hearing that shall be conducted as a
522 contested case in accordance with chapter 54 to establish the
523 transitional standard offer. The transitional standard offer shall
524 provide that the total rate charged under the transitional standard
525 offer, including electric transmission and distribution services, the

526 conservation and load management program charge described in
527 section 16-245m, the renewable energy investment charge described in
528 section 16-245n, electric generation services, the competitive transition
529 assessment and the systems benefits charge, and excluding federally
530 mandated congestion costs, shall not exceed the base rates, as defined
531 in section 16-244a, in effect on December 31, 1996, excluding any rate
532 reduction ordered by the department on September 26, 2002.

533 (C) (i) Each electric distribution company shall, on or before January
534 1, 2004, file with the department an application for an amendment of
535 rates pursuant to section 16-19, which application shall include a four-
536 year plan for the provision of electric transmission and distribution
537 services. The department shall conduct a contested case proceeding
538 pursuant to sections 16-19 and 16-19e to approve, reject or modify the
539 application and plan. Upon the approval of such plan, as filed or as
540 modified by the department, the department shall order that such plan
541 shall establish the electric transmission and distribution services
542 component of the transitional standard offer.

543 (ii) Notwithstanding the provisions of this subparagraph, an electric
544 distribution company that, on or after September 1, 2002, completed a
545 proceeding pursuant to sections 16-19 and 16-19e, shall not be required
546 to file an application for an amendment of rates as required by this
547 subparagraph. The department shall establish the electric transmission
548 and distribution services component of the transitional standard offer
549 for any such company equal to the electric transmission and
550 distribution services component of the standard offer established
551 pursuant to subsection (a) of this section in effect on July 1, 2003, for
552 such company. If such electric distribution company applies to the
553 department, pursuant to section 16-19, for an amendment of its rates
554 on or before December 31, 2006, the application of the electric
555 distribution company shall include a four-year plan.

556 (D) The transitional standard offer (i) shall be adjusted to the extent
557 of any increase or decrease in state taxes attributable to sections 12-264
558 and 12-265 and any other increase or decrease in state or federal taxes

559 resulting from a change in state or federal law, (ii) shall be adjusted to
560 provide for the cost of contracts under subdivision (2) of subsection (j)
561 of this section and the administrative costs for the procurement of such
562 contracts, and (iii) shall continue to be adjusted during such period
563 pursuant to section 16-19b. Savings attributable to a reduction in taxes
564 shall not be shifted between customer classes. Notwithstanding the
565 provisions of section 16-19b, the provisions of section 16-19b shall
566 apply to electric distribution companies.

567 (E) The transitional standard offer may be adjusted, by an increase
568 or decrease, to the extent approved by the department, in the event
569 that (i) the revenue requirements of the company are affected as the
570 result of changes in (I) legislative enactments other than public act 03-
571 135 or public act 98-28, (II) administrative requirements, or (III)
572 accounting standards adopted after July 1, 2003, provided such
573 accounting standards are adopted by entities that are independent of
574 the company and have authority to issue such standards, or (ii) an
575 electric distribution company incurs extraordinary and unanticipated
576 expenses required for the provision of safe and reliable electric service
577 to the extent necessary to provide such service.

578 (3) The price provided in subdivision (2) of this subsection shall not
579 apply to customers who, on or after July 1, 2003, purchase electric
580 services from an electric company or electric distribution company, as
581 the case may be, under a special contract or flexible rate tariff,
582 provided the company's filed transitional standard offer tariffs shall
583 reflect that such customers shall not receive the transitional standard
584 offer price during the term of said contract or tariff.

585 (4) (A) In addition to its costs received pursuant to subsection (h) of
586 this section, as compensation for providing transitional standard offer
587 service, each electric distribution company shall receive an amount
588 equal to five-tenths of one mill per kilowatt hour. Revenues from such
589 compensation shall not be included in calculating the electric
590 distribution company's earnings for purposes of, or in determining
591 whether its rates are just and reasonable under, sections 16-19, 16-19a

592 and 16-19e, including an earnings sharing mechanism. In addition,
593 each electric distribution company may earn compensation for
594 mitigating the prices of the contracts for the provision of electric
595 generation services, as provided in subdivision (2) of this subsection.

596 (B) The department shall conduct a contested case proceeding
597 pursuant to the provisions of chapter 54 to establish an incentive plan
598 for the procurement of long-term contracts for transitional standard
599 offer service by an electric distribution company. The incentive plan
600 shall be based upon a comparison of the actual average firm full
601 requirements service contract price for electricity obtained by the
602 electric distribution company compared to the regional average firm
603 full requirements service contract price for electricity, adjusted for such
604 variables as the department deems appropriate, including, but not
605 limited to, differences in locational marginal pricing. If the actual
606 average firm full requirements service contract price obtained by the
607 electric distribution company is less than the actual regional average
608 firm full requirements service contract price for the previous year, the
609 department shall split five-tenths of one mill per kilowatt hour equally
610 between ratepayers and the company. Revenues from such incentive
611 plan shall not be included in calculating the electric distribution
612 company's earnings for purposes of, or in determining whether its
613 rates are just and reasonable under sections 16-19, 16-19a and 16-19e.
614 The department may, as it deems necessary, retain a third party entity
615 with expertise in energy procurement to assist with the development
616 of such incentive plan.

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

623 (2) Not later than October 1, 2006, and periodically as required by
624 subdivision (3) of this subsection, but not more often than every

625 calendar quarter, the Department of Public Utility Control shall
626 establish the standard service price for such customers pursuant to
627 subdivision (3) of this subsection. Each electric distribution company
628 shall recover the actual net costs of procuring and providing electric
629 generation services pursuant to this subsection, provided such
630 company mitigates the costs it incurs for the procurement of electric
631 generation services for customers who are no longer receiving service
632 pursuant to this subsection.

633 (3) An electric distribution company providing electric generation
634 services pursuant to this subsection shall [mitigate the variation of the
635 price of the service offered to its customers by procuring] cooperate
636 with the procurement officer of the Department of Energy and
637 Environmental Protection and comply with the procurement plan for
638 electric generation services contracts in the manner prescribed in [a
639 plan approved by the department. Such plan shall require the
640 procurement of a portfolio of service contracts sufficient to meet the
641 projected load of the electric distribution company. Such plan shall
642 require that the portfolio of service contracts be procured in an
643 overlapping pattern of fixed periods at such times and in such manner
644 and duration as the department determines to be most likely to
645 produce just, reasonable and reasonably stable retail rates while
646 reflecting underlying wholesale market prices over time. The portfolio
647 of contracts shall be assembled in such manner as to invite
648 competition; guard against favoritism, improvidence, extravagance,
649 fraud and corruption; and secure a reliable electricity supply while
650 avoiding unusual, anomalous or excessive pricing. The portfolio of
651 contracts procured under such plan shall be for terms of not less than
652 six months, provided contracts for shorter periods may be procured
653 under such conditions as the department shall prescribe to (A) ensure
654 the lowest rates possible for end-use customers; (B) ensure reliable
655 service under extraordinary circumstances; and (C) ensure the prudent
656 management of the contract portfolio] section 7 of this act. An affiliate
657 of an electric distribution company may [receive a] bid for an electric
658 generation services contract, [from any of its generation entities or

659 affiliates,] provided such [generation entity or affiliate submits its bid
660 the business day preceding the first day on which an unaffiliated
661 electric supplier may submit its bid and further provided the] electric
662 distribution company and [the generation entity or] affiliate are in
663 compliance with the code of conduct established in section 16-244h.

664 (4) [The department, in consultation with the Office of Consumer
665 Counsel, shall] The procurement officer of the Department of Energy
666 and Environmental Protection may retain the services of [a] third-party
667 [entity with expertise in the area of energy procurement to oversee the
668 initial development of the request for proposals and the procurement
669 of contracts by an electric distribution company for the provision]
670 entities as it sees fit to assist with the procurement of electric
671 generation services [offered pursuant to this subsection] for standard
672 service. Costs associated with the retention of such third-party entity
673 shall be included in the cost of [electric generation services that is
674 included in such price] standard service.

675 (5) [Each] For standard service contracts procured prior to
676 department approval of the plan developed pursuant to section 7 of
677 this act, each bidder for a standard service contract shall submit its bid
678 to the electric distribution company and the third-party entity who
679 shall jointly review the bids and submit an overview of all bids
680 together with a joint recommendation to the department as to the
681 preferred bidders. The department may, within ten business days of
682 submission of the overview, reject the recommendation regarding
683 preferred bidders. In the event that the department rejects the
684 preferred bids, the electric distribution company and the third-party
685 entity shall rebid the service pursuant to this subdivision. The
686 department shall review each bid in an uncontested proceeding that
687 shall include a public hearing and in which the Consumer Counsel and
688 Attorney General may participate.

689 (d) (1) Notwithstanding the provisions of this section regarding the
690 electric generation services component of the transitional standard
691 offer or the procurement of electric generation services under standard

692 service, section 16-244h or 16-245o, as amended by this act, the
693 Department of [Public Utility Control] Energy and Environmental
694 Protection may, from time to time, direct an electric distribution
695 company to offer, through an electric supplier or electric suppliers,
696 before January 1, 2007, one or more alternative transitional standard
697 offer options or, on or after January 1, 2007, one or more alternative
698 standard service options. Such alternative options shall include, but
699 not be limited to, an option that consists of the provision of electric
700 generation services that exceed the renewable portfolio standards
701 established in section 16-245a and may include an option that utilizes
702 strategies or technologies that reduce the overall consumption of
703 electricity of the customer.

704 (2) (A) The department shall develop such alternative option or
705 options in a contested case conducted in accordance with the
706 provisions of chapter 54. The department shall determine the terms
707 and conditions of such alternative option or options, including, but not
708 limited to, (i) the minimum contract terms, including pricing, length
709 and termination of the contract, and (ii) the minimum percentage of
710 electricity derived from Class I or Class II renewable energy sources, if
711 applicable. The electric distribution company shall, under the
712 supervision of the department, subsequently conduct a bidding
713 process in order to solicit electric suppliers to provide such alternative
714 option or options.

715 (B) The department may reject some or all of the bids received
716 pursuant to the bidding process.

717 (3) The department may require an electric supplier to provide
718 forms of assurance to satisfy the department that the contracts
719 resulting from the bidding process will be fulfilled.

720 (4) An electric supplier who fails to fulfill its contractual obligations
721 resulting from this subdivision shall be subject to civil penalties, in
722 accordance with the provisions of section 16-41, or the suspension or
723 revocation of such supplier's license or a prohibition on the acceptance

724 of new customers, following a hearing that is conducted as a contested
725 case, in accordance with the provisions of chapter 54.

726 (e) (1) On and after January 1, 2007, an electric distribution company
727 shall serve customers that are not eligible to receive standard service
728 pursuant to subsection (c) of this section as the supplier of last resort.
729 This subsection shall not apply to customers purchasing power under
730 contracts entered into pursuant to section 16-19hh.

731 (2) An electric distribution company shall procure electricity at least
732 every calendar quarter to provide electric generation services to
733 customers pursuant to this subsection. The Department of [Public
734 Utility Control] Energy and Environmental Protection shall determine
735 a price for such customers that reflects the full cost of providing the
736 electricity on a monthly basis. Each electric distribution company shall
737 recover the actual net costs of procuring and providing electric
738 generation services pursuant to this subsection, provided such
739 company mitigates the costs it incurs for the procurement of electric
740 generation services for customers that are no longer receiving service
741 pursuant to this subsection.

742 (f) On and after January 1, 2000, and until such time the regional
743 independent system operator implements procedures for the provision
744 of back-up power to the satisfaction of the Department of [Public
745 Utility Control] Energy and Environmental Protection, each electric
746 distribution company shall provide electric generation services to any
747 customer who has entered into a service contract with an electric
748 supplier that fails to provide electric generation services for reasons
749 other than the customer's failure to pay for such services. Between
750 January 1, 2000, and December 31, 2006, an electric distribution
751 company may procure electric generation services through a
752 competitive bidding process or through any of its generation entities
753 or affiliates. On and after January 1, 2007, such company shall procure
754 electric generation services through a competitive bidding process
755 pursuant to a plan submitted by the electric distribution company and
756 approved by the department. Such company may procure electric

757 generation services through any of its generation entities or affiliates,
758 provided such entity or affiliate is the lowest qualified bidder and
759 provided further any such entity or affiliate is licensed pursuant to
760 section 16-245, as amended by this act.

761 (g) An electric distribution company is not required to be licensed
762 pursuant to section 16-245, as amended by this act, to provide standard
763 offer electric generation services in accordance with subsection (a) of
764 this section, transitional standard offer service pursuant to subsection
765 (b) of this section, standard service pursuant to subsection (c) of this
766 section, supplier of last resort service pursuant to subsection (e) of this
767 section or back-up electric generation service pursuant to subsection (f)
768 of this section.

769 (h) The electric distribution company shall be entitled to recover
770 reasonable costs incurred as a result of providing standard offer
771 electric generation services pursuant to the provisions of subsection (a)
772 of this section, transitional standard offer service pursuant to
773 subsection (b) of this section, standard service pursuant to subsection
774 (c) of this section or back-up electric generation service pursuant to
775 subsection (f) of this section. The provisions of this section and section
776 16-244a shall satisfy the requirements of section 16-19a until January 1,
777 2007.

778 (i) The Department of [Public Utility Control] Energy and
779 Environmental Protection shall establish, by regulations adopted
780 pursuant to chapter 54, procedures for when and how a customer is
781 notified that his electric supplier has defaulted and of the need for the
782 customer to choose a new electric supplier within a reasonable period
783 of time.

784 (j) (1) Notwithstanding the provisions of subsection (d) of this
785 section regarding an alternative transitional standard offer option or
786 an alternative standard service option, an electric distribution
787 company providing transitional standard offer service, standard
788 service, supplier of last resort service or back-up electric generation

789 service in accordance with this section shall contract with its wholesale
790 suppliers to comply with the renewable portfolio standards. The
791 Department of [Public Utility Control] Energy and Environmental
792 Protection shall annually conduct a contested case, in accordance with
793 the provisions of chapter 54, in order to determine whether the electric
794 distribution company's wholesale suppliers met the renewable
795 portfolio standards during the preceding year. An electric distribution
796 company shall include a provision in its contract with each wholesale
797 supplier that requires the wholesale supplier to pay the electric
798 distribution company an amount of five and one-half cents per
799 kilowatt hour if the wholesale supplier fails to comply with the
800 renewable portfolio standards during the subject annual period. The
801 electric distribution company shall promptly transfer any payment
802 received from the wholesale supplier for the failure to meet the
803 renewable portfolio standards to the Renewable Energy Investment
804 Fund for the development of Class I renewable energy sources. Any
805 payment made pursuant to this section shall not be considered
806 revenue or income to the electric distribution company.

807 (2) Notwithstanding the provisions of subsection (d) of this section
808 regarding an alternative transitional standard offer option or an
809 alternative standard service option, an electric distribution company
810 providing transitional standard offer service, standard service,
811 supplier of last resort service or back-up electric generation service in
812 accordance with this section shall, not later than July 1, 2008, file with
813 the Department of [Public Utility Control] Energy and Environmental
814 Protection for its approval one or more long-term power purchase
815 contracts from Class I renewable energy source projects located in
816 Connecticut that receive funding from the Renewable Energy
817 Investment Fund and that are not less than one megawatt in size, at a
818 price that is either, at the determination of the project owner, (A) not
819 more than the total of the comparable wholesale market price for
820 generation plus five and one-half cents per kilowatt hour, or (B) fifty
821 per cent of the wholesale market electricity cost at the point at which
822 transmission lines intersect with each other or interface with the

823 distribution system, plus the project cost of fuel indexed to natural gas
824 futures contracts on the New York Mercantile Exchange at the natural
825 gas pipeline interchange located in Vermillion Parish, Louisiana that
826 serves as the delivery point for such futures contracts, plus the fuel
827 delivery charge for transporting fuel to the project, plus five and one-
828 half cents per kilowatt hour. In its approval of such contracts, the
829 department shall give preference to purchase contracts from those
830 projects that would provide a financial benefit to ratepayers [or] and
831 would enhance the reliability of the electric transmission system of the
832 state. Such projects shall be located in this state. The owner of a fuel
833 cell project principally manufactured in this state shall be allocated all
834 available air emissions credits and tax credits attributable to the project
835 and no less than fifty per cent of the energy credits in the Class I
836 renewable energy credits program established in section 16-245a
837 attributable to the project. On and after October 1, 2007, and until
838 September 30, 2008, such contracts shall be comprised of not less than a
839 total, apportioned among each electric distribution company, of one
840 hundred twenty-five megawatts; and on and after October 1, 2008,
841 such contracts shall be comprised of not less than a total, apportioned
842 among each electrical distribution company, of one hundred fifty
843 megawatts. The cost of such contracts and the administrative costs for
844 the procurement of such contracts directly incurred shall be eligible for
845 inclusion in the adjustment to the transitional standard offer as
846 provided in this section and any subsequent rates for standard service,
847 provided such contracts are for a period of time sufficient to provide
848 financing for such projects, but not less than ten years, and are for
849 projects which began operation on or after July 1, 2003. Except as
850 provided in this subdivision, the amount from Class I renewable
851 energy sources contracted under such contracts shall be applied to
852 reduce the applicable Class I renewable energy source portfolio
853 standards. For purposes of this subdivision, the department's
854 determination of the comparable wholesale market price for
855 generation shall be based upon a reasonable estimate. On or before
856 September 1, [2007] 2011, the department, in consultation with the
857 Office of Consumer Counsel and the Renewable Energy Investments

858 [Advisory Council] Board, shall study the operation of such renewable
859 energy contracts and report its findings and recommendations to the
860 joint standing committee of the General Assembly having cognizance
861 of matters relating to energy.

862 (k) (1) As used in this section:

863 (A) "Participating electric supplier" means an electric supplier that is
864 licensed by the department to provide electric service, pursuant to this
865 subsection, to residential or small commercial customers.

866 (B) "Residential customer" means a customer who is eligible for
867 standard service and who takes electric distribution-related service
868 from an electric distribution company pursuant to a residential tariff.

869 (C) "Small commercial customer" means a customer who is eligible
870 for standard service and who takes electric distribution-related service
871 from an electric distribution company pursuant to a small commercial
872 tariff.

873 (D) "Qualifying electric offer" means an offer to provide full
874 requirements commodity electric service and all other generation-
875 related service to a residential or small commercial customer at a fixed
876 price per kilowatt hour for a term of no less than one year.

877 (2) In the manner determined by the department, residential or
878 small commercial service customers (A) initiating new utility service,
879 (B) reinitiating service following a change of residence or business
880 location, (C) making an inquiry regarding their utility rates, or (D)
881 seeking information regarding energy efficiency shall be offered the
882 option to learn about their ability to enroll with a participating electric
883 supplier. Customers expressing an interest to learn about their electric
884 supply options shall be informed of the qualifying electric offers then
885 available from participating electric suppliers. The electric distribution
886 companies shall describe then available qualifying electric offers
887 through a method reviewed and approved by the department. The
888 information conveyed to customers expressing an interest to learn

889 about their electric supply options shall include, at a minimum, the
890 price and term of the available electric supply option. Customers
891 expressing an interest in a particular qualifying electric offer shall be
892 immediately transferred to a call center operated by that participating
893 electric supplier.

894 (3) Not later than September 1, 2007, the department shall establish
895 terms and conditions under which a participating electric supplier can
896 be included in the referral program described in subdivision (2) of this
897 subsection. Such terms shall include, but not be limited to, requiring
898 participating electrical suppliers to offer time-of-use and real-time use
899 rates to residential customers.

900 (4) Each calendar quarter, participating electric suppliers shall be
901 allowed to list qualifying offers to provide electric generation service
902 to residential and small commercial customers with each customer's
903 utility bill. The department shall determine the manner such
904 information is presented in customers' utility bills.

905 (5) Any customer that receives electric generation service from a
906 participating electric supplier may return to standard service or may
907 choose another participating electric supplier at any time, including
908 during the qualifying electric offer, without the imposition of any
909 additional charges. Any customer that is receiving electric generation
910 service from an electric distribution company pursuant to standard
911 service can switch to another participating electric supplier at any time
912 without the imposition of additional charges.

913 (l) Each electric distribution company shall offer to bill customers on
914 behalf of participating electric suppliers and to pay such suppliers in a
915 timely manner the amounts due such suppliers from customers for
916 generation services, less a percentage of such amounts that reflects
917 uncollectible bills and overdue payments as approved by the
918 Department of [Public Utility Control] Energy and Environmental
919 Protection.

920 (m) On or before July 1, 2007, the Department of [Public Utility

921 Control] Energy and Environmental Protection shall initiate a
922 proceeding to examine whether electric supplier bills rendered
923 pursuant to section 16-245d, as amended by this act, and any
924 regulations adopted thereunder sufficiently enable customers to
925 compare pricing policies and charges among electric suppliers.

926 (n) The department shall conduct a proceeding to determine the cost
927 of billing, collection and other services provided by the electric
928 distribution companies or the department solely for the benefit of
929 participating electric suppliers and aggregators. The department shall
930 order an equitable allocation of such costs among electric suppliers
931 and aggregators. As part of this same proceeding, the department shall
932 also determine the costs that the electric distribution companies incur
933 solely for the benefit of standard service and last resort service
934 customers. The department shall allocate and provide for the equitable
935 recovery of such costs from standard service or last resort service
936 customers.

937 [(n)] (o) Nothing in the provisions of this section shall preclude an
938 electric distribution company from entering into standard service
939 supply contracts or standard service supply components with electric
940 generating facilities.

941 Sec. 7. (NEW) (*Effective July 1, 2011*) (a) On or before January 1, 2012,
942 and annually thereafter, the procurement officer of the Department of
943 Energy and Environmental Protection, in consultation with each
944 electric distribution company and in consultation with others at the
945 procurement officer's discretion, shall develop a plan for the
946 procurement of electric generation services and related wholesale
947 electricity market products that will enable each electric distribution
948 company to manage a portfolio of contracts to reduce the average cost
949 of standard service while maintaining standard service cost volatility
950 within reasonable levels. Each procurement plan shall provide for the
951 competitive solicitation for load-following electric service and may
952 include a provision for the use of other contracts, including, but not
953 limited to, contracts for generation or other electricity market products

954 and financial contracts, and may provide for the use of varying lengths
955 of contracts. If such plan includes the purchase of full requirements
956 contracts, it shall include an explanation of why such purchases are in
957 the best interests of standard service customers.

958 (b) An electric distribution company shall recover all reasonable and
959 prudent costs incurred in connection with the development and
960 implementation of the approved procurement plan, including costs of
961 contracts entered into in accordance with the plan.

962 (c) The procurement officer shall, not less than quarterly, meet with
963 the Commissioner of Energy and Environmental Protection and
964 prepare a written report on the implementation of the plan and
965 recommend any necessary adjustments to the plan to address market
966 conditions or to otherwise reduce the costs of standard service. Such
967 quarterly reports shall be public documents. After considering such
968 report and recommendation, the commissioner may amend the plan
969 by written order.

970 (d) The costs of procurement for standard service shall be borne
971 solely by the standard service customers.

972 (e) (1) The Department of Energy and Environmental Protection
973 shall conduct an uncontested proceeding to approve, with any
974 amendments it determines necessary, a procurement plan submitted
975 pursuant to subsection (a) of this section.

976 (2) The Department of Energy and Environmental Protection shall
977 report annually in accordance with the provisions of section 11-4a to
978 the joint standing committee of the General Assembly having
979 cognizance of matters relating to energy regarding the procurement
980 plan and its implementation.

981 Sec. 8. (NEW) (*Effective July 1, 2011*) The Department of Energy and
982 Environmental Protection Bureau of Public Utility Control shall initiate
983 a docket to consider the buy down of an electric distribution
984 company's current standard service contract to reduce ratepayer bills

985 and conduct a cost benefit analysis of such a buy down. If the
986 department, as a result of such docket, determines such a buy down is
987 in the best interest of ratepayers, the company shall proceed with such
988 buy down.

989 Sec. 9. Subsection (b) of section 7-233e of the general statutes is
990 amended by adding subdivision (30) as follows (*Effective July 1, 2011*):

991 (NEW) (30) To bid on standard service pursuant to section 16-244c,
992 as amended by this act.

993 Sec. 10. (NEW) (*Effective July 1, 2011*) On or before September 1,
994 2011, the Department of Energy and Environmental Protection shall
995 initiate a request for proposals to consider bilateral purchasing
996 contracts for electricity from existing or new generators, provided such
997 contracts shall be for a term of not less than five years and not more
998 than fifteen years, shall reduce electricity rates by pricing such
999 electricity on a cost-of-service basis, power purchase agreement or
1000 other mechanism the department determines to be in the best interest
1001 of Connecticut's customers and shall directly, or in combination with
1002 other initiatives, provide electricity at lower rates for Connecticut
1003 consumers.

1004 Sec. 11. (NEW) (*Effective from passage*) The Department of Energy
1005 and Environmental Protection shall prepare a study on the potential
1006 costs savings and benefits to ratepayers, including, but not limited to,
1007 emissions reductions and repowering some or all of the state's coal-
1008 fired and oil-fired generation facilities built before 1990. On or before
1009 February 1, 2012, the Department of Energy and Environmental
1010 Protection shall submit the study, in accordance with the provisions of
1011 section 11-4a of the general statutes, to the joint standing committee of
1012 the General Assembly having cognizance of matters relating to energy.

1013 Sec. 12. (NEW) (*Effective July 1, 2011*) On or before September 1,
1014 2011, the Department of Energy and Environmental Protection shall
1015 review any proposed commercial transmission line project (1) in which
1016 a Connecticut electric distribution company may have a financial

1017 interest, or (2) that may be constructed in whole or in part in this state
1018 to determine whether to obtain electricity from such transmission lines
1019 at a rate that will lower electricity rates for Connecticut consumers.

1020 Sec. 13. (NEW) (*Effective July 1, 2011*) On and after July 1, 2011, an
1021 electric distribution company, as defined in section 16-1 of the general
1022 statutes, shall notify the Department of Energy and Environmental
1023 Protection and the joint standing committee of the General Assembly
1024 having cognizance of matters relating to energy before such company
1025 expresses concerns to the regional independent system operator, as
1026 defined in said section 16-1, identifying any reliability issues
1027 concerning the system.

1028 Sec. 14. (*Effective from passage*) On or before August 1, 2011, the
1029 Department of Energy and Environmental Protection shall initiate a
1030 study to identify the impact on Connecticut ratepayers and the New
1031 England and state wholesale electric power market of the operation of
1032 the regional independent system operator, as defined in section 16-1 of
1033 the general statutes, and of Market Rule 1 as promulgated by said
1034 regional independent system operator. Such study shall include, but
1035 not be limited to, (1) a review of the accountability of said independent
1036 system operator to Connecticut ratepayers and energy policymakers,
1037 (2) consideration of strategies and mechanisms that may mitigate any
1038 adverse impacts Market Rule 1 may have on wholesale generation
1039 prices in Connecticut and New England and may reduce Connecticut's
1040 reliance on the wholesale power market, including, but not limited to,
1041 long-term contracts, (3) consideration of the costs and benefits
1042 associated with participating in said independent system operator and
1043 any potential benefits of joining another independent system operator
1044 or operating outside of the existing independent operator systems, (4)
1045 an examination of the framework within the Federal Energy
1046 Regulatory Commission that has contributed to the state's high rates,
1047 and (5) consideration of methods to foster greater transparency in any
1048 such system. On or before January 1, 2012, the department shall report,
1049 in accordance with the provisions of section 11-4a of the general
1050 statutes, its findings to the joint standing committee of the General

1051 Assembly having cognizance of matters relating to energy.

1052 Sec. 15. (NEW) (*Effective July 1, 2011*) (a) On or before January 1,
1053 2012, the Department of Energy and Environmental Protection Bureau
1054 of Energy shall review available financing programs to determine
1055 what exists on the state and national levels and recommend how best
1056 to establish a state program of financing renewable energy and
1057 conservation. The department shall consider various sources of
1058 financing, including, but not limited to, mortgages, bonds and the
1059 establishment of loan loss reserves to leverage private capital,
1060 provided such sources of financing shall not include any ratepayer
1061 contribution.

1062 (b) The department shall report, in accordance with the provisions
1063 of section 11-4a of the general statutes to the joint standing committee
1064 of the General Assembly having cognizance of matters relating to
1065 energy regarding its review conducted pursuant to subsection (a) of
1066 this section.

1067 Sec. 16. (NEW) (*Effective July 1, 2011*) The Department of Energy and
1068 Environmental Protection shall develop with leading research and
1069 academic institutions a set of innovation hubs, including, but not
1070 limited to, electric vehicle infrastructure and electricity storage.

1071 Sec. 17. (NEW) (*Effective July 1, 2011*) (a) As used in this section:

1072 (1) "Energy improvements" means any renovation or retrofitting of
1073 qualifying real property to reduce energy consumption or installation
1074 of a renewable energy system to service qualifying real property,
1075 provided such renovation, retrofit or installation is permanently fixed
1076 to such qualifying real property;

1077 (2) "Qualifying real property" means a single-family or multifamily
1078 residential dwelling or a nonresidential commercial or industrial
1079 building, regardless of ownership, that a municipality has determined
1080 can benefit from energy improvements;

1081 (3) "Property owner" means an owner of qualifying real property
1082 who desires to install energy improvements and provides free and
1083 willing consent to the contractual assessment; and

1084 (4) "Sustainable energy program" means a municipal program that
1085 authorizes a municipality to enter into contractual assessments on
1086 qualifying real property with property owners to finance the purchase
1087 and installation of energy improvements to qualifying real property
1088 within its municipal boundaries.

1089 (b) Any municipality, that determines it is in the public interest,
1090 may establish a sustainable energy program to facilitate the increase of
1091 energy efficiency and renewable energy. A municipality shall make
1092 such a determination after issuing public notice and providing an
1093 opportunity for public comment regarding the establishment of a
1094 sustainable energy program.

1095 (c) Notwithstanding the provisions of section 7-374 of the general
1096 statutes or any other public or special act that limits or imposes
1097 conditions on municipal bond issues, any municipality that establishes
1098 a sustainable energy program under this section may issue bonds, as
1099 necessary, for the purpose of financing (1) energy improvements; (2)
1100 related energy audits; and (3) renewable energy system feasibility
1101 studies and the verification of the installation of such improvements.
1102 Such financing shall be secured by special contractual assessments on
1103 the qualifying real property.

1104 (d) (1) Any municipality that establishes a sustainable energy
1105 program pursuant to this section may partner with another
1106 municipality or a state agency to (A) maximize the opportunities for
1107 accessing public funds and private capital markets for long-term
1108 sustainable financing, and (B) secure state or federal funds available
1109 for this purpose.

1110 (2) Any municipality that establishes a sustainable energy program
1111 and issues bonds pursuant to this section may supplement the security
1112 of such bonds with any other legally available funds solely at the

1113 municipality's discretion.

1114 (3) Any municipality that establishes a sustainable energy program
1115 pursuant to this section may use the services of one or more private,
1116 public or quasi-public third-party administrators to provide support
1117 for the program.

1118 (e) Before establishing a program under this section, the
1119 municipality shall provide notice to the electric distribution company,
1120 as defined in section 16-1 of the general statutes, that services the
1121 municipality.

1122 (f) If the owner of record of qualifying real property requests
1123 financing for energy improvements under this section, the
1124 municipality implementing the sustainable energy program shall:

1125 (1) Require performance of an energy audit or renewable energy
1126 system feasibility analysis on the qualifying real property before
1127 approving such financing;

1128 (2) Enter into a contractual assessment on the qualifying real
1129 property with the property owner in a principal amount sufficient to
1130 pay the costs of energy improvements and any associated costs the
1131 municipality determines will benefit the qualifying real property and
1132 may cover any associated costs;

1133 (3) Impose requirements and criteria to ensure that the proposed
1134 energy improvements are consistent with the purpose of the program;
1135 and

1136 (4) Impose requirements and conditions on the financing to ensure
1137 timely repayment, including, but not limited to, procedures for placing
1138 a lien on a property for which an owner defaults on repayment.

1139 (g) Any assessment levied pursuant to this section shall have a term
1140 not to exceed the calculated payback period for the installed energy
1141 improvements, as determined by the municipality, and shall have no
1142 prepayment penalty. The municipality shall set a fixed rate of interest

1143 for the repayment of the principal assessed amount at the time the
1144 assessment is made. Such interest rate, as may be supplemented with
1145 state or federal funding as may become available, shall be sufficient to
1146 pay the financing costs of the program, including delinquencies.

1147 (h) Assessments levied pursuant to this section and the interest and
1148 any penalties thereon shall constitute a lien against the qualifying real
1149 property on which they are made until they are paid. Such lien shall be
1150 levied and collected in the same manner as the general taxes of the
1151 municipality on real property, including, in the event of default or
1152 delinquency, with respect to any penalties and remedies and lien
1153 priorities, provided such lien shall not have priority over any prior
1154 mortgages.

1155 (i) The area encompassing the sustainable energy program in a
1156 municipality may be the entire municipal jurisdiction of the
1157 municipality or a subset of such.

1158 Sec. 18. Subparagraph (B) of subdivision (6) of subsection (c) of
1159 section 7-148 of the general statutes is repealed and the following is
1160 substituted in lieu thereof (*Effective July 1, 2011*):

1161 (B) (i) Lay out, construct, reconstruct, repair, maintain, operate,
1162 alter, extend and discontinue sewer and drainage systems and sewage
1163 disposal plants;

1164 (ii) Enter into or upon any land for the purpose of correcting the
1165 flow of surface water through watercourses which prevent, or may
1166 tend to prevent, the free discharge of municipal highway surface water
1167 through said courses;

1168 (iii) Regulate the laying, location and maintenance of gas pipes,
1169 water pipes, drains, sewers, poles, wires, conduits and other structures
1170 in the streets and public places of the municipality;

1171 (iv) Prohibit and regulate the discharge of drains from roofs of
1172 buildings over or upon the sidewalks, streets or other public places of

1173 the municipality or into sanitary sewers;

1174 (v) Enter into performance-based energy contracts;

1175 Sec. 19. (NEW) (*Effective July 1, 2011*) The Department of Energy and
1176 Environmental Protection shall require the Energy Conservation
1177 Management Board, the Renewable Energy Investments Board and
1178 electric distribution companies, as defined in section 16-1 of the
1179 general statutes, to establish a program to provide financial assistance
1180 for energy conservation and load management projects to electric
1181 distribution company customers in underserved communities. The
1182 aggregate financial assistance such program shall provide shall be in
1183 an amount equal to at least three per cent of the moneys collected for
1184 the Energy Conservation and Load Management Fund and at least
1185 three per cent of the moneys collected for the Renewable Energy
1186 Investment Fund pursuant to sections 16-245m and 16-245n of the
1187 general statutes. Such funds shall be provided for programs directly
1188 benefiting residential or small business electric customers in
1189 underserved communities. The moneys for the program shall be
1190 derived (1) initially from, if available, the federal American Recovery
1191 and Reinvestment Act of 2009, and (2) for conservation projects from
1192 the Energy Conservation and Load Management Fund and renewable
1193 energy projects from the Renewable Energy Investment Fund. Such
1194 program shall include a job training component for existing or
1195 potential minority business enterprises, as defined in section 4a-60g of
1196 the general statutes. For the purposes of this section, "underserved
1197 communities" means municipalities meeting the criteria set forth in
1198 subsection (a) of section 32-70 of the general statutes. The department
1199 shall report, in accordance with the provisions of section 11-4a of the
1200 general statutes, to the joint standing committee of the General
1201 Assembly having cognizance of matters relating to energy on or before
1202 February 1, 2012, and annually thereafter, regarding the program
1203 established pursuant to this section.

1204 Sec. 20. Section 16a-48 of the general statutes is repealed and the
1205 following is substituted in lieu thereof (*Effective July 1, 2011*):

1206 (a) As used in this section:

1207 (1) ["Office" means the Office of Policy and Management]
1208 "Department" means the Department of Energy and Environmental
1209 Protection;

1210 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
1211 to operate fluorescent lamps by providing a starting voltage and
1212 current and limiting the current during normal operation, but does not
1213 include such devices that have a dimming capability or are intended
1214 for use in ambient temperatures of zero degrees Fahrenheit or less or
1215 have a power factor of less than sixty-one hundredths for a single
1216 F40T12 lamp;

1217 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
1218 nominal forty-watt lamp, with a forty-eight-inch tube length and one
1219 and one-half inches in diameter;

1220 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
1221 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
1222 one and one-half inches in diameter;

1223 (5) "Luminaire" means a complete lighting unit consisting of a
1224 fluorescent lamp, or lamps, together with parts designed to distribute
1225 the light, to position and protect such lamps, and to connect such
1226 lamps to the power supply;

1227 (6) "New product" means a product that is sold, offered for sale, or
1228 installed for the first time and specifically includes floor models and
1229 demonstration units;

1230 (7) ["Secretary" means the Secretary of the Office of Policy and
1231 Management] "Commissioner" means the Commissioner of Energy
1232 and Environmental Protection;

1233 (8) "State Building Code" means the building code adopted
1234 pursuant to section 29-252;

1235 (9) "Torchiere lighting fixture" means a portable electric lighting
1236 fixture with a reflector bowl giving light directed upward so as to give
1237 indirect illumination;

1238 (10) "Unit heater" means a self-contained, vented fan-type
1239 commercial space heater that uses natural gas or propane and that is
1240 designed to be installed without ducts within the heated space. "Unit
1241 heater" does not include a product regulated by federal standards
1242 pursuant to 42 USC 6291, as amended from time to time, a product that
1243 is a direct vent, forced flue heater with a sealed combustion burner, or
1244 any oil fired heating system;

1245 (11) "Transformer" means a device consisting of two or more coils of
1246 insulated wire that transfers alternating current by electromagnetic
1247 induction from one coil to another in order to change the original
1248 voltage or current value;

1249 (12) "Low-voltage dry-type transformer" means a transformer that:
1250 (A) Has an input voltage of six hundred volts or less; (B) is between
1251 fourteen kilovolt-amperes and two thousand five hundred one
1252 kilovolt-amperes in size; (C) is air-cooled; and (D) does not use oil as a
1253 coolant. "Low-voltage dry-type transformer" does not include such
1254 transformers excluded from the low-voltage dry-type distribution
1255 transformer definition contained in the California Code of Regulations,
1256 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency
1257 Regulations;

1258 (13) "Pass-through cabinet" means a refrigerator or freezer with
1259 hinged or sliding doors on both the front and rear of the refrigerator or
1260 freezer;

1261 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
1262 thereof, with hinged or sliding doors or lids;

1263 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
1264 freezer with hinged or sliding doors that allows wheeled racks of
1265 product to be rolled into or through the refrigerator or freezer;

1266 (16) "Commercial refrigerators and freezers" means reach-in
1267 cabinets, pass-through cabinets, roll-in cabinets and roll-through
1268 cabinets that have less than eighty-five feet of capacity, which are
1269 designed for the refrigerated or frozen storage of food and food
1270 products;

1271 (17) "Traffic signal module" means a standard eight-inch or twelve-
1272 inch round traffic signal indicator consisting of a light source, lens and
1273 all parts necessary for operation and communication of movement
1274 messages to drivers through red, amber and green colors;

1275 (18) "Illuminated exit sign" means an internally illuminated sign that
1276 is designed to be permanently fixed in place and used to identify an
1277 exit by means of a light source that illuminates the sign or letters from
1278 within where the background of the exit sign is not transparent;

1279 (19) "Packaged air-conditioning equipment" means air-conditioning
1280 equipment that is built as a package and shipped as a whole to end-
1281 user sites;

1282 (20) "Large packaged air-conditioning equipment" means air-cooled
1283 packaged air-conditioning equipment having not less than two
1284 hundred forty thousand BTUs per hour of capacity;

1285 (21) "Commercial clothes washer" means a soft mount front-loading
1286 or soft mount top-loading clothes washer that is designed for use in
1287 (A) applications where the occupants of more than one household will
1288 be using it, such as in multifamily housing common areas and coin
1289 laundries; or (B) other commercial applications, if the clothes container
1290 compartment is no greater than three and one-half cubic feet for
1291 horizontal-axis clothes washers or no greater than four cubic feet for
1292 vertical-axis clothes washers;

1293 (22) "Energy efficiency ratio" means a measure of the relative
1294 efficiency of a heating or cooling appliance that is equal to the unit's
1295 output in BTUs per hour divided by its consumption of energy,
1296 measured in watts;

1297 (23) "Electricity ratio" means the ratio of furnace electricity use to
1298 total furnace energy use;

1299 (24) "Boiler" means a space heater that is a self-contained appliance
1300 for supplying steam or hot water primarily intended for space-heating.
1301 "Boiler" does not include hot water supply boilers;

1302 (25) "Central furnace" means a self-contained space heater designed
1303 to supply heated air through ducts of more than ten inches in length;

1304 (26) "Residential furnace or boiler" means a product that utilizes
1305 only single-phase electric current or single-phase electric current or DC
1306 current in conjunction with natural gas, propane or home heating oil
1307 and that (A) is designed to be the principal heating source for the
1308 living space of a residence; (B) is not contained within the same cabinet
1309 as a central air conditioner with a rated cooling capacity of not less
1310 than sixty-five thousand BTUs per hour; (C) is an electric central
1311 furnace, electric boiler, forced-air central furnace, gravity central
1312 furnace or low pressure steam or hot water boiler; and (D) has a heat
1313 input rate of less than three hundred thousand BTUs per hour for an
1314 electric boiler and low pressure steam or hot water boiler and less than
1315 two hundred twenty-five thousand BTUs per hour for a forced-air
1316 central furnace, gravity central furnace and electric central furnace;

1317 (27) "Furnace air handler" means the section of the furnace that
1318 includes the fan, blower and housing, generally upstream of the
1319 burners and heat exchanger. The furnace air handler may include a
1320 filter and a cooling coil;

1321 (28) "High-intensity discharge lamp" means a lamp in which light is
1322 produced by the passage of an electric current through a vapor or gas,
1323 the light-producing arc is stabilized by bulb wall temperature and the
1324 arc tube has a bulb wall loading in excess of three watts per square
1325 centimeter;

1326 (29) "Metal halide lamp" means a high intensity discharge lamp in
1327 which the major portion of the light is produced by radiation of metal

1328 halides and their products of dissociation, possibly in combination
1329 with metallic vapors;

1330 (30) "Metal halide lamp fixture" means a light fixture designed to be
1331 operated with a metal halide lamp and a ballast for a metal halide
1332 lamp;

1333 (31) "Probe start metal halide ballast" means a ballast used to
1334 operate metal halide lamps that does not contain an ignitor and that
1335 instead starts lamps by using a third starting electrode probe in the arc
1336 tube;

1337 (32) "Single voltage external AC to DC power supply" means a
1338 device that (A) is designed to convert line voltage AC input into lower
1339 voltage DC output; (B) is able to convert to only one DC output voltage
1340 at a time; (C) is sold with, or intended to be used with, a separate end-
1341 use product that constitutes the primary power load; (D) is contained
1342 within a separate physical enclosure from the end-use product; (E) is
1343 connected to the end-use product in a removable or hard-wired male
1344 and female electrical connection, cable, cord or other wiring; (F) does
1345 not have batteries or battery packs, including those that are removable
1346 or that physically attach directly to the power supply unit; (G) does not
1347 have a battery chemistry or type selector switch and indicator light or a
1348 battery chemistry or type selector switch and a state of charge meter;
1349 and (H) has a nameplate output power less than or equal to two
1350 hundred fifty watts;

1351 (33) "State regulated incandescent reflector lamp" means a lamp that
1352 is not colored or designed for rough or vibration service applications,
1353 has an inner reflective coating on the outer bulb to direct the light, has
1354 an E26 medium screw base, a rated voltage or voltage range that lies at
1355 least partially within one hundred fifteen to one hundred thirty volts,
1356 and that falls into one of the following categories: (A) A bulged
1357 reflector or elliptical reflector or a blown PAR bulb shape and that has
1358 a diameter that equals or exceeds two and one-quarter inches, or (B) a
1359 reflector, parabolic aluminized reflector, bulged reflector or similar

1360 bulb shape and that has a diameter of two and one-quarter to two and
1361 three-quarters inches. "State regulated incandescent reflector lamp"
1362 does not include ER30, BR30, BR40 and ER40 lamps of not more than
1363 fifty watts, BR30, BR40 and ER40 lamps of sixty-five watts and R20
1364 lamps of not more than forty-five watts;

1365 (34) "Bottle-type water dispenser" means a water dispenser that uses
1366 a bottle or reservoir as the source of potable water;

1367 (35) "Commercial hot food holding cabinet" means a heated, fully-
1368 enclosed compartment with one or more solid or partial glass doors
1369 that is designed to maintain the temperature of hot food that has been
1370 cooked in a separate appliance. "Commercial hot food holding cabinet"
1371 does not include heated glass merchandizing cabinets, drawer
1372 warmers or cook-and-hold appliances;

1373 (36) "Pool heater" means an appliance designed for heating
1374 nonpotable water contained at atmospheric pressure for swimming
1375 pools, spas, hot tubs and similar applications, including natural gas,
1376 heat pump, oil and electric resistance pool heaters;

1377 (37) "Portable electric spa" means a factory-built electric spa or hot
1378 tub supplied with equipment for heating and circulating water;

1379 (38) "Residential pool pump" means a pump used to circulate and
1380 filter pool water to maintain clarity and sanitation;

1381 (39) "Walk-in refrigerator" means a space refrigerated to
1382 temperatures at or above thirty-two degrees Fahrenheit that has a total
1383 chilled storage area of less than three thousand square feet, can be
1384 walked into and is designed for the refrigerated storage of food and
1385 food products. "Walk-in refrigerator" does not include refrigerated
1386 warehouses and products designed and marketed exclusively for
1387 medical, scientific or research purposes;

1388 (40) "Walk-in freezer" means a space refrigerated to temperatures
1389 below thirty-two degrees Fahrenheit that has a total chilled storage

1390 area of less than three thousand square feet, can be walked into and is
1391 designed for the frozen storage of food and food products. "Walk-in
1392 freezer" does not include refrigerated warehouses and products
1393 designed and marketed exclusively for medical, scientific or research
1394 purposes;

1395 (41) "Central air conditioner" means a central air conditioning model
1396 that consists of one or more factory-made assemblies, which normally
1397 include an evaporator or cooling coil, compressor and condenser.
1398 Central air conditioning models may provide the function of air
1399 cooling, air cleaning, dehumidifying or humidifying;

1400 (42) "Combination television" means a system in which a television
1401 or television monitor and an additional device or devices, including,
1402 but not limited to, a digital versatile disk player or video cassette
1403 recorder, are combined into a single unit in which the additional
1404 devices are included in the television casing;

1405 (43) "Compact audio player" means an integrated audio system
1406 encased in a single housing that includes an amplifier and radio tuner
1407 with attached or separable speakers and can reproduce audio from one
1408 or more of the following media: Magnetic tape, compact disk, digital
1409 versatile disk or flash memory. "Compact audio player" does not mean
1410 a product that can be independently powered by internal batteries, has
1411 a powered external satellite antenna or can provide a video output
1412 signal;

1413 (44) "Component television" means a television composed of two or
1414 more separate components, such as a separate display device and
1415 tuner, marketed and sold as a television under one model or system
1416 designation, which may have more than one power cord;

1417 (45) "Computer monitor" means an analog or digital device
1418 designed primarily for the display of computer generated signals and
1419 that is not marketed for use as a television;

1420 (46) "Digital versatile disc" means a laser-encoded plastic medium

1421 capable of storing a large amount of digital audio, video and computer
1422 data;

1423 (47) "Digital versatile disc player" means a commercially available
1424 electronic product encased in a single housing that includes an integral
1425 power supply and for which the sole purpose is the decoding of
1426 digitized video signals;

1427 (48) "Digital versatile disc recorder" means a commercially available
1428 electronic product encased in a single housing that includes an integral
1429 power supply and for which the sole purpose is the production or
1430 recording of digitized audio, video and computer signals on a digital
1431 versatile disk. "Digital versatile disk recorder" does not include a
1432 model that has an electronic programming guide function;

1433 (49) "Television" means an analog or digital device designed
1434 primarily for the display and reception of a terrestrial, satellite, cable,
1435 internet protocol television or other broadcast or recorded
1436 transmission of analog or digital video and audio signals. "Television"
1437 includes combination televisions, television monitors, component
1438 televisions and any unit that is marketed to consumers as a television
1439 but does not include a computer monitor;

1440 (50) "Television monitor" means a television that does not have an
1441 internal tuner/receiver or playback device.

1442 (b) The provisions of this section apply to the testing, certification
1443 and enforcement of efficiency standards for the following types of new
1444 products sold, offered for sale or installed in the state: (1) Commercial
1445 clothes washers; (2) commercial refrigerators and freezers; (3)
1446 illuminated exit signs; (4) large packaged air-conditioning equipment;
1447 (5) low voltage dry-type distribution transformers; (6) torchiere
1448 lighting fixtures; (7) traffic signal modules; (8) unit heaters; (9)
1449 residential furnaces and boilers; (10) residential pool pumps; (11) metal
1450 halide lamp fixtures; (12) single voltage external AC to DC power
1451 supplies; (13) state regulated incandescent reflector lamps; (14) bottle-
1452 type water dispensers; (15) commercial hot food holding cabinets; (16)

1453 portable electric spas; (17) walk-in refrigerators and walk-in freezers;
1454 (18) pool heaters; [and] (19) compact audio players; (20) televisions;
1455 (21) digital versatile disc players; (22) digital versatile disc recorders;
1456 and (23) any other products as may be designated by the office in
1457 accordance with subdivision (3) of subsection (d) of this section.

1458 (c) The provisions of this section do not apply to (1) new products
1459 manufactured in the state and sold outside the state, (2) new products
1460 manufactured outside the state and sold at wholesale inside the state
1461 for final retail sale and installation outside the state, (3) products
1462 installed in mobile manufactured homes at the time of construction, or
1463 (4) products designed expressly for installation and use in recreational
1464 vehicles.

1465 (d) (1) The [office, in consultation with the Department of Public
1466 Utility Control,] department shall adopt regulations, in accordance
1467 with the provisions of chapter 54, to implement the provisions of this
1468 section and to establish minimum energy efficiency standards for the
1469 types of new products set forth in subsection (b) of this section. The
1470 regulations shall provide for the following minimum energy efficiency
1471 standards:

1472 (A) Commercial clothes washers shall meet the requirements shown
1473 in Table P-3 of section 1605.3 of the California Code of Regulations,
1474 Title 20: Division 2, Chapter 4, Article 4;

1475 (B) Commercial refrigerators and freezers shall meet the August 1,
1476 2004, requirements shown in Table A-6 of said California regulation;

1477 (C) Illuminated exit signs shall meet the version 2.0 product
1478 specification of the "Energy Star Program Requirements for Exit Signs"
1479 developed by the United States Environmental Protection Agency;

1480 (D) Large packaged air-conditioning equipment having not more
1481 than seven hundred sixty thousand BTUs per hour of capacity shall
1482 meet a minimum energy efficiency ratio of 10.0 for units using both
1483 electric heat and air conditioning or units solely using electric air

1484 conditioning, and 9.8 for units using both natural gas heat and electric
1485 air conditioning;

1486 (E) Large packaged air-conditioning equipment having not less than
1487 seven hundred sixty-one thousand BTUs per hour of capacity shall
1488 meet a minimum energy efficiency ratio of 9.7 for units using both
1489 electric heat and air conditioning or units solely using electric air
1490 conditioning, and 9.5 for units using both natural gas heat and electric
1491 air conditioning;

1492 (F) Low voltage dry-type distribution transformers shall meet or
1493 exceed the energy efficiency values shown in Table 4-2 of the National
1494 Electrical Manufacturers Association Standard TP-1-2002;

1495 (G) Torchiere lighting fixtures shall not consume more than one
1496 hundred ninety watts and shall not be capable of operating with lamps
1497 that total more than one hundred ninety watts;

1498 (H) Traffic signal modules shall meet the product specification of
1499 the "Energy Star Program Requirements for Traffic Signals" developed
1500 by the United States Environmental Protection Agency that took effect
1501 in February, 2001, except where the department, in consultation with
1502 the Commissioner of Transportation, determines that such
1503 specification would compromise safe signal operation;

1504 (I) Unit heaters shall not have pilot lights and shall have either
1505 power venting or an automatic flue damper;

1506 (J) On or after January 1, 2009, residential furnaces and boilers
1507 purchased by the state shall meet or exceed the following annual fuel
1508 utilization efficiency: (i) For gas and propane furnaces, ninety per cent
1509 annual fuel utilization efficiency, (ii) for oil furnaces, eighty-three per
1510 cent annual fuel utilization efficiency, (iii) for gas and propane hot
1511 water boilers, eighty-four per cent annual fuel utilization efficiency,
1512 (iv) for oil-fired hot water boilers, eighty-four per cent annual fuel
1513 utilization efficiency, (v) for gas and propane steam boilers, eighty-two
1514 per cent annual fuel utilization efficiency, (vi) for oil-fired steam

1515 boilers, eighty-two per cent annual fuel utilization efficiency, and (vii)
1516 for furnaces with furnace air handlers, an electricity ratio of not more
1517 than 2.0, except air handlers for oil furnaces with a capacity of less than
1518 ninety-four thousand BTUs per hour shall have an electricity ratio of
1519 2.3 or less;

1520 (K) On or after January 1, 2010, metal halide lamp fixtures designed
1521 to be operated with lamps rated greater than or equal to one hundred
1522 fifty watts but less than or equal to five hundred watts shall not
1523 contain a probe-start metal halide lamp ballast;

1524 (L) Single-voltage external AC to DC power supplies manufactured
1525 on or after January 1, 2008, shall meet the energy efficiency standards
1526 of table U-1 of section 1605.3 of the January 2006 California Code of
1527 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
1528 Efficiency Regulations. This standard applies to single voltage AC to
1529 DC power supplies that are sold individually and to those that are sold
1530 as a component of or in conjunction with another product. This
1531 standard shall not apply to single voltage external AC to DC power
1532 supplies sold with products subject to certification by the United States
1533 Food and Drug Administration. A single-voltage external AC to DC
1534 power supply that is made available by a manufacturer directly to a
1535 consumer or to a service or repair facility after and separate from the
1536 original sale of the product requiring the power supply as a service
1537 part or spare part shall not be required to meet the standards in said
1538 table U-1 until five years after the effective dates indicated in the table;

1539 (M) On or after January 1, 2009, state regulated incandescent
1540 reflector lamps shall be manufactured to meet the minimum average
1541 lamp efficacy requirements for federally-regulated incandescent
1542 reflector lamps contained in 42 USC 6295(i)(1)(A). Each lamp shall
1543 indicate the date of manufacture;

1544 (N) On or after January 1, 2009, bottle-type water dispensers,
1545 commercial hot food holding cabinets, portable electric spas, walk-in
1546 refrigerators and walk-in freezers shall meet the efficiency

1547 requirements of section 1605.3 of the January 2006 California Code of
1548 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
1549 Efficiency Regulations. On or after January 1, 2010, residential pool
1550 pumps shall meet said efficiency requirements;

1551 (O) On or after January 1, 2009, pool heaters shall meet the
1552 efficiency requirements of sections 1605.1 and 1605.3 of the January
1553 2006 California Code of Regulations, Title 20, Division 2, Chapter 4,
1554 Article 4: Appliance Efficiency Regulations;

1555 (P) On or after January 1, 2014, compact audio players, digital
1556 versatile disc players and digital versatile disc recorders shall meet the
1557 requirements shown in Table V-1 of Section 1605.3 of the November
1558 2009 amendments to the California Code of Regulations, Title 20,
1559 Division 2, Chapter 4, Article 4;

1560 (Q) On or after January 1, 2014, televisions manufactured on or after
1561 the effective date of this section shall meet the requirements shown in
1562 Table V-2 of Section 1605.3 of the November 2009 amendments to the
1563 California Code of Regulations, Title 20, Division 2, Chapter 4, Article
1564 4;

1565 (R) In addition to the requirements of subparagraph (Q) of this
1566 subdivision, televisions manufactured on or after January 1, 2014, shall
1567 meet the efficiency requirements of Sections 1605.3(v)(3)(A),
1568 1605.3(v)(3)(B) and 1605.3(v)(3)(C) of the November 2009 amendments
1569 to the California Code of Regulations, Title 20, Division 2, Chapter 4,
1570 Article 4.

1571 (2) Such efficiency standards, where in conflict with the State
1572 Building Code, shall take precedence over the standards contained in
1573 the Building Code. Not later than July 1, 2007, and biennially
1574 thereafter, the [office, in consultation with the Department of Public
1575 Utility Control,] department shall review and increase the level of such
1576 efficiency standards by adopting regulations in accordance with the
1577 provisions of chapter 54 upon a determination that increased efficiency
1578 standards would serve to promote energy conservation in the state and

1579 would be cost-effective for consumers who purchase and use such new
1580 products, provided no such increased efficiency standards shall
1581 become effective within one year following the adoption of any
1582 amended regulations providing for such increased efficiency
1583 standards.

1584 (3) (A) The [office, in consultation with the Department of Public
1585 Utility Control,] department shall adopt regulations, in accordance
1586 with the provisions of chapter 54, to designate additional products to
1587 be subject to the provisions of this section and to establish efficiency
1588 standards for such products upon a determination that such efficiency
1589 standards [(A)] (i) would serve to promote energy conservation in the
1590 state, [(B)] (ii) would be cost-effective for consumers who purchase and
1591 use such new products, and [(C)] (iii) that multiple products are
1592 available which meet such standards, provided no such efficiency
1593 standards shall become effective within one year following their
1594 adoption pursuant to this subdivision.

1595 (B) The department, in consultation with the Multi-State Appliance
1596 Standards Collaborative, shall identify additional appliance and
1597 equipment efficiency standards. Not later than six months after
1598 adoption of an efficiency standard by a cooperative member state
1599 regarding a product for which no equivalent Connecticut or federal
1600 standard currently exists, the department shall adopt regulations in
1601 accordance with the provisions of chapter 54 adopting such efficiency
1602 standard unless the department makes a specific finding that such
1603 standard does not meet the criteria in subparagraph (A) of this
1604 subdivision.

1605 (e) On or after July 1, 2006, except for commercial clothes washers,
1606 for which the date shall be July 1, 2007, commercial refrigerators and
1607 freezers, for which the date shall be July 1, 2008, and large packaged
1608 air-conditioning equipment, for which the date shall be July 1, 2009, no
1609 new product of a type set forth in subsection (b) of this section or
1610 designated by the office may be sold, offered for sale, or installed in
1611 the state unless the energy efficiency of the new product meets or

1612 exceeds the efficiency standards set forth in such regulations adopted
1613 pursuant to subsection (d) of this section.

1614 (f) The [office, in consultation with the Department of Public Utility
1615 Control,] department shall adopt procedures for testing the energy
1616 efficiency of the new products set forth in subsection (b) of this section
1617 or designated by the department if such procedures are not provided
1618 for in the State Building Code. The [office] department shall use United
1619 States Department of Energy approved test methods, or in the absence
1620 of such test methods, other appropriate nationally recognized test
1621 methods. The manufacturers of such products shall cause samples of
1622 such products to be tested in accordance with the test procedures
1623 adopted pursuant to this subsection or those specified in the State
1624 Building Code.

1625 (g) Manufacturers of new products set forth in subsection (b) of this
1626 section or designated by the [office] department shall certify to the
1627 [secretary] commissioner that such products are in compliance with
1628 the provisions of this section, except that certification is not required
1629 for single voltage external AC to DC power supplies and walk-in
1630 refrigerators and walk-in freezers. All single voltage external AC to DC
1631 power supplies shall be labeled as described in the January 2006
1632 California Code of Regulations, Title 20, Section 1607 (9). The [office, in
1633 consultation with the Department of Public Utility Control,]
1634 department shall promulgate regulations governing the certification of
1635 such products. The [secretary] commissioner shall publish an annual
1636 list of such products.

1637 (h) The Attorney General may institute proceedings to enforce the
1638 provisions of this section. Any person who violates any provision of
1639 this section shall be subject to a civil penalty of not more than two
1640 hundred fifty dollars. Each violation of this section shall constitute a
1641 separate offense, and each day that such violation continues shall
1642 constitute a separate offense.

1643 Sec. 21. Section 16-243i of the general statutes is repealed and the

1644 following is substituted in lieu thereof (*Effective July 1, 2011*):

1645 (a) The Department of [Public Utility Control] Energy and
1646 Environmental Protection shall, not later than January 1, [2006] 2012,
1647 establish a program to [grant awards to retail end use customers of
1648 electric distribution companies to fund the capital costs of obtaining
1649 projects of customer-side distributed resources, as defined in section
1650 16-1. Any project shall receive a one-time, nonrecurring award in an
1651 amount of not less than two hundred dollars and not more than five
1652 hundred dollars per kilowatt of capacity for such customer-side
1653 distributed resources, recoverable from federally mandated congestion
1654 charges, as defined in section 16-1. No such award may be made
1655 unless the projected reduction in federally mandated congestion
1656 charges attributed to the project for such distributed resources is
1657 greater than the amount of the award. The amount of an award shall
1658 depend on the impact that the customer-side distributed resources
1659 project has on reducing federally mandated congestion charges, as
1660 defined in section 16-1. Not later than October 1, 2005, the department
1661 shall conduct a contested case proceeding, in accordance with chapter
1662 54, to establish additional standards for the amount of such awards
1663 and additional criteria and the process for making such awards.

1664 (b) The Department of Public Utility Control shall, not later than
1665 January 1, 2006, establish a program to grant to an electric distribution
1666 company a one-time, nonrecurring award to educate, assist and
1667 promote investments in customer-side distributed resources
1668 developed in such company's service territory, which resources the
1669 department determines will reduce federally mandated congestion
1670 charges, in accordance with the following: (1) On or before January 1,
1671 2008, two hundred dollars per kilowatt of such resources, (2) on or
1672 before January 1, 2009, one hundred fifty dollars per kilowatt of such
1673 resources, (3) on or before January 1, 2010, one hundred dollars per
1674 kilowatt of such resources, and (4) fifty dollars per kilowatt of such
1675 resources thereafter. Payment of the award shall be made at the time
1676 each such resource becomes operational. The cost of the award shall be
1677 recoverable from federally mandated congestion charges. Revenues

1678 from such awards shall not be included in calculating the electric
1679 distribution company's earnings for the purpose of determining
1680 whether its rates are just and reasonable under sections 16-19, 16-19a
1681 and 16-19e] promote the development of new combined heat and
1682 power projects in Connecticut through low-interest loans, grants or
1683 power purchase agreements. The amount of such loans, grants or
1684 power purchase agreements shall be determined by the department on
1685 an individualized basis for each proposed combined heat and power
1686 project with the goal of minimizing costs to the general class of
1687 ratepayers, ensuring that the project developer has a significant share
1688 of the financial burden and risk, while ensuring the development of
1689 projects that benefit Connecticut's economy, ratepayers or
1690 environment. The department shall determine if the benefits of any
1691 such project to Connecticut's ratepayers, economy or environment are
1692 sufficient to justify ratepayer investment. The program established
1693 pursuant to this subsection shall not exceed two hundred fifty
1694 megawatts, and the department shall review the program annually. If
1695 the department determines during an annual review that the net cost
1696 to ratepayers of this program exceeds twenty-five million dollars, the
1697 department shall not approve additional projects that require
1698 ratepayer subsidies. For purposes of department review of the net cost
1699 to ratepayers of the program, the department shall take into account
1700 both (1) the benefits of any power purchase agreements for ratepayers,
1701 any estimated benefits of avoided costs of building alternative electric
1702 infrastructure, or other benefits, and (2) the costs of all ratepayer
1703 subsidies, the cost of power purchase agreements, and other costs.

1704 (b) (1) The Department of Energy and Environmental Protection
1705 shall on or before March 1, 2012, establish a program to promote the
1706 development of new combined heat and power projects in Connecticut
1707 that are below three megawatts in capacity size. The department shall
1708 set one or more standardized grant amounts, loan amounts and power
1709 purchase agreements for such projects to limit the administrative
1710 burden of project approvals for the department and the project
1711 proponent. Such standardized provisions shall seek to minimize costs

1712 for the general class of ratepayers, ensuring that the project developer
1713 has a significant share of the financial burden and risk, while ensuring
1714 the development of projects that benefit Connecticut's economy,
1715 ratepayers, or environment. The department may in its discretion
1716 decline to support a proposed project if the benefits of such project to
1717 Connecticut's ratepayers, economy or environment, including
1718 emissions reductions, are too meager to justify ratepayer or taxpayer
1719 investment.

1720 (2) The program established pursuant to this subsection shall not
1721 exceed fifty megawatts, and the department shall review the program
1722 annually. If the department determines during an annual review that
1723 the net cost to ratepayers of this program exceeds fifteen million
1724 dollars, the department shall not approve additional projects that
1725 require ratepayer subsidies. For purposes of department review of the
1726 net cost to ratepayers of the program, the department shall take into
1727 account both (A) the benefits of any power purchase agreements for
1728 ratepayers, any estimated benefits of avoided costs of building
1729 alternative electric infrastructure, or other benefits, and (B) the costs of
1730 all ratepayer subsidies, the cost of power purchase agreements, and
1731 other costs.

1732 Sec. 22. Subsection (g) of section 16-245 of the general statutes is
1733 repealed and the following is substituted in lieu thereof (*Effective July*
1734 *1, 2011*):

1735 (g) As conditions of continued licensure, in addition to the
1736 requirements of subsection (c) of this section: (1) The licensee shall
1737 comply with the National Labor Relations Act and regulations, if
1738 applicable; (2) the licensee shall comply with the Connecticut Unfair
1739 Trade Practices Act and applicable regulations; (3) each generating
1740 facility operated by or under long-term contract to the licensee shall
1741 comply with regulations adopted by the Commissioner of Energy and
1742 Environmental Protection, pursuant to section 22a-174j; (4) the licensee
1743 shall comply with the portfolio standards, pursuant to section 16-245a;
1744 (5) the licensee shall be a member of the New England Power Pool or

1745 its successor or have a contractual relationship with one or more
1746 entities who are members of the New England Power Pool or its
1747 successor and the licensee shall comply with the rules of the regional
1748 independent system operator and standards and any other reliability
1749 guidelines of the regional independent systems operator; (6) the
1750 licensee shall agree to cooperate with the department and other electric
1751 suppliers in the event of an emergency condition that may jeopardize
1752 the safety and reliability of electric service; (7) the licensee shall comply
1753 with the code of conduct established pursuant to section 16-244h; (8)
1754 for a license to a participating municipal electric utility, the licensee
1755 shall provide open and nondiscriminatory access to its distribution
1756 facilities to other licensed electric suppliers; (9) the licensee or the
1757 entity or entities with whom the licensee has a contractual relationship
1758 to purchase power shall be in compliance with all applicable licensing
1759 requirements of the Federal Energy Regulatory Commission; (10) each
1760 generating facility operated by or under long-term contract to the
1761 licensee shall be in compliance with chapter 277a and state
1762 environmental laws and regulations; (11) the licensee shall comply
1763 with the renewable portfolio standards established in section 16-245a;
1764 (12) the licensee shall offer a time-of-use rate option to customers that
1765 provides for a peak period use rate of at least a five hundred per cent
1766 increase in the standard nonpeak use rate. Such peak period shall be
1767 not more than four hours in any twenty-four-hour period. The
1768 standard nonpeak use rate under this option shall be less than the
1769 standard use rate offer by such supplier to the customer. Nothing in
1770 this subdivision shall preclude such supplier from offering other time
1771 of use options; and [(12)] (13) the licensee shall acknowledge that it is
1772 subject to chapters 208, 212, 212a and 219, as applicable, and the
1773 licensee shall pay all taxes it is subject to in this state. Also as a
1774 condition of licensure, the department shall prohibit each licensee from
1775 declining to provide service to customers for the reason that the
1776 customers are located in economically distressed areas. The
1777 department may establish additional reasonable conditions to assure
1778 that all retail customers will continue to have access to electric
1779 generation services.

1780 Sec. 23. (NEW) (*Effective July 1, 2011*) The Department of Energy and
1781 Environmental Protection shall require each electric distribution
1782 company to notify its customers on an ongoing basis regarding the
1783 availability of time-of-use meters, if applicable.

1784 Sec. 24. (NEW) (*Effective July 1, 2011*) (a) For the two-year period
1785 starting January 1, 2012, and ending June 30, 2014, the aggregate net
1786 annual cost recovered from electric ratepayers pursuant to sections 25
1787 to 30, inclusive, of this act, shall not exceed one-half of one per cent of
1788 total retail electricity sales revenues of each electric distribution
1789 company. For the two-year period starting July 1, 2014, and ending
1790 June 30, 2016, the aggregate net annual cost recovered from electric
1791 ratepayers pursuant to sections 25 to 30, inclusive, of this act and
1792 subsection (i) of section 16-245n of the general statutes shall not exceed
1793 three-fourths of one per cent of total retail electricity sales revenues of
1794 each electric distribution company. For each twelve-month period
1795 starting July 1, 2016, and every July first thereafter for the duration of
1796 the solar programs established pursuant to sections 25 to 30, inclusive,
1797 of this act and subsection (i) of section 16-245n of the general statutes
1798 the aggregate net cost of such programs recovered from electric
1799 ratepayers shall not exceed one per cent of total retail electricity sales
1800 revenues of each electric distribution company.

1801 (b) The Department of Energy and Environmental Protection shall
1802 net out the incentives paid by the Renewable Energy Investment Fund
1803 pursuant to section 16-245n of the general statutes for solar
1804 deployment programs against the aggregate annual costs identified in
1805 this section.

1806 (c) The Department of Energy and Environmental Protection shall
1807 report to the joint standing committee of the General Assembly having
1808 cognizance of matters relating to energy when the annual cost cap is
1809 within twenty per cent of being exceeded. If the department projects
1810 that the annual cost cap of the solar programs established pursuant to
1811 sections 25 to 30, inclusive, of this act will be exceeded, the department
1812 shall take measures to ensure such cap will not be exceeded. Such

1813 measures may include: (1) Delay or modify the development of solar
1814 electric generating facilities by electric distribution companies
1815 pursuant to subsection (e) of section 28 of this act; (2) temporarily
1816 suspend the availability of production-based incentives to customers
1817 not already eligible to receive such incentives under section 28 of this
1818 act; and (3) extend the scheduled electric distribution company solar
1819 renewable energy credit procurement plans under subsection (i) of
1820 section 16-245n of the general statutes. If the department determines
1821 that cost mitigation measures are required, it shall reduce
1822 proportionally the annual funding for the programs identified in
1823 subdivisions (1) to (3), inclusive, of this subsection and only to the
1824 extent required to bring projected annual costs below the cost cap.

1825 (d) On or before January 1, 2015, the Department of Energy and
1826 Environmental Protection shall report to the joint standing committee
1827 of the General Assembly having cognizance of matters relating to
1828 energy on the cost and charges involved in the implementation of this
1829 program, including a cost-benefit analysis.

1830 Sec. 25. (NEW) (*Effective July 1, 2011*) (a) The Renewable Energy
1831 Investments Board, created in section 16-245n of the general statutes,
1832 shall structure and implement a residential solar investment program
1833 pursuant to this section, which shall result in a minimum of thirty
1834 megawatts of new residential solar photovoltaic installations located in
1835 this state on or before December 31, 2022. For the purposes of this
1836 section and sections 17 and 33 of this act, "residential" means dwellings
1837 with one to four units.

1838 (b) The Renewable Energy Investments Board shall offer direct
1839 financial incentives, in the form of performance-based incentives or
1840 expected performance-based buydowns, for the purchase or lease of
1841 qualifying residential solar photovoltaic systems. For the purposes of
1842 this section, "performance-based incentives" means incentives paid out
1843 on a per kilowatt-hour basis, and "expected performance-based
1844 buydowns" means incentives paid out as a one-time upfront incentive
1845 based on expected system performance. The board shall consider

1846 willingness to pay studies and verified solar photovoltaic system
1847 characteristics, such as operational efficiency, size, location, shading
1848 and orientation, when determining the type and amount of incentive.
1849 Notwithstanding the provisions of subdivision (1) of subsection (j) of
1850 section 16-244c of the general statutes, as amended by this act, the
1851 amount of renewable energy produced from Class I renewable energy
1852 sources receiving tariff payments or included in utility rates under this
1853 section shall be applied to reduce the electric distribution company's
1854 Class I renewable energy source portfolio standard.

1855 (c) Beginning with the comprehensive plan covering the period
1856 from July 1, 2011, to June 30, 2013, the Renewable Energy Investments
1857 Board shall develop and publish in each such plan a proposed
1858 schedule for the offering of performance-based incentives or expected
1859 performance-based buydowns over the duration of any such solar
1860 incentive program. Such schedule shall: (1) Provide for a series of solar
1861 capacity blocks the combined total of which shall be a minimum of
1862 thirty megawatts and projected incentive levels for each such block; (2)
1863 provide incentives that are sufficient to meet reasonable payback
1864 expectations of the residential consumer, taking into consideration the
1865 estimated cost of residential solar installations, the value of the energy
1866 offset by the system and the availability and estimated value of other
1867 incentives, including, but not limited to, federal and state tax
1868 incentives and revenues from the sale of solar renewable energy
1869 credits; (3) provide incentives that decline over time and will foster the
1870 sustained, orderly development of a state-based solar industry; (4)
1871 automatically adjust to the next block once the board has issued
1872 reservations for financial incentives provided pursuant to this section
1873 from the board fully committing the target solar capacity and available
1874 incentives in that block; and (5) provide comparable economic
1875 incentives for the purchase or lease of qualifying residential solar
1876 photovoltaic systems. The board may retain the services of a third-
1877 party entity with expertise in the area of solar energy program design
1878 to assist in the development of the incentive schedule or schedules.
1879 The department shall review and approve such schedule. Nothing in

1880 this subsection shall restrict the board from modifying the approved
1881 incentive schedule before the issuance of its next comprehensive plan
1882 to account for changes in federal or state law or regulation or
1883 developments in the solar market when such changes would affect the
1884 expected return on investment for a typical residential solar
1885 photovoltaic system by twenty per cent or more.

1886 (d) The Renewable Energy Investments Board shall establish and
1887 periodically update program guidelines, including, but not limited to,
1888 requirements for systems and program participants related to: (1)
1889 Eligibility criteria; (2) standards for deployment of energy efficient
1890 equipment or building practices as a condition for receiving incentive
1891 funding; (3) procedures to provide reasonable assurance that such
1892 reservations are made and incentives are paid out only to qualifying
1893 residential solar photovoltaic systems demonstrating a high likelihood
1894 of being installed and operated as indicated in application materials;
1895 and (4) reasonable protocols for the measurement and verification of
1896 energy production.

1897 (e) The Renewable Energy Investments Board shall maintain on its
1898 web site the schedule of incentives, solar capacity remaining in the
1899 current block and available funding and incentive estimators.

1900 (f) Funding for the residential performance-based incentive
1901 program and expected performance-based buydowns shall be
1902 apportioned from the moneys collected under the surcharge specified
1903 in section 16-245n of the general statutes, provided such
1904 apportionment shall not exceed one-third of the total surcharge
1905 collected annually, and supplemented by federal funding as may
1906 become available.

1907 (g) The Renewable Energy Investments Board shall identify barriers
1908 to the development of a permanent Connecticut-based solar workforce
1909 and shall make provision for comprehensive training, accreditation
1910 and certification programs through institutions and individuals
1911 accredited and certified to national standards.

1912 (h) On or before January 1, 2014, and every two years thereafter for
1913 the duration of the program, the Renewable Energy Investments Board
1914 shall report to the joint standing committee of the General Assembly
1915 having cognizance of matters relating to energy on progress toward
1916 the goals identified in subsection (a) of this section.

1917 Sec. 26. (NEW) (*Effective July 1, 2011*) (a) Commencing on January 1,
1918 2012, and within the period established in subsection (a) of section 27
1919 of this act, each electric distribution company shall solicit and file with
1920 the Department of Energy and Environmental Protection for its
1921 approval, one or more long-term power purchase contracts with
1922 owners or developers of customer-sited solar photovoltaic generation
1923 projects that are less than two thousand kilowatts in size, located on
1924 the customer side of the revenue meter and serve the distribution
1925 system of the electric distribution company.

1926 (b) Solicitations conducted by the electric distribution company
1927 shall be for the purchase of solar renewable energy credits produced
1928 by eligible customer-sited solar photovoltaic generating projects over
1929 the duration of the long-term contract. For purposes of this section, a
1930 long-term contract is a contract for a minimum of fifteen years. The
1931 electric distribution company may solicit proposals for a combination
1932 of renewable energy and associated solar renewable energy credits.

1933 (c) The aggregate procurement of solar renewable energy credits by
1934 electric distribution companies pursuant to this section shall be no less
1935 than four million three hundred fifty thousand. The production of a
1936 megawatt hour of electricity from a Class I solar renewable energy
1937 source first placed in service on or after the effective date of this
1938 section shall create one solar renewable energy credit. A solar
1939 renewable energy credit shall have an effective life covering the year in
1940 which the credit was created and the following calendar year. The
1941 obligation to purchase solar renewable energy credits shall be
1942 apportioned to electric distribution companies based on their
1943 respective distribution system loads at the commencement of the
1944 procurement period, as determined by the department. An electric

1945 distribution company shall not be required to enter into a contract that
1946 provides a payment of more than three hundred fifty dollars per
1947 megawatt hour over the term of the contract.

1948 (d) Notwithstanding subdivision (1) of subsection (j) of section 16-
1949 244c of the general statutes, as amended by this act, an electric
1950 distribution company may retire the solar renewable energy credits it
1951 procures through long-term contracting to satisfy its obligation
1952 pursuant to section 16-245a of the general statutes.

1953 (e) Nothing in this section shall preclude the resale or other
1954 disposition of energy or associated solar renewable energy credits
1955 purchased by the electric distribution company, provided the
1956 distribution company shall net the cost of payments made to projects
1957 under the long-term contracts against the proceeds of the sale of
1958 energy or solar renewable energy credits and the difference shall be
1959 credited or charged to distribution customers through a reconciling
1960 component of electric rates as determined by the department.

1961 Sec. 27. (NEW) (*Effective July 1, 2011*) (a) Each electric distribution
1962 company shall, not later than one hundred eighty days after the
1963 effective date of this section, propose a five-year solar solicitation plan
1964 that shall include a timetable and methodology for soliciting proposals
1965 for long-term solar renewable energy credits or energy contracts from
1966 in-state generators and that shall end in calendar year 2022. The
1967 electric distribution company's solar solicitation plan shall be subject to
1968 the review and approval of the department, provided contracts
1969 comprising no less than twenty-five per cent of the electric distribution
1970 company's obligation shall be submitted for department approval on
1971 or before January 1, 2013, no less than fifty per cent of such obligation
1972 shall be submitted for such approval on or before July 1, 2015, and no
1973 less than seventy-five per cent of such obligation shall be submitted for
1974 such approval on or before July 1, 2017.

1975 (b) The electric distribution company's approved solar solicitation
1976 plan shall be designed to foster a diversity of solar project sizes and

1977 participation among all eligible customer classes subject to cost-
1978 effectiveness considerations. Separate procurement processes shall be
1979 conducted for (1) systems up to fifty kilowatts; (2) systems greater than
1980 fifty kilowatts but less than two hundred kilowatts; and (3) systems
1981 between two hundred and two thousand kilowatts. The Department of
1982 Energy and Environmental Protection shall give preference to
1983 competitive bidding for resources of more than fifty kilowatts, unless
1984 the department determines that an alternative methodology is in the
1985 best interests of the electric distribution company's customers and the
1986 development of a competitive and self-sustaining solar market.
1987 Systems up to fifty kilowatts in size shall be eligible to receive, on an
1988 ongoing and continuous basis, a solar renewable energy credit offer
1989 price equivalent to the weighted average accepted bid price in the
1990 most recent solicitation for systems greater than fifty kilowatts but less
1991 than two hundred kilowatts, plus an additional incentive of ten per
1992 cent. The offer price shall remain open at least until the electric
1993 distribution company has satisfied its procurement requirement for
1994 solar renewable energy credits, as specified in section 26 of this act.
1995 Once the offer price is closed, the owner or holder of a residential solar
1996 renewable energy credit may bid any outstanding or future credits in a
1997 competitive solicitation conducted by the electric distribution company
1998 pursuant to this subsection.

1999 (c) Each electric distribution company shall execute its approved
2000 five-year solicitation plan and submit to the Department of Energy and
2001 Environmental Protection for review and approval of its preferred
2002 solar procurement plan comprised of any proposed contract or
2003 contracts with independent solar developers.

2004 (d) The Department of Energy and Environmental Protection shall
2005 hold a hearing that shall be conducted as an uncontested case, in
2006 accordance with the provisions of chapter 54 of the general statutes, to
2007 approve, reject or modify an application for approval of the electric
2008 distribution company's solar procurement plan. The department shall
2009 only approve such proposed plan if the department finds that (1) the
2010 solicitation and evaluation conducted by the electric distribution

2011 company was the result of a fair, open, competitive and transparent
2012 process; (2) approval of the solar procurement plan would result in the
2013 greatest expected ratepayer value from solar energy or solar renewable
2014 energy credits at the lowest reasonable cost; and (3) such procurement
2015 plan satisfies other criteria established in the approved solicitation
2016 plan. The department shall not approve any proposal made under
2017 such plan unless it determines that the plan and proposals encompass
2018 all foreseeable sources of revenue or benefits and that such proposals,
2019 together with such revenue or benefits, would result in the greatest
2020 expected ratepayer value from solar energy or solar renewable energy
2021 credits. The department may, in its discretion, retain the services of an
2022 independent consultant with expertise in the area of energy
2023 procurement to assist in such determination. The independent
2024 consultant shall be unaffiliated with the electric distribution company
2025 or its affiliates and shall not, directly or indirectly, have benefited from
2026 employment or contracts with the electric distribution company or its
2027 affiliates in the preceding five years, except as an independent
2028 consultant. The electric distribution company shall provide the
2029 independent consultant immediate and continuing access to all
2030 documents and data reviewed, used or produced by the electric
2031 distribution company in its bid solicitation and evaluation process. The
2032 electric distribution company shall make all its personnel, agents and
2033 contractors used in the bid solicitation and evaluation available for
2034 interview by the consultant. The electric distribution company shall
2035 conduct any additional modeling requested by the independent
2036 consultant to test the assumptions and results of the bid evaluation
2037 process. The independent consultant shall not participate in or advise
2038 the electric distribution company with respect to any decisions in the
2039 bid solicitation or bid evaluation process. The department's
2040 administrative costs in reviewing the electric distribution company's
2041 solar procurement plan and the costs of the consultant shall be
2042 recovered through a reconciling component of electric rates as
2043 determined by the department.

2044 (e) The electric distribution company shall be entitled to recover its

2045 reasonable costs of complying with its approved solar procurement
2046 plan through a reconciling component of electric rates as determined
2047 by the department.

2048 (f) If, by January 1, 2013, the department has not received proposed
2049 long-term solar renewable energy credit contracts consisting of at least
2050 twenty-five per cent of each electric distribution company's
2051 procurement obligation, by July 1, 2015, has not received proposed
2052 long-term solar renewable energy contracts consisting of at least fifty
2053 per cent of each electric distribution company's procurement
2054 obligation, or by July 1, 2017, has not received proposed long-term
2055 solar renewable energy contracts consisting of at least seventy-five per
2056 cent of each electric distribution company's procurement obligation,
2057 respectively, the department shall notify the electric distribution
2058 company of the shortfall. Unless, upon petition by the electric
2059 distribution company, the department grants the distribution company
2060 an extension not to exceed ninety days to correct this deficiency, the
2061 electric distribution company shall be assessed a noncompliance fee of
2062 five hundred dollars for each solar renewable energy credit shortfall in
2063 the initial year of the procurement, with the per credit fee declining by
2064 seven per cent annually over the duration of the ten-year solicitation
2065 plan. The noncompliance fees associated with the procurement
2066 shortfall shall be collected by the distribution company, maintained in
2067 a separate interest-bearing account and disbursed to the department
2068 on a quarterly basis. Funds collected by the department pursuant to
2069 this section shall be used to support the deployment of solar
2070 photovoltaic generating systems installed in the state with priority
2071 given to otherwise underserved market segments, including, but not
2072 limited to, low-income housing, schools and other public buildings
2073 and nonprofits.

2074 (g) No project that receives funding pursuant to this section shall be
2075 eligible for funding pursuant to section 29 of this act.

2076 (h) Not later than sixty days after its approval of the distribution
2077 company procurement plans submitted on or before January 1, 2013,

2078 the Department of Energy and Environmental Protection shall submit
2079 a report to the joint standing committee of the General Assembly
2080 having cognizance of matters relating to energy. The report shall
2081 document for each distribution company procurement plan: (1) The
2082 total number of solar renewable energy credits bid relative to the
2083 number of solar renewable energy credits requested by the distribution
2084 company; (2) the total number of bidders in each market segment; (3)
2085 the number of contracts awarded; and (4) the total weighted average
2086 price of the solar renewable energy credits or energy so purchased.
2087 The department shall not report individual bid information or other
2088 proprietary information.

2089 Sec. 28. (NEW) (*Effective July 1, 2011*) (a) On or before July 1, 2012,
2090 the Department of Energy and Environmental Protection, in
2091 consultation with the Office of Policy and Management and the
2092 Department of Public Works, shall, within available funding,
2093 complete, or cause to be completed by private vendors, a
2094 comprehensive solar feasibility survey of facilities owned or operated
2095 by the state with a load of fifty kilowatts or more. The survey shall
2096 rank state-owned or operated facilities based on their technical
2097 feasibility to accommodate solar photovoltaic generating systems by
2098 considering such factors as: (1) On-site energy consumption; (2)
2099 building orientation; (3) roof age and condition; (4) shading and the
2100 potential for obstruction to sunlight over the life of the solar system; (5)
2101 structural load capacity; (6) availability of ancillary facilities, such as
2102 parking lots, walkways or maintenance areas; (7) nonenergy related
2103 amenities; and (8) other factors that the Department of Energy and
2104 Environmental Protection deems may bear on the technical feasibility
2105 of such solar deployment.

2106 (b) The Department of Energy and Environmental Protection, shall,
2107 within available funding, issue one or more requests for proposals for
2108 the deployment of solar photovoltaic generating systems at state-
2109 owned or operated facilities. Any such request for proposals shall be
2110 structured to maximize the state's ability to secure incentives available
2111 from the federal government or other sources. The department may

2112 seek in any request for proposals the services of an entity to finance,
2113 design, construct, own or maintain such solar photovoltaic system
2114 under a long-term solar services agreement. Any such entity chosen to
2115 provide such services shall not be considered a public service company
2116 under section 16-1 of the general statutes.

2117 Sec. 29. (NEW) (*Effective July 1, 2011*) (a) Each electric distribution
2118 company shall, not later than July 1, 2012, file with the Department of
2119 Energy and Environmental Protection for its approval a tariff for
2120 production-based payments to owners or operators of Class I solar
2121 renewable energy source projects located in this state that are not less
2122 than one megawatt and connected directly to the distribution system
2123 of an electric distribution company.

2124 (b) Such tariffs shall provide production-based payments for a
2125 period not less than fifteen years from the in-service date of the Class I
2126 solar renewable energy source project at a price that is, at the
2127 determination of the Department of Energy and Environmental
2128 Protection, a cost-based payment consisting of the fully allocated cost
2129 of constructing and operating a Class I solar renewable energy source
2130 of from one megawatt to seven and one-half megawatts were such
2131 construction and operation to be undertaken or procured by the
2132 electric distribution company itself. In calculating the cost-based tariff,
2133 the department shall consider actual cost data for Class I solar energy
2134 sources constructed and operated by the electric distribution company
2135 pursuant to subsection (e) of this section taking into consideration all
2136 available state and federal incentives.

2137 (c) Such tariffs shall include a per project eligibility cap of seven and
2138 one-half megawatts and an aggregate eligibility cap of fifty megawatts,
2139 apportioned among each electric distribution company in proportion
2140 to distribution load.

2141 (d) The cost of such tariff payments shall be eligible for inclusion in
2142 any subsequent rates, provided such payments are for projects
2143 operational on or after the effective date of this section, and recovered

2144 through a reconciling component of electric rates as determined by the
2145 Department of Energy and Environmental Protection.

2146 (e) On and after July 1, 2012, electric distribution companies may
2147 construct, own and operate solar electric generating facilities up to
2148 one-third of their proportional share of the total cap amounts specified
2149 under subsection (c) of this section, provided any such development
2150 shall be phased in over a period of no less than three years. Such
2151 projects shall be located on brownfields or other locations in a targeted
2152 investment community, as defined in section 32-222 of the general
2153 statutes. The Department of Energy and Environmental Protection, in a
2154 contested case, shall authorize the electric distribution company to
2155 recover in rates its costs to construct, own and operate solar electric
2156 generating facilities, including a reasonable return on its investment
2157 not to exceed eight per cent, if such approval would result in a
2158 reasonable cost of meeting the solar energy requirements pursuant to
2159 said subsection (c) of this section and that such investment will not
2160 restrict competition or restrict growth in the state's solar energy
2161 industry or unfairly employ in a manner which would restrict
2162 competition in the market for solar energy systems any financial,
2163 marketing, distributing or generating advantage that the electric
2164 distribution company may exercise as a result of its authority to
2165 operate as a public service company.

2166 (f) Notwithstanding the provisions of subdivision (1) of subsection
2167 (j) of section 16-244c of the general statutes, as amended by this act, the
2168 amount of renewable energy produced from Class I renewable energy
2169 sources receiving tariff payments or included in utility rates under this
2170 section shall be applied to reduce the electric distribution company's
2171 Class I renewable energy source portfolio standard.

2172 (g) No project that receives funding pursuant to this section shall be
2173 eligible for funding pursuant to section 27 of this act.

2174 (h) On or before September 1, 2013, the department, in consultation
2175 with the Office of Consumer Counsel and the Renewable Energy

2176 Investments Board, shall study the operation of solar renewable
2177 energy tariffs and shall report, in accordance with the provisions of
2178 section 11-4a of the general statutes, its findings and recommendations
2179 to the joint standing committee of the General Assembly having
2180 cognizance of matters relating to energy.

2181 (i) The department shall suspend the tariff established pursuant to
2182 this section upon the earlier of (1) an electric distribution company
2183 reaching its aggregate cap pursuant to subsection (c) of this section, or
2184 (2) three years from the effective date of the tariff.

2185 Sec. 30. (NEW) (*Effective July 1, 2011*) The Department of Energy and
2186 Environmental Protection, in consultation with the Renewable Energy
2187 Investment Fund established in section 16-245n of the general statutes
2188 and the Conservation and Load Management Fund established in
2189 section 16-245m of the general statutes, shall develop coordinated
2190 programs to create a self-sustaining market for solar thermal systems
2191 for electricity, natural gas and fuel oil customers.

2192 Sec. 31. (NEW) (*Effective July 1, 2011*) The Department of Energy and
2193 Environmental Protection shall provide an additional incentive of up
2194 to five per cent of the then-applicable incentive provided pursuant to
2195 sections 25 and 30 of this act for the use of major system components
2196 manufactured or assembled in Connecticut, and another additional
2197 incentive of up to five per cent of the then applicable incentive
2198 provided pursuant to sections 25 and 30 of this act for the use of major
2199 system components manufactured or assembled in a distressed
2200 municipality, as defined in section 32-9p of the general statutes, or a
2201 targeted investment community, as defined in section 32-222 of the
2202 general statutes.

2203 Sec. 32. (NEW) (*Effective July 1, 2011*) (a) On or before January 1,
2204 2012, the Department of Energy and Environmental Protection shall
2205 initiate an uncontested proceeding to establish a feed-in tariff that shall
2206 decline over time to include, but not be limited to, wind, fuel cells,
2207 biomass, geothermal and energy efficiency projects. As a result of such

2208 proceeding, the department shall establish the parameters of such
2209 program, which shall include, but not be limited to, a requirement that
2210 no ratepayer money fund such program.

2211 (b) On or before January 1, 2012, and annually thereafter, the
2212 department shall report, in accordance with the provisions of section
2213 11-4a of the general statutes, to the joint standing committee of the
2214 General Assembly having cognizance of matters relating to energy
2215 regarding the feed-in tariff established pursuant to this section.

2216 Sec. 33. (NEW) (*Effective October 1, 2011*) The Renewable Energy
2217 Investments Board created pursuant to section 16-245n of the general
2218 statutes in consultation with the Department of Energy and
2219 Environmental Protection, may establish a program to be known as the
2220 "condominium renewable energy grant program". Under such
2221 program, the board may provide grants to residential condominium
2222 associations and residential condominium owners, within available
2223 funds, for purchasing renewable energy sources, including solar
2224 energy, geothermal energy and fuel cells or other energy-efficient
2225 hydrogen-fueled energy.

2226 Sec. 34. (NEW) (*Effective July 1, 2011*) The Department of Energy and
2227 Environmental Protection shall establish a pilot program to support
2228 through loans, grants or power purchase agreements sustainable
2229 practices and economic prosperity of Connecticut farms by using
2230 agricultural waste with on-site anaerobic digestion facilities to
2231 generate electricity and heat. As part of the pilot program, the
2232 department may approve no more than five projects, each of which
2233 shall have a maximum size of five hundred kilowatts. On or before
2234 January 1, 2012, and annually thereafter, the department shall report,
2235 in accordance with the provisions of section 11-4a of the general
2236 statutes, to the joint standing committee of the General Assembly
2237 having cognizance of matters relating to energy regarding the program
2238 established pursuant to this section.

2239 Sec. 35. (NEW) (*Effective July 1, 2011*) (a) On or before June 30, 2012,

2240 the Department of Energy and Environmental Protection shall conduct
2241 a proceeding regarding development of low-income discounted rates
2242 for service provided by electric distribution companies, as defined in
2243 section 16-1 of the general statutes, to low-income customers with an
2244 annual income that does not exceed sixty per cent of median income.
2245 Such proceeding shall include, but not be limited to, a review, for
2246 individuals who receive means-tested assistance administered by the
2247 state or federal governments, of the current and future availability of
2248 rate discounts through the department's electricity purchasing pool
2249 operated pursuant to section 16a-14e of the general statutes, energy
2250 assistance benefits available through any plan adopted pursuant to
2251 section 16a-41a of the general statutes, state funded or administered
2252 programs, conservation assistance available pursuant to section 16-
2253 245m of the general statutes assistance funded or administered by said
2254 department or the Department of Social Services, or matching payment
2255 program benefits available pursuant to subsection (b) of section 16-
2256 262c of the general statutes. Such proceeding shall also include an
2257 analysis of the cost of imposing a utility termination moratorium in
2258 households with a child two years of age or younger. The department
2259 shall (1) coordinate resources and programs, to the extent practicable;
2260 (2) develop rates that take into account the indigency of persons of
2261 poverty status and allow such persons' households to meet the costs of
2262 essential energy needs; (3) encourage the households to agree to have a
2263 home energy audit as a prerequisite to qualification; and (4) prepare an
2264 analysis of the benefits and anticipated costs of such low-income
2265 discounted rates.

2266 (b) The department shall determine which, if any, of its programs
2267 shall be modified, terminated or have their funding reduced because
2268 such program beneficiaries would benefit more by the establishment of
2269 a low-income or discount rate. The department shall establish a rate
2270 reduction that is equal to the anticipated funds transferred from the
2271 programs modified, terminated or reduced by the department
2272 pursuant to this section and the reduced cost of providing service to
2273 those eligible for such discounted or low-income rates, any available

2274 energy assistance and other sources of coverage for such rates,
2275 including, but not limited to, generation available through the
2276 electricity purchasing pool operated by the department. The
2277 department may issue recommendations regarding programs
2278 administered by the Department of Social Services.

2279 (c) The department shall order (1) filing by each electric distribution
2280 company of proposed rates consistent with the department's decision
2281 pursuant to subsection (a) of this section not later than sixty days after
2282 its issuance; and (2) appropriate modification of existing low-income
2283 programs. Each company shall conduct outreach to make its low-
2284 income or discounted rates available to eligible customers and report
2285 to the department at least annually regarding its outreach activities
2286 and the results of such activities.

2287 (d) The cost of low-income and discounted rates and related
2288 outreach activities pursuant to this section shall be paid (1) through the
2289 normal rate-making procedures of the department, (2) on a semiannual
2290 basis through the systems benefits charge for an electric distribution
2291 company, and (3) solely from the funds of the programs modified,
2292 terminated or reduced by the department pursuant to this section and
2293 the reduced cost of providing service to those eligible for such
2294 discounted or low-income rates, any available energy assistance and
2295 other sources of coverage for such rates, including, but not limited to,
2296 generation available through the electricity purchasing pool operated
2297 by the department.

2298 (e) On or before July 1, 2013, the department shall report, in
2299 accordance with section 11-4a of the general statutes, to the joint
2300 standing committee of the General Assembly having cognizance of
2301 matters relating to energy regarding the benefits and costs of the low-
2302 income or discounted rates established pursuant to subsection (a) of
2303 this section, including, but not limited to, possible impacts on existing
2304 customers who qualify for state assistance, and any recommended
2305 modifications. If the low-income rate is not less than ninety per cent of
2306 the standard service rate, the department shall include in its report

2307 steps to achieve that goal.

2308 Sec. 36. Section 16-245o of the general statutes is repealed and the
2309 following is substituted in lieu thereof (*Effective July 1, 2011*):

2310 (a) To protect a customer's right to privacy from unwanted
2311 solicitation, each electric company or electric distribution company, as
2312 the case may be, shall distribute to each customer a form approved by
2313 the Department of [Public Utility Control] Energy and Environmental
2314 Protection which the customer shall submit to the customer's electric
2315 or electric distribution company in a timely manner if the customer
2316 does not want the customer's name, address, telephone number and
2317 rate class to be released to electric suppliers. On and after July 1, 1999,
2318 each electric or electric distribution company, as the case may be, shall
2319 make available to all electric suppliers customer names, addresses,
2320 telephone numbers, if known, and rate class, unless the electric
2321 company or electric distribution company has received a form from a
2322 customer requesting that such information not be released. Additional
2323 information about a customer for marketing purposes shall not be
2324 released to any electric supplier unless a customer consents to a release
2325 by one of the following: (1) An independent third-party telephone
2326 verification; (2) receipt of a written confirmation received in the mail
2327 from the customer after the customer has received an information
2328 package confirming any telephone agreement; (3) the customer signs a
2329 document fully explaining the nature and effect of the release; or (4)
2330 the customer's consent is obtained through electronic means,
2331 including, but not limited to, a computer transaction.

2332 (b) All electric suppliers shall have equal access to customer
2333 information required to be disclosed under subsection (a) of this
2334 section. No electric supplier shall have preferential access to historical
2335 distribution company customer usage data.

2336 (c) No electric or electric distribution company shall include in any
2337 bill or bill insert anything that directly or indirectly promotes a
2338 generation entity or affiliate of the electric distribution company. No

2339 electric supplier shall include a bill insert in an electric bill of an
2340 electric distribution company.

2341 (d) All marketing information provided pursuant to the provisions
2342 of this section shall be formatted electronically by the electric company
2343 or electric distribution company, as the case may be, in a form that is
2344 readily usable by standard commercial software packages. Updated
2345 lists shall be made available within a reasonable time, as determined
2346 by the department, following a request by an electric supplier. Each
2347 electric supplier seeking the information shall pay a fee to the electric
2348 company or electric distribution company, as the case may be, which
2349 reflects the incremental costs of formatting, sorting and distributing
2350 this information, together with related software changes. Customers
2351 shall be entitled to any available individual information about their
2352 loads or usage at no cost.

2353 (e) Each electric supplier shall, prior to the initiation of electric
2354 generation services, provide the potential customer with a written
2355 notice describing the rates, information on air emissions and resource
2356 mix of generation facilities operated by and under long-term contract
2357 to the supplier, terms and conditions of the service, and a notice
2358 describing the customer's right to cancel the service, as provided in this
2359 section. No electric supplier shall provide electric generation services
2360 unless the customer has signed a service contract or consents to such
2361 services by one of the following: (1) An independent third-party
2362 telephone verification; (2) receipt of a written confirmation received in
2363 the mail from the customer after the customer has received an
2364 information package confirming any telephone agreement; (3) the
2365 customer signs a [document fully explaining the nature and effect of
2366 the initiation of the service] contract that conforms with the provisions
2367 of this section; or (4) the customer's consent is obtained through
2368 electronic means, including, but not limited to, a computer transaction.
2369 Each electric supplier shall provide each customer with a demand of
2370 less than one hundred kilowatts, a written contract that conforms with
2371 the provisions of this section and maintain records of such signed
2372 service contract or consent to service for a period of not less than two

2373 years from the date of expiration of such contract, which records shall
2374 be provided to the department or the customer upon request. Each
2375 contract for electric generation services shall contain all material terms
2376 of the agreement, a clear and conspicuous statement explaining the
2377 rates that such customer will be paying, including the circumstances
2378 under which the rates may change, a statement that provides specific
2379 directions to the customer as to how to compare the price term in the
2380 contract to the customer's existing electric generation service charge on
2381 the electric bill and how long those rates are guaranteed. Such contract
2382 shall also include a clear and conspicuous statement providing the
2383 customer's right to cancel such contract not later than three days after
2384 signature or receipt in accordance with the provisions of this
2385 subsection, describing under what circumstances, if any, the supplier
2386 may terminate the contract and describing any penalty for early
2387 termination of such contract. Each contract shall be signed by the
2388 customer, or otherwise agreed to in accordance with the provisions of
2389 this subsection. A customer who has a maximum demand of five
2390 hundred kilowatts or less shall, until midnight of the third business
2391 day after the latter of the day on which the customer enters into a
2392 service agreement or the day on which the customer receives the
2393 written contract from the electric supplier as provided in this section,
2394 have the right to cancel a contract for electric generation services
2395 entered into with an electric supplier.

2396 [(f) An electric supplier shall not advertise or disclose the price of
2397 electricity in such a manner as to mislead a reasonable person into
2398 believing that the electric generation services portion of the bill will be
2399 the total bill amount for the delivery of electricity to the customer's
2400 location. When advertising or disclosing the price for electricity, the
2401 electric supplier shall also disclose the electric distribution company's
2402 average current charges, including the competitive transition
2403 assessment and the systems benefits charge, for that customer class.]

2404 (f) (1) Any third-party agent who contracts with or is otherwise
2405 compensated by an electric supplier to sell electric generation services
2406 shall be a legal agent of the electric supplier. No third-party agent may

2407 sell electric generation services on behalf of an electric supplier unless
2408 (A) the third-party agent is an employee or independent contractor of
2409 such electric supplier, and (B) the third-party agent has received
2410 appropriate training directly from such electric supplier.

2411 (2) On or after July 1, 2011, all sales and solicitations of electric
2412 generation services by an electric supplier, aggregator or agent of an
2413 electric supplier or aggregator to a customer with a maximum demand
2414 of one hundred kilowatts or less conducted and consummated entirely
2415 by mail, door-to-door sale, telephone or other electronic means, during
2416 a scheduled appointment at the premises of a customer or at a fair,
2417 trade or business show, convention or exposition in addition to
2418 complying with the provisions of subsection (e) of this section shall:

2419 (A) For any sale or solicitation, including from any person
2420 representing such electric supplier, aggregator or agent of an electric
2421 supplier or aggregator (i) identify the person and the electric
2422 generation services company or companies the person represents; (ii)
2423 provide a statement that the person does not represent an electric
2424 distribution company; (iii) explain the purpose of the solicitation; and
2425 (iv) explain all rates, fees, variable charges and terms and conditions
2426 for the services provided; and

2427 (B) For door-to-door sales to customers with a maximum demand of
2428 one hundred kilowatts, which shall include the sale of electric
2429 generation services in which the electric supplier, aggregator or agent
2430 of an electric supplier or aggregator solicits the sale and receives the
2431 customer's agreement or offer to purchase at a place other than the
2432 seller's place of business, be conducted (i) in accordance with any
2433 municipal and local ordinances regarding door-to-door solicitations,
2434 (ii) between the hours of ten o'clock a.m. and six o'clock p.m., and (iii)
2435 with both English and Spanish written materials available. Any
2436 representative of an electric supplier, aggregator or agent of an electric
2437 supplier or aggregator shall prominently display or wear a photo
2438 identification badge stating the name of such person's employer or the
2439 electric supplier the person represents. Each such supplier, aggregator

2440 or agent shall conduct a criminal background check on each person
2441 such entity employs to conduct such door-to-door sales.

2442 (3) No electric supplier, aggregator or agent of an electric supplier
2443 or aggregator shall advertise or disclose the price of electricity to
2444 mislead a reasonable person into believing that the electric generation
2445 services portion of the bill will be the total bill amount for the delivery
2446 of electricity to the customer's location. When advertising or disclosing
2447 the price for electricity, the electric supplier, aggregator or agent of an
2448 electric supplier or aggregator shall also disclose the electric
2449 distribution company's current charges, including the competitive
2450 transition assessment and the systems benefits charge, for that
2451 customer class.

2452 (4) No entity, including an aggregator or agent of an electric
2453 supplier or aggregator, who sells or offers for sale any electric
2454 generation services for or on behalf of an electric supplier, shall engage
2455 in any deceptive acts or practices in the marketing, sale or solicitation
2456 of electric generation services.

2457 (5) Each electric supplier shall disclose to the Department of Energy
2458 and Environmental Protection in a standardized format (A) the
2459 amount of additional renewable energy credits such supplier will
2460 purchase beyond required credits, (B) where such additional credits
2461 are being sourced from, and (C) the types of renewable energy sources
2462 that will be purchased. Each electric supplier shall only advertise
2463 renewable energy credits purchased beyond those required pursuant
2464 to section 16-245a and shall report to the department the renewable
2465 energy sources of such credits and whenever the mix of such sources
2466 changes.

2467 (6) No contract for electric generation services by an electric supplier
2468 shall require a residential customer to pay any fee for termination or
2469 early cancellation of a contract in excess of (A) one hundred dollars; or
2470 (B) twice the estimated bill for energy services for an average month,
2471 whichever is less, provided when an electric supplier offers a contract,

2472 it provides the residential customer an estimate of such customer's
2473 average monthly bill.

2474 (7) An electric supplier shall not make a material change in the
2475 terms or duration of any contract for the provision of electric
2476 generation services by an electric supplier without the express consent
2477 of the customer. Nothing in this subdivision shall restrict an electric
2478 supplier from renewing a contract by clearly informing the customer,
2479 in writing, not less than thirty days nor more than sixty days before the
2480 renewal date, of the renewal terms and of the option not to accept the
2481 renewal offer, provided no fee pursuant to subdivision (6) of this
2482 section shall be charged to a customer who terminates or cancels such
2483 renewal not later than seven business days after receiving the first
2484 billing statement for the renewed contract.

2485 (g) Each electric supplier, aggregator or agent of an electric supplier
2486 or aggregator shall comply with the provisions of the telemarketing
2487 regulations adopted pursuant to 15 USC 6102.

2488 (h) Any violation of this section shall be deemed an unfair or
2489 deceptive trade practice under subsection (a) of section 42-110b. Any
2490 contract for electric generation services that the department finds to be
2491 the product of unfair or deceptive marketing practices or in material
2492 violation of the provisions of this section shall be void and
2493 unenforceable. Any waiver of the provisions of this section by a
2494 customer of electric generation services shall be deemed void and
2495 unenforceable by the electric supplier.

2496 (i) Any violation or failure to comply with any provision of this
2497 section shall be subject to (1) civil penalties by the department in
2498 accordance with section 16-41, (2) the suspension or revocation of an
2499 electric supplier or aggregator's license, or (3) a prohibition on
2500 accepting new customers following a hearing that is conducted as a
2501 contested case in accordance with chapter 54.

2502 (j) The department may adopt regulations, in accordance with the
2503 provisions of chapter 54, to include, but not be limited to, abusive

2504 switching practices, solicitations and renewals by electric suppliers.

2505 Sec. 37. Section 16-245d of the general statutes is repealed and the
2506 following is substituted in lieu thereof (*Effective July 1, 2011*):

2507 (a) The Department of [Public Utility Control] Energy and
2508 Environmental Protection shall, by regulations adopted pursuant to
2509 chapter 54, develop a standard billing format that enables customers to
2510 compare pricing policies and charges among electric suppliers. [Not
2511 later than January 1, 2006, the] The department shall adopt regulations,
2512 in accordance with the provisions of chapter 54, to provide that an
2513 electric supplier, until October 1, 2011, may provide direct billing and
2514 collection services for electric generation services and related federally
2515 mandated congestion charges that such supplier provides to its
2516 customers [that have] with a maximum demand of not less than one
2517 hundred kilowatts [and] that choose to receive a bill directly from such
2518 supplier and, on and after October 1, 2011, shall provide direct billing
2519 and collection services for electric generation services and related
2520 federally mandated congestion charges that such suppliers provide to
2521 their customers or may choose to obtain such billing and collection
2522 service through an electric distribution company and pay its pro rata
2523 share in accordance with the provisions of subsection (h) of section 16-
2524 244c, as amended by this act. Any customer of an electric supplier,
2525 which is choosing to provide direct billing, who paid for the cost of
2526 billing and other services to an electric distribution company shall
2527 receive a credit on their monthly bill.

2528 (1) An electric supplier that chooses to provide billing and collection
2529 services shall, in accordance with the billing format developed by the
2530 department, include the following information in each customer's bill:
2531 (A) The total amount owed by the customer, which shall be itemized to
2532 show (i) the electric generation services component and any additional
2533 charges imposed by the electric supplier, and (ii) federally mandated
2534 congestion charges applicable to the generation services; (B) any
2535 unpaid amounts from previous bills, which shall be listed separately
2536 from current charges; (C) the rate and usage for the current month and

2537 each of the previous twelve months in bar graph form or other visual
2538 format; (D) the payment due date; (E) the interest rate applicable to
2539 any unpaid amount; (F) the toll-free telephone number of the
2540 Department of Public Utility Control for questions or complaints; and
2541 (G) the toll-free telephone number and address of the electric supplier.

2542 (2) An [electric company,] electric distribution company [or electric
2543 supplier that provides direct billing of the electric generation service
2544 component and related federally mandated congestion charges, as the
2545 case may be,] shall, in accordance with the billing format developed by
2546 the department, include the following information in each customer's
2547 bill: [, as appropriate: (1)] (A) The total amount owed by the customer,
2548 which shall be itemized to show, [(A)] (i) the electric generation
2549 services component [and any additional charges imposed by the
2550 electric supplier, if applicable, (B)] if the customer obtains standard
2551 service or last resort service from the electric distribution company, (ii)
2552 the distribution charge, including all applicable taxes and the systems
2553 benefits charge, as provided in section 16-245l, [(C)] (iii) the
2554 transmission rate as adjusted pursuant to subsection (d) of section 16-
2555 19b, [(D)] (iv) the competitive transition assessment, as provided in
2556 section 16-245g, [(E)] (v) federally mandated congestion charges, and
2557 [(F)] (vi) the conservation and renewable energy charge, consisting of
2558 the conservation and load management program charge, as provided
2559 in section 16-245m, and the renewable energy investment charge, as
2560 provided in section 16-245n; [(2)] (B) any unpaid amounts from
2561 previous bills which shall be listed separately from current charges;
2562 [(3)] (C) except for customers subject to a demand charge, the rate and
2563 usage for the current month and each of the previous twelve months in
2564 the form of a bar graph or other visual form; [(4)] (D) the payment due
2565 date; [(5)] (E) the interest rate applicable to any unpaid amount; [(6)]
2566 (F) the toll-free telephone number of the electric distribution company
2567 to report power losses; [(7)] (G) the toll-free telephone number of the
2568 Department of Public Utility Control for questions or complaints; [(8)
2569 the toll-free telephone number and address of the electric supplier; and
2570 (9)] and (H) if a customer has a demand of five hundred kilowatts or

2571 less during the preceding twelve months, a statement about the
2572 availability of information concerning electric suppliers pursuant to
2573 section 16-245p.

2574 (b) The regulations shall provide guidelines for determining until
2575 October 1, 2011, the billing relationship between the electric
2576 distribution company and electric suppliers, including, but not limited
2577 to, the allocation of partial bill payments and late payments between
2578 the electric distribution company and the electric supplier. An electric
2579 distribution company that provides billing services for an electric
2580 supplier shall be entitled to recover from the electric supplier all
2581 reasonable transaction costs to provide such billing services as well as
2582 a reasonable rate of return, in accordance with the principles in
2583 subsection (a) of section 16-19e.

2584 Sec. 38. (NEW) (*Effective July 1, 2011*) The Commissioner of Energy
2585 and Environmental Protection shall administer a state-appropriated
2586 weatherization assistance program to provide, within available
2587 appropriations, weatherization assistance in accordance with the
2588 provisions of the state plan implementing the weatherization
2589 assistance block grant program authorized by the federal Low-Income
2590 Home Energy Assistance Act of 1981, and programs of fuel assistance
2591 and weatherization assistance with funds authorized by the federal
2592 Low-Income Home Energy Assistance Act of 1981 and by the United
2593 States Department of Energy in accordance with 10 CFR Part 440
2594 promulgated under Title IV of the Energy Conservation and
2595 Production Act, as amended, and oil settlement funds in accordance
2596 with subsections (b) and (c) of section 4-28 of the general statutes. The
2597 commissioner shall adopt regulations in accordance with the
2598 provisions of chapter 54 of the general statutes, (1) establishing
2599 priorities for determining which households shall receive such
2600 weatherization assistance, (2) requiring that such weatherization
2601 assistance for energy conservation measures other than the retrofitting
2602 of heating systems be provided only for any dwelling unit for which
2603 an energy audit has been conducted in accordance with the provisions
2604 of sections 16a-45a to 16a-46c, inclusive, of the general statutes, (3)

2605 requiring that the only criterion for determining which energy
2606 conservation measures shall be implemented pursuant to this
2607 subsection in any such dwelling unit shall be the simple payback
2608 calculated for each energy conservation measure recommended in the
2609 energy audit conducted for such unit, (4) establishing the maximum
2610 allowable payback period for such energy conservation measures, and
2611 (5) establishing conditions for the waiver of the provisions of
2612 subdivisions (1) to (4), inclusive, of this subsection in the event of
2613 emergencies. The programs provided for under this subsection shall
2614 include a program of fuel and weatherization assistance for emergency
2615 shelters for homeless individuals and victims of domestic violence. The
2616 commissioner may adopt regulations, in accordance with the
2617 provisions of chapter 54 of the general statutes, to implement and
2618 administer the program of fuel and weatherization assistance for
2619 emergency shelters.

2620 Sec. 39. (NEW) (*Effective July 1, 2011*) On or before October 1, 2011,
2621 the Department of Energy and Environmental Protection shall
2622 establish a natural gas conversion program to allow a gas company to
2623 finance the conversion to gas heat by potential residential customers
2624 who heat their homes with electricity. The department shall adopt
2625 regulations in accordance with the provisions of chapter 54 of the
2626 general statutes to establish procedures and terms for such program
2627 and shall, on or before January 1, 2012, and annually thereafter, report
2628 in accordance with the provisions of section 11-4a of the general
2629 statutes to the joint standing committees of the General Assembly
2630 having cognizance of matters relating to energy and the environment
2631 regarding the progress of said program.

2632 Sec. 40. Section 16-245z of the general statutes is repealed and the
2633 following is substituted in lieu thereof (*Effective July 1, 2011*):

2634 Not later than October 1, 2005, the Department of [Public Utility
2635 Control] Energy and Environmental Protection and the Energy
2636 Conservation Management Board, established in section 16-245m, shall
2637 establish links on their Internet web sites to the Energy Star program

2638 or successor program that promotes energy efficiency and each electric
2639 distribution company shall establish a link under its conservation
2640 programs on its Internet web site to the Energy Star program or such
2641 successor program.

2642 Sec. 41. Section 17b-801 of the general statutes is repealed and the
2643 following is substituted in lieu thereof (*Effective July 1, 2011*):

2644 (a) The Commissioner of Social Services shall administer a state-
2645 appropriated fuel assistance program to provide, within available
2646 appropriations, fuel assistance to elderly and disabled persons whose
2647 household gross income is above the income eligibility guidelines for
2648 the Connecticut energy assistance program but does not exceed two
2649 hundred per cent of federal poverty guidelines. The income eligibility
2650 guidelines for the state-appropriated fuel assistance program shall be
2651 determined, annually, by the Commissioner of Social Services, in
2652 conjunction with the Secretary of the Office of Policy and
2653 Management. The commissioner may adopt regulations, in accordance
2654 with the provisions of chapter 54, to implement the provisions of this
2655 subsection.

2656 [(b) The commissioner shall administer a state-appropriated
2657 weatherization assistance program to provide, within available
2658 appropriations, weatherization assistance in accordance with the
2659 provisions of the state plan implementing the weatherization
2660 assistance block grant program authorized by the federal Low-Income
2661 Home Energy Assistance Act of 1981, and programs of fuel assistance
2662 and weatherization assistance with funds authorized by the federal
2663 Low-Income Home Energy Assistance Act of 1981 and by the U.S.
2664 Department of Energy in accordance with 10 CFR Part 440
2665 promulgated under Title IV of the Energy Conservation and
2666 Production Act, as amended, and oil settlement funds in accordance
2667 with subsections (b) and (c) of section 4-28. The commissioner shall
2668 adopt regulations in accordance with the provisions of chapter 54, (1)
2669 establishing priorities for determining which households shall receive
2670 such weatherization assistance, (2) requiring that such weatherization

2671 assistance for energy conservation measures other than the retrofitting
2672 of heating systems be provided only for any dwelling unit for which
2673 an energy audit has been conducted in accordance with the provisions
2674 of sections 16a-45a to 16a-46c, inclusive, (3) requiring that the only
2675 criterion for determining which energy conservation measures shall be
2676 implemented pursuant to this subsection in any such dwelling unit
2677 shall be the simple payback calculated for each energy conservation
2678 measure recommended in the energy audit conducted for such unit, (4)
2679 establishing the maximum allowable payback period for such energy
2680 conservation measures and (5) establishing conditions for the waiver
2681 of the provisions of subdivisions (1) to (4), inclusive, of this subsection
2682 in the event of emergencies. The programs provided for under this
2683 subsection shall include a program of fuel and weatherization
2684 assistance for emergency shelters for homeless individuals and victims
2685 of domestic violence. The commissioner may adopt regulations, in
2686 accordance with the provisions of chapter 54, to implement and
2687 administer the program of fuel and weatherization assistance for
2688 emergency shelters.]

2689 [(c)] (b) The Commissioner of Social Services shall administer,
2690 within available appropriations, a crime prevention and safety
2691 program for residences occupied by elderly and disabled persons who
2692 are eligible for the weatherization assistance block grant program
2693 authorized by the federal Low-Income Home Energy Assistance Act of
2694 1981 or the state-appropriated weatherization assistance program. The
2695 program shall be operated through the community action agencies and
2696 the municipal agency responsible for said low income weatherization
2697 program. The program may provide for the purchase and installation,
2698 where necessary, of devices which allow a person inside a dwelling
2699 unit to view the area outside the door, or doors with windows, locks
2700 on windows and doors, and smoke detectors. The installation of
2701 devices under this program shall be done at the time weatherization is
2702 done.

2703 Sec. 42. (NEW) (Effective July 1, 2011) (a) As used in this section:

2704 (1) "Eligible entity" means (A) any residential, commercial,
2705 institutional or industrial customer of an electric distribution company
2706 or natural gas company, as defined in section 16-1 of the general
2707 statutes, who employs or installs an eligible in-state energy savings
2708 technology, (B) an energy service company certified as a Connecticut
2709 electric efficiency partner by the Department of Energy and
2710 Environmental Protection, or (C) an installer certified by the
2711 Renewable Energy Investments Fund; and

2712 (2) "Energy savings infrastructure" means tangible equipment,
2713 installation, labor, cost of engineering, permits, application fees and
2714 other reasonable costs incurred by eligible entities for operating
2715 eligible in-state energy savings technologies designed to reduce
2716 electricity consumption, natural gas consumption or heating oil
2717 consumption.

2718 (b) The Department of Energy and Environmental Protection shall
2719 establish an energy savings infrastructure pilot program consisting of
2720 financial incentives for the installation of energy efficient heating oil
2721 burners, boilers and furnaces and natural gas boilers and furnaces by
2722 eligible entities. On or before June 30, 2014, the department shall
2723 evaluate the efficacy of the program established pursuant to this
2724 section.

2725 (c) On or before December 31, 2011, the department shall begin
2726 accepting applications for financial incentives for the installation of
2727 more efficient fuel oil and natural gas boilers and furnaces that replace
2728 existing boilers or furnaces that are not less than seven years old with
2729 an efficiency rating of not more than seventy-five per cent. A
2730 qualifying fuel oil furnace shall have an efficiency rating of not less
2731 than eighty-six per cent. A qualifying fuel oil boiler shall have an
2732 efficiency rating of not less than eighty-six per cent with thermal purge
2733 or temperature reset controls. A qualifying natural gas boiler shall
2734 have an annual fuel utilization efficiency rating of not less than ninety
2735 per cent and a qualifying natural gas furnace shall have an annual fuel
2736 utilization efficiency rating of not less than ninety-five per cent. The

2737 department shall review the current market conditions for such
2738 systems and equipment upgrades, including, but not limited to, any
2739 existing federal or state financial incentives, and establish the
2740 appropriate financial incentives under this program necessary to
2741 encourage such upgrades. Financial incentives shall provide private
2742 financial institutions with loan loss protection or grants to lower
2743 borrowing costs and, if the department deems it necessary, grants to
2744 the lending financial institution to lower borrowing costs and allow for
2745 a ten-year loan. Such financial incentive package shall ensure that the
2746 annual loan payment by the applicant shall be at not more than the
2747 projected annual energy savings less one hundred dollars. Any loan
2748 provided as a financial incentive pursuant to this subsection shall
2749 include the cost of any related incentives, as determined by the
2750 department. The department shall arrange with an electric distribution
2751 or gas company to provide for payment of any loan made as financial
2752 assistance under this subdivision through the loan recipient's monthly
2753 electric or gas bill, as applicable.

2754 (d) Eligible entities seeking a loan under the loan program
2755 established in this section shall (1) contract with Connecticut-based
2756 licensed contractors, installers or tradesmen for the installation of an
2757 eligible in-state energy savings technology; (2) provide evidence of the
2758 cost of purchase and installation of the eligible in-state energy savings
2759 technology; and (3) periodically provide evidence of the operation and
2760 functionality of the eligible in-state energy savings technology to
2761 ensure that such technology is operating as intended during the term
2762 of the loan.

2763 (e) The department shall develop a prescriptive one-page loan
2764 application. Such application shall include, but not be limited to: (1)
2765 Detailed information, specifications and documentation of the eligible
2766 in-state energy technology's installed costs and projected energy
2767 savings, and (2) for requests for loans in excess of one hundred
2768 thousand dollars, certification by a licensed professional engineer,
2769 licensed contractor, installer or tradesman with a state license held in
2770 good standing.

2771 (f) On or before October 1, 2011, the department shall establish a
2772 plan that includes procedures and parameters for its energy savings
2773 infrastructure pilot program established pursuant to this section.

2774 (g) On or before October 1, 2014, the department shall, in
2775 accordance with the provisions of section 11-4a of the general statutes,
2776 report to the joint standing committee of the General Assembly having
2777 cognizance of matters relating to energy with regard to the projects
2778 assisted by the energy savings infrastructure pilot program established
2779 pursuant to this section, the amount of public funding, the energy
2780 savings from the technologies installed and any recommendations for
2781 changes to the program, including, but not limited to, incentives that
2782 encourage consumers to install more efficient fuel oil and natural gas
2783 boilers and furnaces prior to failure or gross inefficiency of their
2784 current heating system.

2785 Sec. 43. Section 16-49 of the general statutes is repealed and the
2786 following is substituted in lieu thereof (*Effective July 1, 2011*):

2787 (a) As used in this section:

2788 (1) "Company" means (A) any public service company other than a
2789 telephone company, that had more than one hundred thousand dollars
2790 of gross revenues in the state in the calendar year preceding the
2791 assessment year under this section, except any such company not
2792 providing service to retail customers in the state, (B) any telephone
2793 company that had more than one hundred thousand dollars of gross
2794 revenues in the state from telecommunications services in the calendar
2795 year preceding the assessment year under this section, except any such
2796 company not providing service to retail customers in the state, (C) any
2797 certified telecommunications provider that had more than one
2798 hundred thousand dollars of gross revenues in the state from
2799 telecommunications services in the calendar year preceding the
2800 assessment year under this section, except any such certified
2801 telecommunications provider not providing service to retail customers
2802 in the state, or (D) any electric supplier that had more than one

2803 hundred thousand dollars of gross revenues in the state in the calendar
2804 year preceding the assessment year under this section, except any such
2805 supplier not providing electric generation services to retail customers
2806 in the state;

2807 (2) "Telecommunications services" means (A) in the case of
2808 telecommunications services provided by a telephone company, any
2809 service provided pursuant to a tariff approved by the [department]
2810 Department of Energy and Environmental Protection's Bureau of
2811 Energy and Bureau of Public Utility Control other than wholesale
2812 services and resold access and interconnections services, and (B) in the
2813 case of telecommunications services provided by a certified
2814 telecommunications provider other than a telephone company, any
2815 service provided pursuant to a tariff approved by the department and
2816 pursuant to a certificate of public convenience and necessity; and

2817 (3) "Fiscal year" means the period beginning July first and ending
2818 June thirtieth.

2819 (b) On or before July 15, 1999, and on or before May first, annually
2820 thereafter, each company shall report its intrastate gross revenues of
2821 the preceding calendar year to the department, which amount shall be
2822 subject to audit by the department. For each fiscal year, each company
2823 shall pay the [Department of Public Utility Control] department the
2824 company's share of all expenses of the department and the Office of
2825 Consumer Counsel for such fiscal year. On or before September first,
2826 annually, the department shall give to each company a statement
2827 which shall include: (1) The amount appropriated to the department
2828 and the Office of Consumer Counsel for the fiscal year beginning July
2829 first of the same year; (2) the total gross revenues of all companies; and
2830 (3) the proposed assessment against the company for the fiscal year
2831 beginning on July first of the same year, adjusted to reflect the
2832 estimated payment required under subdivision (1) of subsection (c) of
2833 this section. Such proposed assessment shall be calculated by
2834 multiplying the company's percentage share of the total gross revenues
2835 as specified in subdivision (2) of this subsection by the total revenue

2836 appropriated to the department and the Office of Consumer Counsel
2837 as specified in subdivision (1) of this subsection.

2838 (c) Each company shall pay the department: (1) On or before June
2839 thirtieth, annually, an estimated payment for the expenses of the
2840 following year equal to twenty-five per cent of its assessment for the
2841 fiscal year ending on such June thirtieth, (2) on or before September
2842 thirtieth, annually, twenty-five per cent of its proposed assessment,
2843 adjusted to reflect any credit or amount due under the recalculated
2844 assessment for the preceding fiscal year, as determined by the
2845 department under subsection (d) of this section, provided if the
2846 company files an objection in accordance with subsection (e) of this
2847 section, it may withhold the amount stated in its objection, and (3) on
2848 or before the following December thirty-first and March thirty-first,
2849 annually, the remaining fifty per cent of its proposed assessment in
2850 two equal installments.

2851 (d) Immediately following the close of each fiscal year, the
2852 department shall recalculate the proposed assessment of each
2853 company, based on the expenses, as determined by the Comptroller, of
2854 the department and the Office of Consumer Counsel for such fiscal
2855 year. On or before September first, annually, the department shall give
2856 to each company a statement showing the difference between its
2857 recalculated assessment and the amount previously paid by the
2858 company.

2859 (e) Any company may object to a proposed or recalculated
2860 assessment by filing with the department, not later than September
2861 fifteenth of the year of said assessment, a petition stating the amount of
2862 the proposed or recalculated assessment to which it objects and the
2863 grounds upon which it claims such assessment is excessive, erroneous,
2864 unlawful or invalid. After a company has filed a petition, the
2865 department shall hold a hearing. After reviewing the company's
2866 petition and testimony, if any, the department shall issue an order in
2867 accordance with its findings. The company shall pay the department
2868 the amount indicated in the order not later than thirty days after the

2869 date of the order.

2870 (f) The department shall remit all payments received under this
2871 section to the State Treasurer for deposit in the Consumer Counsel and
2872 Public Utility Control Fund established under section 16-48a. Such
2873 funds shall be accounted for as expenses recovered from public service
2874 companies and certified telecommunications providers. All payments
2875 made under this section shall be in addition to any taxes payable to the
2876 state under chapters 211, 212, 212a and 219.

2877 (g) Any assessment unpaid on the due date or any portion of an
2878 assessment withheld after the due date under subsection (c) of this
2879 section shall be subject to interest at the rate of one and one-fourth per
2880 cent per month or fraction thereof, or fifty dollars, whichever is
2881 greater.

2882 (h) Any company that fails to report in accordance with this section
2883 shall be subject to civil penalties in accordance with section 16-41.

2884 Sec. 44. (NEW) (*Effective from passage*) Each state agency shall
2885 develop a plan to reduce its energy use by at least ten per cent and
2886 shall submit such plan to the Office of Policy and Management on or
2887 before October 1, 2011. On or before October 1, 2012, and annually
2888 thereafter, each state agency shall report, in accordance with the
2889 provisions of section 11-4a of the general statutes, to the joint standing
2890 committee of the General Assembly having cognizance of matters
2891 relating to energy regarding the plan and its implementation.

2892 Sec. 45. (NEW) (*Effective July 1, 2011*) There is established within the
2893 Department of Energy and Environmental Protection an Office of
2894 Energy Efficient Businesses. The office shall provide in-state businesses
2895 (1) a single point of contact for any state business interested in energy
2896 efficiency, renewable energy or conservation projects, (2) information
2897 on loans and grants for energy efficiency, renewable energy projects
2898 and conservation, (3) audit and assessment services, including, but not
2899 limited to, outreach to businesses by qualified entities, and (4) any
2900 other service deemed relevant by said office.

2901 Sec. 46. Sections 16-1b and 16-261a of the general statutes are
 2902 repealed. (*Effective July 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	4-5
Sec. 3	<i>July 1, 2011</i>	4-38c
Sec. 4	<i>July 1, 2011</i>	16a-3a
Sec. 5	<i>July 1, 2011</i>	New section
Sec. 6	<i>July 1, 2011</i>	16-244c
Sec. 7	<i>July 1, 2011</i>	New section
Sec. 8	<i>July 1, 2011</i>	New section
Sec. 9	<i>July 1, 2011</i>	7-233e(b)
Sec. 10	<i>July 1, 2011</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>July 1, 2011</i>	New section
Sec. 13	<i>July 1, 2011</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>July 1, 2011</i>	New section
Sec. 16	<i>July 1, 2011</i>	New section
Sec. 17	<i>July 1, 2011</i>	New section
Sec. 18	<i>July 1, 2011</i>	7-148(c)(6)(B)
Sec. 19	<i>July 1, 2011</i>	New section
Sec. 20	<i>July 1, 2011</i>	16a-48
Sec. 21	<i>July 1, 2011</i>	16-243i
Sec. 22	<i>July 1, 2011</i>	16-245(g)
Sec. 23	<i>July 1, 2011</i>	New section
Sec. 24	<i>July 1, 2011</i>	New section
Sec. 25	<i>July 1, 2011</i>	New section
Sec. 26	<i>July 1, 2011</i>	New section
Sec. 27	<i>July 1, 2011</i>	New section
Sec. 28	<i>July 1, 2011</i>	New section
Sec. 29	<i>July 1, 2011</i>	New section
Sec. 30	<i>July 1, 2011</i>	New section
Sec. 31	<i>July 1, 2011</i>	New section
Sec. 32	<i>July 1, 2011</i>	New section
Sec. 33	<i>October 1, 2011</i>	New section
Sec. 34	<i>July 1, 2011</i>	New section

Sec. 35	<i>July 1, 2011</i>	New section
Sec. 36	<i>July 1, 2011</i>	16-245o
Sec. 37	<i>July 1, 2011</i>	16-245d
Sec. 38	<i>July 1, 2011</i>	New section
Sec. 39	<i>July 1, 2011</i>	New section
Sec. 40	<i>July 1, 2011</i>	16-245z
Sec. 41	<i>July 1, 2011</i>	17b-801
Sec. 42	<i>July 1, 2011</i>	New section
Sec. 43	<i>July 1, 2011</i>	16-49
Sec. 44	<i>from passage</i>	New section
Sec. 45	<i>July 1, 2011</i>	New section
Sec. 46	<i>July 1, 2011</i>	Repealer section

ET *Joint Favorable Subst.*

PD *Joint Favorable*

JUD *Joint Favorable*

ENV *Joint Favorable*

FIN *Joint Favorable*