



General Assembly

January Session, 2011

Bill No. 1243

LCO No. 8345

*08345 _____ *

Referred to Committee on No Committee

Introduced by:

SEN. WILLIAMS, 29th Dist.

REP. DONOVAN, 84th Dist.

**AN ACT CONCERNING THE ESTABLISHMENT OF THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
AND PLANNING FOR 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 have
3 jurisdiction relating to the preservation and protection of the air, water
4 and other natural resources of the state, energy and policy planning
5 and regulation and advancement of telecommunications and related
6 technology. For the purposes of energy policy and regulation, the
7 department shall have the following goals: (1) Reducing rates and
8 decreasing costs for Connecticut's ratepayers, (2) ensuring the
9 reliability and safety of our state's energy supply, (3) increasing the use
10 of clean energy and technologies that support clean energy, and (4)
11 developing the state's energy-related economy. For the purpose of
12 environmental protection and regulation, the department shall have
13 the following goals: (A) Conserving, improving and protecting the
14 natural resources and environment of the state, and (B) preserving the

15 natural environment while fostering sustainable development. The
16 Public Utilities Regulatory Authority within the department shall be
17 responsible for all matters of rate regulation for public utilities and
18 regulated entities under title 16 of the general statutes and shall
19 promote policies that will lead to just and reasonable utility rates. The
20 department head shall be the Commissioner of Energy and
21 Environmental Protection who shall be appointed by the Governor in
22 accordance with the provisions of sections 4-5 to 4-8, inclusive, of the
23 general statutes, as amended by this act, with the powers and duties
24 therein prescribed. The Department of Energy and Environmental
25 Protection shall establish bureaus, one of which shall be designated an
26 energy bureau.

27 (b) The Department of Energy and Environmental Protection shall
28 constitute a successor department to the Department of Environmental
29 Protection and the Department of Public Utility Control in accordance
30 with the provisions of sections 4-38d, 4-38e and 4-39 of the general
31 statutes.

32 (c) Wherever the words "Commissioner of Environmental
33 Protection" are used or referenced to in the following sections of the
34 general statutes, the words "Commissioner of Energy and
35 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
36 100, 4-5, as amended by this act, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-
37 238a, 7-121d, 7-131, 7-131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l,
38 7-131t, 7-131u, 7-136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f,
39 7-247, 7-249a, 7-323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-
40 231g, 10-382, 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-217mm,
41 12-263m, 12-407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b, 13a-142e,
42 13a-175j, 13b-11a, 13b-38x, 13b-51, 13b-56, 13b-57, 13b-329, 14-21e, 14-
43 21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-100b, 14-164c, 14-164h, 14-164i, 14-
44 164k, 14-164o, 15-11a, 15-121, 15-125, 15-127, 15-130, 15-133a, 15-133c,
45 15-140a, 15-140c, 15-140d, 15-140e, 15-140f, 15-140j, 15-140o, 15-140u,
46 15-140v, 15-141, 15-142, 15-143, 15-144, 15-145, 15-149a, 15-149b, 15-
47 150a, 15-151, 15-154, 15-154a, 15-155, as amended by this act, 15-155d,

48 15-156, 15-174, 16-2, as amended by this act, 16-11a, 16-19e, 16-19g, 16-
49 50c, 16-50d, 16-50j, as amended by this act, 16-261a, 16a-3, as amended
50 by this act, 16a-21a, 16a-27, 16a-35h, 16a-38k, as amended by this act,
51 16a-103, 16a-106, 19a-35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b,
52 22-6c, 22-11h, 22-26cc, 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a,
53 22a-5b, 22a-5c, 22a-6, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-
54 6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v,
55 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-
56 8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h,
57 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-
58 27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-
59 38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54,
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61 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t, 22a-114,
62 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-133l, 22a-
63 133m, 22a-133n, 22a-133u, 22a-133v, 22a-133w, 22a-133y, 22a-133z, 22a-
64 133aa, 22a-133bb, 22a-133ee, 22a-134, 22a-134e, 22a-134f, 22a-134g, 22a-
65 134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-134p, 22a-
66 134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150, 22a-151, 22a-
67 153, 22a-154, 22a-155, 22a-156, 22a-158, 22a-160, 22a-162, 22a-170, 22a-
68 171, 22a-173, 22a-174c, 22a-174d, 22a-174e, 22a-174f, 22a-174g, 22a-
69 174h, 22a-174i, 22a-174j, 22a-174k, 22a-174l, as amended by this act,
70 22a-174m, 22a-180, 22a-182a, 22a-183, 22a-186, 22a-188, 22a-188a, 22a-
71 191, 22a-191a, 22a-192, 22a-193, 22a-194a, 22a-194c, 22a-194f, 22a-198,
72 as amended by this act, 22a-199, 22a-200, 22a-200a, 22a-200b, 22a-200c,
73 22a-201a, 22a-201b, 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-208e,
74 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-208q,
75 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-208aa, 22a-208bb, 22a-
76 209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-209h, 22a-209i, 22a-
77 213a, 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220, 22a-220a, 22a-
78 220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-230, 22a-231, 22a-
79 233a, 22a-235, 22a-235a, 22a-237, 22a-238, 22a-239, 22a-240, 22a-240a,
80 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-241h, 22a-241j, 22a-245, 22a-
81 245a, 22a-245b, 22a-245d, 22a-248, 22a-250, 22a-250a, 22a-250b, 22a-

82 250c, 22a-252, 22a-255b, 22a-255c, 22a-255d, 22a-255f, 22a-255h, 22a-
83 256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o, 22a-256q, 22a-256r, 22a-
84 256v, 22a-256y, 22a-256aa, 22a-260, 22a-264, 22a-283, 22a-285a, 22a-
85 285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j, 22a-295, 22a-300, 22a-308,
86 22a-309, 22a-314, 22a-315, 22a-316, 22a-317, 22a-318, 22a-319, 22a-320,
87 22a-321, 22a-322, 22a-324, 22a-326, 22a-328, 22a-336, 22a-337, 22a-339a,
88 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-339g, 22a-339h, 22a-342a,
89 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b, 22a-354c, 22a-354d, 22a-
90 354e, 22a-354f, 22a-354h, 22a-354i, as amended by this act, 22a-354j,
91 22a-354k, 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-354v,
92 22a-354w, as amend by this act, 22a-354x, 22a-354z, 22a-354aa, 22a-
93 354bb, 22a-354cc, 22a-355, 22a-357, 22a-359, 22a-361, 22a-361a, 22a-
94 363b, 22a-364, 22a-367, 22a-368a, 22a-378a, 22a-381, 22a-401, 22a-402,
95 22a-406, 22a-409, 22a-416, 22a-423, 22a-426, 22a-430b, 22a-430c, 22a-
96 434a, 22a-439, 22a-439a, 22a-444, 22a-445, 22a-449, 22a-449e, 22a-449f,
97 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-449k, 22a-449l, 22a-449n,
98 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-452e, 22a-453a, 22a-454c,
99 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461, 22a-462, 22a-463, 22a-471,
100 22a-472, 22a-474, 22a-475, 22a-482, 22a-485, 22a-497, 22a-500, 22a-501,
101 22a-517, 22a-521, 22a-522, 22a-523, 22a-524, 22a-525, 22a-526, 22a-527,
102 22a-601, 22a-602, 22a-605, 22a-613, 22a-616, 22a-626, 22a-627, 22a-629,
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104 23-8, as amend by this act, 23-8b, 23-9a, 23-9b, 23-10, 23-10b, 23-10c,
105 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-15a, 23-15b, 23-16, 23-16a,
106 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24, 23-24a, 23-25, 23-26b, 23-
107 26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a, 23-
108 37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f, 23-65g, 23-65h, 23-65i,
109 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-65q, 23-73, 23-75, 23-
110 77, 23-101, 23-102, as amend by this act, 24-2, 25-33e, 25-33k, 25-33m,
111 25-33o, as amend by this act, 25-34, 25-68b, 25-68i, 25-68k, 25-68l, 25-
112 68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-80, 25-83a, 25-94, 25-95, 25-
113 97, 25-102a, 25-102d, 25-102e, 25-102f, 25-102t, 25-102ii, 25-102qq, 25-
114 102xx, 25-109e, 25-109q, 25-131, 25-139, 25-155, 25-157, as amend by
115 this act, 25-178, 25-199, 25-199a, 25-201, 25-231, 26-1, 26-3, 26-3a, 26-3b,

116 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-18, 26-25a, 26-25b, 26-27,
117 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30, 26-31, 26-31a, 26-40a, 26-
118 40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c, 26-67e, 26-74, 26-80a, 26-
119 86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-107h, 26-107i, 26-115, 26-
120 119, 26-141a, 26-141b, 26-141c, 26-142a, 26-142b, 26-157c, 26-157d, 26-
121 157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-192j, 26-297, 26-313, 26-314,
122 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e, 32-9dd, 32-9kk, 32-9ll, 32-
123 11a, 32-23x, 32-242, 32-242a, 32-664, 38a-684, 47-46a, 47-59b, 47-65, 47-
124 65a, 47-66, 47-66d, 47-66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a,
125 53a-54b and 53a-217e.

126 (d) Wherever the words "Department of Environmental Protection"
127 are used or referred to in the following sections of the general statutes,
128 the words "Department of Energy and Environmental Protection" shall
129 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, as
130 amended by this act, 4-66c, 4-66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-
131 151b, 7-252, 8-387, 10-282, 10-291, 10-413, 10a-119e, 12-63e, 12-263m,
132 13a-142b, 13a-142c, 13a-142d, 13b-38a, 14-386, 15-129, 15-130a, 15-140e,
133 15-140f, 15-140j, 15-154, 15-155, 16-19h, 16-19o, 16-50j, as amended by
134 this act, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-245l, 16-245y, 16-
135 262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-11f, 22-11g, 22-11h,
136 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-5b, 22a-6, 22a-6f,
137 22a-6g, 22a-6l, 22a-6p, 22a-6r, 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11,
138 22a-20a, 22a-21, 22a-21a, 22a-21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k,
139 22a-22, 22a-25, 22a-26, 22a-26a, 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33,
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141 119, as amended by this act, 22a-122, 22a-123, 22a-126, 22a-132, 22a-
142 133v, 22a-133w, 22a-134i, 22a-135, 22a-170, 22a-174, 22a-174l, as
143 amended by this act, 22a-186, 22a-188a, 22a-196, 22a-198, as amended
144 by this act, 22a-200b, 22a-200c, 22a-200d, 22a-207, 22a-208a, 22a-209f,
145 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-245a, 22a-247, 22a-248, 22a-
146 250, 22a-255h, 22a-256m, 22a-256y, 22a-259, 22a-260, 22a-264, 22a-275,
147 22a-314, 22a-315, 22a-336, 22a-352, 22a-355, 22a-361, 22a-363b, 22a-416,
148 22a-426, 22a-446, 22a-449f, 22a-449l, 22a-449n, 22a-454a, 22a-475, 22a-

149 477, 22a-509, 22a-521, 22a-601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, as
150 amended by this act, 23-8b, 23-10b, 23-10d, 23-15, 23-15b, 23-19, 23-20,
151 23-24a, 23-32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-65k, 23-67, 23-68, 23-72,
152 23-73, 23-101, 23-102, as amended by this act, 23-103, 25-32d, 25-33p,
153 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131, 25-157,
154 as amended by this act, 25-157a, 25-157b, 25-157n, 25-175, 25-201, 25-
155 206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-40a,
156 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a, 26-
157 157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-1e,
158 32-9t, 32-9dd, 32-9kk, 32-9ll, 32-11a, 32-23d, 32-23x, 32-242, 32-242a, 32-
159 726, 46b-220, 47-46a, 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-44a,
160 53a-217e, 54-56g and 54-143.

161 (e) Wherever the words "Department of Public Utility Control" are
162 used or referred to in the following sections of the general statutes, the
163 words "Public Utilities Regulatory Authority" shall be substituted in
164 lieu thereof: 1-84, 1-84b, 2-20a, 2-71p, 4-38c, as amended by this act, 4a-
165 57, 4a-74, 4d-2, 4d-80, 7-223, 7-233t, 7-233ii, 8-387, 12-81q, 12-94d, 12-
166 264, 12-265, 12-408b, 12-412, 12-491, 13a-82, 13a-126a, 13b-10a, 13b-43,
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168 by this act, 16-2a, 16-6, 16-6a, 16-6b, 16-7, 16-8, as amended by this act,
169 16-8b, 16-8c, 16-8d, 16-9, 16-9a, 16-10, 16-10a, 16-11, 16-12, 16-13, 16-14,
170 16-15, 16-16, 16-17, 16-18, 16-19, 16-19a, 16-19b, 16-19d, 16-19f, 16-19k,
171 16-19n, 16-19o, 16-19u, 16-19w, 16-19x, 16-19z, 16-19aa, 16-19bb, 16-
172 19cc, 16-19dd, 16-19ee, 16-19ff, 16-19gg, 16-19jj, 16-19kk, 16-19mm, 16-
173 19nn, 16-19oo, 16-19pp, 16-19qq, 16-19tt, 16-19uu, 16-19vv, 16-20, 16-21,
174 16-23, 16-24, 16-25, 16-25a, 16-26, 16-27, 16-28, 16-29, 16-32, 16-32a, 16-
175 32b, 16-32c, 16-32e, 16-32f, 16-32g, 16-33, 16-35, 16-41, 16-42, 16-43, 16-
176 43a, 16-43d, 16-44, 16-44a, 16-45, 16-46, 16-47, 16-47a, 16-48, 16-49e, 16-
177 50c, 16-50d, 16-50f, 16-50k, 16-50aa, 16-216, 16-227, 16-231, 16-233, 16-
178 234, 16-235, 16-238, 16-243, 16-243a, 16-243b, 16-243c, 16-243f, 16-243i,
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180 16-243t, 16-243u, 16-243v, 16-243w, 16-244a, 16-244b, 16-244c, as
181 amended by this act, 16-244d, 16-244e, 16-244f, 16-244g, 16-244h, 16-

182 244i, 16-244k, 16-244l, 16-245, 16-245a, 16-245b, 16-245c, 16-245e, 16-
183 245g, 16-245l, 16-245p, 16-245q, 16-245s, 16-245t, 16-245u, 16-245v, 16-
184 245w, 16-245x, 16-245aa, 16-246, 16-246e, 16-246g, 16-247c, 16-247j, 16-
185 247l, 16-247m, 16-247o, 16-247p, 16-247t, 16-249, 16-250, 16-250a, 16-
186 250b, 16-256b, 16-256c, 16-256h, 16-256k, 16-258a, 16-258b, 16-258c, 16-
187 259, 16-261, 16-262a, 16-262c, 16-262d, 16-262i, 16-262j, 16-262k, 16-262l,
188 16-262m, 16-262n, 16-262o, 16-262q, 16-262r, 16-262s, 16-262v, 16-262w,
189 16-262x, 16-265, 16-269, 16-271, 16-272, 16-273, 16-274, 16-275, 16-276,
190 16-278, 16-280a, 16-280b, 16-280d, 16-280e, 16-280f, 16-280h, 16-281a,
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192 331k, 16-331n, 16-331o, 16-331p, 16-331q, 16-331r, 16-331t, 16-331u, 16-
193 331v, 16-331y, 16-331z, 16-331aa, 16-331cc, 16-331dd, 16-331ff, 16-
194 331gg, 16-332, 16-333, 16-333a, 16-333b, 16-333e, 16-333f, 16-333g, 16-
195 333h, 16-333i, 16-333l, 16-333n, 16-333o, 16-333p, 16-347, 16-348, 16-356,
196 16-357, 16-358, 16-359, 16a-3b, 16a-3c, as amended by this act, 16a-7b,
197 as amend by this act, 16a-7c, as amend by this act, 16a-13b, 16a-
198 37c, subsection (b) of section 16a-38n, 16a-38o, 16a-40b, 16a-40k, 16a-41,
199 16a-46, 16a-46b, 16a-46c, 16a-47a, 16a-47b, 16a-47c, 16a-47d, 16a-47e,
200 16a-48, 16a-49, 16a-103, 20-298, 20-309, 20-340, 20-340a, 20-341k, 20-
201 341z, 20-357, 20-541, 22a-174l, as amend by this act, 22a-256dd, 22a-
202 266, 22a-358, 22a-475, 22a-478, 22a-479, 23-8b, 23-65, 25-33a, 25-33h, 25-
203 33k, 25-33l, 25-33p, 25-37d, 25-37e, 26-141b, 28-1b, 28-24, as amend
204 by this act, 28-26, 28-27, 28-31, 29-282, 29-415, 32-80a, 32-222, 33-219, 33-
205 221, 33-241, 33-951, 42-287, 43-44, 49-4c and 52-259a.

206 (f) Wherever the words "Secretary of the Office of Policy and
207 Management" are used or referred to in the following sections of title
208 16a of the general statutes, the words "Commissioner of Energy and
209 Environmental Protection" shall be substituted in lieu thereof: 16a-4d,
210 16a-14, 16a-22, 16a-22c, as amend by this act, 16a-22h, 16a-22i, 16a-
211 22j, 16a-23t, as amend by this act, 16a-37f, 16a-38, 16a-38a, 16a-38b,
212 16a-38i, 16a-38j, 16a-39b, 16a-40b, 16a-44b, 16a-46a, 16a-46b, 16a-46c,
213 16a-46e, 16a-46f and 16a-102.

214 (g) Wherever the words "Office of Policy and Management" are

215 used or referred to in the following sections of title 16a of the general
216 statutes, the words "Department of Energy and Environmental
217 Protection" shall be substituted in lieu thereof: 16a-2, 16a-3, as
218 amended by this act, 16a-4d, 16a-6, 16a-7b, as amended by this act, 16a-
219 14, 16a-14e, 16a-20, 16a-22, 16a-22c, as amended by this act, 16a-22h,
220 16a-22j, 16a-37c, 16a-37f, 16a-37v, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-
221 38j, 16a-38k, as amended by this act, 16a-38l, 16a-39b, 16a-40b, 16a-44b,
222 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-46g, 16a-102 and 16a-106.

223 (h) Wherever the word "secretary" is used or referred to in the
224 following sections of title 16a of the general statutes, the word
225 "commissioner" shall be substituted in lieu thereof: 16a-2, 16a-3, as
226 amended by this act, 16a-4d, 16a-6, 16a-9, 16a-13, 16a-13a, 16a-13b, 16a-
227 14, 16a-14a, 16a-14b, 16a-22, 16a-22c, as amended by this act, 16a-22d,
228 16a-22e, 16a-22f, 16a-22h, 16a-22i, 16a-22j, 16a-23t, as amended by this
229 act, 16a-37f, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, as
230 amended by this act, 16a-39b, 16a-40b, 16a-44b, 16a-45a, 16a-46a, 16a-
231 46c, 16a-46e, 16a-46f, 16a-102 and 16a-106.

232 (i) Wherever the word "department" is used or referred to in the
233 following sections, the word "authority" shall be substituted in lieu
234 thereof: 16-9, 16-9a, 16-10, 16-11, 16-13, 16-14, 16-16, 16-17, 16-19, 16-
235 19b, 16-19d, 16-244d, 16-245a, 16-245f, 16-245g, 16-246g, 16-245h, 16-
236 245i, 16-245j, 16-245k, 16-245n, 16-245p, 16-247b, 16-247e, 16-247f, 16-
237 247g, 16-247h, 16-247l, 16-247n, 16-247t, 16-262v, 16-280a, 16-331 and
238 16-333d.

239 (j) Wherever the words "Renewable Energy Investment Fund" are
240 used or referred to in the following sections of the general statutes, the
241 words "Clean Energy Fund" shall be substituted in lieu thereof: 16-1,
242 16-243q, 16-245, 16-245e, 16-245f, 16-245i, 16-245j, 16-245w, 16-245aa,
243 16a-38p, and 32-9ww.

244 (k) Wherever the term "Department of Environmental Protection" or
245 "Department of Public Utility Control" is used or referred to in any

246 public or special act of 2011, or in any section of the general statutes
247 which is amended in 2011, "Department of Energy and Environmental
248 Protection" shall be substituted in lieu thereof.

249 (l) Wherever the term "Commissioner of Environmental Protection"
250 is used or referred to in any public or special act of 2011, or in any
251 section of the general statutes which is amended in 2011,
252 "Commissioner of Energy and Environmental Protection" shall be
253 substituted in lieu thereof.

254 (m) The Legislative Commissioners' Office shall, in codifying the
255 provisions of this section, make such conforming, technical,
256 grammatical and punctuation changes as are necessary to carry out the
257 purposes of this section.

258 Sec. 2. Subsection (b) of section 2c-2b of the general statutes is
259 repealed and the following is substituted in lieu thereof (*Effective July*
260 *1, 2011*):

261 (b) The following governmental entities and programs are
262 terminated, effective July 1, 2014, unless reestablished in accordance
263 with the provisions of section 2c-10:

264 (1) Program of regulation of sanitarians, established under chapter
265 395;

266 (2) Program of regulation of subsurface sewage disposal system
267 installers and cleaners, established under chapter 393a;

268 (3) Program of regulation of bedding and upholstered furniture
269 established by sections 21a-231 to 21a-236, inclusive;

270 (4) Regional mental health boards, established under section 17a-
271 484;

272 (5) Repealed by P.A. 88-285, S. 34, 35;

273 (6) All advisory boards for state hospitals and facilities, established
274 under section 17a-470;

275 (7) Repealed by P.A. 85-613, S. 153, 154;

276 (8) State Board of Examiners for Physical Therapists, established
277 under section 20-67;

278 (9) Commission on Medicolegal Investigations, established under
279 subsection (a) of section 19a-401;

280 (10) Board of Mental Health and Addiction Services, established
281 under section 17a-456;

282 (11) Repealed by P.A. 95-257, S. 57, 58;

283 (12) Commission on Prison and Jail Overcrowding established
284 under section 18-87j; and

285 (13) [The residential energy conservation service program
286 authorized under sections 16a-45a, 16a-46 and 16a-46a] Repealed by
287 section 141 of this act.

288 Sec. 3. Section 4-5 of the general statutes is repealed and the
289 following is substituted in lieu thereof (*Effective July 1, 2011*):

290 As used in sections 4-6, 4-7 and 4-8, the term "department head"
291 means Secretary of the Office of Policy and Management,
292 Commissioner of Administrative Services, Commissioner of Revenue
293 Services, Banking Commissioner, Commissioner of Children and
294 Families, Commissioner of Consumer Protection, Commissioner of
295 Correction, Commissioner of Economic and Community Development,
296 State Board of Education, Commissioner of Emergency Management
297 and Homeland Security, Commissioner of Energy and Environmental
298 Protection, Commissioner of Agriculture, Commissioner of Public
299 Health, Insurance Commissioner, Labor Commissioner, Liquor
300 Control Commission, Commissioner of Mental Health and Addiction

301 Services, Commissioner of Public Safety, Commissioner of Social
302 Services, Commissioner of Developmental Services, Commissioner of
303 Motor Vehicles, Commissioner of Transportation, Commissioner of
304 Public Works, Commissioner of Veterans' Affairs, Chief Information
305 Officer, [the chairperson of the Public Utilities Control Authority,] the
306 executive director of the Board of Education and Services for the Blind,
307 the executive director of the Connecticut Commission on Culture and
308 Tourism, and the executive director of the Office of Military Affairs. As
309 used in sections 4-6 and 4-7, "department head" also means the
310 Commissioner of Education.

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

313 There shall be within the executive branch of state government the
314 following departments: Office of Policy and Management, Department
315 of Administrative Services, Department of Revenue Services,
316 Department of Banking, Department of Agriculture, Department of
317 Children and Families, Department of Consumer Protection,
318 Department of Correction, Department of Economic and Community
319 Development, State Board of Education, Department of Emergency
320 Management and Homeland Security, Department of Energy and
321 Environmental Protection, Department of Public Health, Board of
322 Governors of Higher Education, Insurance Department, Labor
323 Department, Department of Mental Health and Addiction Services,
324 Department of Developmental Services, Department of Public Safety,
325 Department of Social Services, Department of Transportation,
326 Department of Motor Vehicles, Department of Veterans' Affairs [,] and
327 Department of Public Works. [and Department of Public Utility
328 Control.]

329 Sec. 5. Section 4-67e of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective July 1, 2011*):

331 The Secretary of the Office of Policy and Management shall

332 coordinate the activity of the Commissioners of Public Health and
333 Energy and Environmental Protection [and the chairperson of the
334 Public Utilities Control Authority] in the following: (1) The review of
335 the authority of each agency for consistency with the policies
336 established by section 22a-380, (2) the preparation of a memorandum
337 of understanding, not more than six months after October 1, 1991,
338 intended to avoid inconsistency, overlap and redundancy in
339 requirements and authority of each agency in water conservation
340 issues, emergency contingency plans and regulatory authority under
341 chapters 283, 446i, 446j and 474, (3) the review of exercise of regulatory
342 authority over water companies, as defined in section 25-32a, to
343 determine whether inconsistency, overlap or redundancy exist in the
344 statutory requirements or regulatory authority of such agencies under
345 chapters 283, 446i, 446j, and 474, (4) the assessment of the necessity of a
346 memorandum of understanding to avoid such inconsistency, overlap
347 or redundancy, and, if determined to be necessary, the preparation of
348 such a memorandum by July 1, 1995, and (5) the development of
349 recommendations for legislation and amendments to regulations to
350 implement the provisions of a memorandum of understanding
351 prepared pursuant to this section, or for consistency with the policies
352 established by section 22a-380. There shall be a period of public review
353 and comment on a memorandum of understanding prior to final
354 agreement. On or before January 1, 1995, the secretary shall submit to
355 the joint standing committees of the General Assembly having
356 cognizance of matters relating to public health, energy and public
357 utilities and the environment, written findings, and any
358 recommendations, concerning the review and assessment conducted
359 pursuant to subdivisions (3) and (4) of this section.

360 Sec. 6. Section 4b-15 of the general statutes is repealed and the
361 following is substituted in lieu thereof (*Effective July 1, 2011*):

362 (a) Each state agency having care, control and supervision of state
363 property, including the Judicial Department and the Joint Committee
364 on Legislative Management of the General Assembly, shall prepare on

365 or before October 1, 1990, and thereafter periodically update, in
366 consultation with the Commissioners of Energy and Environmental
367 Protection and Public Works, a plan for each facility under its care,
368 control or supervision to (1) reduce the use of disposable and single-
369 use products, in accordance with the plan adopted by the
370 Commissioner of Administrative Services pursuant to section 4a-67b,
371 (2) separate and collect items designated as either suitable or required
372 for recycling pursuant to section 22a-241b. Such plan shall establish a
373 schedule for implementation of the policies recommended in the plan.

374 (b) Each such agency shall, on or before October 1, 1991, and
375 annually thereafter, submit to the Commissioner of Energy and
376 Environmental Protection and the joint standing committee of the
377 General Assembly having cognizance of matters relating to the
378 environment a report on implementation of the recycling plan. Such
379 report shall be on a form prescribed by the commissioner and shall
380 provide such information the commissioner deems necessary.

381 (c) The Governor, the Joint Committee on Legislative Management
382 and the Commissioners of Energy and Environmental Protection and
383 Administrative Services, for the central offices of the Departments of
384 Energy and Environmental Protection and Administrative Services,
385 shall implement a white paper recycling program to begin on or before
386 January 1, 1989. Each other state agency, department or institution
387 shall implement such program on or before January 1, 1991.

388 Sec. 7. Subsections (a) and (b) of section 4b-47 of the general statutes
389 are repealed and the following is substituted in lieu thereof (*Effective*
390 *July 1, 2011*):

391 (a) Prior to the sale or transfer of state land or any interest in state
392 land by a state agency, department or institution, such agency,
393 department or institution shall provide notice of such sale or transfer
394 to the Council on Environmental Quality, the Secretary of the Office of
395 Policy and Management and the Commissioner of Energy and

396 Environmental Protection on a form approved by the Council on
397 Environmental Quality. Such notice shall be published in the
398 Environmental Monitor and shall provide for a written public
399 comment period of thirty days following publication of such notice,
400 during which the public and state agencies may submit comments to
401 the Secretary of the Office of Policy and Management. Such comments
402 may include, but shall not be limited to, significant natural and
403 recreational resources on such land and recommend means to preserve
404 such natural or recreational resources. The Secretary of the Office of
405 Policy and Management, in consultation with the Commissioner of
406 Energy and Environmental Protection, shall (1) respond to any written
407 comments received during such thirty-day comment period, and (2)
408 publish such written comments along with the Office of Policy and
409 Management's response to such written comments in the
410 Environmental Monitor for a period of not less than fifteen days prior
411 to the sale or transfer of the land.

412 (b) The Commissioner of Energy and Environmental Protection
413 shall develop a policy for reviewing notices received from a state
414 agency, department or institution, as described in subsection (a) of this
415 section, and making a draft recommendation to the Secretary of the
416 Office of Policy and Management as to whether all or a portion of the
417 land or land interest referenced in such notice should be preserved by
418 (1) transferring the land or land interest or granting a conservation
419 easement therein to the Department of Energy and Environmental
420 Protection, (2) imposing restrictions or conditions upon the transfer of
421 the land or land interest, or (3) transferring all or a portion of the land
422 or land interest, or granting a conservation easement interest therein,
423 to an appropriate third party. Any such recommendations shall be
424 accompanied by a report explaining the basis of the recommendations
425 and shall include, where appropriate, a natural resource inventory.
426 Such recommendations and report shall be published in the
427 Environmental Monitor and shall provide for a written public
428 comment period of thirty days following publication of such notice.

429 The Commissioner of Energy and Environmental Protection shall (A)
430 respond to any written comments received during such thirty-day
431 comment period, (B) make a final recommendation to the Secretary of
432 the Office of Policy and Management, and (C) publish such written
433 comments along with the Department of Energy and Environmental
434 Protection's response to such written comments including the
435 department's final recommendation to the secretary in the
436 Environmental Monitor. Following receipt of the final
437 recommendation of the Commissioner of Energy and Environmental
438 Protection, the Secretary of the Office of Policy and Management shall
439 make the final determination as to the ultimate disposition of the land
440 or interest. Such determination shall be published in the
441 Environmental Monitor for a period of not less than fifteen days prior
442 to the sale or transfer of such land or interest.

443 Sec. 8. Subsection (a) of section 4d-90 of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective July*
445 *1, 2011*):

446 (a) There is established a Geospatial Information Systems Council
447 consisting of the following members, or their designees: (1) The
448 Secretary of the Office of Policy and Management; (2) the
449 Commissioners of Energy and Environmental Protection, Economic
450 and Community Development, Transportation, Public Safety, Public
451 Health, Public Works, Agriculture, Emergency Management and
452 Homeland Security and Social Services; (3) the Chief Information
453 Officer of the Department of Information Technology; (4) the
454 Chancellor of the Connecticut State University System; (5) the
455 president of The University of Connecticut; (6) [the Executive Director
456 of the Connecticut Siting Council; (7)] one member who is a user of
457 geospatial information systems appointed by the president pro
458 tempore of the Senate representing a municipality with a population of
459 more than sixty thousand; [(8)] (7) one member who is a user of
460 geospatial information systems appointed by the minority leader of the
461 Senate representing a regional planning agency; [(9)] (8) one member

462 who is a user of geospatial information systems appointed by the
463 Governor representing a municipality with a population of less than
464 sixty thousand but more than thirty thousand; [(10)] (9) one member
465 who is a user of geospatial information systems appointed by the
466 speaker of the House of Representatives representing a municipality
467 with a population of less than thirty thousand; [(11)] (10) one member
468 appointed by the minority leader of the House of Representatives who
469 is a user of geospatial information systems; [(12) the chairperson of the
470 Public Utilities Control Authority; (13)] (11) the Adjutant General of
471 the Military Department; and [(14)] (12) any other persons the council
472 deems necessary appointed by the council. The Governor shall select
473 the chairperson from among the members. The chairperson shall
474 administer the affairs of the council. Vacancies shall be filled by
475 appointment by the authority making the appointment. Members shall
476 receive no compensation for their services on said council, but shall be
477 reimbursed for necessary expenses incurred in the performance of
478 their duties. Said council shall hold one meeting each calendar quarter
479 and such additional meetings as may be prescribed by council rules. In
480 addition, special meetings may be called by the chairperson or by any
481 three members upon delivery of forty-eight hours written notice to
482 each member.

483 Sec. 9. Section 13a-126 of the general statutes is repealed and the
484 following is substituted in lieu thereof (*Effective July 1, 2011*):

485 As used in this section, "public service facility" includes all
486 privately, publicly or cooperatively owned lines, facilities and systems
487 for producing, transmitting or distributing communications, cable
488 television, power, electricity, light, heat, gas, oil, crude products,
489 water, steam, waste, storm water not connected with highway
490 drainage and any other similar commodities, including fire and police
491 signal systems and street lighting systems which directly or indirectly
492 serve the public. Whenever the commissioner determines that any
493 public service facility located within, on, along, over or under any land
494 comprising the right-of-way of a state highway or any other public

495 highway when necessitated by the construction or reconstruction of a
496 state highway shall be readjusted or relocated in or removed from such
497 right-of-way, the commissioner shall issue an appropriate order to the
498 company, corporation or municipality owning or operating such
499 facility, and such company, corporation or municipality shall readjust,
500 relocate or remove the same promptly in accordance with such order;
501 provided an equitable share of the cost of such readjustment,
502 relocation or removal, including the cost of installing and constructing
503 a facility of equal capacity in a new location, shall be borne by the
504 state, except that the state shall not bear any share of the cost of a
505 project of an electric distribution company, as defined in section 16-1,
506 to readjust, relocate or remove any facility, as defined in subsection (a)
507 of section 16-50i, used for transmitting electricity or as an electric
508 transmission trunkline. The Department of Transportation shall
509 evaluate the total costs of such a project, including department costs
510 for construction or reconstruction and electric distribution company
511 costs for readjusting, relocating or removing such facility, so as to
512 minimize the overall costs incurred by the state and the electric
513 distribution company. The electric distribution company may provide
514 the department with proposed alternatives to the relocation,
515 readjustment or removal proposed by the department and shall be
516 responsible for any changes to project costs attributable to adoption of
517 the company's proposed alternative designs for such project, including
518 changes to the area of the relocation, readjustment or removal and any
519 incremental costs incurred by the department to evaluate such
520 alternatives. If such electric distribution company and the department
521 cannot agree on a plan for such project, the Commissioner of
522 Transportation and the chairperson of the [Department of Public
523 Utility Control] Public Utilities Regulatory Authority shall, on request
524 of the company, jointly determine the alternative for the project. Such
525 equitable share, in the case of or in connection with the construction or
526 reconstruction of any limited access highway, shall be the entire cost,
527 less the deductions provided in this section, and, in the case of or in
528 connection with the construction or reconstruction of any other state

529 highway, shall be such portion or all of the entire cost, less the
530 deductions provided in this section, as may be fair and just under all
531 the circumstances, but shall not be less than fifty per cent of such cost
532 after the deductions provided in this section. In establishing the
533 equitable share of the cost to be borne by the state, there shall be
534 deducted from the cost of the readjusted, relocated or removed
535 facilities a sum based on a consideration of the value of materials
536 salvaged from existing installations, the cost of the original installation,
537 the life expectancy of the original facility and the unexpired term of
538 such life use. When any facility is removed from the right-of-way of a
539 public highway to a private right-of-way, the state shall not pay for
540 such private right-of-way, provided, when a municipally-owned
541 facility is thus removed from a municipally-owned highway, the state
542 shall pay for the private right-of-way needed by the municipality for
543 such relocation. If the commissioner and the company, corporation or
544 municipality owning or operating such facility cannot agree upon the
545 share of the cost to be borne by the state, either may apply to the
546 superior court for the judicial district within which such highway is
547 situated, or, if said court is not in session, to any judge thereof, for a
548 determination of the cost to be borne by the state, and said court or
549 such judge, after causing notice of the pendency of such application to
550 be given to the other party, shall appoint a state referee to make such
551 determination. Such referee, having given at least ten days' notice to
552 the parties interested of the time and place of the hearing, shall hear
553 both parties, shall view such highway, shall take such testimony as
554 such referee deems material and shall thereupon determine the
555 amount of the cost to be borne by the state and immediately report to
556 the court. If the report is accepted by the court, such determination
557 shall, subject to right of appeal as in civil actions, be conclusive upon
558 both parties.

559 Sec. 10. Section 13b-4b of the general statutes is repealed and the
560 following is substituted in lieu thereof (*Effective July 1, 2011*):

561 Wherever the term "Public Utilities [Control] Regulatory Authority"

562 occurs or is referred to in chapters 245, 245a and 245b relating to the
563 duties and responsibilities of said authority, it shall be deemed to
564 mean or refer to the Commissioner of Transportation.

565 Sec. 11. Section 13b-31c of the general statutes is repealed and the
566 following is substituted in lieu thereof (*Effective July 1, 2011*):

567 The Commissioner of Transportation, in consultation with the
568 Commissioners of Energy and Environmental Protection and
569 Economic and Community Development, may designate state
570 highways or portions thereof as scenic roads. Any alteration of a scenic
571 road shall maintain the character of such road when so designated, if
572 practical.

573 Sec. 12. Section 13b-31e of the general statutes is repealed and the
574 following is substituted in lieu thereof (*Effective July 1, 2011*):

575 The Commissioner of Transportation, in consultation with the
576 Commissioners of Energy and Environmental Protection and
577 Economic and Community Development, shall adopt regulations in
578 accordance with the provisions of chapter 54 setting forth special
579 maintenance and improvement standards for scenic roads which shall
580 include provisions for widening of the right-of-way or traveled portion
581 of the highway and for guardrails, paving, changes of grade,
582 straightening and removal of stone walls or mature trees. In adopting
583 such regulations the commissioner shall consider the protection of
584 historic and natural features of scenic roads.

585 Sec. 13. Subsection (e) of section 15-155 of the general statutes is
586 repealed and the following is substituted in lieu thereof (*Effective July*
587 *1, 2011*):

588 (e) The Commissioners of Energy and Environmental Protection
589 and Motor Vehicles shall annually on or before December thirty-first,
590 submit separate reports to the joint standing committee of the General
591 Assembly having cognizance of matters relating to state finance,

592 revenue and bonding, on the operation of the boating account. The
593 report shall contain a detailed statement of expenditures related to
594 each of the purposes set forth in subsection (b) for the twelve-month
595 period ending October thirty-first, a projected budget for such
596 purposes for the next succeeding twelve-month period and
597 recommendations, if any, concerning the operation of the account and
598 the boating safety and enforcement programs.

599 Sec. 14. Section 16-1 of the general statutes is repealed and the
600 following is substituted in lieu thereof (*Effective July 1, 2011*):

601 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a
602 and 245b shall be construed as follows, unless another meaning is
603 expressed or is clearly apparent from the language or context:

604 (1) "Authority" means the Public Utilities [Control] Regulatory
605 Authority and "department" means the Department of [Public Utility
606 Control] Energy and Environmental Protection;

607 (2) ["Commissioner"] "Director" means a member of said authority;

608 (3) "Commissioner of Transportation" means the Commissioner of
609 Transportation appointed under section 13b-3;

610 (4) "Public service company" includes electric, electric distribution,
611 gas, telephone, telegraph, pipeline, sewage, water and community
612 antenna television companies and holders of a certificate of cable
613 franchise authority, owning, leasing, maintaining, operating,
614 managing or controlling plants or parts of plants or equipment, and all
615 express companies having special privileges on railroads within this
616 state, but shall not include telegraph company functions concerning
617 intrastate money order service, towns, cities, boroughs, any municipal
618 corporation or department thereof, whether separately incorporated or
619 not, a private power producer, as defined in section 16-243b, or an
620 exempt wholesale generator, as defined in 15 USC 79z-5a;

621 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,
622 poles, wires and other fixed or stationary construction and equipment,
623 wherever located, used in the conduct of the business of the company;

624 (6) "Railroad company" includes every person owning, leasing,
625 maintaining, operating, managing or controlling any railroad, or any
626 cars or other equipment employed thereon or in connection therewith,
627 for public or general use within this state;

628 (7) "Street railway company" includes every person owning, leasing,
629 maintaining, operating, managing or controlling any street railway, or
630 any cars or other equipment employed thereon or in connection
631 therewith, for public or general use within this state;

632 (8) "Electric company" includes, until an electric company has been
633 unbundled in accordance with the provisions of section 16-244e, every
634 person owning, leasing, maintaining, operating, managing or
635 controlling poles, wires, conduits or other fixtures, along public
636 highways or streets, for the transmission or distribution of electric
637 current for sale for light, heat or power within this state, or, engaged in
638 generating electricity to be so transmitted or distributed for such
639 purpose, but shall not include (A) a private power producer, as
640 defined in section 16-243b, (B) an exempt wholesale generator, as
641 defined in 15 USC 79z-5a, (C) a municipal electric utility established
642 under chapter 101, (D) a municipal electric energy cooperative
643 established under chapter 101a, (E) an electric cooperative established
644 under chapter 597, or (F) any other electric utility owned, leased,
645 maintained, operated, managed or controlled by any unit of local
646 government under any general statute or any public or special act;

647 (9) "Gas company" includes every person owning, leasing,
648 maintaining, operating, managing or controlling mains, pipes or other
649 fixtures, in public highways or streets, for the transmission or
650 distribution of gas for sale for heat or power within this state, or
651 engaged in the manufacture of gas to be so transmitted or distributed

652 for such purpose, but shall not include a person manufacturing gas
653 through the use of a biomass gasification plant provided such person
654 does not own, lease, maintain, operate, manage or control mains, pipes
655 or other fixtures in public highways or streets, a municipal gas utility
656 established under chapter 101 or any other gas utility owned, leased,
657 maintained, operated, managed or controlled by any unit of local
658 government under any general statute or any public or special act;

659 (10) "Water company" includes every person owning, leasing,
660 maintaining, operating, managing or controlling any pond, lake,
661 reservoir, stream, well or distributing plant or system employed for
662 the purpose of supplying water to fifty or more consumers. A water
663 company does not include homeowners, condominium associations
664 providing water only to their members, homeowners associations
665 providing water to customers at least eighty per cent of whom are
666 members of such associations, a municipal waterworks system
667 established under chapter 102, a district, metropolitan district,
668 municipal district or special services district established under chapter
669 105, chapter 105a or any other general statute or any public or special
670 act which is authorized to supply water, or any other waterworks
671 system owned, leased, maintained, operated, managed or controlled
672 by any unit of local government under any general statute or any
673 public or special act;

674 (11) "Consumer" means any private dwelling, boardinghouse,
675 apartment, store, office building, institution, mechanical or
676 manufacturing establishment or other place of business or industry to
677 which water is supplied by a water company;

678 (12) "Sewage company" includes every person owning, leasing,
679 maintaining, operating, managing or controlling, for general use in any
680 town, city or borough, or portion thereof, in this state, sewage disposal
681 facilities which discharge treated effluent into any waterway of this
682 state;

683 (13) "Pipeline company" includes every person owning, leasing,
684 maintaining, operating, managing or controlling mains, pipes or other
685 fixtures through, over, across or under any public land, water,
686 parkways, highways, parks or public grounds for the transportation,
687 transmission or distribution of petroleum products for hire within this
688 state;

689 (14) "Community antenna television company" includes every
690 person owning, leasing, maintaining, operating, managing or
691 controlling a community antenna television system, in, under or over
692 any public street or highway, for the purpose of providing community
693 antenna television service for hire and shall include any municipality
694 which owns or operates one or more plants for the manufacture or
695 distribution of electricity pursuant to section 7-213 or any special act
696 and seeks to obtain or obtains a certificate of public convenience and
697 necessity to construct or operate a community antenna television
698 system pursuant to section 16-331 or a certificate of cable franchise
699 authority pursuant to section 16-331q. "Community antenna television
700 company" does not include a certified competitive video service
701 provider;

702 (15) "Community antenna television service" means (A) the one-way
703 transmission to subscribers of video programming or information that
704 a community antenna television company makes available to all
705 subscribers generally, and subscriber interaction, if any, which is
706 required for the selection of such video programming or information,
707 and (B) noncable communications service. "Community antenna
708 television service" does not include video service provided by a
709 certified competitive video service provider;

710 (16) "Community antenna television system" means a facility,
711 consisting of a set of closed transmission paths and associated signal
712 generation, reception and control equipment that is designed to
713 provide community antenna television service which includes video
714 programming and which is provided in, under or over any public

715 street or highway, for hire, to multiple subscribers within a franchise,
716 but such term does not include (A) a facility that serves only to
717 retransmit the television signals of one or more television broadcast
718 stations; (B) a facility that serves only subscribers in one or more
719 multiple unit dwellings under common ownership, control or
720 management, unless such facility is located in, under or over a public
721 street or highway; (C) a facility of a common carrier which is subject, in
722 whole or in part, to the provisions of Subchapter II of Chapter 5 of the
723 Communications Act of 1934, 47 USC 201 et seq., as amended, except
724 that such facility shall be considered a community antenna television
725 system and the carrier shall be considered a public service company to
726 the extent such facility is used in the transmission of video
727 programming directly to subscribers; or (D) a facility of an electric
728 company which is used solely for operating its electric company
729 systems. "Community antenna television system" does not include a
730 facility used by a certified competitive video service provider to
731 provide video service;

732 (17) "Video programming" means programming provided by, or
733 generally considered comparable to programming provided by, a
734 television broadcast station;

735 (18) "Noncable communications service" means any
736 telecommunications service, as defined in section 16-247a, and which is
737 not included in the definition of "cable service" in the Communications
738 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall
739 be construed to affect service which is both authorized and preempted
740 pursuant to federal law;

741 (19) "Public service motor vehicle" includes all motor vehicles used
742 for the transportation of passengers for hire;

743 (20) "Motor bus" includes any public service motor vehicle operated
744 in whole or in part upon any street or highway, by indiscriminately
745 receiving or discharging passengers, or operated on a regular route or

746 over any portion thereof, or operated between fixed termini, and any
747 public service motor vehicle operated over highways within this state
748 between points outside this state or between points within this state
749 and points outside this state;

750 (21) "Cogeneration technology" means the use for the generation of
751 electricity of exhaust steam, waste steam, heat or resultant energy from
752 an industrial, commercial or manufacturing plant or process, or the use
753 of exhaust steam, waste steam or heat from a thermal power plant for
754 an industrial, commercial or manufacturing plant or process, but shall
755 not include steam or heat developed solely for electrical power
756 generation;

757 (22) "Renewable fuel resources" means energy sources described in
758 subdivisions (26) and (27) of this subsection;

759 (23) "Telephone company" means a telecommunications company
760 that provides one or more noncompetitive or emerging competitive
761 services, as defined in section 16-247a;

762 (24) "Domestic telephone company" includes any telephone
763 company which has been chartered by or organized or constituted
764 within or under the laws of this state;

765 (25) "Telecommunications company" means a person that provides
766 telecommunications service, as defined in section 16-247a, within the
767 state, but shall not mean a person that provides only (A) private
768 telecommunications service, as defined in section 16-247a, (B) the
769 one-way transmission of video programming or other programming
770 services to subscribers, (C) subscriber interaction, if any, which is
771 required for the selection of such video programming or other
772 programming services, (D) the two-way transmission of educational or
773 instructional programming to a public or private elementary or
774 secondary school, or a public or independent institution of higher
775 education, as required by the department pursuant to a community
776 antenna television company franchise agreement, or provided

777 pursuant to a contract with such a school or institution which contract
778 has been filed with the department, or (E) a combination of the services
779 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

780 (26) "Class I renewable energy source" means (A) energy derived
781 from solar power, wind power, a fuel cell, methane gas from landfills,
782 ocean thermal power, wave or tidal power, low emission advanced
783 renewable energy conversion technologies, a run-of-the-river
784 hydropower facility provided such facility has a generating capacity of
785 not more than five megawatts, does not cause an appreciable change in
786 the river flow, and began operation after July 1, 2003, or a sustainable
787 biomass facility with an average emission rate of equal to or less than
788 .075 pounds of nitrogen oxides per million BTU of heat input for the
789 previous calendar quarter, except that energy derived from a
790 sustainable biomass facility with a capacity of less than five hundred
791 kilowatts that began construction before July 1, 2003, may be
792 considered a Class I renewable energy source, or (B) any electrical
793 generation, including distributed generation, generated from a Class I
794 renewable energy source;

795 (27) "Class II renewable energy source" means energy derived from
796 a trash-to-energy facility, a biomass facility that began operation before
797 July 1, 1998, provided the average emission rate for such facility is
798 equal to or less than .2 pounds of nitrogen oxides per million BTU of
799 heat input for the previous calendar quarter, or a run-of-the-river
800 hydropower facility provided such facility has a generating capacity of
801 not more than five megawatts, does not cause an appreciable change in
802 the riverflow, and began operation prior to July 1, 2003;

803 (28) "Electric distribution services" means the owning, leasing,
804 maintaining, operating, managing or controlling of poles, wires,
805 conduits or other fixtures along public highways or streets for the
806 distribution of electricity, or electric distribution-related services;

807 (29) "Electric distribution company" or "distribution company"

808 means any person providing electric transmission or distribution
809 services within the state, including an electric company, subject to
810 subparagraph (F) of this subdivision, but does not include: (A) A
811 private power producer, as defined in section 16-243b; (B) a municipal
812 electric utility established under chapter 101, other than a participating
813 municipal electric utility; (C) a municipal electric energy cooperative
814 established under chapter 101a; (D) an electric cooperative established
815 under chapter 597; (E) any other electric utility owned, leased,
816 maintained, operated, managed or controlled by any unit of local
817 government under any general statute or special act; (F) after an
818 electric company has been unbundled in accordance with the
819 provisions of section 16-244e, a generation entity or affiliate of the
820 former electric company; or (G) an electric supplier;

821 (30) "Electric supplier" means any person, including an electric
822 aggregator or participating municipal electric utility that is licensed by
823 the [Department of Public Utility Control] Public Utilities Regulatory
824 Authority in accordance with section 16-245, that provides electric
825 generation services to end use customers in the state using the
826 transmission or distribution facilities of an electric distribution
827 company, regardless of whether or not such person takes title to such
828 generation services, but does not include: (A) A municipal electric
829 utility established under chapter 101, other than a participating
830 municipal electric utility; (B) a municipal electric energy cooperative
831 established under chapter 101a; (C) an electric cooperative established
832 under chapter 597; (D) any other electric utility owned, leased,
833 maintained, operated, managed or controlled by any unit of local
834 government under any general statute or special act; or (E) an electric
835 distribution company in its provision of electric generation services in
836 accordance with subsection (a) or, prior to January 1, 2004, subsection
837 (c) of section 16-244c;

838 (31) "Electric aggregator" means (A) a person, municipality or
839 regional water authority that gathers together electric customers for
840 the purpose of negotiating the purchase of electric generation services

841 from an electric supplier, or (B) the Connecticut Resources Recovery
842 Authority, if it gathers together electric customers for the purpose of
843 negotiating the purchase of electric generation services from an electric
844 supplier, provided such person, municipality or authority is not
845 engaged in the purchase or resale of electric generation services, and
846 provided further such customers contract for electric generation
847 services directly with an electric supplier, and may include an electric
848 cooperative established pursuant to chapter 597;

849 (32) "Electric generation services" means electric energy, electric
850 capacity or generation-related services;

851 (33) "Electric transmission services" means electric transmission or
852 transmission-related services;

853 (34) "Generation entity or affiliate" means a corporate affiliate or, as
854 provided in subdivision (3) of subsection (a) of section 16-244e, a
855 separate division of an electric company after unbundling has occurred
856 pursuant to section 16-244e, that provides electric generation services;

857 (35) "Participating municipal electric utility" means a municipal
858 electric utility established under chapter 101 or any other electric
859 utility owned, leased, maintained, operated, managed or controlled by
860 any unit of local government under any general statute or any public
861 or special act, that is authorized by the [department] authority in
862 accordance with section 16-245c to provide electric generation services
863 to end use customers outside its service area, as defined in section
864 16-245c;

865 (36) "Person" means an individual, business, firm, corporation,
866 association, joint stock association, trust, partnership or limited
867 liability company;

868 (37) "Regional independent system operator" means the "ISO - New
869 England, Inc.", or its successor organization as approved by the
870 Federal Energy Regulatory Commission;

871 (38) "Certified telecommunications provider" means a person
872 certified by the [department] authority to provide intrastate
873 telecommunications services, as defined in section 16-247a, pursuant to
874 sections 16-247f to 16-247h, inclusive;

875 (39) "Gas registrant" means a person registered to sell natural gas
876 pursuant to section 16-258a;

877 (40) "Customer-side distributed resources" means (A) the generation
878 of electricity from a unit with a rating of not more than sixty-five
879 megawatts on the premises of a retail end user within the transmission
880 and distribution system including, but not limited to, fuel cells,
881 photovoltaic systems or small wind turbines, or (B) a reduction in the
882 demand for electricity on the premises of a retail end user in the
883 distribution system through methods of conservation and load
884 management, including, but not limited to, peak reduction systems
885 and demand response systems;

886 (41) "Federally mandated congestion charges" means any cost
887 approved by the Federal Energy Regulatory Commission as part of
888 New England Standard Market Design including, but not limited to,
889 locational marginal pricing, locational installed capacity payments, any
890 cost approved by the [Department of Public Utility Control] Public
891 Utilities Regulatory Authority to reduce federally mandated
892 congestion charges in accordance with section 7-233y, this section,
893 sections 16-19ss, as amended by this act, 16-32f, 16-50i, 16-50k, 16-50x,
894 16-243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and
895 16-245z, and section 21 of public act 05-1 of the June special session
896 and reliability must run contracts;

897 (42) "Combined heat and power system" means a system that
898 produces, from a single source, both electric power and thermal energy
899 used in any process that results in an aggregate reduction in electricity
900 use;

901 (43) "Grid-side distributed resources" means the generation of

902 electricity from a unit with a rating of not more than sixty-five
903 megawatts that is connected to the transmission or distribution system,
904 which units may include, but are not limited to, units used primarily to
905 generate electricity to meet peak demand;

906 (44) "Class III source" means the electricity output from combined
907 heat and power systems with an operating efficiency level of no less
908 than fifty per cent that are part of customer-side distributed resources
909 developed at commercial and industrial facilities in this state on or
910 after January 1, 2006, a waste heat recovery system installed on or after
911 April 1, 2007, that produces electrical or thermal energy by capturing
912 preexisting waste heat or pressure from industrial or commercial
913 processes, or the electricity savings created in this state from
914 conservation and load management programs begun on or after
915 January 1, 2006;

916 (45) "Sustainable biomass" means biomass that is cultivated and
917 harvested in a sustainable manner. "Sustainable biomass" does not
918 mean construction and demolition waste, as defined in section 22a-
919 208x, finished biomass products from sawmills, paper mills or stud
920 mills, organic refuse fuel derived separately from municipal solid
921 waste, or biomass from old growth timber stands, except where (A)
922 such biomass is used in a biomass gasification plant that received
923 funding prior to May 1, 2006, from the [Renewable Energy Investment]
924 Clean Energy Fund established pursuant to section 16-245n, or (B) the
925 energy derived from such biomass is subject to a long-term power
926 purchase contract pursuant to subdivision (2) of subsection (j) of
927 section 16-244c entered into prior to May 1, 2006, (C) such biomass is
928 used in a renewable energy facility that is certified as a Class I
929 renewable energy source by the [department] authority until such time
930 as the [department] authority certifies that any biomass gasification
931 plant, as defined in subparagraph (A) of this subdivision, is
932 operational and accepting such biomass, in an amount not to exceed
933 one hundred forty thousand tons annually, is used in a renewable
934 energy facility that was certified as a Class I renewable energy source

935 by the [department] authority prior to December 31, 2007, and uses
936 biomass, including construction and demolition waste as defined in
937 section 22a-208x, from a Connecticut-sited transfer station and volume-
938 reduction facility that generated biomass during calendar year 2007
939 that was used during calendar year 2007 to generate Class I renewable
940 energy certificates, or (D) in the event there is no facility as described
941 in subparagraph (A) or (C) of this subdivision accepting such biomass,
942 in an amount not to exceed one hundred forty thousand tons annually,
943 is used in one or more other renewable energy facilities certified either
944 as a Class I or Class II renewable energy source by the [department]
945 authority, provided such facilities use biomass, including construction
946 and demolition waste as defined in said section 22a-208x, from a
947 Connecticut-sited transfer station and volume-reduction facility that
948 generated biomass during calendar year 2007 that was used during
949 calendar year 2007 to generate Class I renewable energy certificates.
950 Notwithstanding the provisions of subparagraphs (C) and (D) of this
951 subdivision, the amount of biomass specified in said subparagraphs
952 shall not apply to a biomass gasification plant, as defined in
953 subparagraph (A) of this subdivision;

954 (46) "Video service" means video programming services provided
955 through wireline facilities, a portion of which are located in the public
956 right-of-way, without regard to delivery technology, including Internet
957 protocol technology. "Video service" does not include any video
958 programming provided by a commercial mobile service provider, as
959 defined in 47 USC 332(d), any video programming provided as part of
960 community antenna television service in a franchise area as of October
961 1, 2007, any video programming provided as part of and via a service
962 that enables users to access content, information, electronic mail or
963 other services over the public Internet;

964 (47) "Certified competitive video service provider" means an entity
965 providing video service pursuant to a certificate of video franchise
966 authority issued by the [department] authority in accordance with
967 section 16-331e. "Certified competitive video service provider" does

968 not mean an entity issued a certificate of public convenience and
969 necessity in accordance with section 16-331 or the affiliates, successors
970 and assigns of such entity or an entity issued a certificate of cable
971 franchise authority in accordance with section 16-331p or the affiliates,
972 successors and assignees of such entity;

973 (48) "Certificate of video franchise authority" means an
974 authorization issued by the [Department of Public Utility Control]
975 Public Utilities Regulatory Authority conferring the right to an entity
976 or person to own, lease, maintain, operate, manage or control facilities
977 in, under or over any public highway to offer video service to any
978 subscribers in the state;

979 (49) "Certificate of cable franchise authority" means an authorization
980 issued by the [Department of Public Utility Control] Public Utilities
981 Regulatory Authority pursuant to section 16-331q conferring the right
982 to a community antenna television company to own, lease, maintain,
983 operate, manage or control a community antenna television system in,
984 under or over any public highway to (A) offer community antenna
985 television service in a community antenna television company's
986 designated franchise area, or (B) use the public rights-of-way to offer
987 video service in a designated franchise area. The certificate of cable
988 franchise authority shall be issued as an alternative to a certificate of
989 public convenience and necessity pursuant to section 16-331 and shall
990 only be available to a community antenna television company under
991 the terms specified in sections 16-331q to 16-331aa, inclusive;

992 (50) "Thermal energy transportation company" means any person
993 authorized under any provision of the general statutes or special act to
994 furnish heat or air conditioning or both, by means of steam, heated or
995 chilled water or other medium, to lay and maintain mains, pipes or
996 other conduits, and to erect such other fixtures necessary or convenient
997 in and on the streets, highways and public grounds of any
998 municipality to carry steam, heated or chilled water or other medium
999 from such plant to the location to be served and to return the same;

1000 [and]

1001 (51) "The Connecticut Television Network" means the General
1002 Assembly's state-wide twenty-four-hour state public affairs
1003 programming service, separate and distinct from community access
1004 channels; and

1005 (52) "Commissioner of Energy and Environmental Protection"
1006 means the Commissioner of Energy and Environmental Protection
1007 appointed pursuant to title 4.

1008 (b) Notwithstanding any provision of the general statutes, the terms
1009 "utility", "public utility" and "public service company" shall be deemed
1010 to include a community antenna television company and a holder of a
1011 certificate of cable franchise authority, except (1) as otherwise provided
1012 in sections 16-8, as amended by this act, 16-27, 16-28 and 16-43, (2) that
1013 no provision of the general statutes, including but not limited to, the
1014 provisions of sections 16-6b and 16-19, shall subject a community
1015 antenna television company to regulation as a common carrier or
1016 utility by reason of providing community antenna television service,
1017 other than noncable communications service, as provided in
1018 Subchapter V-A of Chapter 5 of the Communications Act of 1934, 47
1019 USC 521 et seq., as amended, and (3) that no provision of the general
1020 statutes, including but not limited to, sections 16-6b and 16-19, shall
1021 apply to community antenna television companies to the extent any
1022 such provision is preempted pursuant to any other provision of the
1023 Communications Act of 1934, 47 USC 151 et seq., as amended, any
1024 other federal act or any regulation adopted thereunder.

1025 Sec. 15. Section 16-2 of the general statutes is repealed and the
1026 following is substituted in lieu thereof (*Effective July 1, 2011*):

1027 (a) There shall continue to be a Public Utilities [Control] Regulatory
1028 Authority within the Department of Energy and Environmental
1029 Protection, which shall consist of [five] three electors of this state,
1030 appointed by the Governor with the advice and consent of both houses

1031 of the General Assembly. Not more than [three] two members of said
1032 authority in office at any one time shall be members of any one
1033 political party. On or before July 1, [1983, and quadrennially thereafter]
1034 2011, the Governor shall appoint three members to the authority. [and
1035 on or before July 1, 1985, and quadrennially thereafter, the Governor
1036 shall appoint two members. All such members shall serve for a term of
1037 four years.] The first director appointed by the Governor on or before
1038 July 1, 2011, who is of the same political party as that of the Governor
1039 shall serve a term of five years. The second director appointed by the
1040 Governor on or before July 1, 2011, who is of the same political party
1041 as that of the Governor shall serve a term of four years. The first
1042 director appointed by the Governor on or before July 1, 2011, who is of
1043 a different political party as that of the Governor shall serve a term of
1044 three years. Any director appointed on or after January 1, 2014, shall
1045 serve a term of four years. The procedure prescribed by section 4-7
1046 shall apply to such appointments, except that the Governor shall
1047 submit each nomination on or before May first, and both houses shall
1048 confirm or reject it before adjournment sine die. The [commissioners]
1049 directors shall be sworn to the faithful performance of their duties. The
1050 term of any commissioner serving on June 30, 2011, shall be
1051 terminated.

1052 (b) The authority shall elect a chairperson and vice-chairperson each
1053 June for one-year terms starting on July first of the same year. The vice-
1054 chairperson shall perform the duties of the chairperson in his or her
1055 absence.

1056 (c) Any matter coming before the authority may be assigned by the
1057 chairperson to a panel of [three commissioners, not more than two of
1058 whom shall be members of the same political party] one or more
1059 directors. Except as otherwise provided by statute or regulation, the
1060 panel shall determine whether a public hearing shall be held on the
1061 matter, and may designate one or two of its members to conduct such
1062 hearing or [appoint an examiner] request the appointment of a hearing
1063 officer to ascertain the facts and report thereon to the panel. The

1064 decision of the panel, if unanimous, shall be the decision of the
1065 authority. If the decision of the panel is not unanimous, the matter
1066 shall be [referred to the entire authority for decision] approved by a
1067 majority vote of the panel.

1068 (d) The [commissioners] directors of the authority shall serve full
1069 time and shall make full public disclosure of their assets, liabilities and
1070 income at the time of their appointment, and thereafter each member
1071 of the authority shall make such disclosure on or before July thirtieth
1072 of each year of such member's term, and shall file such disclosure with
1073 the office of the Secretary of the State. Each [commissioner] director
1074 shall receive annually a salary equal to that established for
1075 management pay plan salary group seventy-five by the Commissioner
1076 of Administrative Services, except that the chairperson shall receive
1077 annually a salary equal to that established for management pay plan
1078 salary group seventy-seven.

1079 (e) To insure the highest standard of public utility regulation, on
1080 and after October 1, 2007, any newly appointed [commissioner]
1081 director of the authority shall have education or training and three or
1082 more years of experience in one or more of the following fields:
1083 Economics, engineering, law, accounting, finance, utility regulation,
1084 public or government administration, consumer advocacy, business
1085 management, and environmental management. On and after July 1,
1086 1997, at least three of these fields shall be represented on the authority
1087 by individual [commissioners] directors at all times. Any time a
1088 [commissioner] director is newly appointed, at least one of the
1089 [commissioners] directors shall have experience in utility customer
1090 advocacy.

1091 (f) The chairperson of the authority, with the [consent of two or
1092 more other members of the authority, shall appoint an executive
1093 director, who shall be the chief administrative officer of the
1094 Department of Public Utility Control. The executive director shall be
1095 supervised by the chairperson of the authority, serve for a term of four

1096 years and annually receive a salary equal to that established for
1097 management pay plan salary group seventy-two by the Commissioner
1098 of Administrative Services. The executive director (1) shall approval
1099 of the Commissioner of Energy and Environmental Protection, shall
1100 prescribe the duties of the staff assigned to the authority in order to (1)
1101 conduct comprehensive planning with respect to the functions of the
1102 [department] authority; (2) [shall] coordinate the activities of the
1103 [department] authority; (3) [shall] cause the administrative
1104 organization of the [department] authority to be examined with a view
1105 to promoting economy and efficiency; (4) [shall, in concurrence with
1106 the chairperson of the authority,] organize the [department] authority
1107 into such divisions, bureaus or other units as [he deems] necessary for
1108 the efficient conduct of the business of the [department] authority and
1109 may from time to time [abolish, transfer or consolidate within the
1110 department, any division, bureau or other units as may be necessary
1111 for the efficient conduct of the business of the department, provided
1112 such organization shall include any division, bureau or other unit
1113 which is specifically required by the general statutes] make
1114 recommendations to the commissioner regarding staff and resources;
1115 (5) [shall,] for any proceeding on a proposed rate amendment in which
1116 staff of the [department] authority are to be made a party pursuant to
1117 section 16-19j, as amended by this act, determine which staff shall
1118 appear and participate in the proceedings and which shall serve the
1119 members of the authority; (6) [may] enter into such contractual
1120 agreements, in accordance with established procedures, as may be
1121 necessary for the discharge of [his] the authority's duties; [and] (7)
1122 [may,] subject to the provisions of section 4-32, and unless otherwise
1123 provided by law, receive any money, revenue or services from the
1124 federal government, corporations, associations or individuals,
1125 including payments from the sale of printed matter or any other
1126 material or services; and (8) [. The executive director shall] require the
1127 staff of the [department] authority to have expertise in public utility
1128 engineering and accounting, finance, economics, computers and rate
1129 design. [Subject to the provisions of chapter 67 and within available

1130 funds in any fiscal year, the executive director may appoint a secretary,
1131 and may employ such accountants, clerical assistants, engineers,
1132 inspectors, experts, consultants and agents as the department may
1133 require.]

1134 (g) No [member] director of the authority or employee of the
1135 [department] Department of Energy and Environmental Protection
1136 assigned to work with the authority, shall, while serving as such, or
1137 during such assignment have any interest, financial or otherwise,
1138 direct or indirect, or engage in any business, employment, transaction
1139 or professional activity, or incur any obligation of any nature, which is
1140 in substantial conflict with the proper discharge of his or her duties or
1141 employment in the public interest and of his or her responsibilities as
1142 prescribed in the laws of this state, as defined in section 1-85; provided,
1143 no such substantial conflict shall be deemed to exist solely by virtue of
1144 the fact that a [member] director of the authority or employee of the
1145 department assigned to work with the authority, or any business in
1146 which such a person has an interest, receives utility service from one or
1147 more Connecticut utilities under the normal rates and conditions of
1148 service.

1149 (h) No member of the authority or employee of the department
1150 assigned to work with the authority, during such assignment, shall
1151 accept other employment which will either impair his or her
1152 independence of judgment as to his or her official duties or
1153 employment or require him or her, or induce him or her, to disclose
1154 confidential information acquired by him or her in the course of and
1155 by reason of his or her official duties.

1156 (i) No [member] director of the authority or employee of the
1157 department assigned to work with the authority, during such
1158 assignment, shall wilfully and knowingly disclose, for pecuniary gain,
1159 to any other person, confidential information acquired by him or her in
1160 the course of and by reason of his or her official duties or employment
1161 or use any such information for the purpose of pecuniary gain.

1162 (j) No [member] director of the authority or employee of the
1163 department assigned to work with the authority, during such
1164 assignment, shall agree to accept, or be in partnership or association
1165 with any person, or a member of a professional corporation or in
1166 membership with any union or professional association which
1167 partnership, association, professional corporation, union or
1168 professional association agrees to accept any employment, fee or other
1169 thing of value, or portion thereof, in consideration of his or her
1170 appearing, agreeing to appear, or taking any other action on behalf of
1171 another person before the authority, the Connecticut Siting Council,
1172 the Office of Policy and Management or the Commissioner of Energy
1173 and Environmental Protection.

1174 (k) No [commissioner] director of the authority shall, for a period of
1175 one year following the termination of his or her service as a
1176 [commissioner] director, accept employment: (1) By a public service
1177 company or by any person, firm or corporation engaged in lobbying
1178 activities with regard to governmental regulation of public service
1179 companies; (2) by a certified telecommunications provider or by any
1180 person, firm or corporation engaged in lobbying activities with regard
1181 to governmental regulation of persons, firms or corporations so
1182 certified; or (3) by an electric supplier or by any person, firm or
1183 corporation engaged in lobbying activities with regard to
1184 governmental regulation of electric suppliers. No such [commissioner]
1185 director who is also an attorney shall in any capacity, appear or
1186 participate in any matter, or accept any compensation regarding a
1187 matter, before the authority, for a period of one year following the
1188 termination of his or her service as a [commissioner] director.

1189 (l) The Public Utilities Regulatory Authority shall include a
1190 procurement manager whose duties shall include, but not be limited
1191 to, overseeing the procurement of electricity for standard service.

1192 Sec. 16. Section 16-2a of the general statutes is repealed and the
1193 following is substituted in lieu thereof (*Effective July 1, 2011*):

1194 (a) There shall [continue to] be an independent Office of Consumer
1195 Counsel, within the Department of [Public Utility Control for
1196 administrative purposes only] Energy and Environmental Protection,
1197 for administrative purposes only, to act as the advocate for consumer
1198 interests in all matters which may affect Connecticut consumers with
1199 respect to public service companies, electric suppliers and certified
1200 telecommunications providers. The Office of Consumer Counsel is
1201 authorized to appear in and participate in any regulatory or judicial
1202 proceedings, federal or state, in which such interests of Connecticut
1203 consumers may be involved, or in which matters affecting utility
1204 services rendered or to be rendered in this state may be involved. The
1205 Office of Consumer Counsel shall be a party to each contested case
1206 before the [Department of Public Utility Control] Public Utilities
1207 Regulatory Authority and shall participate in such proceedings to the
1208 extent it deems necessary. Said Office of Consumer Counsel may
1209 appeal from a decision, order or authorization in any such state
1210 regulatory proceeding notwithstanding its failure to appear or
1211 participate in said proceeding.

1212 (b) Except as prohibited by the provisions of section 4-181, the
1213 Office of Consumer Counsel shall have access to the records of the
1214 Public Utilities [Control] Regulatory Authority and [the Department of
1215 Public Utility Control,] shall be entitled to call upon the assistance of
1216 the authority's and the department's experts, and shall have the benefit
1217 of all other facilities or information of the authority or department in
1218 carrying out the duties of the Office of Consumer Counsel, except for
1219 such internal documents, information or data as are not available to
1220 parties to the authority's proceedings. The department shall provide
1221 such space as necessary within the department's quarters for the
1222 operation of the Office of Consumer Counsel, and the department shall
1223 be empowered to set regulations providing for adequate compensation
1224 for the provision of such office space.

1225 (c) The Office of Consumer Counsel shall be under the direction of a
1226 Consumer Counsel, who shall be appointed by the Governor with the

1227 advice and consent of either house of the General Assembly. The
1228 Consumer Counsel shall be an elector of this state and shall have
1229 demonstrated a strong commitment and involvement in efforts to
1230 safeguard the rights of the public. The Consumer Counsel shall serve
1231 for a term of five years unless removed pursuant to section 16-5. The
1232 salary of the Consumer Counsel shall be equal to that established for
1233 management pay plan salary group seventy-one by the Commissioner
1234 of Administrative Services. No Consumer Counsel shall, for a period
1235 of one year following the termination of service as Consumer Counsel,
1236 accept employment by a public service company, a certified
1237 telecommunications provider or an electric supplier. No Consumer
1238 Counsel who is also an attorney shall in any capacity, appear or
1239 participate in any matter, or accept any compensation regarding a
1240 matter, before the Public Utilities Control Authority, for a period of
1241 one year following the termination of service as Consumer Counsel.

1242 (d) The Consumer Counsel shall hire such staff as [he deems]
1243 necessary to perform the duties of said Office of Consumer Counsel
1244 and may employ from time to time outside consultants knowledgeable
1245 in the utility regulation field including, but not limited to, economists,
1246 capital cost experts and rate design experts. The salaries and
1247 qualifications of the individuals so hired shall be determined by the
1248 Commissioner of Administrative Services pursuant to section 4-40.

1249 (e) Nothing in this section shall be construed to prevent any party
1250 interested in such proceeding or action from appearing in person or
1251 from being represented by counsel therein.

1252 (f) As used in this section, "consumer" means any person, city,
1253 borough or town that receives service from any public service
1254 company, electric supplier or from any certified telecommunications
1255 provider in this state whether or not such person, city, borough or
1256 town is financially responsible for such service.

1257 (g) The Office of Consumer Counsel shall not be required to post a

1258 bond as a condition to presenting an appeal from any state regulatory
1259 decision, order or authorization.

1260 (h) The expenses of the Office of Consumer Counsel shall be
1261 assessed in accordance with the provisions of section 16-49.

1262 Sec. 17. Section 16-2c of the general statutes is repealed and the
1263 following is substituted in lieu thereof (*Effective July 1, 2011*):

1264 There is established a Division of Adjudication within the
1265 Department of [Public Utility Control] Energy and Environmental
1266 Protection. The staff of the division shall include, but not be limited to,
1267 hearing [examiners] officers appointed pursuant to subsection (c) of
1268 section 16-2, as amended by this act. The responsibilities of the division
1269 shall include, but not be limited to, hearing matters assigned under
1270 said subsection and advising the [chairperson of the Public Utilities
1271 Control Authority] commissioner and the Public Utilities Regulatory
1272 Authority concerning legal issues. The commissioner shall appoint
1273 such hearing officers pursuant to section 16-2, and assign such other
1274 staff as are necessary to advise the chairperson of the authority.

1275 Sec. 18. Section 16-3 of the general statutes is repealed and the
1276 following is substituted in lieu thereof (*Effective July 1, 2011*):

1277 If any vacancy occurs in said Public Utilities [Control] Regulatory
1278 Authority at any time when the General Assembly is not in session, the
1279 Governor shall appoint a [commissioner] director to fill such vacancy
1280 until such vacancy is filled at the next session of the General Assembly.
1281 Any other vacancy shall be filled, for the unexpired portion of the
1282 term, in the manner provided in section 16-2.

1283 Sec. 19. Section 16-4 of the general statutes is repealed and the
1284 following is substituted in lieu thereof (*Effective July 1, 2011*):

1285 No officer, employee, attorney or agent of any public service
1286 company, of any certified telecommunications provider or of any

1287 electric supplier shall be a member of the Public Utilities [Control]
1288 Regulatory Authority or an employee of the Department of [Public
1289 Utility Control] Energy and Environmental Protection.

1290 Sec. 20. Section 16-6b of the general statutes is repealed and the
1291 following is substituted in lieu thereof (*Effective July 1, 2011*):

1292 The [Department of Public Utility Control] Public Utilities
1293 Regulatory Authority, in consultation with the Department of Energy
1294 and Environmental Protection, may, in accordance with chapter 54,
1295 adopt such regulations with respect to rates and charges, services,
1296 accounting practices, safety and the conduct of operations generally of
1297 public service companies subject to its jurisdiction as it deems
1298 reasonable and necessary. The department in consultation with the
1299 authority may, in accordance with chapter 54, adopt such regulations
1300 with respect to services, accounting practices, safety and the conduct of
1301 operations generally of electric suppliers subject to its jurisdiction as it
1302 deems reasonable and necessary. After consultation with the Secretary
1303 of the Office of Policy and Management, the department may also
1304 adopt regulations, in accordance with chapter 54, establishing
1305 standards for systems utilizing cogeneration technology and
1306 renewable fuel resources.

1307 Sec. 21. Section 16-7 of the general statutes is repealed and the
1308 following is substituted in lieu thereof (*Effective July 1, 2011*):

1309 The [commissioners] directors and any employees [of] of the
1310 department assigned to the [Department of Public Utility Control]
1311 Public Utilities Regulatory Authority while engaged in the
1312 performance of their duties may, at all reasonable times, enter any
1313 premises, buildings, cars or other places belonging to or controlled by
1314 any public service company or electric supplier, and any person
1315 obstructing or in any way causing to be obstructed or hindered any
1316 member or employee of the department in the performance of his or
1317 her duties shall be fined not more than two hundred dollars or

1318 imprisoned not more than six months or both.

1319 Sec. 22. Section 16-9 of the general statutes is repealed and the
1320 following is substituted in lieu thereof (*Effective July 1, 2011*):

1321 All decisions, orders and authorizations of the [Department of
1322 Public Utility Control] Public Utilities Regulatory Authority shall be in
1323 writing and shall specify the reasons therefor, shall be filed and kept in
1324 the office of the department and recorded in a book kept by it for that
1325 purpose and shall be public records. Said department may, at any
1326 time, for cause shown, upon hearing had after notice to all parties in
1327 interest, rescind, reverse or alter any decision, order or authorization
1328 by it made. Written notice of all orders, decisions or authorizations
1329 issued by the department shall be given to the company or person
1330 affected thereby, by personal service upon such company or person or
1331 by registered or certified mail, as the department determines. Any final
1332 decision, order or authorization of the Public Utility Regulatory
1333 Authority in a contested case shall constitute a final decision for the
1334 purposes of chapter 54.

1335 Sec. 23. Subsections (a) and (b) of section 16-8 of the general statutes
1336 are repealed and the following is substituted in lieu thereof (*Effective
1337 July 1, 2011*):

1338 (a) The [Department of Public Utility Control] Public Utilities
1339 Regulatory Authority may, in its discretion, delegate its powers, in
1340 specific cases, to one or more of its [commissioners] directors or to a
1341 hearing [examiner] officer to ascertain the facts and report thereon to
1342 the [department] authority. The [department] authority, or any
1343 [commissioner] director thereof, in the performance of its duties or in
1344 connection with any hearing, or at the request of any person,
1345 corporation, company, town, borough or association, may summon
1346 and examine, under oath, such witnesses, and may direct the
1347 production of, and examine or cause to be produced and examined,
1348 such books, records, vouchers, memoranda, documents, letters,

1349 contracts or other papers in relation to the affairs of any public service
1350 company as it may find advisable, and shall have the same powers in
1351 reference thereto as are vested in magistrates taking depositions. If any
1352 witness objects to testifying or to producing any book or paper on the
1353 ground that such testimony, book or paper may tend to incriminate
1354 him, and the [department] authority directs such witness to testify or
1355 to produce such book or paper, and he complies, or if he is compelled
1356 so to do by order of court, he shall not be prosecuted for any matter
1357 concerning which he or she has so testified. The fees of witnesses
1358 summoned by the department to appear before it under the provisions
1359 of this section, and the fees for summoning witnesses shall be the same
1360 as in the Superior Court. All such fees, together with any other
1361 expenses authorized by statute, the method of payment of which is not
1362 otherwise provided, shall, when taxed by the [department] authority,
1363 be paid by the state, through the business office of the [department]
1364 authority, in the same manner as court expenses. The [department]
1365 authority may designate in specific cases a hearing [examiner] officer
1366 who may be a member of its technical staff or a member of the
1367 Connecticut Bar engaged for that purpose under a contract approved
1368 by the Secretary of the Office of Policy and Management to hold a
1369 hearing and make report thereon to the [department] authority. A
1370 hearing [examiner] officer so designated shall have the same powers as
1371 the [department] authority, or any [commissioner] director thereof, to
1372 conduct a hearing, except that only a [commissioner] director of the
1373 [department] authority shall have the power to grant immunity from
1374 prosecution to any witness who objects to testifying or to producing
1375 any book or paper on the ground that such testimony, book or paper
1376 may tend to incriminate him or her.

1377 (b) (1) [In the performance of its duties the Department of Public
1378 Utility Control may establish management audit teams as a regular
1379 and continuing component of its staff. The management audit teams
1380 shall be composed of personnel with a professional background in
1381 accounting, engineering or any other training as the department may

1382 deem necessary to assure a competent and thorough review and
1383 audit.] The authority may, within available appropriations, employ
1384 professional personnel to perform management audits. The
1385 [department] authority shall promptly establish such procedures as it
1386 deems necessary or desirable to provide for management audits to be
1387 performed on a regular or irregular schedule on all or any portion of
1388 the operating procedures and any other internal workings of any
1389 public service company, including the relationship between any public
1390 service company and a related holding company or subsidiary,
1391 consistent with the provisions of section 16-8c, provided no such audit
1392 shall be performed on a community antenna television company,
1393 except with regard to any noncable communications services which
1394 the company may provide, or when (A) such an audit is necessary for
1395 the [department] authority to perform its regulatory functions under
1396 the Communications Act of 1934, 47 USC 151, et seq., as amended from
1397 time to time, other federal law or state law, (B) the cost of such an audit
1398 is warranted by a reasonably foreseeable financial, safety or service
1399 benefit to subscribers of the company which is the subject of such an
1400 audit, and (C) such an audit is restricted to examination of the
1401 operating procedures that affect operations within the state.

1402 (2) In any case where the [department] authority determines that an
1403 audit is necessary or desirable, it may (A) order the audit to be
1404 performed by one of [its] the management audit teams, (B) require the
1405 affected company to perform the audit utilizing the company's own
1406 internal management audit staff as supervised by designated members
1407 of the [department's] authority's staff, or (C) require that the audit be
1408 performed under the supervision of designated members of the
1409 [department's] authority's staff by an independent management
1410 consulting firm selected by the [department] authority, in consultation
1411 with the affected company. If the affected company has more than
1412 seventy-five thousand customers, such independent management
1413 consulting firm shall be of nationally-recognized stature. All
1414 reasonable and proper expenses of the audits, including, but not

1415 limited to, the costs associated with the audit firm's testimony at a
1416 public hearing or other proceeding, shall be borne by the affected
1417 companies and shall be paid by such companies at such times and in
1418 such manner as the [department] authority directs.

1419 (3) For purposes of this section, a complete audit shall consist of (A)
1420 a diagnostic review of all functions of the audited company, which
1421 shall include, but not be limited to, documentation of the operations of
1422 the company, assessment of the company's system of internal controls,
1423 and identification of any areas of the company which may require
1424 subsequent audits, and (B) the performance of subsequent focused
1425 audits identified in the diagnostic review and determined necessary by
1426 the [department] authority. All audits performed pursuant to this
1427 section shall be performed in accordance with generally accepted
1428 management audit standards. The department shall adopt regulations
1429 in accordance with the provisions of chapter 54 setting forth such
1430 generally accepted management audit standards. Each audit of a
1431 community antenna television company shall be consistent with the
1432 provisions of the Communications Act of 1934, 47 USC 151, et seq., as
1433 amended from time to time, and of any other applicable federal law.
1434 The [department] authority shall certify whether a portion of an audit
1435 conforms to the provisions of this section and constitutes a portion of a
1436 complete audit.

1437 (4) A complete audit of each portion of each gas, electric or electric
1438 distribution company having more than seventy-five thousand
1439 customers shall begin no less frequently than every six years, so that a
1440 complete audit of such a company's operations shall be performed
1441 every six years. Such an audit of each such company having more than
1442 seventy-five thousand customers shall be updated as required by the
1443 [department] authority.

1444 (5) The results of an audit performed pursuant to this section shall
1445 be filed with the [department] authority and shall be open to public
1446 inspection. Upon completion and review of the audit, if the person or

1447 firm performing or supervising the audit determines that any of the
1448 operating procedures or any other internal workings of the affected
1449 public service company are inefficient, improvident, unreasonable,
1450 negligent or in abuse of discretion, the [department] authority may,
1451 after notice and opportunity for a hearing, order the affected public
1452 service company to adopt such new or altered practices and
1453 procedures as the [department] authority shall find necessary to
1454 promote efficient and adequate service to meet the public convenience
1455 and necessity. The [department] authority shall annually submit a
1456 report of audits performed pursuant to this section to the joint
1457 standing committee of the General Assembly having cognizance of
1458 matters relating to public utilities which report shall include the status
1459 of audits begun but not yet completed and a summary of the results of
1460 audits completed.

1461 (6) All reasonable and proper costs and expenses, as determined by
1462 the [department] authority, of complying with any order of the
1463 [department] authority pursuant to this subsection shall be recognized
1464 by the [department] authority for all purposes as proper business
1465 expenses of the affected company.

1466 (7) After notice and hearing, the [department] authority may modify
1467 the scope and schedule of a management audit of a telephone
1468 company which is subject to an alternative form of regulation so that
1469 such audit is consistent with that alternative form of regulation.

1470 Sec. 24. Section 16-8a of the general statutes is repealed and the
1471 following is substituted in lieu thereof (*Effective July 1, 2011*):

1472 (a) No public service company, as defined in section 16-1, holding
1473 company, as defined in section 16-47, or Nuclear Regulatory
1474 Commission licensee operating a nuclear power generating facility in
1475 this state, or person, firm, corporation, contractor or subcontractor
1476 directly or indirectly providing goods or services to such public service
1477 company, holding company or licensee, may take or threaten to take

1478 any retaliatory action against an employee for the employee's
1479 disclosure of (1) any matter involving the substantial misfeasance,
1480 malfeasance or nonfeasance in the management of such public service
1481 company, holding company or licensee, or (2) information pursuant to
1482 section 31-51m. Any employee found to have knowingly made a false
1483 disclosure shall be subject to disciplinary action by the employee's
1484 employer, up to and including dismissal.

1485 (b) Any employee of such a public service company, holding
1486 company or licensee, or of any person, firm, corporation, contractor or
1487 subcontractor directly or indirectly providing goods or services to such
1488 a public service company, holding company or licensee, having
1489 knowledge of any of the following may transmit all facts and
1490 information in the employee's possession to the [Department of Public
1491 Utility Control] Public Utilities Regulatory Authority: (1) Any matter
1492 involving substantial misfeasance, malfeasance or nonfeasance in the
1493 management of such public service company, holding company or
1494 licensee; or (2) any matter involving retaliatory action or the threat of
1495 retaliatory action taken against an employee who has reported the
1496 misfeasance, malfeasance or nonfeasance, in the management of such
1497 public service company, holding company or licensee. With regard to
1498 any matter described in subdivision (1) of this subsection, the
1499 [department] authority shall investigate such matter in accordance
1500 with the provisions of section 16-8 and shall not disclose the identity of
1501 such employee without the employee's consent unless it determines
1502 that such disclosure is unavoidable during the course of the
1503 investigation. With regard to any matter described in subdivision (2) of
1504 this subsection, the matter shall be handled in accordance with the
1505 procedures set forth in subsections (c) and (d) of this section.

1506 (c) (1) Not more than thirty business days after receipt of a written
1507 complaint, in a form prescribed by the [department] authority, by an
1508 employee alleging the employee's employer has retaliated against an
1509 employee in violation of subsection (a) of this section, the [department]
1510 authority shall make a preliminary finding in accordance with this

1511 subsection.

1512 (2) Not more than five business days after receiving a written
1513 complaint, in a form prescribed by the [department] authority, the
1514 [department] authority shall notify the employer by certified mail.
1515 Such notification shall include a description of the nature of the
1516 charges and the substance of any relevant supporting evidence. The
1517 employer may submit a written response and both the employer and
1518 the employee may present rebuttal statements in the form of affidavits
1519 from witnesses and supporting documents and may meet with the
1520 [department] authority informally to respond verbally about the
1521 nature of the employee's charges. The [department] authority shall
1522 consider in making its preliminary finding as provided in subdivision
1523 (3) of this subsection any such written and verbal responses, including
1524 affidavits and supporting documents, received by the [department]
1525 authority not more than twenty business days after the employer
1526 receives such notice. Any such response received after twenty business
1527 days shall be considered by the [department] authority only upon a
1528 showing of good cause and at the discretion of the [department]
1529 authority. The [department] authority shall make its preliminary
1530 finding as provided in subdivision (3) of this subsection based on
1531 information described in this subdivision, without a public hearing.

1532 (3) Unless the [department] authority finds by clear and convincing
1533 evidence that the adverse employment action was taken for a reason
1534 unconnected with the employee's report of substantial misfeasance,
1535 malfeasance or nonfeasance, there shall be a rebuttable presumption
1536 that an employee was retaliated against in violation of subsection (a) of
1537 this section if the [department] authority finds that: (A) The employee
1538 had reported substantial misfeasance, malfeasance or nonfeasance in
1539 the management of the public service company, holding company or
1540 licensee; (B) the employee was subsequently discharged, suspended,
1541 demoted or otherwise penalized by having the employee's status of
1542 employment changed by the employee's employer; and (C) the
1543 subsequent discharge, suspension, demotion or other penalty followed

1544 the employee's report closely in time.

1545 (4) If such findings are made, the [department] authority shall issue
1546 an order requiring the employer to immediately return the employee
1547 to the employee's previous position of employment or an equivalent
1548 position pending the completion of the [department's] authority's full
1549 investigatory proceeding pursuant to subsection (d) of this section.

1550 (d) Not later than thirty days after making a preliminary finding in
1551 accordance with the provisions of subsection (c) of this section, the
1552 [department] authority shall initiate a full investigatory proceeding in
1553 accordance with the provisions of section 16-8, at which time the
1554 employer shall have the opportunity to rebut the presumption. The
1555 [department] authority may issue orders or impose civil penalties in a
1556 manner that conforms with the notice and hearing provisions in
1557 section 16-41 against a public service company, holding company or
1558 licensee or a person, firm, corporation, contractor or subcontractor
1559 directly or indirectly providing goods or services to such public service
1560 company, holding company or licensee, in order to enforce the
1561 provisions of this section.

1562 (e) If an employee or former employee of such a public service
1563 company, holding company or licensee, or of a person, firm,
1564 corporation, contractor or subcontractor directly or indirectly
1565 providing goods or services to such a public service company, holding
1566 company or licensee, having knowledge of any matter involving the
1567 substantial misfeasance, malfeasance or nonfeasance in the
1568 management of such public service company, holding company or
1569 licensee, enters into an agreement with the employee's employer that
1570 contains a provision directly or indirectly discouraging the employee
1571 from presenting a written complaint or testimony concerning such
1572 misfeasance, malfeasance or nonfeasance in any legislative,
1573 administrative or judicial proceeding, such provision shall be void as
1574 against public policy.

1575 (f) The [Department of Public Utility Control] Public Utilities
1576 Regulatory Authority shall adopt regulations, in accordance with
1577 chapter 54, to carry out the provisions of this section. Such regulations
1578 shall include the following: (1) The procedures by which a complaint
1579 may be brought pursuant to subsection (a) of this section; (2) the time
1580 period in which such a complaint may be brought; (3) the time period
1581 by which the [department] authority shall render a decision pursuant
1582 to subsection (d) of this section; (4) the form on which written
1583 complaints shall be submitted to the [department] authority by an
1584 employee pursuant to subsection (c) of this section; and (5) the
1585 requirement that a notice be posted in the workplace informing all
1586 employees of any public service company, holding company and
1587 licensee and of any person, firm, corporation, contractor or
1588 subcontractor directly or indirectly providing goods or services to a
1589 company or licensee, as defined in subsection (b) of this section, of
1590 their rights under this section, including the right to be reinstated in
1591 accordance with subsection (c) of this section.

1592 Sec. 25. Section 16-18a of the general statutes is repealed and the
1593 following is substituted in lieu thereof (*Effective July 1, 2011*):

1594 (a) In the performance of their duties the [Department of Public
1595 Utility Control] Public Utilities Regulatory Authority and the Office of
1596 Consumer Counsel may retain consultants to assist their staffs in
1597 proceedings before the [department] authority by providing expertise
1598 in areas in which staff expertise does not currently exist or when
1599 necessary to supplement existing staff expertise. In any case where the
1600 [department] authority or Office of Consumer Counsel determines that
1601 the services of a consultant are necessary or desirable, the [department]
1602 authority shall (1) allow opportunity for the parties and participants to
1603 the proceeding for which the services of a consultant are being
1604 considered to comment regarding the necessity or desirability of such
1605 services, (2) upon the request of a party or participant to the
1606 proceeding for which the services of a consultant are being considered,
1607 hold a hearing, and (3) limit the reasonable and proper expenses for

1608 such services to not more than two hundred thousand dollars for each
1609 agency per proceeding involving a public service company,
1610 telecommunications company, electric supplier or person seeking
1611 certification to provide telecommunications services pursuant to
1612 chapter 283, with more than fifteen thousand customers, and to not
1613 more than fifty thousand dollars for each agency per proceeding
1614 involving such a company, electric supplier or person with less than
1615 fifteen thousand customers, provided the [department] authority or
1616 the Office of Consumer Counsel may exceed such limits for good
1617 cause. In the case of multiple proceedings conducted to implement the
1618 provisions of this section and sections 16-1, 16-19, 16-19e, 16-22,
1619 16-247a to 16-247c, inclusive, 16-247e to 16-247i, inclusive, 16-247k and
1620 subsection (e) of 16-331, the [department] authority or the Office of
1621 Consumer Counsel may exceed such limits, but the total amount for all
1622 such proceedings shall not exceed the aggregate amount which would
1623 be available pursuant to this section. All reasonable and proper
1624 expenses, as defined in subdivision (3) of this section, shall be borne by
1625 the affected company, electric supplier or person and shall be paid by
1626 such company, electric supplier or person at such times and in such
1627 manner as the [department] authority or the Office of Consumer
1628 Counsel directs. All reasonable and proper costs and expenses, as
1629 defined in subdivision (3) of this section, shall be recognized by the
1630 [department] authority for all purposes as proper business expenses of
1631 the affected company, electric supplier or person. The providers of
1632 consultant services shall be selected by the [department] authority or
1633 the Office of Consumer Counsel and shall submit written findings and
1634 recommendations to the [department] authority or the Office of
1635 Consumer Counsel, as the case may be, which shall be made part of
1636 the public record.

1637 [(b) The Department of Public Utility Control may retain
1638 consultants to assist in developing and implementing the public
1639 education outreach program pursuant to section 16-244d, provided the
1640 authorization to retain such consultants shall expire December 31,

1641 2005, and provided further the reasonable and proper expenses for
1642 such services shall not exceed three hundred fifty thousand dollars in
1643 the aggregate. All reasonable and proper expenses accrued prior to
1644 January 1, 2000, shall be borne by electric companies or electric
1645 distribution companies, as the case may be. After the systems benefits
1646 charge begins to be collected on January 1, 2000, pursuant to section
1647 16-245l, such companies shall recover those expenses that have been
1648 accrued by the companies up until said date through the systems
1649 benefits charge. On and after January 1, 2000, all reasonable and
1650 proper expenses shall be assessed directly through the systems benefits
1651 charge.]

1652 [(c)] (b) Notwithstanding any provision of the general statutes, the
1653 [department] authority and the Office of Consumer Counsel shall not
1654 retain any consultant under subsection (a) of this section in connection
1655 with any proceeding involving telecommunications if such consultant,
1656 at the time the consultant would be retained, is serving as a consultant
1657 to a certified telecommunications provider or a telephone company
1658 that would be affected by such proceeding, unless each party and
1659 intervenor to such proceeding agrees in writing to waive the
1660 provisions of this subsection.

1661 Sec. 26. Section 16-19a of the general statutes is repealed and the
1662 following is substituted in lieu thereof (*Effective July 1, 2011*):

1663 (a) (1) The [Department of Public Utility Control] Public Utilities
1664 Regulatory Authority shall, at intervals of not more than four years
1665 from the last previous general rate hearing of each gas, electric and
1666 electric distribution company having more than seventy-five thousand
1667 customers, conduct a complete review and investigation of the
1668 financial and operating records of each such company and hold a
1669 public hearing to determine whether the rates of each such company
1670 are unreasonably discriminatory or more or less than just, reasonable
1671 and adequate, or that the service furnished by such company is
1672 inadequate to or in excess of public necessity and convenience or that

1673 the rates do not conform to the principles and guidelines set forth in
1674 section 16-19e. In making such determination, the [department]
1675 authority shall consider the gross and net earnings of such company
1676 since its last previous general rate hearing, its retained earnings, its
1677 actual and proposed capital expenditures, its advertising expenses, the
1678 dividends paid to its stockholders, the rate of return paid on its
1679 preferred stock, bonds, debentures and other obligations, its credit
1680 rating, and such other financial and operating information as the
1681 [department] authority may deem pertinent.

1682 (2) The [department] authority may conduct a general rate hearing
1683 in accordance with subsection (a) of section 16-19, in lieu of the
1684 periodic review and investigation proceedings required under
1685 subdivision (1) of this subsection.

1686 (b) In the proceeding required under subdivision (1) of subsection
1687 (a) of this section, the [department] authority may approve
1688 performance-based incentives to encourage a gas or electric company
1689 to operate efficiently and provide high quality service at fair and
1690 reasonable prices. Notwithstanding subsection (a) of this section, if the
1691 [department] authority approves such performance-based incentives
1692 for a particular company, the [department] authority shall include in
1693 such approval a framework for periodic monitoring and review of the
1694 company's performance in regard to criteria specified by the
1695 [department] authority, which shall include, but not be limited to, the
1696 company's return on equity, reliability and quality of service. The
1697 [department's] authority's periodic monitoring and review shall be
1698 used in lieu of the periodic review and investigation proceedings
1699 required under subdivision (1) of subsection (a) of this section. If the
1700 [department] authority determines in the periodic monitoring and
1701 review that a more extensive review of company performance is
1702 necessary, the [department] authority may institute a further
1703 proceeding in accordance with the purposes of this chapter, including
1704 a complete review and investigation described in subdivision (1) of
1705 subsection (a) of this section.

1706 Sec. 27. Section 16-19e of the general statutes is repealed and the
1707 following is substituted in lieu thereof (*Effective July 1, 2011*):

1708 (a) In the exercise of its powers under the provisions of this title, the
1709 [Department of Public Utility Control] Public Utilities Regulatory
1710 Authority shall examine and regulate the transfer of existing assets and
1711 franchises, the expansion of the plant and equipment of existing public
1712 service companies, the operations and internal workings of public
1713 service companies and the establishment of the level and structure of
1714 rates in accordance with the following principles: (1) That there is a
1715 clear public need for the service being proposed or provided; (2) that
1716 the public service company shall be fully competent to provide
1717 efficient and adequate service to the public in that such company is
1718 technically, financially and managerially expert and efficient; (3) that
1719 the [department] authority and all public service companies shall
1720 perform all of their respective public responsibilities with economy,
1721 efficiency and care for public safety and energy security, and so as to
1722 promote economic development within the state with consideration
1723 for energy and water conservation, energy efficiency and the
1724 development and utilization of renewable sources of energy and for
1725 the prudent management of the natural environment; (4) that the level
1726 and structure of rates be sufficient, but no more than sufficient, to
1727 allow public service companies to cover their operating costs
1728 including, but not limited to, appropriate staffing levels, and capital
1729 costs, to attract needed capital and to maintain their financial integrity,
1730 and yet provide appropriate protection to the relevant public interests,
1731 both existing and foreseeable which shall include, but not be limited
1732 to, reasonable costs of security of assets, facilities and equipment that
1733 are incurred solely for the purpose of responding to security needs
1734 associated with the terrorist attacks of September 11, 2001, and the
1735 continuing war on terrorism; (5) that the level and structure of rates
1736 charged customers shall reflect prudent and efficient management of
1737 the franchise operation; and (6) that the rates, charges, conditions of
1738 service and categories of service of the companies not discriminate

1739 against customers which utilize renewable energy sources or
1740 cogeneration technology to meet a portion of their energy
1741 requirements.

1742 (b) The [Department of Public Utility Control] Public Utilities
1743 Regulatory Authority shall promptly undertake a separate, general
1744 investigation of, and shall hold at least one public hearing on new
1745 pricing principles and rate structures for electric companies and for gas
1746 companies to consider, without limitation, long run incremental cost of
1747 marginal cost pricing, peak load or time of day pricing and proposals
1748 for optimizing the utilization of energy and restraining its wasteful use
1749 and encouraging energy conservation, and any other matter with
1750 respect to pricing principles and rate structures as the [department]
1751 authority shall deem appropriate. The [department] authority shall
1752 determine whether existing or future rate structures place an undue
1753 burden upon those persons of poverty status and shall make such
1754 adjustment in the rate structure as is necessary or desirable to take
1755 account of their indigency. The [department] authority shall require
1756 the utilization of such new principles and structures to the extent that
1757 the [department] authority determines that their implementation is in
1758 the public interest and necessary or desirable to accomplish the
1759 purposes of this provision without being unfair or discriminatory or
1760 unduly burdensome or disruptive to any group or class of customers,
1761 and determines that such principles and structures are capable of
1762 yielding required revenues. In reviewing the rates and rate structures
1763 of electric and gas companies, the [department] authority shall take
1764 into consideration appropriate energy policies, including those of the
1765 state as expressed in subsection (c) of this section. The authority shall
1766 issue its initial findings on such investigation by December 1, 1976, and
1767 its final findings and order by June 1, 1977; provided that after such
1768 final findings and order are issued, the [department] authority shall at
1769 least once every two years undertake such further investigations as it
1770 deems appropriate with respect to new developments or desirable
1771 modifications in pricing principles and rate structures and, after

1772 holding at least one public hearing thereon, shall issue its findings and
1773 order thereon.

1774 (c) The Department of [Public Utility Control] Energy and
1775 Environmental Protection shall [consult at least once each year with
1776 the Commissioner of Environmental Protection, the Connecticut Siting
1777 Council and the Office of Policy and Management, so as to] coordinate
1778 and integrate its actions, decisions and policies pertaining to gas and
1779 electric companies, so far as possible, with the actions, decisions and
1780 policies of [said] other agencies and instrumentalities in order to
1781 further the development and optimum use of the state's energy
1782 resources and conform to the greatest practicable extent with the state
1783 energy policy as stated in section 16a-35k, taking into account prudent
1784 management of the natural environment and continued promotion of
1785 economic development within the state. [In the performance of its
1786 duties, the department shall take into consideration the energy policies
1787 of the state as expressed in this subsection and in any annual reports
1788 prepared or filed by such other agencies and instrumentalities, and]
1789 The department shall defer, as appropriate, to any actions taken by
1790 [such] other agencies and instrumentalities on matters within their
1791 respective jurisdictions.

1792 (d) The Commissioner of Energy and Environmental Protection, the
1793 Commissioner of Economic and Community Development, and the
1794 Connecticut Siting Council [and the Office of Policy and Management
1795 shall] may be made parties to each proceeding on a rate amendment
1796 proposed by a gas, electric or electric distribution company based
1797 upon an alleged need for increased revenues to finance an expansion
1798 of capital equipment and facilities, and shall participate in such
1799 proceedings to the extent necessary.

1800 (e) The [Department of Public Utility Control] Public Utilities
1801 Regulatory Authority, in a proceeding on a rate amendment proposed
1802 by an electric distribution company based upon an alleged need for
1803 increased revenues to finance an expansion of the capacity of its

1804 electric distribution system, shall determine whether demand-side
1805 management would be more cost-effective in meeting any demand for
1806 electricity for which the increase in capacity is proposed.

1807 (f) The provisions of this section shall not apply to the regulation of
1808 a telecommunications service which is a competitive service, as
1809 defined in section 16-247a, or to a telecommunications service to which
1810 an approved plan for an alternative form of regulation applies,
1811 pursuant to section 16-247k.

1812 (g) The [department] authority may, upon application of any gas or
1813 electric public service company, which has, as part of its existing rate
1814 plan, an earnings sharing mechanism, modify such rate plan to allow
1815 the gas or electric public service company, after a hearing that is
1816 conducted as a contested case, in accordance with chapter 54, to
1817 include in its rates the reasonable costs of security of assets, facilities,
1818 and equipment, both existing and foreseeable, that are incurred solely
1819 for the purpose of responding to security needs associated with the
1820 terrorist attacks of September 11, 2001, and the continuing war on
1821 terrorism.

1822 Sec. 28. Section 16-19f of the general statutes is repealed and the
1823 following is substituted in lieu thereof (*Effective July 1, 2011*):

1824 (a) As used in this section:

1825 (1) "Cost of service" means an electric utility rate for a class of
1826 consumer which is designed, to the maximum extent practicable, to
1827 reflect the cost to the utility in providing electric service to such class;

1828 (2) "Declining block rate" means an electric utility rate for a class of
1829 consumer which prices successive blocks of electricity consumed by
1830 such consumer at lower per-unit prices;

1831 (3) "Time of day rate" means an electric utility rate for a class of
1832 consumer which is designed to reflect the cost to the utility of

1833 providing electricity to such consumer at different times of the day;

1834 (4) "Seasonal rate" means an electric utility rate for a class of
1835 consumer designed to reflect the cost to the utility in providing
1836 electricity to such consumer during different seasons of the year;

1837 (5) "Interruptible rate" means an electric utility rate designed to
1838 reflect the cost to the utility in providing service to a consumer where
1839 such consumer permits his service to be interrupted during periods of
1840 peak electrical demand;

1841 (6) "Load management techniques" means cost-effective techniques
1842 used by an electric utility to reduce the maximum kilowatt demand on
1843 the utility.

1844 (b) The [Department of Public Utility Control] Public Utilities
1845 Regulatory Authority, with respect to each electric public service
1846 company and each municipal electric company, shall, within two
1847 years, consider and determine whether it is appropriate to implement
1848 any of the following rate design standards: (1) Cost of service; (2)
1849 prohibition of declining block rates; (3) time of day rates; (4) seasonal
1850 rates; (5) interruptible rates; and (6) load management techniques. The
1851 consideration of said standards by the [department] authority and
1852 each municipal electric company shall be made after public notice and
1853 hearing. Such hearing may be held concurrently with a hearing
1854 required pursuant to subsection (b) of section 16-19e. The [department]
1855 authority and each municipal company shall make a determination on
1856 whether it is appropriate to implement any of said standards. Said
1857 determination shall be in writing, shall take into consideration the
1858 evidence presented at the hearing and shall be available to the public.
1859 A standard shall be deemed to be appropriate for implementation if
1860 such implementation would encourage energy conservation, optimal
1861 and efficient use of facilities and resources by an electric public service
1862 company or municipal electric company and equitable rates for electric
1863 consumers.

1864 (c) The [Department of Public Utility Control] Public Utilities
1865 Regulatory Authority, with respect to each electric public service
1866 company, and each municipal electric company may implement any
1867 standard determined under subsection (b) of this section to be
1868 appropriate or decline to implement any such standard. If the
1869 [department] authority or a municipal electric company declines to
1870 implement any standard determined to be appropriate, it shall state in
1871 writing its reasons for doing so and make such statement available to
1872 the public.

1873 (d) The provisions of this section shall not apply to any municipal
1874 electric company which has total annual sales of electricity for
1875 purposes other than resale of five hundred million kilowatt-hours or
1876 less.

1877 Sec. 29. Section 16-19h of the general statutes is repealed and the
1878 following is substituted in lieu thereof (*Effective July 1, 2011*):

1879 The [Department of Public Utility Control] Public Utilities
1880 Regulatory Authority may reopen proceedings on a proposed rate
1881 amendment filed under section 16-19 and amend its final decision on
1882 such filing to adjust the rates of a water company, as defined in section
1883 16-1, to include in the rate base the construction costs associated with
1884 additions to a plant that are required by order of the [Department of
1885 Public Utility Control] authority, the Department of Public Health or
1886 the Department of Energy and Environmental Protection. The
1887 adjustment and approval of any rate under this section shall be based
1888 on the criteria set forth in section 16-19e.

1889 Sec. 30. Section 16-49 of the general statutes is repealed and the
1890 following is substituted in lieu thereof (*Effective July 1, 2011*):

1891 As used in this section:

1892 (1) "Company" means (A) any public service company other than a
1893 telephone company, that had more than one hundred thousand dollars

1894 of gross revenues in the state in the calendar year preceding the
1895 assessment year under this section, except any such company not
1896 providing service to retail customers in the state, (B) any telephone
1897 company that had more than one hundred thousand dollars of gross
1898 revenues in the state from telecommunications services in the calendar
1899 year preceding the assessment year under this section, except any such
1900 company not providing service to retail customers in the state, (C) any
1901 certified telecommunications provider that had more than one
1902 hundred thousand dollars of gross revenues in the state from
1903 telecommunications services in the calendar year preceding the
1904 assessment year under this section, except any such certified
1905 telecommunications provider not providing service to retail customers
1906 in the state, [or] (D) any electric supplier that had more than one
1907 hundred thousand dollars of gross revenues in the state in the calendar
1908 year preceding the assessment year under this section, except any such
1909 supplier not providing electric generation services to retail customers
1910 in the state, or (E) any certified competitive video service provider
1911 issued a certificate of video franchise authority by the Department of
1912 Energy and Environmental Protection in accordance with section 16-
1913 331e that had more than one hundred thousand dollars of gross
1914 revenues in the state in the calendar year preceding the assessment
1915 year under this section, except any such certified competitive video
1916 service provider not providing service to retail customers in the state;

1917 (2) "Telecommunications services" means (A) in the case of
1918 telecommunications services provided by a telephone company, any
1919 service provided pursuant to a tariff approved by the department
1920 other than wholesale services and resold access and interconnections
1921 services, and (B) in the case of telecommunications services provided
1922 by a certified telecommunications provider other than a telephone
1923 company, any service provided pursuant to a tariff approved by the
1924 [department] authority and pursuant to a certificate of public
1925 convenience and necessity; and

1926 (3) "Fiscal year" means the period beginning July first and ending

1927 June thirtieth.

1928 (b) On or before July 15, 1999, and on or before May first, annually
1929 thereafter, each company shall report its intrastate gross revenues of
1930 the preceding calendar year to the [department] Public Utilities
1931 Regulatory Authority, which amount shall be subject to audit by the
1932 [department] authority. For each fiscal year, each company shall pay
1933 the [Department of Public Utility Control] authority the company's
1934 share of all expenses of the [department and the] department's Bureau
1935 of Energy, the Office of Consumer Counsel, and the operations of the
1936 Public Utilities Regulatory Authority for such fiscal year. On or before
1937 September first, annually, the [department] authority shall give to each
1938 company a statement which shall include: (1) The amount
1939 appropriated to the [department and the Office of Consumer Counsel]
1940 department's Bureau of Energy, the Office of Consumer Counsel and
1941 the operations of the Public Utilities Regulatory Authority for the fiscal
1942 year beginning July first of the same year; (2) the total gross revenues
1943 of all companies; and (3) the proposed assessment against the
1944 company for the fiscal year beginning on July first of the same year,
1945 adjusted to reflect the estimated payment required under subdivision
1946 (1) of subsection (c) of this section. Such proposed assessment shall be
1947 calculated by multiplying the company's percentage share of the total
1948 gross revenues as specified in subdivision (2) of this subsection by the
1949 total revenue appropriated to the [department and the Office of
1950 Consumer Counsel] department's Bureau of Energy, the Office of
1951 Consumer Counsel and the operations of the Public Utility Regulatory
1952 Authority, as specified in subdivision (1) of this subsection.

1953 (c) Each company shall pay the [department] authority: (1) On or
1954 before June thirtieth, annually, an estimated payment for the expenses
1955 of the following year equal to twenty-five per cent of its assessment for
1956 the fiscal year ending on such June thirtieth, (2) on or before September
1957 thirtieth, annually, twenty-five per cent of its proposed assessment,
1958 adjusted to reflect any credit or amount due under the recalculated
1959 assessment for the preceding fiscal year, as determined by the

1960 [department] authority under subsection (d) of this section, provided if
1961 the company files an objection in accordance with subsection (e) of this
1962 section, it may withhold the amount stated in its objection, and (3) on
1963 or before the following December thirty-first and March thirty-first,
1964 annually, the remaining fifty per cent of its proposed assessment in
1965 two equal installments.

1966 (d) Immediately following the close of each fiscal year, the
1967 [department] authority shall recalculate the proposed assessment of
1968 each company, based on the expenses, as determined by the
1969 Comptroller, of the [department and the Office of Consumer Counsel]
1970 department's Bureau of Energy, the Office of Consumer Counsel and
1971 the operations of the Public Utilities Regulatory Authority for such
1972 fiscal year. On or before September first, annually, the [department]
1973 authority shall give to each company a statement showing the
1974 difference between its recalculated assessment and the amount
1975 previously paid by the company.

1976 (e) Any company may object to a proposed or recalculated
1977 assessment by filing with the [department] authority, not later than
1978 September fifteenth of the year of said assessment, a petition stating
1979 the amount of the proposed or recalculated assessment to which it
1980 objects and the grounds upon which it claims such assessment is
1981 excessive, erroneous, unlawful or invalid. After a company has filed a
1982 petition, the [department] authority shall hold a hearing. After
1983 reviewing the company's petition and testimony, if any, the
1984 [department] authority shall issue an order in accordance with its
1985 findings. The company shall pay the [department] authority the
1986 amount indicated in the order not later than thirty days after the date
1987 of the order.

1988 (f) The [department] authority shall remit all payments received
1989 under this section to the State Treasurer for deposit in the Consumer
1990 Counsel and Public Utility Control Fund established under section
1991 16-48a. Such funds shall be accounted for as expenses recovered from

1992 public service companies and certified telecommunications providers.
1993 All payments made under this section shall be in addition to any taxes
1994 payable to the state under chapters 211, 212, 212a and 219.

1995 (g) Any assessment unpaid on the due date or any portion of an
1996 assessment withheld after the due date under subsection (c) of this
1997 section shall be subject to interest at the rate of one and one-fourth per
1998 cent per month or fraction thereof, or fifty dollars, whichever is
1999 greater.

2000 (h) Any company that fails to report in accordance with this section
2001 shall be subject to civil penalties in accordance with section 16-41.

2002 Sec. 31. Section 16-19j of the general statutes is repealed and the
2003 following is substituted in lieu thereof (*Effective July 1, 2011*):

2004 (a) The Public Utilities [~~Control~~] Regulatory Authority may require
2005 a portion of the staff of the [~~department~~] authority to be made a party
2006 to any proceeding.

2007 (b) Notwithstanding subsection (a) of this section, the authority
2008 shall require a portion of the staff to be made a party to proceedings
2009 relating to (1) a rate amendment proposed pursuant to section 16-19 by
2010 a public service company having more than seventy-five thousand
2011 customers, (2) the approval of performance-based incentives pursuant
2012 to subsection (b) of section 16-19a, or (3) the approval of any
2013 alternative form of regulation pursuant to section 16-247k, provided
2014 the authority shall not require a portion of the staff to be made a party
2015 to any proceeding described in this subsection if the authority issues a
2016 notice of its intent not to do so in writing. The notice shall include the
2017 reasons for not requiring a portion of the staff to be made a party.
2018 Upon petition of any party so noticed, the authority shall require a
2019 portion of the staff to be made a party.

2020 (c) The provisions of section 4-181 shall apply to any proceeding in
2021 which a portion of [~~department~~] authority staff is made a party.

2022 (d) The [department] authority staff assigned to participate as a
2023 party to any rate proceedings described in subdivision (1) of
2024 subsection (b) of this section shall review the proposed rate
2025 amendment filed by the company and shall file with the
2026 [commissioners of the department] directors of the authority proposed
2027 modifications of the rate amendment. Such modifications shall carry
2028 out the purposes of subsection (a) of section 16-19e and section
2029 16a-35k. Such staff shall appear and participate in the proceedings in
2030 support of its proposed modifications and may employ outside
2031 consultants knowledgeable in the utility regulation field.

2032 Sec. 32. Section 16-50j of the general statutes is repealed and the
2033 following is substituted in lieu thereof (*Effective July 1, 2011*):

2034 (a) There is established a "Connecticut Siting Council", hereinafter
2035 referred to as the "council", which shall be within the Department of
2036 [Public Utility Control] Energy and Environmental Protection for
2037 administrative purposes only.

2038 (b) Except for proceedings under chapter 445, this subsection and
2039 subsection (c) of this section, the council shall consist of: (1) The
2040 Commissioner of Energy and Environmental Protection, or his
2041 designee; (2) [the chairman, or his designee, of the Public Utilities
2042 Control Authority] the chairperson of the Public Utilities Regulatory
2043 Authority, or the chairperson's designee; (3) one designee of the
2044 speaker of the House and one designee of the president pro tempore of
2045 the Senate; and (4) five members of the public, to be appointed by the
2046 Governor, at least two of whom shall be experienced in the field of
2047 ecology, and not more than one of whom shall have affiliation, past or
2048 present, with any utility or governmental utility regulatory agency, or
2049 with any person owning, operating, controlling, or presently
2050 contracting with respect to a facility, a hazardous waste facility, as
2051 defined in section 22a-115, or an ash residue disposal area.

2052 (c) For proceedings under chapter 445, subsection (b) of this section

2053 and this subsection, the council shall consist of (1) the Commissioners
2054 of Public Health and Public Safety or their designated representatives;
2055 (2) the designees of the speaker of the House of Representatives and
2056 the president pro tempore of the Senate as provided in subsection (b)
2057 of this section; (3) the five members of the public as provided in
2058 subsection (b) of this section; and (4) four ad hoc members, three of
2059 whom shall be electors from the municipality in which the proposed
2060 facility is to be located and one of whom shall be an elector from a
2061 neighboring municipality likely to be most affected by the proposed
2062 facility. The municipality most affected by the proposed facility shall
2063 be determined by the permanent members of the council. If any one of
2064 the five members of the public or of the designees of the speaker of the
2065 House of Representatives or the president pro tempore of the Senate
2066 resides (A) in the municipality in which a hazardous waste facility is
2067 proposed to be located for a proceeding concerning a hazardous waste
2068 facility or in which a low-level radioactive waste facility is proposed to
2069 be located for a proceeding concerning a low-level radioactive waste
2070 facility, or (B) in the neighboring municipality likely to be most
2071 affected by the proposed facility, the appointing authority shall
2072 appoint a substitute member for the proceedings on such proposal. If
2073 any appointee is unable to perform his duties on the council due to
2074 illness, or has a substantial financial or employment interest which is
2075 in conflict with the proper discharge of his duties under this chapter,
2076 the appointing authority shall appoint a substitute member for
2077 proceedings on such proposal. An appointee shall report any
2078 substantial financial or employment interest which might conflict with
2079 the proper discharge of his duties under this chapter to the appointing
2080 authority who shall determine if such conflict exists. If any state
2081 agency is the applicant, an appointee shall not be deemed to have a
2082 substantial employment conflict of interest because of employment
2083 with the state unless such appointee is directly employed by the state
2084 agency making the application. Ad hoc members shall be appointed by
2085 the chief elected official of the municipality they represent and shall
2086 continue their membership until the council issues a letter of

2087 completion of the development and management plan to the applicant.

2088 (d) For proceedings under sections 22a-285d to 22a-285h, inclusive,
2089 the council shall consist of (1) the Commissioners of Public Health and
2090 Public Safety or their designated representatives; (2) the designees of
2091 the speaker of the House of Representatives and the president pro
2092 tempore of the Senate as provided in subsection (b) of this section, and
2093 (3) five members of the public as provided in subsection (b) of this
2094 section. If any one of the five members of the public or of the designees
2095 of the speaker of the House of Representatives or the president pro
2096 tempore of the Senate resides in the municipality in which an ash
2097 residue disposal area is proposed to be located the appointing
2098 authority shall appoint a substitute member for the proceedings on
2099 such proposal. If any appointee is unable to perform his duties on the
2100 council due to illness, or has a substantial financial or employment
2101 interest which is in conflict with the proper discharge of his duties
2102 under sections 22a-285d to 22a-285h, inclusive, the appointing
2103 authority shall appoint a substitute member for proceedings on such
2104 proposal. An appointee shall report any substantial financial or
2105 employment interest which might conflict with the proper discharge of
2106 his duties under said sections to the appointing authority who shall
2107 determine if such conflict exists. If any state agency is the applicant, an
2108 appointee shall not be deemed to have a substantial employment
2109 conflict of interest because of employment with the state unless such
2110 appointee is directly employed by the state agency making the
2111 application.

2112 (e) The chairman of the council shall be appointed by the Governor
2113 from among the five public members appointed by him, with the
2114 advice and consent of the House or Senate, and shall serve as chairman
2115 at the pleasure of the Governor.

2116 (f) The public members of the council, including the chairman, the
2117 members appointed by the speaker of the House and president pro
2118 tempore of the Senate and the four ad hoc members specified in

2119 subsection (c) of this section, shall be compensated for their attendance
2120 at public hearings, executive sessions, or other council business as may
2121 require their attendance at the rate of two hundred dollars, provided in
2122 no case shall the daily compensation exceed two hundred dollars.

2123 (g) The council shall, in addition to its other duties prescribed in this
2124 chapter, adopt, amend, or rescind suitable regulations to carry out the
2125 provisions of this chapter and the policies and practices of the council
2126 in connection therewith, and appoint and prescribe the duties of such
2127 staff as may be necessary to carry out the provisions of this chapter.
2128 The chairman of the council, with the consent of five or more other
2129 members of the council, may appoint an executive director, who shall
2130 be the chief administrative officer of the Connecticut Siting Council.
2131 The executive director shall be exempt from classified service.

2132 (h) Prior to commencing any hearing pursuant to section 16-50m,
2133 the council shall consult with and solicit written comments from the
2134 Department of Energy and Environmental Protection, the Department
2135 of Public Health, the Council on Environmental Quality, the
2136 Department of Agriculture, the [Department of Public Utility Control]
2137 Public Utilities Regulatory Authority, the Office of Policy and
2138 Management, the Department of Economic and Community
2139 Development and the Department of Transportation. In addition, the
2140 Department of Energy and Environmental Protection shall have the
2141 continuing responsibility to investigate and report to the council on all
2142 applications which prior to October 1, 1973, were within the
2143 jurisdiction of [said] the Department of Environmental Protection with
2144 respect to the granting of a permit. Copies of such comments shall be
2145 made available to all parties prior to the commencement of the
2146 hearing. Subsequent to the commencement of the hearing, said
2147 departments and council may file additional written comments with
2148 the council within such period of time as the council designates. All
2149 such written comments shall be made part of the record provided by
2150 section 16-50o. Said departments and council shall not enter any
2151 contract or agreement with any party to the proceedings or hearings

2152 described in this section or section 16-50p, that requires said
2153 departments or council to withhold or retract comments, refrain from
2154 participating in or withdraw from said proceedings or hearings.

2155 Sec. 33. Section 16-245m of the general statutes is repealed and the
2156 following is substituted in lieu thereof (*Effective July 1, 2011*):

2157 (a) (1) On and after January 1, 2000, the [Department of Public
2158 Utility Control] Public Utilities Regulatory Authority shall assess or
2159 cause to be assessed a charge of three mills per kilowatt hour of
2160 electricity sold to each end use customer of an electric distribution
2161 company to be used to implement the program as provided in this
2162 section for conservation and load management programs but not for
2163 the amortization of costs incurred prior to July 1, 1997, for such
2164 conservation and load management programs.

2165 (2) Notwithstanding the provisions of this section, receipts from
2166 such charge shall be disbursed to the resources of the General Fund
2167 during the period from July 1, 2003, to June 30, 2005, unless the
2168 [department] authority shall, on or before October 30, 2003, issue a
2169 financing order for each affected electric distribution company in
2170 accordance with sections 16-245e to 16-245k, inclusive, to sustain
2171 funding of conservation and load management programs by
2172 substituting an equivalent amount, as determined by the [department]
2173 authority in such financing order, of proceeds of rate reduction bonds
2174 for disbursement to the resources of the General Fund during the
2175 period from July 1, 2003, to June 30, 2005. The [department] authority
2176 may authorize in such financing order the issuance of rate reduction
2177 bonds that substitute for disbursement to the General Fund for receipts
2178 of both the charge under this subsection and under subsection (b) of
2179 section 16-245n and also may, in its discretion, authorize the issuance
2180 of rate reduction bonds under this subsection and subsection (b) of
2181 section 16-245n that relate to more than one electric distribution
2182 company. The [department] authority shall, in such financing order or
2183 other appropriate order, offset any increase in the competitive

2184 transition assessment necessary to pay principal, premium, if any,
2185 interest and expenses of the issuance of such rate reduction bonds by
2186 making an equivalent reduction to the charge imposed under this
2187 subsection, provided any failure to offset all or any portion of such
2188 increase in the competitive transition assessment shall not affect the
2189 need to implement the full amount of such increase as required by this
2190 subsection and by sections 16-245e to 16-245k, inclusive. Such
2191 financing order shall also provide if the rate reduction bonds are not
2192 issued, any unrecovered funds expended and committed by the
2193 electric distribution companies for conservation and load management
2194 programs, provided such expenditures were approved by the
2195 [department] authority after August 20, 2003, and prior to the date of
2196 determination that the rate reduction bonds cannot be issued, shall be
2197 recovered by the companies from their respective competitive
2198 transition assessment or systems benefits charge but such expenditures
2199 shall not exceed four million dollars per month. All receipts from the
2200 remaining charge imposed under this subsection, after reduction of
2201 such charge to offset the increase in the competitive transition
2202 assessment as provided in this subsection, shall be disbursed to the
2203 Energy Conservation and Load Management Fund commencing as of
2204 July 1, 2003. Any increase in the competitive transition assessment or
2205 decrease in the conservation and load management component of an
2206 electric distribution company's rates resulting from the issuance of or
2207 obligations under rate reduction bonds shall be included as rate
2208 adjustments on customer bills.

2209 (3) In the financing order authorizing the economic recovery
2210 revenue bonds, or other appropriate order, the [department] authority
2211 shall reduce the charge assessed by subdivision (1) of this subsection
2212 by thirty-five per cent. Such reduction shall become effective on April
2213 4, 2012, or such earlier date set by the [department] authority in the
2214 financing order. An amount equivalent to such reduction shall
2215 constitute a portion of the competitive transition assessment in respect
2216 of the economic recovery revenue bonds, provided any failure to offset

2217 all or any portion of such competitive transition assessment shall not
2218 affect the requirement to implement the full amount of such
2219 competitive transition assessment, as required by sections 16-245e to
2220 16-245k, inclusive. All receipts from the remaining charge, after
2221 reduction of such charge as provided in this subsection, shall be
2222 disbursed to the Energy Conservation and Load Management Fund.
2223 The competitive transition assessment in respect to the economic
2224 recovery revenue bonds or the decrease in the conservation and load
2225 management component of an electric distribution company's rates
2226 resulting from the issuance of or obligations under the economic
2227 recovery revenue bonds shall be included as rate adjustments on
2228 customer bills.

2229 (b) The electric distribution company shall establish an Energy
2230 Conservation and Load Management Fund which shall be held
2231 separate and apart from all other funds or accounts. Receipts from the
2232 charge imposed under subsection (a) of this section shall be deposited
2233 into the fund. Any balance remaining in the fund at the end of any
2234 fiscal year shall be carried forward in the fiscal year next succeeding.
2235 Disbursements from the fund by electric distribution companies to
2236 carry out the plan developed under subsection (d) of this section shall
2237 be authorized by the [Department of Public Utility Control] Public
2238 Utilities Regulatory Authority upon its approval of such plan.

2239 (c) The [Department of Public Utility Control] Commissioner of
2240 Energy and Environmental Protection shall appoint and convene an
2241 Energy Conservation Management Board which shall include
2242 representatives of: (1) An environmental group knowledgeable in
2243 energy conservation program collaboratives; (2) a representative of the
2244 Office of Consumer Counsel; (3) the Attorney General; [(4) the
2245 Department of Environmental Protection; (5)] (4) the electric
2246 distribution companies in whose territories the activities take place for
2247 such programs; [(6)] (5) a state-wide manufacturing association; [(7)]
2248 (6) a chamber of commerce; [(8)] (7) a state-wide business association;
2249 [(9)] (8) a state-wide retail organization; [(10)] (9) a representative of a

2250 municipal electric energy cooperative created pursuant to chapter
2251 101a; [(11)] (10) two representatives selected by the gas companies in
2252 this state; and [(12)] (11) residential customers. Such members shall
2253 serve for a period of five years and may be reappointed.
2254 Representatives of [the] gas companies, [shall not vote on matters
2255 unrelated to gas conservation. Representatives of the] electric
2256 distribution companies and the municipal electric energy cooperative
2257 shall [not vote on matters unrelated to electricity conservation] be
2258 nonvoting members of the board. The commissioner shall serve as the
2259 chair of the board.

2260 (d) (1) The Energy Conservation Management Board shall advise
2261 and assist the electric distribution companies in the development and
2262 implementation of a comprehensive plan, which plan shall be
2263 approved by the Department of [Public Utility Control] Energy and
2264 Environmental Protection, to implement cost-effective energy
2265 conservation programs and market transformation initiatives. Such
2266 plan shall include steps that would be needed to achieve the goal of
2267 weatherization of eighty per cent of the state's residential units by
2268 2030. Each program contained in the plan shall be reviewed by the
2269 electric distribution company and either accepted or rejected by the
2270 Energy Conservation Management Board prior to submission to the
2271 department for approval. The Energy Conservation Management
2272 Board shall, as part of its review, examine opportunities to offer joint
2273 programs providing similar efficiency measures that save more than
2274 one fuel resource or otherwise to coordinate programs targeted at
2275 saving more than one fuel resource. Any costs for joint programs shall
2276 be allocated equitably among the conservation programs. The Energy
2277 Conservation Management Board shall give preference to projects that
2278 maximize the reduction of federally mandated congestion charges. The
2279 Department of [Public Utility Control] Energy and Environmental
2280 Protection shall, in an uncontested proceeding during which the
2281 department may hold a public hearing, approve, modify or reject the
2282 comprehensive plan prepared pursuant to this subsection.

2283 (2) There shall be a joint committee of the Energy Conservation
2284 Management Board and the [Renewable Energy Investments Board]
2285 board of directors of the Clean Energy Finance and Investment
2286 Authority. The board and the advisory committee shall each appoint
2287 members to such joint committee. The joint committee shall examine
2288 opportunities to coordinate the programs and activities funded by the
2289 [Renewable] Clean Energy [Investment] Fund pursuant to section 16-
2290 245n, as amended by this act, with the programs and activities
2291 contained in the plan developed under this subsection to reduce the
2292 long-term cost, environmental impacts and security risks of energy in
2293 the state. Such joint committee shall hold its first meeting on or before
2294 August 1, 2005.

2295 (3) Programs included in the plan developed under subdivision (1)
2296 of this subsection shall be screened through cost-effectiveness testing
2297 [which] that compares the value and payback period of program
2298 benefits to program costs to ensure that programs are designed to
2299 obtain energy savings and system benefits, including mitigation of
2300 federally mandated congestion charges, whose value is greater than
2301 the costs of the programs. [Cost-effectiveness testing shall utilize
2302 available information obtained from real-time monitoring systems to
2303 ensure accurate validation and verification of energy use. Such testing
2304 shall include an analysis of the effects of investments on increasing the
2305 state's load factor.] Program cost-effectiveness shall be reviewed
2306 annually, or otherwise as is practicable, and shall incorporate the
2307 results of the evaluation process set forth in subdivision (4) of this
2308 subsection. If a program is determined to fail the cost-effectiveness test
2309 as part of the review process, it shall either be modified to meet the test
2310 or shall be terminated. On or before March 1, 2005, and on or before
2311 March first annually thereafter, the board shall provide a report, in
2312 accordance with the provisions of section 11-4a, to the joint standing
2313 committees of the General Assembly having cognizance of matters
2314 relating to energy and the environment [(A)] that documents (A)
2315 expenditures and fund balances and evaluates the cost-effectiveness of

2316 such programs conducted in the preceding year, and (B) [that
2317 documents] the extent to and manner in which the programs of such
2318 board collaborated and cooperated with programs, established under
2319 section 7-233y, of municipal electric energy cooperatives. To maximize
2320 the reduction of federally mandated congestion charges, programs in
2321 the plan may allow for disproportionate allocations between the
2322 amount of contributions to the Energy Conservation and Load
2323 Management Funds by a certain rate class and the programs that
2324 benefit such a rate class. Before conducting such evaluation, the board
2325 shall consult with the [Renewable Energy Investments Board] board of
2326 directors of the Clean Energy Finance and Investment Authority. The
2327 report shall include a description of the activities undertaken during
2328 the reporting period jointly or in collaboration with the [Renewable]
2329 Clean Energy [Investment] Fund established pursuant to subsection (c)
2330 of section 16-245n, as amended by this act.

2331 (4) The Department of Energy and Environmental Protection shall
2332 adopt an independent, comprehensive program evaluation,
2333 measurement and verification process to ensure the Energy
2334 Conservation Management Board's programs are administered
2335 appropriately and efficiently, comply with statutory requirements,
2336 programs and measures are cost effective, evaluation reports are
2337 accurate and issued in a timely manner, evaluation results are
2338 appropriately and accurately taken into account in program
2339 development and implementation, and information necessary to meet
2340 any third-party evaluation requirements is provided. An annual
2341 schedule and budget for evaluations as determined by the board shall
2342 be included in the plan filed with the department pursuant to
2343 subdivision (1) of this subsection. The electric distribution and gas
2344 company representatives and the representative of a municipal electric
2345 energy cooperative may not vote on board plans, budgets,
2346 recommendations, actions or decisions regarding such process or its
2347 program evaluations and their implementation. Program and measure
2348 evaluation, measurement and verification shall be conducted on an

2349 ongoing basis, with emphasis on impact and process evaluations,
2350 programs or measures that have not been studied, and those that
2351 account for a relatively high percentage of program spending.
2352 Evaluations shall use statistically valid monitoring and data collection
2353 techniques appropriate for the programs or measures being evaluated.
2354 All evaluations shall contain a description of any problems
2355 encountered in the process of the evaluation, including, but not limited
2356 to, data collection issues, and recommendations regarding addressing
2357 those problems in future evaluations. The board shall contract with
2358 one or more consultants not affiliated with the board members to act as
2359 an evaluation administrator, advising the board regarding
2360 development of a schedule and plans for evaluations and overseeing
2361 the program evaluation, measurement and verification process on
2362 behalf of the board. Consistent with board processes and approvals
2363 and department decisions regarding evaluation, such evaluation
2364 administrator shall implement the evaluation process by preparing
2365 requests for proposals and selecting evaluation contractors to perform
2366 program and measure evaluations and by facilitating communications
2367 between evaluation contractors and program administrators to ensure
2368 accurate and independent evaluations. In the evaluation
2369 administrator's discretion and at his or her request, the electric
2370 distribution and gas companies shall communicate with the evaluation
2371 administrator for purposes of data collection, vendor contract
2372 administration, and providing necessary factual information during
2373 the course of evaluations. The evaluation administrator shall bring
2374 unresolved administrative issues or problems that arise during the
2375 course of an evaluation to the board for resolution, but shall have sole
2376 authority regarding substantive and implementation decisions
2377 regarding any evaluation. Board members, including electric
2378 distribution and gas company representatives, may not communicate
2379 with an evaluation contractor about an ongoing evaluation except with
2380 the express permission of the evaluation administrator, which may
2381 only be granted if the administrator believes the communication will
2382 not compromise the independence of the evaluation. The evaluation

2383 administrator shall file evaluation reports with the board and with the
2384 department in its most recent uncontested proceeding pursuant to
2385 subdivision (1) of this subsection and the board shall post a copy of
2386 each report on its Internet web site. The board and its members,
2387 including electric distribution and gas company representatives, may
2388 file written comments regarding any evaluation with the department
2389 or for posting on the board's Internet web site. Within fourteen days of
2390 the filing of any evaluation report, the department, members of the
2391 board or other interested persons may request in writing, and the
2392 department shall conduct, a transcribed technical meeting to review
2393 the methodology, results and recommendations of any evaluation.
2394 Participants in any such transcribed technical meeting shall include the
2395 evaluation administrator, the evaluation contractor and the Office of
2396 Consumer Counsel at its discretion. On or before November 1, 2011,
2397 and annually thereafter, the board shall report to the joint standing
2398 committee of the General Assembly having cognizance of matters
2399 relating to energy, annually, with the results and recommendations of
2400 completed program evaluations.

2401 [(4)] (5) Programs included in the plan developed under subdivision
2402 (1) of this subsection may include, but not be limited to: (A)
2403 Conservation and load management programs, including programs
2404 that benefit low-income individuals; (B) research, development and
2405 commercialization of products or processes which are more energy-
2406 efficient than those generally available; (C) development of markets for
2407 such products and processes; (D) support for energy use assessment,
2408 real-time monitoring systems, engineering studies and services related
2409 to new construction or major building renovation; (E) the design,
2410 manufacture, commercialization and purchase of energy-efficient
2411 appliances and heating, air conditioning and lighting devices; (F)
2412 program planning and evaluation; (G) indoor air quality programs
2413 relating to energy conservation; (H) joint fuel conservation initiatives
2414 programs targeted at reducing consumption of more than one fuel
2415 resource; (I) public education regarding conservation; and (J) [the]

2416 demand-side technology programs recommended by the
2417 [procurement] integrated resources plan approved by the Department
2418 of [Public Utility Control] Energy and Environmental Protection
2419 pursuant to section 16a-3a. The board shall periodically review
2420 contractors to determine whether they are qualified to conduct work
2421 related to such programs. Such support may be by direct funding,
2422 manufacturers' rebates, sale price and loan subsidies, leases and
2423 promotional and educational activities. The plan shall also provide for
2424 expenditures by the Energy Conservation Management Board for the
2425 retention of expert consultants and reasonable administrative costs
2426 provided such consultants shall not be employed by, or have any
2427 contractual relationship with, an electric distribution company. Such
2428 costs shall not exceed five per cent of the total revenue collected from
2429 the assessment.

2430 [(e) Notwithstanding the provisions of subsections (a) to (d),
2431 inclusive, of this section, the Department of Public Utility Control shall
2432 authorize the disbursement of a total of one million dollars in each
2433 month, commencing with July, 2003, and ending with July, 2005, from
2434 the Energy Conservation and Load Management Funds established
2435 pursuant to said subsections. The amount disbursed from each Energy
2436 Conservation and Load Management Fund shall be proportionately
2437 based on the receipts received by each fund. Such disbursements shall
2438 be deposited in the General Fund.]

2439 [(f)] (e) No later than December 31, 2006, and no later than
2440 December thirty-first every five years thereafter, the Energy
2441 Conservation Management Board shall, after consulting with the
2442 [Renewable Energy Investments Board] Clean Energy Finance and
2443 Investment Authority, conduct an evaluation of the performance of the
2444 programs and activities of the fund and submit a report, in accordance
2445 with the provisions of section 11-4a, of the evaluation to the joint
2446 standing committee of the General Assembly having cognizance of
2447 matters relating to energy.

2448 [(g)] (f) Repealed by P.A. 06-186, S. 91, effective July 1, 2006.

2449 Sec. 34. Section 16-245y of the general statutes is repealed and the
2450 following is substituted in lieu thereof (*Effective July 1, 2011*):

2451 (a) Not later than October 1, 1999, and annually thereafter, each
2452 electric company and electric distribution company, as defined in
2453 section 16-1, shall report to the [Department of Public Utility Control]
2454 Public Utilities Regulatory Authority its system average interruption
2455 duration index (SAIDI) and its system average interruption frequency
2456 index (SAIFI) for the preceding twelve months. For purposes of this
2457 section: (1) Interruptions shall not include outages attributable to major
2458 storms, scheduled outages and outages caused by customer
2459 equipment, each as determined by the department; (2) SAIDI shall be
2460 calculated as the sum of customer interruptions in the preceding
2461 twelve-month period, in minutes, divided by the average number of
2462 customers served during that period; and (3) SAIFI shall be calculated
2463 as the total number of customers interrupted in the preceding twelve-
2464 month period, divided by the average number of customers served
2465 during that period. Not later than January 1, 2000, and annually
2466 thereafter, the [department] authority shall report on the SAIDI and
2467 SAIFI data for each electric company and electric distribution, and all
2468 state-wide SAIDI and SAIFI data to the joint standing committee of the
2469 General Assembly having cognizance of matters relating to energy.

2470 (b) Not later than October 1, [1999] 2011, and annually thereafter,
2471 each electric supplier, as defined in section 16-1, shall report to the
2472 Department of [Public Utility Control and the Department of] Energy
2473 and Environmental Protection and the Public Utilities Regulatory
2474 Authority the following information regarding the preceding twelve-
2475 month period or any part thereof that the supplier has been licensed
2476 pursuant to section 16-245: (1) Total megawatt hours of electricity
2477 produced from generating facilities owned by the supplier or under
2478 long-term contract to the supplier that are sold to end use customers in
2479 the state; (2) total megawatt hours of electricity purchased by the

2480 supplier from other sources and sold to end use customers in the state;
2481 (3) the proportion of such production from facilities listed under
2482 subdivision (1) of this subsection that use nuclear fuels, oil, coal,
2483 natural gas, hydropower and other fuels as the principal generation
2484 fuel; and (4) the amount of emissions from facilities listed under
2485 subdivision (1) of this subsection of the pollutants identified by the
2486 Department of Energy and Environmental Protection, which shall
2487 include, but not be limited to: (A) Volatile organic compounds; (B)
2488 nitrogen oxides; (C) sulfur oxides; (D) carbon dioxide; (E) carbon
2489 monoxide; (F) particulates; and (G) heavy metals. Not later than
2490 January 1, 2000, and annually thereafter, the Department of Energy
2491 and Environmental Protection, in consultation with the [Department of
2492 Public Utility Control] Public Utilities Regulatory Authority, shall
2493 report state-wide data for these variables to the joint standing
2494 committees of the General Assembly having cognizance of matters
2495 relating to the environment and energy.

2496 [(c) Not later than January 1, 1999, and annually thereafter until
2497 January 1, 2005, the Department of Public Utility Control shall report
2498 to the joint standing committees of the General Assembly having
2499 cognizance of matters relating to energy and labor the number of
2500 dislocated workers contained on the roster established pursuant to
2501 section 16-245v and the number of such workers hired by electric
2502 suppliers in the preceding twelve months.]

2503 [(d)] (c) Not later than January 1, [1999] 2011, and annually
2504 thereafter, the Department of [Public Utility Control] Energy and
2505 Environmental Protection shall report to the joint standing committee
2506 of the General Assembly having cognizance of matters relating to
2507 energy the number of applicants for licensure pursuant to section 16-
2508 245 during the preceding twelve months, the number of applicants
2509 licensed by the department and the average period of time taken to
2510 process a license application.

2511 Sec. 35. (*Effective from passage*) On or before August 1, 2011, the

2512 Department of Energy and Environmental Protection shall initiate a
2513 study to identify the impact on Connecticut ratepayers and the New
2514 England and state wholesale electric power market of the operation of
2515 the regional independent system operator, as defined in section 16-1 of
2516 the general statutes, and of Market Rule 1 as promulgated by said
2517 regional independent system operator. Such study shall include, but
2518 not be limited to, (1) a review of the accountability of said independent
2519 system operator to Connecticut ratepayers and energy policymakers,
2520 (2) consideration of strategies and mechanisms that may mitigate any
2521 adverse impacts Market Rule 1 may have on wholesale generation
2522 prices in Connecticut and New England and may reduce Connecticut's
2523 reliance on the wholesale power market, including, but not limited to,
2524 long-term contracts, (3) consideration of the costs and benefits
2525 associated with participating in said independent system operator and
2526 any potential benefits of joining another independent system operator
2527 or operating outside of the existing independent operator systems, (4)
2528 an examination of the framework within the Federal Energy
2529 Regulatory Commission that has contributed to the state's high rates,
2530 and (5) consideration of methods to foster greater transparency in any
2531 such system. On or before January 1, 2012, the department shall report,
2532 in accordance with the provisions of section 11-4a of the general
2533 statutes, its findings to the joint standing committee of the General
2534 Assembly having cognizance of matters relating to energy.

2535 Sec. 36. Section 16a-2 of the general statutes is repealed and the
2536 following is substituted in lieu thereof (*Effective July 1, 2011*):

2537 As used in this chapter: [and sections 16a-45a, 16a-46, 16a-46a and
2538 16a-46b:]

2539 (a) "Office" means the Office of Policy and Management;

2540 (b) "Board" means the Connecticut Energy Advisory Board;

2541 (c) "Secretary" means the Secretary of the Office of Policy and
2542 Management;

2543 (d) "Energy" means work or heat that is, or may be, produced from
2544 any fuel or source whatsoever;

2545 (e) "Energy emergency" means a situation where the health, safety
2546 or welfare of the citizens of the state is threatened by an actual or
2547 impending acute shortage in usable energy resources;

2548 (f) "Energy resource" means natural gas, petroleum products, coal
2549 and coal products, wood fuels, geothermal sources, radioactive
2550 materials and any other resource yielding energy;

2551 (g) "Person" means any individual, firm, partnership, association,
2552 syndicate, company, trust, corporation, limited liability company,
2553 municipality, agency or political or administrative subdivision of the
2554 state, or other legal entity of any kind;

2555 (h) "Service area" means any geographic area serviced by the same
2556 energy-producing public service company, as defined in section 16-1;

2557 (i) "Renewable resource" means solar, wind, water, wood or other
2558 biomass source of energy and geothermal energy;

2559 (j) "Energy-related products" means (1) energy systems and
2560 equipment that utilize renewable resources to provide space heating or
2561 cooling, water heating, electricity or other useful energy, (2) insulation
2562 materials, and (3) equipment designed to conserve energy or increase
2563 the efficiency of its use, including that used for residential, commercial,
2564 industrial and transportation purposes;

2565 (k) "Energy-related services" means (1) the design, construction,
2566 installation, inspection, maintenance, adjustment or repair of energy-
2567 related products, (2) inspection, adjustment, maintenance or repair of
2568 any conventional energy system, (3) the performance of energy audits
2569 or the provision of energy management consulting services, and (4)
2570 weatherization activities carried out under any federal, state or
2571 municipal program;

2572 (l) "Conventional energy system" means any system for supplying
2573 space heating or cooling, ventilation or domestic or commercial hot
2574 water which is not included in subdivision (1) of subsection (j) of this
2575 section;

2576 (m) "Energy supply" means any energy resource capable of being
2577 used to perform useful work and any form of energy such as electricity
2578 produced or derived from energy resources which may be so used;
2579 and

2580 (n) "Energy facility" means a structure that generates, transmits or
2581 stores electricity, natural gas, refined petroleum products, renewable
2582 fuels, coal and coal products, wood fuels, geothermal sources,
2583 radioactive material and other resources yielding energy.

2584 Sec. 37. Section 16a-3 of the general statutes is repealed and the
2585 following is substituted in lieu thereof (*Effective July 1, 2011*):

2586 (a) There is established a Connecticut Energy Advisory Board
2587 consisting of [~~fifteen~~] nine members, including [the Commissioner of
2588 Environmental Protection, the chairperson of the Public Utilities
2589 Control Authority, the Commissioner of Transportation,] the Office of
2590 Consumer Counsel. [, the Commissioner of Agriculture, and the
2591 Secretary of the Office of Policy and Management, or their respective
2592 designees. The Governor] The president pro tempore of the Senate
2593 shall appoint a representative of an environmental organization
2594 knowledgeable in energy efficiency programs, a representative of a
2595 consumer advocacy organization and a representative of a state-wide
2596 business association. [The president pro tempore of the Senate shall
2597 appoint a representative of a chamber of commerce, a representative of
2598 a state-wide manufacturing association and a member of the public
2599 considered to be an expert in electricity, generation, procurement or
2600 conservation programs.] The speaker of the House of Representatives
2601 shall appoint a representative of low-income ratepayers, [a
2602 representative of state residents, in general, with expertise in energy

2603 issues] a representative of academia who has knowledge of energy
2604 related issues and a member of the public considered to be an expert in
2605 electricity, generation, renewable energy, procurement or conservation
2606 programs. The minority leader of the Senate shall appoint a
2607 representative of a municipality. The minority leader of the House of
2608 Representatives shall appoint a member of the public considered to be
2609 an expert in electricity, generation, renewable energy, procurement or
2610 conservation. All appointed members shall serve in accordance with
2611 section 4-1a. No appointee may be employed by, or a consultant of, a
2612 public service company, as defined in section 16-1, or an electric
2613 supplier, as defined in section 16-1, or an affiliate or subsidiary of such
2614 company or supplier.

2615 (b) The board shall (1) [represent the state in regional energy system
2616 planning processes conducted by the regional independent system
2617 operator, as defined in section 16-1; (2) encourage representatives from
2618 the municipalities that are affected by a proposed project of regional
2619 significance to participate in regional energy system planning
2620 processes conducted by the regional independent system operator; (3)
2621 participate in a forecast proceeding conducted pursuant to subsection
2622 (a) of section 16-50r; (4) participate in a life-cycle proceeding conducted
2623 pursuant to subsection (b) of section 16-50r; and (5) review the
2624 procurement plan submitted by the electric distribution companies
2625 pursuant to section 16a-3a] report to the General Assembly on the
2626 status of programs administered by the Department of Energy and
2627 Environmental Protection, (2) consult with the Commissioner of
2628 Energy and Environmental Protection regarding the integrated
2629 resource plan developed pursuant to section 16a-3a, and (3) review,
2630 within available resources, requests from the General Assembly.

2631 (c) The board shall elect a chairman and a vice-chairman from
2632 among its members and shall adopt such rules of procedure as are
2633 necessary to carry out its functions.

2634 (d) The board shall convene its first meeting not later than

2635 September 1, [2003] 2011. A quorum of the board shall consist of two-
2636 thirds of the members currently serving on the board.

2637 (e) The board shall employ such staff as is required for the proper
2638 discharge of its duties. The board may also retain any third-party
2639 consultants it deems necessary to accomplish the goals set forth in
2640 subsection (b) of this section. The board shall annually submit to the
2641 Department of [Public Utility Control] Energy and Environmental
2642 Protection a proposal regarding the level of funding required for the
2643 discharge of its duties, which proposal shall be approved by the
2644 department either as submitted or as modified by the department,
2645 provided the total funding for the board, including, but not limited to,
2646 staff and third-party consultants, shall not exceed one million five
2647 hundred thousand dollars in any fiscal year.

2648 (f) The Connecticut Energy Advisory Board shall be within the
2649 [Office of Policy and Management] Department of Energy and
2650 Environmental Protection for administrative purposes only.

2651 Sec. 38. Section 16-19ss of the general statutes is repealed and the
2652 following is substituted in lieu thereof (*Effective July 1, 2011*):

2653 (a) The [Department of Public Utility Control] Public Utilities
2654 Regulatory Authority may, from July 1, 2003, to January 1, 2008,
2655 inclusive, determine, by an affirmative vote of four [commissioners]
2656 directors of the [Public Utilities Control Authority] authority, that (1)
2657 safe, adequate and reasonably priced electricity is not available on the
2658 wholesale market; (2) additional temporary electric generation
2659 facilities will result in reductions in federally mandated congestion
2660 costs for which the ratepayers of the state are responsible; and (3) the
2661 prices and costs specified in subdivision (2) of this subsection will
2662 exceed the cost of investment in temporary electric generation
2663 facilities. Such determination shall be in writing and shall state the
2664 reasons supporting the determination.

2665 (b) Upon issuing a determination pursuant to subsection (a) of this

2666 section, the [department] authority shall hold a contested case
2667 proceeding, in accordance with the provisions of chapter 54, to
2668 develop a request for proposal to solicit the provision of such
2669 additional temporary electric generation facilities, containing such
2670 terms and conditions that will best serve the interests of the public. The
2671 request for proposal process shall be designed to ensure fairness and
2672 full participation by all qualified responders.

2673 (c) The [department] authority may negotiate for terms and
2674 conditions necessary to conclude a transaction with one or more
2675 entities responding to a request for proposal, after notice to all entities
2676 that responded. The [department] authority shall base its decision to
2677 conclude a transaction on the best interest of the public and ratepayers.

2678 (d) Nothing in this section shall be construed to allow an electric
2679 distribution company to own, operate, lease or control any facility or
2680 asset that generates electricity, or retain any interest in such facility or
2681 asset as part of any transaction concluded pursuant to this section,
2682 except as provided in subsection (e) of section 16-244e and sections 16-
2683 43d, 16-243m, 16-243u, 16a-3b and 16a-3c.

2684 Sec. 39. Section 16a-3b of the general statutes is repealed and the
2685 following is substituted in lieu thereof (*Effective July 1, 2011*):

2686 (a) The [Department of Public Utility Control] Public Utilities
2687 Regulatory Authority shall oversee the implementation of the
2688 [procurement] integrated resources plan approved by the [Department
2689 of Public Utility Control] Commissioner of Energy and Environmental
2690 Protection pursuant to section 16a-3a, as amended by this act. The
2691 electric distribution companies shall implement the demand-side
2692 measures, including, but not limited to, energy efficiency, load
2693 management, demand response, combined heat and power facilities,
2694 distributed generation and other emerging energy technologies,
2695 specified in said [procurement] plan through the comprehensive
2696 conservation and load management plan prepared pursuant to section

2697 16-245m, as amended by this act, for review by the Energy
2698 Conservation Management Board. The electric distribution companies
2699 shall submit proposals to appropriate regulatory agencies to address
2700 transmission and distribution upgrades as specified in said
2701 [procurement] plan.

2702 (b) If the [procurement] integrated resources plan specifies the
2703 construction of a generating facility, the [department] authority shall
2704 develop and issue a request for proposals, shall publish such request
2705 for proposals in one or more newspapers or periodicals, as selected by
2706 the [department] authority, and shall post such request for proposals
2707 on its web site. Pursuant to a nondisclosure agreement, the
2708 [department] authority shall make available to the Office of Consumer
2709 Counsel and the Attorney General all confidential bid information it
2710 receives pursuant to this subsection, provided the bids and any
2711 analysis of such bids shall not be subject to disclosure under the
2712 Freedom of Information Act. Three months after the [department]
2713 authority issues a final decision, it shall make available all financial bid
2714 information, provided such information regarding the bidders not
2715 selected be presented in a manner that conceals the identities of such
2716 bidders.

2717 (1) On and after July 1, 2008, an electric distribution company may
2718 submit proposals in response to a request for proposals on the same
2719 basis as other respondents to the solicitation. A proposal submitted by
2720 an electric distribution company shall include its full projected costs
2721 such that any project costs recovered from or defrayed by ratepayers
2722 are included in the projected costs. An electric distribution company
2723 submitting any such bid shall demonstrate to the satisfaction of the
2724 [department] authority that its bid is not supported in any form of
2725 cross subsidization by affiliated entities. If the [department] authority
2726 approves such electric distribution company's proposal, the costs and
2727 revenues of such proposal shall not be included in calculating such
2728 company's earning for purposes of, or in determining whether its rates
2729 are just and reasonable under, sections 16-19, 16-19a and 16-19e. An

2730 electric distribution company shall not recover more than the full costs
2731 identified in any approved proposal. Affiliates of the electric
2732 distribution company may submit proposals pursuant to section 16-
2733 244h, regulations adopted pursuant to section 16-244h, as amended by
2734 this act, and other requirements the [department] authority may
2735 impose.

2736 (2) If the [department] authority selects a nonelectric distribution
2737 company proposal, an electric distribution company shall, within
2738 thirty days of the selection of a proposal by the [department] authority,
2739 negotiate in good faith the final terms of a contract with a generating
2740 facility and shall apply to the [department] authority for approval of
2741 such contract. Upon [department] authority approval, the electric
2742 distribution company shall enter into such contract.

2743 (3) The [department] authority shall determine the appropriate
2744 manner of cost recovery for proposals selected pursuant to this section.

2745 (4) The [department] authority may retain the services of a third-
2746 party entity with expertise in the area of energy procurement to
2747 oversee the development of the request for proposals and to assist the
2748 [department] authority in its approval of proposals pursuant to this
2749 section. The reasonable and proper expenses for retaining such third-
2750 party entity shall be recoverable through the generation services
2751 charge.

2752 (c) The electric distribution companies shall issue requests for
2753 proposals to acquire any other resource needs not identified in
2754 subsection (a) or (b) of this section but specified in the [procurement]
2755 integrated resources plan approved by the [Department of Public
2756 Utility Control] Commissioner of Energy and Environmental
2757 Protection pursuant to section 16a-3a, as amended by this act. Such
2758 requests for proposals shall be subject to approval by the [department]
2759 authority.

2760 Sec. 40. Section 16a-3c of the general statutes is repealed and the

2761 following is substituted in lieu thereof (*Effective July 1, 2011*):

2762 (a) On and after July 1, [2009] 2011, if the [Department of Public
2763 Utility Control] Public Utilities Regulatory Authority does not receive
2764 and approve proposals pursuant to the requests for proposals
2765 processes, pursuant to section 16a-3b, sufficient to reach the goal set by
2766 the integrated resources plan approved pursuant to section 16a-3a, the
2767 [department] authority may order an electric distribution company to
2768 submit for the [department's] authority's review in a contested case
2769 proceeding, in accordance with chapter 54, a proposal to build and
2770 operate an electric generation facility in the state. An electric
2771 distribution company shall be eligible to recover its prudently incurred
2772 costs consistent with the principles set forth in section 16-19e for any
2773 generation project approved pursuant to this section.

2774 (b) On or before January 1, 2008, the [department] authority shall
2775 initiate a contested case proceeding to determine the costs and benefits
2776 of the state serving as the builder of last resort for the shortfall of
2777 megawatts from said request for proposal process.

2778 Sec. 41. Section 16a-4 of the general statutes is repealed and the
2779 following is substituted in lieu thereof (*Effective July 1, 2011*):

2780 The Secretary of the Office of Policy and Management shall employ,
2781 subject to the provisions of chapter 67, such staff as is required for the
2782 proper discharge of duties of the office as set forth in this chapter and
2783 sections 4-5, as amended by this act, 4-124l, [4-124p,] 8-3b, 8-32a, 8-33a,
2784 8-35a, 8-189, subsection (b) of section 8-206, sections 16a-20, 16a-102,
2785 22a-352 and 22a-353. The secretary may adopt, pursuant to chapter 54,
2786 such regulations as are necessary to carry out the purposes of this
2787 chapter.

2788 Sec. 42. Subsection (b) of section 16a-7b of the general statutes is
2789 repealed and the following is substituted in lieu thereof (*Effective July*
2790 *1, 2011*):

2791 (b) No municipality other than a municipality operating a plant
2792 pursuant to chapter 101 or any special act and acting for purposes
2793 thereto may take an action to condemn, in whole or in part, or restrict
2794 the operation of any existing and currently operating energy facility, if
2795 such facility is first determined by the Department of [Public Utility
2796 Control] Public Utilities Regulatory Authority, following a contested
2797 case proceeding, held in accordance with the provisions of chapter 54,
2798 to comprise a critical, unique and unmovable component of the state's
2799 energy infrastructure, unless the municipality first receives written
2800 approval from the department, [the Office of Policy and Management,]
2801 the Connecticut Energy Advisory Board and the Connecticut Siting
2802 Council that such taking would not have a detrimental impact on the
2803 state's or region's ability to provide a particular energy resource to its
2804 citizens.

2805 Sec. 43. Subsection (a) of section 16a-7c of the general statutes is
2806 repealed and the following is substituted in lieu thereof (*Effective July*
2807 *1, 2011*):

2808 (a) Not later than fifteen days after receiving information pursuant
2809 to subsection (e) of section 16-50*l*, the Connecticut Energy Advisory
2810 Board shall publish such information in one or more newspapers or
2811 periodicals, as selected by the [board] Department of Energy and
2812 Environmental Protection.

2813 Sec. 44. Section 16a-22c of the general statutes is repealed and the
2814 following is substituted in lieu thereof (*Effective July 1, 2011*):

2815 For the purposes of sections 16a-15 and 16a-22c to 16a-22g,
2816 inclusive:

2817 (1) "Company" means any corporation, partnership, proprietorship
2818 or any other business, firm or commercial entity;

2819 (2) "Petroleum products" means middle distillate, residual fuel oil,
2820 liquefied petroleum gas, motor gasoline, aviation gasoline or aviation

2821 turbine fuel, as defined in regulations which the [secretary]
2822 commissioner shall adopt in accordance with the provisions of chapter
2823 54. Notwithstanding any provision of this subdivision to the contrary,
2824 "petroleum products" shall not include gasoline other than aviation
2825 gasoline, which is sold at retail in accordance with the provisions of
2826 chapter 250;

2827 (3) ["Secretary" means the Secretary of the Office of Policy and
2828 Management, or his designee.] "Commissioner" means the
2829 Commissioner of Energy and Environmental Protection, or the
2830 commissioner's designee.

2831 Sec. 45. Subsection (f) of section 16a-23t of the general statutes is
2832 repealed and the following is substituted in lieu thereof (*Effective July*
2833 *1, 2011*):

2834 (f) The [chairperson of the Public Utilities Control Authority, or the
2835 chairperson's designee, the] Commissioner of Social Services, or the
2836 commissioner's designee, the chairperson of the Connecticut Energy
2837 Advisory Board, and the Secretary of the Office of Policy and
2838 Management, or the secretary's designee, shall constitute a Home
2839 Heating Oil Planning Council to address issues involving the supply,
2840 delivery and costs of home heating oil and state policies regarding the
2841 future of the state's home heating oil supply. The Secretary of the
2842 Office of Policy and Management shall convene the first meeting of the
2843 council.

2844 Sec. 46. Subsection (b) of section 16a-38k of the general statutes is
2845 repealed and the following is substituted in lieu thereof (*Effective July*
2846 *1, 2011*):

2847 (b) Not later than January 1, 2007, the [Secretary of the Office of
2848 Policy and Management] Commissioner of Energy and Environmental
2849 Protection, in consultation with the Commissioner of Public Works [,
2850 the Commissioner of Environmental Protection] and the
2851 Commissioner of Public Safety, shall adopt regulations, in accordance

2852 with the provisions of chapter 54, to adopt state building construction
2853 standards that are consistent with or exceed the silver building rating
2854 of the Leadership in Energy and Environmental Design's rating system
2855 for new commercial construction and major renovation projects, as
2856 established by the United States Green Building Council, including
2857 energy standards that exceed those set forth in the 2004 edition of the
2858 American Society of Heating, Ventilating and Air Conditioning
2859 Engineers (ASHRAE) Standard 90.1 by no less than twenty per cent, or
2860 an equivalent standard, including, but not limited to, a two-globe
2861 rating in the Green Globes USA design program, and thereafter update
2862 such regulations as the [secretary] Commissioner of Energy and
2863 Environmental Protection deems necessary.

2864 Sec. 47. Section 16a-39 of the general statutes is repealed and the
2865 following is substituted in lieu thereof (*Effective July 1, 2011*):

2866 (a) As used in this section:

2867 (1) "Public building" means any building or portion thereof, other
2868 than an "exempted building", which is open to the public during
2869 normal business hours, including (A) any building which provides
2870 facilities or shelter for public assembly, (B) any inn, hotel, motel, sports
2871 arena, supermarket, transportation terminal, retail store, restaurant, or
2872 other commercial establishment which provides services or retails
2873 merchandise, and (C) any building owned or leased by the state of
2874 Connecticut or any political subdivision thereof, or by another state or
2875 political subdivision thereof and located in Connecticut, including
2876 libraries, museums, schools, hospitals, auditoriums, sports arenas and
2877 university buildings;

2878 (2) "Exempted building" means (A) any building whose peak design
2879 rate of energy usage for all purposes is less than one watt per square
2880 foot of floor area for all purposes, (B) any building with neither a
2881 heating nor cooling system, and (C) any building owned or leased in
2882 whole or in part by the United States;

2883 (3) "Commissioner" means the Commissioner of Public Works or his
2884 designee; and

2885 [(4) "Secretary" means the Secretary of the Office of Policy and
2886 Management or his designee; and]

2887 [(5)] (4) "Eligible building" means a building owned by a
2888 municipality, located within the state and not used for public
2889 education purposes.

2890 (b) The commissioner, after consultation with the [secretary]
2891 Commissioner of Energy and Environmental Protection and with such
2892 advisory board as [said secretary] the Commissioner of Energy and
2893 Environmental Protection may appoint, shall adopt, in accordance
2894 with chapter 54, regulations establishing lighting standards for all
2895 public buildings. The members of any such advisory board shall
2896 receive neither compensation nor expenses for the performance of their
2897 duties.

2898 (c) The lighting standards adopted pursuant to subsection (b) of this
2899 section shall provide for the maximum feasible energy efficiency of
2900 lighting equipment commensurate with other factors relevant to
2901 lighting levels and equipment, including, but not limited to, the
2902 purposes of the lighting, reasonable economic considerations in terms
2903 both of initial capital costs and of operating costs including nonenergy
2904 operating costs, reasonable budgetary considerations in terms of the
2905 feasibility of implementing changes which require a significant capital
2906 expenditure in a given time period, any constraints imposed on
2907 lighting equipment by the nature of the activities being carried out in
2908 the facility involved, considerations involving historic preservation or
2909 unusual architectural features, the amount of remaining useful lifetime
2910 which a particular structure would be expected to enjoy and the size of
2911 the building or portion of the building involved.

2912 (d) The commissioner shall, upon the adoption of the regulations

2913 required by subsection (b) of this section, make random inspections of
2914 public buildings to monitor compliance with the standards established
2915 by such regulations. The commissioner may also inspect any public
2916 buildings against which complaints alleging violation of such
2917 standards have been received. The operator of a public building or
2918 portion thereof shall provide access to such inspectors at any
2919 reasonable time, including all times during which the facility is open to
2920 the public. If an inspector is denied access to a public building for the
2921 purposes of making an inspection in accordance with the provisions of
2922 this section, the commissioner may apply to the superior court for the
2923 judicial district wherein such building is located for injunctive or other
2924 equitable relief. If upon inspection it is determined that the lighting
2925 levels in a public building do not conform to such standards, the
2926 inspector shall make available to the owner or operator of such
2927 building, information regarding such standards and the economic and
2928 energy savings expected to result from compliance therewith. The
2929 owner or operator of a public building may, after having taken
2930 appropriate measures to render such building in compliance with such
2931 standards request a reinspection of such building by the commissioner.
2932 The commissioner may, upon such request or at his own discretion,
2933 conduct such reinspection and determine whether or not such building
2934 has been brought into compliance with such standards.

2935 (e) The commissioner shall maintain a listing of all public buildings
2936 found to be in compliance with the lighting standards adopted
2937 pursuant to subsection (c) of this section.

2938 (f) The [secretary] Commissioner of Energy and Environmental
2939 Protection may award lighting grants to municipalities for the purpose
2940 of improving the energy efficiency of lighting equipment in eligible
2941 buildings. All lighting grants shall be awarded based on an
2942 application, submitted by a municipality, which sets forth the lighting
2943 conservation measures to be implemented. Such measures shall meet
2944 the standards established pursuant to subsection (b) of this section and
2945 be consistent with the state energy policy, as set forth in section 16a-

2946 35k. When evaluating the applications submitted pursuant to this
2947 section and determining the amount of a lighting grant, the [secretary]
2948 Commissioner of Energy and Environmental Protection shall consider
2949 the energy savings and the payback period for the measures to be
2950 implemented and any other information which the [secretary]
2951 Commissioner of Energy and Environmental Protection deems
2952 relevant. The funds for lighting grants shall be provided from proceeds
2953 of bonds issued for such purpose. The amount of each grant shall be
2954 not less than five thousand dollars but not more than fifty thousand
2955 dollars, provided the [secretary] Commissioner of Energy and
2956 Environmental Protection may award grants of less than five thousand
2957 dollars or more than fifty thousand dollars if the [secretary]
2958 Commissioner of Energy and Environmental Protection finds good
2959 cause to do so. All public service company incentive payments
2960 contributed to any energy conservation project at an eligible building
2961 shall be applied to pay the principal cost of that project.

2962 Sec. 48. Section 16a-41b of the general statutes is repealed and the
2963 following is substituted in lieu thereof (*Effective July 1, 2011*):

2964 (a) There shall be a Low-Income Energy Advisory Board which shall
2965 consist of the following members: The Secretary of the Office of Policy
2966 and Management or the secretary's designee; the Commissioner of
2967 Social Services or the commissioner's designee; the executive director
2968 of the Commission on Aging; a representative of each electric and gas
2969 public service company designated by each such company; the
2970 chairperson of the [Department of Public Utility Control or a
2971 commissioner of the Department of Public Utility Control designated
2972 by the chairperson; the] Public Utilities Regulatory Authority, or the
2973 chairperson's designee; the Consumer Counsel or the counsel's
2974 designee; the executive director of Operation Fuel; the executive
2975 director of Infoline; the director of the Connecticut Local
2976 Administrators of Social Services; the executive director of Legal
2977 Assistance Resource Center of Connecticut; the Connecticut president
2978 of AARP; a designee of the Norwich Public Utility; a designee of the

2979 Connecticut Petroleum Dealers Association; and a representative of the
2980 community action agencies administering energy assistance programs
2981 under contract with the Department of Social Services, designated by
2982 the Connecticut Association for Community Action.

2983 (b) The Low-Income Energy Advisory Board shall advise and assist
2984 the Office of Policy and Management and the Department of Social
2985 Services in the planning, development, implementation and
2986 coordination of energy-assistance-related programs and policies and
2987 low-income weatherization assistance programs and policies, shall
2988 advise the Department of [Public Utility Control] Energy and
2989 Environmental Protection regarding the impact of utility rates and
2990 policies, and shall make recommendations to the General Assembly
2991 regarding (1) legislation and plans subject to legislative approval, and
2992 (2) administration of the block grant program authorized under the
2993 Low-Income Energy Assistance Act, as described in section 16a-41a, to
2994 ensure affordable access to residential energy services to low-income
2995 state residents.

2996 (c) The Secretary of the Office of Policy and Management or the
2997 person designated by the secretary pursuant to subsection (a) of this
2998 section shall be the chairperson of the board.

2999 (d) The Secretary of the Office of Policy and Management shall
3000 convene the first meeting of the board not later than August 1, 2005.
3001 The secretary shall provide notice of meetings to the members of Low-
3002 Income Energy Advisory Board, provide space for such meetings,
3003 maintain minutes and publish reports of the board.

3004 Sec. 49. (NEW) (*Effective July 1, 2011*) (a) There is established a Fuel
3005 Oil Conservation Board consisting of thirteen members, including:

3006 (1) One member representing dealers with retail oil heat sales in
3007 excess of fifteen million gallons in the state, appointed by the president
3008 pro tempore of the Senate;

3009 (2) One member representing dealers with retail oil heat sales of less
3010 than fifteen million gallons in the state, appointed by the speaker of the
3011 House of Representatives;

3012 (3) One member representing the heating, ventilation and air-
3013 conditioning trades licensed under chapter 393 of the general statutes,
3014 appointed by the majority leader of the Senate;

3015 (4) One member representing wholesale heating distributors
3016 operating within the state, appointed by the majority leader of the
3017 House of Representatives;

3018 (5) One member representing a state-wide environmental advocacy
3019 group, appointed by the minority leader of the Senate;

3020 (6) The chairperson of the Heating, Piping, Cooling and Sheet Metal
3021 Work Board established under chapter 393 of the general statutes;

3022 (7) One member from a state-wide retail oil dealer trade association,
3023 appointed by the minority leader of the House of Representatives;

3024 (8) Six members of the public appointed by the Governor, one of
3025 whom shall be a representative of an environmental organization
3026 knowledgeable in energy efficiency programs, one of whom shall be a
3027 representative of an in-state biodiesel distributor, one of whom shall be
3028 a representative of a consumer advocacy organization, one of whom
3029 shall be a representative of the business community, one of whom
3030 shall be a representative of low-income ratepayers and one of whom
3031 shall be a representative of state residents, in general, and all of whom
3032 shall have expertise in energy issues; and

3033 (9) All appointed members of the board shall serve in accordance
3034 with section 4-1a of the general statutes.

3035 (b) The Fuel Oil Conservation Board shall be within the Department
3036 of Energy and Environmental Protection for administrative purposes
3037 only.

3038 Sec. 50. Subsection (b) of section 17b-801 of the general statutes is
3039 repealed and the following is substituted in lieu thereof (*Effective July*
3040 *1, 2011*):

3041 (b) The commissioner shall administer a state-appropriated
3042 weatherization assistance program to provide, within available
3043 appropriations, weatherization assistance in accordance with the
3044 provisions of the state plan implementing the weatherization
3045 assistance block grant program authorized by the federal Low-Income
3046 Home Energy Assistance Act of 1981, and programs of fuel assistance
3047 and weatherization assistance with funds authorized by the federal
3048 Low-Income Home Energy Assistance Act of 1981 and by the U.S.
3049 Department of Energy in accordance with 10 CFR Part 440
3050 promulgated under Title IV of the Energy Conservation and
3051 Production Act, as amended, and oil settlement funds in accordance
3052 with subsections (b) and (c) of section 4-28. The commissioner shall
3053 adopt regulations in accordance with the provisions of chapter 54, (1)
3054 establishing priorities for determining which households shall receive
3055 such weatherization assistance, [(2) requiring that such weatherization
3056 assistance for energy conservation measures other than the retrofitting
3057 of heating systems be provided only for any dwelling unit for which
3058 an energy audit has been conducted in accordance with the provisions
3059 of sections 16a-45a to 16a-46c, inclusive, (3)] (2) requiring that the only
3060 criterion for determining which energy conservation measures shall be
3061 implemented pursuant to this subsection in any such dwelling unit
3062 shall be the simple payback calculated for each energy conservation
3063 measure recommended in the energy audit conducted for such unit,
3064 [(4)] (3) establishing the maximum allowable payback period for such
3065 energy conservation measures, and [(5)] (4) establishing conditions for
3066 the waiver of the provisions of subdivisions (1) to [(4)] (3), inclusive, of
3067 this subsection in the event of emergencies. The programs provided for
3068 under this subsection shall include a program of fuel and
3069 weatherization assistance for emergency shelters for homeless
3070 individuals and victims of domestic violence. The commissioner may

3071 adopt regulations, in accordance with the provisions of chapter 54, to
3072 implement and administer the program of fuel and weatherization
3073 assistance for emergency shelters.

3074 Sec. 51. (NEW) (*Effective July 1, 2011*) (a) On or before July 1, 2012,
3075 and every three years thereafter, the Commissioner of Energy and
3076 Environmental Protection, in consultation with the Connecticut Energy
3077 Advisory Board shall prepare a Comprehensive Energy Plan. Such
3078 plan shall reflect the legislative findings and policy stated in section
3079 16a-35k of the general statutes, as amended by this act, and shall
3080 incorporate, (1) an assessment and plan for all energy needs in the
3081 state, including, but not limited to, electricity, heating, cooling, and
3082 transportation, (2) the findings of the integrated resources plan, (3) the
3083 findings of the plan for energy efficiency adopted pursuant to section
3084 16-245m of the general statutes, as amended by this act, and (4) the
3085 findings of the plan for renewable energy adopted pursuant to section
3086 16-245n of the general statutes. Such plan shall further include, but not
3087 be limited to, (A) an assessment of current energy supplies, demand
3088 and costs, (B) identification and evaluation of the factors likely to affect
3089 future energy supplies, demand and costs, (C) a statement of progress
3090 made toward achieving the goals and milestones set in the preceding
3091 Comprehensive Energy Plan, (D) a statement of energy policies and
3092 long-range energy planning objectives and strategies appropriate to
3093 achieve, among other things, a sound economy, the least-cost mix of
3094 energy supply sources and measures that reduce demand for energy,
3095 giving due regard to such factors as consumer price impacts, security
3096 and diversity of fuel supplies and energy generating methods,
3097 protection of public health and safety, environmental goals and
3098 standards, conservation of energy and energy resources and the ability
3099 of the state to compete economically, (E) recommendations for
3100 administrative and legislative actions to implement such policies,
3101 objectives and strategies, (F) an assessment of the potential costs
3102 savings and benefits to ratepayers, including, but not limited to,
3103 carbon dioxide emissions reductions or voluntary joint ventures to

3104 repower some or all of the state's coal-fired and oil-fired generation
3105 facilities built before 1990, and (G) the benefits, costs, obstacles and
3106 solutions related to the expansion and use and availability of natural
3107 gas in Connecticut. If the department finds that such expansion is in
3108 the public interest, it shall develop a plan to increase the use and
3109 availability of natural gas for transportation purposes and provide
3110 competitive customer supplier choice options over a reasonable
3111 period.

3112 (b) In adopting the Comprehensive Energy Plan, the Commissioner
3113 of Energy and Environmental Protection, or the commissioner's
3114 designee, shall conduct a proceeding and such proceeding shall not be
3115 considered a contested case under chapter 54 of the general statutes,
3116 provided a hearing pursuant to chapter 54 of the general statutes shall
3117 be held. The commissioner shall give not less than fifteen days notice
3118 of such proceeding by electronic publication on the department's
3119 Internet web site. Notice of such hearing may also be published in one
3120 or more newspapers if deemed necessary by the commissioner. Such
3121 notice shall state the date, time, and place of the meeting, the subject
3122 matter of the meeting, the statutory authority for the proposed plan
3123 and the location where a copy of the proposed plan may be obtained
3124 or examined in addition to posting the plan on the department's
3125 Internet web site. The Public Utilities Regulatory Authority shall
3126 comment on the plan's impact on ratepayers and any other person may
3127 comment on the proposed plan. The commissioner shall provide a time
3128 period of not less than forty-five days from the date the notice is
3129 published on the department's Internet web site for public review and
3130 comment. The commissioner shall consider fully, after all public
3131 meetings, all written and oral comments concerning the proposed plan
3132 and shall post on the department's Internet web site and notify by
3133 electronic mail each person who requests such notice. The
3134 commissioner shall make available the electronic text of the final plan
3135 or an Internet web site where the final plan is posted, and a report
3136 summarizing (1) all public comments, and (2) the changes made to the

3137 final plan in response to such comments and the reasons therefore.

3138 (c) The commissioner shall submit the final plan electronically to the
3139 joint standing committees of the General Assembly having cognizance
3140 of matters relating to energy and the environment.

3141 (d) The commissioner may, in consultation with the Connecticut
3142 Energy Advisory Board, modify the Comprehensive Energy Plan in
3143 accordance with the procedures outlined in subsections (b) and (c) of
3144 this section. The commissioner may approve or reject such plan with
3145 comments.

3146 (e) The decisions of the Public Utilities Regulatory Authority shall
3147 be guided by the goals of the Department of Energy and
3148 Environmental Protection, as listed in section 1 of this act, and by the
3149 goals of the comprehensive plan and the integrated resource plan
3150 approved pursuant to section 16a-3a of the general statutes, as
3151 amended by this act, and shall be based on the evidence in the record
3152 of each proceeding.

3153 (f) All electric distribution companies' reasonable costs associated
3154 with the development of the resource assessment shall be recoverable
3155 through the systems benefits charge.

3156 Sec. 52. Section 21a-86a of the general statutes is repealed and the
3157 following is substituted in lieu thereof (*Effective July 1, 2011*):

3158 (a) On or before October 1, 1990, the Commissioner of Consumer
3159 Protection, in consultation with [the Secretary of the Office of Policy
3160 and Management, the chairperson of the Public Utilities Control
3161 Authority,] the State Building Inspector and the Commissioners of
3162 Public Health and Energy and Environmental Protection, shall adopt
3163 regulations in accordance with the provisions of chapter 54
3164 establishing minimum efficiency standards for plumbing fixtures and
3165 other water-using devices, as appropriate.

3166 (b) The maximum water use allowed in the regulations adopted
3167 under subsection (a) of this section for showerheads, urinals, faucets
3168 and replacement aerators manufactured or sold on or after October 1,
3169 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for
3170 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen
3171 faucets and replacement aerators, 2.5 gallons per minute, except that
3172 lavatories in restrooms of public facilities shall be equipped with outlet
3173 devices which limit the flow rate to a maximum of 0.5 gallons per
3174 minute. The maximum water use allowed in the regulations adopted
3175 under subsection (a) of this section for tank-type toilets, flushometer-
3176 valve toilets, flushometer-tank toilets and electromechanical hydraulic
3177 toilets manufactured or sold on or after January 1, 1992, shall be 1.6
3178 gallons per flush, unless and until equivalent standards for similar
3179 types of toilets are adopted by the American National Standards
3180 Institute, Inc.

3181 (c) Notwithstanding the provisions of subsection (b) of this section,
3182 the Commissioner of Consumer Protection, after consultation with [the
3183 Secretary of the Office of Policy and Management, the chairperson of
3184 the Public Utilities Control Authority,] the State Building Inspector
3185 and the Commissioners of Public Health and Energy and
3186 Environmental Protection, may increase the level of efficiency for
3187 plumbing fixtures upon determination that such increase would
3188 promote the conservation of water and energy and be cost-effective for
3189 consumers who purchase and use such fixtures. Any increased
3190 efficiency standard shall be effective one year after its adoption.

3191 (d) The Commissioner of Consumer Protection, in consultation with
3192 the Secretary of the Office of Policy and Management, [the chairperson
3193 of the Public Utilities Control Authority,] the State Building Inspector
3194 and the Commissioners of Public Health and Energy and
3195 Environmental Protection, shall adopt regulations in accordance with
3196 the provisions of chapter 54 necessary to implement the provisions of
3197 sections 21a-86 to 21a-86g, inclusive. Such regulations shall provide for
3198 (1) the sale of plumbing fixtures which do not meet the standards if the

3199 commissioner determines that compliance is not feasible or an
3200 unnecessary hardship exists and (2) the sale of plumbing fixtures,
3201 including, but not limited to, antique reproduction plumbing fixtures,
3202 which do not meet the standards, provided such plumbing fixtures
3203 were in stock in a store located in the state before October 1, 1990, if a
3204 showerhead, urinal, faucet or replacement aerator or before January 1,
3205 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank
3206 toilet or electromechanical hydraulic toilet.

3207 Sec. 53. Subsection (a) of section 21a-86c of the general statutes is
3208 repealed and the following is substituted in lieu thereof (*Effective July*
3209 *1, 2011*):

3210 (a) The Commissioner of Consumer Protection, in consultation with
3211 [the Secretary of the Office of Policy and Management, the chairperson
3212 of the Public Utilities Control Authority,] the State Building Inspector
3213 and the Commissioners of Public Health and Energy and
3214 Environmental Protection, shall establish procedures for testing the
3215 efficiency of plumbing fixtures offered for retail sale if such procedures
3216 are not established in the State Building Code adopted pursuant to
3217 section 29-252.

3218 Sec. 54. Section 22-81 of the general statutes is repealed and the
3219 following is substituted in lieu thereof (*Effective July 1, 2011*):

3220 (a) Said board shall have the general management of the institution
3221 and shall appoint a director, who shall have the general management
3222 and oversight of experiments and investigations. It may own such real
3223 and personal estate as may be necessary for carrying on its work and
3224 may receive title to the same by deed, devise or bequest. It shall
3225 expend all money appropriated by the state in the prosecution of the
3226 work for which said institution is established, shall use for the same
3227 purpose the income from all funds and endowments which it may
3228 receive from other sources and may sue and be sued by the name of
3229 the Connecticut Agricultural Experiment Station. It may seek and

3230 obtain patents, trademarks and licensing agreements relating to
3231 inventions and discoveries of any employee of the Connecticut
3232 Agricultural Experiment Station. It may pursue any opportunity to
3233 receive funds for research available from the federal government or
3234 from private sources. It shall make an annual report to the joint
3235 standing committee of the General Assembly having cognizance of
3236 matters relating to the Department of Agriculture and the Department
3237 of Energy and Environmental Protection, including a statement of the
3238 activities of the station and the sources and amounts of funds available
3239 to the station. It shall make an annual report to the Governor, as
3240 provided in section 4-60, including therein a report upon adulterated
3241 food products and a report of the work done and results obtained
3242 under the provisions of section 22-84.

3243 (b) Notwithstanding the provisions of any general statute or special
3244 act to the contrary, the selection, appointment, assignment of duties,
3245 amount of compensation, sick leave, vacation, leaves of absence,
3246 termination of service, rank and status of the individual members of
3247 the station staff shall be under the sole jurisdiction of the board of
3248 control of the station within available funds. Said board shall
3249 determine who constitutes the professional staff of the station and
3250 shall establish a compensation and classification schedule for the
3251 professional staff. Said board shall annually submit to the
3252 Commissioner of Administrative Services a list of the positions which
3253 it has included within the professional staff.

3254 (c) The board shall cause the station to (1) make scientific inquiries
3255 and perform experiments including, but not limited to, inquiries and
3256 experiments regarding plants, insects and the pests of plants, soil and
3257 water, which inquiries and experiments shall include, but not be
3258 limited to, consideration of the effects of any climate change which
3259 may result from increased levels of carbon dioxide or other
3260 "greenhouse" gases in the atmosphere and what effects such change
3261 may have on agriculture in this state; (2) make scientific inquiries for
3262 the General Assembly and conduct such analyses as required by any

3263 state agency including, but not limited to, the Departments of
3264 Administrative Services, Agriculture, Consumer Protection and
3265 Energy and Environmental Protection; and (3) distribute reports of any
3266 analyses, investigations or experiments by correspondence, lectures or
3267 published matter. The board may cause the station to charge a fee for
3268 any testing services which it may provide to the public. The station
3269 shall not conduct any testing of ticks for Lyme disease except at the
3270 request of a state or municipal health official or for scientific research
3271 purposes.

3272 Sec. 55. Section 22a-2 of the general statutes is repealed and the
3273 following is substituted in lieu thereof (*Effective July 1, 2011*):

3274 [(a) There shall be a Department of Environmental Protection which
3275 shall have jurisdiction over all matters relating to the preservation and
3276 protection of the air, water and other natural resources of the state.
3277 Said department shall be under the direction of a Commissioner of
3278 Environmental Protection who shall be appointed in accordance with
3279 the provisions of sections 4-5 to 4-8, inclusive.]

3280 [(b)] (a) As used in this title and chapters 263, 268, 348, 360, 447, 448,
3281 449, 452, 462, 474, 476, 477, 478, 479, 490 and 495, except where
3282 otherwise provided, "commissioner" means the Commissioner of
3283 Energy and Environmental Protection or his or her designated agent.
3284 The Commissioner of Energy and Environmental Protection shall have
3285 the authority to designate as his or her agent (1) any deputy
3286 commissioner to exercise all or part of the authority, powers and
3287 duties of said commissioner in his or her absence, (2) any deputy
3288 commissioner or any employee, assistant or agent employed pursuant
3289 to section 22a-4 to exercise such authority of the Commissioner of
3290 Energy and Environmental Protection as he or she delegates for the
3291 administration or enforcement of any applicable statute, regulation,
3292 permit or order, (3) the Commissioner of Public Safety and any local
3293 air pollution control official or agency to exercise such authority as the
3294 Commissioner of Energy and Environmental Protection delegates for

3295 the enforcement of any applicable statute, regulation, order or permit
3296 pertaining to air pollution, except the authority to render a final
3297 decision, after a hearing, assessing a civil penalty under said section
3298 22a-6b, and (4) any municipal police department the authority to
3299 enforce the provisions of chapters 268 and 490.

3300 [(c)] (b) As used in this chapter, and chapters 263, 268, 348, 360, 440,
3301 446d, 446i, 446k, 447, 448, 449, 452, 462, 474, 476, 477, 478, 479, 490 and
3302 495, except where otherwise provided, "person" means any individual,
3303 firm, partnership, association, syndicate, company, trust, corporation,
3304 limited liability company, municipality, agency or political or
3305 administrative subdivision of the state, or other legal entity of any
3306 kind.

3307 Sec. 56. Section 22a-5 of the general statutes is repealed and the
3308 following is substituted in lieu thereof (*Effective July 1, 2011*):

3309 The commissioner shall carry out the energy and environmental
3310 policies of the state and shall have all powers necessary and
3311 convenient to faithfully discharge this duty. In addition to, and
3312 consistent with the environment policy of the state, the commissioner
3313 shall [(a)] (1) promote and coordinate management of water, land and
3314 air resources to assure their protection, enhancement and proper
3315 allocation and utilization; [(b)] (2) provide for the protection and
3316 management of plants, trees, fish, shellfish, wildlife and other animal
3317 life of all types, including the preservation of endangered species; [(c)]
3318 (3) provide for the protection, enhancement and management of the
3319 public forests, parks, open spaces and natural area preserves; [(d)] (4)
3320 provide for the protection, enhancement and management of inland,
3321 marine and coastal water resources, including, but not limited to,
3322 wetlands, rivers, estuaries and shorelines; [(e)] (5) provide for the
3323 prevention and abatement of all water, land and air pollution
3324 including, but not limited to, that related to particulates, gases, dust,
3325 vapors, noise, radiation, odors, nutrients and cooled or heated liquids,
3326 gases and solids; [(f)] (6) provide for control of pests and regulate the

3327 use, storage and disposal of pesticides and other chemicals which may
3328 be harmful to man, sea life, animals, plant life or natural resources;
3329 [(g)] (Z) regulate the disposal of solid waste and liquid waste,
3330 including but not limited to, domestic and industrial refuse, junk
3331 motor vehicles, litter and debris, which methods shall be consistent
3332 with sound health, scenic environmental quality and land use
3333 practices; [(h)] (8) regulate the storage, handling and transportation of
3334 solids, liquids and gases which may cause or contribute to pollution;
3335 [and (i)] (9) provide for minimum state-wide standards for the mining,
3336 extraction, excavation or removal of earth materials of all types; (10)
3337 develop a comprehensive energy plan for the state; (11) transition the
3338 state to cleaner, more diverse and sustainable sources of energy; and
3339 (12) create opportunities for innovation and technological advances in
3340 conserving energy and reducing costs.

3341 Sec. 57. Subsection (a) of section 22a-66k of the general statutes is
3342 repealed and the following is substituted in lieu thereof (*Effective July*
3343 *1, 2011*):

3344 (a) Each electric company, as defined in section 16-1, shall submit a
3345 utilities pesticide management plan to the Commissioner of Energy
3346 and Environmental Protection for approval with the concurrence of the
3347 Public Utilities [Control] Regulatory Authority. A plan shall be revised
3348 at such time as the electric company filing the plan or the
3349 commissioner determines provided such plan shall be revised not less
3350 than once every five years.

3351 Sec. 58. Section 22a-113m of the general statutes is repealed and the
3352 following is substituted in lieu thereof (*Effective July 1, 2011*):

3353 The commission, in consultation with the Commissioners of Energy
3354 and Environmental Protection and Transportation, shall prepare or
3355 cause to be prepared a management plan for the most desirable use of
3356 the harbor for recreational, commercial, industrial and other purposes.
3357 For those towns in the coastal area as defined in section 22a-94, the

3358 plan shall provide for the preservation and use of the coastal resources
3359 of the harbor in a manner consistent with the provisions of sections
3360 22a-90 to 22a-111, inclusive, and any municipal coastal plan adopted
3361 pursuant to section 22a-101 by any municipality that is a member of
3362 the commission. A copy of the plan shall be forwarded to the U.S.
3363 Army Corps of Engineers for review, comments and
3364 recommendations. Such plan shall be submitted for approval to the
3365 Commissioners of Energy and Environmental Protection and
3366 Transportation. Said commissioners shall act on the plan not more
3367 than sixty days after submission of such plan. Upon approval by said
3368 commissioners, the plan may be adopted by ordinance by the
3369 legislative body of each municipality establishing the commission. The
3370 ordinance shall specify the effective date of the plan. A modification to
3371 the plan may be proposed at any time and shall be approved in the
3372 same manner as the plan. The plan shall be reviewed annually by the
3373 commission and the Commissioners of Energy and Environmental
3374 Protection and Transportation.

3375 Sec. 59. Subsection (e) of section 22a-119 of the general statutes is
3376 repealed and the following is substituted in lieu thereof (*Effective July*
3377 *1, 2011*):

3378 (e) Prior to commencing any hearing pursuant to this section the
3379 council shall consult with and solicit written comments from the
3380 Departments of Energy and Environmental Protection, Public Health,
3381 [Public Utility Control,] Economic and Community Development,
3382 Public Safety and Transportation, the Office of Policy and
3383 Management and the Council on Environmental Quality. Copies of
3384 comments submitted by such agencies shall be available to all parties
3385 prior to commencement of the public hearing. Agencies consulted may
3386 file additional comments within thirty days of the conclusion of the
3387 hearing and such additional comments shall be a part of the record.

3388 Sec. 60. Section 22a-134q of the general statutes is repealed and the
3389 following is substituted in lieu thereof (*Effective July 1, 2011*):

3390 The Commissioner of Energy and Environmental Protection shall
3391 compile an inventory of contaminated wells and leaking underground
3392 storage tanks known to him and shall submit such inventory to the
3393 joint standing committee of the General Assembly having cognizance
3394 of matters relating to the environment not later than February 1, 1990,
3395 and annually thereafter. As used in this section, "contaminated well"
3396 means any well that exceeds maximum levels for substances
3397 established in the Public Health Code or action levels determined
3398 jointly by the Commissioners of Public Health and Energy and
3399 Environmental Protection.

3400 Sec. 61. Section 22a-174~~l~~ of the general statutes is repealed and the
3401 following is substituted in lieu thereof (*Effective July 1, 2011*):

3402 (a) Not later than sixty days after June 4, 2007, the Commissioner of
3403 Energy and Environmental Protection shall issue notice of intent to
3404 issue a general permit regarding the construction and operation of new
3405 or existing emergency engines and distributed generation resources
3406 that (1) generate no more than two megawatts of electricity; and (2) are
3407 approved by the [Department of Public Utility Control] Public Utilities
3408 Regulatory Authority to participate in the markets administered by the
3409 regional independent system operator in accordance with subsection
3410 (b) of section 16-246g. Before issuing such permit, the sources to be
3411 covered by such permit shall provide the Commissioner of Energy and
3412 Environmental Protection with any information said commissioner
3413 deems necessary for the issuance of such permit. Any such general
3414 permit shall be issued in accordance with the provisions of subsection
3415 (k) of section 22a-174 and the general permit, and any authorization to
3416 operate under such permit, shall expire on the later of December 31,
3417 2010, or ninety days after the energizing of the Middletown-Norwalk
3418 345 kv transmission line approved by the Connecticut Siting Council.
3419 Notwithstanding this section, the Commissioner of Energy and
3420 Environmental Protection may, in consultation with the chairperson of
3421 the Public Utilities [Control] Regulatory Authority, renew such general
3422 permit in accordance with the provisions of subsection (k) of section

3423 22a-174 provided the Commissioner of Energy and Environmental
3424 Protection determines that renewal of such general permit is consistent
3425 with the requirements of subsection (b) of this section. The provisions
3426 of the general permit shall include, but not be limited to: Minimum
3427 setback provisions, limitations on hours of operation, requirements for
3428 air pollution controls certified to achieve a minimum reduction in
3429 emissions of nitrogen oxides of ninety per cent, directionally correct
3430 offsets at a ratio to be determined by the Commissioner of Energy and
3431 Environmental Protection, required control equipment, requirements
3432 for monitoring, reporting and recordkeeping, and any other
3433 requirement that said commissioner deems necessary. The provisions
3434 of this section are in addition to any other authority provided by law
3435 to said commissioner.

3436 (b) When issuing or renewing the general permit pursuant to this
3437 section, the Commissioner of Energy and Environmental Protection
3438 shall [, in consultation with the chairperson of the Public Utilities
3439 Control Authority,] consider energy generation that will maximize the
3440 savings to the state's electric ratepayers and benefit the state's economy
3441 as a whole, but shall ensure that any emission increases resulting from
3442 the operation of sources covered by the general permit are offset by
3443 emission decreases from sources in Connecticut consistent with
3444 Connecticut's air quality attainment planning needs and requirements.
3445 The sources of decreases in emissions may include, but not be limited
3446 to, electric generation sources and demand response.

3447 [(c) On or before February 1, 2008, the Department of
3448 Environmental Protection, in consultation with the Department of
3449 Public Utility Control, shall report to the joint standing committees of
3450 the General Assembly having cognizance of matters relating to energy
3451 and the environment regarding the economic and environmental
3452 benefits of the general permit issued pursuant to this section and the
3453 actions and measures taken pursuant to section 16-246g.]

3454 Sec. 62. Section 22a-354i of the general statutes is repealed and the

3455 following is substituted in lieu thereof (*Effective July 1, 2011*):

3456 (a) On or before July 1, 1991, the Commissioner of Energy and
3457 Environmental Protection shall publish notice of intent to adopt
3458 regulations in accordance with chapter 54 for land use controls in
3459 aquifer protection areas. The regulations shall establish (1) best
3460 management practice standards for existing regulated activities located
3461 entirely or in part within aquifer protection areas and a schedule for
3462 compliance of nonconforming regulated activities with such standards,
3463 (2) best management practice standards for and prohibitions of
3464 regulated activities proposed to be located entirely or in part within
3465 aquifer protection areas, (3) procedures for exempting regulated
3466 activities in aquifer protection areas upon determination solely by the
3467 commissioner that such regulated activities do not pose a threat to any
3468 existing or potential drinking water supply and (4) requirements for
3469 design and installation of groundwater monitoring within aquifer
3470 protection areas. In addition, the commissioner may adopt such other
3471 regulations as deemed necessary to carry out the purposes of sections
3472 22a-354b, 22a-354c, 22a-354h, this section, sections 22a-354m, 22a-354n,
3473 subsection (e) of section 22a-354p and subsection (d) of section 22a-451,
3474 including but not limited to regulations which provide for the manner
3475 in which the boundaries of aquifer protection areas shall be established
3476 and amended; criteria and procedures for submission and review of
3477 applications to construct or begin regulated activities; procedures for
3478 granting, denying, limiting, revoking, suspending, transferring and
3479 modifying permits for regulated activities; controls regarding the
3480 expansion of nonconforming regulated activities, including procedures
3481 for offsetting impacts from the expansion or modification of
3482 nonconforming regulated activities or procedures for modifying
3483 permits of regulated activities by the removal of other potential
3484 pollution sources within the subject well field, procedures for the
3485 granting of permits for such expansion or modification based on the
3486 certification of a qualified person that such expansion meets criteria
3487 established by the commissioner; registration requirements for existing

3488 regulated activities and procedures for transferring registrations;
3489 procedures for landowners to notify a municipality or the
3490 commissioner of a change in use and other provisions for
3491 administration of the aquifer protection program.

3492 (b) In adopting such regulations, the commissioner shall consider
3493 the guidelines for aquifer protection areas recommended in the report
3494 prepared pursuant to special act 87-63, as amended, and shall avoid
3495 duplication and inconsistency with other state or federal laws and
3496 regulations affecting aquifers. The regulations shall be developed in
3497 consultation with an advisory committee appointed by the
3498 commissioner. The advisory committee shall include the
3499 Commissioners of Public Works and Public Health and the
3500 chairperson of the Public Utilities [Control] Regulatory Authority, or
3501 their designees, members of the public, and representatives of
3502 businesses affected by the regulations, agriculture, environmental
3503 groups, municipal officers and water companies.

3504 Sec. 63. Section 22a-198 of the general statutes is repealed and the
3505 following is substituted in lieu thereof (*Effective July 1, 2011*):

3506 (a) On and after January 1, 2005, the owner or operator of a Title IV
3507 source that is also an affected unit or units shall:

3508 (1) Combust liquid fuel, gaseous fuel, solid fuel or a combination of
3509 each provided that each fuel possesses a fuel sulfur limit equal to or
3510 less than 0.3 per cent sulfur, by weight (dry basis); or

3511 (2) Meet an average emission rate equal to or less than 0.33 pounds
3512 SO₂ per MMBtu for each calendar quarter for an affected unit at the
3513 premises; or

3514 (3) Meet an average emission rate equal to or less than 0.3 pounds
3515 SO₂ per MMBtu calculated for each calendar quarter, if such owner or
3516 operator averages the emissions from two or more affected units at the
3517 premises.

3518 (b) On and after January 1, 2005, no owner or operator of a Title IV
3519 source that is also an affected unit or units may use SO₂ DERCs or SO₂
3520 allowances to comply with the requirements of subsection (a) of this
3521 section except if the Commissioner of Energy and Environmental
3522 Protection requires the owner or operator of an affected unit or units
3523 using a low-sulfur fuel to comply with subdivision (1) of subsection (a)
3524 of this section to offset excess SO₂ emissions that were emitted during
3525 a suspension period, as described in subsection (c) of this section,
3526 through the purchase or retirement of such SO₂ DERCs or SO₂
3527 allowances.

3528 (c) The Commissioner of Energy and Environmental Protection may
3529 suspend the requirements of subdivision (1) of subsection (a) of this
3530 section for the owner or operator of any affected unit using a low-
3531 sulfur fuel, including a low-sulfur solid fuel. Such suspension shall be
3532 made only when the commissioner finds that the availability of fuel
3533 that complies with such requirements is inadequate to meet the needs
3534 of residential, commercial and industrial users in this state and that
3535 such inadequate supply constitutes an emergency, provided such
3536 suspension shall not exceed the period that the inadequate supply
3537 constitutes an emergency. Any such suspension by the commissioner
3538 shall not suspend or alter the sulfur dioxide average emission rate
3539 requirements that are in effect as of May 2, 2002. The Commissioner of
3540 Energy and Environmental Protection shall specify in writing the
3541 period of time that such suspension shall be in effect and shall provide
3542 notice of such suspension to the joint standing committees of the
3543 General Assembly having cognizance of matters relating to the
3544 environment and energy and technology. No later than thirty days
3545 after the termination of such suspension, the owner or operator of an
3546 affected unit or units shall report to the commissioner, in writing, the
3547 amount of SO₂ emissions in excess of those that would have occurred if
3548 the use of compliant fuel at such affected unit or units had not been
3549 interrupted. If such excess SO₂ emissions from any premises exceed
3550 fifty tons, the commissioner shall require that the owner or operator of

3551 such affected unit or units offset such SO₂ emissions through the
3552 purchase or retirement of SO₂ DERs or SO₂ allowances.

3553 (d) The provisions of subsections (c) and (f) of this section, when
3554 implemented by the Commissioner of Energy and Environmental
3555 Protection, shall not suspend any underlying procedures or
3556 requirements in the Regulations of Connecticut State Agencies adopted
3557 by the Department of Energy and Environmental Protection pertaining
3558 to SO₂ emissions.

3559 (e) No provision of section 22a-197, this section or subsection (a) of
3560 section 16-245l shall be construed to prohibit the Commissioner of
3561 Energy and Environmental Protection from waiving or suspending
3562 any applicable sulfur dioxide emissions standard as may be allowed
3563 under current federal or state laws or regulations, or other permit
3564 limits of a must run Title IV source, as ordered by the Independent
3565 System Operator, as may be allowed under current federal or state
3566 laws or regulations. The commissioner may attach any conditions to
3567 such suspension or waiver, as the commissioner deems necessary to
3568 mitigate any adverse environmental or public health impacts.

3569 (f) The Commissioner of Energy and Environmental Protection, in
3570 consultation with the chairperson of the Public Utilities [Control]
3571 Regulatory Authority, may suspend the prohibition of subsection (b)
3572 of this section for a Title IV source if it is determined that the
3573 application of the prohibition established under subsection (b) of this
3574 section adversely affects the ability to meet the reliability standards, as
3575 defined by the New England Power Pool or its successor organization,
3576 and the suspension thereof is intended to mitigate such reliability
3577 problems. The Commissioner of Energy and Environmental Protection,
3578 in consultation with the chairperson of the Public Utilities [Control]
3579 Regulatory Authority, shall specify in writing the reasons for such
3580 suspension and the period of time that such suspension shall be in
3581 effect and shall provide notice of such suspension at the time of
3582 issuance, or the next business day, to the joint standing committees of

3583 the General Assembly having cognizance of matters relating to the
3584 environment and energy and technology. No such waiver shall last
3585 more than thirty days. The commissioner may reissue additional
3586 waivers for such source after said initial waiver has expired. Within
3587 ten days of receipt of the commissioner's notice of suspension, the
3588 committees having cognizance of matters relating to the environment
3589 and energy and technology may hold a joint public hearing and
3590 meeting of the committees to either modify or reject the
3591 commissioner's suspension by a majority vote. If the committees do
3592 not meet, the commissioner's suspension shall be deemed approved.

3593 Sec. 64. Subsections (a) and (b) of section 22a-200c of the general
3594 statutes are repealed and the following is substituted in lieu thereof
3595 (*Effective July 1, 2011*):

3596 (a) The Commissioner of Energy and Environmental Protection
3597 shall adopt regulations, in accordance with chapter 54, to implement
3598 the Regional Greenhouse Gas Initiative.

3599 (b) The Department of Energy and Environmental Protection [, in
3600 consultation with the Department of Public Utility Control,] shall
3601 auction all emissions allowances and invest the proceeds, which shall
3602 be deposited into a Regional Greenhouse Gas account established by
3603 the Comptroller as a separate, nonlapsing account within the General
3604 Fund, on behalf of electric ratepayers in energy conservation, load
3605 management and Class I renewable energy programs. In making such
3606 investments, the Commissioner of Energy and Environmental
3607 Protection shall consider strategies that maximize cost effective
3608 reductions in greenhouse gas emission. Allowances shall be auctioned
3609 under the oversight of the [Department of Public Utility Control and
3610 the] Department of Energy and Environmental Protection by a
3611 contractor or trustee on behalf of the electric ratepayers.

3612 Sec. 65. Section 22a-354m of the general statutes is repealed and the
3613 following is substituted in lieu thereof (*Effective July 1, 2011*):

3614 (a) The Commissioner of Energy and Environmental Protection
3615 may, in accordance with regulations adopted pursuant to subsection
3616 (d) of this section, require any person engaged in agriculture on land
3617 located within an aquifer protection area and whose annual gross sales
3618 from agricultural products during the preceding calendar year were
3619 two thousand five hundred dollars or more to submit a farm resources
3620 management plan.

3621 (b) The soil and water conservation district where the aquifer
3622 protection area is located shall establish and coordinate a technical
3623 team to develop each plan. Such team shall include a representative of
3624 the municipality in which the land is located and a representative of
3625 any affected water company upon request of such municipality or
3626 water company. For the purposes of developing the plan required
3627 pursuant to this section, if a farm is located in two or more soil and
3628 water conservation districts, the district in which the greater part of
3629 such farm is located shall be deemed to be the district in which the
3630 entire farm is located. In developing a plan, a district shall consult with
3631 the Commissioners of Energy and Environmental Protection and
3632 Agriculture, the College of Agriculture and Natural Resources at The
3633 University of Connecticut, the Connecticut Agricultural Experiment
3634 Station, the Soil Conservation Service, the state Agricultural and
3635 Conservation Committee and any other person or agency the district
3636 deems appropriate.

3637 (c) The plan shall include a schedule for implementation and shall
3638 be periodically updated as required by the commissioner. In
3639 developing a schedule for implementation, the technical team shall
3640 consider technical and economic factors including, but not limited to,
3641 the availability of state and federal funds. Any person engaged in
3642 agriculture in substantial compliance with a plan approved under this
3643 section shall be exempt from regulations adopted under section 22a-
3644 354o by a municipality in which the land is located. No plan shall be
3645 required to be submitted to the commissioner before July 1, 1992, or six
3646 months after completion of level B mapping where the farm is located,

3647 whichever is later.

3648 (d) On or before July 1, 1999, the Commissioner of Energy and
3649 Environmental Protection, in consultation with the Commissioner of
3650 Agriculture, the United States Soil Conservation Service, the
3651 Cooperative Extension Service at The University of Connecticut and
3652 the Council for Soil and Water Conservation, shall publish notice of
3653 intent to adopt regulations in accordance with chapter 54 for farm
3654 resources management plans. Such regulations shall include, but not
3655 be limited to, a priority system and procedures for determining if a
3656 farm management plan is required and the priority that is assigned to
3657 the preparation of such a plan, best management practices, restrictions
3658 and prohibitions for manure management, storage and handling of
3659 pesticides, reduced use of pesticides through pest management
3660 practices, integrated pest management, fertilizer management and
3661 underground and above-ground storage tanks and criteria and
3662 procedures for submission and review of farm resources management
3663 plans and amendments of such plans. In adopting such best
3664 management practices, restrictions and prohibitions, the commissioner
3665 shall consider existing state and federal guidelines or regulations
3666 affecting aquifers and agricultural resources management.

3667 Sec. 66. Subsection (b) of section 22a-449d of the general statutes is
3668 repealed and the following is substituted in lieu thereof (*Effective July*
3669 *1, 2011*):

3670 (b) The board shall consist of the Commissioners of Energy and
3671 Environmental Protection and Revenue Services, the Secretary of the
3672 Office of Policy and Management and the State Fire Marshal, or their
3673 designees; one member representing the Connecticut Petroleum
3674 Council, appointed by the speaker of the House of Representatives;
3675 one member representing the Service Station Dealers Association,
3676 appointed by the majority leader of the Senate; one member of the
3677 public, appointed by the majority leader of the House of
3678 Representatives; one member representing the Independent

3679 Connecticut Petroleum Association, appointed by the president pro
3680 tempore of the Senate; one member representing the Gasoline and
3681 Automotive Service Dealers of America, Inc., appointed by the
3682 minority leader of the House of Representatives; one member
3683 representing a municipality with a population greater than one
3684 hundred thousand, appointed by the Governor; one member
3685 representing a municipality with a population of less than one
3686 hundred thousand, appointed by the minority leader of the Senate; one
3687 member representing a small manufacturing company which employs
3688 fewer than seventy-five persons, appointed by the speaker of the
3689 House of Representatives; one member experienced in the delivery,
3690 installation, and removal of residential underground petroleum
3691 storage tanks and remediation of contamination from such tanks,
3692 appointed by the president pro tempore of the Senate; and one
3693 member who is an environmental professional licensed under section
3694 22a-133v and is experienced in investigating and remediating
3695 contamination attributable to underground petroleum storage tanks,
3696 appointed by the Governor. The board shall annually elect one of its
3697 members to serve as chairperson.

3698 Sec. 67. Section 22a-604 of the general statutes is repealed and the
3699 following is substituted in lieu thereof (*Effective July 1, 2011*):

3700 The Commissioners of Energy and Environmental Protection and
3701 Public Safety shall enter into an interagency agreement providing for
3702 the exchange of information and the coordination of their duties and
3703 responsibilities pursuant to the provisions of sections 22a-600 to 22a-
3704 603, inclusive.

3705 Sec. 68. Section 22a-354i of the general statutes is repealed and the
3706 following is substituted in lieu thereof (*Effective July 1, 2011*):

3707 (a) On or before July 1, 1991, the Commissioner of Energy and
3708 Environmental Protection shall publish notice of intent to adopt
3709 regulations in accordance with chapter 54 for land use controls in

3710 aquifer protection areas. The regulations shall establish (1) best
3711 management practice standards for existing regulated activities located
3712 entirely or in part within aquifer protection areas and a schedule for
3713 compliance of nonconforming regulated activities with such standards,
3714 (2) best management practice standards for and prohibitions of
3715 regulated activities proposed to be located entirely or in part within
3716 aquifer protection areas, (3) procedures for exempting regulated
3717 activities in aquifer protection areas upon determination solely by the
3718 commissioner that such regulated activities do not pose a threat to any
3719 existing or potential drinking water supply, and (4) requirements for
3720 design and installation of groundwater monitoring within aquifer
3721 protection areas. In addition, the commissioner may adopt such other
3722 regulations as deemed necessary to carry out the purposes of sections
3723 22a-354b, 22a-354c, 22a-354h, this section, sections 22a-354m, 22a-354n,
3724 subsection (e) of section 22a-354p and subsection (d) of section 22a-451,
3725 including, but not limited to, regulations which provide for the
3726 manner in which the boundaries of aquifer protection areas shall be
3727 established and amended; criteria and procedures for submission and
3728 review of applications to construct or begin regulated activities;
3729 procedures for granting, denying, limiting, revoking, suspending,
3730 transferring and modifying permits for regulated activities; controls
3731 regarding the expansion of nonconforming regulated activities,
3732 including procedures for offsetting impacts from the expansion or
3733 modification of nonconforming regulated activities or procedures for
3734 modifying permits of regulated activities by the removal of other
3735 potential pollution sources within the subject well field, procedures for
3736 the granting of permits for such expansion or modification based on
3737 the certification of a qualified person that such expansion meets
3738 criteria established by the commissioner; registration requirements for
3739 existing regulated activities and procedures for transferring
3740 registrations; procedures for landowners to notify a municipality or
3741 the commissioner of a change in use and other provisions for
3742 administration of the aquifer protection program.

3743 (b) In adopting such regulations, the commissioner shall consider
3744 the guidelines for aquifer protection areas recommended in the report
3745 prepared pursuant to special act 87-63, as amended, and shall avoid
3746 duplication and inconsistency with other state or federal laws and
3747 regulations affecting aquifers. The regulations shall be developed in
3748 consultation with an advisory committee appointed by the
3749 commissioner. The advisory committee shall include the
3750 Commissioners of Public Works and Public Health, [and the
3751 chairperson of the Public Utilities Control Authority,] or their
3752 designees, members of the public, and representatives of businesses
3753 affected by the regulations, agriculture, environmental groups,
3754 municipal officers and water companies.

3755 Sec. 69. Section 22a-354w of the general statutes is repealed and the
3756 following is substituted in lieu thereof (*Effective July 1, 2011*):

3757 The Commissioner of Energy and Environmental Protection, in
3758 consultation with the Commissioner of Public Health and the
3759 chairperson of the Public Utilities [Control] Regulatory Authority,
3760 shall prepare guidelines for acquisition of lands surrounding existing
3761 or proposed public water supply well fields. In preparing such
3762 guidelines the commissioner shall consider economic implications for
3763 mandating land acquisition including, but not limited to, the effect on
3764 land values and the ability of small water companies to absorb the cost
3765 of acquisition.

3766 Sec. 70. Subsection (d) of section 22a-371 of the general statutes is
3767 repealed and the following is substituted in lieu thereof (*Effective July*
3768 *1, 2011*):

3769 (d) Upon notifying the applicant in accordance with subsection (c)
3770 of this section that the application is complete, the commissioner shall
3771 immediately provide notice of the application and a concise
3772 description of the proposed diversion to the Governor, the Attorney
3773 General, the speaker of the House of Representatives, the president pro

3774 tempore of the Senate, the Secretary of the Office of Policy and
3775 Management, the Commissioners of Public Health and Economic and
3776 Community Development, the chairperson of the Public Utilities
3777 [Control] Regulatory Authority, chief executive officer and chairmen of
3778 the conservation commission and wetlands agency of the municipality
3779 or municipalities in which the proposed diversion will take place or
3780 have effect, and to any person who has requested notice of such
3781 activities.

3782 Sec. 71. Section 23-8 of the general statutes is repealed and the
3783 following is substituted in lieu thereof (*Effective July 1, 2011*):

3784 (a) The Commissioner of Energy and Environmental Protection
3785 shall have power, acting by himself or with local authorities, to
3786 acquire, maintain and make available to the public open spaces for
3787 recreation. Said commissioner may take, in the name of the state and
3788 for the benefit of the public, by purchase, gift or devise, lands and
3789 rights in land and personal estate for public open spaces, or take bonds
3790 for the conveyance thereof, or may lease the same for a period not
3791 exceeding five years, with an option to buy, and may preserve and
3792 care for such public reservations, and, in his discretion and upon such
3793 terms as he may approve, such other open spaces within this state as
3794 may be entrusted, given or devised to the state by the United States or
3795 by cities, towns, corporations or individuals for the purposes of public
3796 recreation, or for the preservation of natural beauty or historical
3797 association, provided said commissioner shall not take or contract to
3798 take by purchase or lease any land or other property for an amount or
3799 amounts beyond such sum or sums as have been appropriated or
3800 contributed therefor. No provision of this section shall be construed to
3801 set aside any terms or conditions under which gifts or bequests of land
3802 have been accepted by the commissioner.

3803 (b) Twenty-one per cent of the state's land area shall be held as open
3804 space land. The goal of the state's open space acquisition program shall
3805 be to acquire land such that ten per cent of the state's land area is held

3806 by the state as open space land and not less than eleven per cent of the
3807 state's land area is held by municipalities, water companies or
3808 nonprofit land conservation organizations as open space land
3809 consistent with the provisions of sections 7-131d to 7-131g, inclusive.
3810 Such program shall not affect the ability of any water company to
3811 reclassify or sell any land, or interest in land, which was not acquired,
3812 in whole or in part, with funds made available under the program
3813 established under sections 7-131d to 7-131g, inclusive. The goal for
3814 state open space acquisition shall be three thousand acres acquired in
3815 1999, four thousand acres acquired in 2000, four thousand acres
3816 acquired in 2001 and five thousand acres acquired in 2002 provided
3817 such acquisition program shall continue until the overall state goal of
3818 open space acquisition is achieved. The commissioner, in consultation
3819 with the Council on Environmental Quality established under section
3820 22a-11 and private nonprofit land conservation organizations, shall
3821 prepare, and update as necessary, a comprehensive strategy for
3822 achieving the state goal and shall set an appropriate additional goal for
3823 increasing the amount of land held as open space by municipalities or
3824 by private nonprofit land conservation organizations and shall include
3825 in such strategy provisions for achieving such goal. Such strategy shall
3826 include, but not be limited to, recommendations regarding: (1)
3827 Timetables for acquisition of land by the state, (2) management of such
3828 land, (3) resources to be used for acquisition and management of such
3829 land, and (4) acquisition and maintenance of open space land by
3830 municipalities and by private entities. On or before January 1, 1998,
3831 and annually thereafter, the commissioner shall submit a report to the
3832 joint standing committee of the General Assembly having cognizance
3833 of matters relating to the environment regarding the strategy and the
3834 progress being made towards the goals.

3835 (c) To further the efforts to preserve open space in the state and to
3836 help realize the goal established in subsection (b) of this section to have
3837 at least twenty-one per cent of the state's land held by the state,
3838 municipalities, land conservation organizations and water utilities as

3839 open space, the Department of Energy and Environmental Protection
3840 shall conduct an evaluation of lands of class A water companies, as
3841 defined in section 16-1, as amended by this act, to determine the
3842 resource value and potential desirability of such lands for purchase for
3843 open space or public outdoor recreation or natural resource
3844 conservation or preservation. The water companies and land
3845 conservation organizations shall work cooperatively with the
3846 department and provide maps and other information to assist the
3847 Department of Energy and Environmental Protection in the evaluation
3848 of these properties and said department shall develop strategies for
3849 alternative methods of funding the preservation of water company
3850 lands in perpetuity as open space.

3851 Sec. 72. Section 23-102 of the general statutes is repealed and the
3852 following is substituted in lieu thereof (*Effective July 1, 2011*):

3853 (a) There shall be a Connecticut Greenways Council which shall be
3854 within the Department of Energy and Environmental Protection for
3855 administrative purposes only. The council shall consist of eleven
3856 members, five to be appointed by the Governor, one to be appointed
3857 by the speaker of the House of Representatives, one to be appointed by
3858 the majority leader of the House of Representatives, one to be
3859 appointed by the president pro tempore of the Senate, one to be
3860 appointed by the majority leader of the Senate, one to be appointed by
3861 the minority leader of the House of Representatives and one to be
3862 appointed by the minority leader of the Senate. All appointments to
3863 the council shall be made on or before October 1, 1995. Three of the
3864 members initially appointed by the Governor shall serve a term of two
3865 years and two of the members appointed by the Governor shall serve a
3866 term of four years. All members appointed by the Governor thereafter
3867 shall serve a term of four years. The terms of all members appointed
3868 by members of the General Assembly shall be coterminous with the
3869 terms of members of the General Assembly. The appointing authority
3870 shall fill any vacancy by appointment for the unexpired portion of the
3871 term vacated. The chairman of said council shall be selected by the

3872 Governor. Members of said council shall receive no compensation for
3873 their services on the council. The council shall hold one meeting each
3874 quarter and such additional meetings as may be prescribed by council
3875 rules. Special meetings may be called by the chairman or by any three
3876 members upon delivery of forty-eight hours' written notice to each
3877 member. The council may employ an executive director, exclusive of
3878 the provisions of chapter 67, and such additional staff and contractors
3879 and consultants as may be necessary to carry out its duties and may
3880 share the personnel and resources of the council on environmental
3881 quality, within available appropriations. The council may receive aid
3882 or contributions from any source, including grants-in-aid from any
3883 state agency.

3884 (b) The duties of the council shall be: (1) To advise and assist in the
3885 coordination of state agencies, municipalities, regional planning
3886 organizations, as defined in section 4-124i, and private citizens in
3887 voluntarily planning and implementing a system of greenways; (2) to
3888 operate a greenways help center to advise state agencies,
3889 municipalities, regional planning organizations, as defined in section
3890 4-124i, and private citizens in the technical aspects of planning,
3891 designing and implementing greenways, including advice on securing
3892 state, federal and nongovernmental grants; (3) to establish criteria for
3893 designation of greenways; (4) to maintain an inventory of greenways
3894 in the state which shall include the location of greenways
3895 transportation projects which have received grants under sections 23-
3896 101, 32-6a, 32-9qq and 32-328; (5) to advise the Commissioner of
3897 Economic and Community Development on the distribution of grants
3898 for greenways transportation projects pursuant to sections 32-6a, 32-
3899 9qq and 32-328; and (6) to advise the Commissioner of Energy and
3900 Environmental Protection on the distribution of grants pursuant to
3901 section 23-101.

3902 Sec. 73. Section 25-32b of the general statutes is repealed and the
3903 following is substituted in lieu thereof (*Effective July 1, 2011*):

3904 The Commissioner of Public Health, in consultation with the
3905 Commissioner of Energy and Environmental Protection and the Public
3906 Utilities [Control] Regulatory Authority, may declare a public drinking
3907 water supply emergency upon receipt of information that a public
3908 water supply emergency exists or is imminent. Notwithstanding any
3909 other provision of the general statutes or regulations adopted
3910 thereunder, or special act or municipal ordinance, the Commissioner of
3911 Public Health may authorize or order the sale, supply or taking of any
3912 waters, including waters into which sewage is discharged, or the
3913 temporary interconnection of water mains for the sale or transfer of
3914 water among water companies. The Public Utilities [Control]
3915 Regulatory Authority shall determine the terms of the sale of any
3916 water sold pursuant to this section if the water companies that are
3917 party to the sale cannot determine such terms or if one of such water
3918 companies is regulated by the authority. The authorization or order
3919 may be implemented prior to such determination. Any authorization
3920 or order shall be for an initial period of not more than thirty days but
3921 may be extended for additional periods of thirty days up to one
3922 hundred fifty days, consistent with the contingency procedures for a
3923 public drinking water supply emergency in the plan approved
3924 pursuant to section 25-32d to the extent the Commissioner of Public
3925 Health deems appropriate. Upon request by the Commissioner of
3926 Public Health, the Commissioner of Energy and Environmental
3927 Protection, pursuant to section 22a-378, shall suspend a permit issued
3928 pursuant to section 22a-368 or impose conditions on a permit held
3929 pursuant to said section. The time for such suspension or conditions
3930 shall be established in accordance with subdivision (1) of subsection (a)
3931 of section 22a-378. As used in this section and section 22a-378, "public
3932 drinking water supply emergency" includes the contamination of
3933 water, the failure of a water supply system or the shortage of water.

3934 Sec. 74. Section 25-32d of the general statutes is repealed and the
3935 following is substituted in lieu thereof (*Effective July 1, 2011*):

3936 (a) Each water company, as defined in section 25-32a, and supplying

3937 water to one thousand or more persons or two hundred fifty or more
3938 consumers and any other water company as defined in said section
3939 requested by the Commissioner of Public Health shall submit a water
3940 supply plan to the Commissioner of Public Health for approval in
3941 accordance with the requirements of this section and with the
3942 concurrence of the Commissioner of Environmental Protection. The
3943 concurrence of the Public Utilities [Control] Regulatory Authority shall
3944 be required for approval of a plan submitted by a water company
3945 regulated by the authority. The Commissioner of Public Health shall
3946 consider the comments of the Public Utilities [Control] Regulatory
3947 Authority on any plan which may impact any water company
3948 regulated by the authority. The Commissioner of Public Health shall
3949 distribute a copy of the plan to the Commissioner of Energy and
3950 Environmental Protection and the Public Utilities [Control] Regulatory
3951 Authority. A copy of the plan shall be sent to the Secretary of the
3952 Office of Policy and Management for information and comment. A
3953 plan shall be revised at such time as the water company filing the plan
3954 or the Commissioner of Public Health determines, or at intervals of not
3955 less than six years nor more than nine years after the date of the most
3956 recently approved plan. Unless the Commissioner of Public Health
3957 requests otherwise, any water company that fails to meet public
3958 drinking water supply quality and quantity obligations, as prescribed
3959 in state law or regulation, shall be required to file plan revisions six
3960 years after the date of the most recently approved plan. On and after
3961 October 1, 2009, upon the approval of a water supply plan, any
3962 subsequent revisions to such plan shall minimally consist of updates to
3963 those elements described in subsection (b) of this section that have
3964 changed after the date of the most recently approved plan provided
3965 the Commissioner of Public Health has not otherwise requested
3966 submission of an entire water supply plan.

3967 (b) Any water supply plan submitted pursuant to this section shall
3968 evaluate the water supply needs in the service area of the water
3969 company submitting the plan and propose a strategy to meet such

3970 needs. The plan shall include: (1) A description of existing water
3971 supply systems; (2) an analysis of future water supply demands; (3) an
3972 assessment of alternative water supply sources which may include
3973 sources receiving sewage and sources located on state land; (4)
3974 contingency procedures for public drinking water supply emergencies,
3975 including emergencies concerning the contamination of water, the
3976 failure of a water supply system or the shortage of water; (5) a
3977 recommendation for new water system development; (6) a forecast of
3978 any future land sales, an identification which includes the acreage and
3979 location of any land proposed to be sold, sources of public water
3980 supply to be abandoned and any land owned by the company which it
3981 has designated, or plans to designate, as class III land; (7) provisions
3982 for strategic groundwater monitoring; (8) an analysis of the impact of
3983 water conservation practices and a strategy for implementing supply
3984 and demand management measures; (9) on and after January 1, 2004,
3985 an evaluation of source water protection measures for all sources of the
3986 water supply, based on the identification of critical lands to be
3987 protected and incompatible land use activities with the potential to
3988 contaminate a public drinking water source; and (10) a brief summary
3989 of the water company's underground infrastructure replacement
3990 practices, which may include current and future infrastructure needs,
3991 methods by which projects are identified and prioritized for
3992 rehabilitation and replacement and funding needs.

3993 (c) For security and safety reasons, procedures for sabotage
3994 prevention and response shall be provided separately from the water
3995 supply plan as a confidential document to the Department of Public
3996 Health. Such procedures shall not be subject to disclosure under the
3997 Freedom of Information Act, as defined in section 1-200. Additionally,
3998 procedures for sabotage prevention and response that are established
3999 by municipally-owned water companies shall not be subject to
4000 disclosure under the Freedom of Information Act, as defined in section
4001 1-200.

4002 (d) The Commissioner of Public Health, in consultation with the

4003 Commissioner of Energy and Environmental Protection and the Public
4004 Utilities [Control] Regulatory Authority, shall adopt regulations in
4005 accordance with the provisions of chapter 54. Such regulations shall
4006 include a method for calculating safe yield, the contents of emergency
4007 contingency plans and water conservation plans, the contents of an
4008 evaluation of source water protection measures, a process for
4009 approval, modification or rejection of plans submitted pursuant to this
4010 section, a schedule for submission of the plans and a mechanism for
4011 determining the completeness of the plan. The plan shall be deemed
4012 complete if the commissioner does not request additional information
4013 within ninety days after the date on which the plan was submitted or,
4014 in the event that additional information has been requested, within
4015 forty-five days after the submission of such information, except that
4016 the commissioner may request an additional thirty days beyond the
4017 time in which the application is deemed complete to further determine
4018 completeness. In determining whether the water supply plan is
4019 complete, the commissioner may request only information that is
4020 specifically required by regulation. The Department of Energy and
4021 Environmental Protection and the [Department of Public Utility
4022 Control] Public Utilities Regulatory Authority, in the case of any plan
4023 which may impact any water company regulated by that agency, shall
4024 have ninety days upon notice that a plan is deemed complete to
4025 comment on the plan.

4026 (e) Any water company, when submitting any plan or revision or
4027 amendment of a plan after July 1, 1998, which involves a forecast of
4028 land sales, abandonment of any water supply source, sale of any lands,
4029 or land reclassification, shall provide notice, return receipt requested,
4030 to the chief elected official of each municipality in which the land or
4031 source is located, the Nature Conservancy, the Trust for Public Land
4032 and the Land Trust Service Bureau and any organization on the list
4033 prepared under subsection (b) of section 16-50c. Such notice shall
4034 specify any proposed abandonment of a source of water supply, any
4035 proposed changes to land sales forecasts or any land to be designated

4036 as class III land in such plan. Such notice shall specify the location and
4037 acreage proposed for sale or reclassification as class III land and
4038 identify sources to be abandoned and shall be provided no later than
4039 the date of submission of such plan or revision. Such notice shall
4040 indicate that public comment on such plan or revision shall be received
4041 by the Commissioners of Public Health and Energy and Environmental
4042 Protection not later than sixty days after the date of notice. The
4043 Commissioner of Public Health shall take such comment into
4044 consideration in making any determination or approval under this
4045 section.

4046 Sec. 75. Section 25-32i of the general statutes is repealed and the
4047 following is substituted in lieu thereof (*Effective July 1, 2011*):

4048 There is created a Residential Water-Saving Advisory Board to
4049 advise the Commissioner of Public Health on educational materials or
4050 information on water conservation. The board shall consist of eight
4051 members as follows: The Commissioners of Energy and Environmental
4052 Protection and Public Health, the Secretary of the Office of Policy and
4053 Management, the chairperson of the Public Utilities [Control]
4054 Regulatory Authority, and the Consumer Counsel, or their respective
4055 designees; a representative of a small investor-owned water company,
4056 who shall be appointed by the minority leader of the Senate; a
4057 representative of a large investor-owned water company, who shall be
4058 appointed by the minority leader of the House of Representatives; and
4059 a representative of a municipal or regional water authority, who shall
4060 be jointly appointed by the president pro tempore of the Senate and
4061 the speaker of the House of Representatives. The Governor shall
4062 designate the chairman of the board.

4063 Sec. 76. Section 25-33o of the general statutes is repealed and the
4064 following is substituted in lieu thereof (*Effective July 1, 2011*):

4065 (a) The chairperson of the Public Utilities [Control] Regulatory
4066 Authority, or the chairperson's designee, the Commissioner of Energy

4067 and Environmental Protection, or the commissioner's designee, the
4068 Secretary of the Office of Policy and Management, or the secretary's
4069 designee, and the Commissioner of Public Health, or the
4070 commissioner's designee, shall constitute a Water Planning Council to
4071 address issues involving the water companies, water resources and
4072 state policies regarding the future of the state's drinking water supply.
4073 On or after July 1, 2007, and each year thereafter, the chairperson of the
4074 Water Planning Council shall be elected by the members of the Water
4075 Planning Council.

4076 (b) The Water Planning Council shall conduct a study, in
4077 consultation with representatives of water companies, municipalities,
4078 agricultural groups, environmental groups and other water users, that
4079 shall include the following issues: (1) The financial viability, market
4080 structure, reliability of customer service and managerial competence of
4081 water companies; (2) fair and reasonable water rates; (3) protection and
4082 appropriate allocation of the state's water resources while providing
4083 for public water supply needs; (4) the adequacy and quality of the
4084 state's drinking water supplies to meet current and future needs; (5) an
4085 inventory of land and land use by water companies; (6) the status of
4086 current withdrawals, projected withdrawals, river flows and the future
4087 needs of water users; (7) methods for measurement and estimations of
4088 natural flows in Connecticut waterways in order to determine
4089 standards for stream flows that will protect the ecology of the state's
4090 rivers and streams; (8) the status of river flows and available data for
4091 measuring river flows; (9) the streamlining of the water diversion
4092 permit process; (10) coordination between the Departments of Energy
4093 and Environmental Protection [,] and Public Health [and Public Utility
4094 Control] in review of applications for water diversion; and (11) the
4095 procedure for coordination of planning of public water supply systems
4096 established in sections 25-33c to 25-33j, inclusive. Such study shall be
4097 conducted on both a regional and state-wide level.

4098 (c) The council may establish an advisory group that shall serve at
4099 the pleasure of the council. The advisory group shall be balanced

4100 between consumptive and nonconsumptive interests. The advisory
4101 group may include representatives of (1) regional and municipal water
4102 utilities, (2) investor-owned water utilities, (3) a wastewater system, (4)
4103 agricultural interests, (5) electric power generation interests, (6)
4104 business and industry interests, (7) environmental land protection
4105 interests, (8) environmental river protection interests, (9) boating
4106 interests, (10) fisheries interests, (11) recreational interests, (12)
4107 endangered species protection interests, and (13) members of academia
4108 with expertise in stream flow, public health and ecology.

4109 (d) The council shall, not later than January 1, 2002, and annually
4110 thereafter, report its preliminary findings and any proposed legislative
4111 changes to the joint standing committees of the General Assembly
4112 having cognizance of matters relating to public health, the
4113 environment and public utilities in accordance with section 11-4a,
4114 except that not later than February 1, 2004, the council shall report its
4115 recommendations in accordance with this subsection with regard to (1)
4116 a water allocation plan based on water budgets for each watershed, (2)
4117 funding for water budget planning, giving priority to the most highly
4118 stressed watersheds, and (3) the feasibility of merging the data
4119 collection and regulatory functions of the Department of Energy and
4120 Environmental Protection's inland water resources program and the
4121 Department of Public Health's water supplies section.

4122 Sec. 77. Section 25-157 of the general statutes is repealed and the
4123 following is substituted in lieu thereof (*Effective July 1, 2011*):

4124 Notwithstanding any other provision of the general statutes, no
4125 state agency, including, but not limited to, the Department of Energy
4126 and Environmental Protection and the Connecticut Siting Council
4127 within such department, shall consider or render a final decision for
4128 any applications relating to electric power line crossings, gas pipeline
4129 crossings or telecommunications crossings of Long Island Sound that
4130 have required or will require a certificate issued pursuant to section
4131 16-50k or approval by the Federal Energy Regulatory Commission

4132 including, but not limited to, electrical power line, gas pipeline or
4133 telecommunications applications that are pending or received after
4134 June 3, 2002, for a period of three years after June 3, 2002. Such
4135 moratorium shall not apply to applications relating solely to the
4136 maintenance, repair or replacement necessary for repair of electrical
4137 power lines, gas pipelines or telecommunications facilities currently
4138 used to provide service to customers located on islands or peninsulas
4139 off the Connecticut coast or harbors, embayments, tidal rivers, streams
4140 or creeks. An applicant may seek a waiver of such moratorium by
4141 submitting a petition to the following: The chairpersons and ranking
4142 members of the joint standing committees of the General Assembly
4143 having cognizance of matters relating to energy and the environment,
4144 the chairman of the Connecticut Siting Council, [the chairperson of the
4145 Public Utilities Control Authority,] the Commissioner of Energy and
4146 Environmental Protection, and any other state agency head with
4147 jurisdiction over the subject of the petition. Such persons may grant a
4148 petition for a waiver by unanimous consent. Nothing in section 16-
4149 244j, this section or sections 25-157a to 25-157c, inclusive, shall be
4150 construed to affect the project in the corridor across Long Island
4151 Sound, from Norwalk to Northport, New York, to replace the existing
4152 electric cables that cross the sound.

4153 Sec. 78. Section 25-33g of the general statutes is repealed and the
4154 following is substituted in lieu thereof (*Effective July 1, 2011*):

4155 (a) Each water utility coordinating committee, in consultation with
4156 the Commissioners of Public Health and Energy and Environmental
4157 Protection, the Secretary of the Office of Policy and Management and
4158 the [Department of Public Utility Control] Public Utilities Regulatory
4159 Authority, shall develop a preliminary assessment of water supply
4160 conditions and problems within the public water supply management
4161 area. The committee shall solicit comments on the preliminary
4162 assessment from municipalities, regional planning agencies, state
4163 agencies and other interested parties and respond to any comment
4164 received. The committee shall thereafter prepare a final assessment.

4165 (b) The committee shall establish preliminary exclusive service area
4166 boundaries, based on the final assessment, for each public water
4167 system within the management area, and may change such
4168 boundaries. In establishing exclusive service area boundaries the
4169 committee shall solicit comments on such boundaries from
4170 municipalities, regional planning agencies, the Commissioners of
4171 Energy and Environmental Protection and Public Health, the
4172 [Department of Public Utility Control] Public Utilities Regulatory
4173 Authority, the Secretary of the Office of Policy and Management and
4174 other interested persons within the management area and respond to
4175 any comment received. If there is no agreement by the committee on
4176 such boundaries, or on a change to such boundaries, the committee
4177 shall consult with the [Department of Public Utility Control] Public
4178 Utilities Regulatory Authority. If there is no agreement by the
4179 committee after such consultation, the Commissioner of Public Health
4180 shall establish or may change such exclusive service area boundaries
4181 taking into consideration any water company rights established by
4182 statute, special act or administrative decisions. In establishing such
4183 boundaries the commissioner shall maintain existing service areas and
4184 consider the orderly and efficient development of public water
4185 supplies. In considering any change to exclusive service area
4186 boundaries, the commissioner shall maintain existing service areas,
4187 consider established exclusive service areas, and consider the orderly
4188 and efficient development of public water supplies.

4189 Sec. 79. Section 25-33h of the general statutes is repealed and the
4190 following is substituted in lieu thereof (*Effective July 1, 2011*):

4191 (a) Each water utility coordinating committee shall prepare a
4192 coordinated water system plan in the public water supply
4193 management area. Such plan shall be submitted to the Commissioner
4194 of Public Health for his approval not more than two years after the first
4195 meeting of the committee. The plan shall promote cooperation among
4196 public water systems and include, but not be limited to, provisions for
4197 (1) integration of public water systems, consistent with the protection

4198 and enhancement of public health and well-being; (2) integration of
4199 water company plans; (3) exclusive service areas; (4) joint management
4200 or ownership of services; (5) satellite management services; (6)
4201 interconnections between public water systems; (7) integration of land
4202 use and water system plans; (8) minimum design standards; (9) water
4203 conservation; (10) the impact on other uses of water resources; and (11)
4204 acquisition of land surrounding wells proposed to be located in
4205 stratified drifts.

4206 (b) The plan shall be adopted in accordance with the provisions of
4207 this section. The committee shall prepare a draft of the plan and solicit
4208 comments thereon from the Commissioners of Public Health and
4209 Energy and Environmental Protection, the [Department of Public
4210 Utility Control] Public Utilities Regulatory Authority, the Secretary of
4211 the Office of Policy and Management and any municipality, regional
4212 planning agency or other interested party within the management
4213 area. The municipalities and regional planning agencies shall comment
4214 on, but shall not be limited to commenting on, the consistency of the
4215 plan with local and regional land use plans and policies. The
4216 [Department of Public Utility Control] Public Utilities Regulatory
4217 Authority shall comment on, but shall not be limited to commenting
4218 on, the cost-effectiveness of the plan. The Secretary of the Office of
4219 Policy and Management shall comment on, but shall not be limited to
4220 commenting on, the consistency of the plan with state policies. The
4221 Commissioner of Energy and Environmental Protection shall comment
4222 on, but shall not be limited to commenting on, the availability of water
4223 for any proposed diversion. The Commissioner of Public Health shall
4224 comment on, but shall not be limited to commenting on, the
4225 availability of pure and adequate water supplies, potential conflicts
4226 over the use of such supplies, and consistency with the goals of
4227 sections 25-33c to 25-33j, inclusive.

4228 (c) The Commissioner of Public Health shall adopt regulations in
4229 accordance with the provisions of chapter 54 establishing the contents
4230 of a plan and a procedure for approval or amendment to the plan.

4231 Sec. 80. Section 25-37d of the general statutes is repealed and the
4232 following is substituted in lieu thereof (*Effective July 1, 2011*):

4233 Within two years after June 26, 1977, the commissioner shall adopt
4234 regulations in accordance with chapter 54 for the review of permit
4235 applications. Such procedure shall include a standard application
4236 form, a public hearing and enforcement provisions. A permit
4237 application shall be deemed complete if the commissioner does not
4238 request additional information within forty-five days after the date on
4239 which the application was submitted or, in the event that additional
4240 information has been requested, upon the submission of such
4241 information. The commissioner may request further information after
4242 the application has been deemed complete if the need for such
4243 information was not apparent within forty-five days after submission
4244 of the application. If, in the judgment of the commissioner, the
4245 proposed sale, lease, assignment or change in use of class II land may
4246 have a significant adverse impact upon the applicant's water supply,
4247 said commissioner may, within thirty days of his receipt of a complete
4248 permit application, refer such application for detailed review to a
4249 consultant chosen by the commissioner, with skills in the fields of
4250 water supply, hydrology, aquatic biology, forestry, geology, planning
4251 or other related fields. The commissioner shall notify the applicant of
4252 such referral. The fee for such consultant shall be paid by the applicant.
4253 If the commissioner does not refer the application to a consultant
4254 pursuant to the provisions of this section, the commissioner shall refer
4255 such application to a professional review team appointed by said
4256 commissioner, consisting of a [professional water supply engineer
4257 from the staff of the Department of Public Utility Control; a]
4258 professional from the staff of the Department of Energy and
4259 Environmental Protection with expertise in one of the following areas:
4260 Water supply, hydrology, aquatic biology, forestry, geology or other
4261 related fields; a professional planner recommended by the chief
4262 executive officer of the town or towns in which the land proposed for
4263 disposition is located; a professional planner from the staff of the

4264 Office of Policy and Management; an appointee from the staff of the
4265 Department of Public Health and up to three other experts in the
4266 public health field, provided nothing in this section shall be construed
4267 to prevent the commissioner from referring such application to both a
4268 consultant and a professional review team. No appointee or consultant
4269 shall serve at the time of his appointment in the employ of the
4270 applicant. Such team or consultant shall evaluate the impact of the
4271 proposed sale, lease, assignment or change in use of land upon the
4272 purity and adequacy of the water supply under the most severe
4273 climatic conditions and its ability to meet current drinking water
4274 standards adopted by the Department of Public Health.

4275 Sec. 81. Section 25-102m of the general statutes is repealed and the
4276 following is substituted in lieu thereof (*Effective July 1, 2011*):

4277 (a) The Commissioner of Energy and Environmental Protection
4278 shall select two harbor management commissions, established
4279 pursuant to section 22a-113k, from the member towns of the
4280 Connecticut River Gateway Commission, established pursuant to
4281 section 25-102e, to jointly recommend standards and criteria for the
4282 construction and location of private residential docks and piers and
4283 standards and criteria for the management of scenic resources and
4284 visual impacts within the limits of navigable waters, as defined in
4285 subsection (b) of section 15-3a.

4286 (b) The standards and criteria recommended pursuant to subsection
4287 (a) of this section shall be jointly submitted for approval to the
4288 Commissioners of Energy and Environmental Protection and
4289 Transportation. The commissioners shall approve or reject each
4290 recommendation not more than one hundred twenty days after
4291 submission.

4292 (c) A harbor management commission established pursuant to
4293 section 22a-113k from a member town of the Connecticut River
4294 Gateway Commission established pursuant to section 25-102e may

4295 adopt any standard or criterion approved pursuant to subsection (b) of
4296 this section as part of its harbor management plan adopted pursuant to
4297 chapter 444a.

4298 Sec. 82. Subsection (a) of section 25-203 of the general statutes is
4299 repealed and the following is substituted in lieu thereof (*Effective July*
4300 *1, 2011*):

4301 (a) The commissioner shall establish a river committee to plan for
4302 designation and protection and preservation of eligible river corridors
4303 and to perform such other functions as are specified in sections 25-200
4304 to 25-210, inclusive, if (1) one or more municipalities within any such
4305 corridor request such action or (2) the legislative body of any such
4306 municipality provides for a referendum at a regular election held in
4307 such municipality on the question of whether such municipality shall
4308 request the commissioner to establish a river committee and a majority
4309 of the electors in such municipality approve such action. A request
4310 under this subsection shall be accompanied by a list of persons who
4311 may appropriately serve on such committee. Such persons shall
4312 include (A) an official representative of each requesting municipality,
4313 (B) all persons or representatives thereof who have such a legal or
4314 management interest in or responsibility for the river corridor that the
4315 river committee could not properly function without their
4316 participation, and (C) persons having substantial relevant expertise in
4317 the areas of engineering or land or water use management. The
4318 commissioner shall appoint the members of the river committee from
4319 among the persons included on such list and from among such other
4320 persons as he deems necessary or appropriate to carry out the
4321 purposes of sections 25-200 to 25-210, inclusive, including at least one
4322 representative each of the Departments of Energy and Environmental
4323 Protection and Public Health. Vacancies on the river committee shall
4324 be filled in the same manner as original appointments.

4325 Sec. 83. Section 26-141b of the general statutes is repealed and the
4326 following is substituted in lieu thereof (*Effective July 1, 2011*):

4327 The Commissioner of Energy and Environmental Protection shall,
4328 on or before December 31, 2006, and after consultation and cooperation
4329 with the Department of Public Health, the [Department of Public
4330 Utility Control] Public Utilities Regulatory Authority, an advisory
4331 group convened by the Commissioner of Energy and Environmental
4332 Protection, and any other agency, board or commission of the state
4333 with which said commissioner shall deem it advisable to consult and
4334 after recognizing and providing for the needs and requirements of
4335 public health, flood control, industry, public utilities, water supply,
4336 public safety, agriculture and other lawful uses of such waters and
4337 further recognizing and providing for stream and river ecology, the
4338 requirements of natural aquatic life, natural wildlife and public
4339 recreation, and after considering the natural flow of water into an
4340 impoundment or diversion, and being reasonably consistent therewith,
4341 shall adopt regulations, in accordance with the provisions of chapter
4342 54, establishing flow regulations for all river and stream systems. Such
4343 flow regulations shall: (1) Apply to all river and stream systems within
4344 this state; (2) preserve and protect the natural aquatic life, including
4345 anadromous fish, contained within such waters; (3) preserve and
4346 protect the natural and stocked wildlife dependent upon the flow of
4347 such water; (4) promote and protect the usage of such water for public
4348 recreation; (5) be based, to the maximum extent practicable, on natural
4349 variation of flows and water levels while providing for the needs and
4350 requirements of public health, flood control, industry, public utilities,
4351 water supply, public safety, agriculture and other lawful uses of such
4352 waters; and (6) be based on the best available science, including, but
4353 not limited to, natural aquatic habitat, biota, subregional basin
4354 boundaries, areas of stratified drift, stream gages and flow data,
4355 locations of registered, permitted, and proposed diversions and
4356 withdrawal data reported pursuant to section 22a-368a, locations
4357 where any dams or other structures impound or divert the waters of a
4358 river or stream and any release made therefrom, and any other data for
4359 developing such regulations or individual management plans. Such
4360 flow regulations may provide special conditions or exemptions

4361 including, but not limited to, an extreme economic hardship or other
4362 circumstance, an agricultural diversion, a water quality certification
4363 related to a license issued by the Federal Energy Regulatory
4364 Commission or as necessary to allow a public water system, as defined
4365 in subsection (a) of section 25-33d, to comply with the obligations of
4366 such system as set forth in the regulations of Connecticut state
4367 agencies. Any flow management plan contained in a resolution,
4368 agreement or stipulated judgment to which the state, acting through
4369 the Commissioner of Energy and Environmental Protection, is a party,
4370 or the management plan developed pursuant to section 3 of public act
4371 00-152, is exempt from any such flow regulations. Flow regulations
4372 that were adopted pursuant to this section and sections 26-141a and
4373 26-141c prior to October 1, 2005, shall remain in effect until the
4374 Commissioner of Energy and Environmental Protection adopts new
4375 regulations pursuant to this section.

4376 Sec. 84. Section 26-157f of the general statutes is repealed and the
4377 following is substituted in lieu thereof (*Effective July 1, 2011*):

4378 (a) There is established a Lobster Restoration Advisory Committee
4379 to advise the Commissioner of Energy and Environmental Protection
4380 on matters relating to the development of a lobster v-notch
4381 conservation program to enhance recovery and rebuilding of lobster
4382 stock in Long Island Sound.

4383 (b) The committee shall be comprised of the following eleven
4384 members: (1) The Commissioner of Energy and Environmental
4385 Protection, or the commissioner's designee, (2) the Commissioner of
4386 Agriculture, or the commissioner's designee, (3) the state's
4387 administrative commissioner to the Atlantic States Marine Fisheries
4388 Commission, (4) the state's legislative commissioner to the Atlantic
4389 States Marine Fisheries Commission, (5) the state's commissioner who
4390 has been appointed by the Governor to the Atlantic States Marine
4391 Fisheries Commission, (6) a representative of the Southern New
4392 England Fishermen's and Lobsterman's Association, (7) a

4393 representative of the Connecticut Commercial Lobstermen's
4394 Association, (8) a representative of the Long Island Western End
4395 Lobstermen's Association, (9) a representative of the state vocational
4396 aquaculture school known as the Sound School in New Haven, (10) a
4397 representative of a state vocational aquaculture school in Bridgeport,
4398 and (11) a representative of the Connecticut Seafood Council.

4399 (c) The committee shall be appointed jointly by the Commissioners
4400 of Energy and Environmental Protection and Agriculture, after
4401 receiving appointment nominations from each group listed in
4402 subsection (b) of this section, not more than thirty days after May 26,
4403 2006. The committee shall elect its own chairman and such other
4404 officers and adopt such rules of procedure as it may deem appropriate.
4405 Members of said committee shall receive no compensation for their
4406 services but shall be reimbursed for necessary expenses in the
4407 performance of their duties.

4408 Sec. 85. Section 28-24 of the general statutes is repealed and the
4409 following is substituted in lieu thereof (*Effective July 1, 2011*):

4410 (a) There is established an Office of State-Wide Emergency
4411 Telecommunications which shall be in the Division of Fire, Emergency
4412 and Building Services within the Department of Public Safety. The
4413 Office of State-Wide Emergency Telecommunications shall be
4414 responsible for developing and maintaining a state-wide emergency
4415 service telecommunications policy. In connection with said policy the
4416 office shall:

4417 (1) Develop a state-wide emergency service telecommunications
4418 plan specifying emergency police, fire and medical service
4419 telecommunications systems needed to provide coordinated
4420 emergency service telecommunications to all state residents, including
4421 the physically disabled;

4422 (2) Pursuant to the recommendations of the task force established by
4423 public act 95-318 to study enhanced 9-1-1 telecommunications services,

4424 and in accordance with regulations adopted by the Commissioner of
4425 Public Safety pursuant to subsection (b) of this section, develop and
4426 administer, by July 1, 1997, an enhanced emergency 9-1-1 program,
4427 which shall provide for: (A) The replacement of existing 9-1-1 terminal
4428 equipment for each public safety answering point; (B) the
4429 subsidization of regional public safety emergency telecommunications
4430 centers, with enhanced subsidization for municipalities with a
4431 population in excess of forty thousand; (C) the establishment of a
4432 transition grant program to encourage regionalization of public safety
4433 telecommunications centers; and (D) the establishment of a regional
4434 emergency telecommunications service credit in order to support
4435 regional dispatch services;

4436 (3) Provide technical telecommunications assistance to state and
4437 local police, fire and emergency medical service agencies;

4438 (4) Provide frequency coordination for such agencies;

4439 (5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-
4440 1 systems;

4441 (6) Review and make recommendations concerning proposed
4442 legislation affecting emergency service telecommunications; and

4443 (7) Review and make recommendations to the General Assembly
4444 concerning emergency service telecommunications funding.

4445 (b) The Commissioner of Public Safety shall adopt regulations, in
4446 accordance with chapter 54, establishing eligibility standards for state
4447 financial assistance to local or regional police, fire and emergency
4448 medical service agencies providing emergency service
4449 telecommunications. Not later than April 1, 1997, the commissioner
4450 shall adopt regulations, in accordance with chapter 54, in order to
4451 carry out the provisions of subdivision (2) of subsection (a) of this
4452 section.

4453 (c) Within a time period determined by the commissioner to ensure
4454 the availability of funds for the fiscal year beginning July 1, 1997, to the
4455 regional public safety emergency telecommunications centers within
4456 the state, and not later than April first of each year thereafter, the
4457 commissioner shall determine the amount of funding needed for the
4458 development and administration of the enhanced emergency 9-1-1
4459 program. The commissioner shall specify the expenses associated with
4460 (1) the purchase, installation and maintenance of new public safety
4461 answering point terminal equipment, (2) the implementation of the
4462 subsidy program, as described in subdivision (2) of subsection (a) of
4463 this section, (3) the implementation of the transition grant program,
4464 described in subdivision (2) of subsection (a) of this section, (4) the
4465 implementation of the regional emergency telecommunications service
4466 credit, as described in subdivision (2) of subsection (a) of this section,
4467 provided, for the fiscal year ending June 30, 2001, and each fiscal year
4468 thereafter, such credit for coordinated medical emergency direction
4469 services as provided in regulations adopted under this section shall be
4470 based upon the factor of thirty cents per capita and shall not be
4471 reduced each year, (5) the training of personnel, as necessary, (6)
4472 recurring expenses and future capital costs associated with the
4473 telecommunications network used to provide emergency 9-1-1 service
4474 and the public safety services data networks, (7) for the fiscal year
4475 ending June 30, 2001, and each fiscal year thereafter, the collection,
4476 maintenance and reporting of emergency medical services data, as
4477 required under subparagraphs (A) and (B) of subdivision (8) of section
4478 19a-177, provided the amount of expenses specified under this
4479 subdivision shall not exceed two hundred fifty thousand dollars in any
4480 fiscal year, (8) for the fiscal year ending June 30, 2001, and each fiscal
4481 year thereafter, the initial training of emergency medical dispatch
4482 personnel, the provision of an emergency medical dispatch priority
4483 reference card set and emergency medical dispatch training and
4484 continuing education pursuant to subdivisions (3) and (4) of
4485 subsection (g) of section 28-25b, and (9) the administration of the
4486 enhanced emergency 9-1-1 program by the Office of State-Wide

4487 Emergency Telecommunications, as the commissioner determines to
4488 be reasonably necessary. The commissioner shall communicate the
4489 commissioner's findings to the [chairperson of the Public Utilities
4490 Control Authority] Public Utilities Regulatory Authority not later than
4491 April first of each year.

4492 (d) The office may apply for, receive and distribute any federal
4493 funds available for emergency service telecommunications. The office
4494 shall deposit such federal funds in the Enhanced 9-1-1
4495 Telecommunications Fund established by section 28-30a.

4496 (e) The office shall work in cooperation with the [Department of
4497 Public Utility Control] Public Utilities Regulatory Authority to carry
4498 out the purposes of this section.

4499 Sec. 86. Subsection (a) of section 32-1o of the general statutes is
4500 repealed and the following is substituted in lieu thereof (*Effective July*
4501 *1, 2011*):

4502 (a) On or before July 1, 2009, and every five years thereafter, the
4503 Commissioner of Economic and Community Development, within
4504 available appropriations, shall prepare an economic strategic plan for
4505 the state in consultation with the Secretary of the Office of Policy and
4506 Management, the Commissioners of Energy and Environmental
4507 Protection and Transportation, the Labor Commissioner, the executive
4508 directors of the Connecticut Housing Finance Authority, the
4509 Connecticut Development Authority, Connecticut Innovations,
4510 Incorporated, the Commission on Culture and Tourism and the
4511 Connecticut Health and Educational Facilities Authority, and the
4512 president of the Office of Workforce Competitiveness, or their
4513 respective designees, and any other agencies the Commissioner of
4514 Economic and Community Development deems appropriate.

4515 Sec. 87. Section 32-9cc of the general statutes is repealed and the
4516 following is substituted in lieu thereof (*Effective July 1, 2011*):

4517 (a) There is established, within the Department of Economic and
4518 Community Development, an Office of Brownfield Remediation and
4519 Development.

4520 (b) The office shall:

4521 (1) Develop procedures and policies for streamlining the process for
4522 brownfield remediation and development;

4523 (2) Identify existing and potential sources of funding for brownfield
4524 remediation and develop procedures for expediting the application for
4525 and release of such funds;

4526 (3) Establish an office to provide assistance and information
4527 concerning the state's technical assistance, funding, regulatory and
4528 permitting programs;

4529 (4) Provide a single point of contact for financial and technical
4530 assistance from the state and quasi-public agencies;

4531 (5) Develop a common application to be used by all state and quasi-
4532 public entities providing financial assistance for brownfield
4533 assessment, remediation and development; and

4534 (6) Identify and prioritize state-wide brownfield development
4535 opportunities; and

4536 (7) Develop and execute a communication and outreach program to
4537 educate municipalities, economic development agencies, property
4538 owners and potential property owners and other organizations and
4539 individuals with regard to state policies and procedures for brownfield
4540 remediation.

4541 (c) Subject to the availability of funds, there shall be a state-funded
4542 pilot program to identify brownfield remediation economic
4543 opportunities in five Connecticut municipalities, one of which shall
4544 have a population of less than fifty thousand, one of which shall have a

4545 population of more than fifty thousand but less than one hundred
4546 thousand, two of which shall have populations of more than one
4547 hundred thousand and one of which shall be selected without regard
4548 to population. The Commissioner of Economic and Community
4549 Development shall designate five pilot municipalities in which
4550 untreated brownfields hinder economic development and shall make
4551 grants under such pilot program to these municipalities or economic
4552 development agencies associated with each of the five municipalities
4553 that are likely to produce significant economic development benefit for
4554 the designated municipality.

4555 (d) The Department of Energy and Environmental Protection, the
4556 Connecticut Development Authority and the Department of Public
4557 Health shall each designate one or more staff members to act as a
4558 liaison between their offices and the Office of Brownfield Remediation
4559 and Development. The Commissioners of Economic and Community
4560 Development, Energy and Environmental Protection and Public
4561 Health and the executive director of the Connecticut Development
4562 Authority shall enter into a memorandum of understanding
4563 concerning each entity's responsibilities with respect to the Office of
4564 Brownfield Remediation and Development. The Office of Brownfield
4565 Remediation and Development may develop and recruit two
4566 volunteers from the private sector, including a person from the
4567 Connecticut chapter of the National Brownfield Association, with
4568 experience in different aspects of brownfield remediation and
4569 development. Said volunteers may assist the Office of Brownfield
4570 Remediation and Development in achieving the goals of this section.

4571 (e) The Office of Brownfield Remediation and Development may
4572 call upon any other department, board, commission or other agency of
4573 the state to supply such reports, information and assistance as said
4574 office determines is appropriate to carry out its duties and
4575 responsibilities. Each officer or employee of such office, department,
4576 board, commission or other agency of the state is authorized and
4577 directed to cooperate with the Office of Brownfield Remediation and

4578 Development and to furnish such reports, information and assistance.

4579 (f) Brownfield sites identified for funding under the pilot program
4580 established in subsection (c) of this section shall receive priority review
4581 status from the Department of Energy and Environmental Protection.
4582 Each property funded under this program shall be investigated in
4583 accordance with prevailing standards and guidelines and remediated
4584 in accordance with the regulations established for the remediation of
4585 such sites adopted by the Commissioner of Energy and Environmental
4586 Protection or pursuant to section 22a-133k and under the supervision
4587 of the department or in accordance with the voluntary remediation
4588 program established in section 22a-133x. In either event, the
4589 department shall determine that remediation of the property has been
4590 fully implemented upon submission of a report indicating that
4591 remediation has been verified by an environmental professional
4592 licensed in accordance with section 22a-133v. Not later than ninety
4593 days after submission of the verification report, the Commissioner of
4594 Energy and Environmental Protection shall notify the municipality or
4595 economic development agency as to whether the remediation has been
4596 performed and completed in accordance with the remediation
4597 standards or whether any additional remediation is warranted. For
4598 purposes of acknowledging that the remediation is complete, the
4599 commissioner may indicate that all actions to remediate any pollution
4600 caused by any release have been taken in accordance with the
4601 remediation standards and that no further remediation is necessary to
4602 achieve compliance except postremediation monitoring, natural
4603 attenuation monitoring or the recording of an environmental land use
4604 restriction.

4605 (g) All relevant terms in this subsection, subsection (h) of this
4606 section, sections 32-9dd to 32-9ff, inclusive, and section 11 of public act
4607 06-184 shall be defined in accordance with the definitions in chapter
4608 445. For purposes of subdivision (12) of subsection (a) of section 32-9t,
4609 this subsection, subsection (h) of this section, sections 32-9dd to 32-9gg,
4610 inclusive, and section 11 of public act 06-184, "brownfields" means any

4611 abandoned or underutilized site where redevelopment and reuse has
4612 not occurred due to the presence of pollution in the soil or
4613 groundwater that requires remediation prior to or in conjunction with
4614 the restoration, redevelopment and reuse of the property.

4615 (h) The Departments of Economic and Community Development
4616 and Energy and Environmental Protection shall administer the
4617 provisions of subdivision (1) of section 22a-134, section 32-1m,
4618 subdivision (12) of subsection (a) of section 32-9t, sections 32-9cc to 32-
4619 9gg, inclusive, and section 11 of public act 06-184 within available
4620 appropriations and any funds allocated pursuant to sections 4-66c,
4621 22a-133t and 32-9t.

4622 Sec. 88. (*Effective July 1, 2011*) Not later than January 2, 2012, the
4623 Commissioner of Energy and Environmental Protection shall submit a
4624 report, in accordance with the provisions of section 11-4a of the general
4625 statutes, to the joint standing committees of the General Assembly
4626 having cognizance of matters relating to appropriations and the
4627 budgets of state agencies and energy and the environment concerning
4628 (1) the status of the merger of the Departments of Public Utility
4629 Control and Environmental Protection in accordance with the
4630 provisions of this act, and (2) any recommendations for further
4631 legislative action concerning such merger.

4632 Sec. 89. Section 16a-3a of the general statutes is repealed and the
4633 following is substituted in lieu thereof (*Effective July 1, 2011*):

4634 (a) The [electric distribution companies, in consultation with the
4635 Connecticut Energy Advisory Board, established pursuant to section
4636 16a-3] Department of Energy and Environmental Protection, in
4637 consultation with the Connecticut Energy Advisory Board and the
4638 electric distribution companies, shall review the state's energy and
4639 capacity resource assessment and develop [a comprehensive] an
4640 integrated resources plan for the procurement of energy resources,
4641 including, but not limited to, conventional and renewable generating

4642 facilities, energy efficiency, load management, demand response,
4643 combined heat and power facilities, distributed generation and other
4644 emerging energy technologies to meet the projected requirements of
4645 their customers in a manner that minimizes the cost of such resources
4646 to customers over time and maximizes consumer benefits consistent
4647 with the state's environmental goals and standards. Such integrated
4648 resources plan shall seek to lower the cost of electricity.

4649 (b) On or before January 1, [2008] 2012, and biennially thereafter, the
4650 Department of Energy and Environmental Protection, in consultation
4651 with the Connecticut Energy Advisory Board and the electric
4652 distribution companies, shall [submit to the Connecticut Energy
4653 Advisory Board] prepare an assessment of (1) the energy and capacity
4654 requirements of customers for the next three, five and ten years, (2) the
4655 manner of how best to eliminate growth in electric demand, (3) how
4656 best to level electric demand in the state by reducing peak demand and
4657 shifting demand to off-peak periods, (4) the impact of current and
4658 projected environmental standards, including, but not limited to, those
4659 related to greenhouse gas emissions and the federal Clean Air Act
4660 goals and how different resources could help achieve those standards
4661 and goals, (5) energy security and economic risks associated with
4662 potential energy resources, and (6) the estimated lifetime cost and
4663 availability of potential energy resources.

4664 (c) Resource needs shall first be met through all available energy
4665 efficiency and demand reduction resources that are cost-effective,
4666 reliable and feasible. The projected customer cost impact of any
4667 demand-side resources considered pursuant to this subsection shall be
4668 reviewed on an equitable bases with nondemand-side resources. The
4669 [procurement] integrated resources plan shall specify (1) the total
4670 amount of energy and capacity resources needed to meet the
4671 requirements of all customers, (2) the extent to which demand-side
4672 measures, including efficiency, conservation, demand response and
4673 load management can cost-effectively meet these needs in a manner
4674 that ensures equity in benefits and cost reduction to all classes and

4675 subclasses of consumers, (3) needs for generating capacity and
4676 transmission and distribution improvements, (4) how the development
4677 of such resources will reduce and stabilize the costs of electricity to
4678 each class and subclass of consumers, and (5) the manner in which
4679 each of the proposed resources should be procured, including the
4680 optimal contract periods for various resources.

4681 (d) The [procurement] integrated resources plan shall consider: (1)
4682 Approaches to maximizing the impact of demand-side measures; (2)
4683 the extent to which generation needs can be met by renewable and
4684 combined heat and power facilities; (3) the optimization of the use of
4685 generation sites and generation portfolio existing within the state; (4)
4686 fuel types, diversity, availability, firmness of supply and security and
4687 environmental impacts thereof, including impacts on meeting the
4688 state's greenhouse gas emission goals; (5) reliability, peak load and
4689 energy forecasts, system contingencies and existing resource
4690 availabilities; (6) import limitations and the appropriate reliance on
4691 such imports; [and] (7) the impact of the procurement plan on the costs
4692 of electric customers; and (8) the effects on participants and
4693 nonparticipants. Such plan shall include options for lowering the rates
4694 and cost of electricity. The Department of Energy and Environmental
4695 Protection shall hold a public hearing on such integrated resource plan
4696 pursuant to chapter 54. The commissioner may approve or reject such
4697 plan with comments.

4698 (e) The [board, in consultation with the regional independent
4699 system operator, shall review and approve or review, modify and
4700 approve] procurement manager of the Public Utilities Regulatory
4701 Authority, in consultation with the electric distribution companies, the
4702 regional independent system operator, and the Connecticut Energy
4703 Advisory Board, shall develop a procurement plan and hold public
4704 hearings on the proposed [procurement] plan. [as submitted not later
4705 than one hundred twenty days after receipt. For calendar years 2009
4706 and thereafter, the board shall conduct such review not later than sixty
4707 days after receipt. For the purpose of reviewing the plan, the

4708 Commissioners of Transportation and Agriculture and the chairperson
4709 of the Public Utilities Control Authority, or their respective designees,
4710 shall not participate as members of the board. The electric distribution
4711 companies shall provide any additional information requested by the
4712 board that is relevant to the consideration of the procurement plan. In
4713 the course of conducting such review, the board shall conduct a public
4714 hearing, may retain the services of a third-party entity with experience
4715 in the area of energy procurement and may consult with the regional
4716 independent system operator. The board shall submit the reviewed
4717 procurement plan, together with a statement of any unresolved issues,
4718 to the Department of Public Utility Control. The department shall
4719 consider the procurement plan in an uncontested proceeding and shall
4720 conduct a hearing and provide an opportunity for interested parties to
4721 submit comments regarding the procurement plan. Not later than one
4722 hundred twenty days after submission of the procurement plan, the
4723 department shall approve, or modify and approve, the procurement
4724 plan.] Such hearings shall not constitute a contested case and shall be
4725 held in accordance with chapter 54. The Public Utilities Regulatory
4726 Authority shall give not less than fifteen days notice of such
4727 proceeding by electronic publication on the department's Internet web
4728 site. Notice of such hearing may also be published in one or more
4729 newspapers if deemed necessary by the commissioner. Such notice
4730 shall state the date, time, and place of the hearing, the subject matter of
4731 the hearing, the statutory authority for the proposed integrated
4732 resources plan and the location where a copy of the proposed
4733 integrated resources plan may be obtained or examined in addition to
4734 posting the plan on the department's Internet web site. The
4735 commissioner shall provide a time period of not less than forty-five
4736 days from the date the notice is published on the department's web site
4737 for public review and comment. The commissioner shall consider fully,
4738 after all public meetings, all written and oral comments concerning the
4739 proposed integrated resources plan and shall post on the department's
4740 Internet web site and notify by electronic mail each person who
4741 requests such notice. The commissioner shall make available the

4742 electronic text of the final integrated resources plan or an Internet web
4743 site where the final integrated resources plan is posted, and a report
4744 summarizing (1) all public comments, and (2) the changes made to the
4745 final integrated resources plan in response to such comments and the
4746 reasons therefore. The commissioner shall submit the final integrated
4747 resources plan by electronic means, or as requested, to the joint
4748 standing committees of the General Assembly having cognizance of
4749 matters relating to energy and the environment. The department's
4750 Bureau of Energy shall, after the public hearing, make
4751 recommendations to the Commissioner of Energy and Environmental
4752 Protection regarding plan modifications. Said commissioner shall
4753 approve or reject the plan with comments.

4754 (f) On or before [September 30, 2009] March 1, 2012, and every two
4755 years thereafter, the Department of [Public Utility Control] Energy and
4756 Environmental Protection shall report to the joint standing committees
4757 of the General Assembly having cognizance of matters relating to
4758 energy and the environment regarding goals established and progress
4759 toward implementation of the [procurement] integrated resources plan
4760 established pursuant to this section, as well as any recommendations
4761 for the process.

4762 (g) All [electric distribution companies'] costs associated with the
4763 development of the resource assessment and the development of the
4764 [procurement] integrated resources plan and the procurement plan
4765 shall be recoverable through the [systems benefits charge] assessment
4766 in section 16-49, as amended by this act.

4767 (h) The decisions of the Public Utilities Regulatory Authority shall
4768 be guided by the goals of the Department of Energy and
4769 Environmental Protection, as described in section 1 of this act, and
4770 with the goals of the comprehensive energy plan and the integrated
4771 resource plan approved pursuant to this section developed pursuant to
4772 section 51 of this act and shall be based on the evidence in the record of
4773 each proceeding.

4774 Sec. 90. (NEW) (*Effective July 1, 2011*) (a) The integrated resources
4775 plan developed, pursuant to section 16a-3a of the general statutes, as
4776 as amended by this act, to be adopted in 2012 and annually thereafter,
4777 shall (1) indicate specific options to reduce the price of electricity. Such
4778 options may include the procurement of new sources of generation. In
4779 the review of new sources of generation, the integrated resources plan
4780 shall indicate whether the private wholesale market can supply such
4781 additional sources or whether state financial assistance, long-term
4782 purchasing of electricity contracts or other interventions are needed to
4783 achieve the goal; (2) analyze in-state renewable sources of electricity in
4784 comparison to transmission line upgrades or new projects and out-of-
4785 state renewable energy sources, provided such analysis also considers
4786 the benefits of additional jobs and other economic impacts and how
4787 they are created and subsidized; (3) include an examination of average
4788 consumption and other states' best practices to determine why
4789 electricity rates are lower elsewhere in the region; (4) assess and
4790 compare the cost of transmission line projects, new power sources,
4791 renewable sources of electricity, conservation and distributed
4792 generation projects to ensure the state pursues only the least-cost
4793 alternative projects; (5) continually monitor supply and distribution
4794 systems to identify potential need for transmission line projects early
4795 enough to identify alternatives; and (6) assess the least cost alternative
4796 to address reliability concerns, including, but not limited to, lowering
4797 electricity demand through conservation and distributed generation
4798 projects before an electric distribution company submits a proposal for
4799 transmission lines or transmission line upgrades to the independent
4800 system operator or the Federal Energy Regulatory Commission,
4801 provided no provision of such plan shall be deemed to prohibit an
4802 electric distribution company from making any filing required by law
4803 or regulation.

4804 (b) If, on and after July 1, 2012, the 2012 integrated resources plan or
4805 any subsequent plan contains an option to procure new sources of
4806 generation, the Department of Energy and Environmental Protection

4807 shall pursue the most cost-effective approach. If the department seeks
4808 new sources of generation, it shall issue a notice of interest for
4809 generation without any financial assistance, including, but not limited
4810 to, long-term contract financing or ratepayer guarantees. If the
4811 department fails to receive any responsive cost effective proposal, it
4812 shall issue a request for proposals that may include such financial
4813 assistance.

4814 (c) On or before February 1, 2012, the department shall report to the
4815 joint standing committee of the General Assembly having cognizance
4816 of matters relating to energy regarding state policy and legislative
4817 changes the department feels would most likely lower the state's
4818 electricity rates.

4819 Sec. 91. Section 16-244c of the general statutes is repealed and the
4820 following is substituted in lieu thereof (*Effective July 1, 2011*):

4821 (a) (1) On and after January 1, 2000, each electric distribution
4822 company shall make available to all customers in its service area, the
4823 provision of electric generation and distribution services through a
4824 standard offer. Under the standard offer, a customer shall receive
4825 electric services at a rate established by the [Department of Public
4826 Utility Control] Public Utilities Regulatory Authority pursuant to
4827 subdivision (2) of this subsection. Each electric distribution company
4828 shall provide electric generation services in accordance with such
4829 option to any customer who affirmatively chooses to receive electric
4830 generation services pursuant to the standard offer or does not or is
4831 unable to arrange for or maintain electric generation services with an
4832 electric supplier. The standard offer shall automatically terminate on
4833 January 1, 2004. While providing electric generation services under the
4834 standard offer, an electric distribution company may provide electric
4835 generation services through any of its generation entities or affiliates,
4836 provided such entities or affiliates are licensed pursuant to section 16-
4837 245, as amended by this act.

4838 (2) Not later than October 1, 1999, the Department of [Public Utility
4839 Control] Energy and Environmental Protection shall establish the
4840 standard offer for each electric distribution company, effective January
4841 1, 2000, which shall allocate the costs of such company among electric
4842 transmission and distribution services, electric generation services, the
4843 competitive transition assessment and the systems benefits charge. The
4844 department shall hold a hearing that shall be conducted as a contested
4845 case in accordance with chapter 54 to establish the standard offer. The
4846 standard offer shall provide that the total rate charged under the
4847 standard offer, including electric transmission and distribution
4848 services, the conservation and load management program charge
4849 described in section 16-245m, as amended by this act, the renewable
4850 energy investment charge described in section 16-245n, as amended by
4851 this act, electric generation services, the competitive transition
4852 assessment and the systems benefits charge shall be at least ten per
4853 cent less than the base rates, as defined in section 16-244a, in effect on
4854 December 31, 1996. The standard offer shall be adjusted to the extent of
4855 any increase or decrease in state taxes attributable to sections 12-264
4856 and 12-265 and any other increase or decrease in state or federal taxes
4857 resulting from a change in state or federal law and shall continue to be
4858 adjusted during such period pursuant to section 16-19b.
4859 Notwithstanding the provisions of section 16-19b, the provisions of
4860 said section 16-19b shall apply to electric distribution companies. The
4861 standard offer may be adjusted, by an increase or decrease, to the
4862 extent approved by the department, in the event that (A) the revenue
4863 requirements of the company are affected as the result of changes in (i)
4864 legislative enactments other than public act 98-28, (ii) administrative
4865 requirements, or (iii) accounting standards occurring after July 1, 1998,
4866 provided such accounting standards are adopted by entities
4867 independent of the company that have authority to issue such
4868 standards, or (B) an electric distribution company incurs extraordinary
4869 and unanticipated expenses required for the provision of safe and
4870 reliable electric service to the extent necessary to provide such service.
4871 Savings attributable to a reduction in taxes shall not be shifted between

4872 customer classes.

4873 (3) The price reduction provided in subdivision (2) of this
4874 subsection shall not apply to customers who, on or after July 1, 1998,
4875 are purchasing electric services from an electric company or electric
4876 distribution company, as the case may be, under a special contract or
4877 flexible rate tariff, and the company's filed standard offer tariffs shall
4878 reflect that such customers shall not receive the standard offer price
4879 reduction.

4880 (b) (1) (A) On and after January 1, 2004, each electric distribution
4881 company shall make available to all customers in its service area, the
4882 provision of electric generation and distribution services through a
4883 transitional standard offer. Under the transitional standard offer, a
4884 customer shall receive electric services at a rate established by the
4885 [Department of Public Utility Control] Public Utilities Regulatory
4886 Authority pursuant to subdivision (2) of this subsection. Each electric
4887 distribution company shall provide electric generation services in
4888 accordance with such option to any customer who affirmatively
4889 chooses to receive electric generation services pursuant to the
4890 transitional standard offer or does not or is unable to arrange for or
4891 maintain electric generation services with an electric supplier. The
4892 transitional standard offer shall terminate on December 31, 2006. While
4893 providing electric generation services under the transitional standard
4894 offer, an electric distribution company may provide electric generation
4895 services through any of its generation entities or affiliates, provided
4896 such entities or affiliates are licensed pursuant to section 16-245, as
4897 amended by this act.

4898 (B) The [department] authority shall conduct a proceeding to
4899 determine whether a practical, effective, and cost-effective process
4900 exists under which an electric customer, when initiating electric
4901 service, may receive information regarding selecting electric
4902 generating services from a qualified entity. The [department] authority
4903 shall complete such proceeding on or before December 1, 2005, and

4904 shall implement the resulting decision on or before March 1, 2006, or
4905 on such later date that the [department] authority considers
4906 appropriate. An electric distribution company's costs of participating
4907 in the proceeding and implementing the results of the [department's]
4908 authority's decision shall be recoverable by the company as generation
4909 services costs through an adjustment mechanism as approved by the
4910 [department] authority.

4911 (2) (A) Not later than December 15, 2003, the [Department of Public
4912 Utility Control] Public Utilities Regulatory Authority shall establish
4913 the transitional standard offer for each electric distribution company,
4914 effective January 1, 2004.

4915 (B) The [department] authority shall hold a hearing that shall be
4916 conducted as a contested case in accordance with chapter 54 to
4917 establish the transitional standard offer. The transitional standard offer
4918 shall provide that the total rate charged under the transitional
4919 standard offer, including electric transmission and distribution
4920 services, the conservation and load management program charge
4921 described in section 16-245m, as amended by this act, the renewable
4922 energy investment charge described in section 16-245n, as amended by
4923 this act, electric generation services, the competitive transition
4924 assessment and the systems benefits charge, and excluding federally
4925 mandated congestion costs, shall not exceed the base rates, as defined
4926 in section 16-244a, in effect on December 31, 1996, excluding any rate
4927 reduction ordered by the [department] authority on September 26,
4928 2002.

4929 (C) (i) Each electric distribution company shall, on or before January
4930 1, 2004, file with the [department] authority an application for an
4931 amendment of rates pursuant to section 16-19, which application shall
4932 include a four-year plan for the provision of electric transmission and
4933 distribution services. The [department] authority shall conduct a
4934 contested case proceeding pursuant to sections 16-19 and 16-19e to
4935 approve, reject or modify the application and plan. Upon the approval

4936 of such plan, as filed or as modified by the [department] authority, the
4937 [department] authority shall order that such plan shall establish the
4938 electric transmission and distribution services component of the
4939 transitional standard offer.

4940 (ii) Notwithstanding the provisions of this subparagraph, an electric
4941 distribution company that, on or after September 1, 2002, completed a
4942 proceeding pursuant to sections 16-19 and 16-19e, shall not be required
4943 to file an application for an amendment of rates as required by this
4944 subparagraph. The [department] authority shall establish the electric
4945 transmission and distribution services component of the transitional
4946 standard offer for any such company equal to the electric transmission
4947 and distribution services component of the standard offer established
4948 pursuant to subsection (a) of this section in effect on July 1, 2003, for
4949 such company. If such electric distribution company applies to the
4950 [department] authority, pursuant to section 16-19, for an amendment
4951 of its rates on or before December 31, 2006, the application of the
4952 electric distribution company shall include a four-year plan.

4953 (D) The transitional standard offer (i) shall be adjusted to the extent
4954 of any increase or decrease in state taxes attributable to sections 12-264
4955 and 12-265 and any other increase or decrease in state or federal taxes
4956 resulting from a change in state or federal law, (ii) shall be adjusted to
4957 provide for the cost of contracts under subdivision (2) of subsection (j)
4958 of this section and the administrative costs for the procurement of such
4959 contracts, and (iii) shall continue to be adjusted during such period
4960 pursuant to section 16-19b. Savings attributable to a reduction in taxes
4961 shall not be shifted between customer classes. Notwithstanding the
4962 provisions of section 16-19b, the provisions of section 16-19b shall
4963 apply to electric distribution companies.

4964 (E) The transitional standard offer may be adjusted, by an increase
4965 or decrease, to the extent approved by the [department] authority, in
4966 the event that (i) the revenue requirements of the company are affected
4967 as the result of changes in (I) legislative enactments other than public

4968 act 03-135 or public act 98-28, (II) administrative requirements, or (III)
4969 accounting standards adopted after July 1, 2003, provided such
4970 accounting standards are adopted by entities that are independent of
4971 the company and have authority to issue such standards, or (ii) an
4972 electric distribution company incurs extraordinary and unanticipated
4973 expenses required for the provision of safe and reliable electric service
4974 to the extent necessary to provide such service.

4975 (3) The price provided in subdivision (2) of this subsection shall not
4976 apply to customers who, on or after July 1, 2003, purchase electric
4977 services from an electric company or electric distribution company, as
4978 the case may be, under a special contract or flexible rate tariff,
4979 provided the company's filed transitional standard offer tariffs shall
4980 reflect that such customers shall not receive the transitional standard
4981 offer price during the term of said contract or tariff.

4982 (4) (A) In addition to its costs received pursuant to subsection (h) of
4983 this section, as compensation for providing transitional standard offer
4984 service, each electric distribution company shall receive an amount
4985 equal to five-tenths of one mill per kilowatt hour. Revenues from such
4986 compensation shall not be included in calculating the electric
4987 distribution company's earnings for purposes of, or in determining
4988 whether its rates are just and reasonable under, sections 16-19, 16-19a
4989 and 16-19e, including an earnings sharing mechanism. In addition,
4990 each electric distribution company may earn compensation for
4991 mitigating the prices of the contracts for the provision of electric
4992 generation services, as provided in subdivision (2) of this subsection.

4993 (B) The [department] authority shall conduct a contested case
4994 proceeding pursuant to the provisions of chapter 54 to establish an
4995 incentive plan for the procurement of long-term contracts for
4996 transitional standard offer service by an electric distribution company.
4997 The incentive plan shall be based upon a comparison of the actual
4998 average firm full requirements service contract price for electricity
4999 obtained by the electric distribution company compared to the regional

5000 average firm full requirements service contract price for electricity,
5001 adjusted for such variables as the [department] authority deems
5002 appropriate, including, but not limited to, differences in locational
5003 marginal pricing. If the actual average firm full requirements service
5004 contract price obtained by the electric distribution company is less than
5005 the actual regional average firm full requirements service contract
5006 price for the previous year, the [department] authority shall split five-
5007 tenths of one mill per kilowatt hour equally between ratepayers and
5008 the company. Revenues from such incentive plan shall not be included
5009 in calculating the electric distribution company's earnings for purposes
5010 of, or in determining whether its rates are just and reasonable under
5011 sections 16-19, 16-19a and 16-19e. The [department] authority may, as
5012 it deems necessary, retain a third party entity with expertise in energy
5013 procurement to assist with the development of such incentive plan.

5014 (c) (1) On and after January 1, 2007, each electric distribution
5015 company shall provide electric generation services through standard
5016 service to any customer who (A) does not arrange for or is not
5017 receiving electric generation services from an electric supplier, and (B)
5018 does not use a demand meter or has a maximum demand of less than
5019 five hundred kilowatts.

5020 (2) Not later than October 1, 2006, and periodically as required by
5021 subdivision (3) of this subsection, but not more often than every
5022 calendar quarter, the [Department of Public Utility Control] Public
5023 Utilities Regulatory Authority shall establish the standard service price
5024 for such customers pursuant to subdivision (3) of this subsection. Each
5025 electric distribution company shall recover the actual net costs of
5026 procuring and providing electric generation services pursuant to this
5027 subsection, provided such company mitigates the costs it incurs for the
5028 procurement of electric generation services for customers who are no
5029 longer receiving service pursuant to this subsection.

5030 (3) An electric distribution company providing electric generation
5031 services pursuant to this subsection shall [mitigate the variation of the

5032 price of the service offered to its customers by procuring] cooperate
5033 with the procurement manager of the Department of Energy and
5034 Environmental Protection and comply with the procurement plan for
5035 electric generation services contracts, [in the manner prescribed in a
5036 plan approved by the department. Such plan shall require the
5037 procurement of a portfolio of service contracts sufficient to meet the
5038 projected load of the electric distribution company.] Such plan shall
5039 require that the portfolio of service contracts be procured [in an
5040 overlapping pattern of fixed periods at such times and] in such manner
5041 and duration as the [department] authority determines to be most
5042 likely to produce just, reasonable and reasonably stable retail rates
5043 while reflecting underlying wholesale market prices over time. The
5044 portfolio of contracts shall be assembled in such manner as to invite
5045 competition; guard against favoritism, improvidence, extravagance,
5046 fraud and corruption; and secure a reliable electricity supply while
5047 avoiding unusual, anomalous or excessive pricing. [The portfolio of
5048 contracts procured under such plan shall be for terms of not less than
5049 six months, provided contracts for shorter periods may be procured
5050 under such conditions as the department shall prescribe to (A) ensure
5051 the lowest rates possible for end-use customers; (B) ensure reliable
5052 service under extraordinary circumstances; and (C) ensure the prudent
5053 management of the contract portfolio.] An affiliate of an electric
5054 distribution company may [receive a] bid for an electric generation
5055 services contract, [from any of its generation entities or affiliates,]
5056 provided such [generation entity or affiliate submits its bid the
5057 business day preceding the first day on which an unaffiliated electric
5058 supplier may submit its bid and further provided the] electric
5059 distribution company and [the generation entity or] affiliate are in
5060 compliance with the code of conduct established in section 16-244h.

5061 (4) [The department, in consultation with the Office of Consumer
5062 Counsel, shall] The procurement manager of the Public Utilities
5063 Regulatory Authority may retain the services of [a third-party entity
5064 with expertise in the area of energy procurement to oversee the initial

5065 development of the request for proposals and the procurement of
5066 contracts by an electric distribution company for the provision] entities
5067 as it sees fit to assist with the procurement of electric generation
5068 services [offered pursuant to this subsection] for standard service.
5069 Costs associated with the retention of such third-party entity shall be
5070 included in the cost of [electric generation services that is included in
5071 such price] standard service.

5072 (5) [Each] For standard service contracts procured prior to
5073 department approval of the plan developed pursuant to section 92 of
5074 this act, each bidder for a standard service contract shall submit its bid
5075 to the electric distribution company and the third-party entity who
5076 shall jointly review the bids and submit an overview of all bids
5077 together with a joint recommendation to the department as to the
5078 preferred bidders. The department may, within ten business days of
5079 submission of the overview, reject the recommendation regarding
5080 preferred bidders. In the event that the department rejects the
5081 preferred bids, the electric distribution company and the third-party
5082 entity shall rebid the service pursuant to this subdivision. The
5083 department shall review each bid in an uncontested proceeding that
5084 shall include a public hearing and in which the Consumer Counsel and
5085 Attorney General may participate.

5086 (d) (1) Notwithstanding the provisions of this section regarding the
5087 electric generation services component of the transitional standard
5088 offer or the procurement of electric generation services under standard
5089 service, section 16-244h or 16-245o, as amended by this act, the
5090 Department of [Public Utility Control] Energy and Environmental
5091 Protection may, from time to time, direct an electric distribution
5092 company to offer, through an electric supplier or electric suppliers,
5093 before January 1, 2007, one or more alternative transitional standard
5094 offer options or, on or after January 1, 2007, one or more alternative
5095 standard service options. Such alternative options shall include, but
5096 not be limited to, an option that consists of the provision of electric
5097 generation services that exceed the renewable portfolio standards

5098 established in section 16-245a and may include an option that utilizes
5099 strategies or technologies that reduce the overall consumption of
5100 electricity of the customer.

5101 (2) (A) The [department] authority shall develop such alternative
5102 option or options in a contested case conducted in accordance with the
5103 provisions of chapter 54. The [department] authority shall determine
5104 the terms and conditions of such alternative option or options,
5105 including, but not limited to, (i) the minimum contract terms,
5106 including pricing, length and termination of the contract, and (ii) the
5107 minimum percentage of electricity derived from Class I or Class II
5108 renewable energy sources, if applicable. The electric distribution
5109 company shall, under the supervision of the [department] authority,
5110 subsequently conduct a bidding process in order to solicit electric
5111 suppliers to provide such alternative option or options.

5112 (B) The [department] authority may reject some or all of the bids
5113 received pursuant to the bidding process.

5114 (3) The [department] authority may require an electric supplier to
5115 provide forms of assurance to satisfy the [department] authority that
5116 the contracts resulting from the bidding process will be fulfilled.

5117 (4) An electric supplier who fails to fulfill its contractual obligations
5118 resulting from this subdivision shall be subject to civil penalties, in
5119 accordance with the provisions of section 16-41, or the suspension or
5120 revocation of such supplier's license or a prohibition on the acceptance
5121 of new customers, following a hearing that is conducted as a contested
5122 case, in accordance with the provisions of chapter 54.

5123 (e) (1) On and after January 1, 2007, an electric distribution company
5124 shall serve customers that are not eligible to receive standard service
5125 pursuant to subsection (c) of this section as the supplier of last resort.
5126 This subsection shall not apply to customers purchasing power under
5127 contracts entered into pursuant to section 16-19hh.

5128 (2) An electric distribution company shall procure electricity at least
5129 every calendar quarter to provide electric generation services to
5130 customers pursuant to this subsection. The [Department of Public
5131 Utility Control] Public Utilities Regulatory Authority shall determine a
5132 price for such customers that reflects the full cost of providing the
5133 electricity on a monthly basis. Each electric distribution company shall
5134 recover the actual net costs of procuring and providing electric
5135 generation services pursuant to this subsection, provided such
5136 company mitigates the costs it incurs for the procurement of electric
5137 generation services for customers that are no longer receiving service
5138 pursuant to this subsection.

5139 (f) On and after January 1, 2000, and until such time the regional
5140 independent system operator implements procedures for the provision
5141 of back-up power to the satisfaction of the [Department of Public
5142 Utility Control] Public Utilities Regulatory Authority, each electric
5143 distribution company shall provide electric generation services to any
5144 customer who has entered into a service contract with an electric
5145 supplier that fails to provide electric generation services for reasons
5146 other than the customer's failure to pay for such services. Between
5147 January 1, 2000, and December 31, 2006, an electric distribution
5148 company may procure electric generation services through a
5149 competitive bidding process or through any of its generation entities
5150 or affiliates. On and after January 1, 2007, such company shall procure
5151 electric generation services through a competitive bidding process
5152 pursuant to a plan submitted by the electric distribution company and
5153 approved by the [department] authority. Such company may procure
5154 electric generation services through any of its generation entities or
5155 affiliates, provided such entity or affiliate is the lowest qualified bidder
5156 and provided further any such entity or affiliate is licensed pursuant to
5157 section 16-245, as amended by this act.

5158 (g) An electric distribution company is not required to be licensed
5159 pursuant to section 16-245, as amended by this act, to provide standard
5160 offer electric generation services in accordance with subsection (a) of

5161 this section, transitional standard offer service pursuant to subsection
5162 (b) of this section, standard service pursuant to subsection (c) of this
5163 section, supplier of last resort service pursuant to subsection (e) of this
5164 section or back-up electric generation service pursuant to subsection (f)
5165 of this section.

5166 (h) The electric distribution company shall be entitled to recover
5167 reasonable costs incurred as a result of providing standard offer
5168 electric generation services pursuant to the provisions of subsection (a)
5169 of this section, transitional standard offer service pursuant to
5170 subsection (b) of this section, standard service pursuant to subsection
5171 (c) of this section or back-up electric generation service pursuant to
5172 subsection (f) of this section. The provisions of this section and section
5173 16-244a shall satisfy the requirements of section 16-19a until January 1,
5174 2007.

5175 (i) The Department of [Public Utility Control] Energy and
5176 Environmental Protection shall establish, by regulations adopted
5177 pursuant to chapter 54, procedures for when and how a customer is
5178 notified that his electric supplier has defaulted and of the need for the
5179 customer to choose a new electric supplier within a reasonable period
5180 of time.

5181 (j) (1) Notwithstanding the provisions of subsection (d) of this
5182 section regarding an alternative transitional standard offer option or
5183 an alternative standard service option, an electric distribution
5184 company providing transitional standard offer service, standard
5185 service, supplier of last resort service or back-up electric generation
5186 service in accordance with this section shall contract with its wholesale
5187 suppliers to comply with the renewable portfolio standards. The
5188 [Department of Public Utility Control] Public Utilities Regulatory
5189 Authority shall annually conduct a contested case, in accordance with
5190 the provisions of chapter 54, in order to determine whether the electric
5191 distribution company's wholesale suppliers met the renewable
5192 portfolio standards during the preceding year. An electric distribution

5193 company shall include a provision in its contract with each wholesale
5194 supplier that requires the wholesale supplier to pay the electric
5195 distribution company an amount of five and one-half cents per
5196 kilowatt hour if the wholesale supplier fails to comply with the
5197 renewable portfolio standards during the subject annual period. The
5198 electric distribution company shall promptly transfer any payment
5199 received from the wholesale supplier for the failure to meet the
5200 renewable portfolio standards to the [Renewable] Clean Energy
5201 [Investment] Fund for the development of Class I renewable energy
5202 sources. Any payment made pursuant to this section shall not be
5203 considered revenue or income to the electric distribution company.

5204 (2) Notwithstanding the provisions of subsection (d) of this section
5205 regarding an alternative transitional standard offer option or an
5206 alternative standard service option, an electric distribution company
5207 providing transitional standard offer service, standard service,
5208 supplier of last resort service or back-up electric generation service in
5209 accordance with this section shall, not later than July 1, 2008, file with
5210 the [Department of Public Utility Control] Public Utilities Regulatory
5211 Authority for its approval one or more long-term power purchase
5212 contracts from Class I renewable energy source projects with a
5213 preference for projects located in Connecticut that receive funding
5214 from the [Renewable] Clean Energy [Investment] Fund and that are
5215 not less than one megawatt in size, at a price that is either, at the
5216 determination of the project owner, (A) not more than the total of the
5217 comparable wholesale market price for generation plus five and one-
5218 half cents per kilowatt hour, or (B) fifty per cent of the wholesale
5219 market electricity cost at the point at which transmission lines intersect
5220 with each other or interface with the distribution system, plus the
5221 project cost of fuel indexed to natural gas futures contracts on the New
5222 York Mercantile Exchange at the natural gas pipeline interchange
5223 located in Vermillion Parish, Louisiana that serves as the delivery
5224 point for such futures contracts, plus the fuel delivery charge for
5225 transporting fuel to the project, plus five and one-half cents per

5226 kilowatt hour. In its approval of such contracts, the [department]
5227 authority shall give preference to purchase contracts from those
5228 projects that would provide a financial benefit to ratepayers [or] and
5229 would enhance the reliability of the electric transmission system of the
5230 state. Such projects shall be located in this state. The owner of a fuel
5231 cell project principally manufactured in this state shall be allocated all
5232 available air emissions credits and tax credits attributable to the project
5233 and no less than fifty per cent of the energy credits in the Class I
5234 renewable energy credits program established in section 16-245a
5235 attributable to the project. On and after October 1, 2007, and until
5236 September 30, 2008, such contracts shall be comprised of not less than a
5237 total, apportioned among each electric distribution company, of one
5238 hundred twenty-five megawatts; and on and after October 1, 2008,
5239 such contracts shall be comprised of not less than a total, apportioned
5240 among each electrical distribution company, of one hundred fifty
5241 megawatts. The Public Utilities Regulatory Authority shall not issue
5242 any order that results in the extension of any in-service date or
5243 contractual arrangement made as a part of Project 100 or Project 150
5244 beyond the termination date previously approved by the authority
5245 established by the contract, provided any party to such contract may
5246 provide a notice of termination in accordance with the terms of, and to
5247 the extent permitted under, its contract. The cost of such contracts and
5248 the administrative costs for the procurement of such contracts directly
5249 incurred shall be eligible for inclusion in the adjustment to the
5250 transitional standard offer as provided in this section and any
5251 subsequent rates for standard service, provided such contracts are for a
5252 period of time sufficient to provide financing for such projects, but not
5253 less than ten years, and are for projects which began operation on or
5254 after July 1, 2003. Except as provided in this subdivision, the amount
5255 from Class I renewable energy sources contracted under such contracts
5256 shall be applied to reduce the applicable Class I renewable energy
5257 source portfolio standards. For purposes of this subdivision, the
5258 department's determination of the comparable wholesale market price
5259 for generation shall be based upon a reasonable estimate. On or before

5260 September 1, [2007] 2011, the [department] authority, in consultation
5261 with the Office of Consumer Counsel and the [Renewable] Clean
5262 Energy [Investments Advisory Council] Finance and Investment
5263 Authority, shall study the operation of such renewable energy
5264 contracts and report its findings and recommendations to the joint
5265 standing committee of the General Assembly having cognizance of
5266 matters relating to energy.

5267 (k) (1) As used in this section:

5268 (A) "Participating electric supplier" means an electric supplier that is
5269 licensed by the department to provide electric service, pursuant to this
5270 subsection, to residential or small commercial customers.

5271 (B) "Residential customer" means a customer who is eligible for
5272 standard service and who takes electric distribution-related service
5273 from an electric distribution company pursuant to a residential tariff.

5274 (C) "Small commercial customer" means a customer who is eligible
5275 for standard service and who takes electric distribution-related service
5276 from an electric distribution company pursuant to a small commercial
5277 tariff.

5278 (D) "Qualifying electric offer" means an offer to provide full
5279 requirements commodity electric service and all other generation-
5280 related service to a residential or small commercial customer at a fixed
5281 price per kilowatt hour for a term of no less than one year.

5282 (2) In the manner determined by the [department] authority,
5283 residential or small commercial service customers (A) initiating new
5284 utility service, (B) reinitiating service following a change of residence
5285 or business location, (C) making an inquiry regarding their utility
5286 rates, or (D) seeking information regarding energy efficiency shall be
5287 offered the option to learn about their ability to enroll with a
5288 participating electric supplier. Customers expressing an interest to
5289 learn about their electric supply options shall be informed of the

5290 qualifying electric offers then available from participating electric
5291 suppliers. The electric distribution companies shall describe then
5292 available qualifying electric offers through a method reviewed and
5293 approved by the [department] authority. The information conveyed to
5294 customers expressing an interest to learn about their electric supply
5295 options shall include, at a minimum, the price and term of the
5296 available electric supply option. Customers expressing an interest in a
5297 particular qualifying electric offer shall be immediately transferred to a
5298 call center operated by that participating electric supplier.

5299 (3) Not later than September 1, 2007, the [department] authority
5300 shall establish terms and conditions under which a participating
5301 electric supplier can be included in the referral program described in
5302 subdivision (2) of this subsection. Such terms shall include, but not be
5303 limited to, requiring participating electrical suppliers to offer time-of-
5304 use and real-time use rates to residential customers.

5305 (4) Each calendar quarter, participating electric suppliers shall be
5306 allowed to list qualifying offers to provide electric generation service
5307 to residential and small commercial customers with each customer's
5308 utility bill. The [department] authority shall determine the manner
5309 such information is presented in customers' utility bills.

5310 (5) Any customer that receives electric generation service from a
5311 participating electric supplier may return to standard service or may
5312 choose another participating electric supplier at any time, including
5313 during the qualifying electric offer, without the imposition of any
5314 additional charges. Any customer that is receiving electric generation
5315 service from an electric distribution company pursuant to standard
5316 service can switch to another participating electric supplier at any time
5317 without the imposition of additional charges.

5318 (l) Each electric distribution company shall offer to bill customers on
5319 behalf of participating electric suppliers and to pay such suppliers in a
5320 timely manner the amounts due such suppliers from customers for

5321 generation services, less a percentage of such amounts that reflects
5322 uncollectible bills and overdue payments as approved by the
5323 Department of [Public Utility Control] Energy and Environmental
5324 Protection.

5325 (m) On or before July 1, 2007, the [Department of Public Utility
5326 Control] Public Utilities Regulatory Authority shall initiate a
5327 proceeding to examine whether electric supplier bills rendered
5328 pursuant to section 16-245d, as amended by this act, and any
5329 regulations adopted thereunder sufficiently enable customers to
5330 compare pricing policies and charges among electric suppliers.

5331 (n) The authority shall conduct a proceeding to determine the cost
5332 of billing, collection and other services provided by the electric
5333 distribution companies or the department solely for the benefit of
5334 participating electric suppliers and aggregators. The department shall
5335 order an equitable allocation of such costs among electric suppliers
5336 and aggregators. As part of this same proceeding, the department shall
5337 also determine the costs that the electric distribution companies incur
5338 solely for the benefit of standard service and last resort service
5339 customers. After such determination, the department shall allocate and
5340 provide for the equitable recovery of such costs from standard service
5341 or last resort service customers.

5342 [(n)] (o) Nothing in the provisions of this section shall preclude an
5343 electric distribution company from entering into standard service
5344 supply contracts or standard service supply components with electric
5345 generating facilities.

5346 Sec. 92. (NEW) (*Effective July 1, 2011*) (a) On or before January 1,
5347 2012, and annually thereafter, the procurement manager of the
5348 Department of Energy and Environmental Protection, in consultation
5349 with each electric distribution company and with others at the
5350 procurement manager's discretion, including, but not limited to, a
5351 municipal energy cooperative established pursuant to chapter 101a of

5352 the general statutes, other than entities, individuals and companies or
5353 their affiliates potentially involved in bidding on standard service,
5354 shall develop a plan for the procurement of electric generation services
5355 and related wholesale electricity market products that will enable each
5356 electric distribution company to manage a portfolio of contracts to
5357 reduce the average cost of standard service while maintaining
5358 standard service cost volatility within reasonable levels. Each
5359 procurement plan shall provide for the competitive solicitation for
5360 load-following electric service and may include a provision for the use
5361 of other contracts, including, but not limited to, contracts for
5362 generation or other electricity market products and financial contracts,
5363 and may provide for the use of varying lengths of contracts. If such
5364 plan includes the purchase of full requirements contracts, it shall
5365 include an explanation of why such purchases are in the best interests
5366 of standard service customers.

5367 (b) The procurement manager shall, not less than quarterly, meet
5368 with the Commissioner of Energy and Environmental Protection and
5369 prepare a written report on the implementation of the plan. If the
5370 procurement manager finds that an interim amendment to the annual
5371 procurement plan might substantially further the goals of reducing the
5372 cost or cost volatility of standard service, the procurement manager
5373 may petition the Public Utilities Regulatory Authority for such an
5374 interim amendment. The Public Utilities Regulatory Authority shall
5375 provide notice of the proposed amendment to the Office of Consumer
5376 Counsel and the electric distribution companies. The Office of
5377 Consumer Counsel and the electric distribution companies shall have
5378 two business days from the date of said notice to request an
5379 uncontested proceeding and a technical meeting of the Public Utilities
5380 Regulatory Authority regarding the proposed amendment, which
5381 proceeding and meeting shall occur if requested. The Public Utilities
5382 Regulatory Authority may approve, modify or deny the proposed
5383 amendment, with such approval, modification or denial following the
5384 technical meeting if one is requested. The Public Utilities Regulatory

5385 Authority's ruling shall occur within three business days after the
5386 technical meeting, if one is requested, or within three business days of
5387 the expiration of the time for requesting a technical meeting if no
5388 technical meeting is requested. The Public Utilities Regulatory
5389 Authority may maintain the confidentiality of the technical meeting to
5390 the full extent allowed by law.

5391 (c) The costs of procurement for standard service shall be borne
5392 solely by the standard service customers.

5393 (d) (1) The Department of Energy and Environmental Protection
5394 shall conduct an uncontested proceeding to approve, with any
5395 amendments it determines necessary, a procurement plan submitted
5396 pursuant to subsection (a) of this section.

5397 (2) The Department of Energy and Environmental Protection shall
5398 report annually in accordance with the provisions of section 11-4a to
5399 the joint standing committee of the General Assembly having
5400 cognizance of matters relating to energy regarding the procurement
5401 plan and its implementation.

5402 Sec. 93. (NEW) (*Effective July 1, 2011*) Upon the request of an electric
5403 distribution company, the Department of Energy and Environmental
5404 Protection Bureau of Public Utility Control shall initiate a docket to
5405 consider the buy down of an electric distribution company's current
5406 standard service contract to reduce ratepayer bills and conduct a cost
5407 benefit analysis of such a buydown. If the department, as a result of
5408 such docket, determines such a buydown is in the best interest of
5409 ratepayers, the company shall proceed with such buydown.

5410 Sec. 94. (NEW) (*Effective July 1, 2011*) On or before January 1, 2012,
5411 and from time to time thereafter, as the Department of Energy and
5412 Environmental Protection determines to be in the best interests of
5413 Connecticut customers, the department shall initiate a generation
5414 evaluation and procurement process. The evaluation process shall
5415 entail a nonbinding prequalification process to identify potentially

5416 eligible new generators. Interested generators shall submit to the
5417 department information demonstrating how the generator will reduce
5418 electrical rates for Connecticut ratepayers while maintaining or
5419 improving reliability, improving environmental characteristics of the
5420 Connecticut generation fleet and providing economic benefit to
5421 Connecticut. A determination of eligibility shall be based on a showing
5422 of project attributes, including, but not limited to, ratepayer,
5423 environmental and economic benefits, as well as a demonstration of
5424 reasonable certainty of completion of development, construction and
5425 permitting activities. If the department makes a determination of
5426 eligibility of one or more generators, it shall issue a request for
5427 proposals to consider bilateral purchasing contracts from new
5428 generators by pricing such electricity on a cost-of-service basis, power
5429 purchase agreement or other mechanism the department determines to
5430 be in the best interest of Connecticut customers, which contracts shall
5431 directly or indirectly, or in combination with other initiatives, provide
5432 electricity at lower rates for Connecticut consumers. Such contracts
5433 shall be for a term of not less than five and not more than twenty years
5434 and shall provide that development, construction and operation risk
5435 be borne by the generator. Generators shall be awarded contracts
5436 based on criteria, including, but not limited to, reduction of rates,
5437 generator's heat rate, decrease in regulated pollution and cost-
5438 effectiveness.

5439 Sec. 95. (NEW) (*Effective July 1, 2011*) A public service company, as
5440 defined in section 16-1 of the general statutes, a municipal waterworks
5441 system established under chapter 102 of the general statutes, a district,
5442 metropolitan district, municipal district or special services district
5443 established under chapter 105 or 105a of the general statutes, any other
5444 general statute or any public or special act, which is authorized to
5445 supply water, or any other waterworks system owned, leased,
5446 maintained, operated, managed or controlled by any unit of local
5447 government under any general statute or any public or special act, or a
5448 contractor of such entity, that cuts and permanently patches a public

5449 highway in the course of repairs or installations shall, one year after
5450 such permanent patch is made, (1) inspect such permanent patch, (2)
5451 make any additional repairs as may be necessary, and (3) certify to the
5452 municipality in which such patch is located that such patch meets
5453 generally accepted standards of repair. Any municipality may, by vote
5454 of its legislative body, elect not to enforce the requirements of this
5455 section.

5456 Sec. 96. (NEW) (*Effective July 1, 2011*) The Department of Energy and
5457 Environmental Protection shall review any proposed merchant
5458 transmission line project (1) in which a Connecticut electric
5459 distribution company may have a financial interest, or (2) that may be
5460 constructed in whole or in part in this state to determine whether to
5461 procure transmission services from such transmission lines at a rate
5462 that will lower electricity rates for Connecticut consumers.

5463 Sec. 97. Subsection (a) of section 16-50r of the general statutes is
5464 repealed and the following is substituted in lieu thereof (*Effective July*
5465 *1, 2011*):

5466 (a) Every person engaged in electric transmission services, as
5467 defined in section 16-1, electric generation services, as defined in said
5468 section, or electric distribution services, as defined in said section
5469 generating electric power in the state utilizing a generating facility
5470 with a capacity greater than one megawatt, shall, annually, on or
5471 before March first, file a report on a forecast of loads and resources
5472 which may consist of an update of the previous year's report with the
5473 [council] siting council for its review. The report shall cover the ten-
5474 year forecast period beginning with the year of the report. Upon
5475 request, the report shall be made available to the public. The report
5476 shall include, as applicable: (1) A tabulation of estimated peak loads,
5477 resources and margins for each year; (2) data on energy use and peak
5478 loads for the five preceding calendar years; (3) a list of existing
5479 generating facilities in service; (4) a list of scheduled generating
5480 facilities for which property has been acquired, for which certificates

5481 have been issued and for which certificate applications have been filed;
5482 (5) a list of planned generating units at plant locations for which
5483 property has been acquired, or at plant locations not yet acquired, that
5484 will be needed to provide estimated additional electrical requirements,
5485 and the location of such facilities; (6) a list of planned transmission
5486 lines on which proposed route reviews are being undertaken or for
5487 which certificate applications have already been filed; (7) a description
5488 of the steps taken to upgrade existing facilities and to eliminate
5489 overhead transmission and distribution lines in accordance with the
5490 regulations and standards described in section 16-50t; and (8) for each
5491 private power producer having a facility generating more than one
5492 megawatt and from whom the person furnishing the report has
5493 purchased electricity during the preceding calendar year, a statement
5494 including the name, location, size and type of generating facility, the
5495 fuel consumed by the facility and the by-product of the consumption.
5496 On and after March 1, 2012, each such report from a person engaged in
5497 electric transmission services or electric distribution services, as
5498 defined in section 16-1, shall identify any potential reliability concerns
5499 during the forecast period and such person shall provide such
5500 information to the Commissioner of Energy and Environmental
5501 Protection. Confidential, proprietary or trade secret information
5502 provided under this section may be submitted under a duly granted
5503 protective order. The council may adopt regulations, in accordance
5504 with the provisions of chapter 54, that specify the expected filing
5505 requirements for persons that transmit electric power in the state,
5506 electric distribution companies, and persons that generate electric
5507 power in the state utilizing a generating facility with a capacity of
5508 greater than one megawatt. Until such regulations are adopted,
5509 persons that transmit electric power in the state shall file reports
5510 pursuant to this section that include the information requested in
5511 subdivisions (6) and (7) of this subsection; electric distribution
5512 companies in the state shall file reports pursuant to this section that
5513 include the information requested in subdivisions (1), (2), (7) and (8) of
5514 this subsection; persons that generate electric power in the state

5515 utilizing a generating facility with a capacity greater than one
5516 megawatt shall file reports pursuant to this section that include the
5517 information requested in subdivisions (3), (4), (5) and (8) of this
5518 subsection. The council shall hold a public hearing on such filed
5519 forecast reports annually. The council shall conduct a review in an
5520 executive session of any confidential, proprietary or trade secret
5521 information submitted under a protective order during such a hearing.
5522 At least one session of such hearing shall be held after six-thirty p.m.
5523 Upon reviewing such forecast reports, the council may issue its own
5524 report assessing the overall status of loads and resources in the state. If
5525 the council issues such a report, it shall be made available to the public
5526 and shall be furnished to each member of the joint standing committee
5527 of the General Assembly having cognizance of matters relating to
5528 energy and technology, any other member of the General Assembly
5529 making a written request to the council for the report and such other
5530 state and municipal bodies as the council may designate.

5531 Sec. 98. (NEW) (*Effective July 1, 2011*) On or after March 1, 2012, and
5532 annually thereafter, not later than fifteen days after receiving a report
5533 of a reliability concern pursuant to section 16-50r of the general
5534 statutes, as amended by this act, the Commissioner of Energy and
5535 Environmental Protection may issue a request for proposal to seek
5536 alternative solutions to the concern. Such request for proposal shall,
5537 where relevant, solicit proposals that include energy efficiency
5538 measures or generation. The commissioner shall publish such request
5539 for proposal in one or more newspapers or periodicals.
5540 Notwithstanding the provisions of this section, the commissioner may
5541 determine that a request for proposal is unnecessary. Any
5542 determination that a request for proposal is not required shall include
5543 the commissioner's reasons for such determination.

5544 Sec. 99. Section 16-245n of the general statutes is repealed and the
5545 following is substituted in lieu thereof (*Effective July 1, 2011*):

5546 (a) For purposes of this section, ["renewable energy"] "clean energy"

5547 means solar photovoltaic energy, solar thermal, geothermal energy,
5548 wind, ocean thermal energy, wave or tidal energy, fuel cells, landfill
5549 gas, hydropower that meets the low-impact standards of the Low-
5550 Impact Hydropower Institute, hydrogen production and hydrogen
5551 conversion technologies, low emission advanced biomass conversion
5552 technologies, alternative fuels, used for electricity generation including
5553 ethanol, biodiesel or other fuel produced in Connecticut and derived
5554 from agricultural produce, food waste or waste vegetable oil, provided
5555 the Commissioner of Energy and Environmental Protection determines
5556 that such fuels provide net reductions in greenhouse gas emissions
5557 and fossil fuel consumption, usable electricity from combined heat and
5558 power systems with waste heat recovery systems, thermal storage
5559 systems, [and] other energy resources and emerging technologies
5560 which have significant potential for commercialization and which do
5561 not involve the combustion of coal, petroleum or petroleum products,
5562 municipal solid waste or nuclear fission, financing of energy efficiency
5563 projects, and projects that seek to deploy electric, electric hybrid,
5564 natural gas or alternative fuel vehicles and associated infrastructure
5565 and any related storage, distribution, manufacturing technologies or
5566 facilities.

5567 (b) On and after July 1, 2004, the [Department of Public Utility
5568 Control] Public Utilities Regulatory Authority shall assess or cause to
5569 be assessed a charge of not less than one mill per kilowatt hour
5570 charged to each end use customer of electric services in this state
5571 which shall be deposited into the [Renewable] Clean Energy
5572 [Investment] Fund established under subsection (c) of this section.
5573 Notwithstanding the provisions of this section, receipts from such
5574 charges shall be disbursed to the resources of the General Fund during
5575 the period from July 1, 2003, to June 30, 2005, unless the department
5576 shall, on or before October 30, 2003, issue a financing order for each
5577 affected distribution company in accordance with sections 16-245e to
5578 16-245k, inclusive, to sustain funding of renewable energy investment
5579 programs by substituting an equivalent amount, as determined by the

5580 department in such financing order, of proceeds of rate reduction
5581 bonds for disbursement to the resources of the General Fund during
5582 the period from July 1, 2003, to June 30, 2005. The department may
5583 authorize in such financing order the issuance of rate reduction bonds
5584 that substitute for disbursement to the General Fund for receipts of
5585 both charges under this subsection and subsection (a) of section 16-
5586 245m and also may in its discretion authorize the issuance of rate
5587 reduction bonds under this subsection and subsection (a) of section 16-
5588 245m that relate to more than one electric distribution company. The
5589 department shall, in such financing order or other appropriate order,
5590 offset any increase in the competitive transition assessment necessary
5591 to pay principal, premium, if any, interest and expenses of the issuance
5592 of such rate reduction bonds by making an equivalent reduction to the
5593 charges imposed under this subsection, provided any failure to offset
5594 all or any portion of such increase in the competitive transition
5595 assessment shall not affect the need to implement the full amount of
5596 such increase as required by this subsection and sections 16-245e to 16-
5597 245k, inclusive. Such financing order shall also provide if the rate
5598 reduction bonds are not issued, any unrecovered funds expended and
5599 committed by the electric distribution companies for renewable
5600 resource investment through deposits into the [Renewable] Clean
5601 Energy [Investment] Fund, provided such expenditures were
5602 approved by the department following August 20, 2003, and prior to
5603 the date of determination that the rate reduction bonds cannot be
5604 issued, shall be recovered by the companies from their respective
5605 competitive transition assessment or systems benefits charge except
5606 that such expenditures shall not exceed one million dollars per month.
5607 All receipts from the remaining charges imposed under this
5608 subsection, after reduction of such charges to offset the increase in the
5609 competitive transition assessment as provided in this subsection, shall
5610 be disbursed to the [Renewable] Clean Energy [Investment] Fund
5611 commencing as of July 1, 2003. Any increase in the competitive
5612 transition assessment or decrease in the renewable energy investment
5613 component of an electric distribution company's rates resulting from

5614 the issuance of or obligations under rate reduction bonds shall be
5615 included as rate adjustments on customer bills.

5616 (c) There is hereby created a [Renewable] Clean Energy
5617 [Investment] Fund which shall be within [Connecticut Innovations,
5618 Incorporated for administrative purposes only] the Clean Energy
5619 Finance and Investment Authority. The fund may receive any amount
5620 required by law to be deposited into the fund and may receive any
5621 federal funds as may become available to the state for [renewable]
5622 clean energy investments. Upon authorization of the [Renewable
5623 Energy Investments Board] Clean Energy Finance and Investment
5624 Authority established pursuant to subsection (d) of this section,
5625 [Connecticut Innovations, Incorporated, may use] any amount in said
5626 fund may be used for expenditures that promote investment in
5627 [renewable] clean energy [sources] in accordance with a
5628 comprehensive plan developed by it to foster the growth, development
5629 and commercialization of [renewable] clean energy sources, related
5630 enterprises and stimulate demand for [renewable] clean energy and
5631 deployment of [renewable] clean energy sources that serve end use
5632 customers in this state and for the further purpose of supporting
5633 operational demonstration projects for advanced technologies that
5634 reduce energy use from traditional sources. Such expenditures may
5635 include, but not be limited to, providing low-cost financing and credit
5636 enhancement mechanisms for clean energy projects and technologies,
5637 reimbursement [for services provided by the administrator of the fund
5638 including a management fee,] of the operating expenses, including
5639 administrative expenses incurred by the authority and the corporation,
5640 and capital costs incurred by the authority in connection with the
5641 operation of the fund, the implementation of the plan developed
5642 pursuant to subsection (d) of this section or the other permitted
5643 activities of the authority, disbursements from the fund to develop and
5644 carry out the plan developed pursuant to subsection (d) of this section,
5645 grants, direct or equity investments, contracts or other actions which
5646 support research, development, manufacture, commercialization,

5647 deployment and installation of [renewable] clean energy technologies,
5648 and actions which expand the expertise of individuals, businesses and
5649 lending institutions with regard to [renewable] clean energy
5650 technologies.

5651 (d) [There is hereby created a Renewable Energy Investments Board
5652 to act on matters related to the Renewable Energy Investment Fund,
5653 including, but not limited to, development of a comprehensive plan
5654 and expenditure of funds. The Renewable Energy Investments Board
5655 shall, in such plan, give preference to projects that maximize the
5656 reduction of federally mandated congestion charges. The Renewable
5657 Energy Investments Board shall make a draft of the comprehensive
5658 plan available for public comment for not less than thirty days. The
5659 board shall conduct three public hearings in three different regions of
5660 the state on the draft comprehensive plan and shall include a
5661 summarization of all public comments received at said public hearings
5662 in the final comprehensive plan approved by the board. The board
5663 shall provide a copy of the comprehensive plan, in accordance with the
5664 provisions of section 11-4a, to the joint standing committees of the
5665 General Assembly having cognizance of matters relating to energy and
5666 commerce. The Department of Public Utility Control shall, in an
5667 uncontested proceeding, during which the department may hold a
5668 public hearing, approve, modify or reject the comprehensive plan
5669 prepared pursuant to this subsection.] (1) There is established the
5670 Clean Energy Finance and Investment Authority, which shall be
5671 deemed a quasi-public agency for purposes of chapters 5, 10 and 12
5672 and within Connecticut Innovations, Incorporated, for administrative
5673 purposes only. The authority shall, (A) develop separate programs to
5674 finance and otherwise support clean energy investment in residential,
5675 municipal, small business and larger commercial projects and such
5676 others as the authority may determine; (B) support financing or other
5677 expenditures that promote investment in clean energy sources in
5678 accordance with a comprehensive plan developed by it to foster the
5679 growth, development and commercialization of clean energy sources

5680 and related enterprises; and (C) stimulate demand for clean energy
5681 and the deployment of clean energy sources within the state that serve
5682 end-use customers in the state. Such authority shall constitute a
5683 successor agency to the corporation for the purposes of administrating
5684 the clean energy fund in accordance with section 4-38d. Such authority
5685 shall have all the privileges, immunities, tax exemptions and other
5686 exemptions of the corporation. Such authority shall be subject to suit
5687 and liability solely from the assets, revenues and resources of the
5688 authority and without recourse to the general funds, revenues,
5689 resources or other assets of the corporation. Such authority may
5690 assume or take title to any real property, convey or dispose of its assets
5691 and pledge its revenues to secure any borrowing, convey or dispose of
5692 its assets and pledge its revenues to secure any borrowing, for the
5693 purpose of developing, acquiring, constructing, refinancing,
5694 rehabilitating or improving its assets or supporting its programs,
5695 provided each such borrowing or mortgage, unless otherwise
5696 provided by the board or the authority, shall be a special obligation of
5697 the authority, which obligation may be in the form of bonds, bond
5698 anticipation notes or other obligations which evidence an indebtedness
5699 to the extent permitted under this chapter to fund, refinance and
5700 refund the same and provide for the rights of holders thereof, and to
5701 secure the same by pledge of revenues, notes and mortgages of others,
5702 and which shall be payable solely from the assets, revenues and other
5703 resources of the authority and in no event shall such bonds be secured
5704 by a special capital reserve fund of any kind which is in any way
5705 contributed to by the state. The authority shall have the purposes as
5706 provided by resolution of the authority's board of directors, which
5707 purposes shall be consistent with this section. No further action is
5708 required for the establishment of the authority, except the adoption of
5709 a resolution for the authority.

5710 (2) (A) The authority may seek to qualify as a Community
5711 Development Financial Institution under Section 4702 of the United
5712 States Code. If approved as a Community Development Financial

5713 Institution, the authority would be treated as a qualified community
5714 development entity for purposes of Section 45D and Section 1400N(m)
5715 of the Internal Revenue Code.

5716 (B) Before making any loan, loan guarantee, or such other form of
5717 financing support or risk management for a clean energy project, the
5718 authority shall develop standards to govern the administration of the
5719 authority through rules, policies and procedures that specify borrower
5720 eligibility, terms and conditions of support, and other relevant criteria,
5721 standards or procedures.

5722 (C) Funding sources specifically authorized include, but are not
5723 limited to:

5724 (i) Funds repurposed from existing programs providing financing
5725 support for clean energy projects, provided any transfer of funds from
5726 such existing programs shall be subject to approval by the General
5727 Assembly and shall be used for expenses of financing, grants and
5728 loans;

5729 (ii) Any federal funds that can be used for the purposes specified in
5730 subsection (c) of this section;

5731 (iii) Charitable gifts, grants, contributions as well as loans from
5732 individuals, corporations, university endowments and philanthropic
5733 foundations;

5734 (iv) Earnings and interest derived from financing support activities
5735 for clean energy projects backed by the authority;

5736 (v) If and to the extent that the authority qualifies as a Community
5737 Development Financing Institution under Section 4702 of the United
5738 States Code, funding from the Community Development Financing
5739 Institution Fund administered by the United States Department of
5740 Treasury, as well as loans from and investments by depository
5741 institutions seeking to comply with their obligations under the United

5742 States Community Reinvestment Act of 1977; and

5743 (vi) The authority may enter into contracts with private sources to
5744 raise capital. The average rate of return on such debt or equity shall be
5745 set by the authority's board of directors.

5746 (D) The authority may provide financing support under this
5747 subsection if the authority determines that the amount to be financed
5748 by the authority and other nonequity financing sources do not exceed
5749 eighty per cent of the cost to develop and deploy a clean energy project
5750 or up to one hundred per cent of the cost of financing an energy
5751 efficiency project.

5752 (E) The authority may assess reasonable fees on its financing
5753 activities to cover its reasonable costs and expenses, as determined by
5754 the board.

5755 (F) The authority shall make information regarding the rates, terms
5756 and conditions for all of its financing support transactions available to
5757 the public for inspection, including formal annual reviews by both a
5758 private auditor conducted pursuant to subdivision (2) of subsection (f)
5759 of this section and the Comptroller, and providing details to the public
5760 on the Internet; provided public disclosure shall be restricted for
5761 patentable ideas, trade secrets, proprietary or confidential commercial
5762 or financial information, disclosure of which may cause commercial
5763 harm to a nongovernmental recipient of such financing support and
5764 for other information exempt from public records disclosure pursuant
5765 to section 1-210.

5766 (3) No director, officer, employee or agent of the authority, while
5767 acting within the scope of his or her authority, shall be subject to any
5768 personal liability resulting from exercising or carrying out any of the
5769 authority's purposes or powers.

5770 (e) [The Renewable Energy Investments Board shall include not
5771 more than fifteen individuals with knowledge and experience in

5772 matters related to the purpose and activities of the Renewable Energy
5773 Investment Fund. The board shall consist of the following members:
5774 (1) One person with expertise regarding renewable energy resources
5775 appointed by the speaker of the House of Representatives; (2) one
5776 person representing a state or regional organization primarily
5777 concerned with environmental protection appointed by the president
5778 pro tempore of the Senate; (3) one person with experience in business
5779 or commercial investments appointed by the majority leader of the
5780 House of Representatives; (4) one person representing a state or
5781 regional organization primarily concerned with environmental
5782 protection appointed by the majority leader of the Senate; (5) one
5783 person with experience in business or commercial investments
5784 appointed by the minority leader of the House of Representatives; (6)
5785 the Commissioner of Emergency Management and Homeland Security
5786 or the commissioner's designee; (7) one person with expertise
5787 regarding renewable energy resources appointed by the Governor; (8)
5788 two persons with experience in business or commercial investments
5789 appointed by the board of directors of Connecticut Innovations,
5790 Incorporated; (9) a representative of a state-wide business association,
5791 manufacturing association or chamber of commerce appointed by the
5792 minority leader of the Senate; (10) the Consumer Counsel; (11) the
5793 Secretary of the Office of Policy and Management or the secretary's
5794 designee; (12) the Commissioner of Environmental Protection or the
5795 commissioner's designee; (13) a representative of organized labor
5796 appointed by the Governor; and (14) a representative of residential
5797 customers or low-income customers appointed by Governor. On a
5798 biennial basis, the board shall elect a chairperson and vice-chairperson
5799 from among its members and shall adopt such bylaws and procedures
5800 it deems necessary to carry out its functions. The board may establish
5801 committees and subcommittees as necessary to conduct its business.]
5802 The powers of the Clean Energy Finance and Investment Authority
5803 shall be vested in and exercised by a board of directors, which shall
5804 consist of eleven voting and two nonvoting members each with
5805 knowledge and expertise in matters related to the purpose and

5806 activities of the authority appointed as follows: The Treasurer or the
5807 Treasurer's designee, the Commissioner of Energy and Environmental
5808 Protection or the commissioner's designee and the Commissioner of
5809 Economic and Community Development or the commissioner's
5810 designee, each serving ex officio, one member who shall represent a
5811 residential or low-income group appointed by the speaker of the
5812 House of Representatives for a term of four years, one member who
5813 shall have experience in investment fund management appointed by
5814 the minority leader of the House of Representatives for a term of three
5815 years, one member who shall represent an environmental organization
5816 appointed by the president pro tempore of the Senate for a term of four
5817 years, and one member whom shall have experience in the finance or
5818 deployment of renewable energy appointed by the minority leader of
5819 the Senate for a term of four years. Thereafter, such members of the
5820 General Assembly shall appoint members of the board to succeed such
5821 appointees whose terms expire and each member so appointed shall
5822 hold office for a period of four years from the first day of July in the
5823 year of his or her appointment. The Governor shall appoint four
5824 members to the board as follows: Two for two years who shall have
5825 experience in the finance of renewable energy; one for four years who
5826 shall be a representative of a labor organization; and one who shall
5827 have experience in research and development or manufacturing of
5828 clean energy. Thereafter, the Governor shall appoint members of the
5829 board to succeed such appointees whose terms expire and each
5830 member so appointed shall hold office for a period of four years from
5831 the first day of July in the year of his or her appointment. The
5832 president of the authority and a member of the board of Connecticut
5833 Innovations, Incorporated, appointed by the chairperson of the
5834 corporation shall serve on the board in an ex-officio, nonvoting
5835 capacity. The Governor shall appoint the chairperson of the board.
5836 The board shall elect from its members a vice chairperson and such
5837 other officers as it deems necessary and shall adopt such bylaws and
5838 procedures it deems necessary to carry out its functions. The board
5839 may establish committees and subcommittees as necessary to conduct

5840 its business.

5841 (f) (1) The board shall issue annually a report to the [Department of
5842 Public Utility Control] Department of Energy and Environmental
5843 Protection reviewing the activities of the [Renewable Energy
5844 Investment Fund] Clean Energy Finance and Investment Authority in
5845 detail and shall provide a copy of such report, in accordance with the
5846 provisions of section 11-4a, to the joint standing committees of the
5847 General Assembly having cognizance of matters relating to energy and
5848 commerce, [and the Office of Consumer Counsel.] The report shall
5849 include a description of the programs and activities undertaken during
5850 the reporting period jointly or in collaboration with the Energy
5851 Conservation and Load Management Funds established pursuant to
5852 section 16-245m, as amended by this act.

5853 (2) The Clean Energy Fund shall be audited annually. Such audits
5854 shall be conducted with generally accepted auditing standards by
5855 independent certified public accountants certified by the Connecticut
5856 Board of Accountancy. Such accountants may be the accountants for
5857 the corporation.

5858 (3) Any entity that receives financing for a clean energy project from
5859 the fund shall provide the board an annual statement, certified as
5860 correct by the chief financial officer of the recipient of such financing,
5861 setting forth all sources and uses of funds in such detail as may be
5862 required by the authority of such project. The authority shall maintain
5863 any such audits for not less than five years. Residential projects for
5864 buildings with one to four dwelling units are exempt from this and
5865 any other annual auditing requirements, except that residential
5866 projects may be required to grant their utility companies' permission to
5867 release their usage data to the authority.

5868 (g) There shall be a joint committee of the Energy Conservation
5869 Management Board and the [Renewable Energy Investments Board]
5870 Clean Energy Finance and Investment Authority board of directors, as

5871 provided in subdivision (2) of subsection (d) of section 16-245m, as
5872 amended by this act.

5873 [(h) No later than December 31, 2006, and no later than December
5874 thirty-first every five years thereafter, the board shall, after consulting
5875 with the Energy Conservation Management Board, conduct an
5876 evaluation of the performance of the programs and activities of the
5877 fund and submit a report, in accordance with the provisions of section
5878 11-4a, of the evaluation to the joint standing committees of the General
5879 Assembly having cognizance of matters relating to energy and
5880 commerce.]

5881 Sec. 100. (NEW) (*Effective July 1, 2011*) (a) As used in this section:

5882 (1) "Energy improvements" means any renovation or retrofitting of
5883 qualifying real property to reduce energy consumption or installation
5884 of a renewable energy system to service qualifying real property,
5885 provided such renovation, retrofit or installation is permanently fixed
5886 to such qualifying real property;

5887 (2) "Qualifying real property" means a single-family or multifamily
5888 residential dwelling or a nonresidential building, regardless of
5889 ownership, that a municipality has determined can benefit from
5890 energy improvements;

5891 (3) "Property owner" means an owner of qualifying real property
5892 who desires to install energy improvements and provides free and
5893 willing consent to the contractual assessment; and

5894 (4) "Sustainable energy program" means a municipal program that
5895 authorizes a municipality to enter into contractual assessments on
5896 qualifying real property with property owners to finance the purchase
5897 and installation of energy improvements to qualifying real property
5898 within its municipal boundaries.

5899 (b) Any municipality, that determines it is in the public interest,

5900 may establish a sustainable energy program to facilitate the increase of
5901 energy efficiency and renewable energy. A municipality shall make
5902 such a determination after issuing public notice and providing an
5903 opportunity for public comment regarding the establishment of a
5904 sustainable energy program.

5905 (c) Notwithstanding the provisions of section 7-374 of the general
5906 statutes or any other public or special act that limits or imposes
5907 conditions on municipal bond issues, any municipality that establishes
5908 a sustainable energy program under this section may issue bonds, as
5909 necessary, for the purpose of financing (1) energy improvements; (2)
5910 related energy audits; and (3) renewable energy system feasibility
5911 studies and the verification of the installation of such improvements.
5912 Such financing shall be secured by special contractual assessments on
5913 the qualifying real property.

5914 (d) (1) Any municipality that establishes a sustainable energy
5915 program pursuant to this section may partner with another
5916 municipality or a state agency to (A) maximize the opportunities for
5917 accessing public funds and private capital markets for long-term
5918 sustainable financing, and (B) secure state or federal funds available
5919 for this purpose.

5920 (2) Any municipality that establishes a sustainable energy program
5921 and issues bonds pursuant to this section may supplement the security
5922 of such bonds with any other legally available funds solely at the
5923 municipality's discretion.

5924 (3) Any municipality that establishes a sustainable energy program
5925 pursuant to this section may use the services of one or more private,
5926 public or quasi-public third-party administrators to provide support
5927 for the program.

5928 (e) Before establishing a program under this section, the
5929 municipality shall provide notice to the electric distribution company,
5930 as defined in section 16-1 of the general statutes, that services the

5931 municipality.

5932 (f) If the owner of record of qualifying real property requests
5933 financing for energy improvements under this section, the
5934 municipality implementing the sustainable energy program shall:

5935 (1) Require performance of an energy audit or renewable energy
5936 system feasibility analysis on the qualifying real property before
5937 approving such financing;

5938 (2) Enter into a contractual assessment on the qualifying real
5939 property with the property owner in a principal amount sufficient to
5940 pay the costs of energy improvements and any associated costs the
5941 municipality determines will benefit the qualifying real property and
5942 may cover any associated costs;

5943 (3) Impose requirements and criteria to ensure that the proposed
5944 energy improvements are consistent with the purpose of the program;
5945 and

5946 (4) Impose requirements and conditions on the financing to ensure
5947 timely repayment, including, but not limited to, procedures for placing
5948 a lien on a property for which an owner defaults on repayment.

5949 (g) Prior to entering a contractual assessment, the municipality shall
5950 provide each property owner the following notice, which shall be set
5951 forth in at least fourteen-point bold type: SEEK LEGAL ADVICE
5952 BEFORE PARTICIPATING IN THIS LOAN PROGRAM TO ENSURE
5953 UNDERSTANDING OF POTENTIAL CONSEQUENCES,
5954 INCLUDING A POSSIBLE DEFAULT UNDER YOUR MORTGAGE.

5955 (h) Any assessment levied pursuant to this section shall have a term
5956 not to exceed the calculated payback period for the installed energy
5957 improvements, as determined by the municipality, and shall have no
5958 prepayment penalty. The municipality shall set a fixed rate of interest
5959 for the repayment of the principal assessed amount at the time the

5960 assessment is made. Such interest rate, as may be supplemented with
5961 state or federal funding as may become available, shall be sufficient to
5962 pay the financing costs of the program, including delinquencies.

5963 (i) Assessments levied pursuant to this section and the interest and
5964 any penalties thereon shall constitute a lien against the qualifying real
5965 property on which they are made until they are paid. Such lien shall be
5966 levied and collected in the same manner as the general taxes of the
5967 municipality on real property, including, in the event of default or
5968 delinquency, with respect to any penalties and remedies and lien
5969 priorities, provided such lien shall not have priority over any prior
5970 mortgages.

5971 (j) The area encompassing the sustainable energy program in a
5972 municipality may be the entire municipal jurisdiction of the
5973 municipality or a subset of such.

5974 Sec. 101. (NEW) (*Effective July 1, 2011*) Before approving any plan for
5975 energy conservation and load management and renewable energy
5976 projects issued to it by the Energy Conservation and Management
5977 Board, the board of directors of the Clean Energy Finance and
5978 Investment Authority or an electric distribution company, the
5979 Department of Energy and Environmental Protection shall determine
5980 that an equitable amount of the funds administered by each such
5981 board are to be deployed among small and large customers with a
5982 maximum average monthly peak demand of one hundred kilowatts in
5983 census tracts in which the median income is not more than sixty per
5984 cent of the state median income. The department shall determine such
5985 equitable share and such projects may include a mentoring component
5986 for such communities. On and after January 1, 2012, and annually
5987 thereafter, the department shall report, in accordance with the
5988 provisions of section 11-4a of the general statutes, to the joint standing
5989 committee of the General Assembly having cognizance of matters
5990 relating to energy regarding the distribution of funds to such
5991 communities.

5992 Sec. 102. Section 16a-48 of the general statutes is repealed and the
5993 following is substituted in lieu thereof (*Effective July 1, 2011*):

5994 (a) As used in this section:

5995 (1) ["Office" means the Office of Policy and Management]
5996 "Department" means the Department of Energy and Environmental
5997 Protection;

5998 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
5999 to operate fluorescent lamps by providing a starting voltage and
6000 current and limiting the current during normal operation, but does not
6001 include such devices that have a dimming capability or are intended
6002 for use in ambient temperatures of zero degrees Fahrenheit or less or
6003 have a power factor of less than sixty-one hundredths for a single
6004 F40T12 lamp;

6005 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
6006 nominal forty-watt lamp, with a forty-eight-inch tube length and one
6007 and one-half inches in diameter;

6008 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
6009 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
6010 one and one-half inches in diameter;

6011 (5) "Luminaire" means a complete lighting unit consisting of a
6012 fluorescent lamp, or lamps, together with parts designed to distribute
6013 the light, to position and protect such lamps, and to connect such
6014 lamps to the power supply;

6015 (6) "New product" means a product that is sold, offered for sale, or
6016 installed for the first time and specifically includes floor models and
6017 demonstration units;

6018 (7) ["Secretary" means the Secretary of the Office of Policy and
6019 Management] "Commissioner" means the Commissioner of Energy
6020 and Environmental Protection;

6021 (8) "State Building Code" means the building code adopted
6022 pursuant to section 29-252;

6023 (9) "Torchiere lighting fixture" means a portable electric lighting
6024 fixture with a reflector bowl giving light directed upward so as to give
6025 indirect illumination;

6026 (10) "Unit heater" means a self-contained, vented fan-type
6027 commercial space heater that uses natural gas or propane and that is
6028 designed to be installed without ducts within the heated space. "Unit
6029 heater" does not include a product regulated by federal standards
6030 pursuant to 42 USC 6291, as amended from time to time, a product that
6031 is a direct vent, forced flue heater with a sealed combustion burner, or
6032 any oil fired heating system;

6033 (11) "Transformer" means a device consisting of two or more coils of
6034 insulated wire that transfers alternating current by electromagnetic
6035 induction from one coil to another in order to change the original
6036 voltage or current value;

6037 (12) "Low-voltage dry-type transformer" means a transformer that:
6038 (A) Has an input voltage of six hundred volts or less; (B) is between
6039 fourteen kilovolt-amperes and two thousand five hundred one
6040 kilovolt-amperes in size; (C) is air-cooled; and (D) does not use oil as a
6041 coolant. "Low-voltage dry-type transformer" does not include such
6042 transformers excluded from the low-voltage dry-type distribution
6043 transformer definition contained in the California Code of Regulations,
6044 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency
6045 Regulations;

6046 (13) "Pass-through cabinet" means a refrigerator or freezer with
6047 hinged or sliding doors on both the front and rear of the refrigerator or
6048 freezer;

6049 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
6050 thereof, with hinged or sliding doors or lids;

6051 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
6052 freezer with hinged or sliding doors that allows wheeled racks of
6053 product to be rolled into or through the refrigerator or freezer;

6054 (16) "Commercial refrigerators and freezers" means reach-in
6055 cabinets, pass-through cabinets, roll-in cabinets and roll-through
6056 cabinets that have less than eighty-five feet of capacity, which are
6057 designed for the refrigerated or frozen storage of food and food
6058 products;

6059 (17) "Traffic signal module" means a standard eight-inch or twelve-
6060 inch round traffic signal indicator consisting of a light source, lens and
6061 all parts necessary for operation and communication of movement
6062 messages to drivers through red, amber and green colors;

6063 (18) "Illuminated exit sign" means an internally illuminated sign that
6064 is designed to be permanently fixed in place and used to identify an
6065 exit by means of a light source that illuminates the sign or letters from
6066 within where the background of the exit sign is not transparent;

6067 (19) "Packaged air-conditioning equipment" means air-conditioning
6068 equipment that is built as a package and shipped as a whole to end-
6069 user sites;

6070 (20) "Large packaged air-conditioning equipment" means air-cooled
6071 packaged air-conditioning equipment having not less than two
6072 hundred forty thousand BTUs per hour of capacity;

6073 (21) "Commercial clothes washer" means a soft mount front-loading
6074 or soft mount top-loading clothes washer that is designed for use in
6075 (A) applications where the occupants of more than one household will
6076 be using it, such as in multifamily housing common areas and coin
6077 laundries; or (B) other commercial applications, if the clothes container
6078 compartment is no greater than three and one-half cubic feet for
6079 horizontal-axis clothes washers or no greater than four cubic feet for
6080 vertical-axis clothes washers;

6081 (22) "Energy efficiency ratio" means a measure of the relative
6082 efficiency of a heating or cooling appliance that is equal to the unit's
6083 output in BTUs per hour divided by its consumption of energy,
6084 measured in watts;

6085 (23) "Electricity ratio" means the ratio of furnace electricity use to
6086 total furnace energy use;

6087 (24) "Boiler" means a space heater that is a self-contained appliance
6088 for supplying steam or hot water primarily intended for space-heating.
6089 "Boiler" does not include hot water supply boilers;

6090 (25) "Central furnace" means a self-contained space heater designed
6091 to supply heated air through ducts of more than ten inches in length;

6092 (26) "Residential furnace or boiler" means a product that utilizes
6093 only single-phase electric current or single-phase electric current or DC
6094 current in conjunction with natural gas, propane or home heating oil
6095 and that (A) is designed to be the principal heating source for the
6096 living space of a residence; (B) is not contained within the same cabinet
6097 as a central air conditioner with a rated cooling capacity of not less
6098 than sixty-five thousand BTUs per hour; (C) is an electric central
6099 furnace, electric boiler, forced-air central furnace, gravity central
6100 furnace or low pressure steam or hot water boiler; and (D) has a heat
6101 input rate of less than three hundred thousand BTUs per hour for an
6102 electric boiler and low pressure steam or hot water boiler and less than
6103 two hundred twenty-five thousand BTUs per hour for a forced-air
6104 central furnace, gravity central furnace and electric central furnace;

6105 (27) "Furnace air handler" means the section of the furnace that
6106 includes the fan, blower and housing, generally upstream of the
6107 burners and heat exchanger. The furnace air handler may include a
6108 filter and a cooling coil;

6109 (28) "High-intensity discharge lamp" means a lamp in which light is
6110 produced by the passage of an electric current through a vapor or gas,

6111 the light-producing arc is stabilized by bulb wall temperature and the
6112 arc tube has a bulb wall loading in excess of three watts per square
6113 centimeter;

6114 (29) "Metal halide lamp" means a high intensity discharge lamp in
6115 which the major portion of the light is produced by radiation of metal
6116 halides and their products of dissociation, possibly in combination
6117 with metallic vapors;

6118 (30) "Metal halide lamp fixture" means a light fixture designed to be
6119 operated with a metal halide lamp and a ballast for a metal halide
6120 lamp;

6121 (31) "Probe start metal halide ballast" means a ballast used to
6122 operate metal halide lamps that does not contain an ignitor and that
6123 instead starts lamps by using a third starting electrode probe in the arc
6124 tube;

6125 (32) "Single voltage external AC to DC power supply" means a
6126 device that (A) is designed to convert line voltage AC input into lower
6127 voltage DC output; (B) is able to convert to only one DC output voltage
6128 at a time; (C) is sold with, or intended to be used with, a separate end-
6129 use product that constitutes the primary power load; (D) is contained
6130 within a separate physical enclosure from the end-use product; (E) is
6131 connected to the end-use product in a removable or hard-wired male
6132 and female electrical connection, cable, cord or other wiring; (F) does
6133 not have batteries or battery packs, including those that are removable
6134 or that physically attach directly to the power supply unit; (G) does not
6135 have a battery chemistry or type selector switch and indicator light or a
6136 battery chemistry or type selector switch and a state of charge meter;
6137 and (H) has a nameplate output power less than or equal to two
6138 hundred fifty watts;

6139 (33) "State regulated incandescent reflector lamp" means a lamp that
6140 is not colored or designed for rough or vibration service applications,
6141 has an inner reflective coating on the outer bulb to direct the light, has

6142 an E26 medium screw base, a rated voltage or voltage range that lies at
6143 least partially within one hundred fifteen to one hundred thirty volts,
6144 and that falls into one of the following categories: (A) A bulged
6145 reflector or elliptical reflector or a blown PAR bulb shape and that has
6146 a diameter that equals or exceeds two and one-quarter inches, or (B) a
6147 reflector, parabolic aluminized reflector, bulged reflector or similar
6148 bulb shape and that has a diameter of two and one-quarter to two and
6149 three-quarters inches. "State regulated incandescent reflector lamp"
6150 does not include ER30, BR30, BR40 and ER40 lamps of not more than
6151 fifty watts, BR30, BR40 and ER40 lamps of sixty-five watts and R20
6152 lamps of not more than forty-five watts;

6153 (34) "Bottle-type water dispenser" means a water dispenser that uses
6154 a bottle or reservoir as the source of potable water;

6155 (35) "Commercial hot food holding cabinet" means a heated, fully-
6156 enclosed compartment with one or more solid or partial glass doors
6157 that is designed to maintain the temperature of hot food that has been
6158 cooked in a separate appliance. "Commercial hot food holding cabinet"
6159 does not include heated glass merchandizing cabinets, drawer
6160 warmers or cook-and-hold appliances;

6161 (36) "Pool heater" means an appliance designed for heating
6162 nonpotable water contained at atmospheric pressure for swimming
6163 pools, spas, hot tubs and similar applications, including natural gas,
6164 heat pump, oil and electric resistance pool heaters;

6165 (37) "Portable electric spa" means a factory-built electric spa or hot
6166 tub supplied with equipment for heating and circulating water;

6167 (38) "Residential pool pump" means a pump used to circulate and
6168 filter pool water to maintain clarity and sanitation;

6169 (39) "Walk-in refrigerator" means a space refrigerated to
6170 temperatures at or above thirty-two degrees Fahrenheit that has a total
6171 chilled storage area of less than three thousand square feet, can be

6172 walked into and is designed for the refrigerated storage of food and
6173 food products. "Walk-in refrigerator" does not include refrigerated
6174 warehouses and products designed and marketed exclusively for
6175 medical, scientific or research purposes;

6176 (40) "Walk-in freezer" means a space refrigerated to temperatures
6177 below thirty-two degrees Fahrenheit that has a total chilled storage
6178 area of less than three thousand square feet, can be walked into and is
6179 designed for the frozen storage of food and food products. "Walk-in
6180 freezer" does not include refrigerated warehouses and products
6181 designed and marketed exclusively for medical, scientific or research
6182 purposes;

6183 (41) "Central air conditioner" means a central air conditioning model
6184 that consists of one or more factory-made assemblies, which normally
6185 include an evaporator or cooling coil, compressor and condenser.
6186 Central air conditioning models may provide the function of air
6187 cooling, air cleaning, dehumidifying or humidifying;

6188 (42) "Combination television" means a system in which a television
6189 or television monitor and an additional device or devices, including,
6190 but not limited to, a digital versatile disk player or video cassette
6191 recorder, are combined into a single unit in which the additional
6192 devices are included in the television casing;

6193 (43) "Compact audio player" means an integrated audio system
6194 encased in a single housing that includes an amplifier and radio tuner
6195 with attached or separable speakers and can reproduce audio from one
6196 or more of the following media: Magnetic tape, compact disk, digital
6197 versatile disk or flash memory. "Compact audio player" does not mean
6198 a product that can be independently powered by internal batteries, has
6199 a powered external satellite antenna or can provide a video output
6200 signal;

6201 (44) "Component television" means a television composed of two or
6202 more separate components, such as a separate display device and

6203 tuner, marketed and sold as a television under one model or system
6204 designation, which may have more than one power cord;

6205 (45) "Computer monitor" means an analog or digital device
6206 designed primarily for the display of computer generated signals and
6207 that is not marketed for use as a television;

6208 (46) "Digital versatile disc" means a laser-encoded plastic medium
6209 capable of storing a large amount of digital audio, video and computer
6210 data;

6211 (47) "Digital versatile disc player" means a commercially available
6212 electronic product encased in a single housing that includes an integral
6213 power supply and for which the sole purpose is the decoding of
6214 digitized video signals;

6215 (48) "Digital versatile disc recorder" means a commercially available
6216 electronic product encased in a single housing that includes an integral
6217 power supply and for which the sole purpose is the production or
6218 recording of digitized audio, video and computer signals on a digital
6219 versatile disk. "Digital versatile disk recorder" does not include a
6220 model that has an electronic programming guide function;

6221 (49) "Television" means an analog or digital device designed
6222 primarily for the display and reception of a terrestrial, satellite, cable,
6223 internet protocol television or other broadcast or recorded
6224 transmission of analog or digital video and audio signals. "Television"
6225 includes combination televisions, television monitors, component
6226 televisions and any unit that is marketed to consumers as a television
6227 but does not include a computer monitor;

6228 (50) "Television monitor" means a television that does not have an
6229 internal tuner/receiver or playback device.

6230 (b) The provisions of this section apply to the testing, certification
6231 and enforcement of efficiency standards for the following types of new

6232 products sold, offered for sale or installed in the state: (1) Commercial
6233 clothes washers; (2) commercial refrigerators and freezers; (3)
6234 illuminated exit signs; (4) large packaged air-conditioning equipment;
6235 (5) low voltage dry-type distribution transformers; (6) torchiere
6236 lighting fixtures; (7) traffic signal modules; (8) unit heaters; (9)
6237 residential furnaces and boilers; (10) residential pool pumps; (11) metal
6238 halide lamp fixtures; (12) single voltage external AC to DC power
6239 supplies; (13) state regulated incandescent reflector lamps; (14) bottle-
6240 type water dispensers; (15) commercial hot food holding cabinets; (16)
6241 portable electric spas; (17) walk-in refrigerators and walk-in freezers;
6242 (18) pool heaters; [and] (19) compact audio players; (20) televisions;
6243 (21) digital versatile disc players; (22) digital versatile disc recorders;
6244 and (23) any other products as may be designated by the [office]
6245 department in accordance with subdivision (3) of subsection (d) of this
6246 section.

6247 (c) The provisions of this section do not apply to (1) new products
6248 manufactured in the state and sold outside the state, (2) new products
6249 manufactured outside the state and sold at wholesale inside the state
6250 for final retail sale and installation outside the state, (3) products
6251 installed in mobile manufactured homes at the time of construction, or
6252 (4) products designed expressly for installation and use in recreational
6253 vehicles.

6254 (d) (1) The [office, in consultation with the Department of Public
6255 Utility Control,] department shall adopt regulations, in accordance
6256 with the provisions of chapter 54, to implement the provisions of this
6257 section and to establish minimum energy efficiency standards for the
6258 types of new products set forth in subsection (b) of this section. The
6259 regulations shall provide for the following minimum energy efficiency
6260 standards:

6261 (A) Commercial clothes washers shall meet the requirements shown
6262 in Table P-3 of section 1605.3 of the California Code of Regulations,
6263 Title 20: Division 2, Chapter 4, Article 4;

6264 (B) Commercial refrigerators and freezers shall meet the August 1,
6265 2004, requirements shown in Table A-6 of said California regulation;

6266 (C) Illuminated exit signs shall meet the version 2.0 product
6267 specification of the "Energy Star Program Requirements for Exit Signs"
6268 developed by the United States Environmental Protection Agency;

6269 (D) Large packaged air-conditioning equipment having not more
6270 than seven hundred sixty thousand BTUs per hour of capacity shall
6271 meet a minimum energy efficiency ratio of 10.0 for units using both
6272 electric heat and air conditioning or units solely using electric air
6273 conditioning, and 9.8 for units using both natural gas heat and electric
6274 air conditioning;

6275 (E) Large packaged air-conditioning equipment having not less than
6276 seven hundred sixty-one thousand BTUs per hour of capacity shall
6277 meet a minimum energy efficiency ratio of 9.7 for units using both
6278 electric heat and air conditioning or units solely using electric air
6279 conditioning, and 9.5 for units using both natural gas heat and electric
6280 air conditioning;

6281 (F) Low voltage dry-type distribution transformers shall meet or
6282 exceed the energy efficiency values shown in Table 4-2 of the National
6283 Electrical Manufacturers Association Standard TP-1-2002;

6284 (G) Torchiere lighting fixtures shall not consume more than one
6285 hundred ninety watts and shall not be capable of operating with lamps
6286 that total more than one hundred ninety watts;

6287 (H) Traffic signal modules shall meet the product specification of
6288 the "Energy Star Program Requirements for Traffic Signals" developed
6289 by the United States Environmental Protection Agency that took effect
6290 in February, 2001, except where the department, in consultation with
6291 the Commissioner of Transportation, determines that such
6292 specification would compromise safe signal operation;

6293 (I) Unit heaters shall not have pilot lights and shall have either
6294 power venting or an automatic flue damper;

6295 (J) On or after January 1, 2009, residential furnaces and boilers
6296 purchased by the state shall meet or exceed the following annual fuel
6297 utilization efficiency: (i) For gas and propane furnaces, ninety per cent
6298 annual fuel utilization efficiency, (ii) for oil furnaces, eighty-three per
6299 cent annual fuel utilization efficiency, (iii) for gas and propane hot
6300 water boilers, eighty-four per cent annual fuel utilization efficiency,
6301 (iv) for oil-fired hot water boilers, eighty-four per cent annual fuel
6302 utilization efficiency, (v) for gas and propane steam boilers, eighty-two
6303 per cent annual fuel utilization efficiency, (vi) for oil-fired steam
6304 boilers, eighty-two per cent annual fuel utilization efficiency, and (vii)
6305 for furnaces with furnace air handlers, an electricity ratio of not more
6306 than 2.0, except air handlers for oil furnaces with a capacity of less than
6307 ninety-four thousand BTUs per hour shall have an electricity ratio of
6308 2.3 or less;

6309 (K) On or after January 1, 2010, metal halide lamp fixtures designed
6310 to be operated with lamps rated greater than or equal to one hundred
6311 fifty watts but less than or equal to five hundred watts shall not
6312 contain a probe-start metal halide lamp ballast;

6313 (L) Single-voltage external AC to DC power supplies manufactured
6314 on or after January 1, 2008, shall meet the energy efficiency standards
6315 of table U-1 of section 1605.3 of the January 2006 California Code of
6316 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
6317 Efficiency Regulations. This standard applies to single voltage AC to
6318 DC power supplies that are sold individually and to those that are sold
6319 as a component of or in conjunction with another product. This
6320 standard shall not apply to single voltage external AC to DC power
6321 supplies sold with products subject to certification by the United States
6322 Food and Drug Administration. A single-voltage external AC to DC
6323 power supply that is made available by a manufacturer directly to a
6324 consumer or to a service or repair facility after and separate from the

6325 original sale of the product requiring the power supply as a service
6326 part or spare part shall not be required to meet the standards in said
6327 table U-1 until five years after the effective dates indicated in the table;

6328 (M) On or after January 1, 2009, state regulated incandescent
6329 reflector lamps shall be manufactured to meet the minimum average
6330 lamp efficacy requirements for federally-regulated incandescent
6331 reflector lamps contained in 42 USC 6295(i)(1)(A). Each lamp shall
6332 indicate the date of manufacture;

6333 (N) On or after January 1, 2009, bottle-type water dispensers,
6334 commercial hot food holding cabinets, portable electric spas, walk-in
6335 refrigerators and walk-in freezers shall meet the efficiency
6336 requirements of section 1605.3 of the January 2006 California Code of
6337 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
6338 Efficiency Regulations. On or after January 1, 2010, residential pool
6339 pumps shall meet said efficiency requirements;

6340 (O) On or after January 1, 2009, pool heaters shall meet the
6341 efficiency requirements of sections 1605.1 and 1605.3 of the January
6342 2006 California Code of Regulations, Title 20, Division 2, Chapter 4,
6343 Article 4: Appliance Efficiency Regulations;

6344 (P) By January 1, 2014, compact audio players, digital versatile disc
6345 players and digital versatile disc recorders shall meet the requirements
6346 shown in Table V-1 of Section 1605.3 of the November 2009
6347 amendments to the California Code of Regulations, Title 20, Division 2,
6348 Chapter 4, Article 4, unless the commissioner, in accordance with
6349 subparagraph (B) of subdivision (3) of this subsection, determines that
6350 such standards are unwarranted and may accept, reject or modify
6351 according to subparagraph (A) of subdivision (3) of this subsection;

6352 (Q) On or after January 1, 2014, televisions manufactured on or after
6353 the effective date of this section shall meet the requirements shown in
6354 Table V-2 of Section 1605.3 of the November 2009 amendments to the
6355 California Code of Regulations, Title 20, Division 2, Chapter 4, Article

6356 4, unless the commissioner, in accordance with subparagraph (B) of
6357 subdivision (3) of this subsection, determines that such standards are
6358 unwarranted and may accept, reject or modify according to
6359 subparagraph (A) of subdivision (3) of this subsection;

6360 (R) In addition to the requirements of subparagraph (Q) of this
6361 subdivision, televisions manufactured on or after January 1, 2014, shall
6362 meet the efficiency requirements of Sections 1605.3(v)(3)(A),
6363 1605.3(v)(3)(B) and 1605.3(v)(3)(C) of the November 2009 amendments
6364 to the California Code of Regulations, Title 20, Division 2, Chapter 4,
6365 Article 4, unless the commissioner, in accordance with subparagraph
6366 (B) of subdivision (3) of this subsection, determines that such
6367 standards are unwarranted and may accept, reject or modify according
6368 to subparagraph (A) of subdivision (3) of this subsection.

6369 (2) Such efficiency standards, where in conflict with the State
6370 Building Code, shall take precedence over the standards contained in
6371 the Building Code. Not later than July 1, 2007, and biennially
6372 thereafter, the [office, in consultation with the Department of Public
6373 Utility Control,] department shall review and increase the level of such
6374 efficiency standards by adopting regulations in accordance with the
6375 provisions of chapter 54 upon a determination that increased efficiency
6376 standards would serve to promote energy conservation in the state and
6377 would be cost-effective for consumers who purchase and use such new
6378 products, provided no such increased efficiency standards shall
6379 become effective within one year following the adoption of any
6380 amended regulations providing for such increased efficiency
6381 standards.

6382 (3) (A) The [office, in consultation with the Department of Public
6383 Utility Control,] department shall adopt regulations, in accordance
6384 with the provisions of chapter 54, to designate additional products to
6385 be subject to the provisions of this section and to establish efficiency
6386 standards for such products upon a determination that such efficiency
6387 standards [(A)] (i) would serve to promote energy conservation in the

6388 state, [(B)] (ii) would be cost-effective for consumers who purchase and
6389 use such new products, and [(C) that multiple products are available
6390 which meet such standards, provided no such efficiency standards
6391 shall become effective within one year following their adoption
6392 pursuant to this subdivision] (iii) would not impose an unreasonable
6393 burden on Connecticut businesses.

6394 (B) The department, in consultation with the Multi-State Appliance
6395 Standards Collaborative, shall identify additional appliance and
6396 equipment efficiency standards. The commissioner shall review all
6397 California standards and may review standards from other states in
6398 such collaborative. The commissioner shall issue notice of such review
6399 in the Law Journal, allow for public comment and may hold a public
6400 hearing within six months of adoption of an efficiency standard by a
6401 cooperative member state regarding a product for which no equivalent
6402 Connecticut or federal standard currently exists, the department shall
6403 adopt regulations in accordance with the provisions of chapter 54
6404 adopting such efficiency standard unless the department makes a
6405 specific finding that such standard does not meet the criteria in
6406 subparagraph (A) of this subdivision.

6407 (e) On or after July 1, 2006, except for commercial clothes washers,
6408 for which the date shall be July 1, 2007, commercial refrigerators and
6409 freezers, for which the date shall be July 1, 2008, and large packaged
6410 air-conditioning equipment, for which the date shall be July 1, 2009, no
6411 new product of a type set forth in subsection (b) of this section or
6412 designated by the [office] department may be sold, offered for sale, or
6413 installed in the state unless the energy efficiency of the new product
6414 meets or exceeds the efficiency standards set forth in such regulations
6415 adopted pursuant to subsection (d) of this section.

6416 (f) The [office, in consultation with the Department of Public Utility
6417 Control,] department shall adopt procedures for testing the energy
6418 efficiency of the new products set forth in subsection (b) of this section
6419 or designated by the department if such procedures are not provided

6420 for in the State Building Code. The [office] department shall use United
6421 States Department of Energy approved test methods, or in the absence
6422 of such test methods, other appropriate nationally recognized test
6423 methods. The manufacturers of such products shall cause samples of
6424 such products to be tested in accordance with the test procedures
6425 adopted pursuant to this subsection or those specified in the State
6426 Building Code.

6427 (g) Manufacturers of new products set forth in subsection (b) of this
6428 section or designated by the [office] department shall certify to the
6429 [secretary] commissioner that such products are in compliance with
6430 the provisions of this section, except that certification is not required
6431 for single voltage external AC to DC power supplies and walk-in
6432 refrigerators and walk-in freezers. All single voltage external AC to DC
6433 power supplies shall be labeled as described in the January 2006
6434 California Code of Regulations, Title 20, Section 1607 (9). The [office, in
6435 consultation with the Department of Public Utility Control,]
6436 department shall promulgate regulations governing the certification of
6437 such products. The [secretary] commissioner shall publish an annual
6438 list of such products.

6439 (h) The Attorney General may institute proceedings to enforce the
6440 provisions of this section. Any person who violates any provision of
6441 this section shall be subject to a civil penalty of not more than two
6442 hundred fifty dollars. Each violation of this section shall constitute a
6443 separate offense, and each day that such violation continues shall
6444 constitute a separate offense.

6445 Sec. 103. (*Effective July 1, 2011*) (a) The Clean Energy Finance and
6446 Investment Authority shall on or before March 1, 2012, establish a
6447 three-year pilot program to promote the development of new
6448 combined heat and power projects in Connecticut that are below two
6449 megawatts in capacity size. The program established pursuant to this
6450 section shall not exceed fifty megawatts. The authority shall set one or
6451 more standardized grant amounts, loan amounts and power purchase

6452 agreements for such projects to limit the administrative burden of
6453 project approvals for the authority and the project proponent,
6454 including, but not limited to, a per kilowatt cost of up to three hundred
6455 fifty dollars. Such standardized provisions shall seek to minimize costs
6456 for the general class of ratepayers, ensuring that the project developer
6457 has a significant share of the financial burden and risk, while ensuring
6458 the development of projects that benefit Connecticut's economy,
6459 ratepayers, and environment. The authority may in its discretion
6460 decline to support a proposed project if the benefits of such project to
6461 Connecticut's ratepayers, economy and environment, including
6462 emissions reductions, are too meager to justify ratepayer or taxpayer
6463 investment.

6464 (b) The Clean Energy Finance and Investment Authority shall
6465 establish a three-year pilot program to support through loans, grants
6466 or power purchase agreements sustainable practices and economic
6467 prosperity of Connecticut farms and other businesses by using organic
6468 waste with on-site anaerobic digestion facilities to generate electricity
6469 and heat. As part of the pilot program, the authority may approve no
6470 more than five projects, each of which shall have a maximum size of
6471 one thousand five hundred kilowatts at a cost of four hundred fifty
6472 dollars per kilowatt.

6473 (c) On or before January 1, 2016, the authority shall report, in
6474 accordance with the provisions of section 11-4a of the general statutes,
6475 to the joint standing committee of the General Assembly having
6476 cognizance of matters relating to energy regarding the program
6477 established pursuant to this section and whether such program should
6478 continue.

6479 (d) The Clean Energy Finance and Investment Authority shall
6480 allocate four million dollars annually from the Clean Energy Fund,
6481 provided two million dollars shall be allocated for combined heat and
6482 power projects and two million dollars shall be allocated for anaerobic
6483 digestion projects.

6484 Sec. 104. Subsection (g) of section 16-245 of the general statutes is
6485 repealed and the following is substituted in lieu thereof (*Effective July*
6486 *1, 2011*):

6487 (g) As conditions of continued licensure, in addition to the
6488 requirements of subsection (c) of this section: (1) The licensee shall
6489 comply with the National Labor Relations Act and regulations, if
6490 applicable; (2) the licensee shall comply with the Connecticut Unfair
6491 Trade Practices Act and applicable regulations; (3) each generating
6492 facility operated by or under long-term contract to the licensee shall
6493 comply with regulations adopted by the Commissioner of Energy and
6494 Environmental Protection, pursuant to section 22a-174j; (4) the licensee
6495 shall comply with the portfolio standards, pursuant to section 16-245a;
6496 (5) the licensee shall be a member of the New England Power Pool or
6497 its successor or have a contractual relationship with one or more
6498 entities who are members of the New England Power Pool or its
6499 successor and the licensee shall comply with the rules of the regional
6500 independent system operator and standards and any other reliability
6501 guidelines of the regional independent systems operator; (6) the
6502 licensee shall agree to cooperate with the department and other electric
6503 suppliers in the event of an emergency condition that may jeopardize
6504 the safety and reliability of electric service; (7) the licensee shall comply
6505 with the code of conduct established pursuant to section 16-244h; (8)
6506 for a license to a participating municipal electric utility, the licensee
6507 shall provide open and nondiscriminatory access to its distribution
6508 facilities to other licensed electric suppliers; (9) the licensee or the
6509 entity or entities with whom the licensee has a contractual relationship
6510 to purchase power shall be in compliance with all applicable licensing
6511 requirements of the Federal Energy Regulatory Commission; (10) each
6512 generating facility operated by or under long-term contract to the
6513 licensee shall be in compliance with chapter 277a and state
6514 environmental laws and regulations; (11) the licensee shall comply
6515 with the renewable portfolio standards established in section 16-245a;
6516 (12) the licensee shall offer a time-of-use price option to customers.

6517 Such option shall include a two-part price that is designed to achieve
6518 an overall minimization of customer bills by encouraging the
6519 reduction of consumption during the most energy intense hours of the
6520 day. The licensee shall file its time-of-use rates with the Public Utilities
6521 Regulatory Authority; and [(12)] (13) the licensee shall acknowledge
6522 that it is subject to chapters 208, 212, 212a and 219, as applicable, and
6523 the licensee shall pay all taxes it is subject to in this state. Also as a
6524 condition of licensure, the department shall prohibit each licensee from
6525 declining to provide service to customers for the reason that the
6526 customers are located in economically distressed areas. The
6527 department may establish additional reasonable conditions to assure
6528 that all retail customers will continue to have access to electric
6529 generation services.

6530 Sec. 105. (NEW) (*Effective July 1, 2011*) The Department of Energy
6531 and Environmental Protection shall require each electric distribution
6532 company to notify its customers on an ongoing basis regarding the
6533 availability of time-of-use meters, if applicable.

6534 Sec. 106. (NEW) (*Effective July 1, 2011*) (a) The Clean Energy Finance
6535 and Investment Authority established pursuant to section 16-245n of
6536 the general statutes, as amended by this act, shall structure and
6537 implement a residential solar investment program established
6538 pursuant to this section, which shall result in a minimum of thirty
6539 megawatts of new residential solar photovoltaic installations located in
6540 this state on or before December 31, 2022, the annual procurement of
6541 which shall be determined by the authority and the cost of which shall
6542 not exceed one-third of the total surcharge collected annually pursuant
6543 to said section 16-245n.

6544 (b) The Clean Energy Finance and Investment Authority shall offer
6545 direct financial incentives, in the form of performance-based incentives
6546 or expected performance-based buydowns, for the purchase or lease of
6547 qualifying residential solar photovoltaic systems. For the purposes of
6548 this section, "performance-based incentives" means incentives paid out

6549 on a per kilowatt-hour basis, and "expected performance-based
6550 buydowns" means incentives paid out as a one-time upfront incentive
6551 based on expected system performance. The authority shall consider
6552 willingness to pay studies and verified solar photovoltaic system
6553 characteristics, such as operational efficiency, size, location, shading
6554 and orientation, when determining the type and amount of incentive.
6555 Notwithstanding the provisions of subdivision (1) of subsection (j) of
6556 section 16-244c of the general statutes, as amended by this act, the
6557 amount of renewable energy produced from Class I renewable energy
6558 sources receiving tariff payments or included in utility rates under this
6559 section shall be applied to reduce the electric distribution company's
6560 Class I renewable energy source portfolio standard. Customers who
6561 receive expected performance-based buydowns under this section
6562 shall not be eligible for a credit pursuant to section 16-243b of the
6563 general statutes.

6564 (c) Beginning with the comprehensive plan covering the period
6565 from July 1, 2011, to June 30, 2013, the Clean Energy Finance and
6566 Investment Authority shall develop and publish in each such plan a
6567 proposed schedule for the offering of performance-based incentives or
6568 expected performance-based buydowns over the duration of any such
6569 solar incentive program. Such schedule shall: (1) Provide for a series of
6570 solar capacity blocks the combined total of which shall be a minimum
6571 of thirty megawatts and projected incentive levels for each such block;
6572 (2) provide incentives that are sufficient to meet reasonable payback
6573 expectations of the residential consumer, taking into consideration the
6574 estimated cost of residential solar installations, the value of the energy
6575 offset by the system and the availability and estimated value of other
6576 incentives, including, but not limited to, federal and state tax
6577 incentives and revenues from the sale of solar renewable energy
6578 credits; (3) provide incentives that decline over time and will foster the
6579 sustained, orderly development of a state-based solar industry; (4)
6580 automatically adjust to the next block once the board has issued
6581 reservations for financial incentives provided pursuant to this section

6582 from the board fully committing the target solar capacity and available
6583 incentives in that block; and (5) provide comparable economic
6584 incentives for the purchase or lease of qualifying residential solar
6585 photovoltaic systems. The authority may retain the services of a third-
6586 party entity with expertise in the area of solar energy program design
6587 to assist in the development of the incentive schedule or schedules.
6588 The Department of Energy and Environmental Protection shall review
6589 and approve such schedule. Nothing in this subsection shall restrict
6590 the authority from modifying the approved incentive schedule before
6591 the issuance of its next comprehensive plan to account for changes in
6592 federal or state law or regulation or developments in the solar market
6593 when such changes would affect the expected return on investment for
6594 a typical residential solar photovoltaic system by twenty per cent or
6595 more.

6596 (d) The Clean Energy Finance and Investment Authority shall
6597 establish and periodically update program guidelines, including, but
6598 not limited to, requirements for systems and program participants
6599 related to: (1) Eligibility criteria; (2) standards for deployment of
6600 energy efficient equipment or building practices as a condition for
6601 receiving incentive funding; (3) procedures to provide reasonable
6602 assurance that such reservations are made and incentives are paid out
6603 only to qualifying residential solar photovoltaic systems
6604 demonstrating a high likelihood of being installed and operated as
6605 indicated in application materials; and (4) reasonable protocols for the
6606 measurement and verification of energy production.

6607 (e) The Clean Energy Finance and Investment Authority shall
6608 maintain on its web site the schedule of incentives, solar capacity
6609 remaining in the current block and available funding and incentive
6610 estimators.

6611 (f) Funding for the residential performance-based incentive
6612 program and expected performance-based buydowns shall be
6613 apportioned from the moneys collected under the surcharge specified

6614 in section 16-245n of the general statutes, as amended by this act,
6615 provided such apportionment shall not exceed one-third of the total
6616 surcharge collected annually, and supplemented by federal funding as
6617 may become available.

6618 (g) The Clean Energy Finance and Investment Authority shall
6619 identify barriers to the development of a permanent Connecticut-based
6620 solar workforce and shall make provision for comprehensive training,
6621 accreditation and certification programs through institutions and
6622 individuals accredited and certified to national standards.

6623 (h) On or before January 1, 2014, and every two years thereafter for
6624 the duration of the program, the Clean Energy Finance and Investment
6625 Authority shall report to the joint standing committee of the General
6626 Assembly having cognizance of matters relating to energy on progress
6627 toward the goals identified in subsection (a) of this section.

6628 Sec. 107. (NEW) (*Effective July 1, 2011*) (a) Commencing on January
6629 1, 2012, and within the period established in subsection (a) of section
6630 108 of this act, each electric distribution company shall solicit and file
6631 with the Public Utilities Regulatory Authority for its approval, one or
6632 more long-term contracts with owners or developers of Class I
6633 generation projects that emit no pollutants and that are less than one
6634 thousand kilowatts in size, located on the customer side of the revenue
6635 meter and serve the distribution system of the electric distribution
6636 company. The authority may give a preference to contracts for
6637 technologies manufactured, researched or developed in the state.

6638 (b) Solicitations conducted by the electric distribution company
6639 shall be for the purchase of renewable energy credits produced by
6640 eligible customer-sited generating projects over the duration of the
6641 long-term contract. For purposes of this section, a long-term contract is
6642 a contract for fifteen years.

6643 (c) (1) The aggregate procurement of renewable energy credits by
6644 electric distribution companies pursuant to this section shall (A) be

6645 eight million dollars in the first year, and (B) increase by an additional
6646 eight million dollars per year in years two to four, inclusive.

6647 (2) After year four, the authority shall review contracts entered into
6648 pursuant to this section and if the cost of the technologies included in
6649 such contracts have been reduced, the authority shall seek to enter new
6650 contracts for the total of six years.

6651 (A) If the authority determines such costs have been reduced, the
6652 aggregate procurement of renewable energy credits by electric
6653 distribution companies pursuant to this subdivision shall (i) increase
6654 by an additional eight million dollars per year in years five and six, (ii)
6655 be forty-eight million dollars in years seven to fifteen, inclusive, and
6656 (iii) decline by eight million dollars per year in years sixteen to twenty-
6657 one, inclusive, provided any money not allocated in any given year
6658 may roll into the next year's available funds.

6659 (B) If the authority determines such costs have not been reduced,
6660 the aggregate procurement of renewable energy credits by electric
6661 distribution companies pursuant to this subdivision shall (i) be thirty-
6662 two million dollars in years five to thirteen, inclusive, and (ii) decline
6663 by eight million dollars per year in years fourteen to nineteen,
6664 inclusive, provided any money not allocated in any given year may
6665 roll into the next year's available funds.

6666 (3) The production of a megawatt hour of electricity from a Class I
6667 renewable energy source first placed in service on or after the effective
6668 date of this section shall create one renewable energy credit. A
6669 renewable energy credit shall have an effective life covering the year in
6670 which the credit was created and the following calendar year. The
6671 obligation to purchase renewable energy credits shall be apportioned
6672 to electric distribution companies based on their respective distribution
6673 system loads at the commencement of the procurement period, as
6674 determined by the authority. For contracts entered into in calendar
6675 year 2012, an electric distribution company shall not be required to

6676 enter into a contract that provides a payment of more than three
6677 hundred fifty dollars, per renewable energy credit in any year over the
6678 term of the contract. For contracts entered into in calendar years 2013
6679 to 2017, inclusive, at least ninety days before each annual electric
6680 distribution company solicitation, the Public Utilities Regulatory
6681 Authority may lower the renewable energy credit price cap specified
6682 in this subsection by three to seven per cent annually, during each of
6683 the six years of the program over the term of the contract. In the course
6684 of lowering such price cap applicable to each annual solicitation, the
6685 authority shall, after notice and opportunity for public comment,
6686 consider such factors as the actual bid results from the most recent
6687 electric distribution company solicitation and reasonably foreseeable
6688 reductions in the cost of eligible technologies.

6689 (d) Notwithstanding subdivision (1) of subsection (j) of section 16-
6690 244c of the general statutes, as amended by this act, an electric
6691 distribution company may retire the renewable energy credits it
6692 procures through long-term contracting to satisfy its obligation
6693 pursuant to section 16-245a of the general statutes.

6694 (e) Nothing in this section shall preclude the resale or other
6695 disposition of energy or associated renewable energy credits
6696 purchased by the electric distribution company, provided the
6697 distribution company shall net the cost of payments made to projects
6698 under the long-term contracts against the proceeds of the sale of
6699 energy or renewable energy credits and the difference shall be credited
6700 or charged to distribution customers through a reconciling component
6701 of electric rates as determined by the authority that is nonbypassable
6702 when switching electric suppliers.

6703 Sec. 108. (NEW) (*Effective July 1, 2011*) (a) To procure the long-term
6704 contracts described in section 107 of this act, each electric distribution
6705 company shall, not later than one hundred eighty days after the
6706 effective date of this section, propose a six-year solicitation plan that
6707 shall include (1) a timetable and methodology for soliciting proposals

6708 for the long-term purchase of renewable energy credits from in-state
6709 generators of Class I technologies that emit no pollutants and are not
6710 more than one megawatt in size, and (2) declining annual incentives
6711 during each of the six years of the program. The electric distribution
6712 company's solicitation plan shall be subject to the review and approval
6713 of the Public Utilities Regulatory Authority.

6714 (b) The electric distribution company's approved solicitation plan
6715 shall be designed to foster a diversity of project sizes and participation
6716 among all eligible customer classes subject to cost-effectiveness
6717 considerations. Separate procurement processes shall be conducted for
6718 (1) systems up to one hundred kilowatts; (2) systems greater than one
6719 hundred kilowatts but less than two hundred fifty kilowatts; and (3)
6720 systems between two hundred fifty and one thousand kilowatts. The
6721 Public Utilities Regulatory Authority shall give preference to
6722 competitive bidding for resources of more than one hundred kilowatts,
6723 with bids ranked in order on the basis of lowest net present value of
6724 required renewable energy credit price, unless the authority
6725 determines that an alternative methodology is in the best interests of
6726 the electric distribution company's customers and the development of
6727 a competitive and self-sustaining market. Systems up to one hundred
6728 kilowatts in size shall be eligible to receive, on an ongoing and
6729 continuous basis, a renewable energy credit offer price equivalent to
6730 the weighted average accepted bid price in the most recent solicitation
6731 for systems greater than one hundred kilowatts but less than two
6732 hundred fifty kilowatts, plus an additional incentive of ten per cent.

6733 (c) Each electric distribution company shall execute its approved
6734 six-year solicitation plan and submit to the Public Utilities Regulatory
6735 Authority for review and approval of its preferred procurement plan
6736 comprised of any proposed contract or contracts with independent
6737 developers. If an electric distribution company's solicitation does not
6738 result in proposed contracts totaling the annual expenditure pursuant
6739 to subsection (a) of section 107 of this act and the Public Utilities
6740 Regulatory Authority has reduced the cap price by more than three per

6741 cent pursuant to subsection (c) of section 107 of this act, the authority
6742 shall, within ninety days, issue a request for proposals for additional
6743 contracts. The authority shall approve contract proposals submitted in
6744 response to such request on a least-cost basis, provided an electric
6745 distribution company shall not be required to enter into a contract that
6746 provides for a payment in any year of the contract that exceeds the
6747 renewable energy price cap for the prior year by less than three per
6748 cent.

6749 (d) The Public Utilities Regulatory Authority shall hold a hearing
6750 that shall be conducted as an uncontested case, in accordance with the
6751 provisions of chapter 54 of the general statutes, to approve, reject or
6752 modify an application for approval of the electric distribution
6753 company's procurement plan. The authority shall only approve such
6754 proposed plan if the authority finds that (1) the solicitation and
6755 evaluation conducted by the electric distribution company was the
6756 result of a fair, open, competitive and transparent process; (2) approval
6757 of the procurement plan would result in the greatest expected
6758 ratepayer value from energy from Class I or renewable energy credits
6759 at the lowest reasonable cost; and (3) such procurement plan satisfies
6760 other criteria established in the approved solicitation plan. The
6761 authority shall not approve any proposal made under such plan unless
6762 it determines that the plan and proposals encompass all foreseeable
6763 sources of revenue or benefits and that such proposals, together with
6764 such revenue or benefits, would result in the greatest expected
6765 ratepayer value from energy technologies that emit no pollutants or
6766 renewable energy credits. The authority may, in its discretion, retain
6767 the services of an independent consultant with expertise in the area of
6768 energy procurement to assist in such determination. The independent
6769 consultant shall be unaffiliated with the electric distribution company
6770 or its affiliates and shall not, directly or indirectly, have benefited from
6771 employment or contracts with the electric distribution company or its
6772 affiliates in the preceding five years, except as an independent
6773 consultant. The electric distribution company shall provide the

6774 independent consultant immediate and continuing access to all
6775 documents and data reviewed, used or produced by the electric
6776 distribution company in its bid solicitation and evaluation process. The
6777 electric distribution company shall make all its personnel, agents and
6778 contractors used in the bid solicitation and evaluation available for
6779 interview by the consultant. The electric distribution company shall
6780 conduct any additional modeling requested by the independent
6781 consultant to test the assumptions and results of the bid evaluation
6782 process. The independent consultant shall not participate in or advise
6783 the electric distribution company with respect to any decisions in the
6784 bid solicitation or bid evaluation process. The authority's
6785 administrative costs in reviewing the electric distribution company's
6786 procurement plan and the costs of the consultant shall be recovered
6787 through a reconciling component of electric rates as determined by the
6788 authority.

6789 (e) The electric distribution company shall be entitled to recover its
6790 reasonable costs and fees prudently incurred of complying with its
6791 approved procurement plan through a reconciling component of
6792 electric rates as determined by the authority. Nothing in this section
6793 shall preclude the resale or other disposition of energy or associated
6794 renewable energy credits purchased by the electric distribution
6795 company, provided the distribution company shall net the cost of
6796 payments made to projects under the long-term contracts against the
6797 proceeds of the sale of energy or renewable energy credits and the
6798 difference shall be credited or charged to distribution customers
6799 through a reconciling component of electric rates as determined by the
6800 authority that is nonbypassable when switching electric suppliers.

6801 (f) Failure by the electric distribution company to execute its
6802 approved solicitation plan shall result in a noncompliance fee. Unless,
6803 upon petition by the electric distribution company, the authority
6804 grants the distribution company an extension not to exceed ninety
6805 days to correct this deficiency, the electric distribution company shall
6806 be assessed a noncompliance fee one hundred twenty-five per cent of

6807 the difference between the annual distribution company expenditures
6808 required pursuant to subsection (c) of section 107 of this act and the
6809 contractually committed expenditure for renewable energy credits
6810 from eligible zero emissions customer-sited generating projects in that
6811 year. The noncompliance fees associated with the procurement
6812 shortfall shall be collected by the distribution company, maintained in
6813 a separate interest-bearing account and disbursed to the department
6814 on a quarterly basis. Funds collected by the authority pursuant to this
6815 section shall be used to support the deployment of Class I zero
6816 emissions generating systems installed in the state with priority given
6817 to otherwise underserved market segments, including, but not limited
6818 to, low-income housing, schools and other public buildings and
6819 nonprofits. The authority may waive a noncompliance fee assessed
6820 pursuant to this section if the authority determines that meeting the
6821 requirements of this subsection would be commercially infeasible.

6822 (g) Not later than sixty days after its approval of the distribution
6823 company procurement plans submitted on or before January 1, 2013,
6824 the Public Utilities Regulatory Authority shall submit a report to the
6825 joint standing committee of the General Assembly having cognizance
6826 of matters relating to energy. The report shall document for each
6827 distribution company procurement plan: (1) The total number of
6828 renewable energy credits bid relative to the number of renewable
6829 energy credits requested by the distribution company; (2) the total
6830 number of bidders in each market segment; (3) the number and value
6831 of contracts awarded; (4) the total weighted average price of the
6832 renewable energy credits or energy so purchased; and (5) the extent to
6833 which the costs of the technology has been reduced. The authority
6834 shall not report individual bid information or other proprietary
6835 information.

6836 Sec. 109. (NEW) (*Effective July 1, 2011*) The Public Utilities
6837 Regulatory Authority shall provide an additional incentive of up to
6838 five per cent of the then-applicable incentive provided pursuant to
6839 section 106 of this act for the use of major system components

6840 manufactured or assembled in Connecticut, and another additional
6841 incentive of up to five per cent of the then applicable incentive
6842 provided pursuant to section 106 of this act for the use of major system
6843 components manufactured or assembled in a distressed municipality,
6844 as defined in section 32-9p of the general statutes, or a targeted
6845 investment community, as defined in section 32-222 of the general
6846 statutes.

6847 Sec. 110. (NEW) (*Effective July 1, 2011*) (a) Commencing on January
6848 1, 2012, and within one hundred eighty days, each electric distribution
6849 company shall solicit and file with the Public Utilities Regulatory
6850 Authority for its approval one or more fifteen-year power purchase
6851 contracts with owners or developers of generation projects that are less
6852 than two megawatts in size, located on the customer side of the
6853 revenue meter, serve the distribution system of the electric distribution
6854 company, and use Class I technologies that have no emissions of no
6855 more than 0.07 pounds per megawatt-hour of nitrogen oxides, 0.10
6856 pounds per megawatt-hour of carbon monoxide, 0.02 pounds per
6857 megawatt-hour of volatile organic compounds, and one grain per one
6858 hundred standard cubic feet. The authority may give a preference to
6859 contracts for technologies manufactured, researched or developed in
6860 the state.

6861 (b) Solicitations conducted by the electric distribution company
6862 shall be for the purchase of renewable energy credits produced by
6863 eligible customer-sited generating projects over the duration of the
6864 contract.

6865 (c) (1) The aggregate procurement of renewable energy credits by
6866 electric distribution companies pursuant to this section shall (A) be up
6867 to four million dollars in year one, and (B) increase by up to an
6868 additional four million dollars per year in years two and three. After
6869 year three, the authority shall review the contracts entered into
6870 pursuant to this section and if the cost of the technologies eligible for
6871 such contracts have been reduced, the authority shall seek to enter new

6872 contracts for the total of five years.

6873 (2) If the authority determines that the cost of such technologies
6874 have been reduced, the authority shall seek to enter new contracts for a
6875 total of five years. The aggregate procurement of renewable energy
6876 credits pursuant to this subdivision shall (A) increase by an additional
6877 four million dollars per year in years four and five, (B) be twenty
6878 million dollars per year in years six through fifteen, and (C) decline by
6879 four million dollars per year in years sixteen through twenty.

6880 (3) If the authority determines that such costs have not been
6881 reduced, the aggregate procurement of renewable energy credits
6882 pursuant to that subdivision shall (A) be twelve million dollars per
6883 year in years four through fifteen, and (B) decline by four million
6884 dollars per year in years sixteen through eighteen.

6885 (4) Any money not allocated in any given year may roll into the next
6886 year's available funds. The production of a megawatt hour of
6887 electricity from a Class I renewable energy source first placed in
6888 service on or after the effective date of this section shall create one
6889 renewable energy credit. A renewable energy credit shall have an
6890 effective life covering the year in which the credit was created and the
6891 following calendar year. The obligation to purchase renewable energy
6892 credits shall be apportioned to electric distribution companies based
6893 on their respective distribution system loads at the commencement of
6894 the procurement period, as determined by the authority. An electric
6895 distribution company shall not be required to enter into a contract that
6896 provides a payment of more than two hundred dollars per megawatt
6897 hour over the term of the contract.

6898 (d) Notwithstanding subdivision (1) of subsection (j) of section 16-
6899 244c of the general statutes, as amended by this act, an electric
6900 distribution company may retire the renewable energy credits it
6901 procures through long-term contracting to satisfy its obligation
6902 pursuant to section 16-245a of the general statutes.

6903 (e) Nothing in this section shall preclude the resale or other
6904 disposition of energy or associated renewable energy credits
6905 purchased by the electric distribution company, provided the
6906 distribution company shall net the cost of payments made to projects
6907 under the contracts against the proceeds of the sale of energy or
6908 renewable energy credits and the difference shall be credited or
6909 charged to distribution customers through a reconciling component of
6910 electric rates as determined by the authority that is nonbypassable
6911 when switching electric suppliers.

6912 Sec. 111. (NEW) (*Effective October 1, 2011*) The Clean Energy Finance
6913 and Investment Authority created pursuant to section 16-245n of the
6914 general statutes, as amended by this act, in consultation with the
6915 Department of Energy and Environmental Protection, shall establish a
6916 program to be known as the "condominium renewable energy grant
6917 program". Under such program, the board shall provide grants to
6918 residential condominium associations and residential condominium
6919 owners, within available funds, for purchasing clean energy sources,
6920 including solar energy, geothermal energy and fuel cells or other
6921 energy-efficient hydrogen-fueled energy.

6922 Sec. 112. (NEW) (*Effective July 1, 2011*) (a) On or before June 30, 2012,
6923 the Department of Energy and Environmental Protection shall conduct
6924 a proceeding regarding development of low-income discounted rates
6925 for service provided by electric distribution and gas companies, as
6926 defined in section 16-1 of the general statutes, to low-income
6927 customers with an annual income that does not exceed sixty per cent of
6928 median income. Such proceeding shall include, but not be limited to, a
6929 review, for individuals who receive means-tested assistance
6930 administered by the state or federal governments, of the current and
6931 future availability of rate discounts through the department's
6932 electricity purchasing pool operated pursuant to section 16a-14e of the
6933 general statutes, energy assistance benefits available through any plan
6934 adopted pursuant to section 16a-41a of the general statutes, state
6935 funded or administered programs, conservation assistance available

6936 pursuant to section 16-245m of the general statutes, as amended by this
6937 act, assistance funded or administered by said department or the
6938 Department of Social Services, or matching payment program benefits
6939 available pursuant to subsection (b) of section 16-262c of the general
6940 statutes, as amended by this act. The department shall (1) coordinate
6941 resources and programs, to the extent practicable; (2) develop rates
6942 that take into account the indigency of persons of poverty status and
6943 allow such persons' households to meet the costs of essential energy
6944 needs; (3) require the households to have a home energy audit paid
6945 from the Energy Efficiency Fund as a prerequisite to qualification; (4)
6946 prepare an analysis of the benefits and anticipated costs of such low-
6947 income discounted rates; and (5) review utility rate discount policies or
6948 programs in other states.

6949 (b) The department shall determine which, if any, of its programs
6950 shall be modified, terminated or have their funding reduced because
6951 such program beneficiaries would benefit more by the establishment of
6952 a low-income or discount rate. The department shall establish a rate
6953 reduction that is equal to the anticipated funds transferred from the
6954 programs modified, terminated or reduced by the department
6955 pursuant to this section and the reduced cost of providing service to
6956 those eligible for such discounted or low-income rates, any available
6957 energy assistance and other sources of coverage for such rates,
6958 including, but not limited to, generation available through the
6959 electricity purchasing pool operated by the department. The
6960 department may issue recommendations regarding programs
6961 administered by the Department of Social Services.

6962 (c) The department shall order (1) filing by each electric distribution
6963 company of proposed rates consistent with the department's decision
6964 pursuant to subsection (a) of this section not later than sixty days after
6965 its issuance; and (2) appropriate modification of existing low-income
6966 programs.

6967 (d) The cost of low-income and discounted rates and related

6968 outreach activities pursuant to this section shall be paid (1) through the
6969 normal rate-making procedures of the department, (2) on a semiannual
6970 basis through the systems benefits charge for an electric distribution
6971 company, and (3) solely from the funds of the programs modified,
6972 terminated or reduced by the department pursuant to this section and
6973 the reduced cost of providing service to those eligible for such
6974 discounted or low-income rates, any available energy assistance and
6975 other sources of coverage for such rates, including, but not limited to,
6976 generation available through the electricity purchasing pool operated
6977 by the department.

6978 (e) On or before February 1, 2012, the department shall report, in
6979 accordance with section 11-4a of the general statutes, to the joint
6980 standing committee of the General Assembly having cognizance of
6981 matters relating to energy regarding the benefits and costs of the low-
6982 income or discounted rates established pursuant to subsection (a) of
6983 this section, including, but not limited to, possible impacts on existing
6984 customers who qualify for state assistance, and any recommended
6985 modifications. If the low-income rate is not less than ninety per cent of
6986 the standard service rate, the department shall include in its report
6987 steps to achieve that goal.

6988 Sec. 113. Section 16-245o of the general statutes is repealed and the
6989 following is substituted in lieu thereof (*Effective July 1, 2011*):

6990 (a) To protect a customer's right to privacy from unwanted
6991 solicitation, each electric company or electric distribution company, as
6992 the case may be, shall distribute to each customer a form approved by
6993 the Department of [Public Utility Control] Energy and Environmental
6994 Protection which the customer shall submit to the customer's electric
6995 or electric distribution company in a timely manner if the customer
6996 does not want the customer's name, address, telephone number and
6997 rate class to be released to electric suppliers. On and after July 1, 1999,
6998 each electric or electric distribution company, as the case may be, shall
6999 make available to all electric suppliers customer names, addresses,

7000 telephone numbers, if known, and rate class, unless the electric
7001 company or electric distribution company has received a form from a
7002 customer requesting that such information not be released. Additional
7003 information about a customer for marketing purposes shall not be
7004 released to any electric supplier unless a customer consents to a release
7005 by one of the following: (1) An independent third-party telephone
7006 verification; (2) receipt of a written confirmation received in the mail
7007 from the customer after the customer has received an information
7008 package confirming any telephone agreement; (3) the customer signs a
7009 document fully explaining the nature and effect of the release; or (4)
7010 the customer's consent is obtained through electronic means,
7011 including, but not limited to, a computer transaction.

7012 (b) All electric suppliers shall have equal access to customer
7013 information required to be disclosed under subsection (a) of this
7014 section. No electric supplier shall have preferential access to historical
7015 distribution company customer usage data.

7016 (c) No electric or electric distribution company shall include in any
7017 bill or bill insert anything that directly or indirectly promotes a
7018 generation entity or affiliate of the electric distribution company. No
7019 electric supplier shall include a bill insert in an electric bill of an
7020 electric distribution company.

7021 (d) All marketing information provided pursuant to the provisions
7022 of this section shall be formatted electronically by the electric company
7023 or electric distribution company, as the case may be, in a form that is
7024 readily usable by standard commercial software packages. Updated
7025 lists shall be made available within a reasonable time, as determined
7026 by the department, following a request by an electric supplier. Each
7027 electric supplier seeking the information shall pay a fee to the electric
7028 company or electric distribution company, as the case may be, which
7029 reflects the incremental costs of formatting, sorting and distributing
7030 this information, together with related software changes. Customers
7031 shall be entitled to any available individual information about their

7032 loads or usage at no cost.

7033 (e) Each electric supplier shall, prior to the initiation of electric
7034 generation services, provide the potential customer with a written
7035 notice describing the rates, information on air emissions and resource
7036 mix of generation facilities operated by and under long-term contract
7037 to the supplier, terms and conditions of the service, and a notice
7038 describing the customer's right to cancel the service, as provided in this
7039 section. No electric supplier shall provide electric generation services
7040 unless the customer has signed a service contract or consents to such
7041 services by one of the following: (1) An independent third-party
7042 telephone verification; (2) receipt of a written confirmation received in
7043 the mail from the customer after the customer has received an
7044 information package confirming any telephone agreement; (3) the
7045 customer signs a [document fully explaining the nature and effect of
7046 the initiation of the service] contract that conforms with the provisions
7047 of this section; or (4) the customer's consent is obtained through
7048 electronic means, including, but not limited to, a computer transaction.
7049 Each electric supplier shall provide each customer with a demand of
7050 less than one hundred kilowatts, a written contract that conforms with
7051 the provisions of this section and maintain records of such signed
7052 service contract or consent to service for a period of not less than two
7053 years from the date of expiration of such contract, which records shall
7054 be provided to the department or the customer upon request. Each
7055 contract for electric generation services shall contain all material terms
7056 of the agreement, a clear and conspicuous statement explaining the
7057 rates that such customer will be paying, including the circumstances
7058 under which the rates may change, a statement that provides specific
7059 directions to the customer as to how to compare the price term in the
7060 contract to the customer's existing electric generation service charge on
7061 the electric bill and how long those rates are guaranteed. Such contract
7062 shall also include a clear and conspicuous statement providing the
7063 customer's right to cancel such contract not later than three days after
7064 signature or receipt in accordance with the provisions of this

7065 subsection, describing under what circumstances, if any, the supplier
7066 may terminate the contract and describing any penalty for early
7067 termination of such contract. Each contract shall be signed by the
7068 customer, or otherwise agreed to in accordance with the provisions of
7069 this subsection. A customer who has a maximum demand of five
7070 hundred kilowatts or less shall, until midnight of the third business
7071 day after the latter of the day on which the customer enters into a
7072 service agreement or the day on which the customer receives the
7073 written contract from the electric supplier as provided in this section,
7074 have the right to cancel a contract for electric generation services
7075 entered into with an electric supplier.

7076 [(f) An electric supplier shall not advertise or disclose the price of
7077 electricity in such a manner as to mislead a reasonable person into
7078 believing that the electric generation services portion of the bill will be
7079 the total bill amount for the delivery of electricity to the customer's
7080 location. When advertising or disclosing the price for electricity, the
7081 electric supplier shall also disclose the electric distribution company's
7082 average current charges, including the competitive transition
7083 assessment and the systems benefits charge, for that customer class.]

7084 (f) (1) Any third-party agent who contracts with or is otherwise
7085 compensated by an electric supplier to sell electric generation services
7086 shall be a legal agent of the electric supplier. No third-party agent may
7087 sell electric generation services on behalf of an electric supplier unless
7088 (A) the third-party agent is an employee or independent contractor of
7089 such electric supplier, and (B) the third-party agent has received
7090 appropriate training directly from such electric supplier.

7091 (2) On or after July 1, 2011, all sales and solicitations of electric
7092 generation services by an electric supplier, aggregator or agent of an
7093 electric supplier or aggregator to a customer with a maximum demand
7094 of one hundred kilowatts or less conducted and consummated entirely
7095 by mail, door-to-door sale, telephone or other electronic means, during
7096 a scheduled appointment at the premises of a customer or at a fair,

7097 trade or business show, convention or exposition in addition to
7098 complying with the provisions of subsection (e) of this section shall:

7099 (A) For any sale or solicitation, including from any person
7100 representing such electric supplier, aggregator or agent of an electric
7101 supplier or aggregator (i) identify the person and the electric
7102 generation services company or companies the person represents; (ii)
7103 provide a statement that the person does not represent an electric
7104 distribution company; (iii) explain the purpose of the solicitation; and
7105 (iv) explain all rates, fees, variable charges and terms and conditions
7106 for the services provided; and

7107 (B) For door-to-door sales to customers with a maximum demand of
7108 one hundred kilowatts, which shall include the sale of electric
7109 generation services in which the electric supplier, aggregator or agent
7110 of an electric supplier or aggregator solicits the sale and receives the
7111 customer's agreement or offer to purchase at a place other than the
7112 seller's place of business, be conducted (i) in accordance with any
7113 municipal and local ordinances regarding door-to-door solicitations,
7114 (ii) between the hours of ten o'clock a.m. and six o'clock p.m. unless the
7115 customer schedules an earlier or later appointment, and (iii) with both
7116 English and Spanish written materials available. Any representative of
7117 an electric supplier, aggregator or agent of an electric supplier or
7118 aggregator shall prominently display or wear a photo identification
7119 badge stating the name of such person's employer or the electric
7120 supplier the person represents.

7121 (3) No electric supplier, aggregator or agent of an electric supplier
7122 or aggregator shall advertise or disclose the price of electricity to
7123 mislead a reasonable person into believing that the electric generation
7124 services portion of the bill will be the total bill amount for the delivery
7125 of electricity to the customer's location. When advertising or disclosing
7126 the price for electricity, the electric supplier, aggregator or agent of an
7127 electric supplier or aggregator shall also disclose the electric
7128 distribution company's current charges, including the competitive

7129 transition assessment and the systems benefits charge, for that
7130 customer class.

7131 (4) No entity, including an aggregator or agent of an electric
7132 supplier or aggregator, who sells or offers for sale any electric
7133 generation services for or on behalf of an electric supplier, shall engage
7134 in any deceptive acts or practices in the marketing, sale or solicitation
7135 of electric generation services.

7136 (5) Each electric supplier shall disclose to the Public Utilities
7137 Regulatory Authority in a standardized format (A) the amount of
7138 additional renewable energy credits such supplier will purchase
7139 beyond required credits, (B) where such additional credits are being
7140 sourced from, and (C) the types of renewable energy sources that will
7141 be purchased. Each electric supplier shall only advertise renewable
7142 energy credits purchased beyond those required pursuant to section
7143 16-245a and shall report to the authority the renewable energy sources
7144 of such credits and whenever the mix of such sources changes.

7145 (6) No contract for electric generation services by an electric supplier
7146 shall require a residential customer to pay any fee for termination or
7147 early cancellation of a contract in excess of (A) one hundred dollars; or
7148 (B) twice the estimated bill for energy services for an average month,
7149 whichever is less, provided when an electric supplier offers a contract,
7150 it provides the residential customer an estimate of such customer's
7151 average monthly bill.

7152 (7) An electric supplier shall not make a material change in the
7153 terms or duration of any contract for the provision of electric
7154 generation services by an electric supplier without the express consent
7155 of the customer. Nothing in this subdivision shall restrict an electric
7156 supplier from renewing a contract by clearly informing the customer,
7157 in writing, not less than thirty days nor more than sixty days before the
7158 renewal date, of the renewal terms and of the option not to accept the
7159 renewal offer, provided no fee pursuant to subdivision (6) of this

7160 section shall be charged to a customer who terminates or cancels such
7161 renewal not later than seven business days after receiving the first
7162 billing statement for the renewed contract.

7163 (8) Each electric supplier shall file annually with the authority a list
7164 of any aggregator or agent working on behalf of such supplier.

7165 (g) Each electric supplier, aggregator or agent of an electric supplier
7166 or aggregator shall comply with the provisions of the telemarketing
7167 regulations adopted pursuant to 15 USC 6102.

7168 (h) Any violation of this section shall be deemed an unfair or
7169 deceptive trade practice under subsection (a) of section 42-110b. Any
7170 contract for electric generation services that the authority finds to be
7171 the product of unfair or deceptive marketing practices or in material
7172 violation of the provisions of this section shall be void and
7173 unenforceable. Any waiver of the provisions of this section by a
7174 customer of electric generation services shall be deemed void and
7175 unenforceable by the electric supplier.

7176 (i) Any violation or failure to comply with any provision of this
7177 section shall be subject to (1) civil penalties by the department in
7178 accordance with section 16-41, (2) the suspension or revocation of an
7179 electric supplier or aggregator's license, or (3) a prohibition on
7180 accepting new customers following a hearing that is conducted as a
7181 contested case in accordance with chapter 54.

7182 (j) The department may adopt regulations, in accordance with the
7183 provisions of chapter 54, to include, but not be limited to, abusive
7184 switching practices, solicitations and renewals by electric suppliers.

7185 Sec. 114. Section 16-245d of the general statutes is repealed and the
7186 following is substituted in lieu thereof (*Effective July 1, 2011*):

7187 (a) The Department of [Public Utility Control] Energy and
7188 Environmental Protection shall, by regulations adopted pursuant to

7189 chapter 54, develop a standard billing format that enables customers to
7190 compare pricing policies and charges among electric suppliers. [Not
7191 later than January 1, 2006, the] The department shall adopt regulations,
7192 in accordance with the provisions of chapter 54, to provide that an
7193 electric supplier, until July 1, 2012, may provide direct billing and
7194 collection services for electric generation services and related federally
7195 mandated congestion charges that such supplier provides to its
7196 customers [that have] with a maximum demand of not less than one
7197 hundred kilowatts [and] that choose to receive a bill directly from such
7198 supplier and, on and after July 1, 2012, shall provide direct billing and
7199 collection services for electric generation services and related federally
7200 mandated congestion charges that such suppliers provide to their
7201 customers or may choose to obtain such billing and collection service
7202 through an electric distribution company and pay its pro rata share in
7203 accordance with the provisions of subsection (h) of section 16-244c, as
7204 amended by this act. Any customer of an electric supplier, which is
7205 choosing to provide direct billing, who paid for the cost of billing and
7206 other services to an electric distribution company shall receive a credit
7207 on their monthly bill.

7208 (1) An electric supplier that chooses to provide billing and collection
7209 services shall, in accordance with the billing format developed by the
7210 department, include the following information in each customer's bill:
7211 (A) The total amount owed by the customer, which shall be itemized to
7212 show (i) the electric generation services component and any additional
7213 charges imposed by the electric supplier, and (ii) federally mandated
7214 congestion charges applicable to the generation services; (B) any
7215 unpaid amounts from previous bills, which shall be listed separately
7216 from current charges; (C) the rate and usage for the current month and
7217 each of the previous twelve months in bar graph form or other visual
7218 format; (D) the payment due date; (E) the interest rate applicable to
7219 any unpaid amount; (F) the toll-free telephone number of the Public
7220 Utilities Regulatory Authority for questions or complaints; and (G) the
7221 toll-free telephone number and address of the electric supplier. On or

7222 before February 1, 2012, the authority shall conduct a review of the
7223 costs and benefits of suppliers billing for all components of electric
7224 service, and report, in accordance with the provisions of section 11-4a,
7225 to the joint standing committee of the General Assembly having
7226 cognizance of matters relating to energy regarding the results of such
7227 review.

7228 (2) An [electric company,] electric distribution company [or electric
7229 supplier that provides direct billing of the electric generation service
7230 component and related federally mandated congestion charges, as the
7231 case may be,] shall, in accordance with the billing format developed by
7232 the [department] authority, include the following information in each
7233 customer's bill: [, as appropriate: (1)] (A) The total amount owed by the
7234 customer, which shall be itemized to show, [(A)] (i) the electric
7235 generation services component [and any additional charges imposed
7236 by the electric supplier, if applicable, (B)] if the customer obtains
7237 standard service or last resort service from the electric distribution
7238 company, (ii) the distribution charge, including all applicable taxes
7239 and the systems benefits charge, as provided in section 16-245l, [(C)]
7240 (iii) the transmission rate as adjusted pursuant to subsection (d) of
7241 section 16-19b, [(D)] (iv) the competitive transition assessment, as
7242 provided in section 16-245g, [(E)] (v) federally mandated congestion
7243 charges, and [(F)] (vi) the conservation and renewable energy charge,
7244 consisting of the conservation and load management program charge,
7245 as provided in section 16-245m, as amended by this act, and the
7246 renewable energy investment charge, as provided in section 16-245n,
7247 as amended by this act; [(2)] (B) any unpaid amounts from previous
7248 bills which shall be listed separately from current charges; [(3)] (C)
7249 except for customers subject to a demand charge, the rate and usage
7250 for the current month and each of the previous twelve months in the
7251 form of a bar graph or other visual form; [(4)] (D) the payment due
7252 date; [(5)] (E) the interest rate applicable to any unpaid amount; [(6)]
7253 (F) the toll-free telephone number of the electric distribution company
7254 to report power losses; [(7)] (G) the toll-free telephone number of the

7255 Department of Public Utility Control for questions or complaints; [(8)
7256 the toll-free telephone number and address of the electric supplier; and
7257 (9)] and (H) if a customer has a demand of five hundred kilowatts or
7258 less during the preceding twelve months, a statement about the
7259 availability of information concerning electric suppliers pursuant to
7260 section 16-245p.

7261 (b) The regulations shall provide guidelines for determining until
7262 October 1, 2011, the billing relationship between the electric
7263 distribution company and electric suppliers, including, but not limited
7264 to, the allocation of partial bill payments and late payments between
7265 the electric distribution company and the electric supplier. An electric
7266 distribution company that provides billing services for an electric
7267 supplier shall be entitled to recover from the electric supplier all
7268 reasonable transaction costs to provide such billing services as well as
7269 a reasonable rate of return, in accordance with the principles in
7270 subsection (a) of section 16-19e.

7271 Sec. 115. (NEW) (*Effective July 1, 2011*) The Commissioner of Energy
7272 and Environmental Protection shall administer a federally-
7273 appropriated weatherization assistance program to provide, within
7274 available appropriations, weatherization assistance in accordance with
7275 the provisions of the state plan implementing the weatherization
7276 assistance block grant program authorized by the federal Low-Income
7277 Home Energy Assistance Act of 1981 and programs of weatherization
7278 assistance with funds authorized by the federal Low-Income Home
7279 Energy Assistance Act of 1981 and by the United States Department of
7280 Energy in accordance with 10 CFR Part 440 promulgated under Title
7281 IV of the Energy Conservation and Production Act, as amended, and
7282 oil settlement funds in accordance with subsections (b) and (c) of
7283 section 4-28 of the general statutes. The commissioner shall adopt
7284 regulations in accordance with the provisions of chapter 54 of the
7285 general statutes, (1) establishing priorities for determining which
7286 households shall receive such weatherization assistance, (2) requiring
7287 that such weatherization assistance for energy conservation measures

7288 other than the retrofitting of heating systems be provided only for any
7289 dwelling unit for which an energy audit has been conducted in
7290 accordance with the provisions of sections 16a-45a to 16a-46c,
7291 inclusive, of the general statutes, (3) requiring that the only criterion
7292 for determining which energy conservation measures shall be
7293 implemented pursuant to this subsection in any such dwelling unit
7294 shall be the simple payback calculated for each energy conservation
7295 measure recommended in the energy audit conducted for such unit, (4)
7296 establishing the maximum allowable payback period for such energy
7297 conservation measures, and (5) establishing conditions for the waiver
7298 of the provisions of subdivisions (1) to (4), inclusive, of this subsection
7299 in the event of emergencies. The programs provided for under this
7300 subsection shall include a program of weatherization assistance for
7301 emergency shelters for homeless individuals and victims of domestic
7302 violence. The commissioner may adopt regulations, in accordance with
7303 the provisions of chapter 54 of the general statutes, to implement and
7304 administer the program of weatherization assistance for emergency
7305 shelters.

7306 Sec. 116. (NEW) (*Effective July 1, 2011*) (a) On or before October 1,
7307 2011, the Department of Energy and Environmental Protection shall
7308 establish a residential heating equipment financing program. Such
7309 program shall allow residential customers to finance, through on-bill
7310 financing or other mechanism, the installation of energy efficient
7311 natural gas or heating oil burners, boilers and furnaces to replace (1)
7312 burners, boilers and furnaces that are not less than seven years old
7313 with an efficiency rating of not more than seventy-five per cent, or (2)
7314 electric heating systems. Eligible fuel oil furnaces shall have an
7315 efficiency rating of not less than eighty-six per cent. An eligible fuel oil
7316 burner shall have an efficiency rating of not less than eighty-six per
7317 cent with temperature reset controls. An eligible natural gas boiler
7318 shall have an annual fuel utilization efficiency rating of not less than
7319 ninety per cent and an eligible natural gas furnace shall have an annual
7320 fuel utilization efficiency rating of not less than ninety-five per cent. To

7321 participate in the program established pursuant to this subsection, a
7322 customer shall first have a home energy audit, the cost of which may
7323 be financed pursuant to subsection (b) of this section.

7324 (b) Any customer who participates in the financing program
7325 established pursuant to this section may repay such financing as part
7326 of such customer's monthly gas or electric distribution company bill.
7327 Said program may be funded by the residential financing program
7328 offered by the Energy Efficiency Fund or the Clean Energy Fund
7329 established pursuant to section 16-245n of the general statutes, as
7330 amended by this act.

7331 (c) "Eligible entity" means (1) any residential, commercial,
7332 institutional or industrial customer of an electric distribution company
7333 or natural gas company, as defined in section 16-1 of the general
7334 statutes, as amended by this act, who employs or installs an eligible in-
7335 state energy savings technology, (2) an energy service company
7336 certified as a Connecticut electric efficiency partner by the Department
7337 of Energy and Environmental Protection, or (3) an installer certified by
7338 the Clean Energy Finance and Investment Authority.

7339 (d) "Energy savings infrastructure" means tangible equipment,
7340 installation, labor, cost of engineering, permits, application fees and
7341 other reasonable costs incurred by eligible entities for operating
7342 eligible in-state energy savings technologies designed to reduce
7343 electricity consumption, natural gas consumption, heating oil
7344 consumption or promote combined heat and power systems.

7345 (e) The Department of Energy and Environmental Protection shall
7346 establish an energy savings infrastructure pilot program consisting of
7347 financial incentives for the installation of combined heat and power
7348 systems, energy efficient heating oil burners, boilers and furnaces and
7349 natural gas boilers and furnaces by eligible entities. On or before June
7350 30, 2014, the department shall evaluate the efficacy of the program
7351 established pursuant to this section.

7352 (f) On or before October 1, 2011, the department shall begin
7353 accepting applications for financial incentives for combined heat and
7354 power systems of not more than one megawatt of power. To qualify
7355 for such financial incentives, such combined heat and power system
7356 shall reduce energy costs at an amount equal to or greater than the
7357 amount of the installation cost of the system within ten years of the
7358 installation. The department shall review the current market
7359 conditions for such systems, including any existing federal or state
7360 financial incentives, and determine the appropriate financial incentives
7361 under this program necessary to encourage installation of such
7362 systems. These financial incentives may include providing private
7363 financial institutions with loan loss protection or grants to lower
7364 borrowing costs. Financial incentives pursuant to this subdivision shall
7365 not exceed two hundred dollars per kilowatt. A project accepted for
7366 such incentives shall qualify for a waiver of (1) the backup power rate
7367 under section 16-243o of the general statutes, and (2) the requirement
7368 to provide baseload electricity under section 16-243i of the general
7369 statutes. Any purchase of natural gas for any combined heat and
7370 power system installed pursuant to this subdivision shall not include a
7371 distribution charge pursuant to section 16-243l of the general statutes.

7372 (g) On or before December 31, 2011, the department shall begin
7373 accepting applications for financial incentives for the installation of
7374 more efficient fuel oil and natural gas boilers and furnaces that replace
7375 existing boilers or furnaces that are not less than seven years old with
7376 an efficiency rating of not more than seventy-five per cent. A
7377 qualifying fuel oil furnace shall have an efficiency rating of not less
7378 than eighty-six per cent. A qualifying fuel oil boiler shall have an
7379 efficiency rating of not less than eighty-six per cent with temperature
7380 reset controls. A qualifying natural gas boiler shall have an annual fuel
7381 utilization efficiency rating of not less than ninety per cent and a
7382 qualifying natural gas furnace shall have an annual fuel utilization
7383 efficiency rating of not less than ninety-five per cent. The department
7384 shall review the current market conditions for such systems and

7385 equipment upgrades, including, but not limited to, any existing federal
7386 or state financial incentives, and establish the appropriate financial
7387 incentives under this program necessary to encourage such upgrades.
7388 Financial incentives shall provide private financial institutions with
7389 loan loss protection or grants to lower borrowing costs and, if the
7390 department deems it necessary, grants to the lending financial
7391 institution to lower borrowing costs and allow for a ten-year loan.
7392 Such financial incentive package shall ensure that the annual loan
7393 payment by the applicant shall be at not more than the projected
7394 annual energy savings less one hundred dollars. Any loan provided as
7395 a financial incentive pursuant to this subsection shall include the cost
7396 of any related incentives, as determined by the department. The
7397 department shall arrange with an electric distribution or gas company
7398 to provide for payment of any loan made as financial assistance under
7399 this subsection through the loan recipient's monthly electric or gas bill,
7400 as applicable.

7401 (h) Eligible entities seeking a loan under the loan program
7402 established in this section shall (1) contract with Connecticut-based
7403 licensed contractors, installers or tradesmen for the installation of an
7404 eligible in-state energy savings technology; (2) provide evidence of the
7405 cost of purchase and installation of the eligible in-state energy savings
7406 technology; and (3) periodically provide evidence of the operation and
7407 functionality of the eligible in-state energy savings technology to
7408 ensure that such technology is operating as intended during the term
7409 of the loan.

7410 (i) The department shall develop a prescriptive one-page loan
7411 application. Such application shall include, but not be limited to: (1)
7412 Detailed information, specifications and documentation of the eligible
7413 in-state energy technology's installed costs and projected energy
7414 savings, and (2) for requests for loans in excess of one hundred
7415 thousand dollars, certification by a licensed professional engineer,
7416 licensed contractor, installer or tradesman with a state license held in
7417 good standing.

7418 (j) On or before October 1, 2011, the department shall establish a
7419 plan that includes procedures and parameters for its energy savings
7420 infrastructure pilot program established pursuant to this section.

7421 (k) On or before October 1, 2014, the department shall, in
7422 accordance with the provisions of section 11-4a of the general statutes,
7423 report to the joint standing committee of the General Assembly having
7424 cognizance of matters relating to energy with regard to the projects
7425 assisted by the energy savings infrastructure pilot program established
7426 pursuant to this section, the amount of public funding, the energy
7427 savings from the technologies installed and any recommendations for
7428 changes to the program, including, but not limited to, incentives that
7429 encourage consumers to install more efficient fuel oil and natural gas
7430 boilers and furnaces prior to failure or gross inefficiency of their
7431 current heating system.

7432 Sec. 117. Section 16-245z of the general statutes is repealed and the
7433 following is substituted in lieu thereof (*Effective July 1, 2011*):

7434 Not later than October 1, 2005, the Department of [Public Utility
7435 Control] Energy and Environmental Protection and the Energy
7436 Conservation Management Board, established in section 16-245m, as
7437 amended by this act, shall establish links on their Internet web sites to
7438 the Energy Star program or successor program that promotes energy
7439 efficiency and each electric distribution company shall establish a link
7440 under its conservation programs on its Internet web site to the Energy
7441 Star program or such successor program.

7442 Sec. 118. Section 16a-37u of the general statutes is repealed and the
7443 following is substituted in lieu thereof (*Effective July 1, 2011*):

7444 (a) The [Secretary of the Office of Policy and Management]
7445 Commissioner of Energy and Environmental Protection shall be
7446 responsible for planning and managing energy use in state-owned and
7447 leased buildings and shall establish a program to maximize the
7448 efficiency with which energy is utilized in such buildings. The

7449 [secretary] commissioner shall exercise this authority by (1) preparing
7450 and implementing annual and long-range plans, with timetables,
7451 establishing goals for reducing state energy consumption and, based
7452 on energy audits, specific objectives for state agencies to meet the
7453 performance standards adopted under section 16a-38; (2) coordinating
7454 federal and state energy conservation resources and activities,
7455 including but not limited to, those required to be performed by other
7456 state agencies under this chapter; and (3) monitoring energy use and
7457 costs by budgeted state agencies on a monthly basis.

7458 (b) On or before July 1, 2012, the commissioner, in consultation with
7459 the Department of Administrative Services, shall develop a plan to
7460 reduce energy use in buildings owned or leased by the state by
7461 January 1, 2013, by at least ten per cent from its current consumption
7462 and by January 1, 2018, by an additional ten per cent. Such plan shall
7463 include, but not be limited to, (1) assessing current energy
7464 consumption for all fuels used in state-owned buildings, (2)
7465 identifying not less than one hundred such buildings with the highest
7466 aggregate energy costs in the fiscal year ending June 30, 2011, (3)
7467 establishing targets for conducting energy audits of such buildings,
7468 and (4) determining which energy efficiency measures are most cost-
7469 effective for such buildings. Such plan shall provide for the financing
7470 of such measures through the use of energy performance contracting,
7471 pursuant to subsection (c) of this section, bonding or other means.

7472 (c) Any state agency or municipality may enter into an energy-
7473 savings performance contract, as defined in section 123 of this act, with
7474 a qualified energy service provider, as defined in said section 123, to
7475 produce utility cost savings, as defined in said section 123, or
7476 operation and maintenance cost savings, as defined in said section 123.
7477 Any energy-savings measure, as defined in said section 123,
7478 implemented under such contracts shall comply with state or local
7479 building codes. Any state agency or municipality may implement
7480 other capital improvements in conjunction with an energy-savings
7481 performance contract so long as the measures that are being

7482 implemented to achieve utility and operation and maintenance cost
7483 savings and other capital improvements are in the aggregate cost
7484 effective over the term of the contract.

7485 (d) On or before January 1, 2013, and annually thereafter, the
7486 commissioner shall report, in accordance with the provisions of section
7487 11-4a, on the status of its implementation of the plan and provide
7488 recommendations regarding energy use in state buildings to the joint
7489 standing committee of the General Assembly having cognizance of
7490 matters relating to energy.

7491 ~~[(b)]~~ (e) Not later than January fifth, annually, the [Secretary of the
7492 Office of Policy and Management] commissioner shall submit a report
7493 to the Governor and the joint standing committee of the General
7494 Assembly having cognizance of matters relating to energy planning
7495 and activities. The report shall (1) indicate the total number of energy
7496 audits and technical assistance audits of state-owned and leased
7497 buildings, (2) summarize the status of the energy conservation
7498 measures recommended by such audits, (3) summarize all energy
7499 conservation measures implemented during the preceding twelve
7500 months in state-owned and leased buildings which have not had such
7501 audits, (4) analyze the availability and allocation of funds to
7502 implement the measures recommended under subdivision (2) of this
7503 subsection, (5) list each budgeted agency, as defined in section 4-69,
7504 which occupies a state-owned or leased building and has not
7505 cooperated with the [Commissioner of Public Works and the Secretary
7506 of the Office of Policy and Management] Commissioners of
7507 Administrative Services and Energy and Environmental Protection in
7508 conducting energy and technical assistance audits of such building and
7509 implementing operational and maintenance improvements
7510 recommended by such audits and any other energy conservation
7511 measures required for such building by the secretary, (6) summarize
7512 all life-cycle cost analyses prepared under section 16a-38 during the
7513 preceding twelve months, and summarize agency compliance with the
7514 life-cycle cost analyses, and (7) identify any state laws, regulations or

7515 procedures that impede innovative energy conservation and load
7516 management projects in state buildings.

7517 [(c) The Secretary of the Office of Policy and Management] (f) The
7518 commissioner, in conjunction with the Department of [Public Works]
7519 Administrative Services, shall as soon as practicable and where cost-
7520 effective connect all state-owned buildings to a district heating and
7521 cooling system, where such heating and cooling system currently
7522 exists or where one is proposed. The [secretary] commissioner, in
7523 conjunction with the Department of [Public Works] Administrative
7524 Services, shall prepare an annual report with the results of the progress
7525 in connecting state-owned buildings to such a heating and cooling
7526 system, the cost of such connection and any projected energy savings
7527 achieved through any such connection. The [secretary] commissioner
7528 shall submit the report to the joint standing committee of the General
7529 Assembly having cognizance of matters relating to energy on or before
7530 January 1, 1993, and January first annually thereafter.

7531 [(d) The Secretary of the Office of Policy and Management] (g) The
7532 commissioner shall require each state agency to maximize its use of
7533 public service companies' energy conservation and load management
7534 programs and to provide sites in its facilities for demonstration
7535 projects of highly energy efficient equipment, provided no such
7536 demonstration project impairs the functioning of the facility.

7537 (h) The commissioner, in consultation with the Department of
7538 Administrative Services, shall establish energy efficiency standards for
7539 building space leased by the state on or after January 1, 2013.

7540 Sec. 119. (NEW) (*Effective July 1, 2011*) There is established within
7541 the Department of Energy and Environmental Protection, within
7542 available appropriations, an office of energy efficient businesses. The
7543 office shall provide in-state businesses (1) a single point of contact for
7544 any state business interested in energy efficiency, renewable energy or
7545 conservation projects, (2) information on loans and grants for energy

7546 efficiency, renewable energy projects and conservation, (3) audit and
7547 assessment services, including, but not limited to, on-site outreach to
7548 businesses by qualified entities without a commercial interest in the
7549 outcome of the audit, and (4) any other service deemed relevant by
7550 said office.

7551 Sec. 120. Subdivision (1) of subsection (b) of section 16-262c of the
7552 general statutes is repealed and the following is substituted in lieu
7553 thereof (*Effective July 1, 2011*):

7554 (b) (1) From November first to May first, inclusive, no electric or
7555 electric distribution company, as defined in section 16-1, no electric
7556 supplier and no municipal utility furnishing electricity shall terminate,
7557 deny or refuse to reinstate residential electric service in hardship cases
7558 where the customer lacks the financial resources to pay his or her
7559 entire account. From November first to May first, inclusive, no gas
7560 company and no municipal utility furnishing gas shall terminate, deny
7561 or refuse to reinstate residential gas service in hardship cases where
7562 the customer uses such gas for heat and lacks the financial resources to
7563 pay his or her entire account, except a gas company that, between May
7564 second and October thirty-first, terminated gas service to a residential
7565 customer who uses gas for heat and who, during the previous period
7566 of November first to May first, had gas service maintained because of
7567 hardship status, may refuse to reinstate the gas service from November
7568 first to May first, inclusive, only if the customer has failed to pay, since
7569 the preceding November first, the lesser of: (A) Twenty per cent of the
7570 outstanding principal balance owed the gas company as of the date of
7571 termination, (B) one hundred dollars, or (C) the minimum payments
7572 due under the customer's amortization agreement. Notwithstanding
7573 any other provision of the general statutes to the contrary, no electric,
7574 electric distribution or gas company, no electric supplier and no
7575 municipal utility furnishing electricity or gas shall terminate, deny or
7576 refuse to reinstate residential electric or gas service where the customer
7577 lacks the financial resources to pay his or her entire account and for
7578 which customer or a member of the customer's household the

7579 termination, denial of or failure to reinstate such service would create a
7580 life-threatening situation. No electric, electric distribution or gas
7581 company, no electric supplier and no municipal utility furnishing
7582 electricity or gas shall terminate, deny or refuse to reinstate residential
7583 electric or gas service where the customer is a hardship case and lacks
7584 the financial resources to pay his or her entire account and a child not
7585 more than twenty-four months old resides in the customer's household
7586 and such child has been admitted to the hospital and received
7587 discharge papers on which the attending physician has indicated such
7588 service is a necessity for the health and well being of such child.

7589 Sec. 121. (NEW) (*Effective from passage*) (a) As used in this section:

7590 (1) "Beneficial account" means an in-state retail end user of an
7591 electric distribution company designated by a customer host in such
7592 electric distribution company's service area to receive virtual net
7593 metering credits from a virtual net metering facility;

7594 (2) "Customer host" means an in-state retail end user of an electric
7595 distribution company that owns a virtual net metering facility and
7596 participates in virtual net metering;

7597 (3) "Unassigned virtual net metering credit" means in any given
7598 electric distribution company monthly billing period, a virtual net
7599 metering credit that remains after both the customer host and its
7600 beneficial accounts have been billed for zero kilowatt hours related
7601 solely to the generation service charges on such billings through
7602 virtual net metering;

7603 (4) "Virtual net metering" means the process of combining the
7604 electric meter readings and billings, including any virtual net metering
7605 credits, for a customer host and a beneficial account through an electric
7606 distribution company billing process related solely to the generation
7607 service charges on such billings;

7608 (5) "Virtual net metering credit" means a credit equal to the retail

7609 cost per kilowatt hour the customer host may have otherwise been
7610 charged for each kilowatt hour produced by a virtual net metering
7611 facility that exceeds the total amount of kilowatt hours used during an
7612 electric distribution company monthly billing period; and

7613 (6) "Virtual net metering facility" means a Class I renewable energy
7614 source that: (A) is served by an electric distribution company, owned
7615 by a customer host and serves the electricity needs of the customer
7616 host and its beneficial accounts; (B) is within the same electric
7617 distribution company service territory as the customer host and its
7618 beneficial accounts; and (C) has a nameplate capacity rating of two
7619 megawatts or less.

7620 (b) Each electric distribution company shall provide virtual net
7621 metering to its municipal customers and shall make any necessary
7622 interconnections for a virtual net metering facility. Upon request by a
7623 municipal customer host to implement the provisions of this section,
7624 an electric distribution company shall install metering equipment, if
7625 necessary. For each municipal customer host, such metering
7626 equipment shall (1) measure electricity consumed from the electric
7627 distribution company's facilities; (2) deduct the amount of electricity
7628 produced but not consumed; and (3) register, for each monthly billing
7629 period, the net amount of electricity produced and, if applicable,
7630 consumed. If, in a given monthly billing period, a municipal customer
7631 host supplies more electricity to the electric distribution system than
7632 the electric distribution company delivers to the municipal customer
7633 host, the electric distribution company shall bill the municipal
7634 customer host for zero kilowatt hours of generation and assign a
7635 virtual net metering credit to the municipal customer host's beneficial
7636 accounts for the next monthly billing period. Such credit shall be
7637 applied against the generation service component of the beneficial
7638 account. Such credit shall be allocated among such accounts in
7639 proportion to their consumption for the previous twelve billing
7640 periods.

7641 (c) An electric distribution company shall carry forward any
7642 unassigned virtual net metering generation credits earned by the
7643 municipal customer host from one monthly billing period to the next
7644 until the end of the calendar year. At the end of each calendar year, the
7645 electric distribution company shall compensate the municipal
7646 customer host for any unassigned virtual net metering generation
7647 credits at the rate the electric distribution company pays for power
7648 procured to supply standard service customers pursuant to section 16-
7649 244c of the general statutes, as amended by this act.

7650 (d) At least sixty days before a municipal customer host's virtual net
7651 metering facility becomes operational, the municipal customer host
7652 shall provide written notice to the electric distribution company of its
7653 beneficial accounts. The municipal customer host may change its list of
7654 beneficial accounts not more than once annually by providing another
7655 sixty days' written notice. The municipal customer host shall not
7656 designate more than five beneficial accounts.

7657 (e) On or before February 1, 2012, the Department of Energy and
7658 Environmental Protection shall conduct a proceeding to develop the
7659 administrative processes and program specifications, including, but
7660 not limited to, a cap of one million dollars per year apportioned to
7661 each electric distribution company based on consumer load for credits
7662 provided to beneficial accounts pursuant to subsection (c) of this
7663 section and payments made pursuant to subsection (d) of this section.

7664 (f) On or before January 1, 2013, and annually thereafter, each
7665 electric distribution company shall report to the department on the
7666 cost of its virtual net metering program pursuant to this section and
7667 the department shall combine such information and report it annually,
7668 in accordance with the provisions of section 11-4a of the general
7669 statutes, to the joint standing committee of the General Assembly
7670 having cognizance of matters relating to energy.

7671 Sec. 122. Subparagraph (B) of subdivision (6) of subsection (c) of

7672 section 7-148 of the general statutes is repealed and the following is
7673 substituted in lieu thereof (*Effective July 1, 2011*):

7674 (B) (i) Lay out, construct, reconstruct, repair, maintain, operate,
7675 alter, extend and discontinue sewer and drainage systems and sewage
7676 disposal plants;

7677 (ii) Enter into or upon any land for the purpose of correcting the
7678 flow of surface water through watercourses which prevent, or may
7679 tend to prevent, the free discharge of municipal highway surface water
7680 through said courses;

7681 (iii) Regulate the laying, location and maintenance of gas pipes,
7682 water pipes, drains, sewers, poles, wires, conduits and other structures
7683 in the streets and public places of the municipality;

7684 (iv) Prohibit and regulate the discharge of drains from roofs of
7685 buildings over or upon the sidewalks, streets or other public places of
7686 the municipality or into sanitary sewers;

7687 (v) Enter into energy-savings performance contracts;

7688 Sec. 123. (NEW) (*Effective July 1, 2011*) (a) As used in this section:

7689 (1) "Energy-savings measure" means any improvement to facilities
7690 or other energy-consuming systems designed to reduce energy or
7691 water consumption and operating costs and increase the operating
7692 efficiency of facilities or systems for their appointed functions.
7693 "Energy-savings measure" includes, but is not limited to, one or more
7694 of the following:

7695 (A) Replacement or modification of lighting and electrical
7696 components, fixtures or systems, including daylighting systems,
7697 improvements in street lighting efficiency or computer power
7698 management software;

7699 (B) Class I renewable energy or solar thermal systems;

7700 (C) Cogeneration systems that produce steam or forms of energy,
7701 such as heat or electricity, for use primarily within a building or
7702 complex of buildings;

7703 (D) Automated or computerized energy control systems;

7704 (E) Heating, ventilation or air conditioning system modifications or
7705 replacements;

7706 (F) Indoor air quality improvements that conform to applicable
7707 building code requirements;

7708 (G) Water-conserving fixtures, appliances and equipment or the
7709 substitution of non-water-using fixtures, appliances and equipment, or
7710 water-conserving landscape irrigation equipment; and

7711 (H) Changes in operation and maintenance practices;

7712 (I) Replacement or modification of windows or doors; and

7713 (J) Installation or addition of insulation.

7714 (2) "Cost effective" means the savings resulting from an energy-
7715 savings measure outweigh the costs of such measure, including, but
7716 not limited to, any financing costs, provided the payback period for
7717 any financing provided pursuant to this section is less than the
7718 functional life of the proposed energy-savings measure and the
7719 payback period does not exceed fifteen years.

7720 (3) "Operation and maintenance cost savings" means a measurable
7721 decrease in operation and maintenance costs and future replacement
7722 expenditures that is a direct result of the implementation of one or
7723 more utility cost savings measures. Such savings shall be calculated in
7724 comparison with an established baseline of operation and maintenance
7725 costs.

7726 (4) "Qualified energy service provider" means a corporation

7727 approved by the Department of Administrative Services with a record
7728 of successful energy performance contract projects experienced in the
7729 design, implementation and installation of energy efficiency and
7730 facility improvement measures, the technical capabilities to ensure
7731 such measures generate energy and operational cost savings, and the
7732 ability to secure the financing necessary to support energy savings
7733 guarantees.

7734 (5) "Utility cost savings" means any utility expenses eliminated or
7735 avoided on a long-term basis as a result of equipment installed or
7736 modified, or services performed by a qualified energy service
7737 provider; "utility cost savings" does not include merely shifting
7738 personnel costs or similar short-term cost savings.

7739 (6) "State agency" has the same meaning as provided in section 1-79
7740 of the general statutes.

7741 (7) "Municipality" has the same meaning as provided in section 4-
7742 230 of the general statutes.

7743 (8) "Participating municipality" means a municipality that
7744 voluntarily takes part in the standardized energy performance contract
7745 process.

7746 (9) "Standardized energy-savings performance contract process"
7747 means standard procedures for entering into an energy-savings
7748 performance contract and standard energy-savings performance
7749 contract documents established by the Department of Energy and
7750 Environmental Protection.

7751 (10) "Investment-grade energy audit" means a study by the qualified
7752 energy services provider selected for a particular energy-savings
7753 performance contract project which includes detailed descriptions of
7754 the improvements recommended for the project, the estimated costs of
7755 the improvements, and the utility and operations and maintenance
7756 cost savings projected to result from the recommended improvements.

7757 (11) "Energy-savings performance contract" means a contract
7758 between the state agency or municipality and a qualified energy
7759 service provider for evaluation, recommendation and implementation
7760 of one or more energy-savings measures. An energy-savings
7761 performance contract shall be a guaranteed energy-savings
7762 performance contract, which shall include, but not be limited to, (A)
7763 the design and installation of equipment and, if applicable, operation
7764 and maintenance of any of the measures implemented; and (B)
7765 guaranteed annual savings that meet or exceed the total annual
7766 contract payments made by the state agency or municipality for such
7767 contract, including financing charges to be incurred by the state agency
7768 or municipality over the life of the contract.

7769 (b) On or before July 1, 2012, the Commissioner of Energy and
7770 Environmental Protection, in coordination with the Energy
7771 Conservation Management Board and in consultation with the Office
7772 of Policy and Management and the Department of Administrative
7773 Services, shall, within available appropriations, establish a
7774 standardized energy-savings performance contract process for state
7775 agencies and municipalities. The standardized process shall include
7776 standard procedures for entering into an energy-savings performance
7777 contract and standard energy-savings performance contract
7778 documents, including, but not limited to, requests for qualifications,
7779 requests for proposals, investment-grade audit contracts, energy-
7780 savings performance contracts, including the form of the project
7781 savings guarantee, and project financing agreements. A municipality
7782 may use the established state standardized energy-savings
7783 performance contract process or establish its own energy-savings
7784 performance contract process.

7785 (c) The Commissioner of Energy and Environmental Protection, in
7786 consultation with the Office of Policy and Management and the Energy
7787 Conservation Management Board, shall manage the established
7788 standardized energy-savings performance contract process and
7789 apprise state agencies and participating municipalities of opportunities

7790 to develop and finance energy-savings performance contract projects
7791 and provide technical and analytical support, including, but not
7792 limited to, (1) procurement of energy-savings performance contract
7793 services; (2) reviewing verification procedures for energy savings; and
7794 (3) assisting in the structuring and arranging of financing for energy-
7795 savings performance contract projects. The Energy Conservation and
7796 Management Board, in consultation with the Office of Policy and
7797 Management, shall create promotional materials to explain the energy-
7798 savings performance contract program.

7799 (d) The Department of Energy and Environmental Protection may
7800 fix, charge and collect fees to cover costs incurred for any
7801 administrative support and resources or services provided under this
7802 section from the state agencies and participating municipalities that
7803 use its technical support services. State agencies and participating
7804 municipalities may add the costs of these fees to the total cost of the
7805 energy-savings performance contract. All such fees shall be disclosed
7806 prior to services being rendered. Any participating municipality may
7807 opt out of the state energy-savings performance contract process rather
7808 than incur such fees. Initial administrative funding to establish and
7809 manage the energy-savings performance contracting process for state
7810 agencies and participating municipalities shall be recovered from the
7811 Energy Conservation Management Board.

7812 (e) The standardized energy-savings performance contract process
7813 for state agencies and participating municipalities shall include
7814 requests for qualifications or requests for proposals.

7815 (1) The Department of Administrative Services, in consultation with
7816 the Department of Energy and Environmental Protection, shall issue a
7817 request for qualifications from companies that can offer energy-savings
7818 performance contract services to create a list of qualified energy service
7819 providers. A state agency shall use the qualified list. A municipality
7820 may use the qualified list or establish its own qualification process.

7821 (2) When reviewing requests for qualifications, the department shall
7822 consider a company's experience with (A) design, engineering,
7823 installation, maintenance and repairs associated with energy-savings
7824 performance contracts; (B) conversions to a different energy or fuel
7825 source, associated with a comprehensive energy efficiency retrofit; (C)
7826 post-installation project monitoring, data collection and reporting of
7827 savings; (D) overall project management and qualifications; (E)
7828 accessing long-term financing; (F) financial stability; (G) projects of
7829 similar size and scope; (H) in-state projects and Connecticut-based
7830 subcontractors; (I) United States Department of Energy programs; (J)
7831 professional certifications; and (K) other factors determined by the
7832 department to be relevant and appropriate.

7833 (3) Before entering into an energy-savings performance contract
7834 pursuant to this section, a state agency or participating municipality
7835 shall issue a request for proposals from three or more qualified energy
7836 service providers. A state agency or participating municipality may
7837 award the energy-savings performance contract to the qualified energy
7838 service provider that best meets the needs of the state agency or
7839 participating municipality, which need not be the lowest cost
7840 provided. A cost-effective feasibility analysis shall be prepared in
7841 response to the request for proposals.

7842 (4) The cost-effective feasibility analysis included in the response to
7843 the request for proposals shall serve as the selection document for
7844 purposes of selecting a qualified energy service provider to engage in
7845 final contract negotiations. Factors to be included in selecting among
7846 the qualified energy service providers shall include, but not be limited
7847 to, (A) contract terms, (B) comprehensiveness of the proposal, (C)
7848 financial stability of the provider, (D) comprehensiveness of cost
7849 savings measures, (E) experience and quality of technical approach,
7850 and (F) overall benefits to the state agency or municipality.

7851 (f) One qualified energy service provider selected as a result of the
7852 request for proposals set forth in subsection (e) of this section shall

7853 prepare an investment-grade audit, which, upon acceptance, shall be
7854 part of the final energy-savings performance contract entered into by
7855 the state agency or participating municipality. Such investment-grade
7856 energy audit shall include estimates of the amounts by which utility
7857 cost savings and operation and maintenance cost savings would
7858 increase and estimates of all costs of such utility cost savings measures
7859 or energy-savings measures, including, but not limited to, (1) itemized
7860 costs of design, (2) engineering, (3) equipment, (4) materials, (5)
7861 installation, (6) maintenance, (7) repairs, and (8) debt service. The
7862 qualified energy service provider and the state agency or participating
7863 municipality shall agree on the cost of the investment-grade audit
7864 before it is conducted. If, after preparation of the investment-grade
7865 audit, the state agency or participating municipality decides not to
7866 execute an energy-savings performance contract and the costs and
7867 benefits described in the investment-grade audit are not materially
7868 different from those described in the cost-effective feasibility analysis
7869 submitted in response to the request for proposals, the state agency or
7870 participating municipality shall pay the costs incurred in preparing
7871 such investment-grade audit. In all other instances, the costs of the
7872 investment-grade audit shall be deemed part of the costs of the energy-
7873 savings performance contract.

7874 (g) The guidelines adopted pursuant to this section may require that
7875 the cost savings projected by the qualified provider be reviewed by a
7876 professional engineer licensed in this state who has a minimum of
7877 three years experience in energy calculation and review, is not an
7878 officer or employee of a qualified provider for the contract under
7879 review, and is not otherwise associated with the contract. In
7880 conducting the review, the engineer shall focus primarily on the
7881 proposed improvements from an engineering perspective, the
7882 methodology and calculations related to cost savings, increases in
7883 revenue, and, if applicable, efficiency or accuracy of metering
7884 equipment. An engineer who reviews a contract shall maintain the
7885 confidentiality of any proprietary information the engineer acquires

7886 while reviewing the contract.

7887 (h) A municipality may use funds designated for operating and
7888 capital expenditures or utilities for any energy-savings performance
7889 contract, including, but not limited to, contracts entered into pursuant
7890 to this section.

7891 (i) A guaranteed energy-savings performance contract may provide
7892 for financing, including tax exempt financing, by a third party. The
7893 contract for third-party financing may be separate from the energy-
7894 savings performance contract. A state agency or participating
7895 municipality may use designated funds, bonds, lease purchase
7896 agreements or master lease for any energy-savings performance
7897 contracts, provided its use is consistent with the purpose of the
7898 appropriation.

7899 (j) Each energy-savings performance contract shall provide that all
7900 payments between parties, except obligations on termination of the
7901 contract before its expiration, shall be made over time and the objective
7902 of such energy-savings performance contracts is implementation of
7903 cost savings measures and energy and operational cost savings.

7904 (k) An energy-savings performance contract, and payments
7905 provided thereunder, may extend beyond the fiscal year in which the
7906 energy-savings performance contract became effective, subject to
7907 appropriation of moneys, if required by law, for costs incurred in
7908 future fiscal years. The energy-savings performance contract may
7909 extend for a term not to exceed twenty years. The allowable length of
7910 the contract may also reflect the useful life of the cost savings
7911 measures. An energy-savings performance contract may provide for
7912 payments over a period not to exceed deadlines specified in the
7913 energy-savings performance contract from the date of the final
7914 installation of the cost savings measures.

7915 (l) The energy-savings performance contract may provide that
7916 reconciliation of the amounts owed under the energy-savings

7917 performance contract shall occur in a period beyond one year with
7918 final reconciliation occurring within the term of the energy-savings
7919 performance contract. An energy-savings performance contract shall
7920 include contingency provisions in the event that actual savings do not
7921 meet predicted savings.

7922 (m) The energy-savings performance contract shall require the
7923 qualified energy service provider to provide to the state agency or
7924 participating municipality an annual reconciliation of the guaranteed
7925 energy cost savings. If the reconciliation reveals a shortfall in annual
7926 energy cost savings, the qualified energy service provider shall make
7927 payment to the state agency or participating municipality in the
7928 amount of the shortfall. If the reconciliation reveals an excess in annual
7929 energy cost savings, the excess savings shall remain with the state
7930 agency or municipality, and shall not be used to cover potential energy
7931 cost savings shortages in subsequent years or actual energy cost
7932 savings shortages in previous contract years.

7933 (n) During the term of each energy performance contract, the
7934 qualified energy service provider shall monitor the reductions in
7935 energy consumption and cost savings attributable to the cost savings
7936 measures installed pursuant to the energy-savings performance
7937 contract and shall, not less than annually, prepare and provide a report
7938 to the state agency or participating municipality documenting the
7939 performance of the cost savings measures to the state agency or
7940 participating municipality. The report shall adhere to the most current
7941 version of the International Performance Measurement and
7942 Verification Protocol.

7943 (o) The qualified energy service provider and state agency or
7944 participating municipality may agree to modify savings calculations
7945 based on any of the following:

7946 (1) Subsequent material change to the baseline energy consumption
7947 identified at the beginning of the energy-savings performance contract;

- 7948 (2) Changes in the number of days in the utility billing cycle;
- 7949 (3) Changes in the total square footage of the building;
- 7950 (4) Changes in the operational schedule of the facility;
- 7951 (5) Changes in facility temperature;
- 7952 (6) Material change in the weather;
- 7953 (7) Material changes in the amount of equipment or lighting used at
7954 the facility; or
- 7955 (8) Any other change which reasonably would be expected to
7956 modify energy use or energy costs.
- 7957 (p) Any state agency or participating municipality that enters into
7958 an energy-savings performance contract pursuant to this section shall
7959 report the name of the project, the project host, the investment on the
7960 project and the expected energy savings to the Office of Policy and
7961 Management and the Department of Energy and Environmental
7962 Protection. Such reporting shall be done at the same time that the
7963 energy-savings performance contract is executed.
- 7964 (q) A state agency or participating municipality may direct savings
7965 realized under the energy-savings performance contract to contract
7966 payment and other required expenses and may, when practicable,
7967 reinvest savings beyond that required for contract payment and other
7968 required expenses into additional energy-savings measures.
- 7969 Sec. 124. Section 16a-40f of the general statutes is repealed and the
7970 following is substituted in lieu thereof (*Effective July 1, 2011*):
- 7971 (a) For the purposes of this section:
- 7972 (1) "Participating qualified nonprofit organizations" means
7973 individuals, nonprofit organizations and small businesses;

7974 (2) "Small business" means a business entity employing not more
7975 than fifty full-time employees;

7976 (3) "Eligible energy conservation project" means an energy
7977 conservation project meeting the criteria identified, as provided in
7978 subsection (d) of this section; [and]

7979 (4) "Participating lending institution" means any bank, trust
7980 company, savings bank, savings and loan association or credit union,
7981 whether chartered by the United States of America or this state, or any
7982 insurance company authorized to do business in this state that
7983 participates in the Green Connecticut Loan Guaranty Fund program;
7984 [.] and

7985 (5) "Authority" means the Clean Energy Finance and Investment
7986 Authority.

7987 (b) The [Connecticut Health and Educational Facilities Authority]
7988 authority shall establish the Green Connecticut Loan Guaranty Fund
7989 program from the proceeds of the bonds issued pursuant to section
7990 16a-40d for the purpose of guaranteeing loans made by participating
7991 lending institutions to a participating qualified nonprofit organization
7992 for eligible energy conservation projects, including for two or more
7993 joint eligible energy conservation projects. In carrying out the purposes
7994 of this section, the authority shall have and may exercise the powers
7995 provided in section 10a-180.

7996 (c) Participating qualified nonprofit organizations may borrow
7997 money from a participating lending institution for any energy
7998 conservation project for which the authority provides guaranties
7999 pursuant to this section. In connection with the provision of such a
8000 guaranty by the [Connecticut Health and Educational Facilities
8001 Authority] authority, (1) a participating qualified nonprofit
8002 organization shall enter into any loan or other agreement and make
8003 such covenants, representations and indemnities as a participating
8004 lending institution deems necessary or appropriate; and (2) a

8005 participating lending institution shall enter into a guaranty agreement
8006 with the authority, pursuant to which the authority has agreed to
8007 provide a first loss guaranty of an agreed percentage of the original
8008 principal amount of loans for eligible energy conservation projects.

8009 (d) In consultation with the [Office of Policy and Management]
8010 Energy Conservation Management Board and the Connecticut Health
8011 and Educational Facilities Authority, the Clean Energy Finance and
8012 Investment Authority shall identify types of projects that qualify as
8013 eligible energy conservation projects, including, but not limited to, the
8014 purchase and installation of insulation, alternative energy devices,
8015 energy conservation materials, replacement furnaces and boilers, and
8016 technologically advanced energy-conserving equipment. The
8017 authority, in consultation with said [office] entities, shall establish
8018 priorities for financing eligible energy conservation projects based on
8019 need and quality determinants. The authority shall adopt procedures,
8020 in accordance with the provisions of section 1-121, to implement the
8021 provisions of this section.

8022 (e) The authority shall, in consultation with the Energy
8023 Conservation Management Board and the Connecticut Health and
8024 Educational Facilities Authority, (1) ensure that the program
8025 established pursuant to this section integrates with existing state
8026 energy efficiency and renewable energy programs; (2) establish
8027 performance targets for the program to ensure that the program in
8028 coordination with existing financing programs will enable efficiency
8029 improvements for at least fifteen per cent of single family homes in the
8030 state by 2020; (3) enter into agreements with participating lending
8031 institutions that provide loan origination services; and (4) exercise such
8032 other powers as are necessary for the proper administration of the
8033 program.

8034 (f) Financial assistance provided by participating lending
8035 institutions pursuant to this section shall be subject to the following
8036 terms:

8037 (1) Eligible energy conservation projects shall meet cost-
8038 effectiveness standards adopted by the authority in consultation with
8039 the Energy Conservation Management Board and the Connecticut
8040 Health and Educational Facilities Authority.

8041 (2) Loans shall be at interest rates determined by the authority to be
8042 no higher than necessary to result in the participation of participating
8043 lending institutions in the program.

8044 (3) The amount of a fee paid for an energy audit provided pursuant
8045 to this program may be added to the amount of a loan to finance the
8046 cost of an eligible project conducted in response to such energy audit.
8047 In such cases, the amount of the fee may be reimbursed from the fund
8048 to the borrower.

8049 Sec. 125. (NEW) (*Effective from passage*) Commencing January 1,
8050 2012, each electric distribution, electric and gas company shall
8051 maintain and make available to the public, free of charge, records of
8052 the energy consumption data of all typical nonresidential buildings to
8053 which such company provides service. This data shall be maintained
8054 in a format (1) compatible for uploading to the United States
8055 Environmental Protection Agency's Energy Star portfolio manager or
8056 similar system, for at least the most recent thirty-six months, and (2)
8057 that preserves the confidentiality of the customer.

8058 Sec. 126. (NEW) (*Effective from passage*) Commencing January 1,
8059 2012, each electric distribution, electric and gas company shall provide
8060 aggregate town customer usage information by customer class that
8061 preserves the confidentiality of individual customers to any legislative
8062 body of a municipality that requests such information.

8063 Sec. 127. (NEW) (*Effective July 1, 2011*) (a) Notwithstanding
8064 subsection (a) of section 16-244e of the general statutes, an electric
8065 distribution company, or owner or developer of generation projects
8066 that emit no pollutants may submit a proposal to the Department of
8067 Energy and Environmental Protection to build, own or operate one or

8068 more generation facilities up to an aggregate of thirty megawatts using
8069 Class I renewable energy sources as defined in section 16-1 of the
8070 general statutes from July 1, 2011, to July 1, 2013. Each facility shall be
8071 greater than one megawatt but not more than five megawatts. Each
8072 electric distribution company may enter into joint ownership
8073 agreements, partnerships or other agreements with private developers
8074 to carry out the provisions of this section. The aggregate ownership for
8075 an electric distribution company pursuant to this section shall not
8076 exceed ten megawatts. The department shall evaluate such proposals
8077 pursuant to sections 16-19 and 16-19e of the general statutes and may
8078 approve one or more of such proposals if it finds that the proposal
8079 serves the long-term interest of ratepayers. The department (1) shall
8080 not approve any proposal supported in any form of cross subsidization
8081 by entities affiliated with the electric distribution company, and (2)
8082 shall give preference to proposals that make efficient use of existing
8083 sites and supply infrastructure. No such company may, under any
8084 circumstances, recover more than the full costs identified in a proposal,
8085 as approved by the department. Nothing in this section shall preclude
8086 the resale or other disposition of energy or associated renewable
8087 energy credits purchased by the electric distribution company,
8088 provided the distribution company shall net the cost of payments
8089 made to projects under the long-term contracts against the proceeds of
8090 the sale of energy or renewable energy credits and the difference shall
8091 be credited or charged to distribution customers through a reconciling
8092 component of electric rates as determined by the authority that is
8093 nonbypassable when switching electric suppliers.

8094 (b) The company shall use the power, capacity and related products
8095 produced by such facility to meet the needs of customers served
8096 pursuant to section 16-244c of the general statutes.

8097 (c) Notwithstanding the provisions of subdivision (1) of subsection
8098 (j) of section 16-244c of the general statutes, the amount of renewable
8099 energy produced from such facilities shall be applied to reduce the
8100 electric distribution company's Class I renewable energy source

8101 portfolio standard obligations.

8102 (d) The department shall evaluate the proposals approved pursuant
8103 to this section and report in accordance with the provisions of section
8104 11-4a of the general statutes to the joint standing committee of the
8105 General Assembly having cognizance of matters relating to energy
8106 whether proposals shall be accepted beyond July 1, 2013.

8107 Sec. 128. Section 29-263 of the general statutes is amended by adding
8108 subsection (c) as follows (*Effective July 1, 2011*):

8109 (NEW) (c) Any municipality may, by ordinance adopted by its
8110 legislative body, exempt Class I renewable energy source projects from
8111 payment of building permit fees imposed by the municipality.

8112 Sec. 129. (*Effective July 1, 2011*) The Department of Energy and
8113 Environmental Protection shall analyze (1) options for minimizing the
8114 cost to electric ratepayers of procuring renewable resources pursuant
8115 to section 16-245a of the general statutes, and (2) the feasibility of
8116 increasing the renewable energy portfolio standards pursuant to
8117 section 16-245a of the general statutes. Such analysis shall consider the
8118 benefits, costs and impacts of expanding the definition of Class I
8119 renewable energy source, as defined in section 16-1 of the general
8120 statutes, to include hydropower and other technologies that do not use
8121 nuclear or fossil fuels. On or before February 1, 2012, the department
8122 shall report, in accordance with the provisions of section 11-4a of the
8123 general statutes, the results of such analysis to the Governor and the
8124 joint standing committee of the General Assembly having cognizance
8125 of matters relating to energy and technology.

8126 Sec. 130. Section 7-233z of the general statutes is repealed and the
8127 following is substituted in lieu thereof (*Effective July 1, 2011*):

8128 (a) A municipal electric energy cooperative, created pursuant to this
8129 chapter, shall submit a comprehensive report on the activities of the
8130 municipal electric utilities with regard to promotion of renewable

8131 energy resources. Such report shall identify the standards and
8132 activities of municipal electric utilities in the promotion,
8133 encouragement and expansion of the deployment and use of
8134 renewable energy sources within the service areas of the municipal
8135 electric utilities for the prior calendar year. The cooperative shall
8136 submit the report to the [Renewable Energy Investment Advisory
8137 Committee established pursuant to section 16-245n] Clean Energy
8138 Finance and Investment Authority not later than ninety days after the
8139 end of each calendar year that describes the activities undertaken
8140 pursuant to this subsection during the previous calendar year for the
8141 promotion and development of renewable energy sources for all
8142 electric customer classes.

8143 (b) Such cooperative shall develop standards for the promotion of
8144 renewable resources that apply to each municipal electric utility. On or
8145 before January 1, 2008, and annually thereafter, such cooperative shall
8146 submit such standards to the [Renewable Energy Investment Advisory
8147 Committee] Clean Energy Finance and Investment Authority.

8148 Sec. 131. Subsection (a) of section 16a-38n of the general statutes is
8149 repealed and the following is substituted in lieu thereof (*Effective July*
8150 *1, 2011*):

8151 (a) On and after October 1, 2007, the [Department of Public Utility
8152 Control] Public Utilities Regulatory Authority shall, in consultation
8153 with the [Renewable Energy Investments Advisory Board] Clean
8154 Energy Finance and Investment Authority and the [Office of Policy
8155 and Management] Department of Energy and Environmental
8156 Protection, establish a grant program for clean and distributive
8157 generation, generated from a Class I renewable energy source, projects
8158 for businesses and state buildings.

8159 Sec. 132. (NEW) (*Effective July 1, 2011*) Each electric, gas or heating
8160 fuel customer, regardless of heating source, shall be assessed the same
8161 fees, charges, co-pays, or other similar terms to access any audits

8162 administered by the Home Energy Solutions program provided the
8163 costs of subsidizing such audits to ratepayers whose primary source of
8164 heat is not electricity or natural gas shall not exceed five hundred
8165 thousand dollars per year.

8166 Sec. 133. (*Effective July 1, 2011*) The Public Utilities Regulatory
8167 Authority shall conduct a proceeding to analyze the costs and benefits
8168 of allowing an electric distribution company to earn a rate of return,
8169 subject to section 16-19e of the general statutes on its long-term
8170 investments in energy efficiency. On or before February 1, 2012, the
8171 authority shall report the results of such proceeding in accordance
8172 with the provisions of section 11-4a of the general statutes to the joint
8173 standing committee of the General Assembly having cognizance of
8174 matters relating to energy.

8175 Sec. 134. (*Effective July 1, 2011*) (a) There is established a task force to
8176 study power plant safety. Such study shall include, but not be limited
8177 to, an examination of developing regulations for power plant safety,
8178 training protocols, audits and reporting requirements, qualifications
8179 and potential licensing requirements for a power plant inspector or
8180 operator, penalties for failure to comply with requirements, and the
8181 best practices of other states. Such study shall evaluate which state
8182 agency shall be responsible for oversight of plant safety and its access
8183 rights to facilities and records. Such study shall consider both
8184 preoperational construction and operational stages of power plants.

8185 (b) The task force shall consist of the following members:

8186 (1) Two appointed by the speaker of the House of Representatives;

8187 (2) Two appointed by the president pro tempore of the Senate;

8188 (3) One appointed by the majority leader of the House of
8189 Representatives;

8190 (4) One appointed by the majority leader of the Senate;

8191 (5) One appointed by the minority leader of the House of
8192 Representatives;

8193 (6) One appointed by the minority leader of the Senate; and

8194 (7) The chairpersons and ranking members of the joint standing
8195 committees of the General Assembly having cognizance of matters
8196 relating to energy and public safety.

8197 (c) Any member of the task force appointed under subdivision (1),
8198 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
8199 of the General Assembly.

8200 (d) All appointments to the task force shall be made no later than
8201 thirty days after the effective date of this section. Any vacancy shall be
8202 filled by the appointing authority.

8203 (e) The speaker of the House of Representatives and the president
8204 pro tempore of the Senate shall select the chairpersons of the task
8205 force, from among the members of the task force. Such chairpersons
8206 shall schedule the first meeting of the task force, which shall be held no
8207 later than sixty days after the effective date of this section.

8208 (f) The administrative staff of the joint standing committees of the
8209 General Assembly having cognizance of matters relating to energy and
8210 public safety shall serve as administrative staff of the task force.

8211 (g) Not later than February 1, 2012, the task force shall submit a
8212 report on its findings and recommendations to the joint standing
8213 committees of the General Assembly having cognizance of matters
8214 relating to energy and public safety, in accordance with the provisions
8215 of section 11-4a of the general statutes. The task force shall terminate
8216 on the date that it submits such report or January 1, 2012, whichever is
8217 later.

8218 Sec. 135. (NEW) (*Effective July 1, 2011*) On or before October 1, 2011,
8219 the Department of Energy and Environmental Protection shall

8220 establish a natural gas and heating oil conversion program to allow a
8221 gas or heating oil company to finance the conversion to gas heat or
8222 home heating oil by potential residential customers who heat their
8223 homes with electricity. The department shall adopt regulations in
8224 accordance with the provisions of chapter 54 of the general statutes to
8225 establish procedures and terms for such program and shall, on or
8226 before January 1, 2012, and annually thereafter, report in accordance
8227 with the provisions of section 11-4a of the general statutes to the joint
8228 standing committees of the General Assembly having cognizance of
8229 matters relating to energy and the environment regarding the progress
8230 of said program.

8231 Sec. 136. Section 32-39 of the general statutes is repealed and the
8232 following is substituted in lieu thereof (*Effective July 1, 2011*):

8233 The purposes of the corporation shall be to stimulate and encourage
8234 the research and development of new technologies, businesses and
8235 products, to encourage the creation and transfer of new technologies,
8236 to assist existing businesses in adopting current and innovative
8237 technological processes, to stimulate and provide services to industry
8238 that will advance the adoption and utilization of technology, to
8239 achieve improvements in the quality of products and services, to
8240 stimulate and encourage the development and operation of new and
8241 existing science parks and incubator facilities, and to promote science,
8242 engineering, mathematics and other disciplines that are essential to the
8243 development and application of technology within Connecticut by the
8244 infusion of financial aid for research, invention and innovation in
8245 situations in which such financial aid would not otherwise be
8246 reasonably available from commercial or other sources, and for these
8247 purposes the corporation shall have the following powers:

8248 (1) To have perpetual succession as a body corporate and to adopt
8249 bylaws, policies and procedures for the regulation of its affairs and
8250 conduct of its businesses as provided in section 32-36;

8251 (2) To enter into venture agreements with persons, upon such terms
8252 and on such conditions as are consistent with the purposes of this
8253 chapter, for the advancement of financial aid to such persons for the
8254 research, development and application of specific technologies,
8255 products, procedures, services and techniques, to be developed and
8256 produced in this state, and to condition such agreements upon
8257 contractual assurances that the benefits of increasing or maintaining
8258 employment and tax revenues shall remain in this state and shall
8259 accrue to it;

8260 (3) To solicit, receive and accept aid, grants or contributions from
8261 any source of money, property or labor or other things of value, to be
8262 held, used and applied to carry out the purposes of this chapter,
8263 subject to the conditions upon which such grants and contributions
8264 may be made, including but not limited to, gifts or grants from any
8265 department or agency of the United States or the state;

8266 (4) To invest in, acquire, lease, purchase, own, manage, hold and
8267 dispose of real property and lease, convey or deal in or enter into
8268 agreements with respect to such property on any terms necessary or
8269 incidental to the carrying out of these purposes; provided, however,
8270 that all such acquisitions of real property for the corporation's own use
8271 with amounts appropriated by the state to the corporation or with the
8272 proceeds of bonds supported by the full faith and credit of the state
8273 shall be subject to the approval of the Secretary of the Office of Policy
8274 and Management and the provisions of section 4b-23;

8275 (5) To borrow money or to guarantee a return to the investors in or
8276 lenders to any capital initiative, to the extent permitted under this
8277 chapter;

8278 (6) To hold patents, copyrights, trademarks, marketing rights,
8279 licenses, or any other evidences of protection or exclusivity as to any
8280 products as defined herein, issued under the laws of the United States
8281 or any state or any nation;

8282 (7) To employ such assistants, agents and other employees as may
8283 be necessary or desirable, which employees shall be exempt from the
8284 classified service and shall not be employees, as defined in subsection
8285 (b) of section 5-270; establish all necessary or appropriate personnel
8286 practices and policies, including those relating to hiring, promotion,
8287 compensation, retirement and collective bargaining, which need not be
8288 in accordance with chapter 68, and the corporation shall not be an
8289 employer as defined in subsection (a) of section 5-270; and engage
8290 consultants, attorneys and appraisers as may be necessary or desirable
8291 to carry out its purposes in accordance with this chapter;

8292 (8) To make and enter into all contracts and agreements necessary or
8293 incidental to the performance of its duties and the execution of its
8294 powers under this chapter;

8295 (9) To sue and be sued, plead and be impleaded, adopt a seal and
8296 alter the same at pleasure;

8297 (10) With the approval of the State Treasurer, to invest any funds
8298 not needed for immediate use or disbursement, including any funds
8299 held in reserve, in obligations issued or guaranteed by the United
8300 States of America or the state of Connecticut and in other obligations
8301 which are legal investments for retirement funds in this state;

8302 (11) To procure insurance against any loss in connection with its
8303 property and other assets in such amounts and from such insurers as it
8304 deems desirable;

8305 (12) To the extent permitted under its contract with other persons, to
8306 consent to any termination, modification, forgiveness or other change
8307 of any term of any contractual right, payment, royalty, contract or
8308 agreement of any kind to which the corporation is a party;

8309 (13) To do anything necessary and convenient to render the bonds
8310 to be issued under section 32-41 more marketable;

8311 (14) To acquire, lease, purchase, own, manage, hold and dispose of
8312 personal property, and lease, convey or deal in or enter into
8313 agreements with respect to such property on any terms necessary or
8314 incidental to the carrying out of these purposes;

8315 (15) In connection with any application for assistance under this
8316 chapter, or commitments therefor, to make and collect such fees as the
8317 corporation shall determine to be reasonable;

8318 (16) To enter into venture agreements with persons, upon such
8319 terms and conditions as are consistent with the purposes of this
8320 chapter to provide financial aid to such persons for the marketing of
8321 new and innovative services based on the use of a specific technology,
8322 product, device, technique, service or process;

8323 (17) To enter into limited partnerships or other contractual
8324 arrangements with private and public sector entities as the corporation
8325 deems necessary to provide financial aid which shall be used to make
8326 investments of seed venture capital in companies based in or
8327 relocating to the state in a manner which shall foster additional capital
8328 investment, the establishment of new businesses, the creation of new
8329 jobs and additional commercially-oriented research and development
8330 activity. The repayment of such financial aid shall be structured in
8331 such manner as the corporation deems will best encourage private
8332 sector participation in such limited partnerships or other
8333 arrangements. The board of directors, executive director, officers and
8334 staff of the corporation may serve as members of any advisory or other
8335 board which may be established to carry out the purposes of this
8336 subdivision;

8337 (18) To account for and audit funds of the corporation and funds of
8338 any recipients of financial aid from the corporation;

8339 (19) To advise the Governor, the General Assembly, the
8340 Commissioner of Economic and Community Development and the
8341 Commissioner of Higher Education on matters relating to science,

8342 engineering and technology which may have an impact on state
8343 policies, programs, employers and residents, and on job creation and
8344 retention;

8345 (20) To promote technology-based development in the state;

8346 (21) To encourage and promote the establishment of and, within
8347 available resources, to provide financial aid to advanced technology
8348 centers;

8349 (22) To maintain an inventory of data and information concerning
8350 state and federal programs which are related to the purposes of this
8351 chapter and to serve as a clearinghouse and referral service for such
8352 data and information;

8353 (23) To conduct and encourage research and studies relating to
8354 technological development;

8355 (24) To provide technical or other assistance and, within available
8356 resources, to provide financial aid to the Connecticut Academy of
8357 Science and Engineering, Incorporated, in order to further the
8358 purposes of this chapter;

8359 (25) To recommend a science and technology agenda for the state
8360 that will promote the formation of public and private partnerships for
8361 the purpose of stimulating research, new business formation and
8362 growth and job creation;

8363 (26) To encourage and provide technical assistance and, within
8364 available resources, to provide financial aid to existing manufacturers
8365 and other businesses in the process of adopting innovative technology
8366 and new state-of-the-art processes and techniques;

8367 (27) To recommend state goals for technological development and
8368 to establish policies and strategies for developing and assisting
8369 technology-based companies and for attracting such companies to the
8370 state;

8371 (28) To promote and encourage and, within available resources, to
8372 provide financial aid for the establishment, maintenance and operation
8373 of incubator facilities;

8374 (29) To promote and encourage the coordination of public and
8375 private resources and activities within the state in order to assist
8376 technology-based entrepreneurs and business enterprises;

8377 (30) To provide services to industry that will stimulate and advance
8378 the adoption and utilization of technology and achieve improvements
8379 in the quality of products and services;

8380 (31) To promote science, engineering, mathematics and other
8381 disciplines that are essential to the development and application of
8382 technology;

8383 (32) To coordinate its efforts with existing business outreach centers,
8384 as described in section 32-9qq;

8385 (33) To do all acts and things necessary and convenient to carry out
8386 the purposes of this chapter;

8387 (34) To accept from the department: (A) Financial assistance, (B)
8388 revenues or the right to receive revenues with respect to any program
8389 under the supervision of the department, and (C) loan assets or equity
8390 interests in connection with any program under the supervision of the
8391 department; to make advances to and reimburse the department for
8392 any expenses incurred or to be incurred by it in the delivery of such
8393 assistance, revenues, rights, assets, or interests; to enter into
8394 agreements for the delivery of services by the corporation, in
8395 consultation with the department, the Connecticut Housing Finance
8396 Authority and the Connecticut Development Authority, to third
8397 parties which agreements may include provisions for payment by the
8398 department to the corporation for the delivery of such services; and to
8399 enter into agreements with the department or with the Connecticut
8400 Development Authority or Connecticut Housing Finance Authority for

8401 the sharing of assistants, agents and other consultants, professionals
8402 and employees, and facilities and other real and personal property
8403 used in the conduct of the corporation's affairs;

8404 (35) To transfer to the department: (A) Financial assistance, (B)
8405 revenues or the right to receive revenues with respect to any program
8406 under the supervision of the corporation, and (C) loan assets or equity
8407 interests in connection with any program under the supervision of the
8408 corporation, provided the transfer of such financial assistance,
8409 revenues, rights, assets or interests is determined by the corporation to
8410 be practicable, within the constraints and not inconsistent with the
8411 fiduciary obligations of the corporation imposed upon or established
8412 upon the corporation by any provision of the general statutes, the
8413 corporation's bond resolutions or any other agreement or contract of
8414 the corporation and to have no adverse effect on the tax-exempt status
8415 of any bonds of the state;

8416 (36) With respect to any capital initiative, to create, with one or more
8417 persons, one or more affiliates and to provide, directly or indirectly, for
8418 the contribution of capital to any such affiliate, each such affiliate being
8419 expressly authorized to exercise on such affiliate's own behalf all
8420 powers which the corporation may exercise under this section, in
8421 addition to such other powers provided to it by law;

8422 (37) To provide financial aid to enable biotechnology and other
8423 technology companies to lease, acquire, construct, maintain, repair,
8424 replace or otherwise obtain and maintain production, testing, research,
8425 development, manufacturing, laboratory and related and other
8426 facilities, improvements and equipment;

8427 (38) To provide financial aid to persons developing smart buildings,
8428 as defined in section 32-23d, incubator facilities or other information
8429 technology intensive office and laboratory space;

8430 [(39) To administer the Renewable Energy Investment Fund
8431 established pursuant to section 16-245n;]

8432 [(40)] (39) To provide financial aid to persons developing or
8433 constructing the basic buildings, facilities or installations needed for
8434 the functioning of the media and motion picture industry in this state;

8435 [(41)] (40) To coordinate the development and implementation of
8436 strategies regarding technology-based talent and innovation among
8437 state and quasi-public agencies, including the creation and
8438 administration of the Connecticut Small Business Innovation Research
8439 Office to act as a centralized clearinghouse and provide technical
8440 assistance to applicants in developing small business innovation
8441 research programs in conformity with the federal program established
8442 pursuant to the Small Business Research and Development
8443 Enhancement Act of 1992, P.L. 102-564, as amended, and other
8444 proposals.

8445 Sec. 137. Section 16a-40d of the general statutes is repealed and the
8446 following is substituted in lieu thereof (*Effective July 1, 2011*):

8447 (a) The State Bond Commission shall have the power, from time to
8448 time, to authorize the issuance of bonds of the state in one or more
8449 series and in principal amounts not exceeding in the aggregate five
8450 million dollars per year. Except as provided in subsection (b) of this
8451 section, the proceeds of the sale of said bonds shall be deposited in the
8452 Energy Conservation Loan Fund established under section 16a-40a for
8453 the purposes of making and guaranteeing loans and deferred loans as
8454 provided in section 5 of public act 05-2 of the October 25 special
8455 session* and section 16a-46e. All provisions of section 3-20, or the
8456 exercise of any right or power granted thereby which are not
8457 inconsistent with the provisions of sections 16a-40 to 16a-40b,
8458 inclusive, and this section are hereby adopted and shall apply to all
8459 bonds authorized by the State Bond Commission pursuant to said
8460 sections 16a-40 to 16a-40b, inclusive, and this section, and temporary
8461 notes in anticipation of the money to be derived from the sale of any
8462 such bonds so authorized may be issued in accordance with said
8463 section 3-20 and from time to time renewed. Such bonds shall mature

8464 at such time or times not exceeding twenty years from their respective
8465 dates as may be provided in or pursuant to the resolution or
8466 resolutions of the State Bond Commission authorizing such bonds.
8467 Said bonds issued pursuant to said sections 16a-40 to 16a-40b,
8468 inclusive, and this section shall be general obligations of the state and
8469 the full faith and credit of the state of Connecticut are pledged for the
8470 payment of the principal of and interest on said bonds as the same
8471 become due, and accordingly and as part of the contract of the state
8472 with the holders of said bonds, appropriation of all amounts necessary
8473 for punctual payment of such principal and interest is hereby made,
8474 and the Treasurer shall pay such principal and interest as the same
8475 become due.

8476 (b) As of July 1, 2010, proceeds of the sale of said bonds which have
8477 been authorized as provided in subsection (a) of this section, but have
8478 not been allocated by the State Bond Commission, and the additional
8479 amount of five million dollars authorized by this section on July 1,
8480 2010, shall be deposited in the Green Connecticut Loan Guaranty Fund
8481 established pursuant to section 16a-40e, and shall be used by the
8482 [Connecticut Health and Educational Facilities Authority] Clean
8483 Energy Finance and Investment Authority for purposes of the Green
8484 Connecticut Loan Guaranty Fund program established pursuant to
8485 section 16a-40f, as amended by this act, provided not more than
8486 eighteen million dollars shall be deposited in the Green Connecticut
8487 Loan Guaranty Fund. Such additional amounts may be deposited in
8488 the Green Connecticut Loan Guaranty Fund as the State Bond
8489 Commission may, from time to time, authorize.

8490 Sec. 138. Section 16a-40e of the general statutes is repealed and the
8491 following is substituted in lieu thereof (*Effective July 1, 2011*):

8492 The [Connecticut Health and Educational Facilities Authority] Clean
8493 Energy Finance and Investment Authority shall establish a "Green
8494 Connecticut Loan Guaranty Fund". Such fund shall be used for the
8495 purposes of guaranteeing loans authorized under section 16a-40f, as

8496 amended by this act, and may be used for expenses incurred by said
 8497 authority in the implementation of the program under said section.

8498 Sec. 139. (NEW) (Effective July 1, 2011) On or before January 1, 2012,
 8499 the Department of Energy and Environmental Protection, in
 8500 consultation with public service companies, shall analyze the potential
 8501 for on-the-bill financing of renewable power and energy efficiency
 8502 investments. The department shall report, in accordance with the
 8503 provisions of section 11-4a of the general statutes, its findings to the
 8504 joint standing committee of the General Assembly having cognizance
 8505 of matters relating to energy.

8506 Sec. 140. Sections 4d-100, 16-1b, 16-247q, 16-261a, 16a-14a, 16a-44b
 8507 and 16a-45a to 16a-46c, inclusive, of the general statutes are repealed.
 8508 (Effective July 1, 2011)

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	New section
Sec. 2	July 1, 2011	2c-2b(b)
Sec. 3	July 1, 2011	4-5
Sec. 4	July 1, 2011	4-38c
Sec. 5	July 1, 2011	4-67e
Sec. 6	July 1, 2011	4b-15
Sec. 7	July 1, 2011	4b-47(a) and (b)
Sec. 8	July 1, 2011	4d-90(a)
Sec. 9	July 1, 2011	13a-126
Sec. 10	July 1, 2011	13b-4b
Sec. 11	July 1, 2011	13b-31c
Sec. 12	July 1, 2011	13b-31e
Sec. 13	July 1, 2011	15-155(e)
Sec. 14	July 1, 2011	16-1
Sec. 15	July 1, 2011	16-2
Sec. 16	July 1, 2011	16-2a
Sec. 17	July 1, 2011	16-2c
Sec. 18	July 1, 2011	16-3
Sec. 19	July 1, 2011	16-4

Sec. 20	July 1, 2011	16-6b
Sec. 21	July 1, 2011	16-7
Sec. 22	July 1, 2011	16-9
Sec. 23	July 1, 2011	16-8(a) and (b)
Sec. 24	July 1, 2011	16-8a
Sec. 25	July 1, 2011	16-18a
Sec. 26	July 1, 2011	16-19a
Sec. 27	July 1, 2011	16-19e
Sec. 28	July 1, 2011	16-19f
Sec. 29	July 1, 2011	16-19h
Sec. 30	July 1, 2011	16-49
Sec. 31	July 1, 2011	16-19j
Sec. 32	July 1, 2011	16-50j
Sec. 33	July 1, 2011	16-245m
Sec. 34	July 1, 2011	16-245y
Sec. 35	<i>from passage</i>	New section
Sec. 36	July 1, 2011	16a-2
Sec. 37	July 1, 2011	16a-3
Sec. 38	July 1, 2011	16-19ss
Sec. 39	July 1, 2011	16a-3b
Sec. 40	July 1, 2011	16a-3c
Sec. 41	July 1, 2011	16a-4
Sec. 42	July 1, 2011	16a-7b(b)
Sec. 43	July 1, 2011	16a-7c(a)
Sec. 44	July 1, 2011	16a-22c
Sec. 45	July 1, 2011	16a-23t(f)
Sec. 46	July 1, 2011	16a-38k(b)
Sec. 47	July 1, 2011	16a-39
Sec. 48	July 1, 2011	16a-41b
Sec. 49	July 1, 2011	New section
Sec. 50	July 1, 2011	17b-801(b)
Sec. 51	July 1, 2011	New section
Sec. 52	July 1, 2011	21a-86a
Sec. 53	July 1, 2011	21a-86c(a)
Sec. 54	July 1, 2011	22-81
Sec. 55	July 1, 2011	22a-2
Sec. 56	July 1, 2011	22a-5
Sec. 57	July 1, 2011	22a-66k(a)
Sec. 58	July 1, 2011	22a-113m

Sec. 59	July 1, 2011	22a-119(e)
Sec. 60	July 1, 2011	22a-134q
Sec. 61	July 1, 2011	22a-174l
Sec. 62	July 1, 2011	22a-354i
Sec. 63	July 1, 2011	22a-198
Sec. 64	July 1, 2011	22a-200c(a) and (b)
Sec. 65	July 1, 2011	22a-354m
Sec. 66	July 1, 2011	22a-449d(b)
Sec. 67	July 1, 2011	22a-604
Sec. 68	July 1, 2011	22a-354i
Sec. 69	July 1, 2011	22a-354w
Sec. 70	July 1, 2011	22a-371(d)
Sec. 71	July 1, 2011	23-8
Sec. 72	July 1, 2011	23-102
Sec. 73	July 1, 2011	25-32b
Sec. 74	July 1, 2011	25-32d
Sec. 75	July 1, 2011	25-32i
Sec. 76	July 1, 2011	25-33o
Sec. 77	July 1, 2011	25-157
Sec. 78	July 1, 2011	25-33g
Sec. 79	July 1, 2011	25-33h
Sec. 80	July 1, 2011	25-37d
Sec. 81	July 1, 2011	25-102m
Sec. 82	July 1, 2011	25-203(a)
Sec. 83	July 1, 2011	26-141b
Sec. 84	July 1, 2011	26-157f
Sec. 85	July 1, 2011	28-24
Sec. 86	July 1, 2011	32-1o(a)
Sec. 87	July 1, 2011	32-9cc
Sec. 88	July 1, 2011	New section
Sec. 89	July 1, 2011	16a-3a
Sec. 90	July 1, 2011	New section
Sec. 91	July 1, 2011	16-244c
Sec. 92	July 1, 2011	New section
Sec. 93	July 1, 2011	New section
Sec. 94	July 1, 2011	New section
Sec. 95	July 1, 2011	New section
Sec. 96	July 1, 2011	New section
Sec. 97	July 1, 2011	16-50r(a)

Sec. 98	July 1, 2011	New section
Sec. 99	July 1, 2011	16-245n
Sec. 100	July 1, 2011	New section
Sec. 101	July 1, 2011	New section
Sec. 102	July 1, 2011	16a-48
Sec. 103	July 1, 2011	New section
Sec. 104	July 1, 2011	16-245(g)
Sec. 105	July 1, 2011	New section
Sec. 106	July 1, 2011	New section
Sec. 107	July 1, 2011	New section
Sec. 108	July 1, 2011	New section
Sec. 109	July 1, 2011	New section
Sec. 110	July 1, 2011	New section
Sec. 111	October 1, 2011	New section
Sec. 112	July 1, 2011	New section
Sec. 113	July 1, 2011	16-245o
Sec. 114	July 1, 2011	16-245d
Sec. 115	July 1, 2011	New section
Sec. 116	July 1, 2011	New section
Sec. 117	July 1, 2011	16-245z
Sec. 118	July 1, 2011	16a-37u
Sec. 119	July 1, 2011	New section
Sec. 120	July 1, 2011	16-262c(b)(1)
Sec. 121	<i>from passage</i>	New section
Sec. 122	July 1, 2011	7-148(c)(6)(B)
Sec. 123	July 1, 2011	New section
Sec. 124	July 1, 2011	16a-40f
Sec. 125	<i>from passage</i>	New section
Sec. 126	<i>from passage</i>	New section
Sec. 127	July 1, 2011	New section
Sec. 128	July 1, 2011	29-263
Sec. 129	July 1, 2011	New section
Sec. 130	July 1, 2011	7-233z
Sec. 131	July 1, 2011	16a-38n(a)
Sec. 132	July 1, 2011	New section
Sec. 133	July 1, 2011	New section
Sec. 134	July 1, 2011	New section
Sec. 135	July 1, 2011	New section
Sec. 136	July 1, 2011	32-39

Sec. 137	<i>July 1, 2011</i>	16a-40d
Sec. 138	<i>July 1, 2011</i>	16a-40e
Sec. 139	<i>July 1, 2011</i>	New section
Sec. 140	<i>July 1, 2011</i>	Repealer section