



General Assembly

**Amendment**

January Session, 2013

LCO No. 7233

**\*SB0113807233HDO\***

Offered by:  
REP. MUSHINSKY, 85<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1138      File No. 120      Cal. No. 469

(As Amended by Senate Amendment Schedules "A" and "C")

**"AN ACT CONCERNING CONNECTICUT'S CLEAN ENERGY GOALS."**

1      Strike section 2 in its entirety and substitute the following in lieu  
2 thereof:

3      "Sec. 2. Subdivision (44) of subsection (a) of section 16-1 of the  
4 general statutes is repealed and the following is substitute in lieu  
5 thereof (*Effective from passage*):

6      (44) "Class III source" means the electricity output from combined  
7 heat and power systems with an operating efficiency level of no less  
8 than fifty per cent that are part of customer-side distributed resources  
9 developed at commercial and industrial facilities in this state on or  
10 after January 1, 2006, a waste heat recovery system installed on or after  
11 April 1, 2007, that produces electrical or thermal energy by capturing  
12 preexisting waste heat or pressure from industrial or commercial  
13 processes, or the electricity savings created in this state from

14 conservation and load management programs begun on or after  
15 January 1, 2006, provided not more than fifty per cent of the Class III  
16 credits issued pursuant to section 16-243t shall be generated by such  
17 conservation and load management programs;"

18 Strike section 9 in its entirety and substitute the following in lieu  
19 thereof:

20 "Sec. 9. (NEW) (*Effective from passage*) (a) On or before August 1,  
21 2013, the Department of Energy and Environmental Protection and the  
22 Public Utilities Regulatory Authority shall conduct coordinated  
23 uncontested proceedings, each of which shall include one technical  
24 meeting. The department shall evaluate whether allowing five  
25 percentage points of the Class I renewable portfolio standard  
26 established pursuant to section 16-245a of the general statutes, as  
27 amended by this act, to be met by verifiable large-scale hydropower  
28 would result in a cleaner portfolio of energy sources for the state than  
29 the portfolio of energy sources for the state in existence on the effective  
30 date of this section. The authority shall evaluate the ratepayer impact  
31 of allowing five percentage points of the Class I renewable portfolio  
32 standard to be met by verifiable large-scale hydropower.  
33 Notwithstanding subsections (b) to (e), inclusive, of this section, if the  
34 department determines that the portfolio of energy sources for the  
35 state will not be cleaner, as described in this subsection, or if the  
36 authority determines there will be an adverse impact to ratepayers,  
37 verifiable large-scale hydropower shall not be allowed to meet any  
38 percentage of the Class I renewable portfolio standard.

39 (b) During the calendar year commencing January 1, 2014, and  
40 continuing each calendar year thereafter, if alternative compliance  
41 payments, pursuant to subsection (j) of section 16-244c of the general  
42 statutes, as amended by this act, and subsection (k) of section 16-245 of  
43 the general statutes, as amended by this act, are made for failure to  
44 meet the renewable portfolio standards, there shall be a presumption  
45 for the calendar year the alternative compliance payments are made  
46 that there is an insufficient supply of Class I renewable energy sources,

47 as defined in section 16-1 of the general statutes, as amended by this  
48 act, for electric suppliers or electric distribution companies to comply  
49 with the requirements of section 16-245a of the general statutes, as  
50 amended by this act.

51 (c) In the event there is a presumption of insufficient supply of Class  
52 I renewable energy sources pursuant to subsection (b) of this section  
53 for the calendar year the alternative compliance payments are made,  
54 the Commissioner of Energy and Environmental Protection may  
55 determine whether such payments resulted from a material shortage of  
56 Class I renewable energy sources. In making this determination, the  
57 commissioner shall consider whether such payments resulted from  
58 intentional or negligent action by an electric supplier or electric  
59 distribution company to purchase renewable energy credits available  
60 in the New England Power Pool Generation Information System  
61 market.

62 (d) In the event there is such a presumption pursuant to subsection  
63 (b) of this section and the commissioner finds that the alternative  
64 compliance payments were due to a material shortage of Class I  
65 renewable energy sources pursuant to subsection (c) of this section, the  
66 commissioner shall determine the adequacy, or potential adequacy, of  
67 Class I renewable energy sources to meet the succeeding years'  
68 renewable portfolio standard. In making this determination, the  
69 commissioner may consider (1) future cost and availability of  
70 certificates issued by the New England Power Pool Generation  
71 Information System based on the status of projects under development  
72 in the region, (2) future requirements of certificates issued by the New  
73 England Power Pool Generation Information System in other states,  
74 and (3) the projected compliance costs of Class I renewable energy  
75 sources.

76 (e) Notwithstanding subsection (b) of section 16-245a of the general  
77 statutes, as amended by this act, in the event that, for any calendar  
78 year commencing on or after January 1, 2014, there is such a  
79 presumption pursuant to subsection (b) of this section and the

80 commissioner finds material shortage of Class I renewable energy  
81 sources pursuant to subsection (c) of this section, and after concluding  
82 the determination of adequacy pursuant to subsection (d) of this  
83 section, commencing on or after January 1, 2016, the commissioner  
84 may allow not more than one percentage point of the Class I renewable  
85 portfolio standards established pursuant to section 16-245a of the  
86 general statutes, as amended by this act, effective for the succeeding  
87 and subsequent calendar years to be satisfied by large-scale  
88 hydropower procured pursuant to section 7 of this act. The  
89 requirements applicable to electric suppliers and electric distribution  
90 companies pursuant to section 16-245a of the general statutes, as  
91 amended by this act, shall consequently be reduced by not more than  
92 one percentage point in proportion to the commissioner's action,  
93 provided (1) the commissioner shall not allow a total of more than five  
94 percentage points of the Class I renewable portfolio standard to be met  
95 by large-scale hydropower by December 31, 2020, and (2) no such  
96 large-scale hydropower shall be eligible to trade in the New England  
97 Power Pool Generation Information System renewable energy credit  
98 market."