



General Assembly

**Amendment**

January Session, 2013

LCO No. 7944

**\*SB0113807944HDO\***

Offered by:

REP. LESSER, 100<sup>th</sup> Dist.

REP. WILLIS, 64<sup>th</sup> Dist.

REP. BOWLES, 42<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 1138

File No. 120

Cal. No. 469

(As Amended by House Amendment Schedule "A")

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

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1 Strike sections 10 and 11 in their entirety and substitute the  
2 following in lieu thereof:

3 "Sec. 10. Subdivision (1) of subsection (j) of section 16-244c of the  
4 general statutes is repealed and the following is substituted in lieu  
5 thereof (*Effective from passage*):

6 (j) (1) Notwithstanding the provisions of subsection (d) of this  
7 section regarding an alternative transitional standard offer option or  
8 an alternative standard service option, an electric distribution  
9 company providing transitional standard offer service, standard  
10 service, supplier of last resort service or back-up electric generation  
11 service in accordance with this section shall contract with its wholesale

12 suppliers to comply with the renewable portfolio standards. The  
13 Public Utilities Regulatory Authority shall annually conduct a  
14 contested case, in accordance with the provisions of chapter 54, in  
15 order to determine whether the electric distribution company's  
16 wholesale suppliers met the renewable portfolio standards during the  
17 preceding year. On or before December 31, 2013, the authority shall  
18 issue a decision on any such case for calendar years up to and  
19 including, 2012, for which a decision has not already been issued. Not  
20 later than December 31, 2014, and annually thereafter, the authority  
21 shall, following such case, issue a decision as to whether the electric  
22 distribution company's wholesale suppliers met the renewable  
23 portfolio standards during the preceding year. An electric distribution  
24 company shall include a provision in its contract with each wholesale  
25 supplier that requires the wholesale supplier to pay the electric  
26 distribution company an amount of five and one-half cents per  
27 kilowatt hour if the wholesale supplier fails to comply with the  
28 renewable portfolio standards during the subject annual period. The  
29 electric distribution company shall promptly transfer any payment  
30 received from the wholesale supplier for the failure to meet the  
31 renewable portfolio standards to the Clean Energy Fund for the  
32 development of Class I renewable energy sources, [. Any payment  
33 made pursuant to this section shall not be considered revenue or  
34 income to the electric distribution company.] provided, on and after  
35 the effective date of this section, any such payment shall be refunded  
36 to ratepayers by using such payment to offset the costs to all customers  
37 of electric distribution companies of the costs of contracts entered into  
38 pursuant to sections 16-244r and 16-244t. Any excess amount  
39 remaining from such payment shall be applied to reduce the costs of  
40 contracts entered into pursuant to subdivision (2) of this subsection,  
41 and if any excess amount remains, such amount shall be applied to  
42 reduce costs collected through nonbypassable, federally-mandated  
43 congestion charges, as defined in section 16-1, as amended by this act.

44 Sec. 11. Subsection (k) of section 16-245 of the general statutes is  
45 repealed and the following is substituted in lieu thereof (*Effective from*

46 *passage*):

47 (k) Any licensee who fails to comply with a license condition or who  
48 violates any provision of this section, except for the renewable  
49 portfolio standards contained in subsection (g) of this section, shall be  
50 subject to civil penalties by the Public Utilities Regulatory Authority in  
51 accordance with section 16-41, or the suspension or revocation of such  
52 license or a prohibition on accepting new customers following a  
53 hearing that is conducted as a contested case in accordance with  
54 chapter 54. Notwithstanding the provisions of subsection (d) of section  
55 16-244c regarding an alternative transitional standard offer option or  
56 an alternative standard service option, the authority shall require a  
57 payment by a licensee that fails to comply with the renewable portfolio  
58 standards in accordance with subdivision (4) of subsection (g) of this  
59 section in the amount of five and one-half cents per kilowatt hour. On  
60 or before December 31, 2013, the authority shall issue a decision,  
61 following a contested case, in accordance with the provisions of  
62 chapter 54, on whether any licensee has failed to comply with the  
63 renewable portfolio standards for calendar years up to and including,  
64 2012, for which a decision has not already been issued. On and after  
65 the effective date of this section, the Public Utilities Regulatory  
66 Authority shall annually conduct a contested case, in accordance with  
67 the provisions of chapter 54, in order to determine whether any  
68 licensee has failed to comply with the renewable portfolio standards  
69 during the preceding year. Not later than December 31, 2014, and  
70 annually thereafter, the authority shall, following such case, issue a  
71 decision as to whether the licensee has failed to comply with the  
72 renewable portfolio standards during the preceding year. The  
73 authority shall allocate such payment to the Clean Energy Fund for the  
74 development of Class I renewable energy sources, provided, on and  
75 after the effective date of this section, any such payment shall be  
76 refunded to ratepayers by using such payment to offset the costs to all  
77 customers of electric distribution companies of the costs of contracts  
78 entered into pursuant to sections 16-244r and 16-244t. Any excess  
79 amount remaining from such payment shall be applied to reduce the

80 costs of contracts entered into pursuant to subdivision (2) of subsection  
81 (j) of section 16-244c, and if any excess amount remains, such amount  
82 shall be applied to reduce costs collected through nonbypassable,  
83 federally-mandated congestion charges, as defined in section 16-1, as  
84 amended by this act."