



**Testimony of Connecticut Fund for the Environment  
Before the Committee on Energy and Technology**

***In opposition to***  
***H.B. No. 5427, AN ACT CONCERNING THE SHARED  
CLEAN ENERGY FACILITY PILOT PROGRAM***

Submitted by Shannon Laun  
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*Connecticut Fund for the Environment (CFE) is a non-profit environmental organization with over 5,500 members statewide. The mission of CFE, and its bi-state program Save the Sound, is to protect and improve the land, air, and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.*

Dear Senator Doyle, Representative Reed, and members of the Committee on Energy and Technology:

Connecticut Fund for the Environment (CFE) submits this testimony in opposition to Proposed H.B. No. 5427, An Act Concerning the Shared Clean Energy Facility Pilot Program. This bill unnecessarily modifies Public Act 15-113, An Act Establishing a Shared Clean Energy Facility Pilot Program.<sup>1</sup> It would further delay implementation of this pilot program—and render it financially unviable. H.B. No. 5427, while ostensibly “clarifying” the existing law, would do nothing but thwart clean energy in Connecticut by creating new obstacles for shared solar. Public Act 15-113 should be implemented immediately and the state should establish a full-scale shared solar program, without limiting the number of projects or total megawatts, as soon as possible.

**I. The State’s Pilot Program is Inadequate and Prevents Connecticut from Realizing the Full Benefits of Shared Solar**

Despite growing interest and commitment to clean energy resources, many Connecticut residents cannot access them. For example, about eighty percent of state residents cannot install rooftop solar panels because they are renters, because their rooftops are too shady or otherwise unsuitable, or for other reasons. Allowing the operation of shared clean energy facilities would dramatically expand access to clean energy resources like solar. This would help Connecticut

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<sup>1</sup> P.A. 15-113, An Act Establishing a Shared Clean Energy Facility Pilot Program,  
<https://www.cga.ct.gov/2015/ACT/PA/2015PA-00113-R00SB-00928-PA.htm>.

meet its clean energy goals, including the Renewable Portfolio Standard, and our greenhouse gas reduction goal of reducing emissions at least eighty percent from 2001 levels by 2050.<sup>2</sup>

An independent panel of experts has recommended that Connecticut move forward with establishing a shared solar program. In March 2015, the Connecticut Academy of Science and Engineering (CASE) issued a comprehensive report, *Shared Clean Energy Facilities*,<sup>3</sup> which examined shared solar programs in other states and laid out recommendations for shared solar in Connecticut. The CASE report clearly stated that a pilot program was unwarranted and would prevent Connecticut from fully realizing the benefits of shared solar: “the uncertainty created by classifying the new program as a pilot would inhibit project development and investment.”<sup>4</sup>

Despite this well-supported recommendation that Connecticut should adopt a full-scale shared solar program, Public Act 15-113 instead authorized a two-year pilot program that only allows a total of 6 megawatts of shared solar projects. This decision has led Connecticut to lag even further behind other states with successful shared solar programs, such as Massachusetts. Clean energy investors are putting their money into these states while Connecticut falls behind.

## **II. The Pilot Program is Already Behind, and Additional Delays are Unwarranted**

Public Act 15-113 required the Department of Energy and Environmental Protection (DEEP) to issue a request for proposals by January 1, 2016. However, DEEP failed to meet this deadline and instead asked the Public Utilities Regulatory Authority (PURA) to clarify certain aspects of the law.<sup>5</sup> But PURA declined to exercise jurisdiction and suggested that DEEP move forward and implement the program using Connecticut General Statutes §16a-3i(d) as guidance, as the Office of Consumer Council suggested in their comments.<sup>6</sup> As an alternative, PURA suggested asking the legislature to revise the law to clarify its intent.

This delay is patently unwarranted and there is no reason DEEP should not move forward with implementing Public Act 15-113. Any questions about how the law should be implemented can easily be answered by regulators in other states who have successfully implemented shared solar programs of their own. H.B. 5427, which would push the implementation date back to July 1, 2016, would only prolong the delay that has already stretched on for months.

## **III. H.B. 5427 Would Make Shared Solar Projects Financially Unviable**

Clarifying the intent of Public Act 15-113 via new legislation is unnecessary, but even if it were necessary, the bill language should not impose new obstacles. That, however, is precisely what H.B. 5427 would do. A new provision in H.B. 5427, subsection (d), would render the pilot

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<sup>2</sup> P.A. 08-98, An Act Concerning Connecticut Global Warming Solutions, <https://www.cga.ct.gov/2008/ACT/PA/2008PA-00098-R00HB-05600-PA.htm>.

<sup>3</sup> Connecticut Academy of Science and Engineering, *Shared Clean Energy Facilities* (Mar. 2015), <http://www.ctcase.org/reports/SCEF/SCEF.pdf>.

<sup>4</sup> *Id.* at 44.

<sup>5</sup> PURA Docket No. 15-12-13, Petition of the Department of Energy and Environmental Protection for a Declaratory Ruling Regarding the Shared Clean Energy Facilities Pilot Program, <http://www.dpuc.state.ct.us/dockcurr.nsf/%28Web+Main+View/All+Dockets%29?OpenView&StartKey=15-12-13>.

<sup>6</sup> [http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/e8c1516e809d491285257f4e004cc03f/\\$FILE/Closing%20Letter.pdf](http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/e8c1516e809d491285257f4e004cc03f/$FILE/Closing%20Letter.pdf).

program financially unviable and it must be removed if Connecticut wants a functional shared solar program. This new provision would only require the electric utilities to purchase power from shared solar installations for fifteen years. The solar developers have made it clear in the past that fifteen years is unacceptable: the financing period needs to be more like 25 or 30 years, roughly the life of the equipment. The proposed fifteen-year restriction would make it virtually impossible for solar developers to obtain financing for shared solar projects in Connecticut, making these projects financially unviable. By comparison, Maryland's new shared solar regulations establish a financing period of 25 years.<sup>7</sup>

In conclusion, CFE opposes H.B. 5427 because: (1) it would add unnecessary delays to the state's pilot program, which is already far behind schedule, and (2) because it would render shared solar projects financially unviable. Connecticut can greatly benefit from shared solar, and the state should implement a full-scale program that does not cap the number of projects or total megawatts as soon as possible. H.B. 5427 would instead stifle clean energy in Connecticut by imposing additional delays and creating new obstacles for shared solar.

Thank you for your time and consideration in this matter.

Respectfully submitted,

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