



General Assembly

January Session, 2019

Raised Bill No. 960

LCO No. 5045



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

AN ACT CONCERNING MEMBERS OF THE CONNECTICUT GREEN BANK BOARD OF DIRECTORS AND THE PUBLIC UTILITIES REGULATORY AUTHORITY'S REVIEW OF CLAIMS ARISING FROM CONTRACTS PREVIOUSLY APPROVED BY THE AUTHORITY.

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

1 Section 1. Subdivision (1) of subsection (e) of section 16-245n of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2019*):

4 (e) (1) The powers of the Connecticut Green Bank shall be vested in
5 and exercised by a board of directors, which shall consist of eleven
6 voting and [two] one nonvoting [members] member each with
7 knowledge and expertise in matters related to the purpose and
8 activities of said bank appointed as follows: The Treasurer or the
9 Treasurer's designee, the Commissioner of Energy and Environmental
10 Protection or the commissioner's designee and the Commissioner of
11 Economic and Community Development or the commissioner's
12 designee, each serving ex officio, one member who shall represent a
13 residential or low-income group appointed by the speaker of the

14 House of Representatives for a term of four years, one member who
15 shall have experience in investment fund management appointed by
16 the minority leader of the House of Representatives for a term of three
17 years, one member who shall represent an environmental organization
18 appointed by the president pro tempore of the Senate for a term of four
19 years, and one member who shall have experience in the finance or
20 deployment of renewable energy appointed by the minority leader of
21 the Senate for a term of four years. Thereafter, such members of the
22 General Assembly shall appoint members of the board to succeed such
23 appointees whose terms expire and each member so appointed shall
24 hold office for a period of four years from the first day of July in the
25 year of his or her appointment. The Governor shall appoint four
26 members to the board as follows: Two for two years who shall have
27 experience in the finance of renewable energy; one for four years who
28 shall be a representative of a labor organization; and one who shall
29 have experience in research and development or manufacturing of
30 clean energy. Thereafter, the Governor shall appoint members of the
31 board to succeed such appointees whose terms expire and each
32 member so appointed shall hold office for a period of four years from
33 the first day of July in the year of his or her appointment. The
34 president of the Connecticut Green Bank shall be elected by the
35 members of the board. The president of the Connecticut Green Bank
36 shall serve on the board in an ex-officio, nonvoting capacity. The
37 Governor shall appoint the chairperson of the board. The board shall
38 elect from its members a vice chairperson and such other officers as it
39 deems necessary and shall adopt such bylaws and procedures it deems
40 necessary to carry out its functions. The board may establish
41 committees and subcommittees as necessary to conduct its business.

42 Sec. 2. Section 16-35 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective from passage and*
44 *applicable to contracts approved on or after said date*):

45 (a) Any person, including but not limited to a company, town, city,
46 borough or corporation aggrieved by any order, authorization or

47 decision of the Public Utilities Regulatory Authority, except an order,
48 authorization or decision of the authority approving the taking of land,
49 in any matter to which such person was or ought to have been made a
50 party or intervenor, may appeal therefrom in accordance with the
51 provisions of section 4-183, provided any person who is party to a
52 contract described in subsection (d) of this section shall first bring their
53 claim to the authority pursuant to said subsection. Such person so
54 appealing shall give bond to the state, with sufficient surety, for the
55 benefit of the adverse party, in such sum as the authority fixes, to pay
56 all costs in case such person fails to sustain such appeal. No
57 municipality or political subdivision shall be determined not to be
58 aggrieved solely because there are other persons who are similarly
59 affected by the order, authorization or decision of the authority.

60 (b) Any person who may appeal an order, authorization or decision
61 of the authority under subsection (a) of this section who was an
62 intervenor or, after timely application, was denied intervenor status to
63 the authority proceeding, shall be limited to raise on appeal only those
64 issues that (1) such person addressed during the proceeding or were
65 addressed in the final decision, or (2) such person raised in his request
66 for intervenor status if he was denied intervenor status.

67 (c) Notwithstanding any provision of this title and title 16a,
68 proceedings in which the Public Utilities Regulatory Authority
69 conducts a request for proposals or any other procurement process for
70 the purpose of acquiring electricity products or services for the benefit
71 of ratepayers shall be uncontested.

72 (d) (1) The first dispute arising from a contract that is approved by
73 the Public Utilities Regulatory Authority where (A) a public service
74 company is a party to the contract, (B) the contract price is funded by
75 ratepayers, and (C) the purpose of the contract is for the public service
76 company to purchase products and services for the benefit of
77 ratepayers, shall be brought by a party to said contract to the authority.
78 A party may petition the authority for a declaratory ruling or make an

79 application for review pursuant to this subsection or the section of the
80 general statutes that governs said contract. Notwithstanding
81 subsection (a) of section 4-176, the authority may not on its own
82 motion initiate a proceeding to review a contract described in this
83 subsection.

84 (2) The authority shall review such contract claims brought
85 pursuant to subdivision (1) of this subsection. The authority shall
86 decide such contract claims by issuing a declaratory ruling or a final
87 decision in a contested case proceeding, including ordering legal and
88 equitable contract remedies. Any party to such contract shall have the
89 right to appeal to the Superior Court from any such declaratory ruling
90 or final decision adjudicating such contract claims pursuant to
91 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	16-245n(e)(1)
Sec. 2	<i>from passage and applicable to contracts approved on or after said date</i>	16-35

Statement of Purpose:

To accurately reflect the number of nonvoting members that serve on the board of the Green Bank and to require the Public Utilities Regulatory Authority to review claims arising from contracts the authority previously approved.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]