



General Assembly

January Session, 2021

Governor's Bill No. 882

LCO No. 3280



* 0 3 2 8 0 *

Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:

Request of the Governor Pursuant
to Joint Rule 9

AN ACT CONCERNING CLIMATE CHANGE MITIGATION AND HOME ENERGY AFFORDABILITY.

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

1 Section 1. Subsection (a) of section 22a-200a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (a) The state shall reduce the level of emissions of greenhouse gas:

5 (1) Not later than January 1, 2020, to a level at least ten per cent below
6 the level emitted in 1990;

7 (2) Not later than January 1, 2030, to a level at least forty-five per cent
8 below the level emitted in 2001; [and]

9 (3) Not later than January 1, 2040, to a level of zero per cent from
10 electricity supplied to electric customers in the state;

11 [(3)] (4) Not later than January 1, 2050, to a level at least eighty per
12 cent below the level emitted in 2001; [.] and

13 [(4)] (5) All of the levels referenced in this subsection shall be
14 determined by the Commissioner of Energy and Environmental
15 Protection.

16 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) The Commissioner of Energy
17 and Environmental Protection, in consultation with the procurement
18 manager identified in subsection (l) of section 16-2 of the general
19 statutes, the Office of Consumer Counsel and the Attorney General,
20 may, in coordination with other states in the control area of the regional
21 independent system operator, as defined in section 16-1 of the general
22 statutes, in coordination with states in a neighboring control area, or on
23 behalf of the state alone, solicit proposals for energy products or
24 benefits, associated attributes or any combination thereof, in one
25 solicitation or multiple solicitations, from any active demand response
26 measures, passive demand reduction measures or any combination
27 thereof. The commissioner may select proposals from such resources
28 that do not, annually, exceed three hundred thousand megawatt hours
29 of electricity in the aggregate or one hundred megawatts of demand
30 reduction.

31 (b) If an electric distribution company, as defined in section 16-1 of
32 the general statutes, submits a proposal, such electric distribution
33 company shall demonstrate that the electric demand reductions of the
34 proposal are in addition to the projected electric demand reductions of
35 the conservation and load management programs authorized pursuant
36 to section 16-245m of the general statutes.

37 (c) In making any selection of such proposals, the commissioner shall
38 consider factors, including, but not limited to, whether the proposal (1)
39 is in the best interest of ratepayers, (2) is consistent with the
40 requirements to reduce greenhouse gas emissions in accordance with
41 section 22a-200a of the general statutes, as amended by this act, (3) is
42 consistent with the policy goals outlined in the Comprehensive Energy

43 Strategy adopted pursuant to section 16a-3d of the general statutes and
44 the Integrated Resources Plan adopted pursuant to section 16a-3a of the
45 general statutes, and (4) whether the proposal promotes electric
46 distribution system benefits.

47 (d) The commissioner may direct the electric distribution companies
48 to enter into power purchase agreements for energy products or
49 benefits, associated attributes or any combination thereof from
50 resources selected pursuant to this section for periods of not more than
51 twenty years on behalf of customers of the state's electric distribution
52 companies. The commissioner may direct the electric distribution
53 companies to provide information necessary to develop and implement
54 any solicitation issued pursuant to this section, including, but not
55 limited to, criteria for distribution system benefits.

56 (e) Certificates issued by the New England Power Pool Generation
57 Information System for any Class III source procured by an electric
58 distribution company pursuant to this section may be: (1) Sold into the
59 New England Power Pool Generation Information System renewable
60 energy credit market to be used by any electric supplier or electric
61 distribution company to meet the requirements of section 16-245a of the
62 general statutes, provided the revenues from such sale are credited to
63 electric distribution company customers as described in this section; or
64 (2) retained by the electric distribution company to meet the
65 requirements of section 16-245a of the general statutes. In considering
66 whether to sell or retain such certificates, the electric distribution
67 company shall select the option that is in the best interest of such
68 company's ratepayers, as directed by the Public Utilities Regulatory
69 Authority.

70 (f) Any agreement entered into pursuant to this section shall be
71 subject to review and approval by the Public Utilities Regulatory
72 Authority, which review shall be completed not later than one hundred
73 twenty days after receipt by the authority. The authority shall review
74 and approve such agreement if it meets the criteria in the request for
75 proposals issued pursuant to subsection (a) of this section and is in the

76 best interest of ratepayers. If the authority does not issue a decision
77 within one hundred twenty days after such filing, the agreement shall
78 be deemed approved. The net costs of any such agreement, including
79 costs incurred by the electric distribution companies under the
80 agreement and reasonable and prudent costs incurred by the electric
81 distribution companies in connection with the agreement, shall be
82 recovered on a timely basis through a fully reconciling component of
83 electric rates through all customers of the electric distribution
84 companies. Any net revenues from the sale of products purchased in
85 accordance with long-term contracts entered into pursuant to this
86 section shall be credited to customers of the electric distribution
87 companies.

88 (g) The commissioner may hire consultants with expertise in active
89 and passive demand response programs to assist in implementing this
90 section, including, but not limited to, the evaluation of proposals
91 submitted pursuant to this section. All reasonable costs associated with
92 the commissioner's solicitation and review of proposals pursuant to this
93 section shall be recoverable on a timely basis through a fully reconciling
94 component of electric rates through all customers of the electric
95 distribution companies. Such costs shall be recoverable even if the
96 commissioner does not select any proposals pursuant to any solicitation
97 issued pursuant to this section.

98 (h) (1) Any dispute arising from a contract that is approved by the
99 authority pursuant to this section shall be brought to the authority. A
100 party may petition the authority for a declaratory ruling or make an
101 application for review pursuant to this subsection. Notwithstanding
102 subsection (a) of section 4-176 of the general statutes, the authority may
103 not, on its own motion, initiate a proceeding to review a contract entered
104 into pursuant to this subsection.

105 (2) The authority shall review such contract claims brought pursuant
106 to subdivision (1) of this subsection. The authority shall decide such
107 contract claims by issuing a declaratory ruling or a final decision in a
108 contested case proceeding, including ordering legal and equitable

109 contract remedies. Any party to the contract shall have the right to
110 appeal to the Superior Court from any such declaratory ruling or final
111 decision adjudicating such contract claims pursuant to this subsection.

112 Sec. 3. (NEW) (*Effective October 1, 2021*) (a) (1) As used in this section,
113 "Home Energy Label" means (A) a United States Department of Energy
114 Home Energy Score, (B) a Home Energy Rating System Index Score, or
115 (C) an ENERGY STAR Score.

116 (2) The Department of Energy and Environmental Protection may
117 adopt regulations, in accordance with the provisions of chapter 54 of the
118 general statutes, that qualify additional standards as a Home Energy
119 Label.

120 (b) (1) A landlord shall provide a Home Energy Label for any
121 dwelling unit wherever such dwelling unit is publicly listed to rent,
122 unless such rent payment will include all charges for electricity, natural
123 gas or heating fuel, as defined in section 16a-23m of the general statutes.

124 (2) Notwithstanding the provisions of subdivision (1) of this
125 subsection, a landlord may comply with the requirements of this section
126 by providing the: (A) Total monthly costs of electricity, natural gas or
127 heating fuel for such dwelling unit during the most recent twelve
128 months of occupation; (B) total monthly amounts of electricity, natural
129 gas or heating fuel consumed for such dwelling unit during the most
130 recent twelve months of occupation; (C) average costs of electricity,
131 natural gas or heating fuel for such dwelling unit during the most recent
132 twelve months of occupation; and (D) average monthly amounts of
133 electricity, natural gas or heating fuel consumed for such dwelling unit
134 during the most recent twelve months of occupation.

135 (c) Each electric distribution and gas company, as defined in section
136 16-1 of the general statutes, heating fuel dealer, as defined in section 16a-
137 23m of the general statutes, and other provider of electricity, natural gas
138 or heating fuel shall maintain and make available to a landlord, free of
139 charge, records of the energy consumption data for dwelling units
140 owned, leased or subleased by said landlord for the preceding twelve

141 months of occupation. The Public Utilities Regulatory Authority may
142 authorize each electric distribution and gas company to recover its
143 prudently incurred information technology costs associated with the
144 collection and distribution of the energy consumption data made
145 available to landlords pursuant to this subsection.

146 (d) If such dwelling unit was unoccupied during part or all of the
147 preceding twelve months, such records shall contain energy
148 consumption data for the most recent twelve months of occupation.

149 (e) No electric distribution company, gas company, heating fuel
150 dealer or other provider of electricity, natural gas or heating fuel shall
151 disclose personally identifiable information in such records when the
152 energy associated account owner and the landlord are not the same
153 person.

154 (f) (1) If any landlord fails to comply with the provisions of this
155 section, the tenant may deduct an amount equivalent to one month's
156 rent from any sum of rent or payment for use and occupancy due and
157 owing, or to become due and owing, to the landlord.

158 (2) Notwithstanding the provisions of section 51-164p of the general
159 statutes, any municipality may, by ordinance, establish a civil penalty
160 payable to such municipality for a violation of this section, provided
161 such civil penalty shall not exceed five hundred dollars for the first
162 violation and one thousand dollars for any subsequent violation. Any
163 person who is assessed a civil penalty pursuant to this section may
164 appeal therefrom to the Superior Court.

165 (3) An appeal shall be instituted not later than thirty days after the
166 mailing of notice of such assessment by filing a petition to reopen
167 assessment, together with an entry fee in an amount equal to the entry
168 fee for a small claims case pursuant to section 52-259 of the general
169 statutes, at the superior court facility designated by the Chief Court
170 Administrator, which shall entitle such person to a hearing in
171 accordance with the rules of the judges of the Superior Court.

172 (4) The remedies in this subsection shall be in addition to any other
173 remedies available at law, or in equity, to any person. This section shall
174 not be construed to limit or restrict the authority of any state or local
175 housing or health code enforcement agency.

176 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) (1) As used in this section,
177 "Home Energy Label" means (A) a United States Department of Energy
178 Home Energy Score, (B) a Home Energy Rating System Index Score, or
179 (C) an ENERGY STAR Score.

180 (2) The Department of Energy and Environmental Protection may
181 adopt regulations, in accordance with the provisions of chapter 54 of the
182 general statutes, that qualify additional standards as a Home Energy
183 Label.

184 (b) (1) A residential property owner shall provide a Home Energy
185 Label for any residential property wherever such residential property is
186 publicly listed for sale.

187 (2) Notwithstanding the provisions of subdivision (1) of this
188 subsection, a residential property owner may comply with the
189 requirements of this section by providing the: (A) Total monthly costs
190 of electricity, natural gas or heating fuel for such residential property
191 during the most recent twelve months of occupation; (B) total monthly
192 amounts of electricity, natural gas or heating fuel consumed for such
193 residential property during the most recent twelve months of
194 occupation; (C) average costs of electricity, natural gas or heating fuel
195 for such residential property during the most recent twelve months of
196 occupation; and (D) average monthly amounts of electricity, natural gas
197 or heating fuel consumed for such residential property during the most
198 recent twelve months of occupation.

199 (c) Each electric distribution and gas company, as defined in section
200 16-1 of the general statutes, heating fuel dealer, as defined in section 16a-
201 23m of the general statutes, and other provider of electricity, natural gas
202 or heating fuel shall maintain and make available to a residential
203 property owner, free of charge, records of the energy consumption data

204 for residential properties owned by said residential property owner for
 205 the preceding twelve months of occupation. The Public Utilities
 206 Regulatory Authority may authorize each electric distribution and gas
 207 company to recover its prudently incurred information technology costs
 208 associated with the collection and distribution of the energy
 209 consumption data made available to residential property owners
 210 pursuant to this subsection.

211 (d) If such residential property was unoccupied during part or all of
 212 the preceding twelve months, such records shall contain energy
 213 consumption data for the most recent twelve months of occupation.

214 (e) No electric distribution company, gas company, heating fuel
 215 dealer or other provider of electricity, natural gas or heating fuel shall
 216 disclose personally identifiable information in such records when the
 217 energy associated account owner and the residential property owner are
 218 not the same person.

219 (f) On and after July 1, 2021, every agreement to purchase residential
 220 property for which a Home Energy Label is required pursuant to this
 221 section shall include a requirement that the seller credit the purchaser
 222 with the sum of one thousand dollars at closing should the seller fail to
 223 furnish the information required under subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	22a-200a(a)
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]