



General Assembly

February Session, 2022

Raised Bill No. 176

LCO No. 1714



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

AN ACT CONCERNING SHARED CLEAN ENERGY FACILITIES.

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

1 Section 1. Subdivision (2) of subsection (a) of section 16-244z of the
2 2022 supplement to the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2022*):

4 (2) Not later than July 1, 2022, and annually thereafter, each electric
5 distribution company shall solicit and file with the Public Utilities
6 Regulatory Authority for its approval one or more projects selected
7 resulting from any procurement issued pursuant to subdivision (1) of
8 this subsection that are consistent with the tariffs approved by the
9 authority pursuant to subparagraphs (B) and (C) of subdivision (1) of
10 this subsection and that are applicable to (A) customers that own or
11 develop new generation projects on a customer's own premises that are
12 less than [two] five megawatts in size, serve the distribution system of
13 the electric distribution company, are constructed after the solicitation
14 conducted pursuant to subdivision (4) of this subsection to which the
15 customer is responding, and use a Class I renewable energy source that
16 either (i) uses anaerobic digestion, or (ii) has emissions of no more than

17 0.07 pounds per megawatt-hour of nitrogen oxides, 0.10 pounds per
18 megawatt-hour of carbon monoxide, 0.02 pounds per megawatt-hour of
19 volatile organic compounds and one grain per one hundred standard
20 cubic feet, (B) customers that own or develop new generation projects
21 on a customer's own premises that are less than [two] five megawatts in
22 size, serve the distribution system of the electric distribution company,
23 are constructed after the solicitation conducted pursuant to subdivision
24 (4) of this subsection to which the customer is responding, and use a
25 Class I renewable energy source that emits no pollutants, and (C)
26 customers that own or develop new generation projects that are a shared
27 clean energy facility, as defined in section 16-244x, and subscriptions, as
28 defined in such section, associated with such facility, consistent with the
29 program requirements developed pursuant to subparagraph (C) of
30 subdivision (1) of this subsection. Any project that is eligible pursuant
31 to subparagraph (C) of this subdivision shall not be eligible pursuant to
32 subparagraph (A) or (B) of this subdivision.

33 Sec. 2. Subdivision (6) of subsection (a) of section 16-244z of the 2022
34 supplement to the general statutes is repealed and the following is
35 substituted in lieu thereof (*Effective October 1, 2022*):

36 (6) The program requirements for shared clean energy facilities
37 developed pursuant to subparagraph (C) of subdivision (1) of this
38 subsection shall include, but not be limited to, the following:

39 (A) The department shall allow cost-effective projects of various
40 nameplate capacities that may allow for the construction of multiple
41 projects in the service area of each electric distribution company that
42 operates within the state.

43 (B) The department shall determine the billing credit for any
44 subscriber of a shared clean energy facility that may be issued through
45 the electric distribution companies' monthly billing systems, and
46 establish consumer protections for subscribers and potential subscribers
47 of such a facility, including, but not limited to, disclosures to be made
48 when selling or reselling a subscription.

49 (C) Such program shall utilize one or more tariff mechanisms with
50 the electric distribution companies for a term not to exceed twenty years,
51 subject to approval by the Public Utilities Regulatory Authority, to pay
52 for the purchase of any energy products and renewable energy
53 certificates produced by any eligible shared clean energy facility, or to
54 deliver any billing credit of any such facility.

55 (D) The department shall limit subscribers to (i) low-income
56 customers, (ii) moderate-income customers, (iii) small business
57 customers, (iv) state or municipal customers, (v) commercial customers,
58 and (vi) residential customers who can demonstrate, pursuant to criteria
59 determined by the department in the program requirements
60 recommended by the department and approved by the authority, that
61 they are unable to utilize the tariffs offered pursuant to subsection (b) of
62 this section.

63 (E) The department shall require that (i) not less than ~~[ten]~~ twenty per
64 cent of the total capacity of each shared clean energy facility is sold,
65 given or provided to low-income customers, and (ii) in addition to the
66 requirement of clause (i) of this subparagraph, not less than ~~[ten]~~ sixty
67 per cent of the total capacity of each shared clean energy facility is sold,
68 given or provided to low-income customers, moderate-income
69 customers or low-income service organizations.

70 (F) The department may allow preferences to projects that serve low-
71 income customers and shared clean energy facilities that benefit
72 customers who reside in environmental justice communities.

73 (G) The department shall require not less than forty per cent of the
74 shared clean energy facilities developed pursuant to subparagraph (C)
75 of subdivision (1) of this subsection to be located in environmental
76 justice communities.

77 ~~[(G)]~~ (H) The department may create incentives or other financing
78 mechanisms to encourage participation by low-income customers.

79 ~~[(H)]~~ (I) The department may require that not more than fifty per cent

80 of the total capacity of each shared clean energy facility is sold to
81 commercial customers.

82 Sec. 3. Subparagraph (A) of subdivision (1) of subsection (c) of section
83 16-244z of the 2022 supplement to the general statutes is repealed and
84 the following is substituted in lieu thereof (*Effective October 1, 2022*):

85 (c) (1) (A) The aggregate total megawatts available to all customers
86 utilizing a procurement and tariff offered by electric distribution
87 companies pursuant to subsection (a) of this section shall be up to
88 eighty-five megawatts in year one and increase by up to an additional
89 eighty-five megawatts per year in each of the years two through six of
90 such a tariff, provided the total megawatts available to customers
91 eligible under subparagraph (A) of subdivision (2) of subsection (a) of
92 this section shall not exceed ten megawatts per year, the total megawatts
93 available to customers eligible under subparagraph (B) of subdivision
94 (2) of subsection (a) of this section shall not exceed fifty megawatts per
95 year and the total megawatts available to customers eligible under
96 subparagraph (C) of subdivision (2) of subsection (a) of this section shall
97 not exceed [twenty-five] thirty-five megawatts per year. The authority
98 shall monitor the competitiveness of any procurements authorized
99 pursuant to subsection (a) of this section and may adjust the annual
100 purchase amount established in this subsection or other procurement
101 parameters to maintain competitiveness. Any megawatts not allocated
102 in any given year shall [not] roll into the next year's available
103 megawatts. The obligation to purchase energy and renewable energy
104 certificates shall be apportioned to electric distribution companies based
105 on their respective distribution system loads, as determined by the
106 authority.

107 Sec. 4. Section 16-244z of the 2022 supplement to the general statutes
108 is amended by adding subsections (f) and (g) as follows (*Effective October*
109 *1, 2022*):

110 (NEW) (f) An electric distribution company may submit a proposal
111 to the Department of Energy and Environmental Protection to own one

112 or more solar power electrical generation facilities developed pursuant
113 to subparagraph (C) of subdivision (1) of subsection (a) of this section.

114 (NEW) (g) Notwithstanding the size-to-load provisions of
115 subdivision (4) of subsection (a) of this section, the entire rooftop space
116 of a customer's own premises developed pursuant to subparagraph (B)
117 of subdivision (1) of subsection (a) of this section and owned by a
118 commercial or industrial customer may be used for purposes of
119 electricity generation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	16-244z(a)(2)
Sec. 2	<i>October 1, 2022</i>	16-244z(a)(6)
Sec. 3	<i>October 1, 2022</i>	16-244z(c)(1)(A)
Sec. 4	<i>October 1, 2022</i>	16-244z

Statement of Purpose:

To: (1) Modify existing energy caps involving shared clean energy facilities, (2) permit electric distribution companies to own solar power generation facilities within the Shared Clean Energy Facility program, and (3) to allow commercial and industrial customers in the non-residential renewable energy tariff program to use their entire roof space for generation.

[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.]