



General Assembly

Amendment

February Session, 2022

LCO No. 5481



Offered by:

SEN. NEEDLEMAN, 33rd Dist.

REP. ARCONTI, 109th Dist.

REP. FERRARO C., 117th Dist.

To: Subst. Senate Bill No. 176

File No. 348

Cal. No. 246

"AN ACT CONCERNING CLEAN ENERGY TARIFF PROGRAMS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivision (2) of subsection (a) of section 16-244z of the
4 2022 supplement to the general statutes is repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2022*):

6 (2) Not later than July 1, 2022, and annually thereafter, each electric
7 distribution company shall solicit and file with the Public Utilities
8 Regulatory Authority for its approval one or more projects selected
9 resulting from any procurement issued pursuant to subdivision (1) of
10 this subsection that are consistent with the tariffs approved by the
11 authority pursuant to subparagraphs (B) and (C) of subdivision (1) of
12 this subsection and that are applicable to (A) customers that own or
13 develop new generation projects on a customer's own premises that are
14 less than [two] five megawatts in size, serve the distribution system of

15 the electric distribution company, are constructed after the solicitation
16 conducted pursuant to subdivision (4) of this subsection to which the
17 customer is responding, and use a Class I renewable energy source that
18 either (i) uses anaerobic digestion, or (ii) has emissions of no more than
19 0.07 pounds per megawatt-hour of nitrogen oxides, 0.10 pounds per
20 megawatt-hour of carbon monoxide, 0.02 pounds per megawatt-hour of
21 volatile organic compounds and one grain per one hundred standard
22 cubic feet, (B) customers that own or develop new generation projects
23 on a customer's own premises that are less than [two] five megawatts in
24 size, serve the distribution system of the electric distribution company,
25 are constructed after the solicitation conducted pursuant to subdivision
26 (4) of this subsection to which the customer is responding, and use a
27 Class I renewable energy source that emits no pollutants, and (C)
28 customers that own or develop new generation projects that are a shared
29 clean energy facility, [as defined in section 16-244x, and subscriptions,
30 as defined in such section, associated with such facility,] consistent with
31 the program requirements developed pursuant to subparagraph (C) of
32 subdivision (1) of this subsection. For purposes of this section, "shared
33 clean energy facility" means a Class I renewable energy source, as
34 defined in section 16-1, that (i) is served by an electric distribution
35 company, as defined in section 16-1, (ii) is within the same electric
36 distribution company service territory as the individual billing meters
37 for subscriptions, (iii) has a nameplate capacity rating of five megawatts
38 or less, and (iv) has at least two subscribers. Any project that is eligible
39 pursuant to subparagraph (C) of this subdivision shall not be eligible
40 pursuant to subparagraph (A) or (B) of this subdivision.

41 Sec. 2. Subdivisions (6) and (7) of subsection (a) of section 16-244z of
42 the 2022 supplement to the general statutes are repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2022*):

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

47 (A) The department shall allow cost-effective projects of various

48 nameplate capacities that may allow for the construction of multiple
49 projects in the service area of each electric distribution company that
50 operates within the state.

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

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

63 (D) The department shall limit subscribers to (i) low-income
64 customers, (ii) moderate-income customers, (iii) small business
65 customers, (iv) state or municipal customers, (v) commercial customers,
66 and (vi) residential customers who can demonstrate, pursuant to criteria
67 determined by the department in the program requirements
68 recommended by the department and approved by the authority, that
69 they are unable to utilize the tariffs offered pursuant to subsection (b) of
70 this section.

71 (E) The department shall require that (i) not less than [ten] twenty per
72 cent of the total capacity of each shared clean energy facility is sold,
73 given or provided to low-income customers, and (ii) [in addition to the
74 requirement of clause (i) of this subparagraph,] not less than [ten] sixty
75 per cent of the total capacity of each shared clean energy facility is sold,
76 given or provided to low-income customers, moderate-income
77 customers or low-income service organizations.

78 (F) The department may allow preferences to projects that serve low-
79 income customers and shared clean energy facilities that benefit

80 customers who reside in environmental justice communities.

81 (G) The department may create incentives or other financing
82 mechanisms to encourage participation by low-income customers.

83 (H) The department may require that not more than fifty per cent of
84 the total capacity of each shared clean energy facility is sold to
85 commercial customers.

86 (7) For purposes of this subsection:

87 (A) "Environmental justice community" has the same meaning as
88 provided in subsection (a) of section 22a-20a;

89 (B) "Low-income customer" means an in-state retail end user of an
90 electric distribution company (i) whose income does not exceed [eighty]
91 sixty per cent of the [area] state median income, [as defined by the
92 United States Department of Housing and Urban Development,]
93 adjusted for family size, or (ii) that is an affordable housing facility; [as
94 defined in section 8-39a;]

95 (C) "Low-income service organization" means a for-profit or
96 nonprofit organization that provides service or assistance to low-income
97 individuals;

98 (D) "Moderate-income customer" means an in-state retail end user of
99 an electric distribution company whose income is between [eighty] sixty
100 per cent and one hundred per cent of the area median income as defined
101 by the United States Department of Housing and Urban Development,
102 adjusted for family size.

103 Sec. 3. Subparagraph (A) of subdivision (1) of subsection (c) of section
104 16-244z of the 2022 supplement to the general statutes is repealed and
105 the following is substituted in lieu thereof (*Effective October 1, 2022*):

106 (c) (1) (A) The aggregate total megawatts available to all customers
107 utilizing a procurement and tariff offered by electric distribution
108 companies pursuant to subsection (a) of this section shall be up to

109 eighty-five megawatts in year one and increase by up to an additional
 110 [eighty-five] one hundred sixty megawatts per year in each of the years
 111 two through six of such a tariff, provided the total megawatts available
 112 to customers eligible under subparagraph (A) of subdivision (2) of
 113 subsection (a) of this section shall not exceed ten megawatts per year,
 114 the total megawatts available to customers eligible under subparagraph
 115 (B) of subdivision (2) of subsection (a) of this section shall not exceed
 116 [fifty] one hundred megawatts per year and the total megawatts
 117 available to customers eligible under subparagraph (C) of subdivision
 118 (2) of subsection (a) of this section shall not exceed [twenty-five] fifty
 119 megawatts per year. The authority shall monitor the competitiveness of
 120 any procurements authorized pursuant to subsection (a) of this section
 121 and may adjust the annual purchase amount established in this
 122 subsection or other procurement parameters to maintain
 123 competitiveness. Any megawatts not allocated in any given year shall
 124 [not] roll into the next year's available megawatts. The obligation to
 125 purchase energy and renewable energy certificates shall be apportioned
 126 to electric distribution companies based on their respective distribution
 127 system loads, as determined by the authority.

128 Sec. 4. Section 16-244z of the 2022 supplement to the general statutes
 129 is amended by adding subsection (f) as follows (*Effective October 1, 2022*):

130 (NEW) (f) Notwithstanding the size-to-load provisions of
 131 subdivision (4) of subsection (a) of this section, the entire rooftop space
 132 of a customer's own premises developed pursuant to subparagraph (B)
 133 of subdivision (1) of subsection (a) of this section and owned by a
 134 commercial or industrial customer may be used for purposes of
 135 electricity generation and participation in the solicitation conducted by
 136 each electric distribution company pursuant to subdivision (4) of
 137 subsection (a) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	16-244z(a)(2)

Sec. 2	<i>October 1, 2022</i>	16-244z(a)(6) and (7)
Sec. 3	<i>October 1, 2022</i>	16-244z(c)(1)(A)
Sec. 4	<i>October 1, 2022</i>	16-244z