



## 2023 Acts Affecting Energy and Utilities

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## **Billing Practices**

### ***Electric Bills***

A new law requires electric distribution companies (EDCs, i.e., Eversource and United Illuminating) to use the following four categories for charges in their residential bills: generation, local distribution, transmission, and system benefits and federally mandated congestion charges approved by the Public Utilities Regulatory Authority (PURA). It also allows PURA to modify these categories under certain conditions ([PA 23-102](#), § 14, effective July 1, 2023).

A separate act requires PURA's chairperson to study the delivery portion of the electric bill and consider what additional information should be available to customers on a state-run website, an EDC's website, or at other locations that aim to increase transparency about the costs and benefits of programs funded through certain charges on a customer's bill. The chairperson must submit a report on the study to the Energy and Technology Committee by January 15, 2025 ([PA 23-204](#), § 117, effective July 1, 2023).

### ***Free Paper Bills***

A new law requires any legal entity doing business in the state that delivers or provides consumer goods or services to issue paper, rather than electronic, bills at no cost to a consumer who requests them, if the business regularly issues paper bills ([PA 23-191](#), § 2, effective October 1, 2023).

## **Clean Energy Initiatives**

### ***Class I Renewable Energy Sources***

Among other things, this year's omnibus energy act expands the scope of Class I renewable energy sources by (1) including nuclear generating facilities built on or after October 1, 2023, and (2) increasing the maximum eligible capacity of certain run-of-the-river hydropower facilities from 30 to 60 megawatts (MW). It also increases, from one to 2.5 percentage points, the portion of the Class I Renewable Portfolio Standard (RPS) requirement that may be met with large-scale hydropower under certain limited circumstances, and excludes nuclear generating facilities from a Class I renewable energy source property tax exemption ([PA 23-102](#), § 36, as amended by [PA 23-204](#), § 185, effective upon passage; and [PA 23-102](#), §§ 37 & 38, effective October 1, 2023).

Relatedly, a provision in the budget implementer act increases the cap on how much of the Class I RPS requirement can be met with run-of-the-river hydropower from one to 2.5 percentage points ([PA 23-204](#), § 186, effective October 1, 2023).

## ***Class II Alternative Compliance Payment***

Starting January 1, 2024, a provision in the solid waste management omnibus act increases the alternative compliance payment for failing to meet the state's Class II RPS requirement from 2.5 to three cents per kilowatt hour for wholesale suppliers that provide electricity to EDCs ([PA 23-170](#), § 19, effective January 1, 2024).

## ***Hydrogen Strategic Plan and Project Funding***

A new law requires the Department of Energy and Environmental Protection (DEEP) to develop and approve a hydrogen strategic plan and seek federal funding for projects that advance hydrogen in the state.

Additionally, by law, certain renewable energy project developers must meet specific wage and workforce requirements. Starting January 1, 2025, the new law extends these requirements to projects that produce, process, transport, store, or use hydrogen ([PA 23-156](#), effective July 1, 2023, except the requirement that DEEP seek federal funding is effective upon passage).

## ***Hydropower Task Force***

This year, the legislature created a task force to study the state's existing hydropower assets and review their benefits. The task force must report its findings and recommendations to the Energy and Technology Committee by February 1, 2024 ([SA 23-8](#), effective upon passage).

## ***Microgrid and Resilience Grant and Loan Program***

A new law expands eligibility to participate in the state's Microgrid and Resilience Grant and Loan Program by including any local or regional governmental entity (rather than just municipalities), municipal corporation, regional council of governments, public authority, or state and federally recognized tribe. As under prior law, EDCs; municipal electric utilities; energy improvement districts; and nonprofit, academic, and private entities are also eligible, and eligible recipients may collaborate with each other to submit a proposal ([PA 23-157](#), § 1, effective July 1, 2023).

## ***NRES and SCEF Program Changes***

The omnibus energy act changes the state's Non-Residential Energy Solutions (NRES) and Shared Clean Energy Facility (SCEF) programs by, among other things, (1) allowing EDCs to jointly hold solicitations for the programs; (2) exempting state, municipal, and agricultural customers from the requirement for NRES projects to be located on the customer's premises; and (3) allowing PURA to modify SCEF capacity requirements and certain criteria for low-income and moderate-income customers to align with federal requirements for renewable energy incentives ([PA 23-102](#), § 25, effective October 1, 2023).

## **Energy Efficiency and Conservation**

### ***Housing Environmental Improvement Revolving Loan Fund and Retrofit Pilot Program***

This year's bond act requires the DEEP and housing commissioners to start a pilot program to provide financing for qualifying retrofitting projects in multi-family homes located in environmental justice communities or alliance districts. The financing is funded through a new Housing Environmental Improvement Revolving Loan Fund, with \$125 million in general obligation (GO) bonds authorized to capitalize the fund (\$50 million for FY 24 and \$75 million for FY 25). The program must begin accepting applications by July 1, 2024, and ends on September 30, 2028. But the DEEP commissioner must submit a report to the Housing Committee by October 1, 2027, with recommendations on whether to make it permanent ([PA 23-205](#), §§ 90 & 91, effective October 1, 2023, except the bond authorization is effective July 1, 2023).

### ***State Agency Building Decarbonization Projects***

A new law allows any state agency to participate in a building decarbonization project for a building or facility that is (1) owned or leased by the state and (2) occupied by the agency. A "building decarbonization project" is a project that (1) implements energy efficiency measures, reduces energy usage, or decarbonizes a building or facility's energy use and (2) is offered under the state's Conservation and Load Management Plan or by the Connecticut Green Bank. To participate, an agency must receive a recommendation from DEEP and final approval from the Office of Policy and Management (OPM). OPM may only approve a project if it can be sustained by the agency's operating budget ([PA 23-157](#), § 2, effective upon passage).

## **Gas Detectors**

### ***Fine Revenue to Support Residential Methane Detectors***

A provision in the omnibus energy act allows PURA to require that a portion of any fine it levies against an entity involved in the transportation of gas be used to support the study, installation, and deployment of residential methane detectors by one or more PURA-regulated utility companies. By law, the "transportation of gas" is the gathering, transmission, pipeline distribution, or storage, of natural gas, flammable gas, or toxic or corrosive gas ([PA 23-102](#), § 27, effective upon passage).

### ***Gas Detector Requirement Study***

The omnibus energy act also requires the Department of Administrative Services, the Office of the State Building Inspector, and the Codes and Standards Committee to jointly study and report to the Public Safety Committee on including gas detectors in the State Building Code. The report must cover issues like the (1) feasibility of requiring gas detectors in all buildings that use natural gas or

propane gas, (2) availability of gas detectors that meet the National Fire Protection Association's standards, and (3) fiscal impact on the state and public building owners ([PA 23-102](#), § 40, effective July 1, 2023).

## **Low-Income Energy Assistance Initiatives**

### ***Hardship Customers and Retail Electric Suppliers***

In 2019, PURA ordered the EDCs to (1) switch hardship customers receiving electric generation services from a third-party retail supplier to standard service (i.e., the EDC-provided electric supply service for residential customers) and (2) prevent hardship customers from enrolling with a supplier. A new law, however, allows hardship customers and others protected from electric service shutoffs to contract with a retail electric supplier, so long as the contract is for rates effective on or after January 1, 2024, and for no more than the standard service rate ([PA 23-102](#), § 31, effective upon passage).

### ***LIHEAP Vendor Payment Standards***

New legislation requires the Department of Social Services commissioner to ensure an adequate supply of fuel vendors for the Low-Income Heating Assistance Program (LIHEAP) by (1) setting price standards, (2) reimbursing providers based on the fuel price on the delivery date, and (3) allowing vendors to electronically submit their invoices and receive payments. The new law also requires payment to a fuel vendor within 10, rather than 30, business days after receiving an invoice ([PA 23-204](#), § 295, effective July 1, 2023).

### ***Matching Payment Program***

The state's Matching Payment Program (MPP) generally allows certain gas or electric customers facing a service termination to enter into a repayment plan and have their arrearages reduced with matching payments from the EDCs and gas companies if they meet certain criteria. A new law (1) changes the program's eligibility criteria and payment timeframe and (2) gives PURA greater discretion over allowing gas and electric companies to recover their MPP costs. It also allows PURA to annually distribute up to \$1 million to legal service entities that help people participate in utility company programs that assist customers with utility bill or arrearage payments ([PA 23-102](#), §§ 30 & 32, effective upon passage).

### ***Rates for Gas and Water Company Customers***

A provision in the omnibus energy act requires PURA to determine whether to implement low-income rates for each gas company and PURA-regulated water company with more than 75,000 customers. PURA must do this at each company's next general rate case starting on or after



October 1, 2023, and any low-income rates adopted in the proceeding must only apply to the rate plan that is the subject of the proceeding ([PA 23-102](#), § 24, effective October 1, 2023).

## **Metropolitan District Commission**

### ***Report to DEEP on Projects***

A new law requires Hartford and the Metropolitan District Commission (MDC), by January 1, 2024, to jointly submit a report to DEEP and the Environment and Planning and Development committees on (1) the status of any planned or underway long-term projects in Hartford that are intended to improve the city's sewerage or stormwater infrastructure and (2) their plan to mitigate or prevent future flooding issues, including by investing in green infrastructure ([PA 23-204](#), § 145, effective upon passage).

### ***Sewerage Project Assistance***

The budget implementer act requires DEEP to use available funding, including certain Clean Water Act funds, to operate a program that gives financial assistance to MDC for repairs and improvements to Hartford's sewerage systems, especially projects that will protect residential dwellings from damage ([PA 23-204](#), § 141, effective upon passage).

## **Nuclear Energy**

### ***Connecticut Council for Advancing Nuclear Energy Development***

This year, the legislature created the Connecticut Council for Advancing Nuclear Energy Development to, among other things, plan for nuclear energy advancement in the state. The 18-member council must give the Energy and Technology Committee an annual report on advancements in nuclear energy development, such as opportunities for regional partnerships related to development, expansion, and research ([PA 23-102](#), § 33, effective upon passage).

### ***Nuclear Construction Moratorium***

State law generally prohibits construction from starting on a new nuclear power facility until the DEEP commissioner finds that the federal government has identified and approved a demonstrable way to dispose of high-level nuclear waste. The law previously exempted from this moratorium any nuclear power generating facility currently operating in the state (i.e., Millstone Power Station in Waterford) and a new law further specifies that this exemption applies to construction at the facility ([PA 23-102](#), § 34, effective October 1, 2023).

## ***Radiation Regulation***

A new law furthers the state’s transition to “agreement state status” with the U.S. Nuclear Regulatory Commission (NRC). This status allows states to assume responsibility for regulating and licensing radiation byproduct material, source material, and certain amounts of special nuclear materials. Principally, the new law authorizes the DEEP commissioner to impound ionizing radiation sources when she finds that there is or will likely be an imminent human health or environmental threat. It also (1) allows her to disclose inspection-related information about possible violations to the NRC and (2) expands the scope of the required ionizing radiation source licensing regulations to include devices or equipment that use these sources ([PA 23-153](#), effective upon passage).

## **Public Utilities Regulatory Authority**

### ***Chairperson Selection***

Under a new law, the governor must select PURA’s chairperson from among the PURA commissioners, rather than PURA’s commissioners electing the chairperson from among themselves ([PA 23-102](#), § 21, as amended by [PA 23-204](#), §§ 118 & 451, effective upon passage).

### ***Stakeholder Group Compensation Program***

New legislation requires PURA to create a program through which a stakeholder group in a PURA proceeding may have certain expenses (e.g., attorney’s and expert witness fees) paid by the company that is subject to the proceeding. It limits this compensation to \$100,000 per group; \$300,000 for all groups in a proceeding; and \$1.2 million for all groups in a calendar year. Eligible stakeholder groups are generally (1) a proceeding’s intervenors or participants that represent the interests of residential utility customers living in an environmental justice community, residential utility customer hardship cases, or small business customers or (2) a Connecticut nonprofit organization authorized to represent those types of customers ([PA 23-102](#), § 15, effective upon passage).

### ***Stays of Enforcement***

Under a new law, when PURA is deciding to stay enforcement of a civil penalty, it may only do so if the entity appealing the penalty provides an escrow deposit, bond, or other surety that equals the penalty. And to obtain a stay of enforcement for any other PURA order, authorization, or decision, the appealing entity must show that (1) there is a strong likelihood of the appeal’s success, (2) it will suffer substantial and irreparable harm without a stay, and (3) the stay will not harm the public interest ([PA 23-102](#), § 11, effective upon passage).

## ***Studies, Proceedings, and Reports***

The omnibus energy act requires PURA to (1) report on the procurement processes, policies, procedures, and timelines associated with procuring standard service and supplier of last resort service (i.e., power generation services for those who do not receive service from a retail electric supplier); (2) report on the joint federal-state task force on electric transmission's activities, including discussions about protecting transmission and distribution infrastructure; and (3) open a proceeding to examine stray voltage (i.e., unwanted electrical leakage) occurrences in the state and make recommendations for detecting, mitigating, and preventing them ([PA 23-102](#), §§ 16, 28 & 29, effective upon passage, except the stray voltage provision is effective October 1, 2023).

## **Siting Energy Facilities**

### ***Environmental Justice Review***

The state's environmental justice law generally requires applicants seeking to build, expand, or site certain facilities (e.g., electric generating facilities that can generate more than 10 MW) in environmental justice communities to engage in a public participation process. A new law makes changes to this law by, among other things:

1. requiring certain applicants to file an assessment of environmental or public health stressors after DEEP adopts associated regulations;
2. expanding the notice that must be given about an upcoming informal public meeting to include online posts and direct mail notice to certain households;
3. allowing for the assessment of a reasonable fee on an applicant to cover the costs of implementing the environmental justice law; and
4. after the adoption of associated regulations, allowing DEEP or the Siting Council, as applicable, to deny or place reasonable conditions on a permit for a new facility if it finds that approving it would yield adverse cumulative environmental or public health stressors that are greater than those experienced in other communities ([PA 23-202](#), effective October 1, 2023).

A provision in the annual bond act, however, creates a process for electors or voters in municipalities of 10,000 or fewer persons to petition for a town referendum on a permit denial by the commissioner that is based on cumulative environmental or public health stressors. Under this act, an affirmative vote by the voters overrides the commissioner's denial and deems the permit approved ([PA 23-205](#), § 191, effective October 1, 2024).

## ***Solar Facility Decommissioning Bond***

The legislature passed a new law that prohibits the Connecticut Siting Council from approving a solar photovoltaic facility of at least two MW capacity on prime farmland or core forest unless the project applicant provides a bond to cover the costs of decommissioning the facility and restoring the farmland so that it is suitable for farming ([PA 23-163](#), effective upon passage).

## **Solid Waste Management**

### ***Green Bank Bonding***

The Legislature passed a new law allowing the Connecticut Green Bank to issue environmental infrastructure bonds to finance any solid waste facility chosen in a DEEP request for proposals from solid waste management services providers. This new law also (1) allows the DEEP commissioner to enter into agreement with the Green Bank to have the bonds issued; (2) doubles, to \$500 million, the total amount of bonds the Green Bank can issue that are back by a special capital reserve fund; and (3) removes a provision from prior law that prohibited the Green Bank from financing and supporting projects that involve municipal solid waste ([PA 23-170](#), §§ 20-22, effective upon passage).

### ***Quasi-Public Solid Waste Management Authorities***

A principal component of the solid waste management omnibus act is the winddown of the quasi-public Materials Innovation and Recycling Authority (MIRA). The act creates a successor organization named the “MIRA Dissolution Authority” (MDA) and tasks it with things such as winding down MIRA’s operations and identifying the needs related to redeveloping certain MDA properties.

By January 1, 2024, the act also requires the OPM secretary, in consultation with the DEEP commissioner, to give the Energy and Technology and Environment committees recommendations on the feasibility and advisability of creating a new quasi-public state agency, state waste authority, or other entity for developing new solid waste infrastructure and operating and maintaining new or existing solid waste infrastructure ([PA 23-170](#), §§ 8-15 & 23-25, various effective dates).

### ***Sustainable Materials Management Program***

A provision in the solid waste management omnibus act requires the amount beyond \$2.8 million in collected solid waste fees from resource recovery facility owners to be deposited into the sustainable materials management account. By law, funds in this account are for a solid waste reduction program and the account already receives funding from RPS alternative compliance payments. In addition to solid waste reduction projects, the act allows the DEEP commissioner to pledge account funds for revenue bonds, the proceeds of which to be for associated solid waste infrastructure projects, and use program funds to support infrastructure development at certain

upgraded, expanded, or proposed solid waste management facilities ([PA 23-170](#), §§ 6 & 16, effective July 1, 2023, except the provision expanding the account's use is effective upon passage).

## **TV and Telecommunications**

### ***Cable TV and Video Service Provider Cancellations***

A new law requires community antenna (i.e., cable) TV companies and certified competitive video services providers (e.g., Frontier or Verizon) to give customers a rebate when they request a disconnection, service downgrade, or cancellation before the last day of the monthly billing period. The rebate must be prorated for all of the billing cycle's days after the disconnection, downgrade, or cancellation. A certified competitive video services provider is an entity offering video service under a PURA-issued certificate of video franchise authority (CVFA). In practice, all cable companies in the state hold CVFAs.

Existing law prohibits cable TV companies from charging customers (1) disconnection fees, (2) service downgrade fees that exceed the company's costs for the downgrade, or (3) for any service or service option after a disconnection or downgrade request (as applicable) unless the customer prevented the company from disconnecting service in a reasonable time. The new law broadens existing law to (1) also cover certified competitive video services providers and (2) ban charges for service after a cancellation request ([PA 23-98](#), § 18, as amended by [PA 23-191](#), § 3, effective October 1, 2023).

### ***Telecommunications and Cable TV Company Changes in Control***

A new law requires PURA's approval for certain changes in control (e.g., mergers) of cable TV companies, certified competitive video services providers, or certified telecommunications providers (i.e., those PURA approved to provide intrastate telecommunications). It applies to (1) those companies that supply services within the state or any holding company doing the principal part of its business in the state, and (2) mergers and actions that create a holding company or change control of an existing holding company.

Existing law requires PURA's approval for changes in control of a PURA-regulated utility (e.g., electric, gas, and water utilities), and this act extends substantially similar criteria and procedural requirements to the companies and providers it newly covers, although it gives PURA an extra 60 days to make determinations about the new applications ([PA 23-98](#), § 19, as amended by [PA 23-191](#), § 4, effective July 1, 2023).

## ***Telemarketing and Do Not Call Registries***

A new law generally broadens applicability of the state’s telemarketing laws, Do Not Call laws, and other related restrictions, generally narrowing the scope of permissible calls and making it easier to pursue violators. It generally prohibits any legal entity from providing substantial assistance or support to someone initiating a voice communication or telephonic sales call that enables them to make a voice communication or telephonic sales call if the entity knows, or avoids knowing, that they are engaged or intend to engage in fraud or a practice that violates the telemarketing and Do Not Call laws. However, it does not ban the provision of Internet access that excludes initiation of a voice communication or text message, nor does it prohibit a terminating provider (a telecommunications provider upon whose network a voice communication terminates to a call recipient or end user) from taking any action to complete a voice communication (e.g., restoring a dropped call) ([PA 23-98](#), §§ 8-14 & 25, effective October 1, 2023).

## **Utility Companies**

### ***Accidents and Outages***

The law generally requires PURA-regulated utilities and electric suppliers, and entities involved in the transportation of gas, to notify PURA about certain accidents as soon as reasonably possible. A new law further specifies that this notice must occur by contacting the PURA chairperson or her designee within 12 hours after the accident. It also (1) expands the information that must be included in certain monthly reports on minor accidents, (2) increases the maximum fines for failing to comply with the accident reporting requirements from \$500 to \$1,000 per offense, and (3) requires EDCs to have certain information about power outages in their monthly minor accident reports ([PA 23-102](#), §§ 12 & 13, effective upon passage).

State law also generally requires EDCs to give their customers billing credits and compensation for spoiled food and medication when power outages exceed 96 consecutive hours after an emergency. Provisions in the omnibus energy act clarify the criteria PURA must use when determining whether the EDCs must do this ([PA 23-102](#), §§ 17-20, effective October 1, 2023).

### ***Gas or Electric Service Termination at Nonresidential Rental Properties***

This year, the legislature created a process for landlords of certain nonresidential properties to (1) receive at least 72 hours’ notice about a gas or electric service termination for their rented or leased property and (2) have service reinstated by reverting it to the landlord’s name upon request. Among other conditions, the landlord must certify that he or she is the property’s owner, and the property must be used exclusively for nonresidential purposes with a rented or leased total floor

area of no more than 12,000 square feet. PURA must set the forms for a landlord to request the notice and service transfer ([PA 23-199](#), effective January 1, 2024).

## ***Regulatory Reform***

This year's omnibus energy act contains numerous provisions generally aimed at reforming how PURA regulates utility companies and their rates. Among other things, the act:

1. gives PURA greater discretion in how it orders EDCs and gas companies to decouple their distribution revenue from their sales volume (§ 1);
2. (a) prohibits PURA-regulated utility companies from recovering through rates their costs for PURA rate proceedings, business or trade association membership dues, lobbying, advertising, entertainment and gifts, and certain other expenses for company officers and (b) requires larger utility companies to annually report an itemized list of related costs to PURA (§§ 2 & 3);
3. sets procedures and conditions for PURA to approve a settlement in a rate amendment proceeding, allows PURA to reject or modify a settlement provision that extends longer than an approved rate amendment, and limits the extent to which a settlement may be used to satisfy the law's requirement for certain companies to have a rate case at least once every four years (§ 4);
4. prohibits PURA from reauthorizing Eversource's on-bill reconciling mechanism for new electric plant additions that was first authorized in 2018 (§ 5);
5. requires PURA to consider certain broad economic factors when determining an EDC's, gas company's, or PURA-regulated water company's reasonable rate of return (§ 6);
6. changes the information that must be in customer notices about proposed rate amendments, extends the deadline for PURA to decide on a proposed rate amendment from utility companies that are not an EDC or gas company, requires a unanimous vote by PURA's commissioners to approve an application to reopen a rate proceeding, and lowers the return on equity threshold that triggers a requirement for PURA to hold a hearing on the need for an interim rate decrease (§ 7);
7. brings large water companies under the requirement for a general rate case at least once every four years and allows PURA to open these rate cases more frequently (§ 8);
8. requires large PURA-regulated water companies to have a complete management audit at least once every six years and makes certain costs related to audit-related orders nonrecoverable in rates (§ 9); and
9. gives PURA greater discretion to determine how certain EDC overearnings are returned to customers (§ 10) ([PA 23-102](#), §§ 1-10, effective dates vary).



## Miscellaneous

### ***Deadlines for Certain CHP Development Milestones***

In 2017, the legislature required an EDC to conduct a procurement for electricity and renewable energy certificates from a combined heat and power (CHP) system located in a distressed municipality with a population over 127,000 and that met certain other criteria. The omnibus energy act allows the CHP project selected in the procurement to extend its deadlines for meeting certain development milestones ([PA 23-102](#), § 26, effective upon passage).

### ***DEEP Energy Supply Study***

An omnibus energy act provision requires DEEP to study the (1) feasibility of deploying small modular reactors, advanced nuclear reactors, fusion energy facilities, and other zero carbon resources that can improve affordability, fuel security, renewable integration, and winter reliability within the New England regional electric grid; (2) process and best practices for power purchase agreements procured under a state solicitation or the state's renewable energy programs; and (3) capability of the state's gas supply system. DEEP must report its final findings to the Energy and Technology Committee by March 15, 2024 ([PA 23-102](#), § 35, effective July 1, 2023).

### ***Green Jobs Corps***

A new law requires the Connecticut Clean Economy Council to develop a workforce training plan for green jobs (i.e., those using green technology) to meet the state's greenhouse gas emissions goals. Among other things, it must include plans for:

1. developing work-based learning programs for green jobs with workforce shortages;
2. developing certificate and degree programs related to the green technology industry at technical education and career schools and higher education institutions; and
3. identifying available public or private funding to develop these programs and provide grants to apprentices and students ([PA 23-61](#), effective July 1, 2023).

### ***Petroleum Storage and Pipeline Information***

A provision in a new law requires petroleum product storage terminal and pipeline businesses to submit certain information (e.g., storage and flow capacity) to the DEEP commissioner by October 1, 2023. It also allows the commissioner to require the businesses to submit information about inventory and flow whenever regional petroleum products stocks fall below a certain level ([PA 23-102](#), § 39, effective upon passage).

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