

Regulations of Connecticut State Agencies

TITLE 16. Public Service companies

Agency

Public Utilities Regulatory Authority

Subject

Administration of Renewable Energy Portfolio Requirements

Inclusive Sections

§§ 16-245a-1—16-245a-2

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Administration of Renewable Energy Portfolio Requirements

Sec. 16-245a-1. Reporting requirement. Operating rules. Renewable energy portfolio deficiencies

(a) **Electric Supplier Annual Reporting Requirement.** Each electric supplier shall submit to the Authority annually, on or before the date published by the Authority in its annual notice of the renewable energy portfolio compliance docket, a report demonstrating such electric supplier's compliance with the renewable energy portfolio standards set forth in sections 16-245a and 16-243q of the Connecticut General Statutes and in any other applicable law, for the previous calendar year. The report shall be based exclusively on certificates issued by the NEPOOL GIS. The electric supplier shall submit a report to the Authority pursuant to this subsection regardless of whether such electric supplier served load during the previous calendar year. The report, which shall be completed accurately and in its entirety, shall be on a form prescribed by the Authority, which may include the following information:

- (1) Name, address and phone number of the electric supplier;
- (2) Name, address, phone number and electronic mail address of the contact person of the electric supplier;
- (3) Amount of full load served, renewable energy certificates required, renewable energy certificates purchased, renewable energy certificates deficient, and alternative compliance payments owed;
- (4) Copies of all quarterly and annual reports issued by the NEPOOL GIS during the previous calendar year;
- (5) The per cent of total output or services generated from Class I renewable energy sources and Class II renewable energy sources and obtained from Class III sources to meet the renewable energy portfolio standards during the previous calendar year;
- (6) The electric supplier's calculations used to determine the percentages provided in subdivision (5) of this subsection;
- (7) Any revisions necessary to the amount of the security as a result of variations in the amount of the forecast year load pursuant to subdivision (2) of subsection (b) of this section;
- (8) An attestation that the electric supplier is in compliance with the requirement in subsection (b) of this section to maintain a security, except that no attestation shall be necessary for any such electric supplier exempt from such requirement pursuant to subdivision (5) of said subsection; and
- (9) Any other information which the Authority deems necessary.

(b) **Renewable Energy Portfolio Standards Security.**

(1) In addition to the security required by section 16-245-4 of the Regulations of Connecticut State Agencies, each electric supplier shall maintain a renewable energy portfolio standards security with the Authority equal to the full alternative compliance payment that the electric supplier would be required to pay to the Authority pursuant to section 16-245(k) of the Connecticut General Statutes based on the forecast year load. The forecast year load shall be the amount of the full load served by the electric supplier during

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the previous calendar year, as adjusted to account for changes in the type and quantity of customers to be served in the forecast year. An electric supplier that was granted a license by the Authority pursuant to section 16-245 of the Connecticut General Statutes during the previous calendar year shall maintain a renewable energy portfolio standards security in the amount of twenty-five thousand dollars (\$25,000) or in an amount equal to the full alternative compliance payment for such electric supplier's projected load for its first year of operations, whichever is greater. The security shall:

(A) Be continuous without an expiration date during the term of the electric supplier's license and shall be revised annually as required pursuant to subdivision (2) of this subsection to account for any change in the forecast year load;

(B) Name the Authority as obligee; and

(C) Be used to make payments as directed by the Authority for any and all financial liabilities that the Authority assesses against the electric supplier for failure to comply with any renewable energy portfolio standards, including alternative compliance payment obligations and violations for failing to submit proper reports, that the Authority determines the electric supplier shall pay pursuant to section 16-41, 16-245 or 16-245a of the Connecticut General Statutes or this section.

(2) Annually, an electric supplier shall review the amount of its security. If the amount of the electric supplier's security is insufficient to pay at least ninety per cent of the full alternative compliance payment that the electric supplier would be required to pay to the Authority pursuant to section 16-245(k) of the Connecticut General Statutes based on the forecast year load, the electric supplier shall increase the security maintained pursuant to subdivision (1) of this subsection to an amount sufficient to pay the full alternative compliance payment obligation due for the forecast year load. As part of the annual renewable energy portfolio compliance docket, the Authority shall instruct electric suppliers regarding the procedure for submitting updated security to comply with the security requirements of this subsection and section 16-245-4 of the Regulations of Connecticut State Agencies.

(3) All security amounts shall be rounded to the nearest thousand-dollar value.

(4) The amount of security maintained to comply with this subsection may be satisfied by (A) adding the amount of security required by this subsection to the security the electric supplier uses to comply with the security requirements of section 16-245-4 of the Regulations of Connecticut State Agencies, or (B) maintaining a separate security in the amount required by this subsection.

(5) The requirement in this subsection to maintain a security shall not apply to electric suppliers providing generation supply to electric distribution companies for standard service load.

(c) **Requirement to Independently Manage NEPOOL GIS Accounts.** An electric supplier shall be responsible for independently managing its NEPOOL GIS renewable energy certificate accounts throughout the year. The Authority shall not accept or review a request from an electric supplier to reallocate renewable energy certificates into or out of

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the electric supplier's NEPOOL GIS accounts or subaccounts, or both.

(d) **Annual Monthly and Total Load Settlement Data Reporting Requirement.** Electric distribution companies shall make available to an electric supplier the electric supplier's monthly load settlement data. Each electric distribution company shall submit to the Authority and each electric supplier, on or before the date published by the Authority in its annual notice of the renewable energy portfolio compliance docket, a report on a form prescribed by the Authority that summarizes the electric supplier's monthly and total load settlement data for the previous calendar year.

(e) **Electric Distribution Company Annual Reporting Requirement.** Each electric distribution company shall submit to the Authority annually, on or before the date published by the Authority in its annual notice of the renewable energy portfolio compliance docket, a report demonstrating such electric distribution company's compliance with the renewable energy portfolio standards set forth in sections 16-245a and 16-243q of the Connecticut General Statutes, and in any other applicable law, for the previous calendar year. The report shall be based exclusively on certificates issued by the NEPOOL GIS. The report, which shall be completed accurately and in its entirety, shall be on a form prescribed by the Authority, which may include the following information:

- (1) Name, address and phone number of the electric distribution company;
- (2) Name, address, phone number and electronic mail address of the contact person of the electric distribution company;
- (3) Amount of load served, renewable energy certificates required, renewable energy certificates purchased, renewable energy certificates deficient, and alternative compliance payments owed;
- (4) Copies of all quarterly and annual reports issued by the NEPOOL GIS during the previous calendar year;
- (5) The per cent of total output or services generated from Class I renewable energy sources and Class II renewable energy sources and obtained from Class III sources to meet the renewable energy portfolio standards during the previous calendar year;
- (6) The electric distribution company's calculations used to determine the percentages provided in subdivision (5) of this subsection; and
- (7) Any other information which the Authority deems necessary.

(f) **Operating Rules.** Certificates for renewable energy power generated within NEPOOL shall be accounted for in accordance with the operating rules of the NEPOOL GIS in effect during the calendar year in which such certificates were generated.

(g) **Banking of Renewable Energy Certificates.** An electric distribution company or electric supplier may bank renewable energy certificates for Class I renewable energy sources, Class II renewable energy sources and Class III sources in accordance with this subsection. An electric distribution company or electric supplier may bank renewable energy certificates in one year to comply with the renewable energy portfolio standards in either of the following two years, provided the electric distribution company or electric supplier, as applicable, has complied with the renewable energy portfolio standards in the year in

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which the electric distribution company or electric supplier wants to bank the renewable energy certificates. In addition, the electric distribution company or electric supplier shall demonstrate to the satisfaction of the Authority that:

(1) The banked renewable energy certificates were in excess of the renewable energy certificates needed for compliance in the year such banked renewable energy certificates were generated, and the excess renewable energy certificates have not previously been used for compliance with section 16-245a(a) or section 16-243q(a) of the Connecticut General Statutes;

(2) The banked renewable energy certificates for Class I renewable energy sources do not exceed thirty per cent of the Class I renewable energy sources needed by the electric distribution company or electric supplier for compliance in the year such certificates were generated;

(3) The banked renewable energy certificates for Class II renewable energy sources do not exceed thirty per cent of the Class II renewable energy sources needed by the electric distribution company or electric supplier for compliance in the year such certificates were generated;

(4) The banked renewable energy certificates for Class III sources do not exceed thirty per cent of the Class III sources needed by the electric distribution company or electric supplier for compliance in the year such certificates were generated;

(5) The banked renewable energy certificates have not otherwise been, nor will be, sold, retired, claimed or represented as part of the total output or services of the electric distribution company or electric supplier, or used to satisfy obligations in jurisdictions other than Connecticut; and

(6) The electric distribution company or electric supplier filed with the Authority the required forms and supporting documents, posted on the Authority's Internet web site, to verify the use of and accurate reporting of banked renewable energy certificates.

(h) **Renewable Energy Portfolio Deficiencies.** The Authority may review an electric supplier's or electric distribution company's compliance filings at any time after such electric supplier or electric distribution company submits to the Authority the annual report required under subsection (a) or (e), as applicable, of this section. Any electric supplier or electric distribution company that violates any provision of this section, including the requirement to file accurate load data or renewable energy portfolio standards information in its annual report or to maintain an appropriate security, shall be subject to civil penalties by the Authority in accordance with the procedures contained in section 16-41 of the Connecticut General Statutes.

(Adopted effective October 7, 2004; Amended May 2, 2008; Amended December 22, 2009; Amended December 27, 2022)

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Sec. 16-245a-2. Registration of renewable energy electric generating units

(a) **Units located within New England.** The department shall issue registration numbers to electric generation units eligible as Class I or Class II renewable energy sources that have submitted a registration application to the NEPOOL GIS. Such renewable energy electric units shall apply for registration on a form prescribed by the department.

(b) **Facilities located outside New England.** The department shall issue registration numbers to electric generation units eligible as Class I or Class II renewable energy sources located outside NEPOOL as permitted by section 16-245a(a)(2) of the Connecticut General Statutes. Such renewable energy electric generation units shall apply for registration on a form prescribed by the department.

(c) **Facilities subject to emissions limitations.** Each electric generation unit subject to the average nitrogen oxide rate restrictions contained in the definitions of Class I and Class II renewable energy sources shall file with the department within forty-five (45) days of the end of each calendar quarter an affidavit attesting to the unit's average nitrogen oxide emission rate per million BTU of heat input for such quarter. Upon receipt of such information, the department shall notify the applicable generation information system administrator of such unit's eligibility for trading as a renewable energy resource in Connecticut. Failure to file such affidavit may result in the revocation of the renewable energy unit's registration number, rendering energy generated by the unit ineligible for trading as a renewable energy resource in Connecticut.

(d) **Audits.** The department may audit any renewable energy electric generation unit at any time to determine the unit's eligibility as a Class I or Class II renewable energy source.

(e) **Objections to classification.** Any person that objects to the department's classification of an electric generating unit pursuant to this section may request a declaratory ruling from the Department of Public Utility Control pursuant to section 4-176 of the Connecticut General Statutes as to the electric generating unit's eligibility as a Class I or Class II renewable energy source.

(f) **Notification of changed information.** If any of the information provided in a registration application submitted pursuant to this section changes, the department shall be notified of any such changes within 10 days. Failure to notify the department of such changed information within 10 days may result in the revocation of the renewable energy unit's registration number.

(Adopted effective October 7, 2004)