



STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

DOCKET NO. 16-09-26

PURA REVIEW OF CONNECTICUT PURPA REGULATIONS

NOTICE OF INTENT AND PUBLIC COMMENT PERIOD

(Public Hearing: June 25, 2021; Comment Period July 16, 2021)

In accordance with the provisions of § 4-168(a) of the General Statutes of Connecticut (Conn. Gen. Stat.), the Public Utilities Regulatory Authority (Authority or PURA) hereby gives notice of intent to amend and repeal sections of Regulations of Connecticut State Agencies (Conn. Agencies Regs.) §§ 16-243a-1 to 16-243a-7. These regulations implement Conn. Gen. Stat. §§ 16-243a and 16-243f, enacted by the Connecticut General Assembly to implement the federal Public Utility Regulatory Policies Act of 1978 (PURPA).

Statement of Purpose: The purpose of the proposed regulations is to revise the Authority's existing regulations that implement Conn. Gen. Stat. §§ 16-243a and 16-243f and PURPA. The proposed regulations replace outdated regulations relating to PURA's oversight of the purchase and sale of energy and capacity from private power producers, private power providers, and qualifying facilities with an approach that complies with federal requirements, is more flexible, and is more closely aligned with current state policy objectives and electricity market structures and conditions. The current regulations are outdated, because they were originally drafted and enacted prior to deregulation of the electric industry in Connecticut in 1998 and have not been updated to reflect the significant changes in the electric industry since that time, including the development of open access transmission, competitive wholesale electricity markets, and competitive procurement processes to achieve state policies and environmental goals.

The proposed regulations will establish a tariff framework that would enable PURA to require and accommodate in a timely manner changes in state policies or the federal PURPA scheme through tariff revisions rather than through lengthy processes to revise its regulations. The ability to act swiftly in light of federal law changes is important given that failure to comply with federal directives could subject PURA to potential litigation for failure to act. The importance of adopting the proposed regulations, which intentionally build-in flexibility, is greater than ever. The Federal Energy Regulatory Commission (FERC) recently announced changes to its PURPA regulations, which impact how states implement the PURPA scheme. With federal changes and a set of state regulations that is already outdated, PURA will best position itself for the future by adopting the proposed tariff framework now. Additionally, the proposal, and the resulting tariff requirements, will provide clarity to the regulated community.

10 Franklin Square, New Britain, CT 06051

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The proposed regulations will amend Conn. Agencies Regs. §§ 16-243a-1 and 16-243a-2, repeal outdated sections at Conn. Agencies Regs. §§ 16-243a-3 to 16-243a-7, and amend a reference to a repealed section.

Comment Period: The comment period shall begin upon the posting of this notice to the eRegulations System website (<https://eregulations.ct.gov>) and shall end at 5:00 p.m. on July 16, 2021.

Availability of Information: The proposed regulations, Regulatory Flexibility Analysis/Small Business Impact Statement, and Fiscal Note are all posted and available on the eRegulations System website (<https://eregulations.ct.gov>), Tracking Number PR2019-028; or can be obtained through the above-captioned docket on Authority's website at www.ct.gov/pura ("Search for Docket by Number" for Docket No. 16-09-26); or by emailing PURA.ExecutiveSecretary@ct.gov.

Public Hearing: In addition to accepting written comments, a public hearing has been scheduled to obtain public comment on the proposed regulations. This hearing will be held through Zoom, a remote online hearing platform. All interested persons can register to attend the public hearing and express their views on the proposed regulations using the following link:

Date: Friday, June 25, 2021

Time: 10:00 a.m.

Remote attendee access:

Parties may register through the web link below to listen or to participate in the meeting:

<https://ctdeep.zoom.us/meeting/register/tJEvdu6opzIqHtLBkVUEoMq0QwP9Lp6GhBTK>

Meeting ID: 952 1709 9046

After registering, you will receive a confirmation email containing information about joining the meeting.

Speakers are requested, although not required, to submit a written copy of their comments as instructed below. The hearing will adjourn when the last speaker present and signed in has provided comment.

Written Comments: Interested persons are invited to comment upon the proposed regulations, in writing, during the public comment period. The public comment period shall begin upon posting of this notice to the eRegulations System website and shall end at 5:00 p.m. on July 16, 2021. Comments may be submitted using one of the following methods:

- Online via the eRegulations System (eRegulations Tracking No. PR2019-028).
- By email to PURA.ExecutiveSecretary@ct.gov (Reference: Docket No. 16-09-26 and eRegulations Tracking No. PR2019-028)
- By regular mail to PURA Executive Secretary, 10 Franklin Square, New Britain, CT 06051 (Reference: Docket No. 16-09-26 and eRegulations Tracking No. PR2019-028)

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact laura.lupoli@ct.gov if you are seeking a communication aid or service, have limited proficiency in English, or require some other accommodation. If you wish to file an ADA or Title VI discrimination complaint, you may submit your complaint to Barbara Viadella or Cenit Mirabal, DEEP Office of Diversity and Equity at (860) 418-5910 or via email at deep.accommodations@ct.gov. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program or event.

Dated at New Britain, Connecticut this 11th day of June, 2021.

PUBLIC UTILITIES REGULATORY AUTHORITY

A handwritten signature in black ink, appearing to read 'Jeffrey R. Gaudiosi', written in a cursive style.

Jeffrey R. Gaudiosi, Esq.
Executive Secretary