February Session, 2016

Proposed Substitute Bill No. 5496

LCO No. **3389**

AN ACT CONCERNING BIOMASS FACILITIES AND CERTAIN VIRTUAL NET METERING FACILITIES.

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

Section 1. Section 16-244*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The administrator of any project utilizing fuel cells with an electricity purchase agreement entered into and approved by the Public Utilities Regulatory Authority pursuant to subsection (h) of section 16-244c with a generating capacity of not greater than five megawatts, to be sited within fifty feet of a natural gas transmission facility that operates at pressures in excess of one hundred fifty pounds, may submit a request to said authority for a modification to such purchase agreement that would permit the project to move to an alternative location and allow for an equitable adjustment in contract pricing to account for any change in the project attributable to the change in location. Said authority shall open a docket to review such modification request not later than thirty days after receipt of such request. Said authority may approve such modification request not later than one hundred twenty days after receipt of such request. Factors affecting such modification shall be limited to location, contract pricing and schedule attributable to the change in location. No existing

electricity purchase agreement shall be cancelled or deemed in noncompliance by an electric distribution company until such modification is approved.

(b) The administrator of any project utilizing a biomass facility with an electricity purchase agreement entered into and approved by the Public Utilities Regulatory Authority pursuant to subsection (h) of section 16-244c may submit a request to said authority for a modification to such purchase agreement that would permit the project to utilize additional sustainable biomass fuel. Said authority shall open a docket to review such modification request not later than thirty days after receipt of such request. Said authority may approve such modification request not later than one hundred twenty days after receipt of such request. Factors affecting such modification shall be limited to the utilization of additional sustainable biomass fuel.

Sec. 2. Section 16-244u of the general statutes is amended by adding subsection (h) as follows (*Effective from passage*):

(NEW) (h) Where a virtual net metering facility or agricultural virtual net metering facility requires a permit from the Department of Energy and Environmental Protection under chapter 446c or chapter 446d and the municipal, state or agricultural customer host has submitted a virtual net metering application to the electric distribution company for such virtual net metering facility or agricultural virtual net metering facility on or before December 1, 2015, and the electric distribution company has accepted such virtual net metering application, such municipal, state or agricultural customer host shall have eighteen months from the date of the issuance of the final permit from the Department of Energy and Environmental Protection to cause such virtual net metering facility or agricultural virtual net metering facility to become operational.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	16-244*l*

Sec. 2	*from passage*	16-244u