



General Assembly

January Session, 2019

Raised Bill No. 7154

LCO No. 4498



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

**AN ACT CONCERNING A SUSTAINABLE CONSTRUCTION CODE
AND THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION'S RETENTION OF CONSULTANTS FOR
PROCEEDINGS BEFORE THE PUBLIC UTILITIES REGULATORY
AUTHORITY.**

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

1 Section 1. Section 16a-38k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Notwithstanding any provision of the general statutes, any (1)
4 new construction of a state facility that is projected to cost five million
5 dollars, or more, and for which all budgeted project bond funds are
6 allocated by the State Bond Commission on or after January 1, 2008, (2)
7 renovation of a state facility that is projected to cost two million dollars
8 or more, of which two million dollars or more is state funding,
9 approved and funded on or after January 1, 2008, (3) new construction
10 of a facility that is projected to cost five million dollars, or more, of
11 which two million dollars or more is state funding, and is authorized
12 by the General Assembly pursuant to chapter 173 on or after January 1,
13 2009, and (4) renovation of a public school facility as defined in

14 subdivision (18) of section 10-282 that is projected to cost two million
15 dollars or more, of which two million dollars or more is state funding,
16 and is authorized by the General Assembly pursuant to chapter 173 on
17 or after January 1, 2009, shall comply with the regulations described in
18 subsection (b) of this section. [until the regulations described in
19 subsection (c) of this section are adopted.] The Commissioner of
20 Energy and Environmental Protection, in consultation with the
21 Commissioner of Administrative Services and the Institute for
22 Sustainable Energy, shall exempt any facility from complying with the
23 regulations adopted pursuant to subsection (b) [or (c)] of this section if
24 the Commissioner of Energy and Environmental Protection, in
25 consultation with the Commissioner of Administrative Services and
26 the Secretary of the Office of Policy and Management, finds, in a
27 written analysis, that the measures needed to comply with the building
28 construction standards are not cost effective, as defined in subdivision
29 (8) of subsection (a) of section 16a-38. Nothing in this section shall be
30 construed to require the redesign of any new construction of a state
31 facility that is designed in accordance with the silver building rating of
32 the Leadership in Energy and Environmental Design's rating system
33 for new commercial construction and major renovation projects, as
34 established by the United States Green Building Council, or an
35 equivalent standard, including, but not limited to, a two-globe rating
36 in the Green Globes USA design program, provided the design for
37 such facility was initiated or completed prior to the adoption of the
38 regulations described in subsection (b) of this section. For purposes of
39 subdivisions (1) and (2) of this subsection, a state facility shall not
40 include a salt shed, parking garage or any type of maintenance facility,
41 provided such shed, garage or facility has incorporated best energy
42 efficiency standards to the extent economically feasible.

43 (b) Not later than January 1, [2007] 2020, the Commissioner of
44 Energy and Environmental Protection, in consultation with the
45 Commissioner of Administrative Services, shall adopt regulations, in
46 accordance with the provisions of chapter 54, to adopt state building

47 construction standards that [are consistent with or exceed the silver
48 building rating of the Leadership in Energy and Environmental
49 Design's rating system for new commercial construction and major
50 renovation projects, as established by the United States Green Building
51 Council, including energy standards that exceed those set forth in the
52 2004 edition of the American Society of Heating, Ventilating and Air
53 Conditioning Engineers (ASHRAE) Standard 90.1 by not less than
54 twenty per cent, or an equivalent standard, including, but not limited
55 to, a two-globe rating in the Green Globes USA design program] (1)
56 are based on a nationally recognized model for sustainable
57 construction codes that promotes the construction of high performance
58 green buildings that have reduced emissions, have enhanced building
59 occupant health and comfort, are designed to conserve water
60 resources, are designed to promote sustainable and regenerative
61 materials cycles and provide enhanced resilience to natural,
62 technological and human-caused hazards, and (2) include a standard
63 for inclusion of electric vehicle charging stations, and thereafter update
64 such regulations as the Commissioner of Energy and Environmental
65 Protection deems necessary.

66 [(c) Not later than January 1, 2015, the Commissioner of Energy and
67 Environmental Protection, in consultation with the Commissioner of
68 Administrative Services, shall adopt regulations, in accordance with
69 chapter 54, to adopt state building construction standards for facilities
70 described in subsection (a) of this section that achieve at least seventy-
71 five points on the United States Environmental Protection Agency's
72 national energy performance rating system, as determined by said
73 agency's Energy Star Target Finder tool. Such regulations shall include
74 a standard for inclusion of electric vehicle charging stations. The
75 Commissioner of Energy and Environmental Protection may update
76 such regulations as the commissioner deems necessary.

77 (d) The Commissioner of Energy and Environmental Protection, in
78 consultation with the Commissioner of Administrative Services and
79 the Institute for Sustainable Energy, shall exempt any facility from

80 complying with the regulations adopted pursuant to subsection (c) of
81 this section if such facility cannot be defined as an eligible building
82 type, as determined by the Energy Star Target Finder tool. Any such
83 exempt facility shall exceed the energy building construction
84 standards set forth in the 2007 edition of the American Society of
85 Heating, Ventilating and Air Conditioning Engineers (ASHRAE)
86 Standard 90.1 by not less than twenty per cent, or adhere to the current
87 State Building Code, whichever is more stringent.]

88 Sec. 2. Section 16-18a of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2019*):

90 (a) In the performance of their duties the Public Utilities Regulatory
91 Authority, the Department of Energy and Environmental Protection
92 and the Office of Consumer Counsel may retain consultants to assist
93 their staffs in proceedings before the authority by providing expertise
94 in areas in which staff expertise does not currently exist or when
95 necessary to supplement existing staff expertise. In any case where the
96 authority, the Department of Energy and Environmental Protection or
97 the Office of Consumer Counsel determines that the services of a
98 consultant are necessary or desirable, the authority shall (1) allow
99 opportunity for the parties and participants to the proceeding for
100 which the services of a consultant are being considered to comment
101 regarding the necessity or desirability of such services, (2) upon the
102 request of a party or participant to the proceeding for which the
103 services of a consultant are being considered, hold a hearing, and (3)
104 limit the reasonable and proper expenses for such services to not more
105 than two hundred thousand dollars for each agency per proceeding
106 involving a public service company, telecommunications company,
107 electric supplier or person seeking certification to provide
108 telecommunications services pursuant to chapter 283, with more than
109 fifteen thousand customers, and to not more than fifty thousand
110 dollars for each agency per proceeding involving such a company,
111 electric supplier or person with less than fifteen thousand customers,
112 provided the authority, the Department of Energy and Environmental

113 Protection or the Office of Consumer Counsel may exceed such limits
114 for good cause. In the case of multiple proceedings conducted to
115 implement the provisions of this section and sections 16-1, 16-19,
116 16-19e, 16-22, 16-247a to 16-247c, inclusive, 16-247e to 16-247h,
117 inclusive, and 16-247k and subsection (e) of section 16-331, the
118 authority, the Department of Energy and Environmental Protection or
119 the Office of Consumer Counsel may exceed such limits, but the total
120 amount for all such proceedings shall not exceed the aggregate amount
121 which would be available pursuant to this section. All reasonable and
122 proper expenses, as defined in subdivision (3) of this section, shall be
123 borne by the affected company, electric supplier or person and shall be
124 paid by such company, electric supplier or person at such times and in
125 such manner as the authority, the Department of Energy and
126 Environmental Protection or the Office of Consumer Counsel directs.
127 All reasonable and proper costs and expenses, as defined in
128 subdivision (3) of this section, shall be recognized by the authority for
129 all purposes as proper business expenses of the affected company,
130 electric supplier or person. The providers of consultant services shall
131 be selected by the authority, the Department of Energy and
132 Environmental Protection or the Office of Consumer Counsel and shall
133 submit written findings and recommendations to the authority, the
134 Department of Energy and Environmental Protection or the Office of
135 Consumer Counsel, as the case may be, which shall be made part of
136 the public record.

137 (b) Notwithstanding any provision of the general statutes, the
138 authority, the Department of Energy and Environmental Protection
139 and the Office of Consumer Counsel shall not retain any consultant
140 under subsection (a) of this section in connection with any proceeding
141 involving telecommunications if such consultant, at the time the
142 consultant would be retained, is serving as a consultant to a certified
143 telecommunications provider or a telephone company that would be
144 affected by such proceeding, unless each party and intervenor to such
145 proceeding agrees in writing to waive the provisions of this subsection.

146 (c) The Department of Energy and Environmental Protection, in
147 consultation with the Public Utilities Regulatory Authority and the
148 Office of Consumer Counsel, may retain consultants to assist its staff
149 by providing expertise in areas in which staff expertise does not
150 currently exist or to supplement staff expertise for any proceeding
151 before or in any negotiation with the Federal Energy Regulatory
152 Commission, the United States Department of Energy, the United
153 States Nuclear Regulatory Commission, the United States Securities
154 and Exchange Commission, the Federal Trade Commission, the
155 Federal Communications Commission or the United States
156 Department of Justice. The Public Utilities Regulatory Authority, in
157 consultation with the Office of Consumer Counsel, may retain
158 consultants to assist its staff by providing expertise in areas in which
159 staff expertise does not currently exist or to supplement staff expertise
160 for any proceeding before or in any negotiation with the Federal
161 Communications Commission. All reasonable and proper expenses of
162 any such consultants shall be borne by the public service companies,
163 certified telecommunications providers, holders of a certificate of
164 video franchise authority, electric suppliers or gas registrants affected
165 by the decisions of such proceeding and shall be paid at such times
166 and in such manner as the authority directs, provided such expenses
167 (1) shall be apportioned in proportion to the revenues of each affected
168 entity as reported to the authority pursuant to section 16-49 for the
169 most recent fiscal year, and (2) shall not exceed two and one-half
170 million dollars per calendar year, including any appeals thereof, unless
171 the authority finds good cause for exceeding the limit. The authority
172 shall recognize all such expenses as proper business expenses of the
173 affected entities for ratemaking purposes pursuant to section 16-19e, if
174 applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16a-38k
Sec. 2	<i>October 1, 2019</i>	16-18a

Statement of Purpose:

To require the Commissioner of Energy and Environmental Protection to adopt new state building construction standards through regulations and to allow the Department of Energy and Environmental Protection to retain consultants to assist in certain proceedings before the Public Utilities Regulatory Authority and the Federal Communications Commission.