

RFP Exemption Criteria

Section 54 of Public Act 07-242 ***An Act Concerning Electricity and Energy Efficiency***

- **Gave the CEAB discretion not to issue a Reactive RFP**
 - By vote of two-thirds of its members
 - Finding that the RFP process is not likely to result in a reasonable alternative to the proposed facility.

- **Directed the CEAB to approve additional criteria for considering the circumstances in which a Reactive RFP should not be required for a specific project**
 - by December 1, 2007
 - Part of 2007 Revisions to CEAB RFP Process Statute

Process Used to Develop RFP Exemption Criteria

- 1. Straw Proposal and Explanation issued August 7, 2007 for Public Comment due August 31, 2007**
 - Written Comments Received from CL&P, UI and CMEEC

- 2. Revised Straw Proposal and Explanation of Modifications issued for Public Comment at Public Hearing held on October 10, 2007**
 - Public Comment Received from UI

- 3. Revised Draft Final RFP Exemption Criteria to be Adopted by December 1, 2007**

RFP Exemption Criteria Goals

- 1. Establish general guidelines that are technology agnostic,**
 - applicable across the range of potential projects and relevant over time to facilitate the CEAB's analysis.
- 2. Maintain the CEAB's discretion to decide on a case by case basis**
 - informed by the facts and circumstances of each project and the market, whether to solicit alternative solutions to give effect to the Reactive RFP's purpose.
- 3. Communicate to the market the kinds of circumstances in which the CEAB may exempt a project from a Reactive RFP.**
- 4. Enable the CEAB to make prudent use of resources and to administer efficient processes.**

Approach to Developing RFP Exemption Criteria

- **Establish criteria that are discretionary**
 - to enable the CEAB to exercise its judgment in each case as to whether an RFP for alternative solutions is unnecessary
- **Identify scenarios in which the purpose of the Reactive RFP would not be frustrated by an exemption. For example:**
 - Has the market already been tested?
 - Did the project result from a state-sponsored RFP for a range of solutions?
 - Did the project conduct a comprehensive alternative solution analysis?
 - Does the project clearly conform to the Preferential Criteria?

Modifications Based on Round I Public Comment

- **Project Scale**
 - Creates presumptions for or against an exemption based on project scale
- **Clarify Alternative Market Test or Alternatives Study Scope**
 - Clarifies that alternative solution solicitation process or analysis submitted to the CEAB will need to be comprehensive, detailed, and able to withstand rigorous review
- **Broadens the language relative to projects that result from a state action or process, not limited to the DPUC.**

Modifications Based on Round II Public Comment

- **Timing on Application for Exemption**
 - Projects seeking an exemption should submit information to the CEAB no later than 60 days in advance of the date the project intends to file an application for certification with the Siting Council.
 - CEAB will endeavor to work with projects that consider this timeframe problematic to find a mutually workable alternative timeframe as appropriate under the circumstances