

From: Joel N. Gordes

To: John Mengacci, Esq., Chairman ECMB

RE: PA 07-242 Sec. 58 State Energy Entities Study

Date: April 21, 2008

cc: Connecticut Energy Advisory Board Members & Consultants

---

Prior to the last meeting, I sent a memo to all parties with my comments on the draft of the state entities study. Among these was my observation that:

Focus Areas might also be divided not so much by whether they are supply side/demand-side/renewables but by the end use of energy for as buildings, transportation and power generation. The current division still seems to be too heavily electric industry-focused and there is a need to approach this in a more holistic way looking at the entire energy picture. [Emphasis since added.]

During discourse on this, Atty. Stahl said the consultants' intent was to address entities concerned with electric generation. I took issue whether this overly narrow scope met legislative intent.

I have reviewed the legislation, the RFP for Sec. 58 and consultants' response to it. I have also searched statutory definitions pertaining to energy, electricity & fuels as well as more common definitions. My findings are:

**The Legislation:** Public Act 07-242 is titled AAC Electric and Energy Efficiency. The words "electric" and "energy" are differentiated in the title to denote some sections apply to the all-encompassing term "energy" while others are specific to the narrower term "electric" forms of energy.

**The RFP.** The Scope of Services is titled "Various Energy Issues Study" and uses the word "energy" throughout rather than the more limited term "electric". The term "alternative fuel sources" is also addressed in the statute (Sec. 58) and used throughout the RFP and response as described below.

The words "alternative fuel sources" first appears on page 1, line 5 and later in point #2.

In point #5 on page 1, however, this changes to "alternative energy resources" and then in point #6 to "alternative fuels"

On page 2, line 3, it is back to "alternative fuel sources"

**Definitions:** A common definition of energy is:

4 a) those resources, as petroleum, coal, gas wind, nuclear fuel, and sunlight, from which energy in the form of electricity, heat, etc. can be produced.<sup>1</sup>

Please note that "electricity" is used as a subset of "energy" in this definition.

In Connecticut general statutes, the only reference I found to "alternative fuels" comes in 12-412 (67) and is purely in reference to vehicular energy sources.<sup>2</sup> The term "alternative energy" is defined by inference

---

<sup>1</sup> Webster's New World College Dictionary. (Third Edition). MacMillan, USA. 1997. p. 449.

<sup>2</sup> New motor vehicles exclusively powered by clean alternative fuels. Sales of and the storage, use or other consumption, prior to July 1, 2008, of a new motor vehicle which is exclusively powered by a clean alternative fuel.

in 16a-40(b)<sup>3</sup>. While an update of "alternative fuels" is sorely lacking and needs to include ethanol and biodiesel among others, the main point is neither of these existing definitions are strictly confined to electricity production.

**The RFP Response.** Section 4 of the RFP response is the Statement of Work. On page 4.1, the response repeatedly notes the legislative directive to "coordinate" the CT energy entities but missing is the word "integrate"-- the other operative term called for in Sec 58 of 07-242.

Page 4.1 also repeatedly uses the word "energy" rather than "electricity" and (para. 2, line 4) speaks of "indigenous alternative fuel sources" which, again is differentiated from the word "electricity".

In speaking of the "energy constructs" (bottom of 4.2 to top of 4.3), the responsibilities are listed and among them are:

"identification of broad energy policy goals" which implies more than narrow energy policy goals inherent in merely addressing electricity. [Emphasis added.]

"land use and transportation planning" which very specifically brings the role of transportation as an energy consideration into focus.

At page 4.4 (iv), the subtopic "Indigenous alternative fuel related work" is given but, similar to the name change in the RFP, the response in the next line renames this to "indigenous alternative energy resources". This then begins a discussion only pertinent to electric generation and continues to use the words in this context for the remainder of the document on pages 4.5 and 4.7.

**Conclusions.** Both by common dictionary definitions and prior legislation it is clear that "energy" is a far more all encompassing term than "electricity".

Sec 58 of 07-242 talks of a study of energy entities. Energy being an all-encompassing term.

The RFP response begins by talking of fuels (p. 4,1, para. 2) and changes the focus to electric generation which is less than an all encompassing term. The initial work product is almost entirely electricity oriented even when the term "alternative fuels" is most often associated with transportation.

The scope of the study has been greatly narrowed to focus on electricity.

Without clarifying legislative intent with appropriate members of the Committee of Cognizance, the scope of this study appears overly narrow. I suggest that it does not meet the requirements of the legislation as written. I seek no blame in this matter; merely rectification to preserve credibility of the work products by the CEAB.

---

As used in this subdivision and subdivisions (68) and (69) of this section, "clean alternative fuel" shall mean natural gas, hydrogen or electricity when used as a motor vehicle fuel or propane when used as a motor vehicle fuel if such a vehicle meets the federal fleet emissions standards under the federal Clean Air Act or any emissions standards adopted by the Commissioner of Environmental Protection as part of the state's implementation plan under said act.  
<sup>3</sup> "Alternative energy device" means a wood-burning stove for space heating and any system or mechanism which uses wood, solar radiation, wind, water or geothermal resources as a source for space heating, water heating, cooling or generation of electrical energy.