

**CONNECTICUT ENERGY ADVISORY BOARD
DRAFT FINAL RFP EXEMPTION CRITERIA**

**EXPLANATION OF REVISIONS
BASED ON ORAL TESTOMONY – OCTOBER 10, 2007 HEARING**

I. INTRODUCTION

The Connecticut Energy Advisory Board (“CEAB”) held a public hearing on October 10, 2007 relative to its Request for Proposal (“RFP”) Exemption Criteria Revised Straw Proposal (“Revised Straw Proposal”). United Illuminating (“UI”) appeared at the public hearing, offering verbal testimony and a written summary of its comments. The following is an explanation of the suggested modifications that have been incorporated into the Revised Straw Proposal as a result of UI’s suggestions. In addition, several other final revisions to the exemption criteria are explained below. These are clarifying and not substantive.

Specific changes to the Revised Straw Proposal that result from the Public Hearing and the discussion below are noted in this document in *bold italics* to facilitate review. In addition, Draft Final RFP Exemption Criteria reflecting the changes discussed below accompanies this document.

The findings and explanations below, and associated modifications in the Draft Final RFP Exemption Criteria, are subject to revision pending the CEAB’s final review and deliberation. The CEAB will adopt Final RFP Exemption Criteria no later than December 1, 2007.

II. RECOMMENDATION FOR MODIFICATION OF THE REVISED STRAW PROPOSAL

A. To Enable the CEAB Time to Assess Project Information and Analysis that Supports a Request for an RFP Exemption, A Project Should Provide Such Information and Analysis to the CEAB in a Timeframe that Allows Reasonable Review Opportunity.

1. **Comment:** UI indicated it was encouraged by prior revisions to the Straw RFP Exemption Criteria intended to increase transparency of the process leading to an RFP exemption. UI suggested that transparency of process would be advanced by requiring project sponsors seeking an exemption pursuant to Criteria d¹ to make its alternative solution analysis available to the

¹ Criteria d provides as follows: The Project provides the CEAB comprehensive alternative solution analysis, which analysis demonstrates to the CEAB’s satisfaction that alternative solutions to the stated need are not technically viable; do not conform to the Preferential Criteria; and/or, are cost prohibitive. The weight afforded to such analysis

CEAB in advance of its application for a certification to the Siting Council to enable the CEAB reasonable time to assess such analysis. UI suggests such information should be submitted to the CEAB at least 60 days in advance of a Siting Council application that would trigger the CEAB's reactive RFP. UI suggests this timeframe would suffice to enable a reasonable review and would not unduly burden a project sponsor because projects are currently required by law to provide project analysis to municipalities 60 days in advance of Siting Council applications.

2. **Discussion:** The CEAB agrees that information provided by a project to the CEAB to substantiate an RFP exemption needs to be submitted in a timeframe that allows for meaningful review and further information collection, as necessary, to inform and substantiate the CEAB's decision. This is necessary for Criteria d, as UI observed, and any other Criteria that would rely on analysis or evidence provided by the project. For example, when an element of the exemption criteria analysis is whether the project conforms to the Preferential Criteria, the CEAB would have to assess that claim and have reasonable time to do so.

The proposed 60 days is reasonable. In general, projects subject to an RFP are planned well in advance of their Siting Council applications that would trigger an RFP. Moreover, given projects' statutory obligation to provide project analysis to municipalities 60 days in advance of Siting Council applications, a coincident timeframe for submission of material to the CEAB to support an exemption is not premature. If this timeframe appears unworkable in the context of, for example, a small project in exigent circumstances, such projects can communicate with the CEAB, which will endeavor to establish a mutually workable schedule as appropriate. *For the CEAB to adequately assess requests for RFP exemptions based on project information and analysis, including but not limited to Criteria d., projects should submit appropriate analysis with the CEAB no later than sixty (60) days before filing an application with the Siting Council that would trigger the RFP. To the extent a project determines this timeframe is overly burdensome in unique circumstances, it may consult with the CEAB to establish a timeframe that is mutually workable, if reasonable under the circumstances.*

B. Other Clarifying Modifications

1. **Statutory Exemptions:** A footnote has been added to reference that the RFP Exemption Criteria apply to proposed projects that are not otherwise exempt from the RFP process by state law or state action implemented pursuant to state law.

will reflect, among other factors the CEAB deems relevant, the extent to which the analysis is detailed and comprehensive and the responsiveness of the Project sponsor to requests for further information.

2. Definitions: A definition of alternative solutions, which term appears in several criteria (a and d), has been incorporated. The definition is broad and does not restrict the type or scope of such analysis that would be reasonable and proper under the circumstances of any given project.