



Energy Policy Report

Pursuant to Special Act 99-15, An Act Studying State Energy Policies

February 1, 2000

Prepared by the Connecticut Energy Advisory Board With the Consulting Assistance of
XENERGY Inc, Burlington, MA, www.xenergy.com

“Possibilities for the New Century”

**The Energy Policy Report of the
Connecticut Energy Advisory Board**

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1. INTRODUCTION

This Policy Study is being undertaken pursuant to An Act Studying State Energy Policies (SA 99-15), which requires the Connecticut Energy Advisory Board ("Board") to "conduct a study to update and strengthen the state's energy policy." The Board's enabling statute (Sec. 16a-3) is also discussed in the next section of the report. The Board has deliberated over several months to conduct this study. Activities included a conference on October 5, 1999 at which policy issues were thoroughly discussed by several speakers. Attendance included representatives of state agencies, members of the public and other stakeholders.

The Board prepared this report with the assistance of Francis H. Cummings, Ashley Houston, and Tom Mauldin of XENERGY Inc., Burlington, Massachusetts (<http://www.xenergy.com>). XENERGY, as a contractor to the Board, prepared drafts under direction of a Policy Subcommittee of the Board during the months of November and December 1999 and January 2000. A detailed draft of the sections of this report addressing goals, strategies and actions was distributed to Board members and actively discussed at the Board Meeting on December 7, 1999.

A complete Draft Energy Policy Report was then released on December 21 for public review and comment. The full text of the draft was posted on the internet and comments were posted by Board members and members of the public at a website discussion board. The draft Report was the subject of a Public Hearing on January 11, 2000 in the Legislative Office Building in Hartford. The XENERGY consulting team wishes to acknowledge the direction and input from the Policy Subcommittee and from other Board members, the assistance of the Energy Unit at the Office of Policy and Management (OPM) and the depth and thoughtfulness of the input from those who posted electronic comments and spoke at the Public Hearing. Please see Appendix D, Members of the Connecticut Energy Advisory Board, for a list of Board members.

The Board is now submitting "a report of its findings to the joint standing committees of the General Assembly having cognizance of matters relating to energy and technology and the environment," as provided in Special Act 99-15. This Energy Policy Report uses existing legislative policy statements regarding energy as the springboard from which to develop a set of energy policy goals, presented in Section 2. These goals incorporate and reflect the ideas embodied in the legislative policy statements and create a policy framework for the development of strategic recommendations.

Fifteen energy policy strategies are then presented in Section 3. Accompanying each strategy is a list of examples of potential actions that could be undertaken by the Board and/or by other agencies and entities as part of the planning and implementation process. In this report, the Board has not prioritized the various goals, strategies and actions, so no significance should be attached to the order of the strategies or the position of various items in lists.

Appendix A presents excerpts from three energy policy statutes, and a short chronology of state legislation is provided in Appendix B. Appendix C serves as an internet "portal" with web links to many energy-related statutes, regulations, agencies and information sources. Appendix D lists the present members of the Board. A Glossary of terms is included in Appendix E.

Finally, Appendix F presents data and charts on Connecticut's energy consumption and energy sources over time.

This report was designed to have a continuing value to policy makers and the public as a source of links to sources of information on the internet. The electronic version of this report is of course required for these web links (and links to other sections within this report) to work and is available from the Board or other state energy agencies.

2. ENERGY POLICY GOALS

Energy Policies in Existing Laws

In 1978, the legislature established an explicit state energy policy statement in Sec. 16a-35k of Connecticut General Statutes (CGS), based in part on the prevailing concern at the time about shortages and high prices of imported petroleum. Among other things, this section includes a list of nine policy statements and declares that it is state energy policy to: conserve energy; use renewable sources to the maximum extent feasible; diversify the state's energy mix; help residents and businesses reduce energy use and bills; and ensure that poor households are able to meet their essential energy needs.

Earlier, in 1975, ratemaking principles were adopted for electric and gas utility regulation in CGS Sec. 16-19e. This section requires utilities and DPUC to promote economic development, the development and use of renewable resources, and the prudent management of natural resources. The section was amended in 1979 to require that these actions conform, to greatest extent practicable, to the state's energy policy as contained in CGS Sec. 16a-35k.

More recently, the "Act Concerning Electric Restructuring", PA 98-28 was passed in 1998, restructuring the electric industry to authorize competition in electric generation services starting in 2000. This law effectively required the electric utilities to divest their generating assets and required them to provide, until 2004, standard offer service to customers who do not choose an alternative supplier, at a rate at least 10% below their 1996 rates. The Act contains extensive environmental, consumer education, and consumer protection provisions, and a specific list of twelve findings which essentially represent additional energy policy goals for the state's electric sector.

The policy statements in these three statutes are an important foundation and point of reference for this policy report, and are printed in Appendix A. They are discussed further below as the basis for state energy policy goals. Many other statutes also contain explicit or implicit energy-related policy statements and goals, including those addressing transportation and the environment. Finally, the Board's own enabling statute (Sec. 16a-3) provides policy direction by charging the Board to "recommend long-range energy supply and demand options with particular emphasis on conservation and energy resource development within the state." Sec. 16a-3 reads as follows:

- (1) under section 16a-7, (A) recommend to the Governor and General Assembly programs for enhancing the state's energy management and carrying out the purposes of section 16a-35k and (B) recommend long-range energy supply and demand options with particular emphasis on conservation and energy resource development within the state,
- (2) act as a mediator and coordinator for programs which will identify opportunities for and concerns of the state in managing its future energy requirements, especially with regard to conservation and the use of renewable energy resources,
- (3) respond to requests of the General Assembly to review or examine issues requiring consideration and policy formulation and

(4) examine the energy component of the state's economy as it affects citizens, government, commerce and industry."

New Energy Policy Opportunities and Challenges for Connecticut

In the Act Studying State Energy Policies (SA 99-15), which charged the Board with responsibility for this "study to update and strengthen the state's energy policy," the General Assembly stated the following objectives for the study:

- to reflect emerging competition among the various public utility industries and to reflect emerging trends in new technologies,
- to repeal or modify elements of the current policy that are inconsistent with recent state and federal laws,
- to protect the interests of low-income consumers and ensure they benefit from new opportunities available through competition such as aggregation and
- to ensure that conservation of natural resources remains a high priority in the state's energy policy....

This statute includes its own statements of energy policy with respect to low-income consumers and conservation. It also calls for an assessment of new opportunities and challenges that come with new markets and technologies. To ensure that Connecticut takes full advantage of the new opportunities for efficient and effective supply of energy and power created by the introduction of market forces, it is time to re-examine existing structures and systems that were created during the era of regulation and large-scale power plants based on steam turbine technology. As regulatory and technological changes are taking place, however, many of the fundamental challenges that energy policy makers faced in the 1970s and 1980s have still not been resolved. The Board's enabling statute (Sec. 16a-3) emphasizes "long-range energy supply and demand options with particular emphasis on conservation and energy resource development within the State" and "the effect of the energy component of the State's economy on citizens, government, commerce and industry." Accordingly, this report takes a long-range and broad perspective on the energy challenges and opportunities facing all of us in Connecticut.

Economic Challenges and Opportunities

The state of Connecticut imports most of its current energy supply, including oil, coal, natural gas and uranium. In addition, the state continues to be particularly dependent on oil, which is generally imported from foreign countries. This creates a significant continuing risk of economic disruption from sudden cost escalation or supply interruption, conditions over which we have little or no control. This export of energy dollars from our state also puts us at a competitive disadvantage. The new competitive environment could accentuate that export of dollars, because there is no longer any assurance that generation (and the dollars and jobs associated with it) will happen in state.

Energy supply and pricing have a substantial influence on economic growth within the state of

Connecticut, particularly in the industrial sector. Energy prices in New England are much higher than prices in most of the United States and represent a competitive disadvantage to Connecticut businesses and an economic burden to Connecticut families. The introduction of competition in many parts of the electric and natural gas industries in Connecticut and other Northeast states has been driven primarily by the need to drive down energy costs as much as possible.

In addition, the development of a "conservation ethic" which emphasizes increased energy efficiency offers additional opportunities to reduce energy costs, as well as creating several other economic and environmental opportunities for the state. State support of the expansion of our industrial sector could take the form of development and application of high tech manufacturing and conservation technologies. Connecticut could nurture a new industry devoted to creation of high efficiency products and processes. Every dollar that Connecticut business, industry and consumers don't have to spend on energy can be used for some other, more productive purpose. Likewise, every kilowatt of electricity we don't have to generate consumes no resources and causes no pollution.

As indicated by the legislature in S.A. 99-15, new energy policies also need to account for the unequal impact that the changing energy marketplace may inflict upon our citizens. A number of workers in the energy sector face a loss of jobs due to utility restructuring. Enlightened policy changes may lead to the creation of additional jobs in other sectors of the economy as a result of new opportunities in the marketplace. As market forces are put into effect, the ability of low-income customers to manage energy costs, especially in a deregulated market, is a concern. Similarly, locating new generation plants or other energy facilities may adversely affect local residents and can become a contentious political issue.

Environmental Challenges and Opportunities

Consumption (and conversion) of energy is the primary source of air pollution in our state, resulting in emissions of SO^X , NO^X , CO, CO^2 , mercury and other pollutants. These air emissions contribute to a range of undesirable consequences including acid rain, global warming, water pollution, and health problems. Some electric generating facilities have also been a significant source of other environmental impacts. While environmental regulations have internalized some of these costs to the economy and the environment, the costs associated with the remaining air emissions represent what economists call "externalities" that are not fully reflected in the price we pay for energy. Global climate change concerns are resulting in increasing calls for action to reduce the production of greenhouse gases. All of these environmental issues deserve consideration as Connecticut undertakes energy policy discussions.

Current global energy use and energy supply patterns are not sustainable. The creation of a sustainable future requires agreement on a common definition of sustainability. In general terms, sustainability refers to economic activity in today's world that does not interfere with the ability of future generations to enjoy their own economic prosperity, public health and natural environment. For example, Public Act 99-226, An Act Concerning Exemplary Environmental Management Systems, passed on June 29, 1999, references the framework contained in The Natural Step (TNS), which emphasizes "fair and efficient use of resources with respect to

meeting human needs” and includes the principle that “the physical basis for productivity and diversity of nature must not be systematically diminished.” While many of the potential threats to a sustainable future are global in nature, future Connecticut citizens will judge the impacts on their lives of energy policies put in place today at the state and local levels as well as the policies of national governments around the world.

Energy Policy Goals

New energy markets and energy technologies are expected to bring significant benefits, as noted above, and to bring with them significant challenges. The role of public policy is to assess markets and technologies in order to identify responses to these challenges in order to meet public policy goals. This section presents a framework of energy policy goals that address the challenges and opportunities discussed above. For some of the goals in this framework, significant progress can be made through the forces of the market and through new technology development. Other goals address the effects of energy use and the impacts of energy industry operations that are not fully captured in energy prices and energy markets and where the public sector needs to assume a greater role. While some of these goals may appear to be in conflict with one another (e.g., low energy cost vs. improved environment), energy policy must be based on a balancing of societal costs and benefits in economic, social and environmental terms, and an attempt to find win-win policy solutions. Then when it comes to developing and implementing strategies to achieve these public policy goals, understanding of internal and external energy-related costs and benefits is needed, based on analysis in both quantitative and qualitative terms. Specific strategies and actions are discussed below in section 3 of this report.

A comparison of the recent Act Concerning Electric Restructuring (Sec. 16-244 in P.L. 98-28) with the earlier policy statements cited above (Sec. 16-35k and 16-19e) shows a great deal of consistency across the decades. In this section, these policies are compared in a matrix and synthesized into a framework of policy goals. The following individual goals and categories (listed in no particular order) are based on these legislative policy statements, other relevant legislative policy provisions, the deliberations of the Connecticut Energy Advisory Board, a Public Hearing held by the Board in Hartford on January 11, 2000 and other public comment:

A. Economic

- reduce energy costs and provide affordable energy supplies,
- support economic development and economic vitality,
- protect all consumers and workers, including low-income residents,
- maintain universal service.

B. Environmental

- improve environmental quality,

- conserve natural resources and achieve sustainability,
- maintain safety and public health,
- reduce emissions of carbon dioxide and other greenhouse gases that contribute to global climate change,
- improve pollution prevention.

C. Risk Mitigation

- increase the safety and reliability of energy supply,
- increase energy efficiency and promote energy conservation,
- increase energy portfolio diversity to minimize supply and price risk,
- increase use of renewable energy resources,
- develop in-state energy supply-side and demand-side resources.

D. Competitive Markets

- provide customers choice among alternative generation services and a reasonable and fair opportunity for self-generation and interconnection,
- facilitate fair competition among existing and emerging technologies,
- streamline regulation to provide strong incentives to meet energy goals.

E. Policy Development and Coordination

- coordinate development and implementation of energy policies,
- assure that all state government actions are consistent with adopted energy policy,
- allocate available energy resources equitably in shortages,
- promote informed citizen responsibility for energy decision making.

The following matrix shows some of the *key* relationships between these energy policy goals and the policy provisions of existing statutes. (The matrix does not identify all these relationships, which would fill many of the cells which are left blank here.) Most of the goals in the above framework are based in existing statutory language, and most or all of the legislative policy statements are covered or incorporated in the goals framework. Despite the recent and expected changes in energy markets, regulations and technologies, it may not be necessary to change most or all of the existing policy provisions. On the other hand, there may be value in adding new policy language from time to time. For example, it may be appropriate at some time to extend and adapt the policy findings of the recent Act Concerning Electric

Restructuring (P.L. 98-28) to other energy sources and markets, where appropriate.

Energy Policy Goals	Statutory Policy Lists		Other Legislative Policies
	Sec. 16a-35k. Legislative findings and policy (numbered list)	PA 98-28, An Act Concerning Electric Restructuring (numbered list)	
A. Economic			
· reduce energy costs and provide affordable energy supplies,	6. assist citizens and businesses in implementing measures to reduce energy consumption and costs;	1. The provision of affordable, safe and reliable electricity is key to the continuing growth of this state and to the health, safety and general welfare of its residents; 2. Rates for electricity in this state ... are higher than the national average;	
· support economic development and economic vitality,			Sec. 16-19e "economic development"
· protect the interests of all consumers and workers, including low-income residents,		6. Those public policy measures under current law, including, but not limited to, those protecting customers under the winter moratorium and hardship provisions ..., should be preserved; 10. The restructuring of the electric industry may result in a reduction in staffing levels at Connecticut generation facilities and those workers adversely affected by such restructuring should be protected;	Sec. 16-19e "provide appropriate protection to the relevant public interests, both existing and foreseeable"
· maintain universal service.	7. ensure that low-income households	8. The assurance of safe, reliable and available electric	

	can meet essential energy needs;	service to all customers in a uniform and equitable manner is an essential governmental objective and a restructured electric market must provide adequate safeguards to assure universal service and customer service protections;	
B. Environmental			
- improve environmental quality,		9. The generation of electricity must be achieved in a manner that ... minimizes negative environmental impacts;	Sec. 16-19e "energy and water conservation"
- conserve natural resources and achieve sustainability,	1. conserve energy resources by avoiding unnecessary and wasteful consumption;	6. Those public policy measures under current law, including, but not limited to, ... conservation measures and incentives for using renewable energy sources, should be preserved;	Sec. 16a-35k "to enhance the utilization of renewable resources so that the availability of nonrenewable resources can be extended to future generations"; Sec. 16-19e "energy and water conservation"
- maintain safety and public health,		9. The generation of electricity must be achieved in a manner that does not endanger the public health or safety ...	Sec. 16-19e "public safety"
- reduce emissions of carbon dioxide and other 'greenhouse gasses' that contribute to global climate change,			Sec. 16a-35k "attain the objectives stated herein without harm to the environment, risk to health or safety or other undesirable or unintended consequences" Also Public Act 91-395 "An Act Concerning Global Warming" requires OPM to annually submit a report to the General Assembly which details the net amount of carbon dioxide emitted annually.
- improve pollution prevention.			Sec. 16-19e "prudent management of the natural

			environment"
C. Risk Mitigation			
· increase the safety and reliability of energy supply		1. The provision of affordable, safe and reliable electricity is key to the continuing growth of this state and to the health, safety and general welfare of its residents;	
· increase energy efficiency and promote energy conservation	2. consume energy resources in the most efficient manner feasible; 9. when available energy alternatives are equivalent, give preference for capacity additions first to conservation and load management.	12. It is in the best interest of the state for all customers to use electricity as efficiently as possible.	Sec. 16a-35k " to promote the general welfare by creating and maintaining conditions under which energy can be utilized effectively and efficiently"; Sec. 16-19e DPUC "shall determine whether <u>demand-side management</u> would be more cost-effective in meeting any demand... for which" an "expansion of... electric distribution system" is proposed
· increase energy portfolio diversity to minimize supply & price risk	4. diversify the state's energy supply mix;		
· increase use of renewable energy resources	3. develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent;	6. ... public policy measures under current law, including ... conservation measures and incentives for using renewable energy sources, should be preserved	Sec. 16-19e "development and utilization of renewable sources of energy"; Sec. 16a-35m "recommendations for decreasing dependency on fossil fuels by promoting energy conservation, solar and other alternative energy sources"
· develop in-state energy supply and demand-side resources.	5. where practicable, replace energy resources vulnerable to interruption due to circumstances beyond the state's control with those	7. State regulations should encourage and allow for a sufficient number of in-state generating facilities to ensure an adequate and reliable power supply within the state and ensure development of a	Sec. 16-19e "to further the development and optimum use of the state's energy resources"

	less vulnerable;	truly competitive generation market;	
D. Competitive Markets			
· allow customers to choose among alternative generation services and allow customers a reasonable and fair opportunity to self-generate and interconnect,		5. A competitive generation market should allow customers to choose among alternative generation services and allow customers a reasonable and fair opportunity to self-generate and interconnect;	Sec. 16a-35k "preserve wherever possible a society which supports a diversity and variety of individual choice"
· facilitate fair competition among existing and emerging technologies,		3. Changes in generating technology now enable the provision of electric service at much lower rates ... and competitive market forces can play a role in the reduction of Connecticut rates;	
· streamline regulation to provide strong incentives to reduce cost and meet other energy goals.		4. It is in the best interest of the state to reduce rates for electricity to all customer classes, to prevent cross subsidization among customer classes and to allow for the competitive generation of electricity while retaining a regulated distribution system to ensure reliability	
E. Policy Development and Coordination			
· coordinate development and implementation of energy policies,			Sec. 16-19e "c. DPUC shall consult ... each year with the Commissioner of Environmental Protection, the Connecticut Siting Council and OPM ... to coordinate ... with the ... policies of said other agencies ... to further ... policy [in] Sec.16a-35k..."
· assure that all state government actions are consistent with			Sec. 16-19e DPUC "shall take into consideration the energy policies of the state as

adopted energy policy,			expressed in this subsection and in any annual reports prepared or filed by such other agencies and instrumentalities"
· allocate available energy resources equitably in shortages,	8. maintain planning and preparedness capabilities necessary to deal effectively with future energy supply interruptions and		
· promote informed citizen responsibility for energy decision making.			Sec. 16a-35k "The state shall seek all possible ways to implement this policy through public education and cooperative efforts involving the federal government, regional organizations, municipal governments, other public and private organizations and concerned individuals"
Other		11. The current method of providing electric service has involved a balancing of costs, risks and rewards for electric utilities and their customers, and therefore the transition to a competitive generation market, including the determination of stranded costs, should be based on the principles of fairness and reasonableness and the result of a balance of the interests of electric customers, electric utilities and the public at large;	

Potential Mission Statement for State Energy Policymakers

The state's energy policy goals, together with the strategies presented below, can be summarized in the following overall goal. Language such as the following could be adopted as

a mission statement for the Connecticut Energy Advisory Board, perhaps together with, or on behalf of, other agencies which impact the energy industry:

to ensure a safe, adequate, reliable, and affordable energy supply for all present and future energy consumers while enhancing the state's environmental quality and supporting economic development by enhancing retail energy market development while protecting the interests of the energy workforce; promoting energy efficiency, diversity and renewable energy technologies in all sectors of the state, including the transportation sector; protecting low-income customers; coordinating environmental and energy policies and regulations; educating the state's energy consumers; and coordinating the many state agencies with responsibility for or impacts on energy policy.

Policies that May be Inconsistent with Recent Laws

Despite the stability of the state's legislative policy goals over time, it may be appropriate to update some particular energy policy provisions of existing statutes to reflect present and anticipated future conditions. Specifically, this report is a response to Special Act 99-15, as noted above, which called for an identification of "elements of the current policy that are inconsistent with recent state and federal laws" with an eye toward their repeal or modification to update and strengthen the state's energy policy. As the Act indicated, this may be needed in view of the "emerging competition among the various public utility industries and ... emerging trends in new technologies." Additional legislative background is available in memoranda prepared by the Office of Legislative Research: "Legislative Options Regarding State Energy Policy," February 18, 1999, 99-R-0286 and "Summary and Discussion of State Energy Policy," October 6, 1998, 98-R-1184. In this context, it may be appropriate to review the elements of current energy policy listed in the following matrix:

Existing Statutes (Excerpts)	Consistency Issues
<p>Sec. 16a-1. Legislative findings and purpose. It is found and declared that a shortage of energy supplies and resources exists in the state and the United States and that a critical shortage may be imminent, that the existence of such shortage is inimical to the public health, safety and welfare of the people of the state, that there is a necessity to implement the federal mandatory allocation order and other federal directives and federal statutes, establish contingency rationing plans for fuel oil, gasoline and other energy supplies and restrict the use of energy and that the necessity of enacting the provisions of this chapter to provide for equitable distribution and conservation of energy is declared as a matter of legislative determination.</p>	<p>This language is tied to a particular time and set of circumstances. A shortage is not thought to be "imminent" now (despite the price spike for heating oil and diesel fuel that is making headlines at this writing). The legislative findings and purpose could instead refer to the ongoing vulnerability to possible price and supply disruption that results from national, regional, and state dependence on fossil fuels in general, and on imported oil supplies in particular, and could</p>

	<p>refer to other energy policy goals such as those discussed in this Report.</p>
<p>Sec. 16-50r. Report of forecast of loads and resources. (a) Every person engaged in generating electric power in the state, except a private power producer ... shall, annually ... file a report ... containing a twenty-year forecast of loads and resources. The report shall describe the facilities that, in the judgment of such utility, will be required to supply system demands during the forecast period.... The report shall include: (1) A tabulation of estimated peak loads, resources and margins for each year; (2) data on energy use and peak loads for the five preceding ... years; (3) a list of existing generating facilities in service; (4) a list of scheduled generating facilities for which property has been acquired...; (5) a list of planned generating units ... that will be needed to provide estimated additional electrical requirements...; (6) a list of planned transmission lines on which proposed route reviews are being undertaken ...; (7) a description of the steps taken to upgrade existing facilities and to eliminate overhead transmission and distribution lines...; and (8) for each private power producer having a facility generating more than one megawatt and from whom the person ... has purchased electricity ..., a statement including the name, location, size and type..., the fuel consumed ... and the by-product of the consumption.”</p>	<p>With a competitive electricity generation industry, regulated utilities will generally not be engaged in generating electric power at central station plants, so the language “every person engaged in generating electric power in the state. On the other hand, transmission and distribution companies may be in a position to compile some load data that would be of value to the public sector in monitoring the newly deregulated generation market.”</p>
<p>16-19aa. Excess generating capacity. Exclusion of costs associated with. The DPUC shall (5) “exclude from the company's rates, in a manner which shall provide the optimal short-term and long-term benefits to customers of the company, the costs associated with generating facilities which provide net reserve capacity in excess of the level, including any adjustments, determined by the department ...” to provide a net economic benefit to customers of the company.</p>	<p>With a competitive electricity generation industry, regulated utilities are no longer responsible for determining generating plant capacity.</p>
<p>Sec. 16-19cc. Semiannual reports from nuclear generating facility licensees. (a) Every electric public service company, as defined by section 16-1, which owns a five per cent or larger share of a nuclear generating facility shall file with the DPUC and the Office of Consumer Counsel, semiannually..., a report on the projected availability, maintenance, refueling and shutdown schedules, for the next twelve-month period, of all generating facilities over one hundred megawatts of capacity of each electric public service company and any generating facilities which are part of the New England Power Pool.</p> <p>(b) The DPUC shall hold a hearing at the end of each calendar quarter in which fifty per cent or more of an electric public service company's nuclear generating capacity has been out of service for a significant period of time. If the department finds</p>	<p>When regulated utilities no longer own nuclear or other generating plants, these provisions will be irrelevant.</p>