It is enacted by the General Assembly as follows:

SECTION 1. Section 39-1-27.7 of the General Laws in Chapter 39-1 entitled “Public Utilities Commission” is hereby amended to read as follows:

39-1-27.7. System reliability and least-cost procurement.

Least-cost procurement shall comprise system reliability and energy efficiency and conservation procurement as provided for in this section and supply procurement as provided for in § 39-1-27.8, as complementary but distinct activities that have as common purpose meeting electrical and natural gas energy needs in Rhode Island, in a manner that is optimally cost-effective, reliable, prudent and environmentally responsible.

(a) The commission shall establish not later than June 1, 2008, standards for system reliability and energy efficiency and conservation procurement, which shall include standards and guidelines for:

(1) System reliability procurement, including but not limited to:

(i) Procurement of energy supply from diverse sources, including, but not limited to, renewable energy resources as defined in chapter 26 of this title;

(ii) Distributed generation, including, but not limited to, renewable energy resources and thermally leading combined heat and power systems, which is reliable and is cost-effective, with measurable, net system benefits;

(iii) Demand response, including, but not limited to, distributed generation, back-up generation and on-demand usage reduction, which shall be designed to facilitate electric customer
participation in regional demand response programs, including those administered by the independent service operator of New England ("ISO-NE") and/or are designed to provide local system reliability benefits through load control or using on-site generating capability;

(iv) To effectuate the purposes of this division, the commission may establish standards and/or rates:

(A) For qualifying distributed generation, demand response, and renewable energy resources;

(B) For net-metering;

(C) For back-up power and/or standby rates that reasonably facilitate the development of distributed generation; and

(D) For such other matters as the commission may find necessary or appropriate.

(2) Least-cost procurement, which shall include procurement of energy efficiency and energy conservation measures that are prudent, and reliable, and verifiable, and when such measures are lower cost than acquisition of additional supply, including supply for periods of high demand, and which when calculating least cost procurement energy efficiency and energy conservation measures which shall factor in the results of the annual savings verification conducted by the commission.

(b) The standards and guidelines provided for by subsection (a) shall be subject to periodic review and as appropriate amendment by the commission, which review will be conducted not less frequently than every three (3) years after the adoption of the standards and guidelines.

(c) To implement the provisions of this section:

(1) The commissioner of the office of energy resources and the energy efficiency and resources management council, either or jointly or separately, shall provide the commission findings and recommendations with regard to system reliability and energy efficiency and conservation procurement on or before March 1, 2008, and triennially on or before March 1, thereafter through March 1, 2024. The report shall be made public and be posted electronically on the website to the office of energy resources.

(2) The commission shall issue standards not later than June 1, 2008, with regard to plans for system reliability and energy efficiency and conservation procurement, which standards may be amended or revised by the commission as necessary and/or appropriate.

(3) The energy efficiency and resources management council shall prepare by July 15, 2008, a reliability and efficiency procurement opportunity report which shall identify opportunities to procure efficiency, distributed generation, demand response and renewables,
which report shall be submitted to the electrical distribution company, the commission, the office
of energy resources and the joint committee on energy.

(4) Each electrical and natural gas distribution company shall submit to the commission
on or before September 1, 2008, and triennially on or before September 1, thereafter through
September 1, 2024, a plan for system reliability and energy efficiency and conservation
procurement. In developing the plan, the distribution company may seek the advice of the
commissioner and the council. The plan shall include measurable goals verifiable by a third-party
expert and target percentages for each energy resource, pursuant to standards established by the
commission, including efficiency, distributed generation, demand response, combined heat and
power, and renewables. The plan shall be made public and be posted electronically on the website
to the office of energy resources, and shall also be submitted to the general assembly. The
commission shall include standards for annual verification of energy efficiency through a
representative sample of all the types of energy conservation measures for which energy savings
are claimed prior to and after their implementation. The results of this annual verification shall be
used to adjust goals and factored into the least cost procurement calculation. The annual
verification shall be conducted by the commission independent of the EERMC and the utilities,
and the cost of the independent verification shall be part of the system benefit charge.

(5) The commission shall issue an order approving all energy efficiency measures that are
cost effective and lower cost than acquisition of additional supply, with regard to the plan from
the electrical and natural gas distribution company, and reviewed and approved by the energy
efficiency and resources management council, and any related annual plans, and shall approve a
fully reconciling funding mechanism to fund investments in all efficiency measures that are cost
effective and lower cost than acquisition of additional supply, not greater than sixty (60) days
after it is filed with the commission. Provided, however, any system benefit charge provided
pursuant to title 39 used to support programs under this subsection shall be capped at the year
2017 charge level for a period of five (5) years.

(6) (i) Each electrical and natural gas distribution company shall provide a status report,
which shall be public, on the implementation of least cost procurement on or before December
15, 2008, and on or before February 1, 2009, to the commission, the division, the commissioner
of the office of energy resources and the energy efficiency and resources management council
which may provide the distribution company recommendations with regard to effective
implementation of least cost procurement. The report shall include the targets for each energy
resource included in the order approving the plan and the achieved percentage for energy
resource, including the achieved percentages for efficiency, distributed generation, demand
response, combined heat and power, and renewables as well as the current funding allocations for each eligible energy resource and the businesses and vendors in Rhode Island participating in the programs. The report shall be posted electronically on the website of the office of energy resources.

(ii) Beginning on November 1, 2012 or before, each electric distribution company shall support the installation and investment in clean and efficient combined heat and power installations at commercial, institutional, municipal, and industrial facilities. This support shall be documented annually in the electric distribution company's energy efficiency program plans. In order to effectuate this provision, the energy efficiency and resource management council shall seek input from the public, the gas and electric distribution company, the economic development corporation, and commercial and industrial users, and make recommendations regarding services to support the development of combined heat and power installations in the electric distribution company's annual and triennial energy efficiency program plans.

(iii) The energy efficiency annual plan shall include, but not be limited to, a plan for identifying and recruiting qualified combined heat and power projects, incentive levels, contract terms and guidelines, and achievable megawatt targets for investments in combined heat and power systems. In the development of the plan, the energy efficiency and resource management council and the electric distribution company shall factor into the combined heat and power plan and program, the following criteria:

(A) Economic development benefits in Rhode Island, including direct and indirect job creation and retention from investments in combined heat and power systems;

(B) Energy and cost savings for customers;

(C) Energy supply costs;

(D) Greenhouse gas emissions standards and air quality benefits; and (E) System reliability benefits.

(iv) The energy efficiency and resource management council shall conduct at least one public review meeting annually, to discuss and review the combined heat and power program, with at least seven (7) business day's notice, prior to the electric and gas distribution utility submitting the plan to the commission. The commission shall evaluate the submitted combined heat and power program as part of the annual energy efficiency plan. The commission shall issue an order approving the energy efficiency plan and programs within sixty (60) days of the filing.

(d) If the commission shall determine that the implementation of system reliability and energy efficiency and conservation procurement has caused or is likely to cause under or over-recovery of overhead and fixed costs of the company implementing said procurement, the
commission may establish a mandatory rate adjustment clause for the company so affected in
order to provide for full recovery of reasonable and prudent overhead and fixed costs.

(e) The commission shall conduct a contested case proceeding to establish a performance
based incentive plan which allows for additional compensation for each electric distribution
company and each company providing gas to end-users and/or retail customers based on the level
of its success in mitigating the cost and variability of electric and gas services through
procurement portfolios.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION

***

1 This act would require verifiable least cost energy procurements and standards for annual verification of energy efficiency.

2 This act would take effect upon passage.

======
LC001810
======