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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- THE ENERGY REFORM ACT
OF 2013

Introduced By: Representatives Handy, and Ruggiero

Date Introduced: April 24, 2013

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
2 "Department of Administration" is hereby amended to read as follows:

3 **42-11-10. Statewide planning program.** -- (a) Findings. - The general assembly finds
4 that the people of this state have a fundamental interest in the orderly development of the state;
5 the state has a positive interest and demonstrated need for establishment of a comprehensive
6 strategic state planning process and the preparation, maintenance, and implementation of plans
7 for the physical, economic, and social development of the state; the continued growth and
8 development of the state presents problems that cannot be met by the cities and towns
9 individually and that require effective planning by the state; and state and local plans and
10 programs must be properly coordinated with the planning requirements and programs of the
11 federal government.

12 (b) Establishment of statewide planning program.

13 (1) A statewide planning program is hereby established to prepare, adopt, and amend
14 strategic plans for the physical, economic, and social development of the state and to recommend
15 these to the governor, the general assembly, and all others concerned.

16 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all
17 departments and agencies of the executive branch unless specifically exempted, shall be
18 conducted by or under the supervision of the statewide planning program. The statewide planning

1 program shall consist of a state planning council, and the division of planning, which shall be a
2 division within the department of administration.

3 (c) Strategic planning. - Strategic planning includes the following activities:

4 (1) Establishing or identifying general goals.

5 (2) Refining or detailing these goals and identifying relationships between them.

6 (3) Formulating, testing, and selecting policies and standards that will achieve desired
7 objectives.

8 (4) Preparing long-range or system plans or comprehensive programs that carry out the
9 policies and set time schedules, performance measures, and targets.

10 (5) Preparing functional short-range plans or programs that are consistent with
11 established or desired goals, objectives, and policies, and with long-range or system plans or
12 comprehensive programs where applicable, and that establish measurable intermediate steps
13 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

14 (6) Monitoring the planning of specific projects and designing of specific programs of
15 short duration by the operating departments, other agencies of the executive branch, and political
16 subdivisions of the state to insure that these are consistent with and carry out the intent of
17 applicable strategic plans.

18 (7) Reviewing the execution of strategic plans and the results obtained and making
19 revisions necessary to achieve established goals.

20 (d) State guide plan. - Components of strategic plans prepared and adopted in accordance
21 with this section may be designated as elements of the state guide plan. The state guide plan shall
22 be comprised of functional elements or plans dealing with land use; physical development and
23 environmental concerns; economic development; housing production; energy supply, including
24 [diversification of Rhode Island's energy portfolio through regional and international procurement](#)
25 [opportunities of renewable large-scale hydropower and](#) the development of renewable energy
26 resources in Rhode Island, and energy access, use, and conservation; human services; and other
27 factors necessary to accomplish the objective of this section. The state guide plan shall be a
28 means for centralizing, integrating, and monitoring long-range goals, policies, plans, and
29 implementation activities related thereto. State agencies concerned with specific subject areas,
30 local governments, and the public shall participate in the state guide planning process, which shall
31 be closely coordinated with the budgeting process.

32 (e) Membership of state planning council. - The state planning council shall consist of:

33 (1) The director of the department of administration as chairperson;

34 (2) The director, policy office, in the office of the governor, as vice-chairperson;

- 1 (3) The governor, or his or her designee;
- 2 (4) The budget officer;
- 3 (5) The chairperson of the housing resources commission;
- 4 (6) The highest-ranking administrative officer of the division of planning, as secretary;
- 5 (7) The president of the League of Cities and Towns or his or her designee and one
6 official of local government, who shall be appointed by the governor from a list of not less than
7 three (3) submitted by the Rhode Island League Cities and Towns;
- 8 (8) The executive director of the League of Cities and Towns;
- 9 (9) One representative of a nonprofit community development or housing organization
10 appointed by the governor;
- 11 (10) Four (4) public members, appointed by the governor;
- 12 (11) Two (2) representatives of a private, nonprofit environmental advocacy
13 organization, both to be appointed by the governor;
- 14 (12) The director of planning and development for the city of Providence;
- 15 (13) The director of the department of transportation;
- 16 (14) The director of the department of environmental management;
- 17 (15) The director of the department of health; and
- 18 (16) The executive director of the economic development corporation.
- 19 (f) Powers and duties of state planning council. - The state planning council shall have
20 the following powers and duties:
 - 21 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
22 and to modify and amend any of these, following the procedures for notification and public
23 hearing set forth in section 42-35-3, and to recommend and encourage implementation of these
24 goals to the general assembly, state and federal agencies, and other public and private bodies;
25 approval of strategic plans by the governor; and to ensure that strategic plans and the long-range
26 state guide plan are consistent with the findings, intent, and goals set forth in section 45-22.2-3,
27 the "Rhode Island Comprehensive Planning and Land Use Regulation Act";
 - 28 (2) To coordinate the planning and development activities of all state agencies, in
29 accordance with strategic plans prepared and adopted as provided for by this section;
 - 30 (3) To review and comment on the proposed annual work program of the statewide
31 planning program;
 - 32 (4) To adopt rules and standards and issue orders concerning any matters within its
33 jurisdiction as established by this section and amendments to it;
 - 34 (5) To establish advisory committees and appoint members thereto representing diverse

1 interests and viewpoints as required in the state planning process and in the preparation or
2 implementation of strategic plans. The state planning council shall appoint a permanent
3 committee comprised of:

4 (i) Public members from different geographic areas of the state representing diverse
5 interests, and

6 (ii) Officials of state, local and federal government, which shall review all proposed
7 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
8 advise the state planning council thereon before the council acts on any such proposal. This
9 committee shall also advise the state planning council on any other matter referred to it by the
10 council; and

11 (6) To establish and appoint members to an executive committee consisting of major
12 participants of a Rhode Island geographic information system with oversight responsibility for its
13 activities.

14 (7) To adopt, amend and maintain as an element of the state guide plan or as an
15 amendment to an existing element of the state guide plan, standards and guidelines for the
16 location of eligible renewable energy resources and renewable energy facilities in Rhode Island
17 with due consideration for the location of such resources and facilities in commercial and
18 industrial areas, agricultural areas, areas occupied by public and private institutions, and property
19 of the state and its agencies and corporations, provided such areas are of sufficient size, and in
20 other areas of the state as appropriate.

21 (g) Division of planning.

22 (1) The division of planning shall be the principal staff agency of the state planning
23 council for preparing and/or coordinating strategic plans for the comprehensive management of
24 the state's human, economic, and physical resources. The division of planning shall recommend
25 to the state planning council specific guidelines, standards, and programs to be adopted to
26 implement strategic planning and the state guide plan and shall undertake any other duties
27 established by this section and amendments thereto.

28 (2) The division of planning shall maintain records (which shall consist of files of
29 complete copies) of all plans, recommendations, rules, and modifications or amendments thereto
30 adopted or issued by the state planning council under this section. The records shall be open to
31 the public.

32 (3) The division of planning shall manage and administer the Rhode Island geographic
33 information system of land-related resources, and shall coordinate these efforts with other state
34 departments and agencies, including the University of Rhode Island, which shall provide

1 technical support and assistance in the development and maintenance of the system and its
2 associated data base.

3 (4) The division of planning shall coordinate and oversee the provision of technical
4 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
5 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
6 plan and shall make available to cities and towns data and guidelines that may be used in
7 preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
8 elements thereby.

9 (h) [Deleted by P.L. 2011, ch. 215, section 4, and by P.L. 2011, ch. 313, section 4_.

10 (i) The division of planning shall be the principal staff agency of the water resources
11 board established pursuant to chapter 46-15 ("Water Resources Board") and the water resources
12 board corporate established pursuant to chapter 46-15.1 ("Water Supply Facilities").

13 SECTION 2. Section 42-140-3 of the General Laws in Chapter 42-140 entitled "Rhode
14 Island Energy Resources Act" is hereby amended to read as follows:

15 **42-140-3. Purposes.** -- The purposes of the office shall be to:

16 (1) Develop and put into effect plans and programs to promote, encourage, and assist the
17 provision of energy resources for Rhode Island in a manner that enhances economic well-being,
18 social equity, and environmental quality;

19 (2) Monitor, forecast, and report on energy use, energy prices, and energy demand and
20 supply forecasts, and make findings and recommendations with regard to energy supply diversity,
21 reliability, and procurement, including least-cost procurement;

22 (3) Develop and to put into effect plans and programs to promote, encourage and assist
23 the efficient and productive use of energy resources in Rhode Island, and to coordinate energy
24 programs for natural gas, electricity, and heating oil to maximize the aggregate benefits of
25 conservation and efficiency of investments;

26 (4) Monitor and report technological developments that may result in new and/or
27 improved sources of energy supply, increased energy efficiency, and reduced environmental
28 impacts from energy supply, transmission and distribution;

29 (5) Administer the programs, duties, and responsibilities heretofore exercised by the state
30 energy office, except as these may be assigned by executive order or the general laws to other
31 departments and agencies of state government;

32 (6) Develop, recommend and, as appropriate, implement integrated and/or
33 comprehensive strategies, including at regional and federal levels, to secure Rhode Island's
34 interest in energy resources, their supply and efficient use, and as necessary to interact with

1 persons, private sector, non-profit, regional, federal entities and departments and agencies of
2 other states to effectuate this purpose;

3 (7) Cooperate with agencies, departments, corporations, and entities of the state and of
4 political subdivisions of the state in achieving its purposes;

5 (8) Cooperate with and assist the state planning council and the division of state planning
6 in developing, maintaining, and implementing state guide plan elements pertaining to energy and
7 renewable energy;

8 (9) Coordinate the energy efficiency, renewable energy, least cost procurement, and
9 systems reliability plans and programs with the energy efficiency resource management council
10 and the renewable energy coordinating board;

11 (10) Participate in, monitor implementation of, and provide technical assistance for the
12 low-income home energy assistance program enhancement plan established pursuant to section
13 39-1-27.12;

14 (11) Participate in and monitor the distributed generation standard contracts program
15 pursuant to chapter 39-26-2;

16 (12) Coordinate opportunities with and enter into contracts and/or agreements with the
17 economic development corporation associated with the energy efficiency, least-cost procurement,
18 system reliability, and renewable energy fund programs;

19 (13) Provide support and information to the division of planning and the state planning
20 council in development of a ten (10) year Rhode Island Energy Guide Plan, which shall be
21 reviewed and amended if necessary every five (5) years;

22 (14) Provide funding support if necessary to the renewable energy coordinating board
23 and/or the advisory council to carry out the objectives pursuant to chapter 42-140-3;

24 (15) Advise and provide technical assistance to state and federally funded energy
25 program to support:

26 (i) The federal low-income home energy assistance program which provides heating
27 assistance to eligible low-income persons and any state funded or privately funded heating
28 assistance program of a similar nature assigned to it for administration;

29 (ii) The weatherization assistance program which offers home weatherization grants and
30 heating system upgrades to eligible persons of low-income;

31 (iii) The emergency fuel program which provides oil deliveries to families experiencing
32 a heating emergency;

33 (iv) The energy conservation program, which offers service and programs to all sectors;

34 and

1 (v) [Deleted by P.L. 2008, ch. 228, section 2, and P.L. 2008, ch. 422, section 2.]

2 (16) Advise the economic development corporation in the development of standards and
3 rules for the solicitation and award of renewable energy program investment funds in accordance
4 with section 42-64-13.2;

5 (17) Develop, recommend, and evaluate energy programs for state facilities and
6 operations in order to achieve and demonstrate the benefits of energy-efficiency, diversification
7 of energy supplies, energy conservation, and demand management; ~~and~~

8 (18) Advise the governor and the general assembly with regard to energy resources and
9 all matters relevant to achieving the purposes of the office; and

10 (19) The commissioner, in consultation with a designee of the division of public utilities
11 and carriers, a designee of the electric distribution company, and others the commissioner may
12 deem necessary, shall prepare and issue by October 15, 2013 a renewable large-scale hydropower
13 opportunities report which shall identify opportunities to procure electricity from a new or
14 existing renewable large-scale hydropower facility greater than thirty megawatt (30 MW),
15 including regional and Rhode Island based procurement opportunities and mechanisms,
16 environmental and greenhouse gas emissions impact, pricing, necessary transmission upgrades
17 and construction completion, resulting transmission and distribution costs, and a timeline for
18 renewable large-scale hydropower to be available for Rhode Island purchase. The electric
19 distribution company shall provide the commissioner with the necessary and requested
20 information to complete the hydroelectric power opportunities report. With respect to the costs
21 associated with the provision of the necessary and requested information by the office, the
22 electric distribution company shall recover said costs in rates by the electric distribution company
23 in the year incurred or the year following incurrence through an appropriate filing with the
24 division of public utilities. The commissioner and the distribution company may also utilize
25 regional analyses as necessary.

26 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- THE ENERGY REFORM ACT
OF 2013

1 This act would include large-scale hydropower as a renewable energy source to be
2 examined in the state energy plan and direct the Office of Energy Resources, in consultation with
3 others, to conduct a detailed market analysis and to assess the costs, with an October 15, 2013
4 report date.

5 This act would take effect upon passage.

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