

REGULATIONS OF CONNECTICUT STATE AGENCIES

Department of Energy and Environmental Protection

Public Utilities Regulatory Authority

THIS COMPILATION WAS PREPARED BY THE STATE OF
CONNECTICUT, PUBLIC UTILITIES REGULATORY AUTHORITY.
IT IS NOT AN OFFICIAL VERSION OF THE REGULATIONS OF CONNECTICUT
STATE AGENCIES AND SHOULD NOT BE RELIED UPON AS SUCH.

FOR AN OFFICIAL VERSION, PLEASE CONTACT
THE COMMISSION ON OFFICIAL LEGAL PUBLICATIONS OR
THE OFFICE OF THE SECRETARY OF THE STATE.

TABLE OF CONTENTS

**Contract Procedures Pertaining to Electric Public Service Companies
for Private Power Producers and Private Power Providers**

General rule and definitions	16-243a- 1
Utility filing requirements	16-243a- 2
Determination of additional resource needs and utility avoided costs; public hearing	16-243a- 3
Electric public service company compliance	16-243a- 4
Procedures for participation in the request for proposal process for private power producers and private power providers	16-243a- 5
Ranking and selection by the department	16-243a- 6
Private power producer exemptions	16-243a- 7

**Contract Procedures Pertaining to Electric Public Service Companies
for Private Power Producers and Private Power Providers**

Sec. 16-243a-1. General rule and definitions

(a) General Rule

These regulations establish procedures implementing Section 16-243a of the General Statutes of Connecticut concerning the purchase and sale of electricity between electric public service companies and private power producers and Connecticut General Statutes Section 16-243f concerning the manner in which capacity needs of electric public service companies may be met through the provision of electricity conservation and demand management measures by private power providers, in addition to or in lieu of electricity generation resources. The procedures shall apply to all private power producers not specifically exempted in Section 16-243a-7 of these regulations and to all private power providers. Nothing in these regulations shall be construed to preclude or restrain the company's short term management decisions made to improve the economics or reliability of its system or fuel mix through wholesale or retail supply or demand opportunities made in the operation of its franchise.

(b) Definitions

(1) "Authority" and "Department" as used in these regulations, shall be as defined in Section 16-1 of the Connecticut General Statutes.

(2) "Electric Public Service Company" as used in these regulations, shall mean a "public service company" which provides electric service, as defined in Section 16-1 of the Connecticut General Statutes.

(3) "Cogeneration Technology" as used in these regulations, shall be as defined in Section 16-1 of the Connecticut General Statutes.

(4) "Renewable Fuel Resources" as used in these regulations, shall be as defined in Section 16-1 of the Connecticut General Statutes.

(5) "Proxy Resource" as used in these regulations, shall be defined as that incremental resource, if any, identified as needed by the electric public service company after the public hearing and upon a finding by the Department pursuant to Section 16-243a-3 (b) of these regulations which but for the purchase from private power producers, such electric public service company would implement itself or purchase from another source.

(6) "Private Power Producer" as used in these regulations, shall be as defined in Section 16-243b of the Connecticut General Statutes.

(7) "Private Power Production Facility" as used in these regulations, shall be as defined in Section 16-243b of the Connecticut General Statutes.

(8) "Private Power Provider" as used in these regulations, shall be as defined in Section 16-243b of the Connecticut General Statutes.

(9) "Electricity Conservation or Demand Management Measures" as used in these regulations, shall mean the provision by an electric public service company, directly or through private power providers, of equipment or services to conserve electricity, measured in British thermal units at the point of use, or to manage electric load.

(10) "Electricity Conservation and Load Management Investments" as used in these regulations means any investments by electric public service companies in multi-year conservation and demand management measures designed to conserve electric energy or manage electric load.

(Effective October 26, 1989)

Sec. 16-243a-2. Utility filing requirements

(a) On or before April first of each even numbered calendar year, each electric public service company shall file the following information with the Department:

(1) A report of the status of all previously approved power purchase agreements with private power producers, including the current status of projects under construction, identification of projects in service, payments made, or proposed to be made, in each remaining year of each contract;

(2) A forecast of loads and resources including but not limited to existing supply options, conservation, load and demand management measures, facility requirements, re-powering or life extension, and bulk power purchases. This information must be consistent with the ten or twenty-year report of Annual Forecasts of Loads and Resources filed with the Connecticut Siting Council pursuant to Section 16-50r of the General Statutes of Connecticut;

(3) The long-term forecasts of energy prices for oil, natural gas and coal used for utility planning purposes in developing the information required in Sections 16-243a-2 (a) (2) and 16-243a-2 (b) (2) of these regulations; and

(4) A report on the comprehensive conservation and load management programs of the company including:

(A) The status of all electricity conservation and load management programs to which the company has made commitment for capital investments within the next ten years from the date of the report, including all conservation and load management programs planned for development within the next ten years;

(B) The effect of all existing and planned conservation and load management programs on the load, demand and resource requirements of the company for the next ten years, including a description of the program's consistency with state energy policy;

(C) Documentation of the program elements, costs, implementation requirements, and fuel and energy savings objectives for each conservation and load management program filed pursuant to this section for the next ten years;

(D) Documentation of fuel and energy savings achieved to date for each program; and

(E) A report of the status of all agreements between the company and private power providers, including the current status of conservation and demand services under contract but not yet operational, identification of such services currently being furnished under contract, and payments made, or proposed to be made, in each remaining year of each agreement.

(5) If the comprehensive conservation and load management program contains multi-year conservation and load management programs, the electric public service company shall file the following additional information:

(A) The expected annual cost of operating the program, the capital requirements for investment for each year of the program, and the anticipated savings of capacity and energy for each year of the program;

(B) Documentation as to the use of cash or energy credits to customers as part of the program; and

(C) Testimony regarding the requested premium above the most recently authorized rate of return requested by the electric public service company for each multi-year program requiring capital investment, the requested period of amortization, and the annual and cumulative amount requested to be recovered in rate base. Such information shall address each individual multi-year investment program as well as the cumulative effect of such programs.

(b) If the forecast filed pursuant to Section 16-243a-2 (a) (2) of these regulations, adjusted to reflect the load effects of all conservation and load management programs meeting the requirements as identified in Section 16-243a-3 (d) of these regulations, identifies the need for additional capacity resources to meet electric load requirements during the first ten years of the forecast period, or if the electric public service company, within the next two years from the date of the forecast filing, plans on committing to add additional resources which could be avoided by the purchase either of power from a private power producer or of electricity conservation and demand management measures from a private power provider, or both, the electric public service company shall file the following information:

(1) Testimony regarding the amount, type, characteristics and justification for additional resources needed to meet its electric load requirements expected to be requested from private power producers and the amount, type, characteristics and justification for conservation and demand management measures to be purchased from private power providers;

(2) Testimony documenting the anticipated avoided costs of energy and capacity during the forecast period based on the proxy resource, assuming that the resource used as a proxy for avoided cost determination would have been implemented by the electric public service company but for the purchase of capacity or energy or both from private power producers and or private power providers;

(3) A map indicating load center concentrations, transmission limitations, and planned and proposed changes to the transmission system within the franchise area during the forecast period; and

(4) The company's proposed requests for proposals for the supply of additional capacity resources from private power producers and or for the supply of conservation and demand management measures from private power providers and the proposed manner of selection and criteria for weighting of factors to be used in evaluating proposals from private power producers and or private power providers. In addressing the weighting of factors, the company shall take into account the following criteria: price, including ratepayer impact; timing; quality of output; likelihood of project success; impact on utility system, including reliability, safety and fuel use; likely environmental impact and any other factors deemed appropriate by the department.

(c) If the electric public service company does not anticipate the need for additional capacity resources during the first ten years of the forecast period, it shall file supporting testimony to demonstrate such finding, in addition to testimony as required by Sections 16-243a-2 (b) (2), 16-243a-2 (b) (3) and 16-243a-2 (d) of these regulations.

(d) Whether or not each electric public service company identifies a need for or commitment to obtain additional capacity resources within the time period as stated in Section 16-243a-2 (b) of these regulations, each electric public service company shall file the following information:

(1) A report of the status of all agreements between the electric public service company and private power providers, including the current status of conservation and demand management services under contract but not yet operational, identification of such services currently under contract, payments made, and payments proposed to be made in each remaining year of each agreement;

(2) Testimony regarding the amount, type and characteristics of conservation and demand management measures which the electric public service company plans to commit to in accordance with the company's electricity conservation and load management plan, and the anticipated impact on the company's demand and energy requirements, including peaks;

(3) Testimony regarding the amount, type and characteristics of conservation and demand management measures, apart from the company's own conservation and load management measures, which the company seeks to obtain from private power providers within two years of the date of the filing in order to meet the company's energy or capacity needs; and

(4) The proposed method for obtaining from private power providers the conservation or demand management measures identified in Section 16-243a-2 (d) (2) and Section 16-243a-2 (d) (3) of these regulations.

(e) On or before April first of each odd numbered calendar year, each electric public service company shall file the following information with the Department:

(1) A report of the status of all previously approved power purchase agreements with private power producers, including the current status of projects under construction, identification of projects in service, payments made, or proposed to be made, in each remaining year of each contract;

(2) A report of the status of all conservation and load management programs of the electric public service company and the status of all previously approved agreements for electricity conservation or demand management measures with private power providers, including the current status of program implementation and payments made or proposed to be made during each year of each agreement; and

(3) An update of the avoided energy cost based on the most recently authorized fossil fuel prices.

(Effective October 26, 1989)

Sec. 16-243a-3. Determination of additional resource needs and utility avoided costs; public hearing

(a) The Department shall conduct a public hearing on the filings made pursuant to Section 16-243a-2 (a) of these regulations, and shall, within 90 days, render a decision on the appropriate amount of additional resources, if any, to be solicited from private power producers and or private power providers by each electric public service company.

(b) Upon conclusion of the public hearing pursuant to Section 16-243a-3 (a) of these regulations and, if the Department finds additional capacity resources are necessary, the Department shall render a decision which shall include, without limitation, the following determinations:

(1) The anticipated amount and characteristics of additional capacity resources to be solicited from private power producers and the avoided costs, based on the proxy resource, for energy and capacity for the next ten, twenty, and thirty year periods;

(2) The proposed weighting of criteria used by each electric public service company for scoring proposals of private power producers, including, without limitation: price, including ratepayer impact; timing; quality of output; likelihood of project success; impact on utility system, including reliability, safety, and fuel use; and likely environmental impacts; and

(3) The proposed factors to be included in each electric public service company request for proposal for resource additions from private power producers needed to meet capacity requirements, including but not limited to, the following factors: pricing, including ratepayer impact; location and size of the proposed facility; fuel type; operational characteristics; date of commercial operation; interruptibility of generation at the request of the electric public service company; likely environmental impact and any other factors deemed appropriate by the Department.

(c) If the Department finds that it would be appropriate for the electric public service company to seek electricity conservation and demand management measures from private power providers, in addition to or in lieu of electricity generation resources, whether or not a finding has been made pursuant to Section 16-243a-3 (b) of these regulations that additional capacity resources are necessary, the Department shall render a decision which shall include, without limitation, the following determinations:

(1) The anticipated amount, type and characteristics of conservation and demand management resources to be solicited by the electric public service company from private power providers and the cost basis upon which payments shall be made;

(2) The specific method each electric public service company shall use in obtaining conservation or demand management measures from private power providers;

(3) The manner of selection and criteria for weighting of factors to be used by the electric public service company in evaluating proposals from private power providers, including, without limitation, the following criteria: price, including ratepayer impact; timing; quality of output; likelihood of project success; impact on utility system, including reliability, safety and fuel use, and likely environmental impacts; and

(4) The proposed factors to be included in an electric public service company request for proposal for resource additions from private power providers needed to meet capacity requirements, including but not limited to the following factors: pricing, including ratepayer impact of payments; anticipated effect on electricity demand and energy requirements of the company; basis of measuring savings resulting from conservation and load management measures; impact on the company's electric system, including safety, stability and reliability; specific location and size; environmental impact; operational characteristics; date of commercial operation; applicability to various classes and groups of ratepayers; and any other factors deemed appropriate by the Department.

(d) The Department shall review the conservation and load management plans of each electric public service company in conjunction with the forecast of loads and resources filed pursuant to Section 16-243a-2 of these regulations and the Department shall make, without limitation, the following determinations:

(1) Which of the electric public service company's conservation and load management programs are cost efficient and consistent with the provisions of the state conservation and energy policy and with provisions of Section 16a-35k of the Connecticut General Statutes;

(2) The amount and type of the electric public service company's proposed multi-year conservation and load management investments which qualify as investments for inclusion in the rate base of the company which may be recovered pursuant to Section 16a-49 of the Connecticut General Statutes; and

(3) The interim accounting mechanism for recovery of conservation and load management investments pending determination in the company's next filed application for rate adjustment.

(e) The appropriateness of the return on rate base requested by the electric public service company above its authorized rate of return for recovery of its approved multi-year conservation and load management investments as identified in Section 16-243a-2 (a) (5) shall be made by the Department in its consideration of the company's next application for amendment of rates. Such allowed return on the rate base for multi-year conservation and load management investments shall be at

a rate of no less than one per cent and no greater than five per cent above the electric public service company's most recently authorized rate of return.

(f) No costs incurred by an electric public service company in connection with any plan or program under which the company offers direct cash or energy source credit incentives or imposes undue economic burdens which are intended to promote the conversion of primary residential or commercial oil heating systems to electric heating systems shall be placed in the rate base of the electric public service company or included, directly or indirectly, as operating expenses of that company for the purposes of rate making.

(Effective October 26, 1989)

Sec. 16-243a-4. Electric public service company compliance

(a) If the decision of the Department rendered pursuant to Section 16-243a-3 (b) of these regulations identifies the need for additional capacity resources, each electric public service company shall, within sixty days following the issuance of the decision, file for approval with the Department, requests for proposals from either private power producers or private power providers or from both in compliance with the criteria established by the Department pursuant to Section 16-243a-3 of these regulations.

(b) If the decision of the Department rendered pursuant to Section 16-243a-3 (c) of these regulations determines that some or all of the capacity or energy needs of an electric public service company should be provided from conservation and demand management measures from private power providers, the electric public service company shall, in accordance with the Department's decision, seek proposals from private power providers to furnish such measures according to the criteria set forth in the decision of the Department.

(c) The Department shall review the electric public service company request for proposals for compliance with the requirements established pursuant to Section 16-243a-3 of these regulations and render its decision within thirty days from the filing of the request for proposals.

(Effective October 26, 1989)

Sec. 16-243a-5. Procedures for participation in the request for proposal process for private power producers and private power providers

(a) Following Department approval of the request for proposal pursuant to Section 16-243a-4 (a), each electric public service company shall respond as follows:

(1) Within thirty working days after approval of the filed request for proposal, the electric public service company shall issue the request for proposal in a manner which shall reasonably be designed to ensure that those interested in responding may have an opportunity to learn of it, including but not limited to publication in state newspapers of general circulation. A list of the published notices shall be filed with the Department when the request for proposal is issued. The company shall identify a date on which all final responses to the request for proposal shall be filed with the Department. Such date shall be one hundred twenty days from the issuance of the request for proposal.

(2) Each electric public service company shall provide all information necessary for private power producers and private power providers to develop their proposals in a timely manner, including but not limited to, the following items:

(A) A method by which private power producers and private power providers may obtain an estimate of interconnection costs;

(B) A method by which private power producers and private power providers may determine the ratepayer impact of their proposals;

(C) A method by which private power producers and private power providers may obtain clarifying and procedural information, not including assistance with formulating proposals.

(3) The electric public service company shall evaluate responses of private power producers and private power providers to the requests for proposals issued pursuant to Section 16-243a-4 (a) of these regulations in the following manner:

(A) The electric public service company shall be present at the opening of the proposals filed pursuant to Section 16-243a-5 (b) (2) and 16-243a-5 (c) (2) of these regulations, shall receive three copies of each proposal, and shall evaluate each proposal for completeness and accuracy of response to the request for proposal, and conformity with the criteria of the Department as adopted by the Department in the decision issued pursuant to Section 16-243a-3 of these regulations.

(B) Each electric public service company shall submit its evaluation of proposals to the Department within sixty days after the proposal submission date. The evaluation shall include a recommendation as to which proposals should be awarded contracts. Such recommendation, for each proposal and for the aggregate of all recommended proposals, shall include documentation which addresses: (1) the criteria established by the Department, (2) the effect on the electric public service company's revenue requirements, (3) the effect on the safety, reliability and capability of the electric public service company system, and (4) such other information as the Department may specify in its decision pursuant to Section 16-243a-3 of these regulations.

(C) At any time in the process, for good cause shown, the Department may consider or order modifications to proposals; reject any and all proposals; direct the electric public service company to solicit again for proposals; or suspend the ranking and selection process for cogeneration and small power production and the provision of conservation and demand management measures by private power providers.

(b) Private power producers who intend to respond to the approved request for proposal shall proceed as follows:

(1) Within thirty days of the issuance of a request for proposal by an electric public service company, any private power producer who intends to respond to a request for proposal shall file a statement of intent to file a proposal.

(2) Private power producers must submit to the Department ten copies of their final responses to the request for proposal on or before the date established by the electric public service company, as specified in Section 16-243a-4 of these regulations. Such proposals shall remain sealed until the first business day following the date on which all final responses are due.

(3) Proposals submitted in response to an approved request for proposal must include sufficient information and documentation to permit evaluation of the proposal according to the criteria established in Section 16-243a-3 (b) (2) of these regulations. Such information should include but not be limited to the following categories of data:

(A) Pricing proposal including initial price, payment escalation mechanism and proposed payment stream over the contract term;

(B) Project structure, including thermal user if any, ownership, relationship among project participants, and documentation of corporate and financial status of participants;

(C) Proposed fuel and documentation of fuel supply and source;

- (D) Proposed location and documentation of site control;
- (E) Preliminary engineering data and technical specifications;
- (F) Proposed capitalization plan and documentation of financial viability;
- (G) Environmental permit requirements and preliminary construction milestone schedule;

(H) Such other information as the Department may specify in the decision issued pursuant to Section 16-243a-3 of these regulations.

(c) Private power providers who intend to respond to the approved request for proposal shall proceed as follows:

(1) Within thirty days of the issuance of a request for proposal by an electric public service company, any private power provider who intends to respond to a request for proposal shall file a statement of intent to file a proposal.

(2) Private power providers must submit to the Department ten copies of their final responses to the request for proposal on or before the date established by the electric public service company, as specified in Section 16-243a-4 of these regulations. Such proposals shall remain sealed until the first business day following the date on which all final responses are due.

(3) Proposals submitted in response to an approved request for proposal must include sufficient information and documentation to permit evaluation of the proposal according to the criteria established in Section 16-243a-3 (b) (4) of these regulations. Such information should include but not be limited to the following categories of data:

(A) Pricing proposal including initial price, payment escalation mechanism and proposed payment stream over the contract term;

(B) Project structure, including utility customer if any, ownership, relationship among project participants, and documentation of corporate and financial status of participants;

(C) Documentation of fuel used and energy saved or displaced, measured in British thermal units at the point of use;

(D) Proposed location, including specific utility customer or customers, if appropriate, and documentation of site control or site access;

(E) Technical specifications and documentation of anticipated program savings over term of proposed contract;

(F) Proposed financing plan and documentation of financial viability;

(G) Environmental permit requirements and preliminary project schedule, including date of service delivery;

(H) Megawatts of capacity and kilowatthours of energy saved and the manner of measurement of delivery or savings;

(I) Reliability and non-performance provisions; and

(J) Such other information as the Department may specify in the decision issued pursuant to Section 16-243a-3 of these regulations.

(d) Each electric public service company that has issued a request for proposals for the provision of conservation and demand management measures from private power providers pursuant to Section 16-243a-3 (c) shall, within 120 days of the issuance of the Department's decision pursuant to Section 16-243a-3 (c) of these regulations, submit a report to the Department setting forth the details of the company's compliance with the Department's decision, including but not limited to:

(1) Information as to the means and media used by the company to provide information to potential private power providers about the conservation or demand management measures sought by the utility;

(2) List of private power providers submitting proposals to the electric public service company;

(3) The electric public service company's evaluation of each proposal submitted by a private power provider;

(4) The electric public service company's recommendation to the Department as to which proposals are feasible, cost effective, and consistent with the Department's criteria, and a ranking of all proposals;

(5) Such other information as the Department may require in its decision pursuant to Section 16-243a-3 (c) of these regulations or that the electric public service company believes may be useful to the Department in reviewing and evaluating proposals of private power providers.

(e) In evaluating, recommending and ranking private power providers' proposals, the electric public service company shall consider:

(1) The factors and evaluation criteria as determined by the Department under the provisions of Section 16-243a-3 (b) of these regulations;

(2) Effects on the safety, stability and reliability of the utility's electric system;

(3) Measurement of anticipated dollar, energy and capacity savings, and an explanation of the methodology used to calculate and estimate such savings;

(4) Pricing, including ratepayer impact;

(5) Consistency with state energy policy;

(6) Likely environmental impact, and status of all necessary environmental permits;

(7) Operational characteristics;

(8) Proposed operation or implementation date;

(9) The ratepayer or groups of ratepayers to whom the conservation and load management measures would be made available;

(10) Such other information as the Department may specify in the decision issued pursuant to Section 16-243a-3 (c) of these regulations; and

(11) Other pertinent information relating to the proposal, the private power provider, or impact of the conservation and load management measures.

(Effective October 26, 1989)

Sec. 16-243a-6. Ranking and selection by the department

(a) The Department shall conduct a public hearing to review the evaluation performed by the electric public service companies to ensure that it is consistent with the criteria established by the decision of the Department pursuant to Section 16-243a-3 of these regulations, and shall, within ninety days of the date of submittal of the electric public service company's evaluation of proposals, issue a decision determining which proposals are consistent with the requirements of Section 16-243a of the Connecticut General Statutes.

(b) Within thirty days of the decision of the Department pursuant to Section 16-243a-6 (a) of these regulations, the Department shall notify successful private power producers and/or private power providers of their eligibility to enter long term contracts, and shall specify any conditions or limitations to their eligibility. A copy of such notice shall be sent to each affected electric public service company.

(c) Within one hundred and twenty days of the notification of eligibility by the Department pursuant to Section 16-243a-6 (b) of these regulations, the electric public service company and the private power producer or private power provider shall file with the Department executed contracts incorporating the terms and conditions included in the private power producer's or private power provider's response

to the request for proposal and any modifications or additions included in the Department's notification pursuant to Section 16-243a-6 (b) of these regulations.
(Effective October 26, 1989)

Sec. 16-243a-7. Private power producer exemptions

(a) Any private power producer who seeks exemption from the requirements of Section 16-243a-5 of these regulations shall file all of the information required by Section 16-243a-5 (b) of these regulations, and shall state grounds for the request for exemption. The following types of proposals are exempt from the process established in these regulations:

- (1) Projects of a name plate capacity between 100 kilowatts and 1000 kilowatts;
- (2) Projects for which proposed pricing arrangements do not exceed projected annual avoided costs of the avoided resource of the electric public service company as determined by Section 16-243a-2 (b) (2) of these regulations;
- (3) Projects of five megawatts or less fueled by a renewable resource other than wood;
- (4) Resource recovery projects which seek pricing under the provisions of Section 16-243a of the Connecticut General Statutes.

(b) Projects seeking pricing pursuant to Section 16-243e of the Connecticut General Statutes shall not be subject to these regulations and will be considered by the Department on an individual basis.

(c) Any private power producer requesting exemption from the requirements of Section 16-243a-5 of these regulations shall file all of the information specified in Section 16-243a-5 (b) (3) (A) through (G) of these regulations with the Department and the electric public service company. The Department shall act on such contract within one hundred and twenty days from the date of filing the information in full, if it finds that the filing demonstrates that:

- (1) the private power producer meets the standards for exemption specified in Section 16-243a-7 (a) of these regulations, and
- (2) the preliminary information indicates that the project is technically and economically feasible, and
- (3) the contract term is consistent with the probable useful life of the project and is not greater than thirty years, and
- (4) the pricing terms, on a cumulative present worth basis, are projected to result in payments less than or equal to one hundred percent of the avoided costs of the electric public service company, and
- (5) the proposal contains a security provision which is expected to provide for cash or cash equivalent security equal to at least ten percent of proposed front loaded payments for projects utilizing renewable resources, and twenty percent of proposed front loaded payments for other projects, and
- (6) the proposed contract does not contain any provisions which differ from the standard contract(s) currently approved by the Department, or the contract has been agreed upon by the electric public service company and the private power producer and does not contain any provisions which are likely to have a significant adverse impact on the electric public service company or its ratepayers.

(d) The avoided costs used for evaluating projects under Section 16-243a-7 (c) of these regulations shall be the most recent determination of avoided costs approved by the Department.

(e) The electric public service company shall provide information to private power producers who are requesting exemption from the requirements of Section 16-243a-5 as required in Section 16-243a-5 (a) (2) of these regulations.

(f) The Department may at any time approve, deny or modify any project which seeks an exemption pursuant to this section. The Department may also suspend at any time the exemptions permitted by this section.

(g) The Department may rule on a case by case basis on any requests for exemption from these regulations by private power producers. The Department makes no specific categorical exemptions for private power providers at this time.

(Effective October 26, 1989)