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Public Utilities Regulatory Authority
Ten Franklin Square
New Britain, Connecticut 06051

**Re: Docket No. 26-08-04: *Annual Shared Clean Energy Facility Program Review - Year 8***

Dear Commissioners:

The Office of Consumer Counsel ("OCC") respectfully submits these written comments in response to the Public Utilities Regulatory Authority's ("Authority") First Notice of Request for Written Comments, issued on August 25, 2026, regarding the Shared Clean Energy Facility Program ("SCEF").

Because the SCEF Program is funded by ratepayers, the Authority must continue to balance ratepayer protection against the Program's clean energy and energy equity goals, as it enters its final procurement year.[1] OCC also encourages the Authority to consider its determinations in this docket alongside the transition to the successor program framework established by Public Act No. 26-127 so that final year decisions do not create obligations or expectations that outlast the Program.

## I. PROCUREMENT PRICE CAP

General Statutes §16-244z(a)(5) provides that the maximum selected purchase price of energy and renewable energy certificates, on the cents-per-kilowatt-hour basis in any given solicitation shall not exceed such maximum selected purchase price for the same resources in prior year's solicitation, unless the Authority makes the determination that there are changed circumstances in any given year. The starting point for the Year 8 price cap is therefore the highest selected purchase price in the Year 7 solicitation, not the $182.94/MWh administrative cap adopted for Year 7.[2] If the highest bid selected in the Year 7 procurement came in below $182.94 /MWh, the statute requires that the Year 8 be set at that selected price,[3] absent a new changed circumstances determination supported by substantial evidence.

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[1] OCC Comments, June 24, 2025, p. 1; OCC Comments, Oct. 2, 2025, p. 2
[2] *See* Final Decision, Docket 25-08-04, *Annual Shared Clean Energy Facility Program-Year 7*, p.10-11, December 17, 2025
[3] *See* Year 7 Final Decision, p.17-18.

No such determination is warranted here. The changed circumstances the Authority found for Year 7 rested on the repeal of the federal investment tax credit and related federal actions under the One Big Beautiful Bill Act.[4] Those federal changes were fully accounted for in the resulting increase from $133/MWh to $182.94/MWh, an increase of roughly 37.5 percent in a single Program year.[5] The same federal action cannot support a second increase in Year 8. Any proposal to raise the cap further must rest on new, verifiable developments arising since Year 7, and any proposed modification be supported by clear rationale and substantial evidence

OCC reiterates the position it took in the Year 7 review, that while we support the policy goals of equitable access to solar and the SCEF program generally, Connecticut ratepayers cannot be expected to absorb the entire cost of withdrawn federal support across the SCEF, RRES, and NRES programs simultaneously, and the burden of electric bills on Connecticut households remains at crisis levels.[6] The record already reflects measurable bill impacts from the Year 7 increase.[7] Year 7 procurement results should inform the Authority's judgment as well. If the Year 7 solicitation was fully or substantially subscribed at the current cap, that outcome demonstrates that $182.94/MWh is sufficient to sustain developer participation and project viability, and it undercuts any request for a further increase.[8]

Finally, if the Authority elects to maintain harmonization with the NRES large zero-emission buy-all price cap,[9] any cap so derived must remain coupled with the annual budgetary cap. The Authority itself concluded that the budgetary cap "provides sufficient protection for nonparticipating ratepayers" and increased the Year 7 cap on that basis.[10] Consequently, the two mechanisms were adopted in tandem and should not be decoupled in the Program's final year.

## II. BUDGET REALLOCATION

OCC supports reallocating the combined 2027 SCEF budget of $15,574,645.44 between the electric distribution companies ("EDCs") using the standard 80/20 revenue-based methodology, resulting in allocations of $12,459,716.35 for Eversource and $3,114,929.09 for UI. As the Authority observed, UI's elevated Year 7 allocation was an artifact of a single fuel cell project selected in the Year 5 procurement rather than a greater volume of awarded projects.[11] Following Public Act No. 25-173, § 9, fuel cells are no longer eligible for the Program, and the premise for UI's elevated allocation no longer exists. Given UI's comparatively urban service territory and the limited availability of developable land, retaining the current split risks leaving a meaningful share of the final-year budget unutilized.[12] The Authority retains discretion under General Statutes § 16-244z(c)(1)(A) to adjust procurement parameters to maintain a competitive and efficient program for reallocation purposes.[13]

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[4] Pub. L. No. 119-21, 2025, Year 7 Final Decision, p. 8.
[5] *Id.*, p. 8-11.
[6] OCC Written Comments, Oct. 2, 2025, p. 2.
[7] *See* Year 7 Final Decision, p. 6 where EDC estimates of average monthly bill increases under the higher cap.
[8] OCC Written Comments, Sept. 23, 2024, p. 1–2 ,$133/MWh Year 6 cap tracked the highest Year 5 selected bid; OCC Written Comments, Oct. 2, 2025, p. 1.
[9] *See* Year 7 Final Decision, p. 10-11.
[10] Year 7 Final Decision, p. 12.
[11] Year 7 Final Decision, p. 9.
[12] *Id.*
[13] *See* Year 7 Final Decision, p. 8-9.

Two points should accompany any reallocation. First, the reallocation must not alter the combined budget cap, which remains the operative protection for nonparticipating ratepayers.[14] Second, the Authority should clarify how the rollover mechanism adopted in the Year 7 Decision interacts with a reallocated split, including the treatment of any funds that were uncommitted at the close of the Year 7 procurement.[15] Because the 2027 solicitation is the Program's last, OCC further recommends that any budget that remains uncommitted after the Year 8 procurement concludes, lapse to the benefit of ratepayers rather than carry forward, subject to any direction the Authority provides in the proceedings implementing Public Act No. 26-127.

## III. BID PREFERENCES

OCC supports maintaining the existing bid preference categories and levels for Year 8; a 40 percent preference for solar canopy projects and a 20 percent preference for projects sited on landfills or brownfields.[16] As OCC has previously stated, bid preferences are reasonable to the extent they are necessary for the Program to fulfill its goals.[17] The Authority's stability rationale applies with particular force now because no prior solicitation results exist for a newly created preference. Therefore, introducing new categories in the final procurement would leave bidders and the Authority without any basis to evaluate their effect.[18] OCC accordingly opposes the addition of any new bid preference categories for Year 8.

OCC also reiterates its support for a single price cap. Solar canopy projects may continue to bid above the cap only where the evaluated bid price, inclusive of the preference, is at or below the cap.[19]

## IV. PROPOSED PROGRAMMATIC CHANGES

The Authority should resolve the attrition gap created by the Program's final year. The Program Manual reallocates capacity foregone by a withdrawn bidder "to the Program capacity of the next upcoming solicitation."[20] No solicitation follows Year 8; for this reason, the Authority should clarify how withdrawn or terminated Year 8 projects, and the budget associated with them, will be treated, including whether such funds will lapse and are addressed within the successor program framework.

Second, the Authority should codify the treatment of SCEF credits on closing accounts. Consistent with the elimination of the cash-out provision, credits remaining on an account at closure should be removed and reincorporated into the Program for redistribution to other subscribers, not paid out to the departing customer.[21]

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[14] OCC Written Comments, Oct. 2, 2025, p. 2; Year 7 Final Decision, p. 12.
[15] Year 7 Final Decision, p. 10.
[16] Year 7 Final Decision, p. 12-13.
[17] OCC Written Comments, Sept. 23, 2024, p. 1.
[18] Year 7 Final Decision, p. 12, where the Authority declined to add new bid preferences "given the maturity of the SCEF Program".
[19] Final Decision, Docket No. 23-08-04, *Annual Shared Clean Energy Facility Program Review – Year 5*, Dec. 6, 2023, p. 12-13; OCC Written Comments, Sept. 23, 2024, p. 2; *see also* Year 7 Decision, p. 12.
[20] Year 7 Final Decision, p. 10, quoting Motion No. 4, Att. 1, p. 11 in Docket No. 24-08-04
[21] OCC Comments, Oct. 2, 2025, p. 2-3; *see* Year 7 Final Decision, p. 13-14 (adopting elimination of the cash-out provision).

Third, the Authority should address subscriber continuity at the Program's sunset. Existing subscribers, particularly low- and moderate-income subscribers enrolled against projects with tariff terms extending well past 2027, will continue to receive bill credits after the final procurement.[22] The Authority should also confirm how enrollment, replacement of departing subscribers, and the reporting obligations in the Standing Orders will be administered through the remaining tariff terms.[23]

Fourth, OCC asks that the EDCs continue the Annual SCEF Summary Data filings through the Program wind-down.[24] Those filings remain the most useful public record of Program performance and will inform the design of the successor program.

OCC appreciates the opportunity to submit these comments and looks forward to continued participation in this year's annual review.

Respectfully submitted,

**STATE OF CONNECTICUT OFFICE OF CONSUMER COUNSEL**

**CLAIRE E. COLEMAN**
**CONSUMER COUNSEL**

By: */s/ Paschaline Poku*
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[22] *See* Year 7 Final Decision, p. 4-5.
[23] *See* Year 7 Decision, p. 16-19 Standing Order Nos. 2, 3, 6.
[24] Year 7 Final Decision, p. 19 Standing Order No. 11.

**CERTIFICATE OF SERVICE**

I do hereby certify that on this day the foregoing document was filed with the Public Utilities Regulatory Authority, and copies thereof were served upon each person designated on the official service list in this proceeding in accordance with R.C.S.A. § 16-1-15.

Dated at New Britain, Connecticut this 14th day of September 2026.

*/s/Paschaline Poku*
Commissioner of the Superior Court