ARTICLE 7

RELATING TO ENERGY AND THE ENVIRONMENT

SECTION 1. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled “Duties of Utilities and Carriers” is hereby amended to read as follows:


(a) In addition to costs prohibited in § 39-1-27.4(b), no public utility distributing or providing heat, electricity, or water to or for the public shall include as part of its base rate any expenses for advertising, either direct or indirect, that promotes the use of its product or service, or is designed to promote the public image of the industry. No public utility may furnish support of any kind, direct or indirect, to any subsidiary, group, association, or individual for advertising and include the expense as part of its base rate. Nothing contained in this section shall be deemed as prohibiting the inclusion in the base rate of expenses incurred for advertising, informational or educational in nature, that is designed to promote public safety conservation of the public utility's product or service. The public utilities commission shall promulgate such rules and regulations as are necessary to require public disclosure of all advertising expenses of any kind, direct or indirect, and to otherwise effectuate the provisions of this section.

(b) Effective as of January 1, 2008, and for a period of twenty (20) years thereafter, each electric distribution company shall include a charge per kilowatt-hour delivered to fund demand-side management programs. The 0.3 mills per kilowatt-hour delivered to fund renewable energy programs shall remain in effect until December 31, 2028. The electric distribution company shall establish and, after July 1, 2007, maintain, two (2) separate accounts, one for demand-side management programs (the "demand-side account"), which shall be funded by the electric demand-side charge and administered and implemented by the distribution company, subject to the regulatory reviewing authority of the commission, and one for renewable energy programs, which shall be administered by the Rhode Island commerce corporation pursuant to § 42-64-13.2 and shall be held and disbursed by the distribution company as directed by the Rhode Island commerce corporation for the purposes of developing, promoting, and supporting renewable energy programs.

During the time periods established in this subsection, the commission may, in its discretion, after notice and public hearing, increase the sums for demand-side management and renewable resources. In addition, the commission shall, after notice and public hearing, determine the appropriate charge for these programs. The office of energy resources, and/or the administrator
of the renewable energy programs, may seek to secure for the state an equitable and reasonable
portion of renewable energy credits or certificates created by private projects funded through those
programs. As used in this section, "renewable energy resources" shall mean: (1) Power generation
technologies, as defined in § 39-26-5, "eligible renewable energy resources," including off-grid and
on-grid generating technologies located in Rhode Island, as a priority; (2) Research and
development activities in Rhode Island pertaining to eligible renewable energy resources and to
other renewable energy technologies for electrical generation; or (3) Projects and activities directly
related to implementing eligible renewable energy resources projects in Rhode Island.

Technologies for converting solar energy for space heating or generating domestic hot water may
also be funded through the renewable energy programs. Fuel cells may be considered an energy
efficiency technology to be included in demand-side management programs. Special rates for low-
income customers in effect as of August 7, 1996, shall be continued, and the costs of all of these
discounts shall be included in the distribution rates charged to all other customers. Nothing in this
section shall be construed as prohibiting an electric distribution company from offering any special
rates or programs for low-income customers which are not in effect as of August 7, 1996, subject
to the approval by the commission.

(1) The renewable energy investment programs shall be administered pursuant to rules
established by the Rhode Island commerce corporation. Said rules shall provide transparent criteria
to rank qualified renewable energy projects, giving consideration to:

(i) The feasibility of project completion;
(ii) The anticipated amount of renewable energy the project will produce;
(iii) The potential of the project to mitigate energy costs over the life of the project; and
(iv) The estimated cost per kilowatt-hour (KWh) of the energy produced from the project.

(c) [Deleted by P.L. 2012, ch. 241, art. 4, § 14.]

(d) The chief executive officer of the commerce corporation is authorized and may enter
into a contract with a contractor for the cost-effective administration of the renewable energy
programs funded by this section. A competitive bid and contract award for administration of the
renewable energy programs may occur every three (3) years and shall include, as a condition, that
after July 1, 2008, the account for the renewable energy programs shall be maintained and
administered by the commerce corporation as provided for in subsection (b) of this section.

(e) Effective January 1, 2007, and for a period of twenty-one (21) years thereafter, each
gas distribution company shall include, with the approval of the commission, a charge per deca
therm delivered to fund demand-side management programs (the "gas demand-side charge").
including, but not limited to, programs for cost-effective energy efficiency, energy conservation, combined heat and power systems, and weatherization services for low-income households.

(f) Each gas company shall establish a separate account for demand-side management programs (the "gas demand-side account") that shall be funded by the gas demand-side charge and administered and implemented by the distribution company, subject to the regulatory reviewing authority of the commission. The commission may establish administrative mechanisms and procedures that are similar to those for electric demand-side management programs administered under the jurisdiction of the commission and that are designed to achieve cost-effectiveness and high, life-time savings of efficiency measures supported by the program.

(g) The commission may, if reasonable and feasible, except from this demand-side management charge:

(1) Gas used for distribution generation; and

(2) Gas used for the manufacturing processes, where the customer has established a self-directed program to invest in and achieve best-effective energy efficiency in accordance with a plan approved by the commission and subject to periodic review and approval by the commission, which plan shall require annual reporting of the amount invested and the return on investments in terms of gas savings.

(h) The commission may provide for the coordinated and/or integrated administration of electric and gas demand-side management programs in order to enhance the effectiveness of the programs. Such coordinated and/or integrated administration may after March 1, 2009, upon the recommendation of the office of energy resources, be through one or more third-party entities designated by the commission pursuant to a competitive selection process.

(i) Effective January 1, 2007, the commission shall allocate, from demand-side management gas and electric funds authorized pursuant to this section, an amount not to exceed three percent (3%) of such funds on an annual basis for the retention of expert consultants, and reasonable administration costs of the energy efficiency and resources management council associated with planning, management, and evaluation of energy-efficiency programs, renewable energy programs, system reliability least-cost procurement, and with regulatory proceedings, contested cases, and other actions pertaining to the purposes, powers, and duties of the council, which allocation may by mutual agreement, be used in coordination with the office of energy resources to support such activities.

(j) Effective January 1, 2016, the commission shall annually allocate from the administrative funding amount allocated in subsection (i) from the demand-side management program as described in subsection (i) as follows: forty percent (40%) for the purposes identified...
in subsection (i) and sixty percent (60%) annually to the office of energy resources for activities associated with planning, management, and evaluation of energy-efficiency programs, renewable energy programs, system reliability, least-cost procurement, and with regulatory proceedings, contested cases, and other actions pertaining to the purposes, powers, and duties of the office of energy resources. The office of energy resources and the energy efficiency resource management council shall have exclusive authority to direct the use of these funds.

(k) On April 15, of each year, the office and the council shall submit to the governor, the president of the senate, and the speaker of the house of representatives, separate financial and performance reports regarding the demand-side management programs, including the specific level of funds that were contributed by the residential, municipal, and commercial and industrial sectors to the overall programs; the businesses, vendors, and institutions that received funding from demand-side management gas and electric funds used for the purposes in this section; and the businesses, vendors, and institutions that received the administrative funds for the purposes in subsections (i) and (j). These reports shall be posted electronically on the websites of the office of energy resources and the energy efficiency and resources management council.

(l) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each electric distribution company, except for the Pascoag Utility District and Block Island Power Company, shall remit two percent (2%) of the amount of the 2014 electric demand-side charge collections to the Rhode Island infrastructure bank.

(m) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each gas distribution company shall remit two percent (2%) of the amount of the 2014 gas demand-side charge collections to the Rhode Island infrastructure bank.

(n) Effective January 1, 2022, the commission shall allocate, from demand-side management gas and electric funds authorized pursuant to this section, five million dollars ($5,000,000) of such funds on an annual basis to the Rhode Island infrastructure bank. Gas and electric demand-side funds transferred to the Rhode Island infrastructure bank pursuant to this section shall be eligible to be used in any energy efficiency, renewable energy, clean transportation, clean heating, energy storage, or demand-side management project financing program administered by the Rhode Island infrastructure bank notwithstanding any other restrictions on the use of such collections set forth in this chapter. The infrastructure bank shall report annually to the commission within ninety (90) days of the end of each calendar year how collections transferred under this section were utilized.

(o) Effective January 1, 2023, the commission shall allocate from demand-side management gas and electric funds authorized pursuant to this section, six million dollars...
($6,000,000) of such funds on an annual basis to the Rhode Island office of energy resources, on behalf of the executive climate change coordinating council, for climate change-related initiatives. The executive climate change coordinating council shall have exclusive authority to direct the use of these funds. The office of energy resources may act on behalf of the executive climate change coordinating council to disburse these funds.

(i) The gas and electric demand-side funds allocated pursuant to 39-2-1.2(o) shall be used for any energy efficiency, renewable energy, clean transportation, clean heating, energy storage, demand-side management, or other programs and investments that support the reduction of greenhouse gases consistent with the 2021 Act on Climate. Funds may also be used for the purpose of providing the financial means for the council to purchase materials and to employ on a contract or other basis expert consultant services, expert witnesses, and/or other support services necessary to advance the requirements of the act on climate.

(ii) The Rhode Island executive climate change council shall report annually to the governor and general assembly within one hundred and twenty (120) days of the end of each calendar year how the funds were used to achieve the statutory objectives of the 2021 act on climate.

(iii) The office of energy resources is authorized and may enter into contracts with third-party entities for the administration and/or implementation of climate change initiatives funded by this section.

(iv) There is hereby established a restricted receipt account in the general fund of the state and housed in the budget of the department of administration entitled “executive climate change coordinating council projects.” The express purpose of this account is to record receipts and expenditures of the program herein described and established within this subsection.

(p) Effective January 1, 2023, the electric and gas distribution company shall not be eligible for performance based or other incentives related to the administration and implementation of energy efficiency programs approved pursuant to this chapter.

(q) The Rhode Island office of energy resources, in coordination with the energy efficiency resource management council, shall issue a request for proposals for the cost effective administration and implementation of statewide energy efficiency programs funded by this section no later than March 31, 2023. The Rhode Island office of energy resources, in coordination with the energy efficiency resource management council, shall evaluate proposals and determine whether energy efficiency administration and implementation by the electric and gas distribution company or a third-party is in the best interest of Rhode Island energy consumers. After January 1, 2025, the office of energy resources may, periodically, and at its discretion, issue additional...
requests for proposals for the administration and implementation of statewide energy efficiency programs funded through this chapter.

(i) Nothing in this chapter shall prohibit the electric and/or gas distribution company from submitting a proposal to administer and implement the state energy efficiency programs.

(ii) If the office of energy resources, in coordination with the energy efficiency resource management council, determines that the use of a third-party administrator is in the best interest of Rhode Island energy consumers, it shall file its recommendation with the public utilities commission, which shall docket and rule on the matter pursuant to its general statutory authorization. If the commission determines that the recommended third-party administrator is in the interest of Rhode Island utility customers, it shall provide for the full cost recovery of any subsequent contracts entered into by the office and the third-party administrator from electric and gas distribution customers.

(iii) If the office does not recommend advancement of a third-party administrator, the electric and gas distribution utility shall continue to administer statewide energy efficiency programs.

SECTION 2. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 162

ELectric Vehicle Charging Infrastructure Program

42-162-1. Legislative findings.

The general assembly finds and declares that:

(1) The 2021 act on climate establishes mandatory, economy-wide greenhouse gas emissions reduction targets; and

(2) To meet these goals, Rhode Island must accelerate its adoption of more sustainable transportation solutions, including electric vehicles; and

(3) The widespread adoption of electric vehicles will necessitate investment in and deployment of electric vehicle charging infrastructure; and

(4) Electric vehicle charging infrastructure must be made accessible to all Rhode Island citizens and businesses, and deployed in an equitable manner; and

(5) The installation of electric vehicle charging infrastructure – and other clean energy investments – will support statewide economic development and job growth in the clean energy sector.

As used in this chapter, the following terms, unless the context requires a different interpretation, shall have the following meanings:

1. "Department" means the department of transportation.
2. "Electric Vehicle Charging Infrastructure" means equipment that supplies electricity to charge electric vehicles, including charging stations and balance of plant.
3. "Electric Vehicle Charging Infrastructure Funds" means but is not limited to, federal funds allocated for electric vehicle charging infrastructure from the federal infrastructure investment and jobs act and any funds allocated as state match to federal funds.
4. "Federal Funds" means monies allocated for electric vehicle charging infrastructure from the infrastructure investment and jobs act.
5. "Office" means the office of energy resources.

42-162-3. Implementation of the electric vehicle charging infrastructure investment program.

(a) There is hereby established an electric vehicle charging infrastructure investment program. The department and office shall, in consultation with the department of environmental management, establish the electric vehicle charging infrastructure investment program to be administered by the office in consultation with the department.

(b) The department and office, in consultation with the department of environmental management, shall propose draft program and investment criteria on the electric vehicle charging infrastructure investment program and accept public comment for thirty (30) days. The draft shall specify the incentive levels, eligibility criteria, and program rules for electric vehicle charging infrastructure incentives. The program and investment criteria shall be finalized by the office and department after the public comment period closes and include responses to submitted public comments.

(c) The department and office shall provide a website for the electric vehicle charging infrastructure investment program to support public accessibility.


The department and office shall provide a report to the governor and general assembly by December 31, 2023, on the results of the electric vehicle charging infrastructure investment program. The department and office shall provide an annual report to the governor and general assembly until the federal funds have been completely utilized.

SECTION 3. Section 46-23-20.1 of the General Laws in Chapter 46-23 entitled "Coastal Resources Management Council" is hereby amended to read as follows:

(a) The governor, with the advice and consent of the senate, shall appoint two (2) hearing officers who shall be attorneys-at-law, who, prior to their appointment, shall have practiced law for a period of not less than five (5) years for a term of five (5) years; provided, however, that the initial appointments shall be as follows: one hearing officer shall be appointed for a term of three (3) years and one hearing officer shall be appointed for a term of five (5) years. The appointees shall be addressed as hearing officers.

(b) The governor shall designate one of the hearing officers as chief hearing officer. The hearing officers shall hear proceedings as provided by this section, and the council, with the assistance of the chief hearing officer, may promulgate such rules and regulations as shall be necessary or desirable to effect the purposes of this section.

(c) A hearing officer shall be devoted full time to these administrative duties, and shall not otherwise practice law while holding office nor be a partner nor an associate of any person in the practice of law. No hearing officer may be appointed to serve on a part-time basis. No hearing officer shall participate in any case in which he or she is an interested party.

(d) Compensation for hearing officers shall be determined by the unclassified pay board.

(e) Whenever the chairperson of the coastal resources management council or, in the absence of the chairperson, the commissioner of coastal resources makes a finding that the hearing officers are otherwise engaged and unable to hear a matter in a timely fashion, he or she may appoint a subcommittee which will act as hearing officers in any contested case coming before the council. The subcommittee shall consist of at least one member; provided, however, that in all contested cases an additional member shall be a resident of the coastal community affected. The city or town council of each coastal community shall, at the beginning of its term of office, appoint a resident of that city or town to serve as an alternate member of the aforesaid subcommittee should there be no existing member of the coastal resources management council from that city or town available to serve on the subcommittee. Any member of the subcommittee actively engaged in hearing a case shall continue to hear the case, even though his or her term may have expired, until the case is concluded and a vote taken thereon. Hearings before subcommittees shall be subject to all rules of practice and procedure as govern hearings before hearing officers.

SECTION 4. This article shall take effect upon passage.