



September 2, 2025

PUBLIC ACT 25-173 – SECTION 44 – ELIGIBLE BIOMASS FACILITY PROCUREMENT

NOTICE OF PROCEEDING AND OPPORTUNITY FOR WRITTEN COMMENT

I. Background

Section 44 of Public Act 25-173, *An Act Concerning Energy Affordability, Access and Accountability* (the Act), requires the Connecticut Department of Energy and Environmental Protection (DEEP) to initiate a proceeding no later than September 1, 2025, to solicit proposals for energy and environmental attributes from eligible biomass facilities. DEEP may direct the state's electric distribution companies (EDCs) to enter into one or more agreements for energy and environmental attributes from eligible biomass facilities, provided any such agreement considers the costs to operate such facility, is in the best interest of ratepayers, and supports the state's solid waste management plan.

The Act defines an “eligible biomass facility” as:

“a biomass facility that uses sustainable biomass fuel and has an average emission rate of less than or equal to .075 pounds of nitrogen oxides per million BTU of heat input for the previous calendar quarter, or energy derived from a biomass facility with a capacity of less than five hundred kilowatts that began construction before July 1, 2003, and that has entered into one or more existing biomass power purchase agreements.”

The Act defined an “existing biomass power purchase agreement” as:

“a power purchase agreement that: (A) (i) Was entered into by a biomass facility that uses sustainable biomass fuel and has an average emission rate of less than or equal to .075 pounds of nitrogen oxides per million BTU of heat input for the previous calendar quarter, or energy derived from a biomass facility with a capacity of less than five hundred kilowatts that began construction before July 1, 2003, with an electric distribution company in the state on or before June 5, 2013, or (ii) was executed in accordance with a solicitation pursuant to section 16a-3f or 16a-3h, as amended by this act; and (B) was in effect as of January 1, 2024.”

DEEP is initiating this proceeding to implement the provisions of the Act.

II. Request for Written Comments

By way of this Notice, DEEP will accept written comments on the requirements in the Act and the question prompts below until **September 19, 2025**, at 4:00pm EPT. Written comments may be submitted to DEEP.EnergyBureau@ct.gov with “Eligible Biomass Facility Procurement” in the subject line. All materials submitted by stakeholders in this proceeding will be posted on the DEEP website. Any questions can be directed to DEEP.EnergyBureau@ct.gov.

1. What documentation should a potential bidder be required to submit to demonstrate they are an “eligible biomass facility”?

2. What documentation should a potential bidder be required to submit to demonstrate they have an “existing biomass power purchase agreement”?
3. What documentation or other evidence should a potential bidder be required to submit to demonstrate to DEEP the costs to operate such facility and whether the facility supports the state's solid waste management plan for DEEP’s standard of review?

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