

**(4) Limitations****(A) In general**

Any rate established for sale or transportation under this section shall—

(i) be modified over time with changes in the underlying costs or rates of the electric utility; and

(ii) reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

**(B) Limitation**

No utility shall be required to purchase or transport a quantity of net excess power under this section that exceeds the available capacity of the wires, meter, or other equipment of the electric utility serving the site unless the owner or operator of the project agrees to pay necessary and reasonable upgrade costs.

**(e) Procedural requirements for consideration and determination****(1) Public notice and hearing****(A) In general**

The consideration referred to in subsection (a) shall be made after public notice and hearing.

**(B) Administration**

The determination referred to in subsection (a) shall be—

(i) in writing;

(ii) based on findings included in the determination and on the evidence presented at the hearing; and

(iii) available to the public.

**(2) Intervention by Administrator**

The Administrator may intervene as a matter of right in a proceeding conducted under this section—

(A) to calculate—

(i) the energy and emissions likely to be saved by electing to adopt 1 or more of the options; and

(ii) the costs and benefits to ratepayers and the utility; and

(B) to advocate for the waste-energy recovery opportunity.

**(3) Procedures****(A) In general**

Except as otherwise provided in paragraphs (1) and (2), the procedures for the consideration and determination referred to in subsection (a) shall be the procedures established by the State regulatory authority or the nonregulated electric utility.

**(B) Multiple projects**

If there is more than 1 project seeking consideration simultaneously in connection with the same utility, the proceeding may encompass all such projects, if full attention is paid to individual circumstances and merits and an individual judgment is reached with respect to each project.

**(f) Implementation****(1) In general**

The State regulatory authority (with respect to each electric utility for which the au-

thority has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law—

(A) implement the standard determined under this section; or

(B) decline to implement any such standard.

**(2) Nonimplementation of standard****(A) In general**

If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, the authority or nonregulated electric utility shall state in writing the reasons for declining to implement the standard.

**(B) Availability to public**

The statement of reasons shall be available to the public.

**(C) Annual report**

The Administrator shall include in an annual report submitted to Congress a description of the lost opportunities for waste-heat recovery from the project described in subparagraph (A), specifically identifying the utility and stating the quantity of lost energy and emissions savings calculated.

**(D) New petition**

If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement the standard established by this section, the project sponsor may submit a new petition under this section with respect to the project at any time after the date that is 2 years after the date on which the State regulatory authority or nonregulated utility declined to implement the standard.

(Pub. L. 94-163, title III, §374, as added Pub. L. 110-140, title IV, §451(a), Dec. 19, 2007, 121 Stat. 1628.)

## PRIOR PROVISIONS

Prior sections 6344 and 6344a were repealed by Pub. L. 99-509, title III, §3101(b), Oct. 21, 1986, 100 Stat. 1888.

Section 6344, Pub. L. 94-163, title III, §374, Dec. 22, 1975, 89 Stat. 936; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288, related to establishment of individual energy improvement targets for each of the 10 most energy-consumptive industries.

Section 6344a, Pub. L. 94-163, title III, §374A, as added Pub. L. 95-619, title IV, §461(c), Nov. 9, 1978, 92 Stat. 3273, related to targets for increased utilization of energy-saving recovered materials for specified industries.

## EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

**§ 6345. Clean Energy Application Centers****(a) Renaming****(1) In general**

The Combined Heat and Power Application Centers of the Department of Energy are re-

designated as Clean Energy Application Centers.

**(2) References**

Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center shall be treated as a reference to a Clean Energy Application Center.

**(b) Relocation**

**(1) In general**

In order to better coordinate efforts with the separate Industrial Assessment Centers and to ensure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy.

**(2) Office of Electricity Delivery and Energy Reliability**

The Office of Electricity Delivery and Energy Reliability shall—

(A) continue to perform work on the role of technology described in paragraph (1) in support of the grid and the reliability and security of the technology; and

(B) shall assist the Clean Energy Application Centers in the work of the Centers with regard to the grid and with electric utilities.

**(c) Grants**

**(1) In general**

The Secretary shall make grants to universities, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of 8 Regional Clean Energy Application Centers in each of the following regions (as designated for such purposes as of December 19, 2007):

- (A) Gulf Coast.
- (B) Intermountain.
- (C) Mid-Atlantic.
- (D) Midwest.
- (E) Northeast.
- (F) Northwest.
- (G) Pacific.
- (H) Southeast.

**(2) Establishment of goals and compliance**

In making grants under this subsection, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

**(d) Activities**

**(1) In general**

Each Clean Energy Application Center shall—

(A) operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals;<sup>1</sup> and other individuals and organizations with an interest in efficient energy use; and

(B) provide project specific support to building and industrial professionals through assessments and advisory activities.

<sup>1</sup> So in original. The semicolon probably should not appear.

**(2) Types of activities**

Funds made available under this section may be used—

(A) to develop and distribute informational materials on clean energy technologies, including continuation of the 8 websites in existence on December 19, 2007;

(B) to develop and conduct target market workshops, seminars, Internet programs, and other activities to educate end users, regulators, and stakeholders in a manner that leads to the deployment of clean energy technologies;

(C) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of clean energy technology;

(D) to perform market research to identify high profile candidates for clean energy deployment;

(E) to provide consulting support to sites considering deployment of clean energy technologies;

(F) to assist organizations developing clean energy technologies to overcome barriers to deployment; and

(G) to assist companies and organizations with performance evaluations of any clean energy technology implemented.

**(e) Duration**

**(1) In general**

A grant awarded under this section shall be for a period of 5 years<sup>2</sup>

**(2) Annual evaluations**

Each grant shall be evaluated annually for the continuation of the grant based on the activities and results of the grant.

**(f) Authorization**

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 94-163, title III, §375, as added Pub. L. 110-140, title IV, §451(a), Dec. 19, 2007, 121 Stat. 1632.)

PRIOR PROVISIONS

A prior section 6345, Pub. L. 94-163, title III, §375, Dec. 22, 1975, 89 Stat. 937; Pub. L. 95-619, title VI, §601(b), Nov. 9, 1978, 92 Stat. 3282, required reports on progress made in improving energy efficiency and achievement of energy efficiency improvement targets, prior to repeal by Pub. L. 99-509, title III, §3101(b), Oct. 21, 1986, 100 Stat. 1888.

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

**§ 6346. Repealed. Pub. L. 99-509, title III, § 3101(b), Oct. 21, 1986, 100 Stat. 1888**

Section, Pub. L. 94-163, title III, §376, Dec. 22, 1975, 89 Stat. 938; Pub. L. 95-619, title IV, §461(d)(1), title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3275, 3288, set forth general provisions relating to compliance with former part C reporting requirements, use of information, and absence of liability for failure to meet energy efficiency improvement targets.

<sup>2</sup> So in original. Probably should be followed by a period.