

(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 authority 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. CHP Technical Assistance Partnership Program**(a) Renaming****(1) In general**

The Clean Energy Application Centers of the Department of Energy are redesignated as the CHP Technical Assistance Partnership Program (referred to in this section as the “Program”).

(2) Program description

The Program shall consist of—

- (A) the 10 regional CHP Technical Assistance Partnerships in existence on December 27, 2020;
- (B) such other regional CHP Technical Assistance Partnerships as the Secretary may establish with consideration given to estab-

lishing such partnerships in rural communities; and

(C) any supporting technical activities under the Technical Partnership Program of the Advanced Manufacturing Office.

(3) References

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

(b) CHP Technical Assistance Partnership Program

(1) In general

The Program shall—

(A) operate programs to encourage deployment of combined heat and power, waste heat to power, and efficient district energy (collectively referred to in this subsection as “CHP”) technologies by providing education and outreach to—

(i) building, industrial, and electric and natural gas utility professionals;

(ii) State and local policymakers; and

(iii) other individuals and organizations with an interest in efficient energy use, local or opportunity fuel use, resiliency, or energy security, microgrids, and district energy; and

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

(2) Funding for certain activities

(A) In general

The Program shall make funds available to institutions of higher education, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of the regional CHP Technical Assistance Partnerships.

(B) Use of funds

Funds made available under subparagraph (A) may be used—

(i) to collect and distribute informational materials relevant to manufacturers, commercial buildings, institutional facilities, and Federal sites, including continued support of the mission goals of the Department of Defense, on CHP and microgrid technologies, including continuation and updating of—

(I) the CHP installation database;

(II) CHP technology potential analyses;

(III) State CHP resource pages; and

(IV) CHP Technical Assistance Partnerships websites;

(ii) to produce and conduct workshops, reports, seminars, internet programs, CHP resiliency resources, and other activities to provide education to end users, regulators, and stakeholders in a manner that leads to the deployment of CHP technologies;

(iii) to provide or coordinate onsite assessments for sites and enterprises that

may consider deployment of CHP technology, including the potential use of biomass CHP systems;

(iv) to identify candidates for deployment of CHP technologies, hybrid renewable-CHP technologies, biomass CHP, microgrids, and clean energy;

(v) to provide nonbiased engineering support to sites considering deployment of CHP technologies;

(vi) to assist organizations and communities, including rural communities, developing clean energy technologies and policies in overcoming barriers to deployment; and

(vii) to assist companies, communities (including rural communities), and organizations with field validation and performance evaluations of CHP and other clean energy technologies implemented.

(C) Duration

The Program shall make funds available under subparagraph (A) for a period of 5 years.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$12,000,000 for each of fiscal years 2021 through 2025.

(Pub. L. 94-163, title III, §375, as added Pub. L. 110-140, title IV, §451(a), Dec. 19, 2007, 121 Stat. 1632; amended Pub. L. 116-260, div. Z, title I, §1013(a), Dec. 27, 2020, 134 Stat. 2449.)

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.

AMENDMENTS

2020—Pub. L. 116-260 amended section generally. Prior to amendment, section related to Clean Energy Application Centers.

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.

§ 6347. Omitted

CODIFICATION

Section, Pub. L. 96-294, title V, §591, June 30, 1980, 94 Stat. 761, authorized appropriations to Secretary of Energy of \$40,000,000 for each of fiscal years ending Sept. 30, 1981 and 1982, for industrial energy conservation demonstration projects designed to substantially increase productivity in industry.

Section was enacted as part of the Energy Security Act, and not as part of the Energy Policy and Conservation Act which comprises this chapter.