

## **PURA RFP #2023-08**

### **Request For Proposals to Retain a Clean Energy Ombudsperson**

#### **Responses to Second Round of Clarifying Questions:**

1. Please clarify whether the \$200,000 cap per docket would be applied to the entire scope of work under the RFP, or if there is a separate \$200,000 cap for each of the NRES, RRES, and SCEP programs.
  - a. **A proposal's budget could be up to \$600,000 per year but would be limited if other consultants are retained by the Authority for that docket, per Conn. Gen. Stat. § 16-18a. Additionally, notably, the ombudsman will be paid for by SCEF, NRES, and RRES program participants.**
  
2. Would the Consultant fall under the ex parte communication rules when communicating with program participants about disputes?
  - a. **Communications between the consultant and the disputing parties will not be subject to the Authority's prohibition on ex parte communication. However, communications between PURA staff and the consultant regarding a specific dispute will be subject to ex parte communication rules and, therefore, the consultant should make a filing in the appropriate docket if a matter requires PURA adjudication or clarification.**
  
3. Would the Consultant's communications with program participants and/or PURA staff about disputes be subject to Connecticut Freedom of Information Act requests?
  - a. **As an extension of PURA staff, the consultant should operate under the assumption that communications with program participants and/or PURA staff are subject to public disclosure under the Connecticut Freedom of Information Act (FOIA). Importantly, determinations regarding whether a record is subject to public disclosure under FOIA are ultimately made by the Connecticut Freedom of Information Commission, not PURA.**
  
4. In the interest of providing the "Cost Estimate Breakdown by Topic" and establishing the needed staff bandwidth for the independent ombudsperson services:
  - Based upon historical trends, does PURA have data it will provide in terms of the number, type, and size of:
    - disputes between program participants and the EDCs; and
    - number of disputes that were elevated to level where the Authority's discovery process was invoked;
  - any other information that would inform an estimate of the number of hours the Consultant would be expected to spend each year in the role as independent ombudsperson?

- a. As an initial matter, a high-level response to the above questions was provided during the Pre-Proposal Bidders' Conference. See [here](#) starting at the 14:00 mark. In short, the Authority has received various motions resulting from disputes between NRES, SCEF, and RRES participants and the EDCs over the years. The motions received in the Year 1 and Year 2 NRES proceedings, Docket Nos. 21-08-03 and 22-08-03, perhaps provide the most indicative examples of the types of issues that are raised. These disputes occur most frequently around the bid due date.**
  
5. Does PURA currently have reason to believe that the future years may diverge from the historical trend?
  - a. As all three programs are in at least their third year of existence, the Authority would hope that fewer disputes are raised to PURA moving forward. However, the existence of an ombudsperson will likely result in more inquiries than the Authority receives via formal motion. Importantly, this does not mean that the ombudsperson is responsible for answering stakeholder questions regarding the program; that job remains with the EDCs. The ombudsperson need only get involved when the program participant and EDC cannot resolve an issue amongst themselves. A further discussion of this topic is also included during the Q+A portion of the Pre-Proposal Bidders' Conference.**
  
6. Would the independent ombudsperson services fall under a single Docket or would efforts for each program fall under its applicable individual docket?
  - a. The ombudsperson's services would fall under the applicable individual docket.**
  
7. Please confirm that the original set of [Responses to Clarifying Questions](#) still stands. If not, please amend as applicable.
  - a. Confirmed.**