



General Assembly

**Substitute Bill No. 491**

*February Session, 2002*

**AN ACT CONCERNING MINOR REVISIONS TO UTILITY STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-12 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 Any person or any town, city or borough may make complaint, in  
4 writing, to the Department of Public Utility Control, of any defects in  
5 any portion of the plant or equipment of any public service company,  
6 certified telecommunications service provider, or electric supplier, or  
7 of the manner of operating such plant, by reason of which the public  
8 safety or the health or safety of employees is endangered; and, if he or  
9 it so requests, the name of the complainant shall not be divulged  
10 unless in the opinion of the department the complaint is such that  
11 publicity is demanded.

12 Sec. 2. Section 16-16 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective October 1, 2002*):

14 Each public service company, certified telecommunications service  
15 provider, and electric supplier subject to regulation by the Department  
16 of Public Utility Control shall, in the event of any accident attended  
17 with personal injury or involving public safety, which was or may  
18 have been connected with or due to the operation of its or his property,  
19 or caused by contact with the wires of any public service company,

20 certified telecommunications service provider, or electric supplier,  
21 notify the department thereof, by telephone or otherwise, as soon as  
22 may be reasonably possible after the occurrence of such accident,  
23 unless such accident is a minor accident, as defined by regulations of  
24 the department. Each such person, company, provider, or electric  
25 supplier shall report such minor accidents to the department in  
26 writing, in summary form, once each month. If notice of such accident,  
27 other than a minor accident, is given otherwise than in writing, it shall  
28 be confirmed in writing within five days after the occurrence of such  
29 accident. Any person, company, provider, or electric supplier failing to  
30 comply with the provisions of this section shall be fined not more than  
31 five hundred dollars for each offense.

32 Sec. 3. Section 16-17 of the general statutes is repealed and the  
33 following is substituted in lieu thereof (*Effective October 1, 2002*):

34 The Department of Public Utility Control shall examine the causes  
35 of, and the circumstances connected with, all fatal accidents occurring  
36 in the operation of the plant or equipment of any public service  
37 company, certified telecommunications service provider, or electric  
38 supplier, and such other accidents, whether resulting in personal  
39 injury or not, as, in its judgment, require investigation. The department  
40 shall make a record of the causes, facts and circumstances of each  
41 accident, within three months thereafter, and as a part of such record  
42 shall suggest means, if possible, whereby similar accidents may be  
43 avoided in the future. Such record shall be open to public inspection at  
44 the office of the department and a copy thereof shall be mailed to the  
45 public service company, certified telecommunications service provider,  
46 or electric supplier affected thereby. The department may by written  
47 order extend the deadline for completion of its record in cases where it  
48 is not possible to conclude an investigation within the three-month  
49 period because of circumstances beyond its control.

50 Sec. 4. Section 16-44 of the general statutes is repealed and the  
51 following is substituted in lieu thereof (*Effective October 1, 2002*):

52 Whenever any company is organized for the purpose of doing  
53 business as a public service company, certified telecommunications  
54 service provider, or electric supplier, or whenever any company so  
55 organized acquires any plant or any part of a plant or equipment, or  
56 begins doing business as a public service company, certified  
57 telecommunications service provider, or electric supplier, or whenever  
58 any foreign public service company commences business in this state,  
59 or whenever any public service company, certified  
60 telecommunications service provider, or electric supplier doing  
61 business in this state merges with any other company or companies or  
62 permanently discontinues doing business as a public service company,  
63 certified telecommunications service provider, or electric supplier, or  
64 changes its corporate name, the secretary of the company shall, within  
65 ten days from the date thereof, notify the Department of Public Utility  
66 Control of the action of the company or companies, on blanks to be  
67 furnished by the department on request. The secretary of any public  
68 service company, certified telecommunications service provider, or  
69 electric supplier who fails to comply with the provisions of this section  
70 shall be fined not more than two hundred dollars or imprisoned not  
71 more than sixty days or both.

72 Sec. 5. Section 16-229 of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective October 1, 2002*):

74 Any public service company or certified telecommunications service  
75 provider incorporated under the provisions of the statutes or by  
76 special act for the purpose of transmitting or distributing gas, water or  
77 electricity or for telephone purposes, desiring to open or make any  
78 excavation in a portion of any public highway for the carrying out of  
79 any purpose for which it may be organized other than the placing or  
80 replacing of a pole or of a curb box, shall, if required by the authority  
81 having jurisdiction over the maintenance of such highway, make  
82 application to such authority, which may, in writing, grant a permit for  
83 such opening or excavation upon such terms and conditions as to the  
84 manner in which such work shall be carried on as may be reasonable.

85 Sec. 6. Section 16-230 of the general statutes is repealed and the  
86 following is substituted in lieu thereof (*Effective October 1, 2002*):

87 Before any such public service company or certified  
88 telecommunications service provider makes any such application, it  
89 shall file with the Secretary of the State a bond, with surety, in form  
90 and amount satisfactory to and approved by him, to save harmless any  
91 person or corporation which may be injured by the negligent carrying  
92 on of such work, which bond may be a continuing bond to cover all of  
93 such work conducted by such public service company or certified  
94 telecommunications service provider in this state during the term of  
95 such bond, but said Secretary may dispense with the filing of any such  
96 bond upon the furnishing to him of satisfactory proof of the solvency  
97 and the financial ability of such public service company or certified  
98 telecommunications service provider to pay any damages resulting  
99 from such negligent carrying on of such work, and said Secretary shall  
100 issue to such company his certificate that such bond has been filed or  
101 proof of solvency furnished. No such bond or further proof of solvency  
102 and financial ability shall be required by the Secretary of the State, or  
103 by any other authority, of any such public service company or certified  
104 telecommunications service provider which has, within the preceding  
105 twelve months, filed with the Secretary of the State a certification,  
106 attested by the secretary of such company, that the combined paid-in  
107 capital and surplus of such company or provider is not less than five  
108 hundred thousand dollars.

109 Sec. 7. Section 16-234 of the general statutes is repealed and the  
110 following is substituted in lieu thereof (*Effective October 1, 2002*):

111 No telegraph, telephone, certified telecommunications service  
112 provider, community antenna television company, or electric light  
113 company or association, nor any provider, company or association  
114 engaged in distributing electricity by wires or similar conductors or in  
115 using an electric wire or conductor for any purpose, shall exercise any  
116 powers which may have been conferred upon it to change the location  
117 of, or to erect or place, wires, conductors, fixtures, structures or

118 apparatus of any kind over, on or under any highway or public  
119 ground, without the consent of the adjoining proprietors, or, if such  
120 provider, company or association is unable to obtain such consent,  
121 without the approval of the Department of Public Utility Control,  
122 which shall be given only after a hearing upon notice to such  
123 proprietors; or to cut or trim any tree on or overhanging any highway  
124 or public ground, without the consent of the owner thereof, or, if such  
125 provider, company or association is unable to obtain such consent,  
126 without the approval of the tree warden or the consent of the  
127 department, which consent shall be given only after a hearing upon  
128 notice to such owner; but the department may, if it finds that public  
129 convenience and necessity require, authorize the changing of the  
130 location of, or the erection or placing of, such wires, conductors,  
131 fixtures, structures or apparatus over, on or under such highway or  
132 public ground; and the tree warden in any town or the department  
133 may, if he or it finds that public convenience and necessity require,  
134 authorize the cutting and trimming and the keeping trimmed of any  
135 brush or tree in such town on or overhanging such highway or public  
136 ground, which action shall be taken only after notice and hearing as  
137 aforesaid, which hearing shall be held within a reasonable time after  
138 the application therefor.

139 Sec. 8. Section 16-235 of the general statutes is repealed and the  
140 following is substituted in lieu thereof (*Effective October 1, 2002*):

141 Except as provided in section 16-243, the selectmen of any town, the  
142 common council of any city and the warden and burgesses of any  
143 borough shall, subject to the provisions of section 16-234, within their  
144 respective jurisdictions, have full direction and control over the  
145 placing, erection and maintenance of any such wires, conductors,  
146 fixtures, structures or apparatus, including the relocation or removal of  
147 the same and the power of designating the kind, quality and finish  
148 thereof, but no authority granted to any city or borough or a town  
149 planning, zoning, inland wetland, historic district, building, gas, water  
150 or electrical board, commission or committee created under authority  
151 of the general statutes or by virtue of any special act, shall be

152 construed to apply to so much of the operations, plant, building,  
 153 structures or equipment of any public service company or certified  
 154 telecommunications service provider that [as] is under the jurisdiction  
 155 of the Department of Public Utility Control, or the Connecticut Siting  
 156 Council, but zoning commissions and inland wetland agencies may,  
 157 within their respective municipalities, regulate and restrict the  
 158 proposed location of any steam plant, gas plant, gas tank or holder,  
 159 water tank, electric substation, antenna, tower or earth station receiver  
 160 of any public service company or certified telecommunications service  
 161 provider not subject to the jurisdiction of the Connecticut Siting  
 162 Council. Any local body mentioned in this section and the appellate  
 163 body, if any, may make all orders necessary to the exercise of such  
 164 power, direction or control, which orders shall be made within thirty  
 165 days of any application and shall be in writing and recorded in the  
 166 records of their respective communities, and written notice of any  
 167 order shall be given to each party affected thereby. Each such order  
 168 shall be subject to the right of appeal within thirty days from the  
 169 giving of such notice by any party aggrieved to the Department of  
 170 Public Utility Control, which, after rehearing, upon notice to all parties  
 171 in interest, shall as speedily as possible determine the matter in  
 172 question and shall have jurisdiction to affirm or modify or revoke such  
 173 orders or make any orders in substitution thereof.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>

**ET**      *Joint Favorable Subst. C/R*      JUD  
**JUD**      *Joint Favorable*