



General Assembly

Substitute Bill No. 865

January Session, 2003

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. Subsection (a) of section 16-43 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) A public service company shall obtain the approval of the
5 Department of Public Utility Control to directly or indirectly (1) merge,
6 consolidate or make common stock with any other company, or (2)
7 sell, lease, assign, mortgage, except by supplemental indenture in
8 accord with the terms of a mortgage outstanding May 29, 1935, or
9 otherwise dispose of any essential part of its franchise, plant,
10 equipment or other property necessary or useful in the performance of
11 its duty to the public. [provided (A) a] A public service company
12 other than a water company may sell, lease, assign, mortgage or
13 otherwise dispose of improved real property with an appraised value
14 of two hundred fifty thousand dollars or less or unimproved real
15 property with an appraised value of fifty thousand dollars or less
16 without such approval. [and (B) a] The department shall follow the
17 procedures in section 16-50c for transactions involving unimproved
18 land owned by a public service company other than a water company.
19 A water company supplying water to more than five hundred
20 consumers may sell, lease, assign, mortgage, or otherwise dispose of
21 real property, other than public watershed or water supply lands, with

22 an appraised value of fifty thousand dollars or less without such
23 approval. The department shall not accept an application to sell
24 watershed or water supply lands until the Commissioner of Public
25 Health issues a permit pursuant to section 25-32. The condemnation by
26 a state department, institution or agency of any land owned by a
27 public service company shall be subject to the provisions of this
28 subsection. On February 1, 1996, and annually thereafter, each public
29 service company shall submit a report to the Department of Public
30 Utility Control of all real property sold, leased, assigned, mortgaged,
31 or otherwise disposed of without the approval of said department
32 during the previous calendar year. Such report shall include for each
33 transaction involving such property, without limitation, the appraised
34 value of the real property, the actual value of the transaction and the
35 accounting journal entry which recorded the transaction.

36 Sec. 2. Subdivision (6) of section 16-19m of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective*
38 *October 1, 2003*):

39 (6) "Electric utility" means (A) any [domestic] electric company [, as
40 defined in section 16-246a] organized under the laws of this state, (B)
41 any foreign electric company, as defined in [said section] section 16-
42 246f, as amended by this act, (C) any municipal electric utility
43 organized under chapter 101, and (D) any municipal electric energy
44 cooperative organized under chapter 101a.

45 Sec. 3. Subsection (a) of section 16-246f of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2003*):

48 (a) As used in this section:

49 (1) "Assistance" means any aid or support provided, or any actions
50 taken by a domestic electric company for or on behalf of another
51 domestic electric company or by a foreign electric company for or on
52 behalf of a domestic electric company including, without limitation,
53 the temporary transfer or use of repair personnel and equipment;

54 (2) "Domestic electric company" means any electric company or
55 electric distribution company, as defined in section 16-1, any
56 membership electric cooperative organized under chapter 597 and any
57 municipal electric utility or municipal electric energy cooperative, as
58 defined respectively in section 7-233b, which has been chartered by or
59 organized or constituted within or under the laws of this state;

60 (3) "Foreign electric company" [shall have the same meaning as
61 provided in section 16-246a] means a corporation, company,
62 association, joint stock association or trust organized under the laws of
63 a state other than this state, as well as, a town, city, borough, or a
64 municipal corporation, department or agency thereof, whether
65 separately incorporated or not, of a state other than this state,
66 authorized under the laws of the state in which organized to generate
67 or transmit electric energy.

68 Sec. 4. Subdivision (9) of subsection (a) of section 16-1 of the general
69 statutes is repealed and the following is substituted in lieu thereof
70 (*Effective from passage*):

71 (9) "Gas company" includes every person owning, leasing,
72 maintaining, operating, managing or controlling mains, pipes or other
73 fixtures, in public highways or streets, for the transmission or
74 distribution of gas for sale for heat or power within this state, or
75 engaged in the manufacture of gas to be so transmitted or distributed
76 for such purpose, but shall not include a person manufacturing gas
77 through the use of a biomass gasification plant provided such person
78 does not own, lease, maintain, operate, manage or control mains, pipes
79 or other fixtures in public highways or streets, a municipal gas utility
80 established under chapter 101 or any other gas utility owned, leased,
81 maintained, operated, managed or controlled by any unit of local
82 government under any general statute or any public or special act.

83 Sec. 5. (*Effective October 1, 2003*) Sections 16-246a to 16-246d,
84 inclusive, of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>October 1, 2003</i>

ET *Joint Favorable Subst.*