



General Assembly

Substitute Bill No. 375

February Session, 2004

* SB00375ENV__040704__ *

AN ACT CONCERNING REVISIONS TO THE UTILITY STATUTES.

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

1 Section 1. Subsection (a) of section 16-333f of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (a) Each community antenna television company shall inform the
5 Department of Public Utility Control, each subscriber [, the
6 chairpersons of the joint standing committee having cognizance of
7 matters relating to public utilities] and the chairperson of the
8 company's advisory council of any planned programming or rate
9 changes not less than thirty days unless otherwise required by federal
10 law prior to implementing such changes unless (1) such changes are
11 required by law to be made in less than thirty days, or (2) the
12 department prescribes a longer or shorter notice period in appropriate
13 circumstances where such longer or shorter notice period is in the best
14 interest of the company's subscribers. The company's advisory council
15 may hold an advisory public hearing concerning the planned changes
16 and may then make a recommendation to the company prior to the
17 planned implementation date. The department shall adopt regulations,
18 in accordance with chapter 54, to carry out the purposes of this
19 subsection.

20 Sec. 2. Subsection (a) of section 16-262c of the general statutes is

21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2004*):

23 (a) Notwithstanding any other provision of the general statutes no
24 electric, electric distribution, gas, telephone or water company, no
25 electric supplier or certified telecommunications provider, and no
26 municipal utility furnishing electric, gas, telephone or water service
27 shall cause cessation of any such service by reason of delinquency in
28 payment for such service (1) on any Friday, Saturday, Sunday, legal
29 holiday or day before any legal holiday, provided such a company,
30 electric supplier, certified telecommunications provider or municipal
31 utility may cause cessation of such service to a nonresidential account
32 on a Friday which is not a legal holiday or [the day] on a Friday before
33 a legal holiday when the business offices of the company, electric
34 supplier, certified telecommunications provider or municipal utility
35 are open to the public the succeeding Saturday, (2) at any time during
36 which the business offices of said company, electric supplier, certified
37 telecommunications provider or municipal utility are not open to the
38 public, or (3) within one hour before the closing of the business offices
39 of said company, electric supplier or municipal utility.

40 Sec. 3. Subdivision (2) of subsection (d) of section 16-245m of the
41 general statutes, as amended by section 9 of public act 03-135, is
42 repealed and the following is substituted in lieu thereof (*Effective July*
43 *1, 2004*):

44 (2) Programs included in the plan shall be screened through cost-
45 effectiveness testing which compares the value and payback period of
46 program benefits to program costs to ensure that programs are
47 designed to obtain energy savings whose value is greater than the
48 costs of the programs. Cost-effectiveness testing shall utilize available
49 information obtained from real-time monitoring systems to ensure
50 accurate validation and verification of energy use. Program cost-
51 effectiveness shall be reviewed annually, or otherwise as is practicable.
52 If a program is determined to fail the cost-effectiveness test as part of
53 the review process, it shall either be modified to meet the test or shall

54 be terminated. On or before [January 31, 2001, and annually thereafter
55 until January 31, 2006] March 1, 2005, and March 1, 2006, the board
56 shall provide a report to the joint standing committees of the General
57 Assembly having cognizance of matters relating to energy and the
58 environment which documents expenditures, fund balances and
59 evaluates the cost-effectiveness of such programs conducted in the
60 preceding year.

61 Sec. 4. Section 17 of public act 03-135 is repealed and the following is
62 substituted in lieu thereof (*Effective July 1, 2004*):

63 (a) The Department of Public Utility Control may, from July 1, 2003,
64 to January 1, 2008, inclusive, determine, by an affirmative vote of four
65 commissioners of the Public Utilities Control Authority, that (1) safe,
66 adequate and reasonably priced electricity is not available on the
67 wholesale market; (2) additional wholesale bulk power contracts or
68 temporary electric generation facilities will result in reductions in
69 federally mandated congestion costs for which the ratepayers of the
70 state are responsible; and (3) the prices and costs specified in
71 subdivision (2) of this subsection will exceed the cost of investment in
72 wholesale bulk power contracts or temporary electric generation
73 facilities. Such determination shall be in writing and shall state the
74 reasons supporting the determination.

75 (b) Upon issuing a determination pursuant to subsection (a) of this
76 section, the department shall hold a contested case proceeding, in
77 accordance with the provisions of chapter 54, to develop a request for
78 proposal to solicit the provision of such additional wholesale bulk
79 power contracts or temporary electric generation facilities, containing
80 such terms and conditions that will best serve the interests of the
81 public. The request for proposal process shall be designed to ensure
82 fairness and full participation by all qualified responders.

83 (c) The department may negotiate for terms and conditions
84 necessary to conclude a transaction with one or more entities
85 responding to a request for proposal, after notice to all entities that

86 responded. The department shall base its decision to conclude a
87 transaction on the best interest of the public and ratepayers.

88 (d) Nothing in this section shall be construed to allow an electric
89 distribution company to own, operate, lease or control any facility or
90 asset that generates electricity, or retain any interest in such facility or
91 asset as part of any transaction concluded pursuant to this section.

92 Sec. 5. Subsection (a) of section 16-245l of the general statutes, as
93 amended by section 8 of public act 03-135 and section 14 of public act
94 03-140, is repealed and the following is substituted in lieu thereof
95 (*Effective July 1, 2004*):

96 (a) The Department of Public Utility Control shall establish and each
97 electric distribution company shall collect a systems benefits charge to
98 be imposed against all end use customers of each electric distribution
99 company beginning January 1, 2000. The department shall hold a
100 hearing that shall be conducted as a contested case in accordance with
101 chapter 54 to establish the amount of the systems benefits charge. The
102 department may revise the systems benefits charge or any element of
103 said charge as the need arises. The systems benefits charge shall be
104 used to fund (1) the expenses of the public education outreach
105 program developed under subsections (a), (f) and (g) of section 16-
106 244d, as amended, other than expenses for department staff, (2) the
107 reasonable and proper expenses of the education outreach consultant
108 pursuant to subsection (d) of section 16-244d, as amended, (3) the cost
109 of hardship protection measures under sections 16-262c, as amended,
110 and 16-262d and other hardship protections, including, but not limited
111 to, electric service bill payment programs, funding and technical
112 support for energy assistance, fuel bank and weatherization programs
113 and weatherization services, (4) the payment program to offset tax
114 losses described in section 12-94d, (5) any sums paid to a resource
115 recovery authority pursuant to subsection (b) of section 16-243e, (6)
116 low income conservation programs approved by the Department of
117 Public Utility Control, (7) displaced worker protection costs, (8)
118 unfunded storage and disposal costs for spent nuclear fuel generated

119 before January 1, 2000, approved by the appropriate regulatory
120 agencies, (9) postretirement safe shutdown and site protection costs
121 that are incurred in preparation for decommissioning, (10)
122 decommissioning fund contributions, (11) the costs of wholesale bulk
123 power contracts and temporary electric generation facilities incurred
124 pursuant to section 17 of [this act] public act 03-135, and (12) legal,
125 appraisal and purchase costs of a conservation or land use restriction
126 and other related costs as the department in its discretion deems
127 appropriate, incurred by a municipality on or before January 1, 2000, to
128 ensure the environmental, recreational and scenic preservation of any
129 reservoir located within this state created by a pump storage
130 hydroelectric generating facility. As used in this subsection, "displaced
131 worker protection costs" means the reasonable costs incurred, prior to
132 January 1, 2008, by an electric supplier, exempt wholesale generator,
133 electric company, an operator of a nuclear power generating facility in
134 this state or a generation entity or affiliate arising from the dislocation
135 of any employee other than an officer, provided such dislocation is a
136 result of restructuring of (A) the electric generation market and such
137 dislocation occurs on or after July 1, 1998, or (B) the closing of a Title
138 IV source or an exempt wholesale generator, as defined in 15 USC 79z-
139 5a, on or after January 1, 2004, as a result of such source's failure to
140 meet requirements imposed as a result of sections 22a-197 and 22a-198,
141 as amended, and this section or those Regulations of Connecticut State
142 Agencies adopted by the Department of Environmental Protection, as
143 amended from time to time, in accordance with Executive Order
144 Number 19, issued on May 17, 2000; and provided further such costs
145 result from either the execution of agreements reached through
146 collective bargaining for union employees or from the company's or
147 entity's or affiliate's programs and policies for nonunion employees.
148 "Displaced worker protection costs" includes costs incurred or
149 projected for severance, retraining, early retirement, outplacement,
150 coverage for surviving spouse insurance benefits and related expenses.
151 "Displaced worker protection costs" does not include those costs
152 included in determining a tax credit pursuant to section 12-217bb.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>
Sec. 5	<i>July 1, 2004</i>

ET *Joint Favorable Subst.*

ENV *Joint Favorable*