



General Assembly

***Substitute Bill No. 5262***

*February Session, 2006*

\*            HB05262BA            040506            \*

***AN ACT CONCERNING MINOR 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 16-19 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective*  
3       *October 1, 2006*):

4       (a) No public service company may charge rates in excess of those  
5       previously approved by the authority or the Department of Public  
6       Utility Control except that any rate approved by the Public Utilities  
7       Commission or the authority shall be permitted until amended by the  
8       authority or the department, that rates not approved by the authority  
9       or the department may be charged pursuant to subsection (b) of this  
10      section, and that the hearing requirements with respect to adjustment  
11      clauses are as set forth in section 16-19b, as amended. Each public  
12      service company shall file any proposed amendment of its existing  
13      rates with the department in such form and in accordance with such  
14      reasonable regulations as the department may prescribe. Each electric,  
15      electric distribution, gas or telephone company filing a proposed  
16      amendment shall also file with the department an estimate of the  
17      effects of the amendment, for various levels of consumption, on the  
18      household budgets of high and moderate income customers and  
19      customers having household incomes not more than one hundred fifty

20 per cent of the federal poverty level. Each electric and electric  
21 distribution company shall also file such an estimate for space heating  
22 customers. Each water company, except a water company that  
23 provides water to its customers less than six consecutive months in a  
24 calendar year, filing a proposed amendment, shall also file with the  
25 department a plan for promoting water conservation by customers in  
26 such form and in accordance with a memorandum of understanding  
27 entered into by the department pursuant to section 4-67e. Each public  
28 service company shall notify each customer who would be affected by  
29 the proposed amendment, by mail, at least one week, but not more  
30 than three weeks, prior to the public hearing thereon, that an  
31 amendment has been or will be requested. Such notice shall also  
32 indicate (1) the date, time and location of the scheduled public  
33 hearings, (2) a statement that customers may provide written  
34 comments regarding the proposed amendment to the Department of  
35 Public Utility Control or may provide comments regarding the  
36 proposed amendment by appearing in person at one of the scheduled  
37 public hearings, (3) the Department of Public Utility Control telephone  
38 number for obtaining information concerning the schedule for public  
39 hearings on the proposed amendment, and [(2)] (4) whether the  
40 proposed amendment would, in the company's best estimate, increase  
41 any rate or charge by twenty per cent or more, and, if so, describe in  
42 general terms any such rate or charge and the amount of the proposed  
43 increase, provided no such company shall be required to provide more  
44 than one form of the notice to each class of its customers. In the case of  
45 a proposed amendment to the rates of any public service company, the  
46 department shall hold a public hearing thereon, except as permitted  
47 with respect to interim rate amendments by subsection (d) and  
48 subsection (g) of this section, and shall make such investigation of such  
49 proposed amendment of rates as is necessary to determine whether  
50 such rates conform to the principles and guidelines set forth in section  
51 16-19e, or are unreasonably discriminatory or more or less than just,  
52 reasonable and adequate, or that the service furnished by such  
53 company is inadequate to or in excess of public necessity and  
54 convenience. The department, if in its opinion such action appears

55 necessary or suitable in the public interest may, and, upon written  
56 petition or complaint of the state, under direction of the Governor,  
57 shall, make the aforesaid investigation of any such proposed  
58 amendment which does not involve an alteration in rates. If the  
59 department finds any proposed amendment of rates to not conform to  
60 the principles and guidelines set forth in section 16-19e, or to be  
61 unreasonably discriminatory or more or less than just, reasonable and  
62 adequate to enable such company to provide properly for the public  
63 convenience, necessity and welfare, or the service to be inadequate or  
64 excessive, it shall determine and prescribe, as appropriate, an adequate  
65 service to be furnished or just and reasonable maximum rates and  
66 charges to be made by such company. In the case of a proposed  
67 amendment filed by an electric, electric distribution, gas or telephone  
68 company, the department shall also adjust the estimate filed under this  
69 subsection of the effects of the amendment on the household budgets  
70 of the company's customers, in accordance with the rates and charges  
71 approved by the department. The department shall issue a final  
72 decision on each rate filing within one hundred fifty days from the  
73 proposed effective date thereof, provided it may, before the end of  
74 such period and upon notifying all parties and intervenors to the  
75 proceedings, extend the period by thirty days.

76 Sec. 2. Subsections (b) and (c) of section 16-6a of the 2006  
77 supplement to the general statutes are repealed and the following is  
78 substituted in lieu thereof (*Effective October 1, 2006*):

79 (b) For any proceeding before the Federal Energy Regulatory  
80 Commission, the United States Department of Energy [or] the United  
81 States Nuclear Regulatory Commission, the United States Securities  
82 and Exchange Commission, the Federal Trade Commission, the United  
83 States Department of Justice or the Federal Communications  
84 Commission, or appeal thereof, the Attorney General, upon request of  
85 the department, may retain outside legal counsel in accordance with  
86 section 3-125 to participate in such proceedings on behalf of the  
87 department. All reasonable and proper expenses of such outside legal  
88 counsel shall be borne by the public service companies, certified

89 telecommunications providers, electric suppliers or gas registrants that  
90 are affected by the decisions of such proceedings and shall be paid at  
91 such times and in such manner as the department directs, provided  
92 such expenses shall be apportioned in proportion to the revenues of  
93 each affected entity as reported to the department for purposes of  
94 section 16-49 for the most recent period, and provided further such  
95 expenses shall not exceed two hundred fifty thousand dollars per  
96 proceeding, including any appeals thereof, in any calendar year unless  
97 the department finds good cause for exceeding the limit and the  
98 affected entities have an opportunity, after reasonable notice, to  
99 comment on the proposed overage. All such legal expenses shall be  
100 recognized by the department as proper business expenses of the  
101 affected entities for rate-making purposes, as provided in section 16-  
102 19e, if applicable.

103 (c) For any proceeding before the Federal Energy Regulatory  
104 Commission, the United States Department of Energy, the United  
105 States Nuclear Regulatory Commission, the United States Securities  
106 and Exchange Commission, the Federal Trade Commission, the United  
107 States Department of Justice or the Federal Communications  
108 Commission, or appeal thereof, the Attorney General, upon request of  
109 the Office of Consumer Counsel, may retain outside legal counsel in  
110 accordance with section 3-125 to participate in such proceedings on  
111 behalf of the office, provided the work performed on behalf of the  
112 office shall not include lobbying activities, as defined in 2 USC 1602.  
113 All reasonable and proper expenses of such outside legal counsel shall  
114 be borne by the public service companies, certified  
115 telecommunications providers, electric suppliers or gas registrants that  
116 are affected by the decisions of such proceedings and shall be paid at  
117 such times and in such manner as the office directs, provided such  
118 expenses shall be apportioned in proportion to the revenues of each  
119 affected entity as reported to the department for purposes of section  
120 16-49 for the most recent period, and provided further such expenses  
121 shall not exceed two hundred fifty thousand dollars, including any  
122 appeals thereof, in any calendar year. The Department of Public Utility

123 Control shall recognize all such legal expenses as proper business  
124 expenses of the affected entities for rate-making purposes, as provided  
125 in section 16-19e, if applicable.

126 Sec. 3. Subsection (a) of section 16-245o of the general statutes is  
127 repealed and the following is substituted in lieu thereof (*Effective*  
128 *October 1, 2006*):

129 (a) To protect a customer's right to privacy from unwanted  
130 solicitation, each electric company or electric distribution company, as  
131 the case may be, shall distribute to each customer a form approved by  
132 the Department of Public Utility Control which the customer shall  
133 submit to the customer's electric or electric distribution company in a  
134 timely manner if the customer does not want the customer's name,  
135 address, telephone number and rate class to be released to electric  
136 suppliers. On and after July 1, 1999, each electric or electric distribution  
137 company, as the case may be, shall make available to all electric  
138 suppliers customer names, addresses, telephone numbers, if known,  
139 and rate class, unless the electric company or electric distribution  
140 company has received a form from a customer requesting that such  
141 information not be released. [Additional] In order for an electric  
142 supplier to receive additional information about a customer for  
143 marketing purposes, [shall not be released to any electric supplier  
144 unless a] an electric distribution company shall obtain a consent to a  
145 release by a residential customer [consents to a release by one of the  
146 following] by one of the following methods and an electric supplier  
147 shall obtain a consent to a release by a commercial or industrial  
148 customer by one of the following methods: (1) An independent third-  
149 party telephone verification; (2) receipt of a written confirmation  
150 received in the mail from the customer after the customer has received  
151 an information package confirming any telephone agreement; (3) the  
152 customer signs a document fully explaining the nature and effect of the  
153 release; or (4) the customer's consent is obtained through electronic  
154 means, including, but not limited to, a computer transaction.

155 Sec. 4. Subsection (c) of section 16-262j of the general statutes is

156 repealed and the following is substituted in lieu thereof (*Effective*  
157 *October 1, 2006*):

158 (c) Each public service company, certified telecommunications  
159 provider and electric supplier shall pay interest on any security  
160 deposit it receives from a customer at the average rate paid, as of  
161 December 30, 1992, on savings deposits by insured commercial banks  
162 as published in the Federal Reserve Board bulletin and rounded to the  
163 nearest one-tenth of one percentage point, except in no event shall the  
164 rate [be less than one and one-half per cent. On and after January 1,  
165 1994, the rate] for each calendar year [shall] be [not] less than the  
166 deposit index as [defined in] determined by the Banking  
167 Commissioner pursuant to subsection (d) of this section for that year  
168 and rounded to the nearest one-tenth of one percentage point, except  
169 in no event shall the rate be less than one and one-half per cent.

170 Sec. 5. Subdivision (1) of subsection (c) of section 16-8a of the  
171 general statutes is repealed and the following is substituted in lieu  
172 thereof (*Effective October 1, 2006*):

173 (c) (1) Not more than [thirty] sixty business days after receipt of a  
174 written complaint, in a form prescribed by the department, by an  
175 employee alleging the employee's employer has retaliated against an  
176 employee in violation of subsection (a) of this section, the department  
177 shall make a preliminary finding in accordance with this subsection.

178 Sec. 6. Subdivision (1) of subsection (b) of section 16-262c of the  
179 general statutes is repealed and the following is substituted in lieu  
180 thereof (*Effective October 1, 2006*):

181 (b) (1) From November first to April fifteenth, inclusive, no electric  
182 or electric distribution company, as defined in section 16-1, as  
183 amended, no electric supplier and no municipal utility furnishing  
184 electricity shall terminate, deny or refuse to reinstate residential  
185 electric service in hardship cases where the customer lacks the  
186 financial resources to pay his or her entire account. From November  
187 first to April fifteenth, inclusive, no gas company and no municipal

188 utility furnishing gas shall terminate, deny or refuse to reinstate  
 189 residential gas service in hardship cases where the customer uses such  
 190 gas for heat and lacks the financial resources to pay his or her entire  
 191 account, except a gas company that, between April sixteenth and  
 192 October thirty-first, terminated gas service to a residential customer  
 193 who uses gas for heat and who, during the previous period of  
 194 November first to April fifteenth, had gas service maintained because  
 195 of hardship status, may refuse to reinstate the gas service from  
 196 November first to April fifteenth, inclusive, only if the customer has  
 197 failed to pay, since the preceding November first, the lesser of: (A)  
 198 Twenty per cent of the outstanding principal balance owed the gas  
 199 company as of the date of termination, (B) one hundred dollars, or (C)  
 200 the minimum payments due under the customer's amortization  
 201 agreement. Notwithstanding any other provision of the general  
 202 statutes to the contrary, no electric, electric distribution or gas  
 203 company, no electric supplier and no municipal utility furnishing  
 204 electricity or gas shall terminate, deny or refuse to reinstate residential  
 205 electric or gas service where the customer lacks the financial resources  
 206 to pay his or her entire account and for which customer or a member  
 207 of the customer's household the termination, denial or failure to  
 208 reinstate such service would create a life-threatening situation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	16-19(a)
Sec. 2	October 1, 2006	16-6a(b) and (c)
Sec. 3	October 1, 2006	16-245o(a)
Sec. 4	October 1, 2006	16-262j(c)
Sec. 5	October 1, 2006	16-8a(c)(1)
Sec. 6	October 1, 2006	16-262c(b)(1)

**ET**            *Joint Favorable Subst.*

**BA**            *Joint Favorable*