



General Assembly

January Session, 2007

**Amendment**

LCO No. 9328

**\*HB0592709328SD0\***

Offered by:

SEN. FONFARA, 1<sup>st</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

To: House Bill No. 5927

File No. 820

Cal. No. 597

(As Amended)

**"AN ACT CONCERNING THE CONNECTICUT SITING COUNCIL  
AND CELLULAR TOWERS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 22a-135 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2007*):

5 (a) The Department of Environmental Protection shall: (1) Review  
6 the plans for and operation of safety programs at nuclear plants; (2)  
7 make recommendations to the Nuclear Regulatory Commission  
8 concerning third-party inspection of components and construction of  
9 nuclear plants for the purpose of improving quality assurance plans  
10 and programs; (3) require the immediate reporting to the  
11 Commissioner of Environmental Protection or his designee, which  
12 may be another state agency, by licensees of the United States Nuclear

13 Regulatory Commission which operate nuclear power generating  
14 facilities in this state as soon as the licensee has knowledge or, in the  
15 exercise of reasonable care should have had knowledge of (A) any  
16 release of radiation which is unplanned, unmonitored or which  
17 exceeds design standards and specifications established by the Nuclear  
18 Regulatory Commission, and (B) any occurrence, incident or other  
19 abnormal circumstance, unless it is immediately evident that such  
20 occurrence, incident or circumstance is not required to be reported  
21 within twenty-four hours or sooner to the Nuclear Regulatory  
22 Commission; (4) monitor radiation originating from nuclear plants and  
23 perform tests to detect any buildup of radioactivity in the soil, water,  
24 plants or animals of the state; (5) review the training and education of  
25 workers at nuclear plants to insure awareness of the possible risks of  
26 cancer and future genetic effects; (6) represent the interests of the state  
27 in federal and state regulatory hearings and other administrative  
28 actions concerning nuclear plants which affect the state; (7) intervene  
29 in federal proceedings and petition federal agencies for revision of  
30 existing regulations where appropriate; (8) conduct periodic on-site  
31 evaluations of the effectiveness and enforcement of federal regulations  
32 for the packaging and transportation of radioactive material; (9) study  
33 plans for, and hazards inherent in the decommissioning of Connecticut  
34 nuclear plants including the possible future use of land now in use by  
35 a nuclear power facility; (10) study the storage problems posed by high  
36 level wastes; (11) study and, in cooperation with the state police,  
37 monitor the security of nuclear plants to assure that the dangers from  
38 sabotage and terrorism are minimized; (12) monitor sources of ionizing  
39 radiation, microwave radiation and radioactive materials within the  
40 state; (13) review the state emergency plan for radiation safety; and  
41 (14) investigate out-of-state potential radiological hazards which may  
42 have a significant adverse effect upon the health or safety of the people  
43 of the state. The commissioner shall charge each of the four nuclear-  
44 powered commercial electric power generating plants an annual fee of  
45 sixty thousand dollars for monitoring radiation released from such  
46 plants. Nuclear fuels radiation facilities shall pay an annual fee of  
47 fifteen thousand dollars for monitoring such plants.

48 (b) In addition to the reporting required of a licensee pursuant to the  
49 provisions of subdivision (3) of subsection (a) of this section, the  
50 department may require the reporting immediately or within such  
51 time period as the department may designate of any additional  
52 occurrence, incident or other abnormal circumstance which is not  
53 required to be reported within twenty-four hours or sooner to the  
54 Nuclear Regulatory Commission. The department shall adopt  
55 regulations, in accordance with chapter 54, to carry out the provisions  
56 of this subsection.

57 (c) Licensees shall post on their web sites all plans for routine and  
58 continuous releases of radiation to the atmosphere, including dates,  
59 times and fissile materials, as soon as such releases are scheduled.

60 Sec. 502. Subsection (b) of section 121 of house bill 7432 of the  
61 current session, as amended by house amendment schedule A, is  
62 repealed and the following is substituted in lieu thereof (*Effective July*  
63 *1, 2007*):

64 The proceeds of the sale of said bonds, to the extent of the amount  
65 stated in subsection (a) of this section, shall be used by Connecticut  
66 Innovations, Incorporated, for the purpose of funding the net project  
67 costs, or the balance of any projects after applying any public or  
68 private financial incentives available, for any renewable energy or  
69 combined heat and power projects in state buildings. The funds shall  
70 be made available through the Renewable Energy Investment Fund,  
71 established pursuant to section 16-245n of the general statutes, as  
72 amended by this act. Eligible state buildings shall be Leadership in  
73 Energy and Environmental Design (LEED) certified or in the process of  
74 becoming LEED certified or in the process of becoming LEED silver  
75 rating certified or receive two-globe rating in the Green Globes USA  
76 design program or in the process of receiving a two-globe rating in the  
77 Green Globes USA design program.

78 Sec. 503. Section 107 of house bill 7432 of the current session, as  
79 amended by house amendment schedule A, is repealed and the

80 following is substituted in lieu thereof (*Effective from passage*):

81 In any rate case initiated on and after the effective date of this  
82 section, the Department of Public Utility Control shall order the state's  
83 gas and electric distribution companies to decouple distribution  
84 revenues from the volume of natural gas or electricity sales through  
85 any of the following strategies, singly or in combination: (1) A  
86 mechanism that adjusts actual distribution revenues to allowed  
87 distribution revenues, (2) rate design changes that increase the amount  
88 of revenue recovered through fixed distribution charges, or (3) a sales  
89 adjustment clause, [ rate design changes that increase the amount of  
90 revenue recovered through fixed distribution charges, or both. In  
91 making its determination on this matter, the department shall consider  
92 the impact of decoupling on the gas or electric distribution company's  
93 return on equity and make necessary adjustments thereto.]

94 Sec. 504. Subsection (a) of section 16-47 of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective from*  
96 *passage*):

97 (a) As used in this section [.] and section 505 of this act, (1) "holding  
98 company" means any corporation, association, partnership, trust or  
99 similar organization, or person which, either alone or in conjunction  
100 and pursuant to an arrangement or understanding with one or more  
101 other corporations, associations, partnerships, trusts or similar  
102 organizations, or persons, directly or indirectly, controls a gas, electric,  
103 electric distribution, water, telephone or community antenna television  
104 company, [ . As used in this section,] and (2) "control" means the  
105 possession of the power to direct or cause the direction of the  
106 management and policies of a gas, electric, electric distribution, water,  
107 telephone or community antenna television company or a holding  
108 company, whether through the ownership of its voting securities, the  
109 ability to effect a change in the composition of its board of directors or  
110 otherwise, provided, control shall not be deemed to arise solely from a  
111 revocable proxy or consent given to a person in response to a public  
112 proxy or consent solicitation made pursuant to and in accordance with

113 the applicable rules and regulations of the Securities Exchange Act of  
114 1934 unless a participant in said solicitation has announced an  
115 intention to effect a merger or consolidation with, reorganization, or  
116 other business combination or extraordinary transaction involving the  
117 gas, electric, electric distribution, water, telephone or community  
118 antenna television company or the holding company. Control shall be  
119 presumed to exist if a person directly or indirectly owns ten per cent or  
120 more of the voting securities of a gas, electric, electric distribution,  
121 water, telephone or community antenna television company or a  
122 holding company, provided the department may determine, after  
123 conducting a hearing, that said presumption of control has been  
124 rebutted by a showing that such ownership does not in fact confer  
125 control.

126 Sec. 505. (NEW) (*Effective from passage*) (a) As used in this section,  
127 "affiliate" means a person, as defined in section 16-1 of the general  
128 statutes, as amended by this act, or class of persons that, with a gas  
129 company, as defined in section 16-1 of the general statutes, as amended  
130 by this act, is under the control of the same holding company, or a  
131 person or class of persons that the Department of Public Utility  
132 Control determines to stand in such relation to a gas company that  
133 there is liable to be an absence of arm's length bargaining in  
134 transactions between them as to make it necessary to protect  
135 ratepayers.

136 (b) The Department of Public Utility Control shall establish a code  
137 of conduct that sets minimum standards for gas company transactions  
138 with affiliates to achieve, at a minimum, the following goals:

139 (1) Provide rules for when the purchases or sales of goods or  
140 services between a gas company and an affiliate should be by written  
141 contract based on such factors as the nature, value and term of the  
142 purchase or sale;

143 (2) Provide rules with respect to sharing or giving access to certain  
144 types of customer identifying or commercially sensitive information to

- 145 affiliates that may differ between regulated and unregulated affiliates;
- 146 (3) Provide for a system of records and reporting for transactions  
147 between a gas company and its affiliates;
- 148 (4) Establish standards to ensure that any payment by a gas  
149 company to any affiliate or from any affiliate to a gas company is  
150 appropriate and reasonable;
- 151 (5) Provide a standard for avoidance of conflict of interest between a  
152 gas company and affiliates;
- 153 (6) Ensure that any such transactions shall not have an improper  
154 and adverse impact on the costs or revenues of the gas company, on  
155 the rates and charges paid by gas company customers or on the quality  
156 of service provided by the gas company;
- 157 (7) Ensure that gas company ratepayers do not subsidize affiliate  
158 operations;
- 159 (8) Ensure fair, appropriate and equitable standards for purchases,  
160 sales, leases, asset transfers and cost or profit-sharing transactions or  
161 any type of financing or encumbrance involving a gas company and its  
162 affiliates; and
- 163 (9) Ensure that gas supply and distribution services are provided by  
164 a gas company in an appropriate manner to affiliates and nonaffiliates  
165 alike.
- 166 (c) In addition to the powers granted to the department in section  
167 16-8c of the general statutes, during a rate proceeding under 16-19 of  
168 the general statutes, as amended by this act, the department may  
169 summon witnesses from an affiliate with which a gas company has  
170 had direct or indirect transactions, examine the affiliate under oath and  
171 order production, inspection and audit of its books, records or other  
172 information relevant to any transaction that the department has reason  
173 to believe has or will have an adverse impact on the costs and revenues  
174 of the affiliated gas company. Proprietary commercial and proprietary

175 financial information of an affiliate provided pursuant to this section  
176 shall be confidential and protected by the department, subject to the  
177 provisions of section 1-210 of the general statutes.

178 (d) Each gas company shall submit to the department records and  
179 such information as the department may require, at intervals  
180 determined by the department and in such form as the department  
181 may order regarding affiliate transactions.

182 (e) The department may, upon its own motion, investigate a gas  
183 company's compliance with the code of conduct, and any such  
184 investigation shall be a contested case, as defined in section 4-166 of  
185 the general statutes.

186 (f) The department may make orders to enforce the code of conduct,  
187 including, but not limited to, cease and desist orders and may levy  
188 civil penalties pursuant to section 16-41 of the general statutes against  
189 entities subject to the code of conduct.

190 (g) The code of conduct shall not prohibit communications  
191 necessary to restore gas company service or to prevent or respond to  
192 emergency conditions.

193 (h) On or before November 1, 2007, the department shall adopt  
194 regulations, in accordance with the provisions of chapter 54 of the  
195 general statutes, to establish the code of conduct in accordance with  
196 subsection (b) of this section, related accounting and reporting  
197 requirements and procedures for gas company and affiliate  
198 compliance with this section.

199 (i) Any methodology for the allocation of costs between a gas  
200 company and other companies under the control of the same holding  
201 company currently approved by, or under current orders issued by,  
202 the Securities and Exchange Commission under the Public Utility  
203 Holding Company Act of 1935 or the Federal Energy Regulatory  
204 Commission under the Public Utility Holding Company Act of 2005,  
205 shall be entitled to a rebuttable presumption of reasonableness.

206 Charges rendered to a gas company by an affiliate that is a traditional  
207 centralized service company shall be at cost and entitled to a rebuttable  
208 presumption of reasonableness.

209 Sec. 506. Subsection (h) of section 16-19b of the general statutes is  
210 repealed and the following is substituted in lieu thereof (*Effective from*  
211 *passage*):

212 (h) The Department of Public Utility Control shall continually  
213 monitor and oversee the application of the purchased gas adjustment  
214 clause, the energy adjustment clause, and the transmission rate  
215 adjustment clause. [The] For the energy adjustment and transmission  
216 adjustment clauses, the department shall hold a public hearing thereon  
217 whenever the department deems it necessary or upon application of  
218 the Office of Consumer Counsel, but no less frequently than once  
219 every six months. [, and] For the purchase gas adjustment clause, the  
220 department shall hold a public hearing thereon whenever the  
221 department deems it necessary or upon application of the Office of  
222 Consumer Counsel, but no less frequently than annually. The  
223 department shall undertake such other proceeding thereon to  
224 determine whether charges or credits made under such clauses reflect  
225 the actual prices paid for purchased gas or energy and the actual  
226 transmission costs and are computed in accordance with the applicable  
227 clause. If the department finds that such charges or credits do not  
228 reflect the actual prices paid for purchased gas or energy, and the  
229 actual transmission costs or are not computed in accordance with the  
230 applicable clause, it shall recompute such charges or credits and shall  
231 direct the company to take such action as may be required to insure  
232 that such charges or credits properly reflect the actual prices paid for  
233 purchased gas or energy and the actual transmission costs and are  
234 computed in accordance with the applicable clause for the applicable  
235 period.

236 Sec. 507. Subsection (a) of section 16-19 of the general statutes is  
237 repealed and the following is substituted in lieu thereof (*Effective from*  
238 *passage*):

239 (a) No public service company may charge rates in excess of those  
240 previously approved by the authority or the Department of Public  
241 Utility Control except that any rate approved by the Public Utilities  
242 Commission or the authority shall be permitted until amended by the  
243 authority or the department, that rates not approved by the authority  
244 or the department may be charged pursuant to subsection (b) of this  
245 section, and that the hearing requirements with respect to adjustment  
246 clauses are as set forth in section 16-19b, as amended by this act. Each  
247 public service company shall file any proposed amendment of its  
248 existing rates with the department in such form and in accordance  
249 with such reasonable regulations as the department may prescribe.  
250 Each electric, electric distribution, gas or telephone company filing a  
251 proposed amendment shall also file with the department an estimate  
252 of the effects of the amendment, for various levels of consumption, on  
253 the household budgets of high and moderate income customers and  
254 customers having household incomes not more than one hundred fifty  
255 per cent of the federal poverty level. Each electric and electric  
256 distribution company shall also file such an estimate for space heating  
257 customers. Each water company, except a water company that  
258 provides water to its customers less than six consecutive months in a  
259 calendar year, filing a proposed amendment, shall also file with the  
260 department a plan for promoting water conservation by customers in  
261 such form and in accordance with a memorandum of understanding  
262 entered into by the department pursuant to section 4-67e. Each public  
263 service company shall notify each customer who would be affected by  
264 the proposed amendment, by mail, at least one week prior to the  
265 public hearing thereon but no earlier than four weeks prior to the start  
266 of the public hearing, that an amendment has been or will be  
267 requested. Such notice shall also indicate (1) [the Department of Public  
268 Utility Control] the date or dates, time or times and location or  
269 locations of the scheduled public hearing, (2) a statement that  
270 customers may provide comments regarding the proposed rate request  
271 by writing to the Department of Public Utility Control or by appearing  
272 in person at one of the scheduled public hearings, (3) the department's  
273 telephone number for obtaining information concerning the schedule

274 for public hearings on the proposed amendment, and [(2)] (4) whether  
275 the proposed amendment would, in the company's best estimate,  
276 increase any rate or charge by twenty per cent or more, and, if so,  
277 describe in general terms any such rate or charge and the amount of  
278 the proposed increase, provided no such company shall be required to  
279 provide more than one form of the notice to each class of its customers.  
280 In the case of a proposed amendment to the rates of any public service  
281 company, the department shall hold a public hearing thereon, except  
282 as permitted with respect to interim rate amendments by subsection  
283 (d) and subsection (g) of this section, and shall make such investigation  
284 of such proposed amendment of rates as is necessary to determine  
285 whether such rates conform to the principles and guidelines set forth  
286 in section 16-19e, or are unreasonably discriminatory or more or less  
287 than just, reasonable and adequate, or that the service furnished by  
288 such company is inadequate to or in excess of public necessity and  
289 convenience. The department, if in its opinion such action appears  
290 necessary or suitable in the public interest may, and, upon written  
291 petition or complaint of the state, under direction of the Governor,  
292 shall, make the aforesaid investigation of any such proposed  
293 amendment which does not involve an alteration in rates. If the  
294 department finds any proposed amendment of rates to not conform to  
295 the principles and guidelines set forth in section 16-19e, or to be  
296 unreasonably discriminatory or more or less than just, reasonable and  
297 adequate to enable such company to provide properly for the public  
298 convenience, necessity and welfare, or the service to be inadequate or  
299 excessive, it shall determine and prescribe, as appropriate, an adequate  
300 service to be furnished or just and reasonable maximum rates and  
301 charges to be made by such company. In the case of a proposed  
302 amendment filed by an electric, electric distribution, gas or telephone  
303 company, the department shall also adjust the estimate filed under this  
304 subsection of the effects of the amendment on the household budgets  
305 of the company's customers, in accordance with the rates and charges  
306 approved by the department. The department shall issue a final  
307 decision on each rate filing within one hundred fifty days from the  
308 proposed effective date thereof, provided it may, before the end of

309 such period and upon notifying all parties and intervenors to the  
310 proceedings, extend the period by thirty days.

311 Sec. 508. Section 16-22 of the general statutes is repealed and the  
312 following is substituted in lieu thereof (*Effective October 1, 2007*):

313 At any hearing involving a rate or the transfer of ownership of  
314 assets or a franchise of a public service company, or the formation or  
315 change in control of a holding company, as defined in section 16-47, as  
316 amended by this act, that involves a public service company within  
317 this state, the burden of proving that [said] the rate under  
318 consideration is just and reasonable or that [said] the transfer of assets  
319 or franchise or that the change in control or formation of a holding  
320 company is just and reasonable and is in the public interest shall be on  
321 the public service company or the applicant company. The provisions  
322 of this section shall not apply to the regulation of a  
323 telecommunications service which is a competitive service, as defined  
324 in section 16-247a.

325 Sec. 509. Section 16-6a of the general statutes is repealed and the  
326 following is substituted in lieu thereof (*Effective July 1, 2007*):

327 (a) The Department of Public Utility Control and the Office of  
328 Consumer Counsel are authorized to participate in proceedings before  
329 agencies of the federal government and the federal courts on matters  
330 affecting utility services rendered or to be rendered in this state.

331 [(b) For any proceeding before the Federal Energy Regulatory  
332 Commission, the United States Department of Energy or the United  
333 States Nuclear Regulatory Commission, or appeal thereof, the  
334 Attorney General, upon request of the department, may retain outside  
335 legal counsel in accordance with section 3-125 to participate in such  
336 proceedings on behalf of the department. All reasonable and proper  
337 expenses of such outside legal counsel shall be borne by the public  
338 service companies, certified telecommunications providers, electric  
339 suppliers or gas registrants that are affected by the decisions of such  
340 proceedings and shall be paid at such times and in such manner as the

341 department directs, provided such expenses shall be apportioned in  
342 proportion to the revenues of each affected entity as reported to the  
343 department for purposes of section 16-49 for the most recent period,  
344 and provided further such expenses shall not exceed two hundred fifty  
345 thousand dollars per proceeding, including any appeals thereof, in any  
346 calendar year unless the department finds good cause for exceeding  
347 the limit and the affected entities have an opportunity, after reasonable  
348 notice, to comment on the proposed overage. All such legal expenses  
349 shall be recognized by the department as proper business expenses of  
350 the affected entities for rate-making purposes, as provided in section  
351 16-19e, if applicable.

352 (c) For any proceeding before the Federal Energy Regulatory  
353 Commission, the United States Department of Energy, the United  
354 States Nuclear Regulatory Commission, the Securities and Exchange  
355 Commission, the Federal Trade Commission, the United States  
356 Department of Justice or the Federal Communications Commission, or  
357 appeal thereof, the Attorney General, upon request of the Office of  
358 Consumer Counsel, may retain outside legal counsel in accordance  
359 with section 3-125 to participate in such proceedings on behalf of the  
360 office, provided the work performed on behalf of the office shall not  
361 include lobbying activities, as defined in 2 USC 1602. All reasonable  
362 and proper expenses of such outside legal counsel shall be borne by  
363 the public service companies, certified telecommunications providers,  
364 electric suppliers or gas registrants that are affected by the decisions of  
365 such proceedings and shall be paid at such times and in such manner  
366 as the office directs, provided such expenses shall be apportioned in  
367 proportion to the revenues of each affected entity as reported to the  
368 department for purposes of section 16-49 for the most recent period,  
369 and provided further such expenses shall not exceed two hundred fifty  
370 thousand dollars, including any appeals thereof, in any calendar year.  
371 The Department of Public Utility Control shall recognize all such legal  
372 expenses as proper business expenses of the affected entities for rate-  
373 making purposes, as provided in section 16-19e, if applicable.]

374 (b) For any proceeding before the Federal Energy Regulatory

375 Commission, the United States Department of Energy, the United  
376 States Nuclear Regulatory Commission, the United States Securities  
377 and Exchange Commission, the Federal Trade Commission, the United  
378 States Department of Justice or the Federal Communications  
379 Commission, the Department of Public Utility Control and the Office  
380 of Consumer Counsel may retain consultants to assist their respective  
381 staffs in such proceedings by providing expertise in areas in which  
382 staff expertise does not currently exist or when necessary to  
383 supplement staff expertise. All reasonable and proper expenses of such  
384 expert consultants shall be borne by the public service companies,  
385 certified telecommunications providers, electric suppliers or gas  
386 registrants that are affected by the decisions of such proceedings and  
387 shall be paid at such times and in such manner as the department  
388 directs, provided such expenses (1) shall be apportioned in proportion  
389 to the revenues of each affected entity as reported to the department  
390 for purposes of section 16-49 for the most recent period, and (2) shall  
391 not exceed two hundred fifty thousand dollars per proceeding,  
392 including any appeals thereof, in any calendar year unless the  
393 department finds good cause for exceeding the limit. All such expenses  
394 shall be recognized by the department as proper business expenses of  
395 the affected entities for rate-making purposes pursuant to section 16-  
396 19e, if applicable.

397 Sec. 510. Subsection (c) of section 16-262j of the general statutes is  
398 repealed and the following is substituted in lieu thereof (*Effective from*  
399 *passage*):

400 (c) Each public service company, certified telecommunications  
401 provider and electric supplier shall pay interest on any security  
402 deposit it receives from a customer at the average rate paid, as of  
403 December 30, 1992, on savings deposits by insured commercial banks  
404 as published in the Federal Reserve Board bulletin and rounded to the  
405 nearest one-tenth of one percentage point, except in no event shall the  
406 rate be less than one and one-half per cent. On and after January 1,  
407 1994, the rate for each calendar year shall be not less than the deposit  
408 index as determined by the Banking Commissioner and, as defined in

409 subsection (d) of this section, for that year and rounded to the nearest  
410 one-tenth of one percentage point, except in no event shall the rate be  
411 less than one and one-half per cent.

412 Sec. 511. Subsection (c) of section 16-8a of the general statutes is  
413 repealed and the following is substituted in lieu thereof (*Effective from*  
414 *passage*):

415 (c) (1) Not more than [thirty] ninety business days after receipt of a  
416 written complaint, in a form prescribed by the department, by an  
417 employee alleging the employee's employer has retaliated against an  
418 employee in violation of subsection (a) of this section, the department  
419 shall make a preliminary finding in accordance with this subsection.

420 (2) Not more than five business days after receiving a written  
421 complaint, in a form prescribed by the department, the department  
422 shall notify the employer by certified mail. Such notification shall  
423 include a description of the nature of the charges and the substance of  
424 any relevant supporting evidence. The employer may submit a written  
425 response and both the employer and the employee may present  
426 rebuttal statements in the form of affidavits from witnesses and  
427 supporting documents and may meet with the department informally  
428 to respond verbally about the nature of the employee's charges. The  
429 department shall consider in making its preliminary finding as  
430 provided in subdivision (3) of this subsection any such written and  
431 verbal responses, including affidavits and supporting documents,  
432 received by the department not more than twenty business days after  
433 the employer receives such notice. Any such response received after  
434 twenty business days shall be considered by the department only upon  
435 a showing of good cause and at the discretion of the department. The  
436 department shall make its preliminary finding as provided in  
437 subdivision (3) of this subsection based on information described in  
438 this subdivision, without a public hearing.

439 (3) Unless the department finds by clear and convincing evidence  
440 that the adverse employment action was taken for a reason

441 unconnected with the employee's report of substantial misfeasance,  
442 malfeasance or nonfeasance, there shall be a rebuttable presumption  
443 that an employee was retaliated against in violation of subsection (a) of  
444 this section if the department finds that: (A) The employee had  
445 reported substantial misfeasance, malfeasance or nonfeasance in the  
446 management of the public service company, holding company or  
447 licensee; (B) the employee was subsequently discharged, suspended,  
448 demoted or otherwise penalized by having the employee's status of  
449 employment changed by the employee's employer; and (C) the  
450 subsequent discharge, suspension, demotion or other penalty followed  
451 the employee's report closely in time.

452 (4) If such findings are made, the department shall issue an order  
453 requiring the employer to immediately return the employee to the  
454 employee's previous position of employment or an equivalent position  
455 pending the completion of the department's full investigatory  
456 proceeding pursuant to subsection (d) of this section.

457 Sec. 512. Subdivision (1) of subsection (b) of section 16-262c of the  
458 general statutes is repealed and the following is substituted in lieu  
459 thereof (*Effective from passage*):

460 (b) (1) From November first to April fifteenth, inclusive, no electric  
461 or electric distribution company, as defined in section 16-1, as  
462 amended by this act, no electric supplier and no municipal utility  
463 furnishing electricity shall terminate, deny or refuse to reinstate  
464 residential electric service in hardship cases where the customer lacks  
465 the financial resources to pay his or her entire account. From  
466 November first to April fifteenth, inclusive, no gas company and no  
467 municipal utility furnishing gas shall terminate or refuse to reinstate  
468 residential gas service in hardship cases where the customer uses such  
469 gas for heat and lacks the financial resources to pay his or her entire  
470 account, except a gas company that, between April sixteenth and  
471 October thirty-first, terminated gas service to a residential customer  
472 who uses gas for heat and who, during the previous period of  
473 November first to April fifteenth, had gas service maintained because

474 of hardship status, may refuse to reinstate the gas service from  
475 November first to April fifteenth, inclusive, only if the customer has  
476 failed to pay, since the preceding November first, the lesser of: (A)  
477 Twenty per cent of the outstanding principal balance owed the gas  
478 company as of the date of termination, (B) one hundred dollars, or (C)  
479 the minimum payments due under the customer's amortization  
480 agreement. Notwithstanding any other provision of the general  
481 statutes to the contrary, no electric, electric distribution or gas  
482 company, no electric supplier and no municipal utility furnishing  
483 electricity or gas shall terminate or refuse to reinstate residential  
484 electric or gas service where the customer lacks the financial resources  
485 to pay his or her entire account and for which customer or a member  
486 of the customer's household the termination or failure to reinstate such  
487 service would create a life-threatening situation.

488 Sec. 513. Subdivision (30) of subsection (a) of section 16-1 of the  
489 general statutes is repealed and the following is substituted in lieu  
490 thereof (*Effective from passage*):

491 (30) "Electric supplier" means any person [, including an electric  
492 aggregator] or participating municipal electric utility that is licensed  
493 by the Department of Public Utility Control in accordance with section  
494 16-245, as amended by this act, [that] and provides electric generation  
495 services to end use customers in the state using the transmission or  
496 distribution facilities of an electric distribution company, regardless of  
497 whether or not such person takes title to such generation services, but  
498 does not include: (A) A municipal electric utility established under  
499 chapter 101, other than a participating municipal electric utility; (B) a  
500 municipal electric energy cooperative established under chapter 101a;  
501 (C) an electric cooperative established under chapter 597; (D) any other  
502 electric utility owned, leased, maintained, operated, managed or  
503 controlled by any unit of local government under any general statute  
504 or special act; or (E) an electric distribution company in its provision of  
505 electric generation services in accordance with subsection (a) or, prior  
506 to January 1, 2004, subsection (c) of section 16-244c.

507 Sec. 514. Subdivision (31) of subsection (a) of section 16-1 of the  
508 general statutes is repealed and the following is substituted in lieu  
509 thereof (*Effective from passage*):

510 (31) "Electric aggregator" means [(A) a person, municipality or  
511 regional water authority that] any person, municipality, regional water  
512 authority or the Connecticut Resource Recovery Authority, if such  
513 entity gathers together electric customers for the purpose of  
514 negotiating the purchase of electric generation services from an electric  
515 supplier, [or (B) the Connecticut Resources Recovery Authority, if it  
516 gathers together electric customers for the purpose of negotiating the  
517 purchase of electric generation services from an electric supplier,]  
518 provided such [person, municipality or authority] entity is not  
519 engaged in the purchase or resale of electric generation services, and  
520 provided further such customers contract for electric generation  
521 services directly with an electric supplier, and may include an electric  
522 cooperative established pursuant to chapter 597.

523 Sec. 515. Subsection (a) of section 16-1 of the general statutes is  
524 amended by adding subdivision (46) as follows (*Effective from passage*):

525 (NEW) (46) "Electric broker" means any person, municipality,  
526 regional water authority or the Connecticut Resources Recovery  
527 Authority, if such entity arranges or acts as an agent, negotiator or  
528 intermediary in the sale or purchase of electric generation services  
529 between any end use customer in the state and any electric supplier,  
530 but does not take title to any of the generation services sold, provided  
531 (A) such entity is not engaged in the purchase and resale of electric  
532 generation services, and (B) such customer contracts for electric  
533 generation services directly with an electric supplier, and may include  
534 an electric cooperative established pursuant to chapter 597.

535 Sec. 516. Subsection (l) of section 16-245 of the general statutes is  
536 repealed and the following is substituted in lieu thereof (*Effective from*  
537 *passage*):

538 (l) (1) An electric aggregator or electric broker shall not be subject to

539 the provisions of subsections (a) to (k), inclusive, of this section.

540 (2) No electric aggregator or electric broker shall arrange or  
541 negotiate a contract for the purchase of electric generation services  
542 from an electric supplier unless such aggregator or electric broker has  
543 [(A)] obtained a certificate of registration from the Department of  
544 Public Utility Control in accordance with this subsection. [, or (B) in the  
545 case of a municipality, regional water authority and the Connecticut  
546 Resources Recovery Authority, registered in accordance with section  
547 16-245b.] An electric aggregator that was licensed pursuant to this  
548 section prior to July 1, 2003, shall receive a certificate of registration on  
549 July 1, 2003. An entity that has been issued an electric supplier license  
550 by the Department of Public Utility Control pursuant to subsections (a)  
551 to (k), inclusive, of this section may act as an electric aggregator or  
552 electric broker without having to obtain a certificate of registration in  
553 accordance with this subsection.

554 (3) An application for a certificate of registration shall be filed with  
555 the department, accompanied by a fee as determined by the  
556 department. The application shall contain such information as the  
557 department may deem relevant, including, but not limited to, the  
558 following: (A) The address of the applicant's headquarters and the  
559 articles of incorporation, if applicable, as filed with the state in which  
560 the applicant is incorporated; (B) the address of the applicant's  
561 principal office in the state, if any, or the address of the applicant's  
562 agent for service in the state; (C) the toll-free or in-state telephone  
563 number of the applicant; (D) information about the applicant's  
564 corporate structure, if applicable, including [financial names and  
565 financial statements, as relevant, concerning] names and background  
566 information of corporate affiliates; (E) disclosure of whether the  
567 applicant or any of the applicant's corporate affiliates or officers, if  
568 applicable, have been or are currently under investigation for violation  
569 of any consumer protection law or regulation to which it is subject,  
570 either in this state or in another state. Each registered electric  
571 aggregator or electric broker shall update the information contained in  
572 this subdivision as necessary.

573 (4) Not more than thirty days after receiving an application for a  
574 certificate of registration, the department shall notify the applicant  
575 whether the application is complete or whether the applicant must  
576 submit additional information. The department shall grant or deny the  
577 application for a certificate of registration not more than ninety days  
578 after receiving all information required of an applicant. The  
579 department shall hold a public hearing on an application upon the  
580 request of any interested party.

581 (5) As a condition for maintaining a certificate of registration, the  
582 registered electric aggregator or electric broker shall ensure that, where  
583 applicable, it complies with the National Labor Relations Act and  
584 regulations, if applicable, and it complies with the Connecticut Unfair  
585 Trade Practices Act and applicable regulations.

586 (6) Any registered electric aggregator or electric broker that fails to  
587 comply with a registration condition or violates any provision of this  
588 section shall be subject to civil penalties by the Department of Public  
589 Utility Control in accordance with the procedures contained in section  
590 16-41, or the suspension or revocation of such registration, or a  
591 prohibition on accepting new customers following a hearing that is  
592 conducted as a contested case in accordance with the provisions of  
593 chapter 54.

594 Sec. 517. Section 16-245b of the general statutes is repealed and the  
595 following is substituted in lieu thereof (*Effective from passage*):

596 Notwithstanding the provisions of subsection (a) of section 16-245,  
597 the provisions of said section shall not apply to (1) any municipality or  
598 regional water authority that aggregates or brokers the sale of electric  
599 generation services, or to the Connecticut Resources Recovery  
600 Authority if such authority aggregates or brokers the sale of electric  
601 generation services, for end use customers located within the  
602 boundaries of such municipality or regional water authority, (2) any  
603 municipality that joins together with other municipalities to aggregate  
604 or broker the sale of electric generation services for end use customers

605 located within the boundaries of such municipalities, or (3) any  
606 municipality or regional water authority that aggregates or brokers the  
607 purchase of electric generation services for municipal facilities, street  
608 lighting, boards of education and other publicly-owned facilities  
609 within (A) the municipality for which the municipality is financially  
610 responsible, or (B) the municipalities that are within the authorized  
611 service area of the regional water authority. Any municipality or  
612 regional water authority that aggregates or brokers in accordance with  
613 this section shall register not less than annually with the Department  
614 of Public Utility Control on a form prescribed by the department.

615 Sec. 518. Subsection (b) of section 16-245p of the general statutes is  
616 repealed and the following is substituted in lieu thereof (*Effective from*  
617 *passage*):

618 (b) The Department of Public Utility Control shall maintain and  
619 make available to customers upon request, a list of electric aggregators  
620 and electric brokers and the following information about each electric  
621 supplier and each electric distribution company providing standard  
622 service or back-up electric generation service, pursuant to section 16-  
623 244c: (1) Rates and charges; (2) applicable terms and conditions of a  
624 contract for electric generation services; (3) the percentage of the total  
625 electric output derived from each of the categories of energy sources  
626 provided in subsection (e) of section 16-244d, the total emission rates  
627 of nitrogen oxides, sulfur oxides, carbon dioxide, carbon monoxide,  
628 particulates, heavy metals and other wastes the disposal of which is  
629 regulated under state or federal law at the facilities operated by or  
630 under long-term contract to the electric supplier or providing electric  
631 generation services to an electric distribution company providing  
632 standard service or back-up electric generation service, pursuant to  
633 section 16-244c, and the analysis of the environmental characteristics of  
634 each such category of energy source prepared pursuant to subsection  
635 (e) of [said] section 16-244d and to the extent such information is  
636 unknown, the estimated percentage of the total electric output for  
637 which such information is unknown, along with the word "unknown"  
638 for that percentage; (4) a record of customer complaints and the

639 disposition of each complaint; and (5) any other information the  
640 department determines will assist customers in making informed  
641 decisions when choosing an electric supplier. The department shall  
642 make available to customers the information filed pursuant to  
643 subsection (a) of this section not later than thirty days after its receipt.  
644 The department shall put such information in a standard format so  
645 that a customer can readily understand and compare the services  
646 provided by each electric supplier.

647 Sec. 519. Subdivision (19) of subsection (a) of section 22a-266 of the  
648 general statutes is repealed and the following is substituted in lieu  
649 thereof (*Effective from passage*):

650 (19) Act as an electric supplier, [or] an electric aggregator or an  
651 electric broker pursuant to public act 98-28\* provided any net revenue  
652 to the authority from activities, contracts, products or processes  
653 undertaken pursuant to this subdivision, after payment of principal  
654 and interest on bonds and repayment of any loans or notes of the  
655 authority, shall be distributed so as to reduce the costs of other  
656 authority services to the users thereof on a pro rata basis proportionate  
657 to costs paid by such users. In acting as an electric supplier, [or an]  
658 electric aggregator or electric broker pursuant to any license granted  
659 by the Department of Public Utility Control, the authority may enter  
660 into contracts for the purchase and sale of electricity and electric  
661 generation services, provided such contracts are solely for the  
662 purposes of ensuring the provision of safe and reliable electric service  
663 and protecting the position of the authority with respect to capacity  
664 and price.

665 Sec. 520. Subsection (c) of section 7-148ee of the general statutes is  
666 repealed and the following is substituted in lieu thereof (*Effective from*  
667 *passage*):

668 (c) No corporation established pursuant to subsection (a) of this  
669 section shall engage in the manufacture, distribution, purchase or sale,  
670 or any combination thereof, of electricity, gas or water outside the

671 service area of such municipal electric or gas utility or within its  
672 service area if it encroaches upon the service area or franchise area of  
673 another water or gas utility. Nothing in this section shall be construed  
674 to permit any municipal electric utility to engage in the sale, [or]  
675 aggregation or brokering of electric generation services other than  
676 pursuant to section 16-245, as amended by this act.

677 Sec. 521. Subsection (b) of section 33-219 of the general statutes is  
678 repealed and the following is substituted in lieu thereof (*Effective from*  
679 *passage*):

680 (b) Notwithstanding the provisions of subsection (a) of this section,  
681 cooperative, nonprofit, membership corporations may be organized  
682 under this chapter for the purpose of generating electric energy by  
683 means of cogeneration technology, renewable energy resources or both  
684 and supplying it to any member or supplying it to, purchasing it from  
685 or exchanging it with a public service company, electric supplier, [as  
686 defined in section 16-1,] municipal aggregator, [as defined in said  
687 section] electric broker, municipal utility or municipal electric energy  
688 cooperative, all as defined in section 16-1, as amended by this act, in  
689 accordance with an agreement with the company, electric supplier,  
690 electric aggregator, electric broker, municipal utility or cooperative. No  
691 membership corporation under this subsection may exercise those  
692 powers contained in subsection (i) or (j) of section 33-221 unless the  
693 prior approval of the Department of Public Utility Control is obtained,  
694 after opportunity for hearing in accordance with title 16 and chapter  
695 54. Any cooperative organized on or after July 1, 1998, pursuant to this  
696 subsection shall collect from its members the competitive transition  
697 assessment levied pursuant to section 16-245g and the systems benefits  
698 charge levied pursuant to section 16-245l in such manner and at such  
699 rate as the Department of Public Utility Control prescribes, provided  
700 the department shall order the collection of said assessment and said  
701 charge in a manner and rate equal to that to which the members of the  
702 cooperative would have been subject had the cooperative not been  
703 organized.

704 Sec. 522. Section 16-247p of the general statutes is repealed and the  
705 following is substituted in lieu thereof (*Effective from passage*):

706 (a) Not later than April 1, 2000, the Department of Public Utility  
707 Control shall, by regulations adopted pursuant to chapter 54, establish  
708 quality-of-service standards that shall apply to all telephone  
709 companies and certified telecommunications providers and to all  
710 telecommunications services. Such standards shall include, but not be  
711 limited to, measures relating to customer trouble reports, service  
712 outages, installation appointments and repeat problems as well as  
713 timeliness in responding to complaints or reports. The department  
714 shall include with the quality of service standards methodologies for  
715 monitoring compliance with and enforcement of such standards. Such  
716 monitoring shall include input from employees of telephone  
717 companies and certified telecommunications providers, including  
718 members of collective bargaining units.

719 (b) [Not later than April 1, 2000, the] The department shall, [by  
720 regulations adopted pursuant to chapter 54] through administrative  
721 proceedings, establish comprehensive performance standards and  
722 performance based reporting requirements for functions provided by a  
723 telephone company to a certified telecommunications provider,  
724 including, but not limited to, telephone company performance relating  
725 to customer ordering, preordering, provisioning, billing, maintenance  
726 and repair. Such service standards shall be sufficiently comprehensive  
727 to ensure that a telephone company meets its obligations under 47  
728 USC 251. Such [regulations] standards may also contain provisions the  
729 department deems necessary to prevent anticompetitive actions by any  
730 telephone company or certified telecommunications provider.

731 (c) Notwithstanding subsection (b) of this section, the department  
732 shall not adopt performance standards and performance-based  
733 reporting requirements pursuant to subsection (b) of this section if a  
734 telephone company offers performance standards and measures to  
735 competitive local exchange carriers who obtain services pursuant to 47  
736 USC 251.

737 Sec. 523. Subsection (a) of section 16-245n of the general statutes, as  
738 amended by section 15 of house bill 7432 of the current session, is  
739 repealed and the following is substituted in lieu thereof (*Effective from*  
740 *passage*):

741 (a) For purposes of this section, "renewable energy" means solar  
742 photovoltaic energy, solar thermal, geothermal energy, wind, ocean  
743 thermal energy, wave or tidal energy, fuel cells, landfill gas,  
744 hydropower that meets the low-impact standards of the Low-Impact  
745 Hydropower Institute, hydrogen production and hydrogen conversion  
746 technologies, low emission advanced biomass conversion technologies,  
747 biodiesel alternative fuels, used for electricity generation including  
748 ethanol, biodiesel or other fuel produced in Connecticut and derived  
749 from agricultural produce, food waste or waste vegetable oil, provided  
750 the Commissioner of Environmental Protection determines that such  
751 fuels provide net reductions in greenhouse gas emissions and fossil  
752 fuel consumption, usable electricity from combined heat and power  
753 systems with waste heat recovery systems, thermal storage systems  
754 and other energy resources and emerging technologies which have  
755 significant potential for commercialization and which do not involve  
756 the combustion of coal, petroleum or petroleum products, municipal  
757 solid waste or nuclear fission.

758 Sec. 524. (*Effective from passage*) Not later than July 1, 2007, the  
759 Department of Public Utility Control shall initiate a contested case  
760 proceeding, in accordance with the provisions of chapter 54 of the  
761 general statutes, to evaluate residential natural gas choice. Said  
762 proceeding shall include, but not be limited to, a consideration of (1)  
763 customer billing and enrollment procedures, (2) purchase of customer  
764 receivables, (3) assignment of capacity, and (4) operational balancing  
765 rules for residential gas customers.

766 Sec. 525. (*Effective July 1, 2007*) Connecticut Innovations,  
767 Incorporated, in consultation with the Department of Public Utility  
768 Control, the Department of Environmental Protection and the  
769 Connecticut Siting Council, shall conduct a study to identify locations

770 for hydropower in Connecticut and to identify financial and land-use  
771 obstacles to developing hydropower. Said study shall also examine the  
772 effect that modifying the definition of class I renewable energy source  
773 in section 16-1 of the general statutes to include low-impact  
774 hydropower may have on the value of class I renewable energy credits.  
775 On or before February 1, 2008, the Connecticut Siting Council shall  
776 submit a report on its findings and recommendations, in accordance  
777 with section 11-4a of the general statutes, to the joint standing  
778 committee of the General Assembly having cognizance of matters  
779 relating to energy.

780 Sec. 526. (*Effective from passage*) The district board of the  
781 Metropolitan District of Hartford County, by ordinance, may  
782 undertake the study, planning, development or implementation of  
783 technologies, processes, facilities or operation of alternative energy  
784 generation, waste treatment or related programs to serve towns and  
785 cities, whether constituent municipalities or not, with such new or  
786 existing services or functions over which the district has or may  
787 hereinafter have powers as conferred by law or by interlocal  
788 agreements.

789 Sec. 527. (NEW) (*Effective July 1, 2007*) (a) A person seeking to  
790 terminate electric, gas, telecommunications or water service to a  
791 residential dwelling shall provide identification, as defined in section  
792 16-49e of the general statutes, the password previously provided by  
793 the customer, the customer code provided by the company or other  
794 reasonable identification method established by the company to the  
795 electric distribution, gas, telecommunications or water company,  
796 electric supplier or municipal utility providing such service sufficient  
797 to establish that the person authorizing the termination is the customer  
798 of record or the customer's authorized representative. Such company,  
799 supplier or utility shall not terminate service if the person does not  
800 provide reasonable identification establishing that the person  
801 requesting the termination is the customer of record or the customer's  
802 authorized representative for the residential dwelling.

803 (b) If a person or entity other than a customer of record or the  
804 customer's authorized representative seeks to terminate electric, gas,  
805 water or telecommunications service to a residential dwelling, the  
806 company, supplier or utility service shall not effect termination of  
807 service unless, nine or more days prior to the requested termination  
808 date, the company, utility or supplier sends a notification letter to the  
809 customer of record at the customer's last-known address.

810 (c) Notwithstanding the requirements of this section, an electric,  
811 gas, telecommunications or water company, electric supplier or  
812 municipal utility may terminate service at any time (1) upon request of  
813 a state or local fire or police authority, (2) upon determination by the  
814 company, supplier or utility that failure to terminate the service may  
815 adversely impact safety or the public health, or (3) upon the company,  
816 supplier or utility's compliance with applicable statutes or Department  
817 of Public Utility Control regulations governing termination of service  
818 not requested by the customer.

819 Sec. 528. Section 16-262e of the general statutes is repealed and the  
820 following is substituted in lieu thereof (*Effective July 1, 2007*):

821 (a) Notwithstanding the provisions of section 16-262d, wherever an  
822 owner, agent, lessor or manager of a residential dwelling is billed  
823 directly by an electric, electric distribution, gas, telephone or water  
824 company or by a municipal utility for utility service furnished to such  
825 building not occupied exclusively by such owner, agent, lessor, or  
826 manager, and such company or municipal utility or the electric  
827 supplier providing electric generation services has actual or  
828 constructive knowledge that the occupants of such dwelling are not  
829 the individuals to whom the company or municipal utility usually  
830 sends its bills, such company, electric supplier or municipal utility  
831 shall not terminate such service for nonpayment of a delinquent  
832 account owed to such company, electric supplier or municipal utility  
833 by such owner, agent, lessor or manager unless: (1) Such company,  
834 electric supplier or municipal utility makes a good faith effort to notify  
835 the occupants of such building of the proposed termination by the

836 means most practicable under the circumstances and best designed to  
837 provide actual notice; and (2) such company, electric supplier or  
838 municipal utility provides an opportunity, where practicable, for such  
839 occupants to receive service in their own names without any liability  
840 for the amount due while service was billed directly to the lessor,  
841 owner, agent or manager and without the necessity for a security  
842 deposit; provided, if it is not practicable for such occupants to receive  
843 service in their own names, the company, electric supplier or  
844 municipal utility shall not terminate service to such residential  
845 dwelling but may pursue the remedy provided in section 16-262f.

846 (b) Whenever a company, electric supplier or municipal utility has  
847 terminated service to a residential dwelling whose occupants are not  
848 the individuals to whom it usually sends its bills, such company,  
849 electric supplier or municipal utility shall, upon obtaining knowledge  
850 of such occupancy, immediately reinstate service and thereafter not  
851 effect termination unless it first complies with the provisions of  
852 subsection (a) of this section.

853 (c) The owner, agent, lessor or manager of a residential dwelling  
854 shall be liable for the costs of all electricity, gas, water or heating fuel  
855 furnished by a public service company, electric supplier, municipal  
856 utility or heating fuel dealer to the building, except for any service  
857 furnished to any dwelling unit of the building on an individually  
858 metered or billed basis for the exclusive use of the occupants of that  
859 dwelling unit, provided, an owner, agent, lessor or manager shall be  
860 liable for service provided on an individually metered or billed basis  
861 pursuant to subsection (g) of this section from ten days after the date of  
862 written request if the company, supplier, utility or dealer is denied  
863 access to its individual meters or other facilities located on the  
864 premises of the building. Said owners, agents, lessors or managers  
865 shall only be liable when said owners, agents, lessors or managers  
866 control access to such individual meters to which access is denied. If  
867 service is not provided on an individually metered or billed basis and  
868 the owner, agent, lessor or manager fails to pay for such service, any  
869 occupant who receives service in his own name may deduct, in

870 accordance with the provisions of subsection (d) of this section, a  
871 reasonable estimate of the cost of any portion of such service which is  
872 for the use of occupants of dwelling units other than such occupant's  
873 dwelling unit.

874 (d) Any payments made by the occupants of any residential  
875 dwelling pursuant to subsection (a) or (c) of this section shall be  
876 deemed to be in lieu of an equal amount of rent or payment for use  
877 and occupancy and each occupant shall be permitted to deduct such  
878 amounts from any sum of rent or payment for use and occupancy due  
879 and owing or to become due and owing to the owner, agent, lessor or  
880 manager.

881 (e) Wherever a company, electric supplier or municipal utility  
882 provides service pursuant to subdivision (2) of subsection (a) of this  
883 section, the company, electric supplier or municipal utility shall notify  
884 each occupant of such building in writing that service will be provided  
885 in the occupant's own name. Such writing shall contain a conspicuous  
886 notice in boldface type stating,

887 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL  
888 AMOUNT YOU PAY (name of company or municipal utility) FOR  
889 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD  
890 OR HIS AGENT."

891 (f) The owner, agent, lessor or manager shall not increase the  
892 amount paid by such occupant for rent or for use and occupancy in  
893 order to collect all or part of that amount lawfully deducted by the  
894 occupant pursuant to this section.

895 (g) The owner, agent, lessor or manager of a residential dwelling  
896 shall be responsible for providing a public service company, electrical  
897 supplier or municipal utility or heating fuel dealer access to its meter  
898 or other facilities located on the premises of the residential dwelling  
899 promptly upon written request of the public service company,  
900 electrical supplier or municipal utility or heating fuel dealer during  
901 reasonable hours. If such owner, agent, lessor or manager fails to

902 provide such access upon reasonable written request, the owner,  
903 agent, lessor or manager shall be liable for the costs incurred by the  
904 public service company, electrical supplier or municipal utility or  
905 heating fuel dealer in gaining access to the meter and facilities,  
906 including costs of collection and attorney fees. If the failure to provide  
907 access delays the ability of the public service company, electrical  
908 supplier or municipal utility or heating fuel dealer to terminate service  
909 to an individually metered or billed portion of the dwelling, the  
910 owner, agent, lessor or manager failing to provide access shall also be  
911 liable for the amounts billed by the public service company, electrical  
912 supplier or municipal utility or heating fuel dealer for service provided  
913 to the individually metered or billed portion of the dwelling for the  
914 period beginning seven days after access has been requested and  
915 ending when access is provided by such owner, agent, lessor or  
916 manager.

917 [(g)] (h) Nothing in this section shall be construed to prevent the  
918 company, electric supplier, municipal utility, heating fuel dealer or  
919 occupant from pursuing any other action or remedy at law or equity  
920 that it may have against the owner, agent, lessor, or manager.

921 Sec. 529. (NEW) (*Effective July 1, 2007*) In any community antenna  
922 television franchise area in which town-specific government access  
923 programming is broadcast on one channel at least fifty per cent of the  
924 time, such town-specific programmer may request and the designated  
925 community access provider shall provide full-time carriage based  
926 upon documentation that the programmer has (1) the support of the  
927 municipality's chief local elected official, (2) the support of the local  
928 cable advisory council, and (3) sufficient equipment, staffing and  
929 resources to program the channel full time. Documentation for  
930 subdivision (3) of this section may include evidence that the town-  
931 specific programmer has for a period of not less than one calendar  
932 quarter broadcast on one channel not less than fifty per cent original  
933 first-run video programming native to the town, excluding character-  
934 generated scroll and community calendar-type programming. If the  
935 designated community access provider does not grant the request of

936 the town-specific programmer for full-time carriage, the designated  
937 community access provider shall forward the programmer's request to  
938 the department for its consideration. The department shall review and  
939 take action on such request not later than ninety days after it is filed  
940 with the department.

941 Sec. 530. (NEW) (*Effective July 1, 2007*) (a) For purposes of this  
942 section, "municipal aggregation unit" means a municipality, or political  
943 subdivision thereof, or group of municipalities, or political  
944 subdivisions thereof, that serves as an electric aggregator for the  
945 purpose of negotiating the purchase of electric generation services  
946 from an electric supplier for all electric customers within the legal  
947 boundaries of such municipality, or political subdivision thereof, or  
948 group of municipalities, or political subdivisions thereof.

949 (b) On and after January 1, 2008, there shall be a municipal electric  
950 aggregation program. Such program shall allow customers of a  
951 distribution company, as defined in subdivision (29) of section 16-1 of  
952 the general statutes, to opt-out of the electric service offered by the  
953 municipal aggregation unit. The combined number of participants in  
954 the program during 2008 shall represent not more than four hundred  
955 megawatts of load in the state, as determined by the Department of  
956 Public Utility Control. Each municipal aggregation unit that seeks to  
957 participate in the program shall file with the department a letter of  
958 intent, draft ordinance and such other documentation as the  
959 department may require. The department may establish additional  
960 filing deadlines as it deems appropriate. Each municipal aggregation  
961 unit shall retain the services of a firm having expertise in electric  
962 aggregation and energy procurement to provide assistance with its  
963 participation in the program, including, but not limited to, the  
964 development of its request for proposal. Municipalities or political  
965 subdivisions of municipalities that are served by municipal electric  
966 utilities that have declined to participate in the competitive electric  
967 generation market shall not be eligible to participate in this program.

968 (c) A municipality shall initiate a process to form or join a municipal

969 aggregation unit by the adoption of an ordinance.

970 (d) The municipal aggregation unit shall issue a request-for-  
971 proposal to licensed electric suppliers for the provision of electric  
972 generation service and select a bidder after providing a written  
973 analysis that the economic benefits will be equal to or exceed the  
974 current or projected economic benefits of receiving electric generation  
975 services through standard service. Such bidders shall include as part of  
976 their bids provisions for the implementation and deployment of smart  
977 meters and related technologies. The municipal aggregation unit shall  
978 not be subject to the provisions of section 16-245s of the general  
979 statutes.

980 (e) On or before June 15, 2007, the Department of Public Utility  
981 Control shall open a proceeding to develop a set of program  
982 requirements that shall include, but not be limited to, the manner by  
983 which electric customers are provided (1) notice of the initiation of the  
984 aggregation program, (2) information regarding rates and  
985 environmental characteristics, (3) information regarding contract terms  
986 and conditions, and (4) notice regarding a customer's right to cancel  
987 service. Electric customers shall be given not less than sixty days notice  
988 prior to the initiation of an aggregation project.

989 Sec. 531. Subdivision (31) of subsection (a) of section 16-1 of the  
990 general statutes is repealed and the following is substituted in lieu  
991 thereof (*Effective from passage*):

992 (31) "Electric aggregator" means (A) a person, municipality,  
993 municipal aggregation unit, as defined in subdivision (3) of subsection  
994 (k) of section 16-244c, as amended by this act, or regional water  
995 authority that gathers together electric customers for the purpose of  
996 negotiating the purchase of electric generation services from an electric  
997 supplier, or (B) the Connecticut Resources Recovery Authority, if it  
998 gathers together electric customers for the purpose of negotiating the  
999 purchase of electric generation services from an electric supplier,  
1000 provided such person, municipality or authority is not engaged in the

1001 purchase or resale of electric generation services, and provided further  
1002 such customers contract for electric generation services directly with  
1003 an electric supplier or, in the case of a municipal aggregation unit, such  
1004 customers contract for electric generation services with an electric  
1005 supplier pursuant to said section 16-244c, and may include an electric  
1006 cooperative established pursuant to chapter 597.

1007 Sec. 532. Section 16-245o of the general statutes is repealed and the  
1008 following is substituted in lieu thereof (*Effective from passage*):

1009 (a) To protect a customer's right to privacy from unwanted  
1010 solicitation, each electric company or electric distribution company, as  
1011 the case may be, shall distribute to each customer a form approved by  
1012 the Department of Public Utility Control which the customer shall  
1013 submit to the customer's electric or electric distribution company in a  
1014 timely manner if the customer does not want the customer's name,  
1015 address, telephone number and rate class to be released to electric  
1016 suppliers. [On and after July 1, 1999, each electric or electric  
1017 distribution company, as the case may be, shall make available to all  
1018 electric suppliers customer names, addresses, telephone numbers, if  
1019 known, and rate class, unless the electric company or electric  
1020 distribution company has received a form from a customer requesting  
1021 that such information not be released. Additional information about a  
1022 customer for marketing purposes shall not be released to any electric  
1023 supplier unless a customer consents to a release by one of the  
1024 following: (1) An independent third-party telephone verification; (2)  
1025 receipt of a written confirmation received in the mail from the  
1026 customer after the customer has received an information package  
1027 confirming any telephone agreement; (3) the customer signs a  
1028 document fully explaining the nature and effect of the release; or (4)  
1029 the customer's consent is obtained through electronic means,  
1030 including, but not limited to, a computer transaction.] Each electric  
1031 distribution company shall make available to any municipal  
1032 aggregator town-wide customer demand and load information upon  
1033 request of such aggregator. The department shall conduct an  
1034 uncontested case to determine how such aggregators shall handle such

1035 customer information to ensure the privacy of such customers and to  
1036 prevent the release of individual customer information.

1037 (b) All electric suppliers except municipal aggregation units shall  
1038 have equal access to customer information required to be disclosed  
1039 under subsection (a) of this section. No electric supplier except a  
1040 municipal aggregation unit shall have preferential access to historical  
1041 distribution company customer usage data.

1042 (c) No electric or electric distribution company shall include in any  
1043 bill or bill insert anything that directly or indirectly promotes a  
1044 generation entity or affiliate of the electric distribution company. No  
1045 electric supplier shall include a bill insert in an electric bill of an  
1046 electric distribution company.

1047 (d) All marketing information provided pursuant to the provisions  
1048 of this section shall be formatted electronically by the electric company  
1049 or electric distribution company, as the case may be, in a form that is  
1050 readily usable by standard commercial software packages. Updated  
1051 lists shall be made available within a reasonable time, as determined  
1052 by the department, following a request by an electric supplier. Each  
1053 electric supplier seeking the information shall pay a fee to the electric  
1054 company or electric distribution company, as the case may be, which  
1055 reflects the incremental costs of formatting, sorting and distributing  
1056 this information, together with related software changes. Customers  
1057 shall be entitled to any available individual information about their  
1058 loads or usage at no cost.

1059 (e) Each electric supplier shall, prior to the initiation of electric  
1060 generation services, provide the potential customer with a written  
1061 notice describing the rates, information on air emissions and resource  
1062 mix of generation facilities operated by and under long-term contract  
1063 to the supplier, terms and conditions of the service, and a notice  
1064 describing the customer's right to cancel the service, as provided in this  
1065 section. No electric supplier shall provide electric generation services  
1066 unless the customer has signed a service contract or consents to such

1067 services by one of the following: (1) An independent third-party  
1068 telephone verification; (2) receipt of a written confirmation received in  
1069 the mail from the customer after the customer has received an  
1070 information package confirming any telephone agreement; (3) the  
1071 customer signs a document fully explaining the nature and effect of the  
1072 initiation of the service; or (4) the customer's consent is obtained  
1073 through electronic means, including, but not limited to, a computer  
1074 transaction. A customer who has a maximum demand of five hundred  
1075 kilowatts or less shall, until midnight of the third business day after  
1076 the day on which the customer enters into a service agreement, have  
1077 the right to cancel a contract for electric generation services entered  
1078 into with an electric supplier. The provisions of this subsection shall  
1079 apply to the customers of municipal aggregation units, except such  
1080 customer shall, until midnight of the sixtieth business day after the day  
1081 on which the customer enters into a service agreement, have the right  
1082 to cancel a contract for electric generation services entered into with an  
1083 electric supplier.

1084 (f) An electric supplier shall not advertise or disclose the price of  
1085 electricity in such a manner as to mislead a reasonable person into  
1086 believing that the electric generation services portion of the bill will be  
1087 the total bill amount for the delivery of electricity to the customer's  
1088 location. When advertising or disclosing the price for electricity, the  
1089 electric supplier shall also disclose the electric distribution company's  
1090 average current charges, including the competitive transition  
1091 assessment and the systems benefits charge, for that customer class.

1092 (g) Each electric supplier shall comply with the provisions of the  
1093 telemarketing regulations adopted pursuant to 15 USC 6102.

1094 (h) Any violation of this section shall be deemed an unfair or  
1095 deceptive trade practice under subsection (a) of section 42-110b."