



General Assembly

February Session, 2008

Raised Bill No. 5598

LCO No. 1948

01948_____ET_

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC UTILITY CONTROL.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section,
2 "affiliate" means a person, as defined in section 16-1 of the general
3 statutes, as amended by this act, or class of persons that, with a gas
4 company, as defined in section 16-1 of the general statutes, as amended
5 by this act, is under the control of the same holding company, or a
6 person or class of persons that the Department of Public Utility
7 Control determines to stand in such relation to a gas company that
8 there is liable to be an absence of arm's length bargaining in
9 transactions between them as to make it necessary to protect
10 ratepayers.

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

14 (1) Provide rules for when the purchases or sales of goods or
15 services between a gas company and an affiliate should be by written

16 contract based on such factors as the nature, value and term of the
17 purchase or sale;

18 (2) Provide rules with respect to sharing or giving access to certain
19 types of customer identifying or commercially sensitive information to
20 affiliates that may differ between regulated and unregulated affiliates;

21 (3) Provide for a system of records and reporting for transactions
22 between a gas company and its affiliates;

23 (4) Establish standards to ensure that any payment by a gas
24 company to any affiliate or from any affiliate to a gas company is
25 appropriate and reasonable;

26 (5) Provide a standard for avoidance of conflict of interest between a
27 gas company and affiliates;

28 (6) Ensure that any such transactions shall not have an improper
29 and adverse impact on the costs or revenues of the gas company, on
30 the rates and charges paid by gas company customers or on the quality
31 of service provided by the gas company;

32 (7) Ensure that gas company ratepayers do not subsidize affiliate
33 operations;

34 (8) Ensure fair, appropriate and equitable standards for purchases,
35 sales, leases, asset transfers and cost or profit-sharing transactions or
36 any type of financing or encumbrance involving a gas company and its
37 affiliates; and

38 (9) Ensure that gas supply and distribution services are provided by
39 a gas company in an appropriate manner to affiliates and nonaffiliates
40 alike.

41 (c) In addition to the powers granted to the department in section
42 16-8c of the general statutes, during a rate proceeding under 16-19 of
43 the general statutes, as amended by this act, the department may

44 summon witnesses from an affiliate with which a gas company has
45 had direct or indirect transactions, examine the affiliate under oath and
46 order production, inspect and audit the books, records or other
47 information relevant to any transaction that the department has reason
48 to believe has or will have an adverse impact on the costs and revenues
49 of the affiliated gas company. Proprietary commercial and proprietary
50 financial information of an affiliate provided pursuant to this section
51 shall be confidential and protected by the department, subject to the
52 provisions of section 1-210 of the general statutes.

53 (d) Each gas company shall submit to the department records and
54 such information as the department may require, at intervals
55 determined by the department and in such form as the department
56 may order regarding affiliate transactions.

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

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

65 (g) The code of conduct shall not prohibit communications
66 necessary to restore gas company service or to prevent or respond to
67 emergency conditions.

68 (h) On or before November 1, 2008, the department shall adopt
69 regulations, in accordance with the provisions of chapter 54 of the
70 general statutes, to establish the code of conduct in accordance with
71 subsection (b) of this section, related accounting and reporting
72 requirements and procedures for gas company and affiliate
73 compliance with this section.

74 (i) Any methodology for the allocation of costs between a gas
75 company and other companies under the control of the same holding
76 company currently approved by, or under current orders issued by,
77 the Securities and Exchange Commission under the Public Utility
78 Holding Company Act of 1935 or the Federal Energy Regulatory
79 Commission under the Public Utility Holding Company Act of 2005,
80 shall be entitled to a rebuttable presumption of reasonableness.
81 Charges rendered to a gas company by an affiliate that is a traditional
82 centralized service company shall be at cost and entitled to a rebuttable
83 presumption of reasonableness.

84 Sec. 2. Subsection (h) of section 16-19b of the general statutes is
85 repealed and the following is substituted in lieu thereof (*Effective from*
86 *passage*):

87 (h) The Department of Public Utility Control shall continually
88 monitor and oversee the application of the purchased gas adjustment
89 clause, the energy adjustment clause, and the transmission rate
90 adjustment clause. [The] For the energy adjustment and transmission
91 adjustment clauses, the department shall hold a public hearing thereon
92 whenever the department deems it necessary or upon application of
93 the Office of Consumer Counsel, but no less frequently than once
94 every six months. [, and] For the purchased gas adjustment clause, the
95 department shall hold a public hearing thereon whenever the
96 department deems it necessary or upon application of the Office of
97 Consumer Counsel, but no less frequently than annually. The
98 department shall undertake such other proceeding thereon to
99 determine whether charges or credits made under such clauses reflect
100 the actual prices paid for purchased gas or energy and the actual
101 transmission costs and are computed in accordance with the applicable
102 clause. If the department finds that such charges or credits do not
103 reflect the actual prices paid for purchased gas or energy, and the
104 actual transmission costs or are not computed in accordance with the
105 applicable clause, it shall recompute such charges or credits and shall
106 direct the company to take such action as may be required to insure

107 that such charges or credits properly reflect the actual prices paid for
108 purchased gas or energy and the actual transmission costs and are
109 computed in accordance with the applicable clause for the applicable
110 period.

111 Sec. 3. Subsection (a) of section 16-19 of the general statutes is
112 repealed and the following is substituted in lieu thereof (*Effective from*
113 *passage*):

114 (a) No public service company may charge rates in excess of those
115 previously approved by the authority or the Department of Public
116 Utility Control except that any rate approved by the Public Utilities
117 Commission or the authority shall be permitted until amended by the
118 authority or the department, that rates not approved by the authority
119 or the department may be charged pursuant to subsection (b) of this
120 section, and that the hearing requirements with respect to adjustment
121 clauses are as set forth in section 16-19b, as amended by this act. Each
122 public service company shall file any proposed amendment of its
123 existing rates with the department in such form and in accordance
124 with such reasonable regulations as the department may prescribe.
125 Each electric, electric distribution, gas or telephone company filing a
126 proposed amendment shall also file with the department an estimate
127 of the effects of the amendment, for various levels of consumption, on
128 the household budgets of high and moderate income customers and
129 customers having household incomes not more than one hundred fifty
130 per cent of the federal poverty level. Each electric and electric
131 distribution company shall also file such an estimate for space heating
132 customers. Each water company, except a water company that
133 provides water to its customers less than six consecutive months in a
134 calendar year, filing a proposed amendment, shall also file with the
135 department a plan for promoting water conservation by customers in
136 such form and in accordance with a memorandum of understanding
137 entered into by the department pursuant to section 4-67e. Each public
138 service company shall notify each customer who would be affected by
139 the proposed amendment, by mail, at least one week prior to the

140 public hearing thereon but no earlier than four weeks prior to the start
141 of the public hearing, that an amendment has been or will be
142 requested. Such notice shall also indicate (1) the [Department of Public
143 Utility Control] date or dates, time or times and location or locations of
144 the scheduled public hearing, (2) that customers may provide
145 comments regarding the proposed rate request by writing to the
146 Department of Public Utility Control or by appearing in person at one
147 of the scheduled public hearings, (3) the department's telephone
148 number for obtaining information concerning the schedule for public
149 hearings on the proposed amendment, and [(2)] (4) whether the
150 proposed amendment would, in the company's best estimate, increase
151 any rate or charge by twenty per cent or more, and, if so, describe in
152 general terms any such rate or charge and the amount of the proposed
153 increase, provided no such company shall be required to provide more
154 than one form of the notice to each class of its customers. In the case of
155 a proposed amendment to the rates of any public service company, the
156 department shall hold a public hearing thereon, except as permitted
157 with respect to interim rate amendments by subsection (d) and
158 subsection (g) of this section, and shall make such investigation of such
159 proposed amendment of rates as is necessary to determine whether
160 such rates conform to the principles and guidelines set forth in section
161 16-19e, or are unreasonably discriminatory or more or less than just,
162 reasonable and adequate, or that the service furnished by such
163 company is inadequate to or in excess of public necessity and
164 convenience. The department, if in its opinion such action appears
165 necessary or suitable in the public interest may, and, upon written
166 petition or complaint of the state, under direction of the Governor,
167 shall, make the aforesaid investigation of any such proposed
168 amendment which does not involve an alteration in rates. If the
169 department finds any proposed amendment of rates to not conform to
170 the principles and guidelines set forth in section 16-19e, or to be
171 unreasonably discriminatory or more or less than just, reasonable and
172 adequate to enable such company to provide properly for the public
173 convenience, necessity and welfare, or the service to be inadequate or

174 excessive, it shall determine and prescribe, as appropriate, an adequate
175 service to be furnished or just and reasonable maximum rates and
176 charges to be made by such company. In the case of a proposed
177 amendment filed by an electric, electric distribution, gas or telephone
178 company, the department shall also adjust the estimate filed under this
179 subsection of the effects of the amendment on the household budgets
180 of the company's customers, in accordance with the rates and charges
181 approved by the department. The department shall issue a final
182 decision on each rate filing within one hundred fifty days from the
183 proposed effective date thereof, provided it may, before the end of
184 such period and upon notifying all parties and intervenors to the
185 proceedings, extend the period by thirty days.

186 Sec. 4. Section 16-6a of the general statutes is repealed and the
187 following is substituted in lieu thereof (*Effective July 1, 2008*):

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

192 [(b) For any proceeding before the Federal Energy Regulatory
193 Commission, the United States Department of Energy or the United
194 States Nuclear Regulatory Commission, or appeal thereof, the
195 Attorney General, upon request of the department, may retain outside
196 legal counsel in accordance with section 3-125 to participate in such
197 proceedings on behalf of the department. All reasonable and proper
198 expenses of such outside legal counsel shall be borne by the public
199 service companies, certified telecommunications providers, electric
200 suppliers or gas registrants that are affected by the decisions of such
201 proceedings and shall be paid at such times and in such manner as the
202 department directs, provided such expenses shall be apportioned in
203 proportion to the revenues of each affected entity as reported to the
204 department for purposes of section 16-49 for the most recent period,
205 and provided further such expenses shall not exceed two hundred fifty

206 thousand dollars per proceeding, including any appeals thereof, in any
207 calendar year unless the department finds good cause for exceeding
208 the limit and the affected entities have an opportunity, after reasonable
209 notice, to comment on the proposed overage. All such legal expenses
210 shall be recognized by the department as proper business expenses of
211 the affected entities for rate-making purposes, as provided in section
212 16-19e, if applicable.

213 (c) For any proceeding before the Federal Energy Regulatory
214 Commission, the United States Department of Energy, the United
215 States Nuclear Regulatory Commission, the Securities and Exchange
216 Commission, the Federal Trade Commission, the United States
217 Department of Justice or the Federal Communications Commission, or
218 appeal thereof, the Attorney General, upon request of the Office of
219 Consumer Counsel, may retain outside legal counsel in accordance
220 with section 3-125 to participate in such proceedings on behalf of the
221 office, provided the work performed on behalf of the office shall not
222 include lobbying activities, as defined in 2 USC 1602. All reasonable
223 and proper expenses of such outside legal counsel shall be borne by
224 the public service companies, certified telecommunications providers,
225 electric suppliers or gas registrants that are affected by the decisions of
226 such proceedings and shall be paid at such times and in such manner
227 as the office directs, provided such expenses shall be apportioned in
228 proportion to the revenues of each affected entity as reported to the
229 department for purposes of section 16-49 for the most recent period,
230 and provided further such expenses shall not exceed two hundred fifty
231 thousand dollars, including any appeals thereof, in any calendar year.
232 The Department of Public Utility Control shall recognize all such legal
233 expenses as proper business expenses of the affected entities for rate-
234 making purposes, as provided in section 16-19e, if applicable.]

235 (b) For any proceeding before the Federal Energy Regulatory
236 Commission, the United States Department of Energy, the United
237 States Nuclear Regulatory Commission, the United States Securities
238 and Exchange Commission, the Federal Trade Commission, the United

239 States Department of Justice or the Federal Communications
240 Commission, the Department of Public Utility Control and the Office
241 of Consumer Counsel may retain consultants to assist their respective
242 staffs in such proceedings by providing expertise in areas in which
243 staff expertise does not currently exist or when necessary to
244 supplement staff expertise. All reasonable and proper expenses of such
245 expert consultants shall be borne by the public service companies,
246 certified telecommunications providers, electric suppliers or gas
247 registrants that are affected by the decisions of such proceedings and
248 shall be paid at such times and in such manner as the department
249 directs, provided such expenses (1) shall be apportioned in proportion
250 to the revenues of each affected entity as reported to the department
251 for purposes of section 16-49 for the most recent period, and (2) shall
252 not exceed two hundred fifty thousand dollars per proceeding,
253 including any appeals thereof, in any calendar year unless the
254 department finds good cause for exceeding the limit. All such expenses
255 shall be recognized by the department as proper business expenses of
256 the affected entities for rate-making purposes pursuant to section 16-
257 19e, if applicable.

258 Sec. 5. Subsection (c) of section 16-262j of the general statutes is
259 repealed and the following is substituted in lieu thereof (*Effective from*
260 *passage*):

261 (c) Each public service company, certified telecommunications
262 provider and electric supplier shall pay interest on any security
263 deposit it receives from a customer at the average rate paid, as of
264 December 30, 1992, on savings deposits by insured commercial banks
265 as published in the Federal Reserve Board bulletin and rounded to the
266 nearest one-tenth of one percentage point, except in no event shall the
267 rate be less than one and one-half per cent. On and after January 1,
268 1994, the rate for each calendar year shall be not less than the deposit
269 index as defined and determined by the Banking Commissioner in
270 subsection (d) of this section, for that year and rounded to the nearest
271 one-tenth of one percentage point, except in no event shall the rate be

272 less than one and one-half per cent.

273 Sec. 6. Subsection (c) of section 16-8a of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective from*
275 *passage*):

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

281 (2) Not more than five business days after receiving a written
282 complaint, in a form prescribed by the department, the department
283 shall notify the employer by certified mail. Such notification shall
284 include a description of the nature of the charges and the substance of
285 any relevant supporting evidence. The employer may submit a written
286 response and both the employer and the employee may present
287 rebuttal statements in the form of affidavits from witnesses and
288 supporting documents and may meet with the department informally
289 to respond verbally about the nature of the employee's charges. The
290 department shall consider in making its preliminary finding as
291 provided in subdivision (3) of this subsection any such written and
292 verbal responses, including affidavits and supporting documents,
293 received by the department not more than twenty business days after
294 the employer receives such notice. Any such response received after
295 twenty business days shall be considered by the department only upon
296 a showing of good cause and at the discretion of the department. The
297 department shall make its preliminary finding as provided in
298 subdivision (3) of this subsection based on information described in
299 this subdivision, without a public hearing.

300 (3) Unless the department finds by clear and convincing evidence
301 that the adverse employment action was taken for a reason
302 unconnected with the employee's report of substantial misfeasance,
303 malfeasance or nonfeasance, there shall be a rebuttable presumption

304 that an employee was retaliated against in violation of subsection (a) of
305 this section if the department finds that: (A) The employee had
306 reported substantial misfeasance, malfeasance or nonfeasance in the
307 management of the public service company, holding company or
308 licensee; (B) the employee was subsequently discharged, suspended,
309 demoted or otherwise penalized by having the employee's status of
310 employment changed by the employee's employer; and (C) the
311 subsequent discharge, suspension, demotion or other penalty followed
312 the employee's report closely in time.

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

318 Sec. 7. Subdivision (30) of subsection (a) of section 16-1 of the 2008
319 supplement to the general statutes is repealed and the following is
320 substituted in lieu thereof (*Effective from passage*):

321 (30) "Electric supplier" means any person [, including an electric
322 aggregator] or participating municipal electric utility that is licensed
323 by the Department of Public Utility Control in accordance with section
324 16-245, [that] as amended by this act, and provides electric generation
325 services to end use customers in the state using the transmission or
326 distribution facilities of an electric distribution company, regardless of
327 whether or not such person takes title to such generation services, but
328 does not include: (A) A municipal electric utility established under
329 chapter 101, other than a participating municipal electric utility; (B) a
330 municipal electric energy cooperative established under chapter 101a;
331 (C) an electric cooperative established under chapter 597; (D) any other
332 electric utility owned, leased, maintained, operated, managed or
333 controlled by any unit of local government under any general statute
334 or special act; or (E) an electric distribution company in its provision of
335 electric generation services in accordance with subsection (a) or, prior

336 to January 1, 2004, subsection (c) of section 16-244c.

337 Sec. 8. Subdivision (31) of subsection (a) of section 16-1 of the 2008
338 supplement to the general statutes is repealed and the following is
339 substituted in lieu thereof (*Effective from passage*):

340 (31) "Electric aggregator" means [(A) a person, municipality or
341 regional water authority that] any person, municipality, regional water
342 authority or the Connecticut Resource Recovery Authority, if such
343 entity gathers together electric customers for the purpose of
344 negotiating the purchase of electric generation services from an electric
345 supplier, [or (B) the Connecticut Resources Recovery Authority, if it
346 gathers together electric customers for the purpose of negotiating the
347 purchase of electric generation services from an electric supplier,]
348 provided such [person, municipality or authority] entity is not
349 engaged in the purchase or resale of electric generation services, and
350 provided further such customers contract for electric generation
351 services directly with an electric supplier, and may include an electric
352 cooperative established pursuant to chapter 597.

353 Sec. 9. Subsection (a) of section 16-1 of the 2008 supplement to the
354 general statutes is amended by adding subdivision (50) as follows
355 (*Effective from passage*):

356 (NEW) (50) "Electric broker" means any person, municipality,
357 regional water authority or the Connecticut Resources Recovery
358 Authority, if such entity arranges or acts as an agent, negotiator or
359 intermediary in the sale or purchase of electric generation services
360 between any end-use customer in the state and any electric supplier,
361 but does not take title to any of the generation services sold, provided
362 (A) such entity is not engaged in the purchase and resale of electric
363 generation services, and (B) such customer contracts for electric
364 generation services directly with an electric supplier, and may include
365 an electric cooperative established pursuant to chapter 597.

366 Sec. 10. Subsection (l) of section 16-245 of the general statutes is

367 repealed and the following is substituted in lieu thereof (*Effective from*
368 *passage*):

369 (l) (1) An electric aggregator or electric broker shall not be subject to
370 the provisions of subsections (a) to (k), inclusive, of this section.

371 (2) No electric aggregator or electric broker shall arrange or
372 negotiate a contract for the purchase of electric generation services
373 from an electric supplier unless such aggregator or electric broker has
374 [(A)] obtained a certificate of registration from the Department of
375 Public Utility Control in accordance with this subsection. [, or (B) in the
376 case of a municipality, regional water authority and the Connecticut
377 Resources Recovery Authority, registered in accordance with section
378 16-245b.] An electric aggregator that was licensed pursuant to this
379 section prior to July 1, 2003, shall receive a certificate of registration on
380 July 1, 2003. An entity that has been issued an electric supplier license
381 by the Department of Public Utility Control pursuant to subsections (a)
382 to (k), inclusive, of this section may act as an electric aggregator or
383 electric broker without having to obtain a certificate of registration in
384 accordance with this subsection.

385 (3) An application for a certificate of registration shall be filed with
386 the department, accompanied by a fee as determined by the
387 department. The application shall contain such information as the
388 department may deem relevant, including, but not limited to, the
389 following: (A) The address of the applicant's headquarters and the
390 articles of incorporation, if applicable, as filed with the state in which
391 the applicant is incorporated; (B) the address of the applicant's
392 principal office in the state, if any, or the address of the applicant's
393 agent for service in the state; (C) the toll-free or in-state telephone
394 number of the applicant; (D) information about the applicant's
395 corporate structure, if applicable, including [financial names and
396 financial statements, as relevant, concerning] names and background
397 information of corporate affiliates; (E) disclosure of whether the
398 applicant or any of the applicant's corporate affiliates or officers, if

399 applicable, have been or are currently under investigation for violation
400 of any consumer protection law or regulation to which it is subject,
401 either in this state or in another state. Each registered electric
402 aggregator or electric broker shall update the information contained in
403 this subdivision as necessary.

404 (4) Not more than thirty days after receiving an application for a
405 certificate of registration, the department shall notify the applicant
406 whether the application is complete or whether the applicant must
407 submit additional information. The department shall grant or deny the
408 application for a certificate of registration not more than ninety days
409 after receiving all information required of an applicant. The
410 department shall hold a public hearing on an application upon the
411 request of any interested party.

412 (5) As a condition for maintaining a certificate of registration, the
413 registered electric aggregator or electric broker shall ensure that, where
414 applicable, it complies with the National Labor Relations Act and
415 regulations, if applicable, and it complies with the Connecticut Unfair
416 Trade Practices Act and applicable regulations.

417 (6) Any registered electric aggregator or electric broker that fails to
418 comply with a registration condition or violates any provision of this
419 section shall be subject to civil penalties by the Department of Public
420 Utility Control in accordance with the procedures contained in section
421 16-41, or the suspension or revocation of such registration, or a
422 prohibition on accepting new customers following a hearing that is
423 conducted as a contested case in accordance with the provisions of
424 chapter 54.

425 Sec. 11. Section 16-245b of the general statutes is repealed and the
426 following is substituted in lieu thereof (*Effective from passage*):

427 Notwithstanding the provisions of subsection (a) of section 16-245,
428 the provisions of said section shall not apply to (1) any municipality or
429 regional water authority that aggregates or brokers the sale of electric

430 generation services, or to the Connecticut Resources Recovery
431 Authority if such authority aggregates or brokers the sale of electric
432 generation services, for end use customers located within the
433 boundaries of such municipality or regional water authority, (2) any
434 municipality that joins together with other municipalities to aggregate
435 or broker the sale of electric generation services for end use customers
436 located within the boundaries of such municipalities, or (3) any
437 municipality or regional water authority that aggregates or brokers the
438 purchase of electric generation services for municipal facilities, street
439 lighting, boards of education and other publicly-owned facilities
440 within (A) the municipality for which the municipality is financially
441 responsible, or (B) the municipalities that are within the authorized
442 service area of the regional water authority. Any municipality or
443 regional water authority that aggregates or brokers in accordance with
444 this section shall register not less than annually with the Department
445 of Public Utility Control on a form prescribed by the department.

446 Sec. 12. Subsection (b) of section 16-245p of the general statutes is
447 repealed and the following is substituted in lieu thereof (*Effective from*
448 *passage*):

449 (b) The Department of Public Utility Control shall maintain and
450 make available to customers upon request, a list of electric aggregators
451 and electric brokers and the following information about each electric
452 supplier and each electric distribution company providing standard
453 service or back-up electric generation service, pursuant to section 16-
454 244c: (1) Rates and charges; (2) applicable terms and conditions of a
455 contract for electric generation services; (3) the percentage of the total
456 electric output derived from each of the categories of energy sources
457 provided in subsection (e) of section 16-244d, the total emission rates
458 of nitrogen oxides, sulfur oxides, carbon dioxide, carbon monoxide,
459 particulates, heavy metals and other wastes the disposal of which is
460 regulated under state or federal law at the facilities operated by or
461 under long-term contract to the electric supplier or providing electric
462 generation services to an electric distribution company providing

463 standard service or back-up electric generation service, pursuant to
464 section 16-244c, and the analysis of the environmental characteristics of
465 each such category of energy source prepared pursuant to subsection
466 (e) of [said] section 16-244d and to the extent such information is
467 unknown, the estimated percentage of the total electric output for
468 which such information is unknown, along with the word "unknown"
469 for that percentage; (4) a record of customer complaints and the
470 disposition of each complaint; and (5) any other information the
471 department determines will assist customers in making informed
472 decisions when choosing an electric supplier. The department shall
473 make available to customers the information filed pursuant to
474 subsection (a) of this section not later than thirty days after its receipt.
475 The department shall put such information in a standard format so
476 that a customer can readily understand and compare the services
477 provided by each electric supplier.

478 Sec. 13. Subdivision (19) of subsection (a) of section 22a-266 of the
479 general statutes is repealed and the following is substituted in lieu
480 thereof (*Effective from passage*):

481 (19) Act as an electric supplier, [or] an electric aggregator or an
482 electric broker pursuant to public act 98-28* provided any net revenue
483 to the authority from activities, contracts, products or processes
484 undertaken pursuant to this subdivision, after payment of principal
485 and interest on bonds and repayment of any loans or notes of the
486 authority, shall be distributed so as to reduce the costs of other
487 authority services to the users thereof on a pro rata basis proportionate
488 to costs paid by such users. In acting as an electric supplier, [or an]
489 electric aggregator or electric broker pursuant to any license granted
490 by the Department of Public Utility Control, the authority may enter
491 into contracts for the purchase and sale of electricity and electric
492 generation services, provided such contracts are solely for the
493 purposes of ensuring the provision of safe and reliable electric service
494 and protecting the position of the authority with respect to capacity
495 and price.

496 Sec. 14. Subsection (c) of section 7-148ee of the general statutes is
497 repealed and the following is substituted in lieu thereof (*Effective from*
498 *passage*):

499 (c) No corporation established pursuant to subsection (a) of this
500 section shall engage in the manufacture, distribution, purchase or sale,
501 or any combination thereof, of electricity, gas or water outside the
502 service area of such municipal electric or gas utility or within its
503 service area if it encroaches upon the service area or franchise area of
504 another water or gas utility. Nothing in this section shall be construed
505 to permit any municipal electric utility to engage in the sale, [or]
506 aggregation or brokering of electric generation services other than
507 pursuant to section 16-245, as amended by this act.

508 Sec. 15. Subsection (b) of section 33-219 of the general statutes is
509 repealed and the following is substituted in lieu thereof (*Effective from*
510 *passage*):

511 (b) Notwithstanding the provisions of subsection (a) of this section,
512 cooperative, nonprofit, membership corporations may be organized
513 under this chapter for the purpose of generating electric energy by
514 means of cogeneration technology, renewable energy resources or both
515 and supplying it to any member or supplying it to, purchasing it from
516 or exchanging it with a public service company, electric supplier, [as
517 defined in section 16-1,] municipal aggregator, [as defined in said
518 section] electric broker, municipal utility or municipal electric energy
519 cooperative, all as defined in section 16-1, as amended by this act, in
520 accordance with an agreement with the company, electric supplier,
521 electric aggregator, electric broker, municipal utility or cooperative. No
522 membership corporation under this subsection may exercise those
523 powers contained in subsection (i) or (j) of section 33-221 unless the
524 prior approval of the Department of Public Utility Control is obtained,
525 after opportunity for hearing in accordance with title 16 and chapter
526 54. Any cooperative organized on or after July 1, 1998, pursuant to this
527 subsection shall collect from its members the competitive transition

528 assessment levied pursuant to section 16-245g and the systems benefits
529 charge levied pursuant to section 16-245l in such manner and at such
530 rate as the Department of Public Utility Control prescribes, provided
531 the department shall order the collection of said assessment and said
532 charge in a manner and rate equal to that to which the members of the
533 cooperative would have been subject had the cooperative not been
534 organized.

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

537 (a) Not later than April 1, 2000, the Department of Public Utility
538 Control shall, by regulations adopted pursuant to chapter 54, establish
539 quality-of-service standards that shall apply to all telephone
540 companies and certified telecommunications providers and to all
541 telecommunications services. Such standards shall include, but not be
542 limited to, measures relating to customer trouble reports, service
543 outages, installation appointments and repeat problems as well as
544 timeliness in responding to complaints or reports. The department
545 shall include with the quality of service standards methodologies for
546 monitoring compliance with and enforcement of such standards. Such
547 monitoring shall include input from employees of telephone
548 companies and certified telecommunications providers, including
549 members of collective bargaining units.

550 (b) [Not later than April 1, 2000, the] The department shall, [by
551 regulations adopted pursuant to chapter 54] through administrative
552 proceedings, establish comprehensive performance standards and
553 performance based reporting requirements for functions provided by a
554 telephone company to a certified telecommunications provider,
555 including, but not limited to, telephone company performance relating
556 to customer ordering, preordering, provisioning, billing, maintenance
557 and repair. Such service standards shall be sufficiently comprehensive
558 to ensure that a telephone company meets its obligations under 47
559 USC 251. Such [regulations] standards may also contain provisions the

560 department deems necessary to prevent anticompetitive actions by any
 561 telephone company or certified telecommunications provider.

562 (c) Notwithstanding subsection (b) of this section, the department
 563 shall not establish performance standards and performance-based
 564 reporting requirements pursuant to subsection (b) of this section for
 565 any telephone company that offers performance standards and
 566 measures to competitive local exchange carriers who obtain services
 567 pursuant to 47 USC 251.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	16-19b(h)
Sec. 3	<i>from passage</i>	16-19(a)
Sec. 4	<i>July 1, 2008</i>	16-6a
Sec. 5	<i>from passage</i>	16-262j(c)
Sec. 6	<i>from passage</i>	16-8a(c)
Sec. 7	<i>from passage</i>	16-1(a)(30)
Sec. 8	<i>from passage</i>	16-1(a)(31)
Sec. 9	<i>from passage</i>	16-1(a)
Sec. 10	<i>from passage</i>	16-245(l)
Sec. 11	<i>from passage</i>	16-245b
Sec. 12	<i>from passage</i>	16-245p(b)
Sec. 13	<i>from passage</i>	22a-266(a)(19)
Sec. 14	<i>from passage</i>	7-148ee(c)
Sec. 15	<i>from passage</i>	33-219(b)
Sec. 16	<i>from passage</i>	16-247p

Statement of Purpose:

To modify the Department of Public Utility Control's regulation of utilities and other entities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]