General Assembly

Proposed Substitute Bill No. 5598

February Session, 2008

LCO No. **3331**

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC UTILITY CONTROL.

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

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

(b) The Department of Public Utility Control shall establish a code of conduct that sets minimum standards for gas company transactions 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 as the
52 department deems appropriate, subject to the provisions of section 1-
53 210 of the general statutes.

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

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

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

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

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

73 requirements and procedures for gas company and affiliate
74 compliance with this section.

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

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

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

105 actual transmission costs or are not computed in accordance with the
106 applicable clause, it shall recompute such charges or credits and shall
107 direct the company to take such action as may be required to insure
108 that such charges or credits properly reflect the actual prices paid for
109 purchased gas or energy and the actual transmission costs and are
110 computed in accordance with the applicable clause for the applicable
111 period.

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

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

138 entered into by the department pursuant to section 4-67e. Each public
139 service company shall notify each customer who would be affected by
140 the proposed amendment, by mail, at least one week prior to the
141 public hearing thereon but no earlier than four weeks prior to the start
142 of the public hearing, that an amendment has been or will be
143 requested. Such notice shall also indicate (1) the [Department of Public
144 Utility Control] date or dates, time or times and location or locations of
145 the scheduled public hearing, (2) that customers may provide
146 comments regarding the proposed rate request by writing to the
147 Department of Public Utility Control or by appearing in person at one
148 of the scheduled public hearings, (3) the department's telephone
149 number for obtaining information concerning the schedule for public
150 hearings on the proposed amendment, and [(2)] (4) whether the
151 proposed amendment would, in the company's best estimate, increase
152 any rate or charge by twenty per cent or more, and, if so, describe in
153 general terms any such rate or charge and the amount of the proposed
154 increase, provided no such company shall be required to provide more
155 than one form of the notice to each class of its customers. In the case of
156 a proposed amendment to the rates of any public service company, the
157 department shall hold a public hearing thereon, except as permitted
158 with respect to interim rate amendments by subsection (d) and
159 subsection (g) of this section, and shall make such investigation of such
160 proposed amendment of rates as is necessary to determine whether
161 such rates conform to the principles and guidelines set forth in section
162 16-19e, or are unreasonably discriminatory or more or less than just,
163 reasonable and adequate, or that the service furnished by such
164 company is inadequate to or in excess of public necessity and
165 convenience. The department, if in its opinion such action appears
166 necessary or suitable in the public interest may, and, upon written
167 petition or complaint of the state, under direction of the Governor,
168 shall, make the aforesaid investigation of any such proposed
169 amendment which does not involve an alteration in rates. If the
170 department finds any proposed amendment of rates to not conform to
171 the principles and guidelines set forth in section 16-19e, or to be
172 unreasonably discriminatory or more or less than just, reasonable and

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

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

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

193 [(b) For any proceeding before the Federal Energy Regulatory
194 Commission, the United States Department of Energy or the United
195 States Nuclear Regulatory Commission, or appeal thereof, the
196 Attorney General, upon request of the department, may retain outside
197 legal counsel in accordance with section 3-125 to participate in such
198 proceedings on behalf of the department. All reasonable and proper
199 expenses of such outside legal counsel shall be borne by the public
200 service companies, certified telecommunications providers, electric
201 suppliers or gas registrants that are affected by the decisions of such
202 proceedings and shall be paid at such times and in such manner as the
203 department directs, provided such expenses shall be apportioned in
204 proportion to the revenues of each affected entity as reported to the

205 department for purposes of section 16-49 for the most recent period,
206 and provided further such expenses shall not exceed two hundred fifty
207 thousand dollars per proceeding, including any appeals thereof, in any
208 calendar year unless the department finds good cause for exceeding
209 the limit and the affected entities have an opportunity, after reasonable
210 notice, to comment on the proposed overage. All such legal expenses
211 shall be recognized by the department as proper business expenses of
212 the affected entities for rate-making purposes, as provided in section
213 16-19e, if applicable.

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

236 (b) For any proceeding before the Federal Energy Regulatory
237 Commission, the United States Department of Energy, the United

238 States Nuclear Regulatory Commission, the United States Securities
239 and Exchange Commission, the Federal Trade Commission, the United
240 States Department of Justice or the Federal Communications
241 Commission, the Department of Public Utility Control and the Office
242 of Consumer Counsel may retain consultants to assist their respective
243 staffs in such proceedings by providing expertise in areas in which
244 staff expertise does not currently exist or when necessary to
245 supplement staff expertise. All reasonable and proper expenses of such
246 expert consultants shall be borne by the public service companies,
247 certified telecommunications providers, electric suppliers or gas
248 registrants that are affected by the decisions of such proceedings and
249 shall be paid at such times and in such manner as the department
250 directs, provided such expenses (1) shall be apportioned in proportion
251 to the revenues of each affected entity as reported to the department
252 for purposes of section 16-49 for the most recent period, and (2) shall
253 not exceed two hundred fifty thousand dollars per proceeding,
254 including any appeals thereof, in any calendar year unless the
255 department finds good cause for exceeding the limit. All such expenses
256 shall be recognized by the department as proper business expenses of
257 the affected entities for rate-making purposes pursuant to section 16-
258 19e, if applicable.

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

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

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

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

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

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

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

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

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

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

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

335 or special act; or (E) an electric distribution company in its provision of
336 electric generation services in accordance with subsection (a) or, prior
337 to January 1, 2004, subsection (c) of section 16-244c.

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

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

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

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

367 Sec. 10. Subsection (l) of section 16-245 of the general statutes is
368 repealed and the following is substituted in lieu thereof (*Effective from*
369 *passage*):

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

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

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

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

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

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

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

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

428 Notwithstanding the provisions of subsection (a) of section 16-245,
429 the provisions of said section shall not apply to (1) any municipality or

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

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

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

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

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

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

496 and price.

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

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

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

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

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

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

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

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

560 USC 251. Such [regulations] standards may also contain provisions the
561 department deems necessary to prevent anticompetitive actions by any
562 telephone company or certified telecommunications provider.

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

569 Sec. 17. Section 16-2 of the 2008 supplement to the general statutes is
570 amended by adding subsection (l) as follows (*Effective from passage*):

571 (NEW) (l) The chairperson may assign one or more commissioners
572 to serve as a director on the board of a not-for-profit corporation
573 created to facilitate a regional state initiative, including, but not limited
574 to, working on issues of climate change and the reduction of
575 greenhouse gas emissions, and perform the duties of such director, if
576 such participation is deemed necessary to insure the maintenance of
577 fair and reasonable pricing and reliability by public service companies
578 affected by said initiative.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	New section
Sec. 2	*from passage*	16-19b(h)
Sec. 3	*from passage*	16-19(a)
Sec. 4	*July 1, 2008*	16-6a
Sec. 5	*from passage*	16-262j(c)
Sec. 6	*from passage*	16-8a(c)
Sec. 7	*from passage*	16-1(a)(30)
Sec. 8	*from passage*	16-1(a)(31)
Sec. 9	*from passage*	16-1(a)
Sec. 10	*from passage*	16-245(l)
Sec. 11	*from passage*	16-245b
Sec. 12	*from passage*	16-245p(b)

Sec. 13	*from passage*	22a-266(a)(19)
Sec. 14	*from passage*	7-148ee(c)
Sec. 15	*from passage*	33-219(b)
Sec. 16	*from passage*	16-247p
Sec. 17	*from passage*	16-2