



General Assembly

**Substitute Bill No. 6592**

January Session, 2011

\* \_\_\_\_\_HB06592ET\_\_\_\_\_032311\_\_\_\_\_\*

**AN ACT CONCERNING THE OPERATIONS OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL.**

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

1 Section 1. Subsection (h) of section 16-19b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (h) The Department of Public Utility Control shall continually  
5 monitor and oversee the application of the purchased gas adjustment  
6 clause, the energy adjustment clause, and the transmission rate  
7 adjustment clause. [The] For the energy adjustment clause and the  
8 transmission rate adjustment clause, the department shall hold a  
9 public hearing thereon whenever the department deems it necessary,  
10 but no less frequently than once every six months. [, and] For the  
11 purchased gas adjustment clause, the department shall hold a public  
12 hearing thereon whenever the department deems it necessary or upon  
13 application of the Office of Consumer Counsel, but no less frequently  
14 than annually. The department shall undertake such other proceeding  
15 [thereon] on the energy adjustment clause, the transmission rate  
16 adjustment clause and the purchased gas adjustment clause to  
17 determine whether charges or credits made under such clauses reflect  
18 the actual prices paid for purchased gas or energy and the actual  
19 transmission costs and are computed in accordance with the applicable

20 clause. If the department finds that such charges or credits do not  
21 reflect the actual prices paid for purchased gas or energy, and the  
22 actual transmission costs or are not computed in accordance with the  
23 applicable clause, it shall recompute such charges or credits and shall  
24 direct the company to take such action as may be required to insure  
25 that such charges or credits properly reflect the actual prices paid for  
26 purchased gas or energy and the actual transmission costs and are  
27 computed in accordance with the applicable clause for the applicable  
28 period.

29 Sec. 2. Section 16-18a of the general statutes is amended by adding  
30 subsection (d) as follows (*Effective from passage*):

31 (NEW) (d) For any proceeding before the Federal Energy  
32 Regulatory Commission, the United States Department of Energy, the  
33 United States Nuclear Regulatory Commission, the United States  
34 Securities and Exchange Commission, the Federal Trade Commission,  
35 the United States Department of Justice or the Federal  
36 Communications Commission, the department may retain consultants  
37 to assist its staff in such proceeding by providing expertise in areas in  
38 which staff expertise does not currently exist or to supplement staff  
39 expertise. All reasonable and proper expenses of such expert  
40 consultants shall be borne by the public service companies, certified  
41 telecommunications providers, electric suppliers or gas registrants  
42 affected by the decisions of such proceeding and shall be paid at such  
43 times and in such manner as the department directs, provided such  
44 expenses (1) shall be apportioned in proportion to the revenues of each  
45 affected entity as reported to the department pursuant to section 16-49  
46 for the most recent period, and (2) shall not exceed two hundred fifty  
47 thousand dollars per proceeding, including any appeals thereof, in any  
48 calendar year unless the department finds good cause for exceeding  
49 the limit. The department shall recognize all such expenses as proper  
50 business expenses of the affected entities for ratemaking purposes  
51 pursuant to section 16-19e, if applicable.

52 Sec. 3. Section 16-35 of the general statutes is amended by adding

53 subsection (c) as follows (*Effective from passage*):

54 (NEW) (c) Notwithstanding any provision of this title and title 16a,  
55 proceedings in which the Department of Public Utility Control  
56 conducts a request for proposals or any other procurement process for  
57 the purpose of acquiring electricity products or services for the benefit  
58 of ratepayers shall be uncontested.

59 Sec. 4. Subsection (c) of section 16-262j of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective from*  
61 *passage*):

62 (c) Each public service company, certified telecommunications  
63 provider and electric supplier shall pay interest on any security  
64 deposit it receives from a customer at the average rate paid, as of  
65 December 30, 1992, on savings deposits by insured commercial banks  
66 as published in the Federal Reserve Board bulletin and rounded to the  
67 nearest one-tenth of one percentage point, except in no event shall the  
68 rate be less than one and one-half per cent. On and after January 1,  
69 1994, the rate for each calendar year shall be not less than the deposit  
70 index<sub>z</sub> as defined and determined by the Banking Commissioner in  
71 subsection (d) of this section<sub>z</sub> for that year and rounded to the nearest  
72 one-tenth of one percentage point, except in no event shall the rate be  
73 less than one and one-half per cent.

74 Sec. 5. Subdivision (1) of subsection (c) of section 16-8a of the  
75 general statutes is repealed and the following is substituted in lieu  
76 thereof (*Effective from passage*):

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

82 Sec. 6. Subdivision (1) of subsection (b) of section 16-262c of the  
83 general statutes is repealed and the following is substituted in lieu

84 thereof (*Effective from passage*):

85 (b) (1) From November first to May first, inclusive, no electric or  
86 electric distribution company, as defined in section 16-1, no electric  
87 supplier and no municipal utility furnishing electricity shall terminate,  
88 deny or refuse to reinstate residential electric service in hardship cases  
89 where the customer lacks the financial resources to pay his or her  
90 entire account. From November first to May first, inclusive, no gas  
91 company and no municipal utility furnishing gas shall terminate, deny  
92 or refuse to reinstate residential gas service in hardship cases where  
93 the customer uses such gas for heat and lacks the financial resources to  
94 pay his or her entire account, except a gas company that, between May  
95 second and October thirty-first, terminated gas service to a residential  
96 customer who uses gas for heat and who, during the previous period  
97 of November first to May first, had gas service maintained because of  
98 hardship status, may refuse to reinstate the gas service from November  
99 first to May first, inclusive, only if the customer has failed to pay, since  
100 the preceding November first, the lesser of: (A) Twenty per cent of the  
101 outstanding principal balance owed the gas company as of the date of  
102 termination, (B) one hundred dollars, or (C) the minimum payments  
103 due under the customer's amortization agreement. Notwithstanding  
104 any other provision of the general statutes to the contrary, no electric,  
105 electric distribution or gas company, no electric supplier and no  
106 municipal utility furnishing electricity or gas shall terminate, deny or  
107 refuse to reinstate residential electric or gas service where the customer  
108 lacks the financial resources to pay his or her entire account and for  
109 which customer or a member of the customer's household the  
110 termination, denial of or failure to reinstate such service would create a  
111 life-threatening situation.

112 Sec. 7. Subsection (e) of section 16a-3a of the general statutes is  
113 repealed and the following is substituted in lieu thereof (*Effective from*  
114 *passage*):

115 (e) The board, in consultation with the regional independent system  
116 operator, shall review and approve or review, modify and approve the

117 proposed procurement plan as submitted not later than one hundred  
118 twenty days after receipt. For calendar years 2009 and thereafter, the  
119 board shall conduct such review not later than sixty days after receipt.  
120 For the purpose of reviewing the plan, the Commissioners of  
121 Transportation and Agriculture and the chairperson of the Public  
122 Utilities Control Authority, or their respective designees, shall not  
123 participate as members of the board. The electric distribution  
124 companies shall provide any additional information requested by the  
125 board that is relevant to the consideration of the procurement plan. In  
126 the course of conducting such review, the board shall conduct a public  
127 hearing, may retain the services of a third-party entity with experience  
128 in the area of energy procurement and may consult with the regional  
129 independent system operator. The board shall submit the reviewed  
130 procurement plan, together with a statement of any unresolved issues,  
131 to the Department of Public Utility Control. The department shall  
132 consider the procurement plan in an uncontested proceeding and shall  
133 conduct a hearing and provide an opportunity for interested parties to  
134 submit comments regarding the procurement plan. Not later than one  
135 hundred twenty days after submission of the procurement plan, the  
136 department shall approve, or modify and approve, the procurement  
137 plan, except that for calendar years 2011 and thereafter, the  
138 department shall approve, or modify and approve, the procurement  
139 plan not later than one hundred fifty days after submission of such  
140 procurement plan.

141 Sec. 8. Subsection (a) of section 16-19 of the general statutes is  
142 repealed and the following is substituted in lieu thereof (*Effective from*  
143 *passage*):

144 (a) No public service company may charge rates in excess of those  
145 previously approved by the authority or the Department of Public  
146 Utility Control except that any rate approved by the Public Utilities  
147 Commission or the authority shall be permitted until amended by the  
148 authority or the department, that rates not approved by the authority  
149 or the department may be charged pursuant to subsection (b) of this

150 section, and that the hearing requirements with respect to adjustment  
151 clauses are as set forth in section 16-19b, as amended by this act. Each  
152 public service company shall file any proposed amendment of its  
153 existing rates with the department in such form and in accordance  
154 with such reasonable regulations as the department may prescribe.  
155 Each electric, electric distribution, gas or telephone company filing a  
156 proposed amendment shall also file with the department an estimate  
157 of the effects of the amendment, for various levels of consumption, on  
158 the household budgets of high and moderate income customers and  
159 customers having household incomes not more than one hundred fifty  
160 per cent of the federal poverty level. Each electric and electric  
161 distribution company shall also file such an estimate for space heating  
162 customers. Each water company, except a water company that  
163 provides water to its customers less than six consecutive months in a  
164 calendar year, filing a proposed amendment, shall also file with the  
165 department a plan for promoting water conservation by customers in  
166 such form and in accordance with a memorandum of understanding  
167 entered into by the department pursuant to section 4-67e. Each public  
168 service company shall notify each customer who would be affected by  
169 the proposed amendment, by mail, at least one week prior to the  
170 public hearing thereon but no earlier than six weeks prior to the start  
171 of the public hearing, that an amendment has been or will be  
172 requested. Such notice shall also indicate (1) the [Department of Public  
173 Utility Control] date, time and location of each scheduled public  
174 hearing, if known by such company at the time such company  
175 prepares such notification, (2) that customers may provide comments  
176 regarding the proposed rate request by writing to the Department of  
177 Public Utility Control or by appearing in person at one of the  
178 scheduled public hearings, (3) the department's telephone number for  
179 obtaining information concerning the schedule for public hearings on  
180 the proposed amendment, and [(2)] (4) whether the proposed  
181 amendment would, in the company's best estimate, increase any rate  
182 or charge by twenty per cent or more, and, if so, describe in general  
183 terms any such rate or charge and the amount of the proposed  
184 increase, provided no such company shall be required to provide more

185 than one form of the notice to each class of its customers. In the case of  
186 a proposed amendment to the rates of any public service company, the  
187 department shall hold a public hearing thereon, except as permitted  
188 with respect to interim rate amendments by subsection (d) and  
189 subsection (g) of this section, and shall make such investigation of such  
190 proposed amendment of rates as is necessary to determine whether  
191 such rates conform to the principles and guidelines set forth in section  
192 16-19e, or are unreasonably discriminatory or more or less than just,  
193 reasonable and adequate, or that the service furnished by such  
194 company is inadequate to or in excess of public necessity and  
195 convenience. The department, if in its opinion such action appears  
196 necessary or suitable in the public interest may, and, upon written  
197 petition or complaint of the state, under direction of the Governor,  
198 shall, make the aforesaid investigation of any such proposed  
199 amendment which does not involve an alteration in rates. If the  
200 department finds any proposed amendment of rates to not conform to  
201 the principles and guidelines set forth in section 16-19e, or to be  
202 unreasonably discriminatory or more or less than just, reasonable and  
203 adequate to enable such company to provide properly for the public  
204 convenience, necessity and welfare, or the service to be inadequate or  
205 excessive, it shall determine and prescribe, as appropriate, an adequate  
206 service to be furnished or just and reasonable maximum rates and  
207 charges to be made by such company. In the case of a proposed  
208 amendment filed by an electric, electric distribution, gas or telephone  
209 company, the department shall also adjust the estimate filed under this  
210 subsection of the effects of the amendment on the household budgets  
211 of the company's customers, in accordance with the rates and charges  
212 approved by the department. The department shall issue a final  
213 decision on each rate filing within one hundred fifty days from the  
214 proposed effective date thereof, provided it may, before the end of  
215 such period and upon notifying all parties and intervenors to the  
216 proceedings, extend the period by thirty days.

217 Sec. 9. Subsection (b) of section 16-19kk of the general statutes is  
218 repealed and the following is substituted in lieu thereof (*Effective from*

219 *passage*):

220 (b) The department shall complete, on or before December 31, 1991,  
221 an investigation into the relationship between a company's volume of  
222 sales and its earnings. The department shall, on or before July 1, 1993,  
223 implement rate-making and other procedures and practices in order to  
224 encourage the implementation of conservation and load management  
225 programs and other programs authorized by the department  
226 promoting the state's economic development, energy and other policy.  
227 Such procedures to implement a modification or elimination of any  
228 direct relationship between the volume of sales and the earnings of  
229 electric, gas, telephone and water companies may include the adoption  
230 of a sales adjustment clause pursuant to subsection [(i)] (j) of section  
231 16-19b, as amended by this act, or other adjustment clause similar  
232 thereto. The department's investigation shall include a review of its  
233 regulations and policies to identify any existing disincentives to the  
234 development and implementation of cost effective conservation and  
235 load management programs and other programs promoting the state's  
236 economic development, energy and other policy.

237 Sec. 10. Subdivision (4) of subsection (a) of section 16-1 of the  
238 general statutes is repealed and the following is substituted in lieu  
239 thereof (*Effective from passage*):

240 (4) "Public service company" includes electric, electric distribution,  
241 gas, telephone, telegraph, pipeline, sewage, water and community  
242 antenna television companies and holders of a certificate of cable  
243 franchise authority, owning, leasing, maintaining, operating,  
244 managing or controlling plants or parts of plants or equipment, and all  
245 express companies having special privileges on railroads within this  
246 state, but shall not include telegraph company functions concerning  
247 intrastate money order service, towns, cities, boroughs, any municipal  
248 corporation or department thereof, whether separately incorporated or  
249 not, a private power producer, as defined in section 16-243b, or an  
250 exempt wholesale generator, as defined in [15 USC 79z-5a] the United  
251 States Code or the Code of Federal Regulations;

252 Sec. 11. Subdivision (8) of subsection (a) of section 16-1 of the  
253 general statutes is repealed and the following is substituted in lieu  
254 thereof (*Effective from passage*):

255 (8) "Electric company" includes, until an electric company has been  
256 unbundled in accordance with the provisions of section 16-244e, every  
257 person owning, leasing, maintaining, operating, managing or  
258 controlling poles, wires, conduits or other fixtures, along public  
259 highways or streets, for the transmission or distribution of electric  
260 current for sale for light, heat or power within this state, or, engaged in  
261 generating electricity to be so transmitted or distributed for such  
262 purpose, but shall not include (A) a private power producer, as  
263 defined in section 16-243b, (B) an exempt wholesale generator, as  
264 defined in [15 USC 79z-5a] the United States Code or the Code of  
265 Federal Regulations, (C) a municipal electric utility established under  
266 chapter 101, (D) a municipal electric energy cooperative established  
267 under chapter 101a, (E) an electric cooperative established under  
268 chapter 597, or (F) any other electric utility owned, leased, maintained,  
269 operated, managed or controlled by any unit of local government  
270 under any general statute or any public or special act;

271 Sec. 12. Section 16-41 of the general statutes is repealed and the  
272 following is substituted in lieu thereof (*Effective from passage*):

273 (a) (1) Each [(1)] (A) public service company and its officers, agents  
274 and employees, [(2)] (B) electric supplier or person providing electric  
275 generation services without a license in violation of section 16-245, and  
276 its officers, agents and employees, [(3)] (C) certified  
277 telecommunications provider or person providing telecommunications  
278 services without authorization pursuant to sections 16-247f to 16-247h,  
279 inclusive, and its officers, agents and employees, [(4)] person, (D)  
280 public agency or public utility, as such terms are defined in section  
281 16-345, subject to the requirements of chapter 293, [(5)] (E) person  
282 subject to the registration requirements under section 16-258a, [(6)] (F)  
283 cellular mobile telephone carrier, as described in section 16-250b, [(7)]  
284 (G) Connecticut electric efficiency partner, as defined in section 16-

285 243v, [and (8)] (H) company, as defined in section 16-49, and (I)  
286 person, as defined in section 16-1, shall obey, observe and comply with  
287 all applicable provisions of this title and each applicable order made or  
288 applicable regulations adopted by the Department of Public Utility  
289 Control by virtue of this title as long as the same remains in force. Any  
290 such company, electric supplier, certified telecommunications  
291 provider, cellular mobile telephone carrier, Connecticut electric  
292 efficiency partner, person, any officer, agent or employee thereof,  
293 public agency or public utility which the department finds has failed to  
294 obey or comply with any such provision of this title, order or  
295 regulation shall be fined by order of the department in accordance  
296 with the penalty prescribed for the violated provision of this title or, if  
297 no penalty is prescribed, not more than ten thousand dollars for each  
298 offense, except that the penalty shall be a fine of not more than forty  
299 thousand dollars for failure to comply with an order of the department  
300 made in accordance with the provisions of section 16-19, as amended  
301 by this act, or 16-247k or within thirty days of such order or within any  
302 specific time period for compliance specified in such order. Each  
303 distinct violation of any such provision of this title, order or regulation  
304 shall be a separate offense and, in case of a continued violation, each  
305 day thereof shall be deemed a separate offense. Each such penalty and  
306 any interest charged pursuant to subsection (g) or (h) of section 16-49  
307 shall be excluded from operating expenses for purposes of rate-  
308 making.

309 (2) Whenever it appears to the department, after an investigation,  
310 that any company, electric supplier, certified telecommunications  
311 provider, cellular mobile telephone carrier, Connecticut electric  
312 efficiency partner or person, any officer, agent or employee thereof, or  
313 any public agency or public utility, has violated any provision of this  
314 title, or any regulation, rule or order adopted or issued under this title,  
315 the department may, in addition to any other remedy under this  
316 section, order such party to (A) make restitution of any sums shown to  
317 have been obtained in violation of any such provision, plus interest, at  
318 the legal rate set forth in section 37-1, (B) provide disgorgement of any

319 sums shown to have been obtained in violation of any provision of this  
320 title or any such regulation, rule or order, or (C) both make restitution  
321 and provide disgorgement.

322 (b) Any regional water authority, any regional water district, any  
323 municipal gas or electric plant established under chapter 101, any  
324 municipal waterworks system established under chapter 102, or any  
325 other municipality or department thereof owning, leasing, operating or  
326 managing a plant for the supplying or furnishing of any public utility,  
327 which the Department of Public Utility Control finds has failed to  
328 comply with the procedures of section 16-29, shall be subject to a civil  
329 penalty of not more than five thousand dollars for any annual report  
330 which is not submitted or submitted late in violation of said section.

331 (c) If the department has reason to believe that a violation has  
332 occurred for which a civil penalty or order to make restitution or  
333 provide disgorgement is authorized by subsection (a) or (b) of this  
334 section, it shall notify the alleged violator by certified mail, return  
335 receipt requested, or by personal service. The notice shall include:

336 (1) A reference to the sections of the title, regulation or order  
337 involved;

338 (2) A short and plain statement of the matter asserted or charged;

339 (3) A statement of the prescribed civil penalty or order to make  
340 restitution or provide disgorgement for the violation; and

341 (4) A statement of the person's right to a hearing.

342 (d) The person to whom the notice is addressed shall have twenty  
343 days from the date of receipt of the notice in which to deliver to the  
344 department a written application for a hearing. If a hearing is  
345 requested, then, after a hearing and upon a finding that a violation has  
346 occurred, the department may issue a final order assessing a civil  
347 penalty or ordering such person to make restitution or provide  
348 disgorgement under this section which shall not be greater than the

349 penalty or order to make restitution or provide disgorgement stated in  
350 the notice. If a hearing is not requested, or if such a request is later  
351 withdrawn, then the notice shall, on the first day after the expiration of  
352 the twenty-day period or on the first day after the withdrawal of the  
353 request for hearing, whichever is later, become a final order of the  
354 department and the matters asserted or charged in the notice shall be  
355 deemed admitted, unless the notice is modified by a consent order  
356 before it becomes a final order. A consent order shall be deemed a final  
357 order.

358 (e) All hearings under this section shall be conducted under sections  
359 4-176e to 4-184, inclusive. The final order of the department assessing a  
360 civil penalty or ordering restitution or disgorgement shall be subject to  
361 appeal under section 4-183. No challenge to any final order of the  
362 department assessing a civil penalty or ordering restitution or  
363 disgorgement shall be allowed as to any issue which could have been  
364 raised by an appeal of an earlier order of the department. Any civil  
365 penalty or order to make restitution or provide disgorgement  
366 authorized by this section shall become due and payable (1) at the time  
367 of receipt of a final order in the case of a civil penalty assessed or order  
368 to make restitution or provide disgorgement in such final order after a  
369 hearing, (2) on the first day after the expiration of the period in which a  
370 hearing may be requested if no hearing is requested, or (3) on the first  
371 day after the withdrawal of a request for hearing.

372 (f) A civil penalty assessed or an order to make restitution or  
373 provide disgorgement in a final order of the department under this  
374 section may be enforced in the same manner as a judgment of the  
375 Superior Court. The final order shall be delivered to the respondent by  
376 personal service or by certified mail, return receipt requested. After  
377 entry of such final order, the department may file a transcript without  
378 the payment of costs, in the office of the clerk of the superior court in  
379 the judicial district in which the respondent resides, has a place of  
380 business, owns real property, or in which any real property which is  
381 the subject of the proceedings is located or, if the respondent is not a

382 resident of the state of Connecticut, in the judicial district of Hartford.  
383 Upon the filing, the clerk shall docket the order in the same manner  
384 and with the same effect as a judgment entered in the superior court  
385 within the judicial district. Upon the docketing, the order may be  
386 enforced as a judgment of the court.

387 Sec. 13. Section 16-9 of the general statutes is repealed and the  
388 following is substituted in lieu thereof (*Effective from passage*):

389 All decisions, orders and authorizations of the Department of Public  
390 Utility Control shall be in writing and shall specify the reasons  
391 therefor, shall be filed and kept in the office of the department and  
392 recorded in a book kept by it for that purpose and shall be public  
393 records. Said department may, at any time, for cause shown, [upon  
394 hearing had] after notice to all parties in interest, and upon hearing  
395 had, if the department determines a hearing is necessary or any parties  
396 in interest request a hearing, rescind, reverse or alter any decision,  
397 order or authorization by it made. Written notice of all orders,  
398 decisions or authorizations issued by the department shall be given to  
399 the company or person affected thereby, by personal service upon such  
400 company or person or by registered or certified mail, as the  
401 department determines.

402 Sec. 14. Subdivision (1) of subsection (a) of section 16-49 of the  
403 general statutes is repealed and the following is substituted in lieu  
404 thereof (*Effective from passage*):

405 (1) "Company" means (A) any public service company other than a  
406 telephone company, that had more than one hundred thousand dollars  
407 of gross revenues in the state in the calendar year preceding the  
408 assessment year under this section, except any such company not  
409 providing service to retail customers in the state, (B) any telephone  
410 company that had more than one hundred thousand dollars of gross  
411 revenues in the state from telecommunications services in the calendar  
412 year preceding the assessment year under this section, except any such  
413 company not providing service to retail customers in the state, (C) any

414 certified telecommunications provider that had more than one  
415 hundred thousand dollars of gross revenues in the state from  
416 telecommunications services in the calendar year preceding the  
417 assessment year under this section, except any such certified  
418 telecommunications provider not providing service to retail customers  
419 in the state, [or] (D) any electric supplier that had more than one  
420 hundred thousand dollars of gross revenues in the state in the calendar  
421 year preceding the assessment year under this section, except any such  
422 supplier not providing electric generation services to retail customers  
423 in the state, or (E) any certified competitive video service provider  
424 issued a certificate of video franchise authority by the Department of  
425 Public Utility Control in accordance with section 16-331e that had  
426 more than one hundred thousand dollars of gross revenues in the state  
427 in the calendar year preceding the assessment year under this section,  
428 except any such certified competitive video service provider not  
429 providing service to retail customers in the state;

430 Sec. 15. Subsection (c) of section 16-244i of the general statutes is  
431 repealed and the following is substituted in lieu thereof (*Effective from*  
432 *passage*):

433 (c) Each electric distribution company shall continue to provide  
434 metering, billing and collection services, except that, on and after the  
435 effective date of the regulations adopted pursuant to section 16-245d,  
436 which allow an electric supplier to provide direct billing and collection  
437 services for electric generation services and related federally mandated  
438 congestion costs that such supplier provides to its customers that use a  
439 demand meter or have a maximum demand of not less than [five] one  
440 hundred kilowatts and that choose to receive a bill directly from their  
441 electric supplier, an electric distribution company shall not provide  
442 such billing and collection services for such customers. The  
443 department shall determine billing and metering protocols and any  
444 appropriate cost-sharing allocations among electric distribution  
445 companies and electric suppliers. Notwithstanding an electric  
446 supplier's right, in accordance with the general statutes, to terminate

447 its contract with a customer for the provision of generation service by  
448 reason of the customer's nonpayment of the charges directly billed by  
449 the supplier to the customer, an electric supplier shall not disconnect  
450 electric service to the customer or otherwise terminate the physical  
451 delivery of electricity to customers directly billed by the electric  
452 supplier.

453 Sec. 16. Section 16-245o of the general statutes is repealed and the  
454 following is substituted in lieu thereof (*Effective July 1, 2011*):

455 (a) To protect a customer's right to privacy from unwanted  
456 solicitation, each electric company or electric distribution company, as  
457 the case may be, shall distribute to each customer a form approved by  
458 the Department of Public Utility Control which the customer shall  
459 submit to the customer's electric or electric distribution company in a  
460 timely manner if the customer does not want the customer's name,  
461 address, telephone number and rate class to be released to electric  
462 suppliers. On and after July 1, 1999, each electric or electric distribution  
463 company, as the case may be, shall make available to all electric  
464 suppliers customer names, addresses, telephone numbers, if known,  
465 and rate class, unless the electric company or electric distribution  
466 company has received a form from a customer requesting that such  
467 information not be released. Additional information about a customer  
468 for marketing purposes shall not be released to any electric supplier  
469 unless a customer consents to a release by one of the following: (1) An  
470 independent third-party telephone verification; (2) receipt of a written  
471 confirmation received in the mail from the customer after the customer  
472 has received an information package confirming any telephone  
473 agreement; (3) the customer signs a document fully explaining the  
474 nature and effect of the release; or (4) the customer's consent is  
475 obtained through electronic means, including, but not limited to, a  
476 computer transaction.

477 (b) All electric suppliers shall have equal access to customer  
478 information required to be disclosed under subsection (a) of this  
479 section. No electric supplier shall have preferential access to historical

480 distribution company customer usage data.

481 (c) No electric or electric distribution company shall include in any  
482 bill or bill insert anything that directly or indirectly promotes a  
483 generation entity or affiliate of the electric distribution company. No  
484 electric supplier shall include a bill insert in an electric bill of an  
485 electric distribution company.

486 (d) All marketing information provided pursuant to the provisions  
487 of this section shall be formatted electronically by the electric company  
488 or electric distribution company, as the case may be, in a form that is  
489 readily usable by standard commercial software packages. Updated  
490 lists shall be made available within a reasonable time, as determined  
491 by the department, following a request by an electric supplier. Each  
492 electric supplier seeking the information shall pay a fee to the electric  
493 company or electric distribution company, as the case may be, which  
494 reflects the incremental costs of formatting, sorting and distributing  
495 this information, together with related software changes. Customers  
496 shall be entitled to any available individual information about their  
497 loads or usage at no cost.

498 (e) Each electric supplier shall, prior to the initiation of electric  
499 generation services, provide the potential customer with a written  
500 notice describing the rates, information on air emissions and resource  
501 mix of generation facilities operated by and under long-term contract  
502 to the supplier, terms and conditions of the service, and a notice  
503 describing the customer's right to cancel the service, as provided in this  
504 section. No electric supplier shall provide electric generation services  
505 unless the customer has signed a service contract or consents to such  
506 services by one of the following: (1) An independent third-party  
507 telephone verification; (2) receipt of a written confirmation received in  
508 the mail from the customer after the customer has received an  
509 information package confirming any telephone agreement; (3) the  
510 customer signs a document fully explaining the nature and effect of the  
511 initiation of the service; or (4) the customer's consent is obtained  
512 through electronic means, including, but not limited to, a computer

513 transaction. Each electric supplier shall maintain records of such  
514 signed service contract or consent to service for a period of not less  
515 than two years after the date of expiration of such contract and provide  
516 such records to the department or the customer upon request. A  
517 residential customer [who has a maximum demand of five hundred  
518 kilowatts or less] shall, until midnight of the third business day after  
519 the latter of the day on which the customer enters into a service  
520 agreement or the day on which the customer receives the written  
521 notice from the electric supplier describing the customer's right to  
522 cancel service, as provided in this subsection, have the right to cancel a  
523 contract for electric generation services entered into with an electric  
524 supplier.

525 [(f) An electric supplier shall not advertise or disclose the price of  
526 electricity in such a manner as to mislead a reasonable person into  
527 believing that the electric generation services portion of the bill will be  
528 the total bill amount for the delivery of electricity to the customer's  
529 location. When advertising or disclosing the price for electricity, the  
530 electric supplier shall also disclose the electric distribution company's  
531 average current charges, including the competitive transition  
532 assessment and the systems benefits charge, for that customer class.]

533 (f) (1) Any third-party agent who contracts with or is otherwise  
534 compensated by an electric supplier to sell residential or commercial  
535 electric generation services shall be a legal agent of the electric  
536 supplier.

537 (2) On or after July 1, 2011, any person representing an electric  
538 supplier or aggregator or agent of an electric supplier or aggregator in  
539 the sales or solicitations of electric generation services to a residential  
540 customer conducted and consummated entirely by mail, door-to-door  
541 sale, telephone or other electronic means, during a scheduled  
542 appointment at the premises of a customer or at a fair, trade or  
543 business show, convention or exposition shall comply with the  
544 provisions of subsection (e) of this section and shall, for any such sale  
545 or solicitation, (A) identify himself or herself and the electric

546 generation services company or companies such person represents; (B)  
547 provide a statement that such person does not represent an electric  
548 distribution company; (C) explain the purpose of the solicitation; and  
549 (D) explain all rates, fees, variable charges and terms and conditions  
550 for the services provided. Any such door-to-door sales, which shall  
551 include the sale of electric generation services in which the electric  
552 supplier or aggregator or agent of an electric supplier or aggregator  
553 solicits the sale and receives the customer's agreement or offer to  
554 purchase at a place other than the seller's place of business, shall be  
555 conducted in accordance with any applicable municipal and local  
556 ordinances regarding door-to-door solicitations. Any representative of  
557 an electric supplier or aggregator or agent of an electric supplier or  
558 aggregator shall prominently display or wear a photo identification  
559 badge stating the name of such person's employer or the electric  
560 supplier or aggregator the person represents.

561 (3) No electric supplier or aggregator or agent of an electric supplier  
562 or aggregator shall advertise or disclose the price of electricity to  
563 mislead a reasonable person into believing that the electric generation  
564 services portion of the bill will be the total bill amount for the delivery  
565 of electricity to the customer's location. When advertising or disclosing  
566 the price for electricity, the electric supplier or aggregator or agent of  
567 an electric supplier or aggregator shall also disclose the electric  
568 distribution company's average current charges, including the  
569 competitive transition assessment and the systems benefits charge, for  
570 that customer class.

571 (4) No entity, including an aggregator or agent of an electric  
572 supplier or aggregator, who sells or offers for sale any electric  
573 generation services for or on behalf of an electric supplier, shall engage  
574 in any deceptive acts or practices in the marketing, sale or solicitation  
575 of electric generation services.

576 (5) No contract for electric generation services by an electric supplier  
577 shall require a residential customer to pay any fee for termination or  
578 early cancellation of a contract in excess of (A) one hundred dollars; or

579 (B) twice the estimated bill for energy services for an average month,  
580 whichever is greater. When an electric supplier offers a contract, it  
581 shall provide the residential customer an estimate of such customer's  
582 average monthly bill.

583 (6) An electric supplier shall not make a material change in the  
584 terms or duration of any contract for the provision of electric  
585 generation services by an electric supplier without the express consent  
586 of the customer. Nothing in this subdivision shall prohibit an electric  
587 supplier from renewing any such contract, provided such electric  
588 supplier notifies such customer, in writing, not less than thirty days  
589 nor more than sixty days before the renewal date, of the renewal terms  
590 and of the option not to accept the renewal offer. No fee pursuant to  
591 subdivision (5) of this subsection shall be charged to a customer who  
592 terminates or cancels any such renewed contract not later than seven  
593 business days after receiving the first billing statement for the renewed  
594 contract.

595 (g) Each electric supplier or aggregator or agent of an electric  
596 supplier or aggregator shall comply with the provisions of the  
597 telemarketing regulations adopted pursuant to 15 USC 6102.

598 (h) Any violation of this section shall be deemed an unfair or  
599 deceptive trade practice under subsection (a) of section 42-110b. If the  
600 department finds a contract for electric generation services to be the  
601 product of unfair or deceptive marketing practices or in violation of  
602 any of the provisions of this section, the department may deem the  
603 contract void and unenforceable. Any waiver of the provisions of this  
604 section by a customer of electric generation services shall be deemed  
605 void and unenforceable by the electric supplier.

606 (i) Any violation or failure to comply with any provision of this  
607 section shall be subject to (1) civil penalties by the department in  
608 accordance with section 16-41, as amended by this act, (2) the  
609 suspension or revocation of an electric supplier or aggregator's license,  
610 or (3) a prohibition on accepting new customers following a hearing

611 that is conducted as a contested case in accordance with chapter 54.

612 (j) The department may adopt regulations, in accordance with the  
613 provisions of chapter 54 to carry out the purposes of this section,  
614 including, but not limited to, provisions concerning abusive switching  
615 practices, solicitations and renewals by electric suppliers.

616 Sec. 17. Subsection (a) of section 16-1 of the general statutes is  
617 repealed and the following is substituted in lieu thereof (*Effective*  
618 *July 1, 2011*):

619 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a  
620 and 245b shall be construed as follows, unless another meaning is  
621 expressed or is clearly apparent from the language or context:

622 (1) "Authority" means the Public Utilities Control Authority and  
623 "department" means the Department of Public Utility Control;

624 (2) "Commissioner" means a member of said authority;

625 (3) "Commissioner of Transportation" means the Commissioner of  
626 Transportation appointed under section 13b-3;

627 (4) "Public service company" includes electric, electric distribution,  
628 gas, telephone, telegraph, pipeline, sewage, water and community  
629 antenna television companies and holders of a certificate of cable  
630 franchise authority, owning, leasing, maintaining, operating,  
631 managing or controlling plants or parts of plants or equipment, and all  
632 express companies having special privileges on railroads within this  
633 state, but shall not include telegraph company functions concerning  
634 intrastate money order service, towns, cities, boroughs, any municipal  
635 corporation or department thereof, whether separately incorporated or  
636 not, a private power producer, as defined in section 16-243b, or an  
637 exempt wholesale generator, as defined in 15 USC 79z-5a;

638 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,  
639 poles, wires and other fixed or stationary construction and equipment,

640 wherever located, used in the conduct of the business of the company;

641 (6) "Railroad company" includes every person owning, leasing,  
642 maintaining, operating, managing or controlling any railroad, or any  
643 cars or other equipment employed thereon or in connection therewith,  
644 for public or general use within this state;

645 (7) "Street railway company" includes every person owning, leasing,  
646 maintaining, operating, managing or controlling any street railway, or  
647 any cars or other equipment employed thereon or in connection  
648 therewith, for public or general use within this state;

649 (8) "Electric company" includes, until an electric company has been  
650 unbundled in accordance with the provisions of section 16-244e, every  
651 person owning, leasing, maintaining, operating, managing or  
652 controlling poles, wires, conduits or other fixtures, along public  
653 highways or streets, for the transmission or distribution of electric  
654 current for sale for light, heat or power within this state, or, engaged in  
655 generating electricity to be so transmitted or distributed for such  
656 purpose, but shall not include (A) a private power producer, as  
657 defined in section 16-243b, (B) an exempt wholesale generator, as  
658 defined in 15 USC 79z-5a, (C) a municipal electric utility established  
659 under chapter 101, (D) a municipal electric energy cooperative  
660 established under chapter 101a, (E) an electric cooperative established  
661 under chapter 597, or (F) any other electric utility owned, leased,  
662 maintained, operated, managed or controlled by any unit of local  
663 government under any general statute or any public or special act;

664 (9) "Gas company" includes every person owning, leasing,  
665 maintaining, operating, managing or controlling mains, pipes or other  
666 fixtures, in public highways or streets, for the transmission or  
667 distribution of gas for sale for heat or power within this state, or  
668 engaged in the manufacture of gas to be so transmitted or distributed  
669 for such purpose, but shall not include a person manufacturing gas  
670 through the use of a biomass gasification plant provided such person  
671 does not own, lease, maintain, operate, manage or control mains, pipes

672 or other fixtures in public highways or streets, a municipal gas utility  
673 established under chapter 101 or any other gas utility owned, leased,  
674 maintained, operated, managed or controlled by any unit of local  
675 government under any general statute or any public or special act;

676 (10) "Water company" includes every person owning, leasing,  
677 maintaining, operating, managing or controlling any pond, lake,  
678 reservoir, stream, well or distributing plant or system employed for  
679 the purpose of supplying water to fifty or more consumers. A water  
680 company does not include homeowners, condominium associations  
681 providing water only to their members, homeowners associations  
682 providing water to customers at least eighty per cent of whom are  
683 members of such associations, a municipal waterworks system  
684 established under chapter 102, a district, metropolitan district,  
685 municipal district or special services district established under chapter  
686 105, chapter 105a or any other general statute or any public or special  
687 act which is authorized to supply water, or any other waterworks  
688 system owned, leased, maintained, operated, managed or controlled  
689 by any unit of local government under any general statute or any  
690 public or special act;

691 (11) "Consumer" means any private dwelling, boardinghouse,  
692 apartment, store, office building, institution, mechanical or  
693 manufacturing establishment or other place of business or industry to  
694 which water is supplied by a water company;

695 (12) "Sewage company" includes every person owning, leasing,  
696 maintaining, operating, managing or controlling, for general use in any  
697 town, city or borough, or portion thereof, in this state, sewage disposal  
698 facilities which discharge treated effluent into any waterway of this  
699 state;

700 (13) "Pipeline company" includes every person owning, leasing,  
701 maintaining, operating, managing or controlling mains, pipes or other  
702 fixtures through, over, across or under any public land, water,  
703 parkways, highways, parks or public grounds for the transportation,

704 transmission or distribution of petroleum products for hire within this  
705 state;

706 (14) "Community antenna television company" includes every  
707 person owning, leasing, maintaining, operating, managing or  
708 controlling a community antenna television system, in, under or over  
709 any public street or highway, for the purpose of providing community  
710 antenna television service for hire and shall include any municipality  
711 which owns or operates one or more plants for the manufacture or  
712 distribution of electricity pursuant to section 7-213 or any special act  
713 and seeks to obtain or obtains a certificate of public convenience and  
714 necessity to construct or operate a community antenna television  
715 system pursuant to section 16-331 or a certificate of cable franchise  
716 authority pursuant to section 16-331q. "Community antenna television  
717 company" does not include a certified competitive video service  
718 provider;

719 (15) "Community antenna television service" means (A) the one-way  
720 transmission to subscribers of video programming or information that  
721 a community antenna television company makes available to all  
722 subscribers generally, and subscriber interaction, if any, which is  
723 required for the selection of such video programming or information,  
724 and (B) noncable communications service. "Community antenna  
725 television service" does not include video service provided by a  
726 certified competitive video service provider;

727 (16) "Community antenna television system" means a facility,  
728 consisting of a set of closed transmission paths and associated signal  
729 generation, reception and control equipment that is designed to  
730 provide community antenna television service which includes video  
731 programming and which is provided in, under or over any public  
732 street or highway, for hire, to multiple subscribers within a franchise,  
733 but such term does not include (A) a facility that serves only to  
734 retransmit the television signals of one or more television broadcast  
735 stations; (B) a facility that serves only subscribers in one or more  
736 multiple unit dwellings under common ownership, control or

737 management, unless such facility is located in, under or over a public  
738 street or highway; (C) a facility of a common carrier which is subject, in  
739 whole or in part, to the provisions of Subchapter II of Chapter 5 of the  
740 Communications Act of 1934, 47 USC 201 et seq., as amended, except  
741 that such facility shall be considered a community antenna television  
742 system and the carrier shall be considered a public service company to  
743 the extent such facility is used in the transmission of video  
744 programming directly to subscribers; or (D) a facility of an electric  
745 company which is used solely for operating its electric company  
746 systems. "Community antenna television system" does not include a  
747 facility used by a certified competitive video service provider to  
748 provide video service;

749 (17) "Video programming" means programming provided by, or  
750 generally considered comparable to programming provided by, a  
751 television broadcast station;

752 (18) "Noncable communications service" means any  
753 telecommunications service, as defined in section 16-247a, and which is  
754 not included in the definition of "cable service" in the Communications  
755 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall  
756 be construed to affect service which is both authorized and preempted  
757 pursuant to federal law;

758 (19) "Public service motor vehicle" includes all motor vehicles used  
759 for the transportation of passengers for hire;

760 (20) "Motor bus" includes any public service motor vehicle operated  
761 in whole or in part upon any street or highway, by indiscriminately  
762 receiving or discharging passengers, or operated on a regular route or  
763 over any portion thereof, or operated between fixed termini, and any  
764 public service motor vehicle operated over highways within this state  
765 between points outside this state or between points within this state  
766 and points outside this state;

767 (21) "Cogeneration technology" means the use for the generation of

768 electricity of exhaust steam, waste steam, heat or resultant energy from  
769 an industrial, commercial or manufacturing plant or process, or the use  
770 of exhaust steam, waste steam or heat from a thermal power plant for  
771 an industrial, commercial or manufacturing plant or process, but shall  
772 not include steam or heat developed solely for electrical power  
773 generation;

774 (22) "Renewable fuel resources" means energy sources described in  
775 subdivisions (26) and (27) of this subsection;

776 (23) "Telephone company" means a telecommunications company  
777 that provides one or more noncompetitive or emerging competitive  
778 services, as defined in section 16-247a;

779 (24) "Domestic telephone company" includes any telephone  
780 company which has been chartered by or organized or constituted  
781 within or under the laws of this state;

782 (25) "Telecommunications company" means a person that provides  
783 telecommunications service, as defined in section 16-247a, within the  
784 state, but shall not mean a person that provides only (A) private  
785 telecommunications service, as defined in section 16-247a, (B) the  
786 one-way transmission of video programming or other programming  
787 services to subscribers, (C) subscriber interaction, if any, which is  
788 required for the selection of such video programming or other  
789 programming services, (D) the two-way transmission of educational or  
790 instructional programming to a public or private elementary or  
791 secondary school, or a public or independent institution of higher  
792 education, as required by the department pursuant to a community  
793 antenna television company franchise agreement, or provided  
794 pursuant to a contract with such a school or institution which contract  
795 has been filed with the department, or (E) a combination of the services  
796 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

797 (26) "Class I renewable energy source" means (A) energy derived  
798 from solar power, wind power, a fuel cell, methane gas from landfills,

799 ocean thermal power, wave or tidal power, low emission advanced  
800 renewable energy conversion technologies, a run-of-the-river  
801 hydropower facility provided such facility has a generating capacity of  
802 not more than five megawatts, does not cause an appreciable change in  
803 the river flow, and began operation after July 1, 2003, or a sustainable  
804 biomass facility with an average emission rate of equal to or less than  
805 .075 pounds of nitrogen oxides per million BTU of heat input for the  
806 previous calendar quarter, except that energy derived from a  
807 sustainable biomass facility with a capacity of less than five hundred  
808 kilowatts that began construction before July 1, 2003, may be  
809 considered a Class I renewable energy source, or (B) any electrical  
810 generation, including distributed generation, generated from a Class I  
811 renewable energy source;

812 (27) "Class II renewable energy source" means energy derived from  
813 a trash-to-energy facility, a biomass facility that began operation before  
814 July 1, 1998, provided the average emission rate for such facility is  
815 equal to or less than .2 pounds of nitrogen oxides per million BTU of  
816 heat input for the previous calendar quarter, or a run-of-the-river  
817 hydropower facility provided such facility has a generating capacity of  
818 not more than five megawatts, does not cause an appreciable change in  
819 the riverflow, and began operation prior to July 1, 2003;

820 (28) "Electric distribution services" means the owning, leasing,  
821 maintaining, operating, managing or controlling of poles, wires,  
822 conduits or other fixtures along public highways or streets for the  
823 distribution of electricity, or electric distribution-related services;

824 (29) "Electric distribution company" or "distribution company"  
825 means any person providing electric transmission or distribution  
826 services within the state, including an electric company, subject to  
827 subparagraph (F) of this subdivision, but does not include: (A) A  
828 private power producer, as defined in section 16-243b; (B) a municipal  
829 electric utility established under chapter 101, other than a participating  
830 municipal electric utility; (C) a municipal electric energy cooperative  
831 established under chapter 101a; (D) an electric cooperative established

832 under chapter 597; (E) any other electric utility owned, leased,  
833 maintained, operated, managed or controlled by any unit of local  
834 government under any general statute or special act; (F) after an  
835 electric company has been unbundled in accordance with the  
836 provisions of section 16-244e, a generation entity or affiliate of the  
837 former electric company; or (G) an electric supplier;

838 (30) "Electric supplier" means any person, including an electric  
839 aggregator or participating municipal electric utility that is licensed by  
840 the Department of Public Utility Control in accordance with section  
841 16-245, that provides electric generation services to end use customers  
842 in the state using the transmission or distribution facilities of an  
843 electric distribution company, regardless of whether or not such  
844 person takes title to such generation services, but does not include: (A)  
845 A municipal electric utility established under chapter 101, other than a  
846 participating municipal electric utility; (B) a municipal electric energy  
847 cooperative established under chapter 101a; (C) an electric cooperative  
848 established under chapter 597; (D) any other electric utility owned,  
849 leased, maintained, operated, managed or controlled by any unit of  
850 local government under any general statute or special act; or (E) an  
851 electric distribution company in its provision of electric generation  
852 services in accordance with subsection (a) or, prior to January 1, 2004,  
853 subsection (c) of section 16-244c;

854 (31) "Electric aggregator" means (A) a person, municipality or  
855 regional water authority that gathers together electric customers for  
856 the purpose of negotiating the purchase of electric generation services  
857 from an electric supplier, or (B) the Connecticut Resources Recovery  
858 Authority, if it gathers together electric customers for the purpose of  
859 negotiating the purchase of electric generation services from an electric  
860 supplier, provided such person, municipality or authority is not  
861 engaged in the purchase or resale of electric generation services, and  
862 provided further such customers contract for electric generation  
863 services directly with an electric supplier, and may include an electric  
864 cooperative established pursuant to chapter 597;

865 (32) "Electric generation services" means electric energy, electric  
866 capacity or generation-related services;

867 (33) "Electric transmission services" means electric transmission or  
868 transmission-related services;

869 (34) "Generation entity or affiliate" means a corporate affiliate or, as  
870 provided in subdivision (3) of subsection (a) of section 16-244e, a  
871 separate division of an electric company after unbundling has occurred  
872 pursuant to section 16-244e, that provides electric generation services;

873 (35) "Participating municipal electric utility" means a municipal  
874 electric utility established under chapter 101 or any other electric  
875 utility owned, leased, maintained, operated, managed or controlled by  
876 any unit of local government under any general statute or any public  
877 or special act, that is authorized by the department in accordance with  
878 section 16-245c to provide electric generation services to end use  
879 customers outside its service area, as defined in section 16-245c;

880 (36) "Person" means an individual, business, firm, corporation,  
881 association, joint stock association, trust, partnership, [or] limited  
882 liability company, unincorporated organization or other entity;

883 (37) "Regional independent system operator" means the "ISO - New  
884 England, Inc.", or its successor organization as approved by the  
885 Federal Energy Regulatory Commission;

886 (38) "Certified telecommunications provider" means a person  
887 certified by the department to provide intrastate telecommunications  
888 services, as defined in section 16-247a, pursuant to sections 16-247f to  
889 16-247h, inclusive;

890 (39) "Gas registrant" means a person registered to sell natural gas  
891 pursuant to section 16-258a;

892 (40) "Customer-side distributed resources" means (A) the generation  
893 of electricity from a unit with a rating of not more than sixty-five

894 megawatts on the premises of a retail end user within the transmission  
895 and distribution system including, but not limited to, fuel cells,  
896 photovoltaic systems or small wind turbines, or (B) a reduction in the  
897 demand for electricity on the premises of a retail end user in the  
898 distribution system through methods of conservation and load  
899 management, including, but not limited to, peak reduction systems  
900 and demand response systems;

901 (41) "Federally mandated congestion charges" means any cost  
902 approved by the Federal Energy Regulatory Commission as part of  
903 New England Standard Market Design including, but not limited to,  
904 locational marginal pricing, locational installed capacity payments, any  
905 cost approved by the Department of Public Utility Control to reduce  
906 federally mandated congestion charges in accordance with section 7-  
907 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-  
908 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and 16-  
909 245z, and section 21 of public act 05-1 of the June special session and  
910 reliability must run contracts;

911 (42) "Combined heat and power system" means a system that  
912 produces, from a single source, both electric power and thermal energy  
913 used in any process that results in an aggregate reduction in electricity  
914 use;

915 (43) "Grid-side distributed resources" means the generation of  
916 electricity from a unit with a rating of not more than sixty-five  
917 megawatts that is connected to the transmission or distribution system,  
918 which units may include, but are not limited to, units used primarily to  
919 generate electricity to meet peak demand;

920 (44) "Class III source" means the electricity output from combined  
921 heat and power systems with an operating efficiency level of no less  
922 than fifty per cent that are part of customer-side distributed resources  
923 developed at commercial and industrial facilities in this state on or  
924 after January 1, 2006, a waste heat recovery system installed on or after  
925 April 1, 2007, that produces electrical or thermal energy by capturing

926 preexisting waste heat or pressure from industrial or commercial  
927 processes, or the electricity savings created in this state from  
928 conservation and load management programs begun on or after  
929 January 1, 2006;

930 (45) "Sustainable biomass" means biomass that is cultivated and  
931 harvested in a sustainable manner. "Sustainable biomass" does not  
932 mean construction and demolition waste, as defined in section 22a-  
933 208x, finished biomass products from sawmills, paper mills or stud  
934 mills, organic refuse fuel derived separately from municipal solid  
935 waste, or biomass from old growth timber stands, except where (A)  
936 such biomass is used in a biomass gasification plant that received  
937 funding prior to May 1, 2006, from the Renewable Energy Investment  
938 Fund established pursuant to section 16-245n, or (B) the energy  
939 derived from such biomass is subject to a long-term power purchase  
940 contract pursuant to subdivision (2) of subsection (j) of section 16-244c  
941 entered into prior to May 1, 2006, (C) such biomass is used in a  
942 renewable energy facility that is certified as a Class I renewable energy  
943 source by the department until such time as the department certifies  
944 that any biomass gasification plant, as defined in subparagraph (A) of  
945 this subdivision, is operational and accepting such biomass, in an  
946 amount not to exceed one hundred forty thousand tons annually, is  
947 used in a renewable energy facility that was certified as a Class I  
948 renewable energy source by the department prior to December 31,  
949 2007, and uses biomass, including construction and demolition waste  
950 as defined in section 22a-208x, from a Connecticut-sited transfer  
951 station and volume-reduction facility that generated biomass during  
952 calendar year 2007 that was used during calendar year 2007 to  
953 generate Class I renewable energy certificates, or (D) in the event there  
954 is no facility as described in subparagraph (A) or (C) of this  
955 subdivision accepting such biomass, in an amount not to exceed one  
956 hundred forty thousand tons annually, is used in one or more other  
957 renewable energy facilities certified either as a Class I or Class II  
958 renewable energy source by the department, provided such facilities  
959 use biomass, including construction and demolition waste as defined

960 in said section 22a-208x, from a Connecticut-sited transfer station and  
961 volume-reduction facility that generated biomass during calendar year  
962 2007 that was used during calendar year 2007 to generate Class I  
963 renewable energy certificates. Notwithstanding the provisions of  
964 subparagraphs (C) and (D) of this subdivision, the amount of biomass  
965 specified in said subparagraphs shall not apply to a biomass  
966 gasification plant, as defined in subparagraph (A) of this subdivision;

967 (46) "Video service" means video programming services provided  
968 through wireline facilities, a portion of which are located in the public  
969 right-of-way, without regard to delivery technology, including Internet  
970 protocol technology. "Video service" does not include any video  
971 programming provided by a commercial mobile service provider, as  
972 defined in 47 USC 332(d), any video programming provided as part of  
973 community antenna television service in a franchise area as of October  
974 1, 2007, any video programming provided as part of and via a service  
975 that enables users to access content, information, electronic mail or  
976 other services over the public Internet;

977 (47) "Certified competitive video service provider" means an entity  
978 providing video service pursuant to a certificate of video franchise  
979 authority issued by the department in accordance with section 16-331e.  
980 "Certified competitive video service provider" does not mean an entity  
981 issued a certificate of public convenience and necessity in accordance  
982 with section 16-331 or the affiliates, successors and assigns of such  
983 entity or an entity issued a certificate of cable franchise authority in  
984 accordance with section 16-331p or the affiliates, successors and  
985 assignees of such entity;

986 (48) "Certificate of video franchise authority" means an  
987 authorization issued by the Department of Public Utility Control  
988 conferring the right to an entity or person to own, lease, maintain,  
989 operate, manage or control facilities in, under or over any public  
990 highway to offer video service to any subscribers in the state;

991 (49) "Certificate of cable franchise authority" means an authorization

992 issued by the Department of Public Utility Control pursuant to section  
993 16-331q conferring the right to a community antenna television  
994 company to own, lease, maintain, operate, manage or control a  
995 community antenna television system in, under or over any public  
996 highway to (A) offer community antenna television service in a  
997 community antenna television company's designated franchise area, or  
998 (B) use the public rights-of-way to offer video service in a designated  
999 franchise area. The certificate of cable franchise authority shall be  
1000 issued as an alternative to a certificate of public convenience and  
1001 necessity pursuant to section 16-331 and shall only be available to a  
1002 community antenna television company under the terms specified in  
1003 sections 16-331q to 16-331aa, inclusive;

1004 (50) "Thermal energy transportation company" means any person  
1005 authorized under any provision of the general statutes or special act to  
1006 furnish heat or air conditioning or both, by means of steam, heated or  
1007 chilled water or other medium, to lay and maintain mains, pipes or  
1008 other conduits, and to erect such other fixtures necessary or convenient  
1009 in and on the streets, highways and public grounds of any  
1010 municipality to carry steam, heated or chilled water or other medium  
1011 from such plant to the location to be served and to return the same;  
1012 [and]

1013 (51) "The Connecticut Television Network" means the General  
1014 Assembly's state-wide twenty-four-hour state public affairs  
1015 programming service, separate and distinct from community access  
1016 channels;

1017 (52) "Covered entity applicant" means any person who has applied  
1018 to the Department of Public Utility Control to be designated as any  
1019 covered entity; and

1020 (53) "Covered entity" means (A) any public service company or  
1021 officer, agent or employee of such company, (B) any electric supplier  
1022 or person that provides electric generation services without a license  
1023 from the Department of Public Utility Control, in violation of section

1024 16-265, or officer, agent or employee of such supplier or person, (C)  
1025 any electric aggregator or person acting as an electric aggregator that  
1026 has not obtained a certificate of registration from the department, (D)  
1027 any certified telecommunications provider or person providing  
1028 telecommunications services without authorization pursuant to  
1029 sections 16-247f to 16-247h, inclusive, or any officer, agent or employee  
1030 of such provider or person, (E) any person, public agency or public  
1031 utility, as such terms are defined in section 16-345, subject to the  
1032 requirements of chapter 293, (F) any person subject to the registration  
1033 requirements in sections 16-258a and 16-258b, (G) any person, as  
1034 defined in this subsection, (H) any cellular mobile telephone carrier, as  
1035 described in section 16-250b, (I) any Connecticut electric efficiency  
1036 partner, as defined in section 16-243v, (J) any company, as defined in  
1037 section 16-49, (K) any certified competitive video service provider, and  
1038 (L) any entity operating a Class I, Class II or Class III renewable energy  
1039 source.

1040 Sec. 18. Section 16-7 of the general statutes is repealed and the  
1041 following is substituted in lieu thereof (*Effective July 1, 2011*):

1042 (a) The commissioners and any employees of the Department of  
1043 Public Utility Control while engaged in the performance of their duties  
1044 may, at all reasonable times, enter any premises, buildings, cars or  
1045 other places belonging to or controlled by any [public service company  
1046 or electric supplier] covered entity or covered entity applicant, as  
1047 defined in section 16-1, as amended by this act, and any person  
1048 obstructing or in any way causing to be obstructed or hindered any  
1049 member or employee of the department in the performance of his  
1050 duties shall be fined not more than two hundred dollars or imprisoned  
1051 not more than six months or both.

1052 (b) At all times, the records of any covered entity or covered entity  
1053 applicant are subject to examination by the department, provided the  
1054 department deems such examination in the public interest. Each  
1055 covered entity or covered entity applicant shall maintain such records  
1056 in a manner in which such records are readily available to the

1057 department and shall, upon request by the department, provide copies  
1058 of any such records to the department.

1059       Sec. 19. (NEW) (*Effective July 1, 2011*) The Department of Public  
1060 Utility Control may, as it deems necessary, conduct investigations and  
1061 hearings in aid of any investigations if said department believes that  
1062 any covered entity or covered entity applicant, as defined in section 16-  
1063 1 of the general statutes, as amended by this act, has violated any  
1064 provision of title 16 of the general statutes. The department, pursuant  
1065 to any such investigation, may administer oaths and take testimony,  
1066 cause depositions to be taken, order production of books, papers and  
1067 documents and issue subpoenas. If any covered entity or covered  
1068 entity applicant disobeys such process or, having appeared in  
1069 obedience thereto, refuses to answer any pertinent question put to  
1070 such covered entity or covered entity applicant by the department or  
1071 to produce any books, papers or documents pursuant thereto, the  
1072 department may apply to the Superior Court, setting forth such  
1073 disobedience to process or refusal to answer and the court shall cite  
1074 such covered entity or covered entity applicant to appear before the  
1075 court to answer such question or to produce such books, papers or  
1076 documents and, upon the refusal of such covered entity or covered  
1077 entity applicant so to do, the court may make such order as may be  
1078 appropriate to aid in the enforcement of this section.

1079       Sec. 20. (NEW) (*Effective July 1, 2011*) (a) No covered entity or  
1080 covered entity applicant, as defined in section 16-1 of the general  
1081 statutes, as amended by this act, shall make any false or misleading  
1082 statement, either orally or in writing, to the Department of Public  
1083 Utility Control during any hearing, proceeding, investigation or audit  
1084 conducted in accordance with any provision of title 16 of the general  
1085 statutes, nor shall any such covered entity or covered entity applicant  
1086 omit any material fact during such hearing, proceeding, investigation  
1087 or audit.

1088       (b) If a covered entity or covered entity applicant submits any filing,  
1089 application or statement to the department and any information in

1090 such filing, application or statement is or becomes inaccurate or  
 1091 incomplete, such covered entity or covered entity applicant shall  
 1092 promptly submit a correcting amendment upon learning that any such  
 1093 filing, application or statement is inaccurate or incomplete.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-19b(h)
Sec. 2	<i>from passage</i>	16-18a
Sec. 3	<i>from passage</i>	16-35
Sec. 4	<i>from passage</i>	16-262j(c)
Sec. 5	<i>from passage</i>	16-8a(c)(1)
Sec. 6	<i>from passage</i>	16-262c(b)(1)
Sec. 7	<i>from passage</i>	16a-3a(e)
Sec. 8	<i>from passage</i>	16-19(a)
Sec. 9	<i>from passage</i>	16-19kk(b)
Sec. 10	<i>from passage</i>	16-1(a)(4)
Sec. 11	<i>from passage</i>	16-1(a)(8)
Sec. 12	<i>from passage</i>	16-41
Sec. 13	<i>from passage</i>	16-9
Sec. 14	<i>from passage</i>	16-49(a)(1)
Sec. 15	<i>from passage</i>	16-244i(c)
Sec. 16	<i>July 1, 2011</i>	16-245o
Sec. 17	<i>July 1, 2011</i>	16-1(a)
Sec. 18	<i>July 1, 2011</i>	16-7
Sec. 19	<i>July 1, 2011</i>	New section
Sec. 20	<i>July 1, 2011</i>	New section

**ET**            *Joint Favorable Subst.*