



General Assembly

Substitute Bill No. 6592

January Session, 2011

* _____HB06592FIN___051011_____*

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2 repealed and the following is substituted in lieu thereof (*Effective from*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_z as defined and determined by the Banking Commissioner in
71 subsection (d) of this section_z 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)] (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.*

JUD *Joint Favorable*

FIN *Joint Favorable*