



# House of Representatives

General Assembly

**File No. 453**

February Session, 2012

Substitute House Bill No. 5542

*House of Representatives, April 16, 2012*

The Committee on Energy and Technology reported through REP. NARDELLO of the 89th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING CONSUMER PROTECTION FOR UTILITY CUSTOMERS.**

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

1 Section 1. Section 16-44a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each public service company, as defined in section 16-1,  
4 regulated pursuant to sections 16-19 and 16-19e and serving more than  
5 three thousand three hundred customers shall (1) on each customer's  
6 bill, notify customers at least annually that a listing of the salaries, and  
7 other forms of compensation, of its directors and officers and the  
8 salaries, and other forms of compensation, of the directors and officers  
9 of any holding company, as defined in section 16-47, that controls such  
10 public service company can be obtained from the Public Utilities  
11 Regulatory Authority at the customer's request, and (2) not later than  
12 July first, annually, submit to the authority a listing of the salaries, and  
13 other forms of compensation, of all its directors and officers and the

14 salaries, and other forms of compensation, of the directors and officers  
15 of any holding company that controls such public service company,  
16 during the preceding fiscal year. [Any such public service company  
17 that files Securities and Exchange Commission Form 10-K, Part III with  
18 the authority pursuant to an order of the authority shall be deemed to  
19 be in compliance with subdivision (2) of this subsection.]

20 (b) The authority shall maintain and make available to the public a  
21 listing of the salaries, and other forms of compensation, of directors  
22 and officers of each public service company regulated pursuant to  
23 sections 16-19 and 16-19e and serving more than three thousand three  
24 hundred customers and the salaries, and other forms of compensation,  
25 of directors and officers of any holding company that controls such  
26 public service company. The authority shall mail such listing to any  
27 person that requests it.

28 (c) No public service company or holding company that controls a  
29 public service company may compensate any director, officer,  
30 executive or employee an amount exceeding three hundred fifty  
31 thousand dollars annually using funds received from ratepayers of  
32 such public service company. No public service company or holding  
33 company may increase the level of compensation of any director,  
34 officer, executive or employee above three hundred fifty thousand  
35 dollars annually based upon such director's, officer's, executive's or  
36 employee's employment by more than one public service or holding  
37 company. The compensation for such director, officer, executive or  
38 employee from shareholder funds shall not be limited by the  
39 provisions of this subsection.

40 Sec. 2. (NEW) (*Effective from passage*) Each electric company and  
41 electric distribution company, as those terms are defined in section 16-  
42 1 of the general statutes, shall reimburse any residential customer of  
43 such company for spoilage loss of any food items or refrigerated  
44 medications caused by a lack of refrigeration during any electric  
45 service outage lasting longer than forty-eight hours, provided (1) such  
46 reimbursement shall not exceed one hundred fifty dollars for any such

47 outage for food items and two hundred dollars for any such outage for  
48 refrigerated medications, (2) such customer files an application for  
49 reimbursement with such company not later than thirty days after  
50 electric service is restored, (3) such customer submits with such  
51 application an itemized list of any spoiled food items or refrigerated  
52 medications and proof of such spoilage loss, and (4) (A) such  
53 customer's household income is not greater than sixty per cent of the  
54 state median income at the time of such outage, (B) such customer or a  
55 member of such customer's household received benefits from a food  
56 assistance program administered by the Department of Social Services  
57 pursuant to subdivision (9) of section 17b-2 of the general statutes or  
58 section 17b-790a of the general statutes at the time of such outage, or  
59 (C) such customer's household received assistance from an energy  
60 assistance program implemented pursuant to section 16a-41a of the  
61 general statutes not more than twelve months prior to such outage.  
62 Such proof may include, but not be limited to, any credit card  
63 statement, bank statement, receipt or check demonstrating that such  
64 customer purchased such food items or medication or any photograph  
65 of such spoiled food items or medication. Upon approving such  
66 application, such company shall reimburse such customer in the form  
67 of a credit on such customer's bill. Such company shall recover the  
68 amount of such credit through the systems benefits charge established  
69 pursuant to section 16-245l of the general statutes, as amended by this  
70 act. The total amount of any such reimbursements shall not exceed ten  
71 million dollars annually.

72 Sec. 3. (NEW) (*Effective from passage*) (a) No public service company,  
73 holder of a certificate of video franchise authority, electric supplier or  
74 telecommunications company, as those terms are defined in section 16-  
75 1 of the general statutes, shall assess any late fee to any customer of  
76 such company or holder for failure to timely pay such customer's  
77 monthly bill if the due date of such bill occurs during any period in  
78 which such customer was without service for more than twenty-four  
79 consecutive hours, provided such customer was not without service  
80 due to such customer's nonpayment. Nothing in this subsection shall  
81 prohibit any such company, holder or supplier from assessing any late

82 fee on any subsequent monthly bill.

83 (b) Each public service company, holder of a certificate of video  
84 franchise authority, electric supplier or telecommunications company,  
85 as those terms are defined in section 16-1 of the general statutes, shall  
86 credit the monthly bill of any customer of such company or holder if  
87 such company or holder fails to provide service to such customer for  
88 more than twenty-four consecutive hours during any monthly billing  
89 period, provided such customer was not without service due to such  
90 customer's nonpayment. Such credit shall be in an amount equal to  
91 such customer's daily service charges and fixed charges multiplied by  
92 the number of days such company or holder failed to provide service  
93 to such customer.

94 Sec. 4. Subsection (a) of section 16-245~~l~~ of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective from*  
96 *passage*):

97 (a) The Public Utilities Regulatory Authority shall establish and  
98 each electric distribution company shall collect a systems benefits  
99 charge to be imposed against all end use customers of each electric  
100 distribution company beginning January 1, 2000. The authority shall  
101 hold a hearing that shall be conducted as a contested case in  
102 accordance with chapter 54 to establish the amount of the systems  
103 benefits charge. The authority may revise the systems benefits charge  
104 or any element of said charge as the need arises. The systems benefits  
105 charge shall be used to fund (1) the expenses of the public education  
106 outreach program developed under subsections (a), (f) and (g) of  
107 section 16-244d other than expenses for authority staff, (2) the  
108 reasonable and proper expenses of the education outreach consultant  
109 pursuant to subsection (d) of section 16-244d, (3) the cost of hardship  
110 protection measures under sections 16-262c and 16-262d and other  
111 hardship protections, including, but not limited to, electric service bill  
112 payment programs, funding and technical support for energy  
113 assistance, fuel bank and weatherization programs and weatherization  
114 services, (4) the payment program to offset tax losses described in

115 section 12-94d, (5) any sums paid to a resource recovery authority  
116 pursuant to subsection (b) of section 16-243e, (6) low income  
117 conservation programs approved by the Public Utilities Regulatory  
118 Authority, (7) displaced worker protection costs, (8) unfunded storage  
119 and disposal costs for spent nuclear fuel generated before January 1,  
120 2000, approved by the appropriate regulatory agencies, (9)  
121 postretirement safe shutdown and site protection costs that are  
122 incurred in preparation for decommissioning, (10) decommissioning  
123 fund contributions, (11) the costs of temporary electric generation  
124 facilities incurred pursuant to section 16-19ss, (12) operating expenses  
125 for the Connecticut Energy Advisory Board, (13) costs associated with  
126 the Connecticut electric efficiency partner program established  
127 pursuant to section 16-243v, (14) reinvestments and investments in  
128 energy efficiency programs and technologies pursuant to section 16a-  
129 38l, costs associated with the electricity conservation incentive  
130 program established pursuant to section 119 of public act 07-242, [and]  
131 (15) legal, appraisal and purchase costs of a conservation or land use  
132 restriction and other related costs as the authority in its discretion  
133 deems appropriate, incurred by a municipality on or before January 1,  
134 2000, to ensure the environmental, recreational and scenic preservation  
135 of any reservoir located within this state created by a pump storage  
136 hydroelectric generating facility, and (16) the cost of any credit to any  
137 residential customer for spoilage loss of any food items or refrigerated  
138 medications pursuant to section 2 of this act. As used in this  
139 subsection, "displaced worker protection costs" means the reasonable  
140 costs incurred, prior to January 1, 2008, (A) by an electric supplier,  
141 exempt wholesale generator, electric company, an operator of a  
142 nuclear power generating facility in this state or a generation entity or  
143 affiliate arising from the dislocation of any employee other than an  
144 officer, provided such dislocation is a result of (i) restructuring of the  
145 electric generation market and such dislocation occurs on or after July  
146 1, 1998, or (ii) the closing of a Title IV source or an exempt wholesale  
147 generator, as defined in 15 USC 79z-5a, on or after January 1, 2004, as a  
148 result of such source's failure to meet requirements imposed as a result  
149 of sections 22a-197 and 22a-198 and this section or those Regulations of

150 Connecticut State Agencies adopted by the Department of Energy and  
 151 Environmental Protection, as amended from time to time, in  
 152 accordance with Executive Order Number 19, issued on May 17, 2000,  
 153 and provided further such costs result from either the execution of  
 154 agreements reached through collective bargaining for union  
 155 employees or from the company's or entity's or affiliate's programs  
 156 and policies for nonunion employees, and (B) by an electric  
 157 distribution company or an exempt wholesale generator arising from  
 158 the retraining of a former employee of an unaffiliated exempt  
 159 wholesale generator, which employee was involuntarily dislocated on  
 160 or after January 1, 2004, from such wholesale generator, except for  
 161 cause. "Displaced worker protection costs" includes costs incurred or  
 162 projected for severance, retraining, early retirement, outplacement,  
 163 coverage for surviving spouse insurance benefits and related expenses.  
 164 "Displaced worker protection costs" does not include those costs  
 165 included in determining a tax credit pursuant to section 12-217bb.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-44a
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	16-245l(a)

**Statement of Legislative Commissioners:**

In section 2, "loss to any food" was changed to "loss of any food" for clarity and internal consistency; and in section 3(b), "service for such customer's" was changed to "service due to such customer's" for internal consistency.

**ET**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** See Below

**Municipal Impact:** See Below

**Explanation**

The bill requires electric companies to reimburse certain customers for losses to food or refrigerated medications that result from an outage that lasts more than 48 hours through the systems benefits charge.<sup>1</sup> The state and municipalities, as ratepayers, would incur increased costs to the extent the systems benefits charge is insufficient to cover these expenses.

The bill also limits the amount of compensation for utility company officers and employees and waives late fees and credits monthly bills during certain outages. These provisions are not anticipated to have a fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact of the systems benefits charge would continue into the future subject to inflation.

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<sup>1</sup> The systems benefits charge is funded by a rate set by the Public Utilities Regulatory Authority. Effective January 1, 2012, the average systems benefits charge for CL&P is 0.143 cents per kilowatt-hour to collect \$23.7 million in 2012. The average systems benefits charge for UI is 0.2367 cents per kilowatt-hour to collect \$13.3 million in 2012.

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**OLR Bill Analysis****sHB 5542*****AN ACT CONCERNING CONSUMER PROTECTION FOR UTILITY CUSTOMERS.*****SUMMARY:**

This bill limits, to \$350,000 annually, the maximum amount of compensation for utility company officers and employees that can come from ratepayers. It expands disclosure requirements for the compensation paid to utility officers and employees.

The bill requires electric companies to reimburse customers who are low or moderate income or receive food or energy assistance for losses to food or refrigerated medications that result from an outage that lasts more than 48 hours. It caps the reimbursement at \$150 for food and \$200 for medications. It pays for this provision with the systems benefit charge on electric bills.

The bill requires utility companies, certain cable TV companies, competitive electric suppliers, and telecommunications company to

1. waive late fees for their customers if the due date for a bill occurs during any period when the customer was without service for more than 24 hours and
2. credit the monthly bill of any customer if the company fails to provide service to the customer for more than 24 consecutive hours during any monthly billing period.

These provisions do not apply if the outage was due to the customer's nonpayment. The late fee provision does not bar a company from assessing a late fee for subsequent monthly bills. The credit must equal the customer's daily service charges and fixed charges multiplied by the number of days the company failed to provide service to the

customer. These provisions apply to cable companies with certificates of video franchise authority (e.g., AT&T). They do not apply to other companies that hold certificates of cable franchise authority, i.e., most of the cable companies. Very similar credit requirements apply to all cable companies under existing law.

EFFECTIVE DATE: Upon passage

### **COMPENSATION FOR UTILITY EXECUTIVES**

The bill bars utility companies and holding companies that control utility companies from compensating any director, officer, executive or employee more than \$350,000 per year using funds received from ratepayers of the utility company. It bars the companies from increasing the level of compensation of any of these individuals above this amount based on his or her employment by more than one utility or holding company. This provision does not affect the amount of compensation from shareholder funds.

Under current law, each utility company with at least 3,300 customers must, by July 1 annually, submit a list of the salaries of its directors and officers to the Public Utilities Regulatory Authority (PURA). This requirement does not apply if the company has already filed a Securities and Exchange Commission Form 10-K, Part III with the authority pursuant PURA's order. All companies with more than 3,300 customers must at least annually include a bill insert that informs that they can obtain the listing from PURA.

The bill extends these requirements to (1) non-salary compensation received by the officers and directors and (2) officers and directors of holding companies that control utility companies. It eliminates the exception for companies that file the 10-K form.

### **REIMBURSEMENT FOR SPOILED FOOD AND MEDICATIONS**

To be eligible for the reimbursement:

1. the electric company customer must have a household income of no more than 60% of the state median income at the time of

such outage;

2. the customer or a member of his or her household received benefits at the time of the outage from the supplemental food assistance program (SNAP, commonly known as food stamps) or the food assistance program for legal immigrants administered by the Department of Social Services; or
3. the customer's household received assistance from the low income home energy assistance program not more than 12 months before the outage.

An eligible customer must submit with his or her application an itemized list of any spoiled food items and proof of such spoilage loss. The proof may include, among other things, credit card or bank statements, receipts, or checks demonstrating that the customer bought the food or medications. Upon approving the application, the company must reimburse the customer with a credit on his or her bill.

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable Substitute

Yea 14    Nay 7    (03/28/2012)