



General Assembly

**Amendment**

February Session, 2012

LCO No. 5079

**\*SB0002305079SD0\***

Offered by:

SEN. FONFARA, 1<sup>st</sup> Dist.

SEN. WILLIAMS, 29<sup>th</sup> Dist.

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REP. REED, 102<sup>nd</sup> Dist.

REP. STEINBERG, 136<sup>th</sup> Dist.

REP. HOYDICK, 120<sup>th</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 23

File No. 401

Cal. No. 289

**"AN ACT ENHANCING EMERGENCY PREPAREDNESS AND RESPONSE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 28-5 of the 2012 supplement to  
4 the general statutes is repealed and the following is substituted in lieu  
5 thereof (*Effective July 1, 2012*):

6 (b) The commissioner shall direct the preparation of a  
7 comprehensive plan and program for the civil preparedness of the  
8 state and integrate and coordinate that plan and program to the fullest  
9 extent possible with the civil preparedness plans of the federal  
10 government and of other states. When the plan and program has been  
11 prepared, the commissioner shall present it to the Governor for his or  
12 her approval. When the Governor approves the plan, all government  
13 agencies, state or local, [and] all civil preparedness forces in the state

14 and all public service companies, as defined in section 16-1, shall carry  
15 out the duties and functions assigned by the plan and program as  
16 approved. The plan and program may, from time to time, be amended  
17 or modified in like manner. The commissioner shall coordinate the  
18 civil preparedness activities of the towns and cities of the state to the  
19 end that they shall be fully integrated with the state civil preparedness  
20 plan and program.

21 Sec. 2. Subsection (e) of section 28-5 of the 2012 supplement to the  
22 general statutes is repealed and the following is substituted in lieu  
23 thereof (*Effective July 1, 2012*):

24 (e) The commissioner shall utilize the personnel, services,  
25 equipment, supplies and facilities of existing departments, offices and  
26 agencies of the state to the maximum extent possible. The head of each  
27 such department, office or agency, in cooperation with and under the  
28 direction of the commissioner, shall be responsible for the planning  
29 and programming of such activities in the civil preparedness programs  
30 as will involve the utilization of the facilities of his or her department,  
31 office, institution or agency and shall implement and carry out such  
32 activities whenever necessary for the welfare and safety of the state,  
33 including participation in planning, training and exercises, as directed  
34 by the commissioner.

35 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section,  
36 "utility" means any electric distribution company or gas company, as  
37 those terms are defined in section 16-1 of the general statutes, and  
38 "emergency" has the same meaning as provided in section 16-32e of the  
39 general statutes, as amended by this act.

40 (b) The Public Utilities Regulatory Authority shall initiate a docket  
41 to establish industry specific standards for acceptable performance by  
42 each utility in an emergency to protect public health and safety, to  
43 ensure the reliability of such utility's services to prevent and minimize  
44 the number of service outages or disruptions and to reduce the  
45 duration of such outages and disruptions, to facilitate restoration of

46 such services after such outages or disruptions, and to identify the  
47 most cost-effective level of tree trimming and system hardening,  
48 including undergrounding, necessary to achieve the maximum  
49 reliability of the system and to minimize service outages. On or before  
50 November 1, 2012, the authority shall submit a report identifying the  
51 standards established by the authority pursuant to such docket and  
52 any recommendations concerning legislative changes necessary to  
53 implement such standards to the joint standing committee of the  
54 General Assembly having cognizance of matters relating to energy in  
55 accordance with the provisions of section 11-4a of the general statutes.  
56 The authority shall allow, in a future rate proceeding, each utility to  
57 recover the reasonable costs incurred by such utility to maintain or  
58 improve the resiliency of such utility's infrastructure necessary to meet  
59 the standards established pursuant to this section pursuant to a plan  
60 first approved by the authority.

61 (c) The authority shall, in the docket initiated pursuant to subsection  
62 (b) of this section, review:

63 (1) Each such utility's current practices concerning service  
64 restoration after an emergency. Such review shall include, but not be  
65 limited to, an analysis of each such utility's (A) estimates concerning  
66 potential damage and service outages prior to any emergency, (B)  
67 damage and service outage assessments after any emergency, (C)  
68 restoration management after any emergency, including access to  
69 alternate restoration resources via regional and reciprocal aid  
70 contracts, (D) planning for at-risk and vulnerable customers, (E)  
71 policies concerning communication with state and local officials and  
72 customers, including individual customer restoration estimates and  
73 the timeliness and usefulness of such estimates, and (F) need for  
74 mutual assistance during any emergency;

75 (2) The adequacy of each such utility's infrastructure, facilities and  
76 equipment, which shall include, but not be limited to, an analysis of  
77 (A) whether such utility is following standard industry practice  
78 concerning operation and maintenance of such infrastructure, facilities

79 and equipment, and (B) whether such utility had access to adequate  
80 replacement equipment for such infrastructure, facilities and  
81 equipment during the course of such emergency;

82 (3) Coordination efforts between each electric distribution company  
83 and any telecommunications company, community antenna television  
84 company, holder of a certificate of cable franchise authority or certified  
85 competitive video service provider, as those terms are defined in  
86 section 16-1 of the general statutes, including coordinated planning  
87 before any emergency;

88 (4) Tree trimming policies of each electric distribution company and  
89 shall determine (A) the amount spent by each electric distribution  
90 company for tree trimming in each year since such company's most  
91 recent rate case, (B) each such company's system average interruption  
92 duration index, as described in section 16-245y of the general statutes,  
93 caused by falling trees and limbs, (C) the impact of expanding the area  
94 adjacent to distribution lines for tree trimming, including an analysis  
95 of the benefits and the costs of such expansion to ratepayers and the  
96 likelihood that such expansion would decrease damage to  
97 infrastructure, facilities and equipment used to distribute electricity  
98 and decrease service outage frequency or duration, (D) the percentage  
99 of service outages during Tropical Storm Irene and the October, 2011  
100 snowstorm caused by trees and limbs outside the current trim area  
101 based on an analysis of the quantity and effectiveness of prior tree  
102 trimming, and (E) the standards appropriate for road-side tree care in  
103 the state, vegetation management practices in utility rights-of-way,  
104 right tree-right place standards, and any other tree maintenance  
105 standard recommended by the State Vegetation Management Task  
106 Force established by the Department of Energy and Environmental  
107 Protection; and

108 (5) Any other policy, practice or information that the authority  
109 determines is relevant to a review of each such utility's ability to  
110 ensure the reliability of such utility's services in an emergency and to  
111 prevent, minimize and restore any long-term service outages or

112 disruptions caused by such emergency.

113 (d) The authority shall, in the docket initiated pursuant to  
114 subsection (b) of this section, establish standards for acceptable  
115 performance in an emergency in which more than ten per cent of any  
116 utility's customers are without service for more than forty-eight  
117 consecutive hours. The standards established by the authority shall  
118 include, but not be limited to, provisions for:

119 (1) Minimum staffing and equipment levels for each utility, based  
120 on the number of customers served by such utility and the nature of  
121 the infrastructure deployed to serve such utility's customers, in such  
122 emergency;

123 (2) Targets for recovery and restoration of service in emergencies for  
124 service outages affecting more than ten per cent, thirty per cent, fifty  
125 per cent and seventy per cent of such utility's customers;

126 (3) A communication plan between each utility and its customers,  
127 including, but not limited to, communication during other than normal  
128 business hours;

129 (4) Safety standards for employees of each utility, mutual aid crews  
130 and private contractors;

131 (5) Filing mutual aid agreements by utilities and assessing each  
132 utility's ability to rely on mutual storm restoration assistance from  
133 other utilities in the region;

134 (6) Communication and coordination protocols defining interactions  
135 between each utility and the appropriate state, municipal or  
136 emergency operations center official concerning emergency  
137 preparation, road clearing and the establishment of restoration  
138 priorities;

139 (7) Tree trimming, cutting and removal by each electric company  
140 and electric distribution company to reduce service outages caused by  
141 trees and limbs;

142 (8) Communication and coordination, in consultation with the  
143 Department of Emergency Services and Public Protection, between  
144 each utility and the public including, but not limited to, standards  
145 concerning the use of any emergency notification system to notify the  
146 public of service restoration estimates and any dangerous conditions;

147 (9) Timely notification by each utility to any relevant state or  
148 municipal agency or official including, but not limited to, any public  
149 safety agency or official, of any emergency and standards for  
150 coordination and communication between such utility and such  
151 agency or official;

152 (10) Communication and coordination between any appropriate  
153 electric distribution, gas, telephone or telecommunications company or  
154 voice over Internet protocol service provider, as defined in section 28-  
155 30b of the general statutes; and

156 (11) The operation of the call center of each utility.

157 (e) The authority shall establish as it deems fit any other standards  
158 for acceptable performance by any utility to ensure the reliability of  
159 such utility's services in any emergency, to prevent and minimize any  
160 service outages or disruptions lasting more than forty-eight  
161 consecutive hours and affecting more than ten per cent of any utility's  
162 customers and to facilitate restoration of such services after such  
163 outages or disruptions.

164 (f) Any mutual aid agreement filed with the authority pursuant to  
165 this section shall not be considered a public record or file subject to  
166 disclosure under the Freedom of Information Act, as defined in section  
167 1-200 of the general statutes.

168 (g) The authority may initiate any additional docket to establish  
169 standards for acceptable performance by each utility in an emergency,  
170 in accordance with this section, upon determination by the authority  
171 that the changed circumstances of any utility necessitates such docket.

172 (h) Not later than April 15, 2013, and annually thereafter, each  
173 utility shall provide an emergency response report to the Public  
174 Utilities Regulatory Authority. Such report shall include information  
175 and analysis concerning such utility's ability during the preceding year  
176 to meet the emergency preparedness and response standards  
177 established by the authority pursuant to this section. In addition to the  
178 annual report required in this subsection, the authority may require  
179 any utility to submit a supplemental emergency response report after  
180 any storm, emergency or event causing significant service outages.

181 Sec. 4. (NEW) (*Effective from passage*) The Public Utilities Regulatory  
182 Authority shall review the performance of each electric distribution  
183 company and gas company, as those terms are defined in section 16-1  
184 of the general statutes, after any emergency, as defined in section 16-  
185 32e of the general statutes, as amended by this act, (1) in which more  
186 than ten per cent of any such company's customers were without  
187 service for more than forty-eight consecutive hours, or (2) at the  
188 authority's discretion. The authority, upon a finding that any such  
189 company failed to comply with any standard of acceptable  
190 performance in emergency preparation or restoration of service in an  
191 emergency, adopted pursuant to section 3 of this act, or with any order  
192 of the authority, shall make orders, after a hearing that is conducted as  
193 a contested case in accordance with chapter 54 of the general statutes,  
194 to enforce such standards or orders and may levy civil penalties  
195 against such company, pursuant to section 16-41 of the general  
196 statutes, not to exceed a total of two and one-half per cent of such  
197 electric distribution or gas company's annual distribution revenue, for  
198 noncompliance in any such emergency. In determining the amount of  
199 any penalty, the authority shall consider whether such company  
200 received approval and reasonable funding allowances, as determined  
201 by the authority, from the authority to meet infrastructure resiliency  
202 efforts to improve such company's performance. Any such penalty  
203 shall be assessed in the form of a credit to ratepayers of such electric  
204 distribution or gas company. Any such penalty shall not be included as  
205 an operating expense of such company for purposes of ratemaking.

206 Sec. 5. (NEW) (*Effective from passage*) (a) The Public Utilities  
207 Regulatory Authority shall initiate a docket to establish standards for  
208 restoration of intrastate telecommunications service, as defined in  
209 section 16-247a of the general statutes, by any telephone company,  
210 certified telecommunications provider, certified competitive video  
211 service provider, community antenna television company, holder of a  
212 certificate of cable franchise authority or holder of a certificate of video  
213 franchise authority, as those terms are defined in section 16-1 of the  
214 general statutes, after any emergency, as defined in section 16-32e of  
215 the general statutes, as amended by this act. The standards established  
216 by the authority shall be limited to any portion of an emergency in  
217 which (1) the intrastate telecommunications service outage affects  
218 more than ten per cent of any such company's, provider's or holder's  
219 access lines, (2) such outage lasts more than forty-eight consecutive  
220 hours, and (3) such outage was not caused by the equipment,  
221 negligence or wilful act of the subscriber of such service or any other  
222 third party.

223 (b) In establishing such emergency restoration standards, the  
224 authority shall consider:

225 (1) The severity, extent and duration of the emergency;

226 (2) Communication and coordination by each such company,  
227 provider or holder with the state, municipalities and any relevant  
228 electric distribution company;

229 (3) The operations of any call center operated by each such  
230 company, provider or holder during an emergency;

231 (4) Requirements concerning the assignment of a representative of  
232 each such company, provider or holder to staff the emergency  
233 operations center of any relevant electric distribution company during  
234 an emergency;

235 (5) Service restoration;



236 (6) The safety of the subscribers of any such company, provider or  
237 holder; and

238 (7) That restoration of such intrastate telecommunications service  
239 cannot be completed until after commercial power is restored.

240 (c) If the authority determines that any such company, provider or  
241 holder has failed to comply with the standards established pursuant to  
242 subsection (b) of this section, the authority may submit a report, in  
243 accordance with section 11-4a of the general statutes, to the joint  
244 standing committee of the General Assembly having cognizance of  
245 matters relating to energy, recommending legislation establishing  
246 penalties for future noncompliance with such standards. Any penalty  
247 for noncompliance with the standards established pursuant to this  
248 section shall be limited to any penalty established pursuant to this  
249 section.

250 (d) Each telephone company and certified telecommunications  
251 provider, shall, to the extent permitted under federal law, provide a  
252 bill credit to any subscriber of such company or provider for any  
253 service outage of intrastate telecommunications service, in an  
254 emergency, provided (1) such service outage lasts for more than  
255 twenty-four consecutive hours, (2) the subscriber notifies such  
256 company or provider of such service outage not later than thirty days  
257 after the end of any such emergency, (3) such service outage was not  
258 caused by the equipment, negligence or wilful act of the subscriber or  
259 any other third party, (4) such service outage affects more than ten per  
260 cent of any such company's or provider's access lines, and (5) such  
261 service outage was not caused by the failure of commercial power  
262 used to provide such intrastate telecommunications service. The  
263 amount of any such credit shall equal the proportionate share of such  
264 service not received during the billing period during which such  
265 outage occurred. The provisions of this subsection shall not apply to  
266 any certified competitive video service provider, community antenna  
267 television company, holder of a certificate of cable franchise authority  
268 or holder of a certificate of video franchise authority that already

269 provides credits pursuant to section 16-331l or 16-331w of the general  
270 statutes.

271 Sec. 6. Section 16-32e of the general statutes is repealed and the  
272 following is substituted in lieu thereof (*Effective from passage*):

273 (a) As used in this section, "emergency" means any (1) hurricane,  
274 tornado, storm, flood, high water, wind-driven water, tidal wave,  
275 tsunami, earthquake, volcanic eruption, landslide, mudslide,  
276 snowstorm, drought or fire explosion, or (2) attack or series of attacks  
277 by an enemy of the United States causing, or which may cause,  
278 substantial damage or injury to civilian property or persons in the  
279 United States in any manner by sabotage or by the use of bombs,  
280 shellfire or atomic, radiological, chemical, bacteriological or biological  
281 means or other weapons or processes.

282 (b) Not later than [June 1, 1996] July 1, 2012, and every [five] two  
283 years thereafter, each public service company, as defined in section 16-  
284 1, each telecommunications company, as defined in [said] section 16-1,  
285 that installs, maintains, operates or controls poles, wires, conduits or  
286 other fixtures under or over any public highway for the provision of  
287 telecommunications service authorized by section 16-247c, each voice  
288 over Internet protocol service provider, as defined in section 28-30b,  
289 and each municipal utility furnishing electric, gas or water service  
290 shall file with the Public Utilities Regulatory Authority, the  
291 Department of Emergency Services and Public Protection and each  
292 municipality located within the service area of the public service  
293 company, telecommunications company, voice over Internet protocol  
294 service provider or municipal utility an updated plan for restoring  
295 service which is interrupted as a result of an emergency, except no  
296 such plan shall be required of a public service company or municipal  
297 utility that submits a water supply plan pursuant to section 25-32d.  
298 Plans filed by public service companies and municipal utilities  
299 furnishing water shall be prepared in accordance with the  
300 memorandum of understanding entered into pursuant to section 4-67e.  
301 Each such plan for restoring service which is interrupted as a result of

302 an emergency shall include measures for (1) communication and  
303 coordination with state officials, municipalities and other public  
304 service companies and telecommunications companies during a major  
305 disaster, as defined in section 28-1, or an emergency; and (2)  
306 participation in training exercises as directed by the Commissioner of  
307 Emergency Services and Public Protection. Each such plan shall  
308 include such company's, provider's or municipal utility's response for  
309 service outages affecting more than ten per cent, thirty per cent, fifty  
310 per cent and seventy per cent of such company's, provider's or  
311 municipal utility's customers. On or before September 1, 2012, and  
312 biannually thereafter, the authority shall submit a report, in  
313 accordance with section 11-4a, to the joint standing committee of the  
314 General Assembly having cognizance of matters relating to public  
315 utilities summarizing such plans. Not later than September 15, [1996]  
316 2012, and every [five] two years thereafter, the Public Utilities  
317 Regulatory Authority may conduct public hearings on such plans and,  
318 in consultation with the Department of Emergency Services and Public  
319 Protection, the Department of Public Health and the joint standing  
320 committee of the General Assembly having cognizance of matters  
321 relating to public utilities, revise such plans to the extent necessary to  
322 provide properly for the public convenience, necessity and welfare. If  
323 the Public Utilities Regulatory Authority revises the emergency plan of  
324 a public service company, telecommunications company, voice over  
325 Internet protocol service provider or municipal utility, such company,  
326 provider or municipal utility shall file a copy of the revised plan with  
327 each municipality located within the service area of the company,  
328 provider or municipal utility. Any information provided in any such  
329 plan shall be considered confidential, not subject to disclosure under  
330 the Freedom of Information Act, as defined in section 1-200, and any  
331 such information shall not be transmitted to any person except as  
332 needed to comply with this section.

333 (c) At the discretion of the Commissioner of Emergency Services  
334 and Public Protection or after an emergency or major disaster is  
335 declared in the state by the Governor under the laws of this state or by

336 the President of the United States under federal law, each telephone  
337 company, certified telecommunications provider, holder of a certificate  
338 of video franchise authority or holder of a certificate of cable franchise  
339 authority, as those terms are defined in section 16-1, with more than  
340 twenty-five thousand subscribers, shall provide a representative to  
341 staff the emergency operations center of an affected electric  
342 distribution company, as defined in section 16-1, as needed to ensure  
343 communication and coordination during emergency response and  
344 restoration efforts.

345 Sec. 7. (NEW) (*Effective from passage*) (a) As used in this section:

346 (1) "Municipality" has the same meaning as provided in section 7-  
347 233b of the general statutes;

348 (2) "Critical facility" means any hospital, police station, fire station,  
349 water treatment plant, sewage treatment plant, public shelter or  
350 correctional facility, any commercial area of a municipality, a  
351 municipal center, as identified by the chief elected official of any  
352 municipality, or any other facility or area identified by the Department  
353 of Energy and Environmental Protection as critical;

354 (3) "Distributed energy generation" means the generation of  
355 electricity from a unit with a rating of not more than sixty-five  
356 megawatts on the premises of a retail end user within the transmission  
357 and distribution system;

358 (4) "Electric distribution company" and "participating municipal  
359 electric utility" have the same meanings as provided in section 16-1 of  
360 the general statutes; and

361 (5) "Microgrid" means a group of interconnected loads and  
362 distributed energy resources within clearly defined electrical  
363 boundaries that acts as a single controllable entity with respect to the  
364 grid and that connects and disconnects from such grid to enable it to  
365 operate in both grid-connected or island mode.

366 (b) The Department of Energy and Environmental Protection shall  
367 establish a microgrid grant and loan pilot program to support local  
368 distributed energy generation for critical facilities. The department  
369 shall develop and issue a request for proposals from municipalities,  
370 electric distribution companies, participating municipal electric  
371 utilities, energy improvement districts and private entities seeking to  
372 develop microgrid distributed energy generation, or to repurpose  
373 existing distributed energy generation for use with microgrids, to  
374 support critical facilities. Any entity eligible to submit a proposal  
375 pursuant to this section may collaborate with any other such entity in  
376 submitting such proposal.

377 (c) The department shall award grants or loans under the microgrid  
378 grant and loan pilot program to any number of recipients, provided  
379 the total amount of grants and loans awarded under the program shall  
380 not exceed fifteen million dollars. To the extent possible, the amount of  
381 loans and grants awarded under the program shall be evenly  
382 distributed between small, medium and large municipalities. Such  
383 grants and loans shall only be used to provide assistance to recipients  
384 for the cost of design, engineering services and interconnection  
385 infrastructure for any such microgrid. The department may establish  
386 any financing mechanism to provide or leverage additional funding to  
387 support the development of distributed energy generation and  
388 microgrids that is not limited to the cost of interconnection  
389 infrastructure.

390 (d) Not later than January first, annually, for a period of five years  
391 after receiving a grant or loan under the microgrid grant and loan pilot  
392 program, the recipient of such grant or loan shall submit a report to the  
393 Public Utilities Regulatory Authority, the Office of Consumer Counsel  
394 and the Department of Energy and Environmental Protection and, in  
395 accordance with section 11-4a of the general statutes, to the joint  
396 standing committees of the General Assembly having cognizance of  
397 matters relating to appropriations and energy. Such report shall  
398 include information concerning the status of such recipient's microgrid  
399 project.

400 (e) On or before January 1, 2013, the department shall file a report,  
401 in accordance with the provisions of section 11-4a of the general  
402 statutes, with the joint standing committee of the General Assembly  
403 having cognizance of matters relating to energy, identifying other  
404 funding sources necessary to expand the microgrid grant and loan  
405 pilot program established pursuant to this section and any legislative  
406 changes necessary to access such funding.

407 (f) The Department of Energy and Environmental Protection, in  
408 consultation with the Connecticut Academy of Science and  
409 Engineering, shall study the methods of providing reliable electric  
410 services to critical facilities, taking into consideration the location of  
411 such critical facilities. Such study shall evaluate the costs and benefits  
412 of such methods, including, but not limited to, the use of microgrids,  
413 undergrounding and portable turbine generation, and shall make  
414 recommendations identifying the most cost-effective and reliable of  
415 such methods. Not later than January 1, 2013, the department shall  
416 submit the findings of such study, in accordance with section 11-4a of  
417 the general statutes, to the joint standing committee of the General  
418 Assembly having cognizance of matters relating to energy and  
419 technology.

420 Sec. 8. (NEW) (*Effective from passage*) (a) On or before October 1,  
421 2012, and annually thereafter, each provider of mobile radio service, as  
422 defined in 47 CFR 20.3, shall submit a report to the Connecticut Siting  
423 Council and the Department of Emergency Services and Public  
424 Protection concerning each such provider's ability to provide backup  
425 power during an electric service outage for any telecommunications  
426 tower or antenna owned, leased or operated by such provider and  
427 each such provider's plans concerning such backup power. Any  
428 information provided in the report submitted pursuant to this section  
429 shall be considered confidential, not subject to disclosure under the  
430 Freedom of Information Act, as defined in section 1-200 of the general  
431 statutes, and such information shall not be transmitted to any person  
432 except as needed to comply with this section.

433 (b) As the reliability of such mobile radio service is considered to be  
434 in the public interest and necessary for public health and safety, after  
435 such initial report is submitted, the Connecticut Siting Council, in  
436 consultation and in coordination with the Department of Energy and  
437 Environmental Protection, the Department of Emergency Services and  
438 Public Protection and the Public Utilities Regulatory Authority, shall  
439 study the feasibility of requiring backup power for  
440 telecommunications towers and antennas.

441 (c) Such study shall consider (1) the federal, state and local  
442 jurisdictional issues of such backup power requirements, including,  
443 but not limited to, siting issues, (2) similar laws or initiatives in other  
444 states, (3) the technical and legal feasibility of such backup power  
445 requirements, (4) the environmental issues concerning such backup  
446 power, and (5) any other issue concerning backup power that the  
447 authority deems relevant to such study.

448 (d) On or before January 1, 2013, the authority shall submit a report  
449 of its findings and recommendations and a proposed plan for  
450 deploying backup power, if such backup power is determined to be  
451 feasible, in accordance with the provisions of section 11-4a of the  
452 general statutes, to the joint standing committees of the General  
453 Assembly having cognizance of matters relating to energy, public  
454 safety and planning and development.

455 Sec. 9. Subsection (a) of section 16-2a of the 2012 supplement to the  
456 general statutes is repealed and the following is substituted in lieu  
457 thereof (*Effective from passage*):

458 (a) There shall be an independent Office of Consumer Counsel,  
459 within the Department of Energy and Environmental Protection, for  
460 administrative purposes only, to act as the advocate for consumer  
461 interests in all matters which may affect Connecticut consumers with  
462 respect to public service companies, electric suppliers and certified  
463 telecommunications providers, including, but not limited to, rates and  
464 related issues, ratepayer-funded programs and matters concerning the

465 reliability, maintenance, operations, infrastructure and quality of  
466 service of such companies, suppliers and providers. The Office of  
467 Consumer Counsel is authorized to appear in and participate in any  
468 regulatory or judicial proceedings, federal or state, in which such  
469 interests of Connecticut consumers may be involved, or in which  
470 matters affecting utility services rendered or to be rendered in this  
471 state may be involved. The Office of Consumer Counsel shall be a  
472 party to each contested case before the Public Utilities Regulatory  
473 Authority and shall participate in such proceedings to the extent it  
474 deems necessary. Said Office of Consumer Counsel may appeal from a  
475 decision, order or authorization in any such state regulatory  
476 proceeding notwithstanding its failure to appear or participate in said  
477 proceeding.

478 Sec. 10. (NEW) (*Effective from passage*) The Department of  
479 Transportation and any municipality shall notify the Public Utilities  
480 Regulatory Authority of any pending project involving the  
481 construction, alteration, reconstruction, improvement, relocation,  
482 widening or changing of the grade of a section of any state highway or  
483 any other public highway, that is greater than five miles long or  
484 located in a commercial area. The authority, upon determination that  
485 such project may provide an opportunity for any public service  
486 company, as defined in section 16-1 of the general statutes, to install,  
487 replace, upgrade or bury any water, sewer or gas line, electric wire or  
488 cable or fiber optics, shall notify such company of such project.

489 Sec. 11. (NEW) (*Effective from passage*) On or before January 1, 2013,  
490 the Department of Energy and Environmental Protection, in  
491 coordination and consultation with each public service company, as  
492 defined in section 16-1 of the general statutes, the Department of  
493 Transportation, the Department of Emergency Services and Public  
494 Protection and an association of municipalities, shall develop  
495 procedures to expedite the process of road-clearing for public safety  
496 personnel after an emergency, as defined in section 16-32e of the  
497 general statutes, as amended by this act.



498 Sec. 12. Section 22a-6k of the general statutes is repealed and the  
499 following is substituted in lieu thereof (*Effective from passage*):

500 (a) The Commissioner of Energy and Environmental Protection may  
501 issue an emergency authorization for any activity regulated by the  
502 commissioner under section 22a-32, subsection (h) of section 22a-39,  
503 22a-54, 22a-66, 22a-174, 22a-208a, 22a-342, 22a-368, 22a-403, 22a-430,  
504 22a-449 or 22a-454 provided he finds that (1) such authorization is  
505 necessary to prevent, abate or mitigate an imminent threat to human  
506 health or the environment; and (2) such authorization is not  
507 inconsistent with the federal Water Pollution Control Act, the federal  
508 Rivers and Harbors Act, the federal Clean Air Act or the federal  
509 Resource Conservation and Recovery Act. Such emergency  
510 authorization shall be limited by any conditions the commissioner  
511 deems necessary to adequately protect human health and the  
512 environment. Summary suspension of an emergency authorization  
513 may be ordered in accordance with subsection (c) of section 4-182. The  
514 commissioner may assess a fee for an emergency authorization issued  
515 pursuant to this subsection. Such fee shall be of an amount equal to the  
516 equivalent existing permit fee for the activity authorized. The  
517 commissioner may reduce or waive the fee required pursuant to this  
518 subsection if good cause is shown. The fee required pursuant to this  
519 subsection shall be paid no later than ten days after the issuance of the  
520 emergency authorization.

521 (b) The commissioner may issue a temporary authorization for any  
522 activity for which the commissioner has authority to issue a general  
523 permit under section 22a-45a, 22a-174, 22a-208a, 22a-349a, 22a-361, 22a-  
524 378a, 22a-411, 22a-430b or 22a-454 provided the commissioner finds  
525 that (1) such activity will not continue for more than [thirty] ninety  
526 days, whether consecutive or not; (2) such activity does not pose a  
527 significant threat to human health or the environment; (3) such  
528 authorization is necessary to protect human health or the environment  
529 or is otherwise necessary to protect the public interest; and (4) such  
530 authorization is not inconsistent with the federal Water Pollution  
531 Control Act, the federal Rivers and Harbors Act, the federal Clean Air

532 Act or the federal Resource Conservation and Recovery Act. No  
533 temporary authorization shall be renewed [more than once, and no  
534 such authorization shall be] or issued for an activity which has been  
535 authorized by a temporary authorization during the previous twelve  
536 calendar months. Any person seeking a temporary authorization shall  
537 submit to the commissioner sufficient information to allow the  
538 commissioner to make the determination set forth herein. A temporary  
539 authorization shall be limited by any conditions the commissioner  
540 deems necessary to adequately protect human health and the  
541 environment. Summary suspension of a temporary authorization may  
542 be ordered in accordance with subsection (c) of section 4-182. The  
543 commissioner may assess a fee for a temporary authorization issued  
544 pursuant to this subsection. Such fee shall be of an amount equal to the  
545 equivalent existing permit fee for the activity authorized. The  
546 commissioner may reduce the fee required pursuant to this subsection  
547 if good cause is shown. The fee required pursuant to this subsection  
548 shall be paid before the issuance of the temporary authorization. The  
549 commissioner may, if good cause is shown, allow late payment of the  
550 fee required by this subsection provided such fee shall be paid no later  
551 than ten days after the issuance of the temporary authorization.

552 Sec. 13. (*Effective from passage*) (a) The Public Utilities Regulatory  
553 Authority shall initiate a docket to study the feasibility of establishing  
554 a program administered by the authority to reimburse any residential  
555 customer of an electric distribution company, as defined in section 16-1  
556 of the general statutes, for spoilage loss of food items or refrigerated  
557 medications caused by a lack of refrigeration during any electric  
558 service outage lasting longer than forty-eight hours, and the necessary  
559 mechanisms to administer such program. Such docket shall include,  
560 but not be limited to, a study of the establishment of any such program  
561 in which (1) the reimbursement, for each such service outage, shall not  
562 exceed one hundred fifty dollars for any such spoilage loss of food  
563 items and two hundred dollars for any such spoilage loss of  
564 refrigerated medications for any customer, (2) such customer shall file  
565 an application for reimbursement with such company not later than

566 thirty days after electric service is restored, and (3) such customer shall  
 567 submit with such application an itemized list of any spoiled food items  
 568 or refrigerated medications and proof of such spoilage loss.

569 (b) On or before February 1, 2013, the authority shall submit a  
 570 report, in accordance with the provisions of section 11-4a of the general  
 571 statutes, to the joint standing committees of the General Assembly  
 572 having cognizance of matters relating to energy and public health,  
 573 with the authority's recommendations concerning the necessary  
 574 mechanisms for administering such a program. Such report shall  
 575 include, but not be limited to, recommendations concerning (1) the  
 576 manner in which such program will be established by the authority, (2)  
 577 the application process for such program, (3) the role of each electric  
 578 distribution company in administering such program, (4) the funding  
 579 mechanism for such program and the cap on the funding to support  
 580 such program, (5) the documents or identification to be used as proof  
 581 of such spoiled food items or refrigerated medication, (6) whether the  
 582 program shall be limited to customers within certain income levels,  
 583 and (7) any legislative changes necessary to implement such program."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	28-5(b)
Sec. 2	<i>July 1, 2012</i>	28-5(e)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	16-32e
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	16-2a(a)
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	22a-6k
Sec. 13	<i>from passage</i>	New section