



General Assembly

January Session, 2013

**Raised Bill No. 6473**

LCO No. 3490



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:  
(ET)

**AN ACT CONCERNING WHISTLEBLOWER PROTECTION, THE PURCHASED GAS ADJUSTMENT CLAUSE, ELECTRIC SUPPLIER DISCLOSURE REQUIREMENTS, THE CALL BEFORE YOU DIG PROGRAM, AND MINOR AND TECHNICAL CHANGES TO THE UTILITY STATUTES.**

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

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2 repealed and the following is substituted in lieu thereof (*Effective from*  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

4 (c) Any matter coming before the authority may be assigned by the  
5 chairperson of the authority to a panel of one or more directors. Except  
6 as otherwise provided by statute or regulation, the panel shall  
7 determine whether a public hearing shall be held on the matter, and  
8 may designate one or two of its members to conduct such hearing. [or]  
9 Said chairperson may request the appointment of a hearing officer to  
10 ascertain the facts and report thereon to the panel. The decision of the  
11 panel, if unanimous, shall be the decision of the authority. If the  
12 decision of the panel is not unanimous, the matter shall be approved  
13 by a majority vote of the panel.

14 Sec. 2. Section 16-2c of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective from passage*):

16 There is established a Division of Adjudication within the  
17 [Department of Energy and Environmental Protection] Public Utilities  
18 Regulatory Authority. The staff of the division shall include, but not be  
19 limited to, hearing officers appointed pursuant to subsection (c) of  
20 section 16-2, as amended by this act. The responsibilities of the division  
21 shall include, but not be limited to, hearing matters assigned under  
22 said subsection and advising the [commissioner and the] Public  
23 Utilities Regulatory Authority concerning legal issues. The  
24 [commissioner] chairperson of the Public Utilities Regulatory  
25 Authority shall appoint such hearing officers pursuant to section 16-2,  
26 as amended by this act, and assign such other staff as are necessary to  
27 advise the [chairperson of the] authority.

28 Sec. 3. Section 16-8 of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective from passage*):

30 (a) The Public Utilities Regulatory Authority may, in its discretion,  
31 delegate its powers, in specific cases, to one or more of its directors or  
32 to a hearing officer to ascertain the facts and report thereon to the  
33 authority. The authority, or any director thereof, in the performance of  
34 its duties or in connection with any hearing, or at the request of any  
35 person, corporation, company, town, borough or association, may  
36 summon and examine, under oath, such witnesses, and may direct the  
37 production of, and examine or cause to be produced and examined,  
38 such books, records, vouchers, memoranda, documents, letters,  
39 contracts or other papers in relation to the affairs of any public service  
40 company as it may find advisable, and shall have the same powers in  
41 reference thereto as are vested in magistrates taking depositions. If any  
42 witness objects to testifying or to producing any book or paper on the  
43 ground that such testimony, book or paper may tend to incriminate  
44 him, and the authority directs such witness to testify or to produce  
45 such book or paper, and he complies, or if he is compelled so to do by

46 order of court, he shall not be prosecuted for any matter concerning  
47 which he or she has so testified. The fees of witnesses summoned by  
48 the [department] authority to appear before it under the provisions of  
49 this section, and the fees for summoning witnesses shall be the same as  
50 in the Superior Court. All such fees, together with any other expenses  
51 authorized by statute, the method of payment of which is not  
52 otherwise provided, shall, when taxed by the authority, be paid by the  
53 state, through the business office of the authority, in the same manner  
54 as court expenses. The authority may designate in specific cases a  
55 hearing officer who may be a member of its technical staff or a member  
56 of the Connecticut Bar engaged for that purpose under a contract  
57 approved by the Secretary of the Office of Policy and Management to  
58 hold a hearing and make report thereon to the authority. A hearing  
59 officer so designated shall have the same powers as the authority, or  
60 any director thereof, to conduct a hearing, except that only a director of  
61 the authority shall have the power to grant immunity from  
62 prosecution to any witness who objects to testifying or to producing  
63 any book or paper on the ground that such testimony, book or paper  
64 may tend to incriminate him or her.

65 (b) (1) The authority may [, within available appropriations,]  
66 employ professional personnel to perform management audits. The  
67 authority shall promptly establish such procedures as it deems  
68 necessary or desirable to provide for management audits to be  
69 performed on a regular or irregular schedule on all or any portion of  
70 the operating procedures and any other internal workings of any  
71 public service company, including the relationship between any public  
72 service company and a related holding company or subsidiary,  
73 consistent with the provisions of section 16-8c, provided no such audit  
74 shall be performed on a community antenna television company,  
75 except with regard to any noncable communications services which  
76 the company may provide, or when (A) such an audit is necessary for  
77 the authority to perform its regulatory functions under the  
78 Communications Act of 1934, 47 USC 151, et seq., as amended from

79 time to time, other federal law or state law, (B) the cost of such an audit  
80 is warranted by a reasonably foreseeable financial, safety or service  
81 benefit to subscribers of the company which is the subject of such an  
82 audit, and (C) such an audit is restricted to examination of the  
83 operating procedures that affect operations within the state.

84 (2) In any case where the authority determines that an audit is  
85 necessary or desirable, it may (A) order the audit to be performed by  
86 one of the management audit teams, (B) require the affected company  
87 to perform the audit utilizing the company's own internal  
88 management audit staff as supervised by designated members of the  
89 authority's staff, or (C) require that the audit be performed under the  
90 supervision of designated members of the authority's staff by an  
91 independent management consulting firm selected by the authority, in  
92 consultation with the affected company. If the affected company has  
93 more than seventy-five thousand customers, such independent  
94 management consulting firm shall be of nationally recognized stature.  
95 All reasonable and proper expenses of the audits, including, but not  
96 limited to, the costs associated with the audit firm's testimony at a  
97 public hearing or other proceeding, shall be borne by the affected  
98 companies and shall be paid by such companies at such times and in  
99 such manner as the authority directs.

100 (3) For purposes of this section, a complete audit shall consist of (A)  
101 a diagnostic review of all functions of the audited company, which  
102 shall include, but not be limited to, documentation of the operations of  
103 the company, assessment of the company's system of internal controls,  
104 and identification of any areas of the company which may require  
105 subsequent audits, and (B) the performance of subsequent focused  
106 audits identified in the diagnostic review and determined necessary by  
107 the authority. All audits performed pursuant to this section shall be  
108 performed in accordance with generally accepted management audit  
109 standards. The [department] authority shall adopt regulations in  
110 accordance with the provisions of chapter 54 setting forth such  
111 generally accepted management audit standards. Each audit of a

112 community antenna television company shall be consistent with the  
113 provisions of the Communications Act of 1934, 47 USC 151, et seq., as  
114 amended from time to time, and of any other applicable federal law.  
115 The authority shall certify whether a portion of an audit conforms to  
116 the provisions of this section and constitutes a portion of a complete  
117 audit.

118 (4) A complete audit of each portion of each gas, electric or electric  
119 distribution company having more than seventy-five thousand  
120 customers shall begin no less frequently than every six years, so that a  
121 complete audit of such a company's operations shall be performed  
122 every six years. Such an audit of each such company having more than  
123 seventy-five thousand customers shall be updated as required by the  
124 authority.

125 (5) The results of an audit performed pursuant to this section shall  
126 be filed with the authority and shall be open to public inspection.  
127 Upon completion and review of the audit, if the person or firm  
128 performing or supervising the audit determines that any of the  
129 operating procedures or any other internal workings of the affected  
130 public service company are inefficient, improvident, unreasonable,  
131 negligent or in abuse of discretion, the authority may, after notice and  
132 opportunity for a hearing, order the affected public service company to  
133 adopt such new or altered practices and procedures as the authority  
134 shall find necessary to promote efficient and adequate service to meet  
135 the public convenience and necessity. The authority shall annually  
136 submit a report of audits performed pursuant to this section to the  
137 joint standing committee of the General Assembly having cognizance  
138 of matters relating to public utilities which report shall include the  
139 status of audits begun but not yet completed and a summary of the  
140 results of audits completed. Any such report may be submitted  
141 electronically.

142 (6) All reasonable and proper costs and expenses, as determined by  
143 the authority, of complying with any order of the authority pursuant

144 to this subsection shall be recognized by the authority for all purposes  
145 as proper business expenses of the affected company.

146 (7) After notice and hearing, the authority may modify the scope  
147 and schedule of a management audit of a telephone company which is  
148 subject to an alternative form of regulation so that such audit is  
149 consistent with that alternative form of regulation.

150 (c) Nothing in this section shall be deemed to interfere or conflict  
151 with any powers of the authority or its staff provided elsewhere in the  
152 general statutes, including, but not limited to, the provisions of this  
153 section and sections 16-7, 16-28 and 16-32, to conduct an audit,  
154 investigation or review of the books, records, plant and equipment of  
155 any regulated public service company.

156 Sec. 4. Subsections (c) and (d) of section 16-8a of the general statutes  
157 are repealed and the following is substituted in lieu thereof (*Effective*  
158 *July 1, 2013*):

159 (c) (1) Not more than [~~thirty~~] ninety business days after receipt of a  
160 written complaint, in a form prescribed by the authority, by an  
161 employee alleging the employee's employer has retaliated against an  
162 employee in violation of subsection (a) of this section, the authority  
163 shall make a preliminary finding in accordance with this subsection.

164 (2) Not more than five business days after receiving a written  
165 complaint, in a form prescribed by the authority, the authority shall  
166 notify the employer by certified mail. Such notification shall include a  
167 description of the nature of the charges and the substance of any  
168 relevant supporting evidence. The employer may submit a written  
169 response and both the employer and the employee may present  
170 rebuttal statements in the form of affidavits from witnesses and  
171 supporting documents and may meet with the authority informally to  
172 respond verbally about the nature of the employee's charges. The  
173 authority shall consider in making its preliminary finding as provided  
174 in subdivision (3) of this subsection any such written and verbal

175 responses, including affidavits and supporting documents, received by  
176 the authority not more than twenty business days after the employer  
177 receives such notice. Any such response received after twenty business  
178 days shall be considered by the authority only upon a showing of good  
179 cause and at the discretion of the authority. The authority shall make  
180 its preliminary finding as provided in subdivision (3) of this subsection  
181 based on information described in this subdivision, without a public  
182 hearing.

183 (3) Unless the authority finds by clear and convincing evidence that  
184 the adverse employment action was taken for a reason unconnected  
185 with the employee's report of substantial misfeasance, malfeasance or  
186 nonfeasance, there shall be a rebuttable presumption that an employee  
187 was retaliated against in violation of subsection (a) of this section if the  
188 authority finds that: (A) The employee had reported substantial  
189 misfeasance, malfeasance or nonfeasance in the management of the  
190 public service company, holding company or licensee; (B) the  
191 employee was subsequently discharged, suspended, demoted or  
192 otherwise penalized by having the employee's status of employment  
193 changed by the employee's employer; and (C) the subsequent  
194 discharge, suspension, demotion or other penalty followed the  
195 employee's report closely in time.

196 (4) If such findings are made, the authority shall issue an order  
197 requiring the employer to immediately return the employee to the  
198 employee's previous position of employment or an equivalent position  
199 pending the completion of the authority's full investigatory proceeding  
200 pursuant to subsection (d) of this section.

201 (d) Not later than thirty days after making a preliminary finding in  
202 accordance with the provisions of subsection (c) of this section, the  
203 authority shall initiate a full investigatory proceeding in accordance  
204 with the provisions of section 16-8, as amended by this act, at which  
205 time the employer shall have the opportunity to rebut the  
206 presumption. The authority may issue orders, [or] impose civil

207 penalties, order payment of back pay or award attorneys' fees in a  
208 manner that conforms with the notice and hearing provisions in  
209 section 16-41 against a public service company, holding company or  
210 licensee or a person, firm, corporation, contractor or subcontractor  
211 directly or indirectly providing goods or services to such public service  
212 company, holding company or licensee, in order to enforce the  
213 provisions of this section.

214 Sec. 5. Subsection (a) of section 16-19 of the general statutes is  
215 repealed and the following is substituted in lieu thereof (*Effective*  
216 *October 1, 2013*):

217 (a) No public service company may charge rates in excess of those  
218 previously approved by the Public Utilities Control Authority or the  
219 Public Utilities Regulatory Authority, except that any rate approved by  
220 the Public Utilities Commission, [or] the Public Utilities Control  
221 Authority or the Public Utilities Regulatory Authority shall be  
222 permitted until amended by the [Public Utilities Control Authority or  
223 the] Public Utilities Regulatory Authority, that rates not approved by  
224 the [Public Utilities Control Authority or the] Public Utilities  
225 Regulatory Authority may be charged pursuant to subsection (b) of  
226 this section, and that the hearing requirements with respect to  
227 adjustment clauses are as set forth in section 16-19b, as amended by  
228 this act. For water companies, existing rates shall include the amount  
229 of any adjustments approved pursuant to section 16-262w since the  
230 company's most recent general rate case, provided any adjustment  
231 amount shall be separately identified in any customer bill. Each public  
232 service company shall file any proposed amendment of its existing  
233 rates with the authority in such form and in accordance with such  
234 reasonable regulations as the authority may prescribe. Each electric,  
235 electric distribution, gas or telephone company filing a proposed  
236 amendment shall also file with the authority an estimate of the effects  
237 of the amendment, for various levels of consumption, on the  
238 household budgets of high and moderate income customers and  
239 customers having household incomes not more than one hundred fifty

240 per cent of the federal poverty level. Each electric and electric  
241 distribution company shall also file such an estimate for space heating  
242 customers. Each water company, except a water company that  
243 provides water to its customers less than six consecutive months in a  
244 calendar year, filing a proposed amendment, shall also file with the  
245 authority a plan for promoting water conservation by customers in  
246 such form and in accordance with a memorandum of understanding  
247 entered into by the authority pursuant to section 4-67e. Each public  
248 service company shall notify each customer who would be affected by  
249 the proposed amendment, by mail, at least one week prior to the  
250 public hearing thereon, but not earlier than six weeks prior to the  
251 public hearing, that an amendment has been or will be requested. Such  
252 notice shall also indicate (1) the date, time and location of the  
253 scheduled public hearing, (2) a statement that customers may provide  
254 written comments regarding the proposed rate request to the Public  
255 Utilities Regulatory Authority or appear in person at one of the  
256 scheduled public hearings, (3) the Public Utilities Regulatory  
257 Authority telephone number for obtaining information concerning the  
258 schedule for public hearings on the proposed amendment, and [(2)] (4)  
259 whether the proposed amendment would, in the company's best  
260 estimate, increase any rate or charge by twenty per cent or more, and,  
261 if so, describe in general terms any such rate or charge and the amount  
262 of the proposed increase, provided no such company shall be required  
263 to provide more than one form of the notice to each class of its  
264 customers. In the case of a proposed amendment to the rates of any  
265 public service company, the authority shall hold a public hearing  
266 thereon, except as permitted with respect to interim rate amendments  
267 by subsections (d) and (g) of this section, and shall make such  
268 investigation of such proposed amendment of rates as is necessary to  
269 determine whether such rates conform to the principles and guidelines  
270 set forth in section 16-19e, or are unreasonably discriminatory or more  
271 or less than just, reasonable and adequate, or that the service furnished  
272 by such company is inadequate to or in excess of public necessity and  
273 convenience. The authority, if in its opinion such action appears

274 necessary or suitable in the public interest may, and, upon written  
275 petition or complaint of the state, under direction of the Governor,  
276 shall, make the aforesaid investigation of any such proposed  
277 amendment which does not involve an alteration in rates. If the  
278 authority finds any proposed amendment of rates to not conform to  
279 the principles and guidelines set forth in section 16-19e, or to be  
280 unreasonably discriminatory or more or less than just, reasonable and  
281 adequate to enable such company to provide properly for the public  
282 convenience, necessity and welfare, or the service to be inadequate or  
283 excessive, it shall determine and prescribe, as appropriate, an adequate  
284 service to be furnished or just and reasonable maximum rates and  
285 charges to be made by such company. In the case of a proposed  
286 amendment filed by an electric, electric distribution, gas or telephone  
287 company, the authority shall also adjust the estimate filed under this  
288 subsection of the effects of the amendment on the household budgets  
289 of the company's customers, in accordance with the rates and charges  
290 approved by the authority. The authority shall issue a final decision on  
291 each rate filing within one hundred fifty days from the proposed  
292 effective date thereof, provided it may, before the end of such period  
293 and upon notifying all parties and intervenors to the proceedings,  
294 extend the period by thirty days.

295 Sec. 6. Subsection (h) of section 16-19b of the general statutes is  
296 repealed and the following is substituted in lieu thereof (*Effective*  
297 *October 1, 2013*):

298 (h) The Public Utilities Regulatory Authority shall continually  
299 monitor and oversee the application of the purchased gas adjustment  
300 clause, the energy adjustment clause, and the transmission rate  
301 adjustment clause. The authority shall hold a public hearing thereon  
302 whenever the authority deems it necessary or upon application of the  
303 Office of Consumer Counsel, but no less frequently than [once every  
304 six months] annually, and undertake such other proceeding thereon to  
305 determine whether charges or credits made under such clauses reflect  
306 the actual prices paid for purchased gas or energy and the actual

307 transmission costs and are computed in accordance with the applicable  
308 clause. If the authority finds that such charges or credits do not reflect  
309 the actual prices paid for purchased gas or energy, and the actual  
310 transmission costs or are not computed in accordance with the  
311 applicable clause, it shall recompute such charges or credits and shall  
312 direct the company to take such action as may be required to insure  
313 that such charges or credits properly reflect the actual prices paid for  
314 purchased gas or energy and the actual transmission costs and are  
315 computed in accordance with the applicable clause for the applicable  
316 period.

317 Sec. 7. Subsection (a) of section 16-49 of the general statutes is  
318 repealed and the following is substituted in lieu thereof (*Effective from*  
319 *passage*):

320 (a) As used in this section:

321 (1) "Company" means (A) any public service company other than a  
322 telephone company, that had more than one hundred thousand dollars  
323 of gross revenues in the state in the calendar year preceding the  
324 assessment year under this section, except any such company not  
325 providing service to retail customers in the state, (B) any telephone  
326 company that had more than one hundred thousand dollars of gross  
327 revenues in the state from telecommunications services in the calendar  
328 year preceding the assessment year under this section, except any such  
329 company not providing service to retail customers in the state, (C) any  
330 certified telecommunications provider that had more than one  
331 hundred thousand dollars of gross revenues in the state from  
332 telecommunications services in the calendar year preceding the  
333 assessment year under this section, except any such certified  
334 telecommunications provider not providing service to retail customers  
335 in the state, (D) any electric supplier that had more than one hundred  
336 thousand dollars of gross revenues in the state in the calendar year  
337 preceding the assessment year under this section, except any such  
338 supplier not providing electric generation services to retail customers

339 in the state, or (E) any certified competitive video service provider  
340 issued a certificate of video franchise authority by the [Department of  
341 Energy and Environmental Protection] Public Utilities Regulatory  
342 Authority in accordance with section 16-331e that had more than one  
343 hundred thousand dollars of gross revenues in the state in the calendar  
344 year preceding the assessment year under this section, except any such  
345 certified competitive video service provider not providing service to  
346 retail customers in the state;

347 (2) "Telecommunications services" means (A) in the case of  
348 telecommunications services provided by a telephone company, any  
349 service provided pursuant to a tariff approved by the authority other  
350 than wholesale services and resold access and interconnections  
351 services, and (B) in the case of telecommunications services provided  
352 by a certified telecommunications provider other than a telephone  
353 company, any service provided pursuant to a tariff approved by the  
354 authority and pursuant to a certificate of public convenience and  
355 necessity; and

356 (3) "Fiscal year" means the period beginning July first and ending  
357 June thirtieth.

358 Sec. 8. Subdivision (3) of subsection (c) of section 16-244c of the  
359 general statutes is repealed and the following is substituted in lieu  
360 thereof (*Effective from passage*):

361 (3) An electric distribution company providing electric generation  
362 services pursuant to this subsection shall cooperate with the  
363 procurement manager of the [Department of Energy and  
364 Environmental Protection] Public Utilities Regulatory Authority and  
365 comply with the procurement plan for electric generation services  
366 contracts. Such plan shall require that the portfolio of service contracts  
367 be procured in such manner and duration as the authority determines  
368 to be most likely to produce just, reasonable and reasonably stable  
369 retail rates while reflecting underlying wholesale market prices over

370 time. The portfolio of contracts shall be assembled in such manner as  
371 to invite competition; guard against favoritism, improvidence,  
372 extravagance, fraud and corruption; and secure a reliable electricity  
373 supply while avoiding unusual, anomalous or excessive pricing. An  
374 affiliate of an electric distribution company may bid for an electric  
375 generation services contract, provided such electric distribution  
376 company and affiliate are in compliance with the code of conduct  
377 established in section 16-244h.

378 Sec. 9. Subsection (i) of section 16-244c of the general statutes is  
379 repealed and the following is substituted in lieu thereof (*Effective from*  
380 *passage*):

381 (i) The [Department of Energy and Environmental Protection]  
382 Public Utilities Regulatory Authority shall establish, by regulations  
383 adopted pursuant to chapter 54, procedures for when and how a  
384 customer is notified that his electric supplier has defaulted and of the  
385 need for the customer to choose a new electric supplier within a  
386 reasonable period of time or to return to standard service.

387 Sec. 10. Subsection (l) of section 16-244c of the general statutes is  
388 repealed and the following is substituted in lieu thereof (*Effective from*  
389 *passage*):

390 (l) Each electric distribution company shall offer to bill customers on  
391 behalf of participating electric suppliers and to pay such suppliers in a  
392 timely manner the amounts due such suppliers from customers for  
393 generation services, less a percentage of such amounts that reflects  
394 uncollectible bills and overdue payments as approved by the  
395 [Department of Energy and Environmental Protection] Public Utilities  
396 Regulatory Authority.

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

399 (a) The [Department of Energy and Environmental Protection]

400 Public Utilities Regulatory Authority shall, by regulations adopted  
401 pursuant to chapter 54, develop a standard billing format that enables  
402 customers to compare pricing policies and charges among electric  
403 suppliers. The [department] authority shall adopt regulations, in  
404 accordance with the provisions of chapter 54, to provide that an  
405 electric supplier, until July 1, 2012, may provide direct billing and  
406 collection services for electric generation services and related federally  
407 mandated congestion charges that such supplier provides to its  
408 customers with a maximum demand of not less than one hundred  
409 kilowatts that choose to receive a bill directly from such supplier and,  
410 on and after July 1, 2012, shall provide direct billing and collection  
411 services for electric generation services and related federally mandated  
412 congestion charges that such suppliers provide to their customers or  
413 may choose to obtain such billing and collection service through an  
414 electric distribution company and pay its pro rata share in accordance  
415 with the provisions of subsection (h) of section 16-244c. Any customer  
416 of an electric supplier, which is choosing to provide direct billing, who  
417 paid for the cost of billing and other services to an electric distribution  
418 company shall receive a credit on their monthly bill.

419 (1) An electric supplier that chooses to provide billing and collection  
420 services shall, in accordance with the billing format developed by the  
421 [department] authority, include the following information in each  
422 customer's bill: (A) The total amount owed by the customer, which  
423 shall be itemized to show (i) the electric generation services component  
424 and any additional charges imposed by the electric supplier, and (ii)  
425 federally mandated congestion charges applicable to the generation  
426 services; (B) any unpaid amounts from previous bills, which shall be  
427 listed separately from current charges; (C) the rate and usage for the  
428 current month and each of the previous twelve months in bar graph  
429 form or other visual format; (D) the payment due date; (E) the interest  
430 rate applicable to any unpaid amount; (F) the toll-free telephone  
431 number of the Public Utilities Regulatory Authority for questions or  
432 complaints; and (G) the toll-free telephone number and address of the

433 electric supplier. On or before [February 1, 2012] October 1, 2013, the  
434 authority shall conduct a review of the costs and benefits of suppliers  
435 billing for all components of electric service, and report, in accordance  
436 with the provisions of section 11-4a, to the joint standing committee of  
437 the General Assembly having cognizance of matters relating to energy  
438 regarding the results of such review. Any such report may be  
439 submitted electronically.

440 (2) An electric distribution company shall, in accordance with the  
441 billing format developed by the authority, include the following  
442 information in each customer's bill: (A) The total amount owed by the  
443 customer, which shall be itemized to show, (i) the electric generation  
444 services component if the customer obtains standard service or last  
445 resort service from the electric distribution company, (ii) the  
446 distribution charge, including all applicable taxes and the systems  
447 benefits charge, as provided in section 16-245l, (iii) the transmission  
448 rate as adjusted pursuant to subsection (d) of section 16-19b, (iv) the  
449 competitive transition assessment, as provided in section 16-245g, (v)  
450 federally mandated congestion charges, and (vi) the conservation and  
451 renewable energy charge, consisting of the conservation and load  
452 management program charge, as provided in section 16-245m, and the  
453 renewable energy investment charge, as provided in section 16-245n;  
454 (B) any unpaid amounts from previous bills which shall be listed  
455 separately from current charges; (C) except for customers subject to a  
456 demand charge, the rate and usage for the current month and each of  
457 the previous twelve months in the form of a bar graph or other visual  
458 form; (D) the payment due date; (E) the interest rate applicable to any  
459 unpaid amount; (F) the toll-free telephone number of the electric  
460 distribution company to report power losses; (G) the toll-free  
461 telephone number of the Public Utilities Regulatory Authority for  
462 questions or complaints; and (H) if a customer has a demand of five  
463 hundred kilowatts or less during the preceding twelve months, a  
464 statement about the availability of information concerning electric  
465 suppliers pursuant to section 16-245p.

466 (b) The regulations shall provide guidelines for determining until  
467 October 1, 2011, the billing relationship between the electric  
468 distribution company and electric suppliers, including, but not limited  
469 to, the allocation of partial bill payments and late payments between  
470 the electric distribution company and the electric supplier. An electric  
471 distribution company that provides billing services for an electric  
472 supplier shall be entitled to recover from the electric supplier all  
473 reasonable transaction costs to provide such billing services as well as  
474 a reasonable rate of return, in accordance with the principles in  
475 subsection (a) of section 16-19e.

476 Sec. 12. Section 16-245o of the general statutes is repealed and the  
477 following is substituted in lieu thereof (*Effective October 1, 2013*):

478 (a) To protect a customer's right to privacy from unwanted  
479 solicitation, each electric company or electric distribution company, as  
480 the case may be, shall distribute to each customer a form approved by  
481 the [Department of Energy and Environmental Protection] Public  
482 Utilities Regulatory Authority which the customer shall submit to the  
483 customer's electric or electric distribution company in a timely manner  
484 if the customer does not want the customer's name, address, telephone  
485 number and rate class to be released to electric suppliers. On and after  
486 July 1, 1999, each electric or electric distribution company, as the case  
487 may be, shall make available to all electric suppliers customer names,  
488 addresses, telephone numbers, if known, and rate class, unless the  
489 electric company or electric distribution company has received a form  
490 from a customer requesting that such information not be released.  
491 Additional information about a customer for marketing purposes shall  
492 not be released to any electric supplier unless a customer consents to a  
493 release by one of the following: (1) An independent third-party  
494 telephone verification; (2) receipt of a written confirmation received in  
495 the mail from the customer after the customer has received an  
496 information package confirming any telephone agreement; (3) the  
497 customer signs a document fully explaining the nature and effect of the  
498 release; or (4) the customer's consent is obtained through electronic

499 means, including, but not limited to, a computer transaction.

500 (b) All electric suppliers shall have equal access to customer  
501 information required to be disclosed under subsection (a) of this  
502 section. No electric supplier shall have preferential access to historical  
503 distribution company customer usage data.

504 (c) No electric or electric distribution company shall include in any  
505 bill or bill insert anything that directly or indirectly promotes a  
506 generation entity or affiliate of the electric distribution company. No  
507 electric supplier shall include a bill insert in an electric bill of an  
508 electric distribution company.

509 (d) All marketing information provided pursuant to the provisions  
510 of this section shall be formatted electronically by the electric company  
511 or electric distribution company, as the case may be, in a form that is  
512 readily usable by standard commercial software packages. Updated  
513 lists shall be made available within a reasonable time, as determined  
514 by the [department] authority, following a request by an electric  
515 supplier. Each electric supplier seeking the information shall pay a fee  
516 to the electric company or electric distribution company, as the case  
517 may be, which reflects the incremental costs of formatting, sorting and  
518 distributing this information, together with related software changes.  
519 Customers shall be entitled to any available individual information  
520 about their loads or usage at no cost.

521 (e) Each electric supplier shall, prior to the initiation of electric  
522 generation services, provide the potential customer with a written  
523 notice describing the rates, information on air emissions and resource  
524 mix of generation facilities operated by and under long-term contract  
525 to the supplier, terms and conditions of the service, and a notice  
526 describing the customer's right to cancel the service, as provided in this  
527 section. No electric supplier shall provide electric generation services  
528 unless the customer has signed a service contract or consents to such  
529 services by one of the following: (1) An independent third-party

530 telephone verification; (2) receipt of a written confirmation received in  
531 the mail from the customer after the customer has received an  
532 information package confirming any telephone agreement; (3) the  
533 customer signs a contract that conforms with the provisions of this  
534 section; or (4) the customer's consent is obtained through electronic  
535 means, including, but not limited to, a computer transaction. Each  
536 electric supplier shall provide each customer with a demand of less  
537 than one hundred kilowatts, a written contract that conforms with the  
538 provisions of this section and maintain records of such signed service  
539 contract or consent to service for a period of not less than two years  
540 from the date of expiration of such contract, which records shall be  
541 provided to the [department] authority or the customer upon request.  
542 Each contract for electric generation services shall contain all material  
543 terms of the agreement, a clear and conspicuous statement explaining  
544 the rates that such customer will be paying, including the  
545 circumstances under which the rates may change, a statement that  
546 provides specific directions to the customer as to how to compare the  
547 price term in the contract to the customer's existing electric generation  
548 service charge on the electric bill and how long those rates are  
549 guaranteed. Such contract shall also include a clear and conspicuous  
550 statement providing the customer's right to cancel such contract not  
551 later than three days after signature or receipt in accordance with the  
552 provisions of this subsection, describing under what circumstances, if  
553 any, the supplier may terminate the contract and describing any  
554 penalty for early termination of such contract. Each contract shall be  
555 signed by the customer, or otherwise agreed to in accordance with the  
556 provisions of this subsection. A customer who has a maximum  
557 demand of five hundred kilowatts or less shall, until midnight of the  
558 third business day after the latter of the day on which the customer  
559 enters into a service agreement or the day on which the customer  
560 receives the written contract from the electric supplier as provided in  
561 this section, have the right to cancel a contract for electric generation  
562 services entered into with an electric supplier.

563 (f) Each electric supplier shall provide a customer with written  
564 notice of a change to such customer's electric generation rate at least  
565 three weeks prior to the rate change. The notice shall be distributed in  
566 the format and manner approved by the Public Utilities Regulatory  
567 Authority.

568 ~~[(f)]~~ (g) (1) Any third-party agent who contracts with or is otherwise  
569 compensated by an electric supplier to sell electric generation services  
570 shall be a legal agent of the electric supplier. No third-party agent may  
571 sell electric generation services on behalf of an electric supplier unless  
572 (A) the third-party agent is an employee or independent contractor of  
573 such electric supplier, and (B) the third-party agent has received  
574 appropriate training directly from such electric supplier.

575 (2) On or after July 1, 2011, all sales and solicitations of electric  
576 generation services by an electric supplier, aggregator or agent of an  
577 electric supplier or aggregator to a customer with a maximum demand  
578 of one hundred kilowatts or less conducted and consummated entirely  
579 by mail, door-to-door sale, telephone or other electronic means, during  
580 a scheduled appointment at the premises of a customer or at a fair,  
581 trade or business show, convention or exposition in addition to  
582 complying with the provisions of subsection (e) of this section shall:

583 (A) For any sale or solicitation, including from any person  
584 representing such electric supplier, aggregator or agent of an electric  
585 supplier or aggregator (i) identify the person and the electric  
586 generation services company or companies the person represents; (ii)  
587 provide a statement that the person does not represent an electric  
588 distribution company; (iii) explain the purpose of the solicitation; and  
589 (iv) explain all rates, fees, variable charges and terms and conditions  
590 for the services provided; and

591 (B) For door-to-door sales to customers with a maximum demand of  
592 one hundred kilowatts, which shall include the sale of electric  
593 generation services in which the electric supplier, aggregator or agent

594 of an electric supplier or aggregator solicits the sale and receives the  
595 customer's agreement or offer to purchase at a place other than the  
596 seller's place of business, be conducted (i) in accordance with any  
597 municipal and local ordinances regarding door-to-door solicitations,  
598 (ii) between the hours of ten o'clock a.m. and six o'clock p.m. unless the  
599 customer schedules an earlier or later appointment, and (iii) with both  
600 English and Spanish written materials available. Any representative of  
601 an electric supplier, aggregator or agent of an electric supplier or  
602 aggregator shall prominently display or wear a photo identification  
603 badge stating the name of such person's employer or the electric  
604 supplier the person represents.

605 (3) No electric supplier, aggregator or agent of an electric supplier  
606 or aggregator shall advertise or disclose the price of electricity to  
607 mislead a reasonable person into believing that the electric generation  
608 services portion of the bill will be the total bill amount for the delivery  
609 of electricity to the customer's location. When advertising or disclosing  
610 the price for electricity, the electric supplier, aggregator or agent of an  
611 electric supplier or aggregator shall also disclose the electric  
612 distribution company's current charges, including the competitive  
613 transition assessment and the systems benefits charge, for that  
614 customer class.

615 (4) No entity, including an aggregator or agent of an electric  
616 supplier or aggregator, who sells or offers for sale any electric  
617 generation services for or on behalf of an electric supplier, shall engage  
618 in any deceptive acts or practices in the marketing, sale or solicitation  
619 of electric generation services.

620 (5) Each electric supplier shall disclose to the Public Utilities  
621 Regulatory Authority in a standardized format (A) the amount of  
622 additional renewable energy credits such supplier will purchase  
623 beyond required credits, (B) where such additional credits are being  
624 sourced from, and (C) the types of renewable energy sources that will  
625 be purchased. Each electric supplier shall only advertise renewable

626 energy credits purchased beyond those required pursuant to section  
627 16-245a and shall report to the authority the renewable energy sources  
628 of such credits and whenever the mix of such sources changes. No  
629 electric supplier shall advertise, offer, sell or charge a premium for any  
630 type of renewable energy source other than renewable energy credits  
631 generated by a Class I or Class II renewable energy source or a Class III  
632 source.

633 (6) Any electric supplier offering any services or products that  
634 contain renewable energy credits other than renewable energy credits  
635 used for compliance with the renewable portfolio standards pursuant  
636 to section 16-245a shall disclose clearly on each customer contract and  
637 marketing materials for each such service or product (A) the class from  
638 which the renewable energy credits was generated, (B) the percentage  
639 above the mandated requirement in section 16-245a, and (C) any other  
640 information required by the Public Utilities Regulatory Authority.  
641 Prior to offering any such services or products, an electric supplier  
642 shall submit a copy of a sample or standard contract or marketing  
643 materials for the authority's approval.

644 ~~[(6)]~~ (7) No contract for electric generation services by an electric  
645 supplier shall require a residential customer to pay any fee for  
646 termination or early cancellation of a contract in excess of (A) one  
647 hundred dollars; or (B) twice the estimated bill for energy services for  
648 an average month, whichever is less, provided when an electric  
649 supplier offers a contract, it provides the residential customer an  
650 estimate of such customer's average monthly bill.

651 ~~[(7)]~~ (8) An electric supplier shall not make a material change in the  
652 terms or duration of any contract for the provision of electric  
653 generation services by an electric supplier without the express consent  
654 of the customer. Nothing in this subdivision shall restrict an electric  
655 supplier from renewing a contract by clearly informing the customer,  
656 in writing, not less than thirty days or more than sixty days before the  
657 renewal date, of the renewal terms and of the option not to accept the

658 renewal offer, provided no fee pursuant to subdivision [(6)] (7) of this  
659 section shall be charged to a customer who terminates or cancels such  
660 renewal not later than seven business days after receiving the first  
661 billing statement for the renewed contract.

662 [(8)] (9) Each electric supplier shall file annually with the authority a  
663 list of any aggregator or agent working on behalf of such supplier.

664 [(g)] (h) Each electric supplier, aggregator or agent of an electric  
665 supplier or aggregator shall comply with the provisions of the  
666 telemarketing regulations adopted pursuant to 15 USC 6102.

667 [(h)] (i) Any violation of this section shall be deemed an unfair or  
668 deceptive trade practice under subsection (a) of section 42-110b. Any  
669 contract for electric generation services that the authority finds to be  
670 the product of unfair or deceptive marketing practices or in material  
671 violation of the provisions of this section shall be void and  
672 unenforceable. Any waiver of the provisions of this section by a  
673 customer of electric generation services shall be deemed void and  
674 unenforceable by the electric supplier.

675 [(i)] (j) Any violation or failure to comply with any provision of this  
676 section shall be subject to (1) civil penalties by the [department]  
677 authority in accordance with section 16-41, (2) the suspension or  
678 revocation of an electric supplier or aggregator's license, or (3) a  
679 prohibition on accepting new customers following a hearing that is  
680 conducted as a contested case in accordance with chapter 54.

681 [(j)] (k) The [department] authority may adopt regulations, in  
682 accordance with the provisions of chapter 54, to include, but not be  
683 limited to, abusive switching practices, solicitations and renewals by  
684 electric suppliers.

685 Sec. 13. Subsection (a) of section 16-245y of the general statutes is  
686 repealed and the following is substituted in lieu thereof (*Effective from*  
687 *passage*):

688 (a) Not later than October 1, 1999, and annually thereafter, each  
689 electric company and electric distribution company, as defined in  
690 section 16-1, shall report to the Public Utilities Regulatory Authority its  
691 system average interruption duration index (SAIDI) and its system  
692 average interruption frequency index (SAIFI) for the preceding twelve  
693 months. For purposes of this section: (1) Interruptions shall not include  
694 outages attributable to major storms, scheduled outages and outages  
695 caused by customer equipment, each as determined by the  
696 [department] authority; (2) SAIDI shall be calculated as the sum of  
697 customer interruptions in the preceding twelve-month period, in  
698 minutes, divided by the average number of customers served during  
699 that period; and (3) SAIFI shall be calculated as the total number of  
700 customers interrupted in the preceding twelve-month period, divided  
701 by the average number of customers served during that period. Not  
702 later than January 1, 2000, and annually thereafter, the authority shall  
703 report on the SAIDI and SAIFI data for each electric company and  
704 electric distribution, and all state-wide SAIDI and SAIFI data to the  
705 joint standing committee of the General Assembly having cognizance  
706 of matters relating to energy.

707 Sec. 14. Subsection (c) of section 16-245y of the general statutes is  
708 repealed and the following is substituted in lieu thereof (*Effective from*  
709 *passage*):

710 (c) Not later than January 1, 2011, and annually thereafter, the  
711 [Department of Energy and Environmental Protection] Public Utilities  
712 Regulatory Authority shall report to the joint standing committee of  
713 the General Assembly having cognizance of matters relating to energy  
714 the number of applicants for licensure pursuant to section 16-245  
715 during the preceding twelve months, the number of applicants  
716 licensed by the [department] authority and the average period of time  
717 taken to process a license application. Any such report may be  
718 submitted electronically.

719 Sec. 15. Section 16-345 of the general statutes is repealed and the

720 following is substituted in lieu thereof (*Effective October 1, 2013*):

721 As used in this chapter:

722 [(a)] (1) "Person" means an individual, partnership, corporation,  
723 limited liability company or association, including a person engaged as  
724 a contractor by a public agency but excluding a public agency.

725 [(b)] (2) "Public agency" means the state or any political subdivision  
726 thereof, including any governmental agency.

727 [(c)] (3) "Public utility" means the owner or operator of  
728 underground facilities for furnishing electric, gas, telephone, telegraph,  
729 communications, pipeline, whether for hire or not, sewage, including  
730 storm sewers, sanitary sewers and drainage systems, or parts thereof,  
731 water, community television antenna, steam, [or] traffic signal, fire  
732 signal or similar service, including a municipal or other public owner  
733 or operator. A public utility does not include the owner of facilities for  
734 utility service solely for such owner's private residence.

735 [(d)] (4) "Central clearinghouse" means the [group of] organization  
736 organized and operated by public utilities [formed] pursuant to section  
737 16-348, as amended by this act, for the purposes of receiving and  
738 giving notice of excavation, discharge of explosives and demolition  
739 activity within the state.

740 [(e)] (5) "Excavation" means an operation for the purposes of  
741 movement or removal of earth, rock or other materials in or on the  
742 ground, or otherwise disturbing the subsurface of the earth, by the use  
743 of powered or mechanized equipment, including but not limited to  
744 digging, blasting, auguring, back filling, test boring, drilling, pile  
745 driving, grading, plowing-in, hammering, pulling-in, trenching, [and]  
746 tunneling, [; excluding the movement of earth by tools manipulated  
747 only by human or animal power and the tilling of soil for agricultural  
748 purposes] dredging, reclamation processes and milling.

749 [(f)] (6) "Demolition" means the wrecking, razing, rending, moving  
750 or removing of any structure.

751 [(g)] (7) "Damage" includes, but is not limited to, the substantial  
752 weakening of structural or lateral support of a utility [line] facility such  
753 that the continued integrity of such utility facility is or is likely to be  
754 imperiled, penetration or destruction of any utility [line] facility  
755 protective coating, housing or other protective device or the severance,  
756 partial or complete, of any utility [line] facility.

757 [(h)] (8) "Approximate location of underground facilities" means a  
758 strip of land not more than three feet wide or a strip of land extending  
759 not more than one and one-half feet on either side of the underground  
760 facilities.

761 Sec. 16. Section 16-346 of the general statutes is repealed and the  
762 following is substituted in lieu thereof (*Effective October 1, 2013*):

763 No person, public agency or public utility shall engage in  
764 excavation, [or] discharge of explosives [at or near the location of a  
765 public utility underground facility or demolish a structure located at or  
766 near or containing a public utility facility] or demolition without  
767 having first ascertained the location of all underground facilities of  
768 public utilities in the area of such excavation, discharge or demolition  
769 in the manner prescribed in this chapter and in such regulations as the  
770 [department] Public Utilities Regulatory Authority shall adopt  
771 pursuant to section 16-357.

772 Sec. 17. Section 16-347 of the general statutes is repealed and the  
773 following is substituted in lieu thereof (*Effective October 1, 2013*):

774 A public utility shall [file] register with the [Public Utilities  
775 Regulatory Authority the location of its] central clearinghouse the  
776 geographic areas in which it owns and operates underground facilities,  
777 [except facilities for storm sewers,] by reference to a standard [grid]  
778 mapping system, to be established by the [authority] central

779 clearinghouse, and the title, address and telephone number of its  
780 representative designated to receive the notice required by section 16-  
781 349, as amended by this act.

782 Sec. 18. Section 16-348 of the general statutes is repealed and the  
783 following is substituted in lieu thereof (*Effective October 1, 2013*):

784 The public utilities of the state shall, under the direction of the  
785 Public Utilities Regulatory Authority, organize and operate a central  
786 clearinghouse within the state for receiving and giving the notices  
787 required by section 16-349, as amended by this act. The authority shall  
788 apportion the cost of this service equitably among the public utilities,  
789 [for those underground facilities registered with the authority, as  
790 provided in section 16-347, except sanitary sewer or water facilities  
791 owned or operated by] except a city, town or borough that owns or  
792 operates only a sanitary sewer or water facilities.

793 Sec. 19. Section 16-349 of the general statutes is repealed and the  
794 following is substituted in lieu thereof (*Effective October 1, 2013*):

795 Except as provided in section 16-352, as amended by this act, a  
796 person, public agency or public utility responsible for excavating, [or]  
797 discharging explosives [at or near the location of public utility  
798 facilities] or demolishing a structure [containing a public utility  
799 facility] shall notify the central clearinghouse of such proposed  
800 excavation, discharge or demolition [, orally or in writing, at least two  
801 full days, excluding Saturdays, Sundays and holidays, but not more  
802 than thirty days before commencing such excavation, demolition or  
803 discharge of explosives] in a manner as prescribed by regulations  
804 adopted pursuant to section 16-357. Such notice shall include the  
805 name, address and telephone number of the [entity giving notice, the  
806 name of the] person, public agency or public utility performing the  
807 [work] excavation, discharge of explosives or demolition and the date,  
808 location and type of excavation, demolition or discharge of explosives.  
809 The central clearinghouse shall immediately transmit such information

810 to the public utilities whose facilities may be affected. In the event the  
811 proposed excavation, demolition or discharge of explosives has not  
812 [commenced] been completed within [thirty days] the allotted time  
813 frame prescribed by regulation of such notification, or the excavation,  
814 demolition or discharge of explosives will be expanded outside of the  
815 location originally specified in such notification, the person, public  
816 agency or public utility responsible for such excavation, demolition or  
817 discharge of explosives shall again notify the central clearinghouse [at  
818 least two full days, excluding Saturdays, Sundays and holidays, but  
819 not more than thirty days before commencing or expanding such  
820 excavation, demolition or discharge of explosives] in a manner as  
821 prescribed by regulations adopted pursuant to section 16-357.

822 Sec. 20. Section 16-350 of the general statutes is repealed and the  
823 following is substituted in lieu thereof (*Effective October 1, 2013*):

824 Any permit issued by a public agency for excavation, demolition or  
825 discharge of explosives shall require compliance with this chapter. No  
826 such permit shall be issued by any public agency unless such public  
827 agency receives satisfactory evidence from the person, public agency  
828 or public utility seeking such permit that the requirements of this  
829 chapter have been met. Such evidence shall be obtained from the  
830 central clearinghouse and shall be in such form as the [department]  
831 authority may prescribe by regulations pursuant to section 16-357.

832 Sec. 21. Section 16-351 of the general statutes is repealed and the  
833 following is substituted in lieu thereof (*Effective October 1, 2013*):

834 A public utility receiving notice pursuant to section 16-349, as  
835 amended by this act, shall inform the person, public agency or public  
836 utility proposing to excavate, discharge explosives or demolish [a  
837 structure] of the approximate location of its underground facilities in  
838 the area in such manner as will enable such person, public agency or  
839 public utility to establish the [precise] actual location of the  
840 underground facilities, and shall provide such other assistance in

841 establishing the [precise] actual location of the underground facilities  
842 as the [department] authority may require by [regulation] regulations  
843 adopted pursuant to section 16-357. Such person, public agency or  
844 public utility shall designate the area of the proposed excavation,  
845 demolition or discharge of explosives as the [department] authority  
846 may prescribe by regulation. The public utility receiving notice shall  
847 mark the approximate location of its underground facilities in such  
848 manner and using such methods, including color coding, as the  
849 [department] authority may prescribe by regulation. If the [precise]  
850 actual location of the underground facilities cannot be established, the  
851 person, public agency or public utility shall so notify the public utility  
852 whose facilities may be affected, which shall provide such further  
853 assistance as may be needed to determine the [precise] actual location  
854 of the underground facilities in advance of the proposed excavation,  
855 discharge of explosives or demolition.

856 Sec. 22. Section 16-352 of the general statutes is repealed and the  
857 following is substituted in lieu thereof (*Effective October 1, 2013*):

858 (a) In case of emergency involving danger to life, health or property  
859 or which requires immediate correction to continue the operation of a  
860 major industrial plant, or to assure the continuity of public utility  
861 service, excavation or demolition without explosives may be made  
862 without [the two day] notice required by section 16-349, as amended  
863 by this act, provided notice thereof [by telephone] is given [as soon as  
864 reasonably possible] immediately.

865 (b) In case of an emergency involving an immediate and substantial  
866 danger of death or serious personal injury, explosives may be  
867 discharged if notice thereof is given at any time before discharge.

868 Sec. 23. Section 16-354 of the general statutes is repealed and the  
869 following is substituted in lieu thereof (*Effective October 1, 2013*):

870 A person, public agency or public utility responsible for excavating,  
871 discharging explosives or demolition shall exercise reasonable care

872 when working in proximity to the underground facilities of any public  
873 utility and shall comply with such safety standards and other  
874 requirements as the [department] authority shall prescribe by  
875 [regulation] regulations adopted pursuant to section 16-357. If the  
876 facilities are likely to be exposed, such support shall be provided as  
877 may be reasonably necessary for protection of the facilities. If [gas  
878 facilities are likely to be exposed] excavation is within the approximate  
879 location of facilities containing combustible or hazardous fluids or  
880 gases, only hand digging or soft digging shall be employed. As used in  
881 this section, "soft digging" means a nonmechanical and nondestructive  
882 process used to excavate and evacuate soils at a controlled rate, using  
883 high pressure water or air jet to break up the soil, often used in  
884 conjunction with a high power vacuum unit to extract the soil without  
885 damaging the facilities.

886 Sec. 24. Section 16-355 of the general statutes is repealed and the  
887 following is substituted in lieu thereof (*Effective October 1, 2013*):

888 When any contact is made with or any damage is suspected or done  
889 to any underground facility of a public utility, the person, public  
890 agency or public utility responsible for the operations causing the  
891 contact, suspected damage or damage shall immediately notify the  
892 public utility whose facilities have been affected, which shall dispatch  
893 its own personnel as soon as reasonably possible to inspect the  
894 underground facility and, if necessary, effect temporary or permanent  
895 repairs. If a serious electrical short is occurring or if dangerous fluids  
896 or gas are escaping from a broken line, the person, public agency or  
897 public utility responsible for the operations causing the damage shall  
898 alert all persons within the danger area and take all feasible steps to  
899 insure the public safety pending the arrival of repair personnel. As  
900 used in this section, "contact" includes, without limitation, the striking,  
901 scraping or denting, however slight, of any underground utility  
902 facility, [the structural or lateral support of an underground utility line  
903 and] including any underground utility [line] facility protective  
904 coating, housing or other protective device. Contact does not include

905 damage, as defined in section 16-345, as amended by this act.

906 Sec. 25. Section 16-356 of the general statutes is repealed and the  
907 following is substituted in lieu thereof (*Effective October 1, 2013*):

908 Any person, public agency or public utility which the Public  
909 Utilities Regulatory Authority determines, after notice and  
910 opportunity for a hearing as provided in section 16-41, to have failed to  
911 comply with any provision of this chapter or any regulation adopted  
912 under section 16-357 shall forfeit and pay to the state a civil penalty of  
913 not more than [forty] two hundred thousand dollars, provided any  
914 violation involving the failure of a public utility to mark the  
915 approximate location of underground facilities correctly or within the  
916 timeframes prescribed by regulation, which violation did not result in  
917 any property damage or personal injury and was not the result of an  
918 act of gross negligence on the part of the public utility, shall not result  
919 in a civil penalty of more than one thousand dollars. Notwithstanding  
920 the provisions contained in subsection (d) of section 16-41, the person,  
921 public agency or public utility receiving a notice of violation pursuant  
922 to subsection (c) of section 16-41 shall have thirty days from the date of  
923 receipt of the notice in which to deliver to the authority a written  
924 application for a hearing.

925 Sec. 26. Subsection (c) of section 16-262j of the general statutes is  
926 repealed and the following is substituted in lieu thereof (*Effective*  
927 *October 1, 2013*):

928 (c) Each public service company, certified telecommunications  
929 provider and electric supplier shall pay interest on any security  
930 deposit it receives from a customer at the average rate paid, as of  
931 December 30, 1992, on savings deposits by insured commercial banks  
932 as published in the Federal Reserve Board bulletin and rounded to the  
933 nearest one-tenth of one percentage point, except in no event shall the  
934 rate be less than one and one-half per cent. On and after January 1,  
935 1994, the rate for each calendar year shall be not less than the deposit

936 index as determined by the Banking Commissioner and defined in  
 937 subsection (d) of this section for that year and rounded to the nearest  
 938 one-tenth of one percentage point, except in no event shall the rate be  
 939 less than one and one-half per cent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-2(c)
Sec. 2	<i>from passage</i>	16-2c
Sec. 3	<i>from passage</i>	16-8
Sec. 4	<i>July 1, 2013</i>	16-8a(c) and (d)
Sec. 5	<i>October 1, 2013</i>	16-19(a)
Sec. 6	<i>October 1, 2013</i>	16-19b(h)
Sec. 7	<i>from passage</i>	16-49(a)
Sec. 8	<i>from passage</i>	16-244c(c)(3)
Sec. 9	<i>from passage</i>	16-244c(i)
Sec. 10	<i>from passage</i>	16-244c(l)
Sec. 11	<i>from passage</i>	16-245d
Sec. 12	<i>October 1, 2013</i>	16-245o
Sec. 13	<i>from passage</i>	16-245y(a)
Sec. 14	<i>from passage</i>	16-245y(c)
Sec. 15	<i>October 1, 2013</i>	16-345
Sec. 16	<i>October 1, 2013</i>	16-346
Sec. 17	<i>October 1, 2013</i>	16-347
Sec. 18	<i>October 1, 2013</i>	16-348
Sec. 19	<i>October 1, 2013</i>	16-349
Sec. 20	<i>October 1, 2013</i>	16-350
Sec. 21	<i>October 1, 2013</i>	16-351
Sec. 22	<i>October 1, 2013</i>	16-352
Sec. 23	<i>October 1, 2013</i>	16-354
Sec. 24	<i>October 1, 2013</i>	16-355
Sec. 25	<i>October 1, 2013</i>	16-356
Sec. 26	<i>October 1, 2013</i>	16-262j(c)

**Statement of Purpose:**

To (1) extend the time period for the Public Utilities Regulatory Authority to make preliminary findings on the validity of a utility employee's complaint that an employer has retaliated against such

employee for reporting misconduct, (2) modify provisions of the purchase gas adjustment statute, (3) require electric suppliers to provide certain disclosure and notifications, (4) update definitions and increase civil penalties for violation of the Call Before You Dig program, and (5) make technical and other minor changes to the utility statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*