



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 16, 2015  
Government Administration and Elections Committee

Testimony Submitted by Commissioner Robert J. Klee

**Raised Senate Bill No. 1082 – AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS.**

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 1082 - AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony in support of the proposal with one recommendation for a change to the current language.

This bill would amend the Uniform Administrative Procedure Act to clarify that final decisions in agency proceedings can be provided to parties to the proceedings via e-mail by defining “personal delivery” to include e-mail. Agencies should be relieved of the burdensome requirement to provide these decisions by certified mail when e-mail delivery provides the decision to parties more swiftly and in a format ready for electronic storage. E-mail delivery also provides an efficient means to receive acknowledgement from the parties that the decision was received.

Next, the bill would allow agencies to provide instructions for the electronic filing and service of documents in lieu of any current filing requirements identified in an agency’s rules of practice. These new instructions would have to be posted on the agency’s website and published in the CT Law Journal. The instructions would provide individuals with an option in the instructions to request a hardship exemption from any electronic filing requirements due to lack of regular access to the computer equipment and internet service needed to file documents electronically or because of incompatibility issues associated with a specific filing.

Electronic filing would greatly reduce paper filings and the system would be developed to ensure easy access for the public to electronic filings, all documents, and case management information for any proceeding. DEEP and PURA are currently developing a new electronic filing system referred to as the E-Filing system to handle filings and service of documents in their formal and informal proceedings. PURA alone accepts hundreds of thousands of document pages on an annual basis. Improved formatting and security technology combined with enterprise-based database backup will enable secure maintenance of these documents while greatly improving public search and access capabilities.

The Federal Energy Regulatory Commission (FERC) has implemented an electronic filing system that mandates electronic filing unless an entity can demonstrate a need to continue filing and receiving service of documents in paper format. The FERC filing system successfully serves constituents similar to PURA's. Public utilities commissions in numerous states, including Minnesota, New York, California and Maine have implemented similar e-filing systems. California mandates electronic filing for all large utility case filers. Maine mandates use of the electronic filing system while providing hearing officers with authority to provide relief on a case by case basis from e-filing requirements. All of these jurisdictions recognize the value of requiring electronic filing while still understanding the need to be flexible for certain constituents.

The full implementation of electronic filing systems will also eliminate the need and expense of participant in PURA proceedings having to file numerous paper copies of documents. The system will also reduce PURA costs associated with storing and maintain paper files.

The DEEP/PURA e-filing system is scheduled to go on-line in the fall of 2015. This legislation would provide agencies with the flexibility to appropriately tailor instructions for their needs. In its current format, the bill requires that the actual instructions for use of an electronic filing and service system be published in the Connecticut Law Journal. These instruction will likely include screen shots and may have embedded live links to an agency's particular system.

DEEP suggests that the required Connecticut Law Journal Notice at a minimum include information on how to access the instructions on an agency's website or that the Law Journal Notice be replaced with a required posing on an agencies website where the content will probably be more useful given that the CT Law Journal is not currently available in an electronic format that supports hyperlinks or graphic content.

The amended language would read as follows:

(b) Notwithstanding the provisions of chapter 54, an agency as defined in section 4-166, as amended by this act, may suspend any requirements for paper filing or service of documents requirements contained in any regulation adopted by such agency pursuant to subdivision (1) of subsection (a) of section 4-167 and may establish an electronic filing system for formal and informal agency proceedings. Such agency, before establishing such a system, shall give at least thirty days' notice of its requirements by posting on its Internet web site a notice of its intended action and the instructions for the use of such system and publishing in the Connecticut Law Journal a notice of its intended action and instructions on how to access the agency's instructions. Any agency establishing such a system shall permit a person, as defined in section 4-166, as amended by this act, to request an exemption from any electronic filing requirements due to a demonstrated hardship, including, but not limited to, a lack of access to a device capable of electronic filing or the incompatibility of a specific filing with the electronic filing system.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov).