



STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY

Via email (kirstin.breiner@cga.ct.gov) and mail

November 2, 2015

In reply, please refer to:

Docket No. 14-02-11

The Honorable Clark J. Chapin, Co-Chairperson
The Honorable Brian Becker, Co-Chairperson
Honorable Members of the Legislative Regulations Review Committee
Capitol Building, Room 11
Hartford, CT 06106

Re: Docket No. 14-02-11– Promulgation of Regulation to Provide a Procedural Framework for Uncontested Proceedings at the Public Utilities Regulatory Authority

Dear Senator Chapin, Representative Becker, and Members of the Committee:

Pursuant to Connecticut General Statutes §4-170(e), the Public Utilities Regulatory Authority (PURA or Authority) hereby resubmits the above-referenced proposed regulation for your review and approval. These proposed regulations were rejected without prejudice by the Committee on September 22, 2015.

The following items are enclosed for your review:

1. The revised proposed regulations as approved by the Office of the Attorney General;
2. Summary of Revisions;
3. PURA's responses to comments (Statement of the Principal Reasons in Support of PURA's Intended Action and Statement of Principal Considerations in Opposition to PURA's Intended Action and the Reasons for Rejecting Such Considerations);
4. The Fiscal Note prepared by the Authority concerning the regulation; and
5. The Regulatory Flexibility Analysis.

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We look forward to the Committee's approval of these revised proposed regulations. If you have any questions, please contact Chen Lu at 860-827-2695 or Cat Nguyen at 860-827-2643. Thank you for your consideration.

Respectfully Submitted,

PUBLIC UTILITIES REGULATORY AUTHORITY



Jeffrey R. Gaudiosi, Esq.
Executive Secretary

Enclosures



STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

SUMMARY OF REVISIONS TO THE PROPOSED REGULATIONS

In response to the Legislative Commissioners' Office memorandum dated September 22, 2015, the Public Utilities Regulatory Authority revised the proposed regulations concerning rules for uncontested proceedings as follows:

Substantive Corrections:

1. In section 16-1-2, the definitions have been changed to apply to sections 16-1-2 to 16-1-87, inclusive, and sections 16-1-102 to 16-1-133, inclusive. The exclusion of sections 16-1-88 to 16-1-101, inclusive, was necessary because those sections are no longer under the Public Utilities Regulatory Authority's jurisdiction. Further, the words "Department" and "Commission" are replaced with the word "Authority" as used in sections 16-1-5, 16-1-6, 16-1-7, 16-1-8, 16-1-10, 16-1-11, 16-1-12, 16-1-13, 16-1-15, 16-1-20, 16-1-22, 16-1-23, 16-1-24, 16-1-25, 16-1-26, 16-1-28, 16-1-29, 16-1-30, 16-1-31, 16-1-32, 16-1-34, 16-1-35, 16-1-38, 16-1-45, 16-1-46, 16-1-47, 16-1-48, 16-1-50, 16-1-59, 16-1-59B, 16-1-68, 16-1-70, 16-1-82, 16-1-83, 16-1-102, 16-1-103, 16-1-104, 16-1-105, 16-1-106, 16-1-107, 16-1-108, 16-1-109, 16-1-111, 16-1-112, 16-1-114, 16-1-115, 16-1-116, 16-1-129, 16-1-130, 16-1-131, 16-1-132, and 16-1-133 of the Regulations of Connecticut State Agencies. Sections 16-1-53a and 16-1-128 were also amended to reflect the change in the name of the agency from the Department of Public Utility Control to the Public Utilities Regulatory Authority.
2. In section 16-1-14, the entire section of this regulation has been included in order to reconcile the repeal of references to the ability to submit documents on a diskette in the different subsections contained in this section.
3. Section 4 of the proposed regulation, which proposed changes to the headings in sections 16-1-45 to 16-1-101, inclusive, of the Regulations of Connecticut State Agencies has been deleted altogether.
4. Section 16-1-60 has been renumbered as section 16-1-44a. In addition, the revised regulation specifies that the Authority shall issue a notice of proceeding and make available a time schedule and service list within sixty days of initiating an uncontested proceeding. This section further specifies that the notice of proceeding will contain the docket number and title of the proceeding, the legal authority and jurisdiction under which the proceeding is to be conducted, and the purpose and other procedural requirements of the proceeding. Finally, based on the Attorney General's review, the first sentence of this section was added to clarify that the rules

for uncontested proceedings in sections 16-1-44a to 16-1-44d, inclusive, do not apply to declaratory ruling proceedings.

5. Sections 16-1-61 and 16-1-62 have been combined and renumbered as section 16-1-44b. In addition, this section now specifies that the Authority will determine the nature and extent of a person's participation in an uncontested proceeding except for uncontested proceedings affecting ratepayers of the state as provided in section 16-19pp of the Connecticut General Statutes.
6. Sections 16-1-63 and 16-1-64 have been combined and renumbered as section 16-1-44c. In addition, this section has been revised to clarify that verification of documents mean an affidavit or other supporting documentation. Further, subsection (b) was revised to specify the manner that facts and arguments may be presented in uncontested proceedings.

Technical Corrections:

1. In section 16-1-2, "Sec. 16-1-2. Definitions" has been bolded to accurately reflect the text of the existing regulation.
2. In section 16-1-2(1), "Commissioner" as defined has been changed to "Utility commissioner" for accuracy.
3. In section 16-1-2, references to subdivision of section 4-166 of the General Statutes of Connecticut has been deleted altogether since subdivision reference are frequently amended in the statute.
4. In subsection 16-1-2(13), "head of the Authority" has been replaced with "head of the [department] Authority" to accurately reflect the text of the existing regulation.
5. In subsection 16-1-2(15), a comma has been inserted after "case", for proper form.
6. In section 16-1-14(c), "(c) **Place of filing.**" Has been inserted above the text of the subdivision.
7. In section 16-1-14(c)(1), "[the department's]" has been changed to "the [department's]", for proper form.
8. In section 16-1-24, "**Sec. 16-1-24. Place of hearings.**" has been inserted before the text of the section to accurately reflect the text of the existing regulation.
9. Sections 5 to 10, inclusive, of the original proposed regulations has been combined to establish section 7 of the revised proposed regulations. Additionally, sections 16-1-60 to 16-1-65, inclusive, have been renumbered as sections 16-1-44a to 16-1-44d.

10. In section 16-1-44a, "Section" is changed to "section" for consistency and "4-166(2)" is changed to "4-166(4)" for accuracy.
11. In section 16-1-44b, "will" has been changed to "shall", in accordance with the LRRC's directive regarding mandates.
12. In section 16-1-44c, "but is not required to" has been deleted. In its place, the sentence "Nothing in this section shall be construed to require the Authority to hold a hearing or technical meeting" has been added to clarify that the Authority is not required to hold a hearing or technical meeting.
13. In section 16-1-44d, the last sentence from the originally proposed section has been deleted to more accurately reflect the Authority's existing practice.
14. Sections 16-1-44a to 16-1-44d were changed from being underlined to (NEW) because these new section numbers are used in place of sections 16-1-60 to 16-1-65, inclusive, which were revisions to previously repealed sections.