



STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

DOCKET NO. 14-02-11

PROMULGATION OF REGULATION TO PROVIDE A PROCEDURAL FRAMEWORK FOR UNCONTESTED PROCEEDINGS AT THE PUBLIC UTILITIES REGULATORY AUTHORITY

Summary of the Proceedings:

On March 13, 2014, the Public Utilities Regulatory Authority (PURA) issued a notice of intent to amend regulations pertaining to certain PURA rules of practice and to establish rules for uncontested proceedings. PURA accepted comments to solicit public input regarding the proposed amended regulations. Thereafter, a public hearing was held on May 7, 2014. In all, PURA received three written comments.

Statement of the Principal Reasons in Support of the Public Utilities Regulatory Authority's Intended Action:

Connecticut General Statutes §4-167(a) requires State agencies to promulgate regulations in order to provide for the nature and requirements of all formal and informal administrative proceedings. The designation of individuals, presentation of facts, and notice of hearings requirements constitute fundamental elements of an informal proceeding. PURA's current regulations do not furnish sufficient guidance on the nature and requirements of its uncontested proceedings. Therefore, the principal reason in support of amending the regulations is to provide a procedural framework for uncontested proceedings held by PURA.

Statement of the Principal Considerations in Opposition to the Public Utilities Regulatory Authority's Intended Action and the Reasons for Rejecting Such Considerations:

1. PURA received comments from the Connecticut Independent Utility Workers, Local 12924 and The United Steel Workers, Local 12000 Union (Unions) on April 17, 2014. In this comment, the Unions requested the inclusion of language indicating the scope of the rights that are granted to the various designations and the associated rights of designated participants in uncontested hearings. In particular, the Unions requested that PURA amend the proposed regulations to include language in section 16-1-62 that all participants have equal rights to participate in uncontested proceedings and insert language to state that those rights "may include the right to inspect and copy records, physical evidence, papers and documents, to introduce evidence, and to argue and cross-examine witnesses."

Having considered this comment, PURA declines to adopt the Unions' requested change to the proposed amended regulations because it is incompatible with the framework of uncontested proceedings. Specifically, unless otherwise required by statute, PURA is not required to conduct a hearing and permit oral arguments

10 Franklin Square, New Britain, CT 06051

An Equal Opportunity Employer

www.ct.gov/pura

in certain uncontested proceedings. Therefore, the proposed language would be rendered meaningless in certain uncontested proceedings. Moreover, the Unions' suggested language is unnecessary because it continues to give PURA discretion and does not ensure that participants would be entitled to the specified procedural rights. Finally, PURA's proposed language in this section is consistent with Conn. Agency Regs. § 16-1-18(c), where PURA determines the extent of a party's participation even in formal proceedings.

2. After a hearing, PURA received additional comments from the Unions, dated May 23, 2014, seeking to ensure that all designated participants in uncontested proceedings are afforded the same rights. Specifically, the Unions requested the inclusion of language in section 16-1-62 to indicate that all participants have the same rights as determined by PURA at the outset of each uncontested hearing.

Having considered this comment, PURA declines to adopt the Unions' request because the nature of uncontested proceedings is designed to provide PURA with flexibility to effectively and efficiently conduct the proceedings. Further, it is essential for PURA to retain discretion in determining whether a person's participation will further assist the agency in resolving the issues in the uncontested proceeding. Given the nature and wide range of possible informal proceedings, PURA must be able to determine, on a case-by-case basis, the extent of a party's participation. Allowing all participants in uncontested proceedings to have equal procedural rights in all uncontested proceedings would undermine the goal of these uncontested proceedings.

3. PURA received a comment from Comcast of Connecticut, Inc. (Comcast), dated April 17, 2014, indicating that it had limited comments on the proposed amended regulations. Comcast did suggest some changes to the proposed language contained within section 16-1-60 of the amended regulations. There were no substantive changes to the proposed regulations. Rather, Comcast suggested minor rewording and language of this section.

Having considered this comment, PURA declines to adopt Comcast's suggestion because the proposed changes do not materially or substantively alter the current proposed regulations. PURA is satisfied with the language of the current proposed regulation and does not find it necessary to alter the proposed wording in section 16-1-60.

Dated at New Britain, Connecticut, this 29th day of April, 2015.

PUBLIC UTILITIES REGULATORY AUTHORITY



Jeffrey R. Gaudiosi, Esq.
Executive Secretary