

REGS-1 Rev. 09/2013
(Title page)

For permanent regulations
First NOTICED ON AND AFTER JULY 1, 2013

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee. For *emergency regulations*, use form REGS-1-E instead. For *non-substantive technical amendments and repeals* proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Public Utilities Regulatory Authority

Concerning

SUBJECT MATTER OF REGULATION:

Promulgation of Regulations by the Public Utilities Regulatory Authority to Amend Certain Rules of Practice and to Establish Rules for Uncontested Proceedings

Section 1. Section 16-1-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-2. Definitions. As used in sections 16-1-2 to [16-1-133] 16-1-59B, inclusive, 16-1-71 to 16-1-87, inclusive, and 16-1-102 to 16-1-133, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Commissioner" means "[Commissioner] Utility commissioner" as defined in section 16-1(2) of the Connecticut General Statutes;
- (2) "Contested case" means "Contested case" as defined in section 4-166[(2)] of the Connecticut General Statutes;
- (3) ["Department"] "Authority" means the [Department of Public Utility Control] Public Utilities Regulatory Authority or its successor;
- (4) "E-mail" means electronic mail;
- (5) "Electronic" means "electronic" as defined in section 1-267(5) of the Connecticut General Statutes;
- (6) "Electronic means" means any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression;
- (7) "Electronic signature" means "electronic signature" as defined in section 1-267(8) of the Connecticut General Statutes;
- (8) "Intervenor" means "intervenor" as defined in section 4-166[(5)] of the Connecticut General Statutes;
- (9) "License" means "license" as defined in section 4-166[(6)] of the Connecticut General Statutes;
- (10) "Party" means "party" as defined in section 4-166[(8)] of the Connecticut General Statutes;
- (11) "Person" means "person" as defined in section 4-166[(9)] of the Connecticut

General Statutes;

(12) "PIN" means personal identification number; [and]

(13) "Presiding officer" means the commissioner or the hearing officer designated by the head of the [department] Authority to preside at a hearing[.];

(14) "Participant" means any person granted permission by the Authority to take part in an uncontested proceeding; and

(15) "Uncontested proceeding" means any agency matter designated as such by statute or any proceeding that is not a contested case.

Sec. 2. Section 16-1-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-5. Computation of time

Computation of any period of time referred to in these rules begins with the first day following that on which the act which initiates such period of time occurs. The last day of the period so computed is to be included unless it is a day on which the office of the [commission] Authority is closed, in which event the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is five (5) days or less, the said Saturdays, Sundays or legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

Sec. 3. Section 16-1-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-6. Extension of time

In the discretion of the commissioners or the presiding officer, for good cause shown, any time limit prescribed or allowed by these rules may be extended. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended. The executive secretary of the [commission] Authority shall notify all parties of the [commission's] Authority's action upon such motion.

Sec. 4. Section 16-1-7 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-7. Effect of filing

The filing with the [commission] Authority of any application, petition, complaint, request for advisory ruling, or any other filing of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, regulation or order of the commissioners.

Sec. 5. Section 16-1-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-8. Acceptance of filing non-waiver

By accepting the filing of any petition, application, exhibit annex, or document of any kind whatsoever the [commission] Authority or commissioners shall not have waived any failure to comply with these rules. Where appropriate, the commissioners may require amendment of any filing.

Sec. 6. Section 16-1-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-10. Office

The office of the [department] Authority is located at Ten Franklin Square, New Britain, Connecticut 06051. It is open from 8:30 a.m. to 4:30 p.m. each day except Saturdays, Sundays and legal holidays.

Sec. 7. Section 16-1-11 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-11. Date and time of filing

The date and time of filing of each document shall be the date and time by which the [department] Authority first receives a complete electronic version of the document or the document and the required number of paper copies of such document, provided that such electronic version or paper copies are filed in accordance with section 16-1-14 of the Regulations of Connecticut State Agencies. If payment of a fee is required, a document shall not be deemed filed until the fee is received by the [department] Authority. If a document is electronically submitted when the offices of the [department] Authority are not open, such electronic document shall be deemed filed at the time the offices next open. Electronic versions and paper copies of each document shall be filed on the same day or within two business days of each other.

Sec. 8. Section 16-1-12 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-12. Electronic web filer registration

(a) Any person may participate in the [department] Authority web filing system by registering as a "web filer" with the [department] Authority. Each individual person shall register in his or her own name. Each business, firm, corporation, association, joint stock association, trust, partnership or limited liability company may have an unlimited number of registered web filers.

(b) To register as a web filer, a person shall (1) complete and submit, electronically, a registration form on the [department's] Authority's website [["http://www.state.ct.us/dpuc"](http://www.state.ct.us/dpuc)] [["http://www.ct.gov/pura"](http://www.ct.gov/pura)], and (2) provide proper identification by facsimile or mail. The registration form shall require the person's name, address, telephone number, and e-mail address, along with a chosen password. A web filer shall be required to provide a chosen PIN if the web filer intends to authorize another person to web file documents on the web filer's behalf. Identification may include copy of a pictured identification card, driver's license, or letterhead stationery. The web filer shall, on the identification, clearly type or print his or her name, phone number and e-mail address, the chosen password and, if applicable, PIN. Once the registration form and identification are accepted by the [department] Authority, the [department] Authority shall confirm and activate the registration. The [department] Authority may at any time issue a new password to any web filer. A web filer may at any time obtain a new password or PIN upon request to the [department] Authority.

(c) A web filer shall notify the [department] Authority immediately of any change in any information provided in the web filer's registration. Once registered, a person may

withdraw from participation in the [department] Authority web filing system by providing the [department] Authority with written notice, which may be submitted electronically. Upon receipt of a withdrawal notice, the [department] Authority shall immediately cancel the person's password and deactivate the person's registration.

(d) The [department] Authority shall maintain as confidential records of all passwords and PINs. Each web filer shall maintain as confidential, except as provided in subsection (E) of this section, his or her password and PIN. A web filer, upon learning of the compromise of the confidentiality of any password or PIN, shall immediately notify the [department] Authority.

(e) No person shall knowingly permit or cause to permit his or her password or PIN to be utilized by anyone other than an authorized employee or agent. If a web filer authorizes another person to file a document on his or her behalf using the user name, password or PIN of the web filer, such web filer shall retain full responsibility for any document filed.

Sec. 9. Section 16-1-13 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-13. Signatures

(a) Every application, letter, report, motion, petition, complaint, brief, memorandum or similar document shall be signed by the filing person, by his or her authorized agent or by one or more attorneys in their individual names on behalf of the filing person.

(b) A document shall be deemed to include an electronic signature if such document is filed under the [department] Authority web filing system with the use of at least one PIN. A document shall be deemed signed by the persons whose names appear in the signature block and whose PINs were used in the filing of such document.

Sec. 10. Section 16-1-14 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-14. Formal requirements as to documents filed in proceedings

(a) **Definitions.**

As used in this section:

(1) "Bulk document" means any paper document that is 50 pages or more in length; and

(2) "Extreme bulk document" means any paper document that is 100 pages or more in length.

(b) **General requirement.** All documents shall be filed with the [department] Authority in both electronic and paper form. The requirement to file in electronic form is waived for (1) documents available to the filer only in paper form, and (2) filers who are unable to file electronically. The requirement to file in paper form is waived for documents for which no paper form is technically feasible or practical. If the filer submits a corrected version of a filed document, the filer shall also submit the required number of paper copies and a corrected electronic version of such document. This subsection shall not apply to the filing of protected materials.

(c) **Place of filing.**

(1) Electronic copies may be submitted under the [department] Authority web filing system via the [department's] Authority's website ["<http://www.state.ct.us/dpuc>"]

"<http://www.ct.gov/pura>". If web filing is not possible, electronic copies may be [(a)] (A) [e-mailed to "dpuc.executivesecretary@po.state.ct.us"] delivered electronically to pura.executivesecretary@ct.gov; or [(b)] (B) submitted on a [diskette,] cd-rom or other electronic storage medium acceptable to the [department] Authority and delivered to the [department's] Authority's executive secretary, at Ten Franklin Square, New Britain, Connecticut 06051.

(2) Paper copies shall be delivered to the Executive Secretary, [Department of Public Utility Control] Public Utilities Regulatory Authority, at Ten Franklin Square, New Britain, Connecticut 06051.

(d) **Document format.**

(1) Each paper copy of a document shall be legible, collated and secured, on three-holed recyclable white paper, and shall not contain any colored paper, or plastic or metal separators.

(2) Each [diskette,] cd-rom or other electronic storage medium acceptable to the [department] Authority shall be labeled with the following information: the docket number, if any; the name of the filer; the name of the company if different from the filer; the type of filing; the document format; and the filing date.

(3) Each electronic version of a document shall be formatted to be compatible with the computer programs used by the [department] Authority and free of defects and viruses. All documents filed electronically shall be capable of being transferred to electronic storage media, without loss of content or material alteration of appearance. Hyperlinks to external websites are permissible; however, a hyperlink is not itself a part of the official filed document and each hyperlink shall contain a text reference to the target of the link. The [department] Authority shall make available on its website information regarding compatible computer programs.

(e) **Identification of document.** The front page of each document filed with the [department] Authority shall prominently display the filer's name, address, telephone number, facsimile number and, if available, e-mail address, as well as the company name if different from the filer. Any document filed in any proceeding to which a docket number has been assigned shall also include the number and title of the docket.

(f) **Bulk documents.** Each bulk and extreme bulk document shall be separately collated and conspicuously labeled as bulk or extreme bulk. The filer shall identify in a cover letter each bulk or extreme bulk document that is being filed.

(g) **Number of copies.** To file a document, the filer shall submit the original document along with one electronic copy and eight paper copies of such document, except that (1) two paper copies shall be required for telecommunications service tariffs filed pursuant to section 16-247f of the Connecticut General Statutes; (2) three paper copies shall be required for bulk documents or applications for certificates of public convenience and necessity for water companies filed pursuant to section 16-262m of the Connecticut General Statutes; (3) one paper copy shall be required for extreme bulk documents, water supply plans required under section 25-32d of the Connecticut General Statutes, or gas supplier registration forms filed pursuant to section 16-258a of the Connecticut General Statutes; or (4) as otherwise required by the [department] Authority. These copies are required in addition to any copies submitted directly to commissioners, [department] Authority staff or the office of consumer counsel. This subsection shall not apply to the filing of protected materials.

Sec. 11. Section 16-1-15 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-15. Service

(a) **Service list.** The [department] Authority shall prepare and make available a service list for each docket. Each service list shall (1) contain the name of each party, intervenor, and participant in the docket; (2) contain the names and addresses of the representatives of each party, intervenor, and participant in the docket; (3) indicate whether each party, intervenor, and participant has consented to be served by electronic means pursuant to this section; and (4) provide the e-mail address of every person in the docket who has consented to be served by electronic means.

(b) **Service requirements.**

(1) Every person shall serve a copy of a filed document to every person on the service list of the proceeding in which the document is filed. This subsection shall not apply to the filing of protected materials.

(2) Each document presented for filing shall contain, in substance, the following certification:

"I certify that a copy (copies) hereof (has)(have) been furnished to (name or names) by (method of service) on (date) . . ." signature and printed name

(c) **Method of service.**

(1) Service may be by personal delivery, facsimile, mail, or third-party commercial carrier for delivery no later than three business days from the date of the filing. If a document seeks emergency relief, service of such document on a party or intervenor shall be by a manner at least as expeditious as the manner used to file such document with the [department] Authority. Personal service includes delivery of the copy to a responsible person at the person's office. Service by facsimile is deemed complete as of the telephonic transfer to the recipient's facsimile machine. Service by mail or by commercial carrier is complete on mailing or delivery to the carrier.

(2) Notwithstanding subdivision (1) of this subsection, service may be made electronically to persons who have consented to be served exclusively by electronic means, as indicated on the appropriate service list.

(d) **Consent to service by electronic means.**

(1) Any person may consent to be served and to receive documents issued by the [department] Authority exclusively by electronic means. Such consent shall be given on a form prescribed by the [department] Authority and shall state that the consenting person (a) consents to be served and to receive documents issued by the [department] Authority exclusively by electronic means, and (b) agrees to be bound by any orders or requirements contained in any documents received by electronic means in accordance with this subsection. The consenting person shall provide an e-mail address for the purpose of receiving all documents. A consent shall be signed by the consenting person and shall be filed under the [department] Authority web filing system or submitted non-electronically.

(2) A consent given pursuant to this subsection shall be applicable to all the [department's] Authority's proceedings and remain effective until withdrawn by the consenting person. Any person may at any time withdraw his or her consent by submitting a written notice to the [department] Authority.

Sec. 12. Section 16-1-20 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-20. Procedure concerning added parties

(a) During hearing. In addition to the designation of parties in the initial notice and in response to petition, the commissioners may add parties at any time during the pendency of any hearing upon their finding that the legal rights, duties or privileges of any person will be determined by the decision of the commissioners after the hearing or that the participation of such person as a party is necessary to the proper disposition of the contested case.

(b) Notice of designation. In the event that the commissioners name or admit any party after service of the initial notice of hearing in a contested case, the [commission] Authority shall give written notice thereof to all parties theretofore named or admitted. The form of the notice shall be a copy of the order of the commissioners naming or admitting such added party and a copy of any petition filed by such added party requesting designation as a party. Service of such notice shall be in the manner provided in these rules.

Sec. 13. Section 16-1-22 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-22. Grant of hearing

(a) A hearing will be held in all contested cases and otherwise as the Commissioners may determine in specific investigations of the [Commission] Authority.

(b) Any public service company which served an average of more than 50,000 customers in the calendar year covered by its most recent annual report to the [Public Utilities Commission] Public Utilities Regulatory Authority shall file with the [Commission] Authority, the Governor of the State of Connecticut and the Chief Executive Officer of every municipality located within its franchise area, a preliminary notice of its intention to file an amended rate schedule proposing an increase in rates not less than thirty (30) days nor more than sixty (60) days prior to the actual filing of such amended rate schedule under Section 16-19 of the General Statutes. The preliminary notice shall state the approximate dollar amount and the approximate percentage of the increase in revenues over existing rates that the proposed amended rate schedule will produce.

(c) Such hearing as is ordered by the [Commission] Authority for the investigation of proposed amendments to existing rate schedules by any public service company which is required to file a preliminary notice as set forth in Subsection (b) hereof shall not commence earlier than sixty (60) days after the date of the filing of such amendment under Section 16-19 of the General Statutes.

Sec. 14. Section 16-1-23 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-23. Calendar of hearings

The executive secretary of the [commission] Authority shall maintain a docket of all proceedings of the [commission] Authority. The executive secretary shall maintain a hearing calendar of all proceedings that are to receive a hearing. Proceedings shall be placed on the hearing calendar in the order in which the proceedings are listed on the docket of the [commission] Authority, unless otherwise ordered by the commissioners.

Sec. 15. Section 16-1-24 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-24. Place of hearings

[Unless by statute or by direction of the commissioners a different place is designated,] Unless a different location is required by statute or directed by the commissioners, all hearings of the [commission] Authority shall be held at [Hartford at] the office of the [commission] Authority at Ten Franklin Square, New Britain, Connecticut 06051.

Sec. 16. Section 16-1-25 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-25. Notice of hearings

(a) Persons notified. Except where the commissioners shall otherwise direct, the [commission] Authority shall give written notice of a hearing in any pending matter to all parties, to all persons who have theretofore become intervenors, to all persons otherwise required by statute to be notified, and to such other persons as have filed with the [commission] Authority their written request for notice of hearing in a particular matter. Also the [commission] Authority shall give written notice to such additional persons as the commissioners shall direct. The [commission] Authority may give notice by newspaper publication and by such other means as the executive secretary shall deem appropriate and advisable.

(b) Contents of notice. Notice of a hearing shall include but shall not be limited to the following: (1) a statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of fact describing the nature of the hearing and the principal facts to be asserted therein. A list of all persons named or known to the [commission] Authority as parties may be included in the initial notice of hearing given in each contested case, but shall be omitted from any subsequent notice of hearing therein, except where the commissioners shall otherwise direct.

Sec. 17. Section 16-1-26 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-26. Bill of particulars

The initial notice may be limited to a statement of the issues involved, if the [commission] Authority is unable to include in the initial notice of the hearing in a contested case other than an application concerning the fixing of rates a detailed statement of the facts to be asserted for the consideration of the commissioners therein. Not later than seven (7) days after service of the initial notice any party may apply to the [commission] Authority for a bill of particulars containing a more definite and detailed statement of said facts. If the commissioners find that a more definite and detailed statement of such facts is necessary and appropriate, a bill of particulars shall be prepared as directed by the commissioners and a copy served on each person named or admitted as a party on or before the date of service of the bill of particulars.

Sec. 18. Section 16-1-28 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-28. Ex parte communication

Unless required for the disposition of ex parte matters authorized by law, neither the commissioners nor any member of the [commission] Authority staff designated as a presiding officer shall communicate directly or indirectly with any person or party concerning any issue of fact or law involved in any contested case that has been commenced under these rules, except upon notice and opportunity for all parties to participate. The [commission] Authority staff member designated as presiding officer and the commissioners may severally communicate with each other ex parte and may have the aid and advice of such members of the [commission] Authority staff as are designated to assist them in such contested case. This rule shall not be construed to preclude such necessary routine communications as are necessary to permit the [commission] Authority staff to investigate facts and to audit the applicable records of any party in a contested case at any time before, during and after the hearing thereof.

Sec. 19. Section 16-1-29 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-29. Representation of parties and intervenors

Each person making an appearance before the [commission] Authority as an attorney, agent or representative of any person, firm, corporation or association subject to the [commission's] Authority's regulatory jurisdiction in connection with any contested case shall promptly notify the executive secretary of the [commission] Authority in writing in order that the same may be made a part of the record of the contested case.

Sec. 20. Section 16-1-30 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-30. Attorney defined

As used in these rules, the word "attorney" shall mean an attorney at law, duly admitted to practice before the superior court of the state of Connecticut. Any other person who appears before the [commission] Authority in any contested case shall be deemed to have appeared as the agent or representative of a person, firm, corporation or association and, as such, shall file with the written notification of appearance the written authorization of the person, firm, corporation or association being represented and shall be fully bound to proceed in accordance with these rules in the contested case

Sec. 21. Section 16-1-31 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-31. Former commissioners and employees

Except when specially authorized by the commissioners, no person who has served as a commissioner or employee of the [commission] Authority shall practice or act as attorney, agent or representative in any contested case before the [commission] Authority or by any means aid in the preparation or prosecution of any such contested case which was pending before the [commission] Authority while that person was so serving, if such representation or other employment in the contested case does or may involve the disclosure of confidential information acquired while serving as such commissioner or employee of the [commission] Authority. In all cases except upon individual application and showing that such subsequent employment is not contrary to the public interest, no former commissioner or employee of the [commission] Authority shall appear before the

[commission] Authority or accept employment in connection with any contested case before the [commission] Authority within six months after the termination of such employment. The restrictions of this rule are in addition to and are not a limitation upon the provisions of the general statutes and the canons of ethics of any profession.

Sec. 22. Section 16-1-32 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-32. Rules of conduct

Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the superior court govern the conduct of the commissioners, state employees serving the [commission] Authority, and all attorneys, agents, representatives, and any other persons who shall appear in any proceeding or in any contested case before the [commission] Authority in behalf of any public or private person, firm, corporation or association.

Sec. 23. Section 16-1-34 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-34. Record in contested cases

The record in each contested case shall be maintained by the [commission] Authority in the custody of the executive secretary and shall include but shall not be limited to the following items. The [commission] Authority will not be required to set forth as a separate item any of the following which may have been duplicated and incorporated in some other portion of the record:

(a) Any notices, petitions, applications, bill of particulars, complaints, orders, decisions, motions, briefs, exhibits, and any other documents that have been filed with the [commission] Authority or issued by the [commission] Authority in written form; (b) all written evidence of any kind received and considered by the commissioners; (c) any questions and offers of proof together with any objections and rulings thereon during the course of the hearing; (d) any recommended decision, opinion or report submitted in writing to the commissioners by the member of the [commission] Authority staff designated as the presiding officer at the hearing; (e) the transcript of the hearing.

Sec. 24. Section 16-1-35 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-35. Witnesses and subpoenas

In the conduct of the hearing of a contested case any commissioner may act in behalf of the commissioners and summon and examine under oath such witnesses in relation to the affairs of any public service company as the commissioners may find advisable. Any commissioner may act in behalf of the commissioners to direct the production and examination of such books, records, vouchers, memoranda, documents, letters, contracts or other papers in relation to the affairs of any public service company as the commissioners may find advisable. The fees of witnesses summoned on behalf of the commissioners to appear before the commissioners or before any presiding officer in the hearing of a contested case, and the fees for summoning such witnesses shall be the same as in the superior court. All such fees, together with any other expenses authorized by statute whose method of payment is not otherwise provided shall be paid through the executive secretary

of the [commission] Authority in the same manner as court expenses. In the event that any witness summoned under this authority objects to testifying or to producing any book or other paper ordered hereunder on the ground that such testimony, book or paper may tend to incriminate said witness, and in the further event that the commissioners or any commissioner directs said witness nevertheless to testify or to produce such book or paper and said witness complies or is compelled to comply by order of the court, then said witness shall not be prosecuted for any matter concerning which he has so testified, as provided in section 16-8 of the general statutes.

Sec. 25. Section 16-1-38 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-38. Rules of evidence

The following rules of evidence shall be followed in contested cases:

(a) Rules of evidence. Any oral or documentary evidence may be received, but the presiding officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The commissioners or presiding officer shall give effect to the rules of privilege recognized by law in Connecticut. Subject to these requirements and subject to the right of any party to cross examine, any testimony may be received in written form.

(b) Documentary Evidence. Documentary evidence may be received at the discretion of the commissioners or presiding officer in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies, subject to the provisions of Section 52-180 of the General Statutes as amended.

(c) Cross examination. Such cross examination may be conducted as the commissioners or the presiding officer shall find to be required for a full and true disclosure of the facts.

(d) Facts noticed, [commission] Authority records. The commissioners may take notice of judicially cognizable facts, including prior decisions and orders of the commissioners. Any exhibit admitted as evidence by the commissioners of the presiding officer in a prior hearing of a contested case may be offered as evidence in a subsequent contested case and admitted as an exhibit therein; but the commissioners shall not deem such exhibit to be judicially cognizable in whole or in part and shall not consider any facts set forth therein unless such exhibit is duly admitted as evidence in the contested case then being heard.

(e) Facts noticed, procedure. The commissioners may take notice of generally recognized technical or scientific facts within the [commission's] Authority's specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, by an appropriate reference in preliminary reports or otherwise of the material noticed. This provision shall also apply to material noticed in any staff memoranda or data that may be submitted to the commissioners for their consideration in the determination of the contested case. The commissioners shall nevertheless employ the [commission's] Authority's experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making their finding of facts and arriving at a decision in any contested case.

Sec. 26. Section 16-1-44 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-44. Procedure to submit to parties

Where a majority of the commissioners have not heard a contested case or read the record thereof, any decision adverse to a party other than the [commission] Authority, itself, shall not be made until such decision is served as a proposed decision upon each of the parties and until each party adversely affected thereby is afforded an opportunity to file exceptions and to present briefs and oral argument to the commissioners. Such proposed decision shall contain a statement of the reasons therefore and of each issue of fact or law necessary to the proposed decision, which statement shall have been prepared by the presiding officer or by a commissioner who has read the record of the hearing. By written stipulation the parties may waive compliance with this section of these rules.

Sec. 27. Section 16-1-45 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-45. General rule

Petitions and applications shall include all forms of proposals, requests, applications, petitions, and filings of whatever nature whatsoever that are placed before this [commission] Authority pursuant to law.

Sec. 28. Section 16-1-46 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-46. Form

The form to be followed in the filing of petitions and applications hereunder will vary to the extent necessary to provide for the nature of the legal rights, duties or privileges involved therein. Nevertheless, all petitions and applications shall include the following components:

(a) Statement of application. Each petition or application shall incorporate a statement setting forth clearly and concisely the authorization or other relief sought. The statement shall cite by appropriate reference the statutory provision or other authority under which such authorization or relief is to be granted by the [commission] Authority. In addition to the specific requirements for particular types of petitions and applications that may hereinafter be stated, the statement of application shall further set forth:

(1) The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant or petitioner is a corporation, trust association or other organized group, it shall also give the state under the laws of which it was created or organized.

(2) The name, title, address and telephone number of the attorney or other person to whom correspondence or communications in regard to the petition or application are to be addressed. Notice, orders and other papers may be served upon the person so named; and such service shall be deemed to be service upon the petitioner or applicant.

(3) A concise and explicit statement of the facts on which the [commission] Authority is expected to rely in granting the authorization or other relief sought, including the public convenience and necessity thereof.

(4) An explanation of any unusual circumstances involved in the petition or application, to which the [commission] Authority will be expected to direct its particular attention, including the existence of emergency conditions or any request for the granting of interlocutory relief by way of an interim order in the proceeding.

(b) Annexed materials. There shall be attached to the petition or application any exhibits, sworn written testimony, data, models, illustrations and all other materials that the petitioner or applicant deems necessary or desirable to support the granting of the petition or application. In addition, such annexed materials shall also include such exhibits, sworn written testimony, and other data that any statute or these rules may require.

Sec. 29. Section 16-1-47 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-47. Original records

The petitioner or applicant shall furnish and make available for the use of the [commission] Authority the original books, papers and documents from which any part of the application is derived. If so directed, certified or verified copies shall be furnished in lieu of such original records. Failure to furnish original records may be ground for rejecting any component and, if appropriate, for refusing the petition or application.

Sec. 30. Section 16-1-48 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-48. Fees

All application fees or other charges required by law shall be paid to the [commission] Authority at the time that the application is filed with the [commission] Authority.

Sec. 31. Section 16-1-49 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-49. Rejection of petition or application

Where these rules require that specific exhibits or data be prepared and submitted as part of any petition or application, the [authority] Authority may within thirty (30) days of the filing thereof, after notice and an opportunity to be heard, reject any petition or application or any portion of an application or petition that the [authority] Authority finds to have failed to comply with criteria for submission of exhibits and data as are set forth in these rules. If in response to and within thirty (30) days of the filing of a petition or application the [authority] Authority requests additional supporting exhibits or data, such exhibits or data shall be furnished within a reasonable time. For purposes of this provision, thirty (30) days from the date of the request shall be considered a reasonable time except where the data and exhibits requested are unusually complex or, in the aggregate, unusually voluminous. Failure to substantially comply with such request may be considered grounds for rejecting the application or petition or any portion of the application or petition to which such data or exhibits relate, after notice and an opportunity to be heard, notwithstanding that the date of rejection may under such circumstances be more than thirty (30) days after receipt of the petition or application.

Sec. 32. Section 16-1-50 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-50. Deficiencies in filing

When called to the attention of the petitioner or applicant, all deficiencies in any filed petition or application to the [commission] Authority must be promptly corrected. If any such

deficiency is not promptly corrected in the manner directed by the [commission] Authority, the petition or application may be denied and rejected for lack of proper submission.

Sec. 33. Section 16-1-53a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-53a. Standard filing requirements

Any public utility with annual gross revenues in excess of fifty million dollars or fifty thousand or more customers shall complete the standard filing requirements in connection with all applications for any proposed amendment of its existing rates. A copy of the current standard filing requirements is available, upon request by interested parties, at the office of the Executive Secretary of the [Department of Public Utility Control] Public Utilities Regulatory Authority, Ten Franklin Square, New Britain, Connecticut 06051.

Sec. 34. Section 16-1-59 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-59. Small utility companies

The following requirements shall apply to rate proceedings and applications of water or sewerage companies whose current annual gross incomes do not exceed \$100,000 per year or who provide service to not more than one thousand customers, hereinafter referred to as small water companies and sewerage companies.

(a) **Components required.** The small water and sewerage company shall not be required to comply with sections 16-1-51 and 16-1-56 in preparing and submitting its rate application as defined in section 16-1-53. However, in addition to the requirements in section 16-1-54, above, the rate applications filed by a small water company or sewerage company shall include the following:

(1) A map that will show the location of the principal water mains by size, all sources of supply, standpipes or storage facilities, and treatment facilities; and a brief description of the system of water supply and distribution of the water company or the system of sewerage collection and treatment of the sewerage company;

(2) The rates the company is presently charging its customers;

(3) The rates the company proposes to charge its customers;

(4) The number of customers served by the applicant company, broken down by classes and presented on such seasonal or annual basis as is appropriate to the business of the company;

(5) Statement of the company's revenues at both the current and the proposed rates by class;

(6) An income statement showing the actual results of the company's operations under the current rates; and

(7) An income statement showing the estimated results of the company's operations based on the proposed rates.

(b) **Additional data.** The small water and sewerage company will be permitted to present any further data, exhibits, and certain written testimony that it deems appropriate to support its application, and may be required to submit any additional information found necessary by the [department] Authority pursuant to section 16-8 of the General Statutes of Connecticut.

(c) **How components submitted.** All of the components hereinabove listed shall be annexed to the application of the small water or sewerage company and submitted with the application and as a part thereof.

Sec. 35. Section 16-1-59B of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-59B. Exception

(a) The [Division of Public Utility Control (DPUC)] Authority may allow construction work in progress (CWIP) to be included in rate base for facilities necessary to comply with the federal safe drinking water act (SDWA) and to permit affected water companies to implement a rate surcharge based on such CWIP, under the terms and conditions described below.

CWIP that is included in rate base will be subject to the following conditions:

(1) such surcharge will be implemented and revised on a calendar quarterly basis;

(2) Only actual expenditures will be included on a quarterly basis;

(3) The surcharge to be allowed will be based on 90% of the amount of construction expenditures as of the last date of the particular quarterly period, as confirmed on the project work orders;

(4) The rate of return or equivalent computation used in computing the surcharge will be the same as that allowed in the last rate case computed on a simple interest base and not compounded and the surcharge will include a specific revenue adjustment to offset applicable state and federal taxes payable on the revenues collected pursuant to the surcharge;

(5) Ten percent (10%) of said quarterly construction expenditures will be retained in "allowance for funds used during construction" (AFUDC) and the entire project will be reviewed for efficiency of construction at the time the facility is entered into service as being used and useful and any expenses resulting from inefficiency will be disallowed for regulatory purposes;

(6) Charges arising from the inclusion of construction work in progress in rate base will be allocated across the board on a rate structure basis and will appear as a separate item on the customer's bill until the facility is included in rate base; and

(7) No application for the actual implementation of any such surcharge will be accepted, and no such surcharge will be permitted to be collected, until the primary project has been let, started and is progressing to the point of onsite contractor and crew set-up, and full construction has begun on major elements of the subject facility.

(b) Any water company which is required to construct facilities necessary to enable that company to comply with the SDWA may apply to the [DPUC] Authority for approval of a surcharge to customers based on the foregoing policy. The requirements set out in this section shall apply to proceedings and applications of water companies for an increase in rates based upon such a surcharge.

(c) (1) The provisions of subsection (a)(7) notwithstanding, any water company may apply to the [DPUC] Authority for an advance determination that the subject facility meets the [DPUC] Authority general condition for inclusion in interest base for purposes of such a CWIP-based surcharge, namely that such facility is necessary to enable the company to comply with applicable SDWA provisions, the construction of such facility was precipitated by such SDWA provisions, and such facility constitutes the least costly means of compliance, and has been designed in accordance with efficient and adequate engineering standards.

(2) Any water company applying for such an advance determination of facility qualification shall, no later than 60 days prior to the date such determination is required, submit to the [DPUC] Authority the following:

(a) A letter of approval of the project plans and drawings from the State Health Department stating that such project is necessary, by applicable reference, for compliance with the SDWA along with a time/expenditure projection for the entire project, and

(b) Evidence that the SDWA precipitated the construction of the facility, and evidence preferably in the form of an engineering study that the company has selected the least costly solutions to meet the SDWA requirements and that efficient and adequate engineering standards have been applied to the design specifications.

(3) The [DPUC] Authority will make any such requested determination within sixty (60) days following the filing contemplated by subdivision (2) of this subsection provided, that if such a determination has not been made within said 60 day period, the affected facility shall be deemed to have met such general conditions for inclusion and to have so qualified for application of the CWIP surcharge.

(d) Any water company applying for a CWIP-based surcharge shall submit to the [DPUC] Authority the following:

(1) if not previously submitted, the documentation and evidence listed in subsection (c)(2);

(2) Details of the results of open bidding on the project and final bid prices and the basis for the selection of the contractor(s);

(3) A complete description of the project, broken down by appropriate elements of work and cost, to permit demonstration of the percentage of completion as the work progresses, said description to be updated in each quarterly period when a revision in the amount of the surcharge is requested, with extra work, the basis thereof and associated costs also to be separately described for the applicable quarterly period;

(4) A construction schedule for the entire project indicating appropriate construction phases and estimated start/completion dates for each phase, as available;

(5) A summary of construction expenditures covering the applied for quarterly period as shown on the project work order(s), and broken down into corresponding job element(s) of the construction schedule;

(6) A letter from the company's independent accountant which states that the additions to the CWIP plant account for such facility during the affected quarterly period have been reviewed and found to be in accordance with the applicable uniform system of accounts;

(7) The computation of the total amount of the surcharge showing 90% of the amount shown in subdivisions (5) and (6) above, the rate of return allowed in the applicant company's most recent rate case, and the appropriate revenue adjustments for state and federal taxes; and

(8) The schedule of charges arising from the inclusion of CWIP in the rate base as allocated across the board on a rate structure basis, including a full explanation of the basis for allocation between classes of customers, with any background work papers used.

Subdivisions (1) and (2) need be filed only with the initial filing for a particular project.

(e) Any water company initially applying for a CWIP-based surcharge shall submit to the [DPUC] Authority all documentation and evidence required in subsection (d) no later than the 20th day of the month following the end of the applicable calendar quarter. The [DPUC] Authority shall hold a public hearing with respect to such application within 30 days of the filing thereof and shall issue a decision on such application within 60 days of the filing of that application unless the [DPUC] Authority shall have notified the company that the

company has failed to comply with the implementation requirements contained herein or that the DPUC otherwise requires a modification of the proposed surcharge.

(f) After initial implementation of a surcharge, any water company applying for a change in the CWIP-based surcharge with respect to any calendar quarter thereafter shall file with the [DPUC] Authority on or before the 20th day of the month immediately following the end of said calendar quarter, all documentation and evidence described in subdivisions (3) through (8), inclusive, of subsection (d). The [DPUC] Authority shall hold a consolidated public hearing with respect to all such quarterly applications on or about the 50th day after the end of each such quarter. The [DPUC] Authority shall issue a decision on or before the 70th day after the end of such calendar quarter unless prior to such day the [DPUC] Authority shall have notified the company that the company has failed to comply with the implementation requirements contained herein or that the [DPUC] Authority otherwise requires a modification of the proposed surcharge.

(g) To the extent not specifically required by the provisions of this section, the requirements of sections 16-1-16 through 16-1-59A of the regulations of Connecticut state agencies shall not be applicable to applications and proceedings pursuant to this section.

Sec. 36. Section 16-1-82 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-82. Special components in gas sales

If such application concerns authorization by the [commission] Authority to supply or sell gas in the manner described in section 16-269 of the general statutes, then there shall be annexed to the application:

(a) Statement identifying the location where the gas is to be supplied or sold, the name of the franchise holder for said area, and the name or names and addresses of the proposed recipients of such gas.

(b) Statement of the quantity of gas to be supplied or sold, setting forth the gross annual volume of gas broken down by monthly quantities and giving the proposed beginning and ending dates of the period which the applicant proposes to supply or sell that volume of gas to such recipients.

(c) Rules, tariffs and rates governing the delivery and pricing of such gas under the applicant's proposal.

(d) Total annual revenue applicant proposes to receive for supply or sale of gas, broken down by the amount of revenue expected from each recipient.

(e) Statement of any facts supporting conclusion that franchise holder is unable to furnish gas to proposed recipients in volume they demand and as proposed in the application.

(f) Statement of the facts and arguments supporting conclusion that public convenience and necessity will be served by approval of the application.

Sec. 37. Section 16-1-83 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-83. Components for appeals to [commission] Authority

If the proceeding presented to the [commission] Authority is an appeal under section 16-231 of the general statutes for any purpose provided in chapter 284 of the general statutes, then the appellant shall proceed in the manner described in section 16-1-78 in preparing and presenting such appeal.

Sec. 38. Section 16-1-102 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-102. General rule

These rules set forth the procedure to be followed by persons asserting any complaint to the [commission] Authority under title 16 of the general statutes, including but not limited to the provisions of sections 16-12, 16-13, 16-14, 16-20, 16-21, 16-273, 16-274, 16-296, 16-304, 16-309, 16-319, 16-325. In addition, these rules shall set forth the procedure to be followed by any person desiring to bring to the [commission] Authority any petition whatsoever with respect to the rates, service operation, equipment and plant; the convenience, protection and safety of the persons served by any public service company; and the public safety.

Sec. 39. Section 16-1-103 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-103. Form of petition

Any such petition or statement of complaint shall conform to the rules stated in part 1 of article 3, where applicable, setting forth a plain and concise statement of the material facts on which the petitioner or complainant relies. Such statement of facts should be divided into paragraphs numbered consecutively, each containing as nearly as may be a separate allegation. Where applicable, the petitioner or complainant may set forth acts, events, documents, and other occurrences according to their claimed legal effect. But in so doing the petition or statement of complaint should be such as fairly to apprise the [commission] Authority and the public service company of the state of facts on which it is intended the commissioners shall act

Sec. 40. Section 16-1-104 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-104. Special components

The petitioner or complainant may annex such exhibits, illustrations, written testimony, and other evidence, as well as any brief of law and fact that the petitioner deems necessary or desirable to support the petition or statement of complaint. Insofar as man be practical, however, each petition or statement of complaint and the exhibits and other evidence annexed thereto shall be sufficiently complete when filed to present the entire ease of the petitioners or complainant, subject only to cross examination by the other parties and by the [commission] Authority at the time of hearing.

Sec. 41. Section 16-1-105 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-105. Hearing

An investigation shall be conducted by the [commission] Authority and duly noticed hearings, shall be held as ordered by the commissioners. The proceedings and disposition of the petition or statement shall follow the rules of practice and procedure hereinabove set forth in article 2 for all other forms of proceedings before the [commission] Authority.

Sec. 42. Section 16-1-106 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-106. General rule

These rules set forth the procedure to be followed by the [commission] Authority in the enforcement of statutes, regulations, and orders concerning public service companies under the authority of law.

Sec. 43. Section 16-1-107 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-107. Procedure in response to violation

At such time as facts known to the [commission] Authority shall indicate that any public service company or any other person within the authority delegated by law has violated or is violating any statute in title 16 of the general statutes, or any regulation or order of the commissioners, then the commissioners may order an investigation of such facts. The purpose of said investigation shall be to determine whether or not such violation has, in fact, occurred. In the event the commissioners find that such a violation has occurred, they shall make such order and take such remedial action as is authorized by law in the case of such violation.

Sec. 44. Section 16-1-108 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-108. Order commencing investigation of violation

The [commission] Authority shall set a time and place for a hearing concerning the investigation of the violation. It shall give the accused public service company and all other interested persons notice of the hearing in the form and manner hereinabove provided for all other hearings. Such notice shall be sent to the accused public service company with a plain and concise statement of the material facts known to the [commission] Authority that have led to the conclusion that the information known to the [commission] Authority indicates the apparent violation of such statute, regulation or order of the commissioners. Where applicable, a bill of particulars will be provided pursuant to the procedure set forth in Section 16-1-26.

Sec. 45. Section 16-1-109 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-109. Hearing

The proceedings and disposition of the evidence elicited in the investigation and hearing concerning such violation shall follow the rules of practice and procedure hereinabove set forth in article 2 for all other forms of proceedings before the [commission] Authority.

Sec. 46. Section 16-1-111 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-111. Form of petitions

Any interested person may at any time petition the commissioners to promulgate, amend, or repeal any regulation. The petition shall conform to the rules stated in part 1 of article 3, where applicable, and shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments either in the petition or in a brief annexed thereto. The petition shall be addressed to the [commission] Authority and sent to the executive secretary by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.

Sec. 47. Section 16-1-112 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-112. Procedure after petition filed

(a) Decision on petition. Upon receipt of the petition the commissioners shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(b) Procedure on denial. If the commissioners deny the petition, the [commission] Authority shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the commissioners shall deem appropriate.

Sec. 48. Section 16-1-114 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-114. Form of petition for advisory ruling

Any interested person may at any time request an advisory ruling of the commissioners with respect to the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the commissioners. Such request shall be addressed to the [commission] Authority and sent to the executive secretary by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation or order concerning which the inquiry is made and shall identify the particular aspect thereof to which the inquiry is directed. The request for an advisory ruling shall be accompanied by a statement of any supporting data, facts and arguments that support the position of the person making the inquiry. Where applicable part 1 of article 3 governs the form and contents of the petition for advisory ruling.

Sec. 49. Section 16-1-115 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-115. Procedure after petition filed

(a) Notice to other persons. The [commission] Authority may give notice to any person that such an advisory ruling has been requested and may receive and consider data, facts, arguments and opinions from persons other than the person requesting the ruling.

(b) Provision for hearing. If the commissioners deem a hearing necessary or helpful in determining any issue concerning the request for advisory ruling, the [commission]

Authority shall schedule such hearing and give such notice thereof as shall be appropriate. The provisions of article 2 govern the practice and procedure of the [commission] Authority in any hearing concerning an advisory ruling.

(c) Decision on petition, ruling denied. If the commissioners determine that an advisory ruling will not be rendered, the [commission] Authority shall within ten (10) days thereafter notify the person so inquiring that the request has been denied and furnish a statement of the reasons on which the commissioners relied in so deciding.

(d) Decision on petition, ruling granted. If the commissioners render an advisory ruling, a copy of the ruling shall be sent to the person requesting it and to that person's attorney, if applicable, and to any other person who has filed a written request for a copy with the executive secretary.

Sec. 50. Section 16-1-116 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-116. [Commission] Authority investigations

The [commission] Authority may at any time institute investigations at the direction of the commissioners. Orders instituting the investigation shall indicate the nature of the matters to be investigated and will be served upon any person being investigated. Upon direction by the commissioners said person shall file with the [commission] Authority such data, facts, arguments and statement of position as shall be necessary to respond to the inquiry of the [commission] Authority.

Sec. 51. Section 16-1-118 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-118. General rule

These rules shall apply to all petitions received by the Public Utilities [Control] Regulatory Authority for the extension of local telephone service in the State of Connecticut and shall govern the disposition of such petitions by the Authority under the standards set forth herein.

Sec. 52. Section 16-1-119 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-119. Definitions

As used in these rules concerning local calling.

(1) "Customer" or "Subscriber" means any person or entity which has contracted with a telephone company for residential or business exchange telephone service and shall include any such persons or entities that would normally be served from the exchange requesting extended local calling but have foreign exchange service properly provided from the exchange to which toll free calling is requested.

(2) "Contiguous Exchange" means an exchange that adjoins or comes in physical contact with the boundaries of another exchange at any point.

(3) "Exchange" means a telephone service area with geographic boundaries or company designated administrative boundaries within which all customers have access to an identical list of central office codes which constitute the first three digits of telephone numbers they can call without paying a toll charge.

(4) "Extended Local Calling (ELC)" means a local exchange service that allows the telephone user to dial to a telephone which is located in an exchange other than the one from which the customer is served without incurring a toll charge. Such service shall be deemed "two-way" if extended local calling service is available to both exchanges in which an ELC route terminates, and "way" where a call on such a route, in either direction, requires the payment of a toll charge.

(5) "Main Station" means each exchange access line, or the equivalent as defined in the telephone company tariff, connected to a central office serving the exchange in question. Connection at the central office to switching equipment permits communication with other main stations.

(6) "Non-Contiguous Exchanges" means that the exchange boundaries of two exchanges do not adjoin or come in contact with each other at any point.

(7) "Petition" means a request for extended local calling which meets the requirements of section 16-1-120 and is in compliance with the provisions governing petitions to the Authority in general, Section 16-1-10 through 16-1-15 and Sections 16-1-45 to 16-1-52.

(8) "Public Utilities [Control] Regulatory Authority," ["PUCA"] "PURA" or "the Authority" means the Connecticut Public Utilities [Control] Regulatory Authority.

(9) "Telephone Company" means any public service company providing exchange telephone service within the state of Connecticut.

(10) "Split Town" means a Town served by two or more exchanges, between any two of which a toll charge applies when such toll charge is not the result of a customer choosing to be served from an exchange other than the one designated to serve that area.

Sec. 53. Section 16-1-128 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-128. Definitions

As used in these rules concerning area transfer.

(a) "Customer" or "Subscriber" means any person or entity which has contracted with a telephone company for residential or business exchange telephone service and shall also include any such persons or entities that reside in the area requested to be transferred but which have telephone exchange service from an exchange other than that which would normally serve the area.

(b) "Exchange" or "Telephone Exchange" means a telephone service area with geographic boundaries or telephone company designated administrative boundaries within which all customers have access to an identical list of central office codes which constitute the first three digits of telephone numbers they can call without paying a toll charge.

(c) "Telephone Company" means any public service company providing exchange telephone service within the State of Connecticut.

(d) ["Department"] "Authority" means the [Department of Public Utility Control] Public Utilities Regulatory Authority.

(e) "Petition" means a request that a specific geographic area be transferred from one exchange to another within the same town, which meets the requirements of Section 16-1-129 and is in compliance with the provisions governing petitions to the [Department] Authority in general, Sections 16-1-10 through 16-1-15 and Sections 16-1-45 to 16-1-52.

(f) "Principal Exchange" means that exchange which serves the largest number of customers within the town.

(g) "Area Transfer Area" means a single continuous exchange service area adjacent to the principal exchange and presently served by only one other exchange.

Sec. 54. Section 16-1-129 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-129. Petitions

(a) A petition for the transfer of an area from one exchange to another, in order to be considered by the [Department] Authority, must meet the following requirements:

(1) The petition must be from customers who reside in an area of a town which is served by an exchange other than the principal exchange.

(2) The petition must be for transfer of an area of a town to the principal exchange for the same town.

(3) The form of the petition shall state the name, address, and telephone number of each person signing the petition, the name of the exchange which serves the subject area, the name of the principal exchange serving the town, and the number of customers in the town served by each of the exchanges involved.

(4) The petition must be signed by at least five percent (5%) of the customers in the area transfer area.

Sec. 55. Section 16-1-130 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-130. Telephone company studies

When a petition is filed with the [Department] Authority under section 16-1-129, the telephone company(s) serving the exchanges shall be notified and thereafter shall conduct a study to determine the effect, if any, of the transfer of the area in question on the rates, then in effect, due to reclassification of one or more exchanges. A complete report of the above study, including a five (5) year analysis of the revenue requirements associated with such a transfer shall be filed with the [Department] Authority no later than ninety (90) days following receipt of notification that a petition has been filed. The telephone company also shall file, with the above report, a proposed survey ballot and accompanying letter which explains the purpose of the survey.

Sec. 56. Section 16-1-131 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-131. Hearing

The [Department] Authority shall hold a hearing on all petitions for the transfer of subscribers from one exchange to another to determine if the petition in all respects satisfies the criteria set forth in section 16-1-129, that a previous petition has not been denied in the eighteen (18) month period prior to the filing of the current petition and if the public interest would be served by the proposed transfer. For the purpose of this section and section 16-1-132, the [Department] Authority shall consider, without limitation, the following factors in determining whether a proposed area transfer is in the public interest:

- (1) the estimated cost of implementing the transfer;
- (2) the number of customers who would be transferred;
- (3) the estimated impact of the transfer upon rates, charges, and service for other customers of the company, and upon the company's revenue requirements; and

(4) the relationship between implementing the proposed area transfer and the company's modernization program.

Sec. 57. Section 16-1-132 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-132. Subscriber votes

(a) In all cases where a petition is found to be in the public interest and otherwise conforms to these rules, the [Department] Authority shall direct the telephone company to conduct a survey of all subscribers in the area proposed to be transferred. The vote of subscribers shall be initiated within sixty (60) days after the hearing required in Section 16-1-131. Each separately billed subscriber is entitled to only one vote. Responses to such a ballot shall be submitted to the telephone company no later than thirty (30) days after the expiration of the sixty (60) day voting period for counting under the direction of the [Department] Authority. The ballots for such votes shall clearly and plainly state:

(1) The change in local service rates, if any, to which the subscribers would be subject due to different exchange classifications under currently effective tariffs, if the area transfer were approved.

(2) The exchanges, towns and three (3) digit telephone number prefixes which would be accessible to the subscribers if the area transfer were approved.

(3) The exchanges, towns and three (3) digit telephone number prefixes which would no longer be accessible to the subscribers if the area transfer were approved.

(4) The three (3) digit telephone number prefix(es) to which subscribers telephone numbers would be changed if the area transfer were approved.

(b) Modification of exchange boundaries (area transfer) shall be ordered if the [Department] Authority finds that at least 50 percent (50%) of those subscribers surveyed respond and at least 60 percent (60%) of those, vote in favor. Only validly completed and signed ballots shall be used in computing the percentages. An area transfer so ordered shall be mandatory for all customers in the subject area.

Sec. 58. Section 16-1-133 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-133. Telephone company modernization

An area transfer petition which otherwise meets the conditions set forth in these rules may, upon approval by the [Department] Authority, be coordinated in implementation with the telephone company's modernization programs. In no event shall the delay exceed twelve (12) months.

Sec. 59. The Regulations of Connecticut State Agencies are amended by adding sections 16-1-134 to 16-1-137, inclusive, under a new Article 5, Part 1, as follows:

(NEW) ARTICLE 5

(NEW) UNCONTESTED PROCEEDINGS

(NEW) Part 1

(NEW) Participants, Hearings, General Provisions

(NEW) Sec. 16-1-134. Uncontested Proceedings. When appropriate.

(a) Sections 16-1-134 to 16-1-137, inclusive, of the Regulations of Connecticut State Agencies shall not apply to declaratory ruling proceedings. The Authority shall hold an uncontested proceeding when specifically required by statute or regulation. The Authority may hold an uncontested proceeding on its own motion or in response to a request, petition or application that is not a contested case for purposes of section 4-166 of the Connecticut General Statutes. Unless otherwise required by statute or regulation, there is no right to a hearing in an uncontested proceeding. The conducting of an elective hearing held in the agency's sole discretion pursuant to section 16-1-136 of the Regulations of Connecticut State Agencies shall not cause such uncontested proceeding to become a contested case for purposes of sections 4-166, 4-183 or any other provision of Chapter 54 of the Connecticut General Statutes.

(b) No later than 60 days after the initiation of an uncontested proceeding, the Authority shall issue a notice of proceeding to designated participants and make available on the Authority's website a time schedule and service list pertaining to the proceeding. The notice of proceeding shall specify 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.

(NEW) Sec. 16-1-135. Uncontested Proceedings. Designation and Role of Participants.

(a) Any person granted permission by the Authority to take part in an uncontested proceeding shall be designated a participant.

(b) Except as provided under section 16-19pp of the Connecticut General Statutes, the Authority shall determine the nature and extent of a participant's participation in the uncontested proceeding, taking into account whether such participation will furnish assistance to the Authority in resolving the issues of the uncontested proceeding.

(NEW) Sec. 16-1-136. Uncontested Proceedings. Presentation of facts and argument.

(a) The Authority may hold a hearing or technical meeting in an uncontested proceeding. Nothing in this section shall be construed to require the Authority to hold a hearing or technical meeting in an uncontested proceeding. The Authority may also permit submission of evidence or written sworn testimony in an uncontested proceeding.

(b) The Authority may permit participants to file comments, briefs, exceptions, or present oral arguments in an uncontested proceeding. If exceptions or oral arguments are permitted, the Authority shall issue a notice to specify the time and place for the submission of exceptions or presentation of oral arguments.

(NEW) Sec. 16-1-137. Uncontested Proceedings. Notice of hearings or technical meetings.

(a) The Authority shall give written notice of any hearing or technical meeting to all participants in advance of such hearing or meeting. The Authority may give notice by newspaper publication and such other means as the executive secretary deems appropriate and advisable.

(b) Contents of notice. Notice of a hearing or technical meeting shall include but not be limited to: (1) the time, place and nature of the hearing or technical meeting; (2) the legal authority and jurisdiction under which the hearing is to be held; (3) reference to the particular sections of the statutes and regulations involved; and (4) a short and plain statement describing the nature or purpose of the hearing or technical meeting.

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(Statement of Purpose page)

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

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.