

STATE OF CONNECTICUT PUBLIC UTILITIES REGULATORY AUTHORITY

I, Arthur House, Chairman of the Public Utilities Regulatory Authority, hereby certify that:

1. In compliance with Conn. Gen. Stat. § 4-168(a)(1), on January 27, 2016, the Public Utilities Regulatory Authority gave notice by posting a notice on the eRegulations System of its intention to adopt regulations regarding the protection of whistle-blowers that included the information required in said statute.
2. In compliance with Conn. Gen. Stat. § 4-168(a)(2), the Public Utilities Regulatory Authority on January 27, 2016, posted a copy of the proposed regulation on the eRegulations System.
3. In compliance with Conn. Gen. Stat. § 4-168(a)(3), the Public Utilities Regulatory Authority on January 27, 2016, gave notice electronically to each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation.
4. In compliance with Conn. Gen. Stat. § 4-168(a)(4), the Public Utilities Regulatory Authority on January 27, 2016, gave notice electronically or provided paper copies to all persons who made requests for advance notice of its regulation-making proceedings.
5. The Public Utilities Regulatory Authority received no requests for a paper copy or electronic version of the proposed regulation, as described in Conn. Gen. Stat. § 4-168(a)(5).
6. In compliance with Conn. Gen. Stat. § 4-168(a)(6), the Public Utilities Regulatory Authority prepared a fiscal note, including an estimate of the cost or of the revenue impact of the proposed regulations (A) on the state or any municipality of the state, and (B) on small businesses in the state, including an estimate of the number of small businesses subject to the proposed regulation and the projected costs, including but not limited to, reporting, recordkeeping and administrative, associated with compliance with the proposed regulation and, if applicable, the regulatory flexibility analysis prepared under Conn. Gen. Stat. § 4-168a.
7. All interested persons were given reasonable opportunities to submit data, views or arguments, orally at a hearing if granted under Conn. Gen. Stat. § 4-168(b) or in writing, concerning the proposed regulations and to inspect and copy or view online and print the fiscal note referred to in paragraph (6) above.
8. No request for an opportunity to present oral argument was made by fifteen persons, by a governmental subdivision or agency or by an association having

10 Franklin Square, New Britain, CT 06051

An Equal Opportunity Employer

www.ct.gov/pura

not less than fifteen members, within fourteen days of the posting of the notice on the eRegulations System.

9. No written or oral submissions respecting the proposed regulation were received by the Public Utilities Regulatory Authority.
10. No revisions to the fiscal note referred to in paragraph (6) above were necessary in light of the submissions respecting the proposed regulation.
11. In compliance with Conn. Gen. Stat. § 4-168(e), on March 2, 2016, the Public Utilities Regulatory Authority posted on the eRegulations System notice that it decided to take action on the proposed regulation and has provided such notice electronically to all persons who submitted oral or written comments concerning the regulation and has provided a paper copy of such notice to all persons who submitted comments in a non-electronic format. The Public Utilities Regulatory Authority has also posted on the eRegulations System the final wording of the proposed regulation. The Public Utilities Regulatory Authority did not issue the statements described in Conn. Gen. Stat. § 4-168(e)(2)-(3) because no oral or written data, views, or comments were received by the Public Utilities Regulatory Authority.



Arthur House
Chairman

March 2, 2016

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Clark Chapin
Senate Chair



Representative Brian Becker
House Chair

May 24, 2016

Arthur House, Chairman
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Dear Chariman House,

Proposed Regulation
2016-006

Public Utilities Regulatory Authority
“AMENDMENTS TO THE PROTECTION OF WHISTLE-BLOWERS” The Regulations of Connecticut State Agencies is amended 16-8a-1 through 16-8a-6. (CLJ Notice Date: 1/27/2016, A.G. Approval Date: 3/23/2016 - Bearing a Deadline Date of 6/9/2016).

The above captioned regulation was **LRRC - Rejected Without Prejudice** by the Legislative Regulation Review Committee on 5/24/2016. The action was based on the recommendations of the Legislative Commissioners’ Office. The necessary corrections are outlined in the attached report.

The regulation should be corrected, approved by the Attorney General for legal sufficiency pursuant to Section 5 of Public Act 14-187, and then resubmitted to the Legislative Regulation Review Committee with a summary of the revisions listed by paragraph. If this is a mandatory regulation, it must be resubmitted to the committee no later than the first Tuesday of the second month following the regulation’s rejection.

Sincerely,

Kirstin L. Breiner, Administrator
Legislative Regulation Review Committee

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Clark Chapin
Senate Chair



Representative Brian Becker
House Chair

Official Record of Committee Action

May 24, 2016

Agency: Public Utilities Regulatory Authority
Description: Amendments to the Protection of Whistle-Blowers
LRRC Regulation Number: 2016-006
eRegulation Tracking Number: PR2016-002

The above-referenced regulation has been

Rejected without Prejudice

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Kirstin L. Breiner
Committee Administrator

The Connecticut General Assembly

Legislative Commissioners' Office

Edwin J. Maley, Jr.
Commissioner
William A. Hamzy
Commissioner

Louise M. Nadeau
Director



Legislative Office Building
Suite 5500
Hartford, Connecticut
06106-1591
(860) 240-8410
fax (860) 240-8414
e-mail: lco@cga.ct.gov

Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: May 24, 2016

Regulation No:	2016-6
Agency:	Public Utilities Regulatory Authority (PURA)
Subject Matter:	Protection of Whistleblowers
Statutory Authority: (copy attached)	16-8a

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

1. On page 1, in section 16-8a-1(l), the proposed regulation adds a definition for "back pay" to reflect changes made by section 3 of Public Act 13-119 to 16-8a(d) of the general statutes to authorize the award of back pay or attorney's fees by the Authority with regard to a retaliatory action complaint. The regulation, in relevant part, defines back pay as "payment of lost wages, benefits or bonuses from a date between the date the complaint was filed and the date the adverse employment action occurs that the Authority deems

appropriate based on the relevant facts in each case". It is unclear from this definition why back pay is defined in a manner that disallows such an award for the period between the date the Authority deems appropriate and the filing of such a complaint or a later date, such as the date of any order issued by the Authority in response to such a complaint. The lack of clarity for said definition is compounded by the fact that the proposed regulation, in section 16-8a-2(c), affords a complainant two years from the date such a matter occurs to file such a complaint and that the Authority may order the employer to reinstate the complainant following completion of an investigation pursuant to section 16-8a(c)(4) of the general statutes.

2. On page 3, in section 16-8a-3(d), the regulation provides that prior to filing a formal written complaint, a prospective complainant "should" contact the Authority by telephone. It is unclear from this provision whether a prospective complainant is first required to contact the Authority by telephone or whether such contact is discretionary. This provision should be clarified.

Technical Corrections:

1. Throughout the proposed regulation, when referring to a section or sections of the general statutes, "of the General Statutes of Connecticut" should be "of the Connecticut General Statutes [of Connecticut]" and references to "Section" or "Sections" should be lower case rather than capitalized, for proper form and consistency. For example, on page 1, in the first line of section 16-8a-1(a), "Section 16-1 of the General Statutes of Connecticut" should be: "[Section] section 16-1 of the Connecticut General Statutes; [of Connecticut;]".

2. On page 1, in section 16-8a-1, in the introductory language, "through 16-8a-6 of the regulations" should be "[through] to 16-8a-6, inclusive, of the [regulations] Regulations of Connecticut State Agencies", for clarity and proper form.

3. On page 2, in section 16-8a-2(f), "(30)" should be bracketed, for consistency.

4. On page 2, in section 16-8a-3(a), references to "this regulation" should be "this [regulation] section", for clarity and proper form.

5. On page 3, throughout section 16-8a-3, references to "16-8a(c)" should be "16-8a[(c)] (b)", for accuracy.

6. On page 3, in section 16-8a-3(d), in the next to last line, "will" should be "[will] shall", in accordance with the committee's directive regarding mandates.

7. On page 3, in section 16-8a-3(g), in the fourth line, "that an employee: (1) reported" should be "that: [an employee:] (1) the employee reported", for proper form and consistency.

8. On page 4, in section 16-8a-4, in the second line, "Sections" should be "[Section] section" and in the third line of said section, "91-247,] and [Section]" should be "91-247, and Section] or", for proper form.

9. On page 4, in section 16-8a-5, in the first line, "Sections" should be "[Section] section", for proper form.

10. On page 4, in section 16-8a-6, "as defined in Section 16-8a-1 of the Regulations of Connecticut State Agencies" should be deleted as unnecessary.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part <input checked="" type="checkbox"/> Rejection without prejudice</p>

Reviewed by: Bradford M. Towson / Shannon McCarthy

Date: May 13, 2016

Sec. 16-8a. Protection of employee of public service company, contractor or Nuclear Regulatory Commission from retaliation. Procedures. Regulations. (a) No public service company, as defined in section 16-1, holding company, as defined in section 16-47, or Nuclear Regulatory Commission licensee operating a nuclear power generating facility in this state, or person, firm, corporation, contractor or subcontractor directly or indirectly providing goods or services to such public service company, holding company or licensee, may take or threaten to take any retaliatory action against an employee for the employee's disclosure of (1) any matter involving the substantial misfeasance, malfeasance or nonfeasance in the management of such public service company, holding company or licensee, or (2) information pursuant to section 31-51m. Any employee found to have knowingly made a false disclosure shall be subject to disciplinary action by the employee's employer, up to and including dismissal.

(b) Any employee of such a public service company, holding company or licensee, or of any person, firm, corporation, contractor or subcontractor directly or indirectly providing goods or services to such a public service company, holding company or licensee, having knowledge of any of the following may transmit all facts and information in the employee's possession to the Public Utilities Regulatory Authority: (1) Any matter involving substantial misfeasance, malfeasance or nonfeasance in the management of such public service company, holding company or licensee; or (2) any matter involving retaliatory action or the threat of retaliatory action taken against an employee who has reported the misfeasance, malfeasance or nonfeasance, in the management of such public service company, holding company or licensee. With regard to any matter described in subdivision (1) of this subsection, the authority shall investigate such matter in accordance with the provisions of section 16-8 and shall not disclose the identity of such employee without the employee's consent unless it determines that such disclosure is unavoidable during the course of the investigation. With regard to any matter described in subdivision (2) of this subsection, the matter shall be handled in accordance with the procedures set forth in subsections (c) and (d) of this section.

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

(2) Not more than five business days after receiving a written complaint, in a form prescribed by the authority, the authority shall notify the employer by certified mail. Such notification shall include a description of the nature of the charges and the substance of any relevant supporting evidence. The employer may submit a written response and both the employer and the employee may present rebuttal statements in the form of affidavits from

witnesses and supporting documents and may meet with the authority informally to respond verbally about the nature of the employee's charges. The authority shall consider in making its preliminary finding as provided in subdivision (3) of this subsection any such written and verbal responses, including affidavits and supporting documents, received by the authority not more than twenty business days after the employer receives such notice. Any such response received after twenty business days shall be considered by the authority only upon a showing of good cause and at the discretion of the authority. The authority shall make its preliminary finding as provided in subdivision (3) of this subsection based on information described in this subdivision, without a public hearing.

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

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

(d) Not later than thirty days after making a preliminary finding in accordance with the provisions of subsection (c) of this section, the authority shall initiate a full investigatory proceeding in accordance with the provisions of section 16-8, at which time the employer shall have the opportunity to rebut the presumption. The authority may issue orders, impose civil penalties, order payment of back pay or award attorneys' fees in a manner that conforms with the notice and hearing provisions in section 16-41 against a public service company, holding company or licensee or a person, firm, corporation, contractor or subcontractor directly or indirectly providing goods or services to such public service company, holding company or licensee, in order to enforce the provisions of this section.

(e) If an employee or former employee of such a public service company, holding company or licensee, or of a person, firm, corporation, contractor or subcontractor directly or indirectly providing goods or services to such a public service company, holding company or licensee, having knowledge of any matter involving the substantial misfeasance, malfeasance or nonfeasance in the management of such public service

company, holding company or licensee, enters into an agreement with the employee's employer that contains a provision directly or indirectly discouraging the employee from presenting a written complaint or testimony concerning such misfeasance, malfeasance or nonfeasance in any legislative, administrative or judicial proceeding, such provision shall be void as against public policy.

(f) The Public Utilities Regulatory Authority shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this section. Such regulations shall include the following: (1) The procedures by which a complaint may be brought pursuant to subsection (a) of this section; (2) the time period in which such a complaint may be brought; (3) the time period by which the authority shall render a decision pursuant to subsection (d) of this section; (4) the form on which written complaints shall be submitted to the authority by an employee pursuant to subsection (c) of this section; and (5) the requirement that a notice be posted in the workplace informing all employees of any public service company, holding company and licensee and of any person, firm, corporation, contractor or subcontractor directly or indirectly providing goods or services to a company or licensee, as defined in subsection (b) of this section, of their rights under this section, including the right to be reinstated in accordance with subsection (c) of this section.



STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY

March 30, 2016

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. 13-08-38 – PURA Revisions to its Whistleblower Regulations

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

Pursuant to Connecticut General Statutes §4-170, the Public Utilities Regulatory Authority (PURA or Authority) hereby submits the above-referenced proposed regulations for your review and approval. The proposed regulations pertain to whistleblower protections provided in Regulations of Connecticut State Agencies §16-8a-1 to §16-8a-6. The proposed amendments reflect the statutory changes made in Connecticut General Statutes §16-8a and also incorporate technical changes reflecting the Public Utilities Regulatory Authority's relatively recent name change. The Authority did not receive public comments and no public hearing was held regarding the proposed amendments.

We request that the Committee approve the proposed regulations. If you have any questions, please contact Miriam Therouz at 860-827-2606 or Chen Lu at 860-827-2695. Thank you for your consideration.

Respectfully Submitted,

PUBLIC UTILITIES REGULATORY AUTHORITY

Jeffrey R. Gaudiosi, Esq.
Executive Secretary

State of Connecticut
Regulation of
Public Utilities Regulatory Authority
Concerning
Amendments to the Protection of Whistle-Blowers

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

Sec. 16-8a-1. Definitions

For the purposes of Section 16-8a-1 through 16-8a-6 of the regulations:

(a) “Company” means a public service company as defined in Section 16-1 of the General Statutes of Connecticut;

(b) “Holding Company” means any holding company as defined in Section 16-47 of the General Statutes of Connecticut;

(c) “Licensee” means any federal Nuclear Regulatory Commission licensee operating a nuclear power generating facility in the State of Connecticut;

(d) “Person” means one or more [individuals] individuals, firms, corporations, joint ventures, partnerships, associations, cooperative associations, business trusts, legal representatives, or any organized groups of persons; and shall include any trustees, receivers, assignees or personal representatives thereof;

(e) “Employer” means any company, holding company, or licensee, or any contractor or subcontractor directly or indirectly providing goods or services to a company, holding company, or licensee;

(f) “Employee” means any person engaged in service to an employer;

(g) [“Department” means the Department of Public Utility Control] “Authority” means the Public Utilities Regulatory Authority;

(h) “Facility” means a nuclear power generating facility in the State of Connecticut;

(i) “Complaint” means the transmission of facts and information to the [Department] Authority by an employee having knowledge of any matter involving substantial misfeasance, malfeasance or nonfeasance, or of the discharge, discipline or other penalizing of, or threat of retaliatory action against a person reporting the misfeasance, malfeasance or nonfeasance, in the management of a company or facility;

(j) “Complainant” means an employee who transmits a complaint to the [Department] Authority;
[and]

(k) “Equivalent position” means a position that provides the same level of pay and benefits, and the same or similar potential for career advancement for the employee as the employee’s former position. Whenever possible and practical the equivalent position shall be in the same department, unit and location as the former position[.]; and

(l) “Back pay” means payment of lost wages, benefits or bonuses from a date between the date the complaint was filed and the date the adverse employment action occurred that the Authority deems appropriate based on the relevant facts in each case.

Section 2. Section 16-8a-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-8a-2. Investigations by the [department] Authority; limitations period for complaints; issuance of decisions by the [department] Authority

(a) Any employee having knowledge of any matter involving substantial misfeasance, malfeasance or nonfeasance, or of the discharge, discipline or other penalizing of, or threat of retaliatory action against a person reporting the misfeasance, malfeasance or nonfeasance, in the management of a company or facility may transmit all facts and information in the possession of the employee concerning such matter to the [Department] Authority in a form prescribed by the [Department] Authority.

(b) The [Department] Authority shall investigate any complaint in accordance with the provisions of Section 16-8 of the General Statutes of Connecticut.

(c) Any complaint shall be made to the [Department] Authority within two years of the date when any matter occurred, or was discovered, or reasonably should have been discovered, concerning the subject of the complaint.

(d) The [Department] Authority shall notify the employer by certified mail not more than five (5) business days after receiving a written complaint complying with the requirements of Section 16-8a-3(e) of the Regulations of Connecticut State Agencies. The employer may file a response and both the complainant and employer may submit within [twenty (20)] forty-five business days from the date of the notice rebuttal statements or supporting evidence in the form of affidavits from witnesses and relevant documents, and may meet informally with the [Department] Authority to respond verbally. The [Department] Authority may consider any such responses received after [twenty (20)] forty-five business days only upon a showing of good cause and at the discretion of the [Department] Authority.

(e) The [Department] Authority shall make a preliminary finding within [thirty (30)] ninety business days of receipt of a written complaint based on such evidence submitted without a public hearing.

(f) The [Department] Authority shall initiate a full investigatory proceeding not later than thirty (30) days after making a preliminary finding.

Section 3. Section 16-8a-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-8a-3. Posting of regulation by employer; confidentiality; procedure for filing a complaint

(a) No later than thirty [(30)] days after the effective date of this regulation, each employer shall post a copy of this regulation in a conspicuous location in the workplace where any employee can easily read it. The posted regulation shall contain the following heading, in type not less than twenty [(20)] point boldface:

NOTICE TO EMPLOYEES

[Department of Public Utility Control] Public Utilities Regulatory Authority.

(b) The [Department] Authority will not treat as a complaint any information provided to the [Department] Authority on an anonymous basis; but the [Department] Authority shall not disclose the identity of any complainant without the consent of the complainant, unless the [Department] Authority determines that such disclosure is unavoidable during the course of the investigation of a complaint. The contents of any complaint, and [Department] Authority records related to any

complaint, shall be exempt from disclosure under the Connecticut Freedom of Information Act, as provided in Chapter 14 of the General Statutes of Connecticut.

(c) Any complaint may be transmitted to the [Department] Authority by facsimile machine or other form of electronic media, or in writing. The [Department] Authority may request written verification of any complaint not transmitted in writing. Each written complaint shall be typewritten or printed clearly. The envelope containing the complaint shall be clearly marked on the front side with the inscription “CONFIDENTIAL,” and the first page of the complaint shall be clearly marked with the inscription “CONFIDENTIAL” at the top. An original of any document submitted in support of a complaint shall be filed, except that a good quality photographic reproduction may be submitted if an original copy is not available. In addition, each complaint shall conform to any other filing requirement that may be established from time to time by the Executive Secretary of the [Department] Authority.

(d) Prior to filing a formal written complaint a prospective complainant should contact the [Department] Authority by telephone by calling the [Department] Authority toll free at 1-800-382-4586, or by calling the [Department] Authority at 860-827-2622. Each written complaint filed pursuant to Connecticut General Statutes Section 16-8a(c) shall be addressed to the Executive Secretary of the [Department] Authority, 10 Franklin Square, New Britain, CT 06051. The [Department] Authority will discuss and review the complaint and advise the complainant as to the complaint filing process.

(e) A complaint may be delivered to the [Department] Authority by United States mail, private delivery service, or in person at the office of the executive secretary. Each written complaint filed pursuant to Connecticut General Statutes Section 16-8a(c) shall contain a clear and concise statement of the matter complained of, and of the relief requested, including the material facts relied on by the complainant. Any relevant and material exhibits, illustrations, written testimony, or any other evidence may be annexed to a complaint. Each complaint shall include: the name, address and phone number of the employer and any parties against whom the complaint is made; facts and incidents occurring no more than two years prior to the date of filing presented in a concise chronological manner; names of witnesses to alleged incidents; and the name and address of the agent for service of process.

(f) Each complainant shall provide the complainant’s mailing address or street address if the mailing address is a Post Office box and a telephone number at which the [Department] Authority may contact the complainant. The complainant shall sign each written complaint filed pursuant to Connecticut General Statutes Section 16-8a(c).

(g) Not more than [30] ninety business days after the receipt of a written complaint filed pursuant to Connecticut General Statutes Section 16-8a(c), in the form prescribed by the [department] Authority, the [department] Authority shall make a preliminary finding. If the [department] Authority finds that an employee: (1) reported substantial misfeasance, malfeasance or nonfeasance in the management of the company, holding company or licensee; (2) the employee was subsequently discharged, suspended, demoted or otherwise penalized by having his status of employment changed by his employer; and (3) the employee’s report was not knowingly false, the [department] Authority shall issue an order requiring the employer to immediately return the employee to the employee’s previous position of employment or an equivalent position. The Authority may also order back pay or award attorneys’ fees.

Section 4. Section 16-8a-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-8a-4. No retaliation by employer

(a) No employer or person may take or threaten to take any retaliatory action against any employee for the disclosure of information pursuant to the provisions of Sections 16-8a [of the General Statutes of Connecticut, as amended by Public Act No. 91-247,] and [Section] 31-51m of the General Statutes of Connecticut.

(b) Any employee found to have knowingly made a false report shall be subject to disciplinary action by his employer, up to and including dismissal.

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

Sec. 16-8a-5. Costs or expenses of a company related to [department] Authority proceedings pursuant to section 16-8a of the General Statutes of Connecticut

No costs or expenses associated with any action brought under the provisions of Sections 16-8a [of the General Statutes of Connecticut,] or [Section] 31-51m of the General Statutes of Connecticut, may be included in the rates or charges of any company until such time as the [Department] Authority or the Connecticut Department of Labor, in a final decision, finds in favor of the company; or if such action is appealed, until such time as the court finds, in a final decision, in favor of the company.

Section 6. Section 16-8a-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-8a-6. Enforcement

The [Department] Authority may issue orders, including cease and desist orders, under Section 16-9 of the General Statutes of Connecticut, and the [Department] Authority may impose civil penalties under Section 16-41 of the General Statutes of Connecticut, and the Authority may order back pay as defined in Section 16-8a-1 of the Regulations of Connecticut State Agencies to enforce the provisions of Section 16-8a of the General Statutes of Connecticut[, as amended by Public Act No. 91-247].

R-39 Rev. 02/2012

Statement of Purpose

The purpose of the proposed amendments to the existing regulations is to comply with Section 3 of Public Act 13-119, which changed some of the action time periods and included additional remedies for protected employees. The proposed amendments will reflect the statutory changes and incorporate technical changes reflecting the Public Utilities Regulatory Authority's recent name change.

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

AGENCY CERTIFICATION**Public Utilities Regulatory Authority**

Proposed Regulation Concerning

Protection of Whistle-blowers

eRegulations System Tracking Number PR2016-002

I hereby certify the following:

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **Connecticut General Statutes § 16-8a(f)**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on <<**select and enter the date of posting**>>.

For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **January 27, 2016**.

(4) *(Complete one)* No public hearing held or was required to be held. **OR** One or more public hearings were held on: <<**select and enter dates**>>.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **March 2, 2016**.

(6) *(Complete one)* No comments were received. **OR** Comments were received and the agency posted the statements specified in subdivisions (2) and (3) of CGS Section 4-168(e) to the eRegulations System website on <<**select and enter date**>>.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **March 2, 2016**.

(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

When posted to the eRegulations System website by the Secretary of the State.

OR On _____

(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)

Kathleen H. House

SIGNED

*(Head of Board, Agency or Commission,
or duly authorized deputy)*

Chairman
OFFICIAL TITLE

3/2/2016
DATE

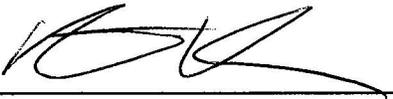
**OFFICE OF THE ATTORNEY GENERAL
REGULATION CERTIFICATION**

Agency Public Utilities Regulatory Authority

REGULATION NUMBER PR2016-002

This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes Section 4-169.

DATE: 3/23/2016

Signed: 
Robert W. Clark, Special Counsel
Duly Authorized

AGENCY FISCAL ESTIMATE OF PROPOSED REGULATION**Agency Submitting Regulation:** Public Utilities Regulatory Authority (PURA)**Date:** 1/13/2016**Subject Matter of Regulation:** PURA Whistleblower Regulations**Regulation Section No.:** 16-8a-1 through 16-8a-6**Statutory Authority:** §16-8a(f)**Other Agencies Effected:** None**Effective Date Used In Cost Estimate:** 1/13/2016**Estimate Prepared By:** Miriam Theroux**Telephone No.:** 860-827-2606**ESTIMATE OF COST OR REVENUE IMPACT OF PROPOSED REGULATION****Agency:** PURA**Fund Affected:****NONE**

	First Year	Second Year	Full Operation
<u>Number of Positions</u>	0	0	0
Personal Services	0	0	0
Other Expenses	0	0	0
Equipment	0	0	0
Grants	0	0	0
Total State Cost or (Savings)	0	0	0
Estimated Revenue Gain or (Loss)	0	0	0
Total Net State Cost or (Savings)	0	0	0

Explanation of State Impact of Regulation: NO IMPACT**Explanation of Municipal Impact of Regulation:** NO IMPACT**Explanation of Small Business Impact of Regulation:** NO IMPACT**Is a regulatory flexibility analysis required pursuant to C.G.S. 4-168a?** NO



Small Business Impact Analysis

Amendment of Regulations to Update the Whistleblower Regulations to Reflect the Changes Reflected in Section 3 of Public Act 13-119

Public Act No. 09-19, An Act Requiring Economic Impact Analysis for Proposed Regulations, requires regulating agencies to prepare an economic impact analysis that identifies the impact the regulatory action may have on small businesses.

This legislation describes a simple analysis that includes an estimate of the number of small businesses subject to the proposed regulation and the projected costs required for compliance with the proposed regulation.

PURA –Revisions to its Whistleblower Regulations Sections 16-8a-1 through 16-8a-6.

Statement of Purpose: To amend the Regulations to reflect the changes made necessary due to the passage Section 3 of Public Act 13-119.

Step 1. Identify industry (NAICS) code for “_____.”

***There is no NAICS code for entities who may participate in PURA proceedings, and therefore, the analysis in Step 1 and Step 2 is not possible.

- a. Go to <http://www.census.gov/epcd/www/naics.html>.
- b. Enter “_____” in search box.
- c. Resulting NAICS code is _____.

Step 2. Look up number of _____ and employees in Connecticut.

- a. Go to <http://www.census.gov/econ/www/index.html>.
- b. Select the “County Business Patterns -- States” link <http://censtats.census.gov/cbpnaic/cbpnaic.shtml>
- c. Select “Connecticut” from drop down box. Click on “**Submit.**”

Go to entry under “Industry Code” xx

- d. Add up total establishments, total employees and average number of employees.

Industry Code	Industry Code Description	Employees	Total Firms	Avg Employees
---------------	---------------------------	-----------	-------------	---------------

Step 3. Determine the cost of complying with the proposed regulation.

- a. Specify the actions required of the affected businesses by the proposed regulation and their costs.

There are no new costs for the affected businesses. The proposed revisions will update the whistleblower regulations to reflect the changes made to the whistleblower statues 16-8a. The changes will require that if the Authority makes a preliminary finding that a public service company holding company, contractor, subcontractor or an NRC licensee operating a nuclear facility has unjustly taken an adverse employment action against a whistleblower, the company may be ordered to pay a fine and/or issue back pay to the affected whistleblower employee. Since this applies to the particular public service companies, there should be no new costs for any small businesses.

- b. Multiply the approximate cost by the average number of employees: 0 employees x \$0 cost = \$0 additional cost.

Step 4. Complete small business economic impact estimate.

- a. Estimated number of small businesses to be affected:

0

- b. The projected costs, including reporting, recordkeeping and administration, and other costs required for compliance with the proposed regulation:

0



STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

NOTICE OF INTENT TO AMEND REGULATIONS

In accordance with the provisions of Section 4-168(a) of the General Statutes of Connecticut (Conn. Gen. Stat.), the Public Utilities Regulatory Authority (PURA) hereby gives notice that, pursuant to Conn. Gen. Stat. §16-8a(f), PURA proposes to amend sections 16-8a-1 to 16-8a-6, inclusive, of the Regulations of Connecticut State Agencies pertaining to protection of whistle-blowers.

Statement of Purpose: The purpose of the proposed amendments to the existing regulations is to comply with Section 3 of Public Act 13-119, which changed some of the action time periods and included additional remedies for protected employees. The proposed amendments will reflect the statutory changes and incorporate technical changes reflecting the Public Utilities Regulatory Authority's recent name change.

Persons wishing to present their views and comments regarding the proposed regulations are invited to do so within thirty days following the publication of this notice either electronically via the e-regulations system or in writing sent to PURA Executive Secretary, 10 Franklin Square, New Britain CT 06051. All comments must reference PURA Docket No. 13-08-38.

A copy of the proposed regulation, fiscal note and small business impact statement are available for public inspection on the eRegulations system online, PURA website at www.ct.gov/pura (Docket Info/Search for a Docket Number/Docket No. 13-08-38); by calling PURA Executive Secretary at (860) 827-1553; or by emailing PURA.ExecutiveSecretary@ct.gov.

Dated at New Britain, Connecticut this 27th day of January, 2016

PUBLIC UTILITIES REGULATORY AUTHORITY

A handwritten signature in black ink, appearing to read "Jeffrey R. Gaudiosi".

Jeffrey R. Gaudiosi, Esq.
Executive Secretary

10 Franklin Square, New Britain, CT 06051

An Equal Opportunity Employer
www.ct.gov/pura

Form NOD-ICM (NEW 6/2015)
State of Connecticut
Office of the Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES

This form should be used only for regulations first noticed on *and after March 23, 2015*.

Please review the instruction page before completing and submitting this form.

Please contact the Secretary of the State's Office at 860-509-6009 if you have any questions.

Notice of Decision

In accordance with the provisions of Section 4-168(e) of the *Connecticut General Statutes*, the **Public Utilities Regulatory Authority** hereby gives notice it has decided to move forward with a proposed regulation concerning **the protection of whistle-blowers**.

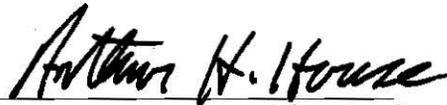
Notice of Intent to adopt said regulation was posted to the eRegulations System website on **January 27, 2016**. The eRegulations System tracking number assigned to the proposed regulation is **PR2016-002**.

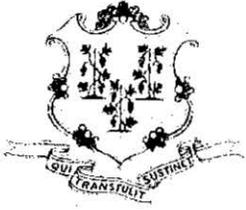
No comments on the proposed regulation were received orally or in writing. Therefore, no summary of comments and response will be posted to the eRegulations System website.

As required by Section 4-168(e) of the *Connecticut General Statutes*, the final proposed wording of the regulation shall be posted to the eRegulations System website as a separate document.

March 2, 2016

Arthur House
Chairman


(signature)



STATE OF CONNECTICUT PUBLIC UTILITIES REGULATORY AUTHORITY

I, Arthur House, Chairman of the Public Utilities Regulatory Authority, hereby certify that:

1. In compliance with Conn. Gen. Stat. § 4-168(a)(1), on January 27, 2016, the Public Utilities Regulatory Authority gave notice by posting a notice on the eRegulations System of its intention to adopt regulations regarding the protection of whistle-blowers that included the information required in said statute.
2. In compliance with Conn. Gen. Stat. § 4-168(a)(2), the Public Utilities Regulatory Authority on January 27, 2016, posted a copy of the proposed regulation on the eRegulations System.
3. In compliance with Conn. Gen. Stat. § 4-168(a)(3), the Public Utilities Regulatory Authority on January 27, 2016, gave notice electronically to each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation.
4. In compliance with Conn. Gen. Stat. § 4-168(a)(4), the Public Utilities Regulatory Authority on January 27, 2016, gave notice electronically or provided paper copies to all persons who made requests for advance notice of its regulation-making proceedings.
5. The Public Utilities Regulatory Authority received no requests for a paper copy or electronic version of the proposed regulation, as described in Conn. Gen. Stat. § 4-168(a)(5).
6. In compliance with Conn. Gen. Stat. § 4-168(a)(6), the Public Utilities Regulatory Authority prepared a fiscal note, including an estimate of the cost or of the revenue impact of the proposed regulations (A) on the state or any municipality of the state, and (B) on small businesses in the state, including an estimate of the number of small businesses subject to the proposed regulation and the projected costs, including but not limited to, reporting, recordkeeping and administrative, associated with compliance with the proposed regulation and, if applicable, the regulatory flexibility analysis prepared under Conn. Gen. Stat. § 4-168a.
7. All interested persons were given reasonable opportunities to submit data, views or arguments, orally at a hearing if granted under Conn. Gen. Stat. § 4-168(b) or in writing, concerning the proposed regulations and to inspect and copy or view online and print the fiscal note referred to in paragraph (6) above.
8. No request for an opportunity to present oral argument was made by fifteen persons, by a governmental subdivision or agency or by an association having

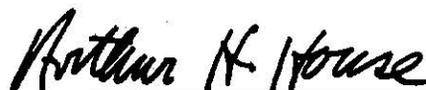
10 Franklin Square, New Britain, CT 06051

An Equal Opportunity Employer

www.ct.gov/pura

not less than fifteen members, within fourteen days of the posting of the notice on the eRegulations System.

9. No written or oral submissions respecting the proposed regulation were received by the Public Utilities Regulatory Authority.
10. No revisions to the fiscal note referred to in paragraph (6) above were necessary in light of the submissions respecting the proposed regulation.
11. In compliance with Conn. Gen. Stat. § 4-168(e), on March 2, 2016, the Public Utilities Regulatory Authority posted on the eRegulations System notice that it decided to take action on the proposed regulation and has provided such notice electronically to all persons who submitted oral or written comments concerning the regulation and has provided a paper copy of such notice to all persons who submitted comments in a non-electronic format. The Public Utilities Regulatory Authority has also posted on the eRegulations System the final wording of the proposed regulation. The Public Utilities Regulatory Authority did not issue the statements described in Conn. Gen. Stat. § 4-168(e)(2)-(3) because no oral or written data, views, or comments were received by the Public Utilities Regulatory Authority.



Arthur House
Chairman

March 2, 2016