



General Assembly

January Session, 2021

Raised Bill No. 858

LCO No. 3162

Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:

(ET)

AN ACT CONCERNING CALL BEFORE YOU DIG PROGRAM VIOLATIONS AND CERTAIN MODIFICATIONS TO GAS PIPELINES PROCESSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-356 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 Any person, public agency or public utility which the Public Utilities
4 Regulatory Authority determines, after notice and opportunity for a
5 hearing as provided in section 16-41, as amended by this act, to have
6 failed to comply with any provision of this chapter or any regulation
7 adopted under section 16-357 shall forfeit and pay to the state a civil
8 penalty of not more than forty thousand dollars, provided any violation
9 involving the failure of a public utility to mark any approximate location
10 of an underground utility facility correctly or within the time frames
11 prescribed by regulation, which violation did not result in any property
12 damage or personal injury and was not the result of an act of gross
13 negligence on the part of the public utility, shall not result in a civil
14 penalty of more than one thousand dollars. Any civil penalty assessed

15 for any violation involving the failure of a public utility to properly or
16 timely mark any approximate location of an underground facility shall
17 be paid by the person, public agency or public utility to whom the notice
18 is addressed. If any such person, public agency or public utility recovers
19 any portion of the penalty from any person, the authority may direct
20 such person, public agency or public utility to forfeit such recovered
21 penalty, as provided in such notice. Notwithstanding the provisions
22 contained in subsection (d) of section 16-41, as amended by this act, the
23 person, public agency or public utility receiving a notice of violation
24 pursuant to subsection (c) of section 16-41, as amended by this act, shall
25 have thirty days from the date of receipt of the notice in which to deliver
26 to the authority a written application for a hearing.

27 Sec. 2. Section 16-7 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective July 1, 2021*):

29 The utility commissioners of the Public Utilities Regulatory
30 Authority, or their designees, while engaged in the performance of their
31 duties may, at all reasonable times, enter any premises, buildings, cars,
32 plant or other places belonging to or controlled by any public service
33 company, [or] electric supplier or person involved in the transportation
34 of gas, as such terms are defined in section 16-280a, and any person
35 obstructing or in any way causing to be obstructed or hindered any
36 utility commissioner of the Public Utilities Regulatory Authority or
37 employee of the Public Utilities Regulatory Authority in the
38 performance of his or her duties shall be fined not more than [two
39 hundred] ten thousand dollars or imprisoned not more than six months,
40 or both.

41 Sec. 3. Section 16-8 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective July 1, 2021*):

43 (a) The Public Utilities Regulatory Authority may, in its discretion,
44 delegate its powers, in specific cases, to one or more of its directors or to
45 a hearing officer to ascertain the facts and report thereon to the
46 authority. The authority, or any director thereof, in the performance of

47 its duties or in connection with any hearing, or at the request of any
48 person, corporation, company, town, borough or association, may
49 summon and examine, under oath, such witnesses, and may direct the
50 production of, and examine or cause to be produced and examined, such
51 books, records, vouchers, memoranda, documents, letters, contracts or
52 other papers in relation to the affairs of any public service company or
53 person involved in the transportation of gas, as such terms are defined
54 in section 16-280a as it may find advisable, and shall have the same
55 powers in reference thereto as are vested in magistrates taking
56 depositions. If any witness objects to testifying or to producing any book
57 or paper on the ground that such testimony, book or paper may tend to
58 incriminate him, and the authority directs such witness to testify or to
59 produce such book or paper, and he complies, or if he is compelled so
60 to do by order of court, he shall not be prosecuted for any matter
61 concerning which he or she has so testified. The fees of witnesses
62 summoned by the authority to appear before it under the provisions of
63 this section, and the fees for summoning witnesses shall be the same as
64 in the Superior Court. All such fees, together with any other expenses
65 authorized by statute, the method of payment of which is not otherwise
66 provided, shall, when taxed by the authority, be paid by the state,
67 through the business office of the authority, in the same manner as court
68 expenses. The authority may designate in specific cases a hearing officer
69 who may be a member of its technical staff or a member of the
70 Connecticut Bar engaged for that purpose under a contract approved by
71 the Secretary of the Office of Policy and Management to hold a hearing
72 and make report thereon to the authority. A hearing officer so
73 designated shall have the same powers as the authority, or any director
74 thereof, to conduct a hearing, except that only a director of the authority
75 shall have the power to grant immunity from prosecution to any witness
76 who objects to testifying or to producing any book or paper on the
77 ground that such testimony, book or paper may tend to incriminate him
78 or her.

79 (b) (1) The authority may employ professional personnel to perform
80 management audits. The authority shall promptly establish such

81 procedures as it deems necessary or desirable to provide for
82 management audits to be performed on a regular or irregular schedule
83 on all or any portion of the operating procedures and any other internal
84 workings of any public service company or person involved in the
85 transportation of gas, as such terms are defined in section 16-280a,
86 including the relationship between any public service company or
87 person involved in the transportation of gas, as such terms are defined
88 in section 16-280a and a related holding company or subsidiary,
89 consistent with the provisions of section 16-8c, provided no such audit
90 shall be performed on a community antenna television company, except
91 with regard to any noncable communications services which the
92 company may provide, or when (A) such an audit is necessary for the
93 authority to perform its regulatory functions under the
94 Communications Act of 1934, 47 USC 151, et seq., as amended from time
95 to time, other federal law or state law, (B) the cost of such an audit is
96 warranted by a reasonably foreseeable financial, safety or service benefit
97 to subscribers of the company which is the subject of such an audit, and
98 (C) such an audit is restricted to examination of the operating
99 procedures that affect operations within the state.

100 (2) In any case where the authority determines that an audit is
101 necessary or desirable, it may (A) order the audit to be performed by
102 one of the management audit teams, (B) require the affected company
103 to perform the audit utilizing the company's own internal management
104 audit staff as supervised by designated members of the authority's staff,
105 or (C) require that the audit be performed under the supervision of
106 designated members of the authority's staff by an independent
107 management consulting firm selected by the authority, in consultation
108 with the affected company. If the affected company has more than
109 seventy-five thousand customers, such independent management
110 consulting firm shall be of nationally recognized stature. All reasonable
111 and proper expenses of the audits, including, but not limited to, the costs
112 associated with the audit firm's testimony at a public hearing or other
113 proceeding, shall be borne by the affected companies and shall be paid
114 by such companies at such times and in such manner as the authority

115 directs.

116 (3) For purposes of this section, a complete audit shall consist of (A)
117 a diagnostic review of all functions of the audited company, which shall
118 include, but not be limited to, documentation of the operations of the
119 company, assessment of the company's system of internal controls, and
120 identification of any areas of the company which may require
121 subsequent audits, and (B) the performance of subsequent focused
122 audits identified in the diagnostic review and determined necessary by
123 the authority. All audits performed pursuant to this section shall be
124 performed in accordance with generally accepted management audit
125 standards. The authority shall adopt regulations in accordance with the
126 provisions of chapter 54 setting forth such generally accepted
127 management audit standards. Each audit of a community antenna
128 television company shall be consistent with the provisions of the
129 Communications Act of 1934, 47 USC 151, et seq., as amended from time
130 to time, and of any other applicable federal law. The authority shall
131 certify whether a portion of an audit conforms to the provisions of this
132 section and constitutes a portion of a complete audit.

133 (4) A complete audit of each portion of each gas company or electric
134 distribution company having more than seventy-five thousand
135 customers shall begin no less frequently than every six years, so that a
136 complete audit of such a company's operations shall be performed every
137 six years. Such an audit of each such company having more than
138 seventy-five thousand customers shall be updated as required by the
139 authority.

140 (5) The results of an audit performed pursuant to this section shall be
141 filed with the authority and shall be open to public inspection. Upon
142 completion and review of the audit, if the person or firm performing or
143 supervising the audit determines that any of the operating procedures
144 or any other internal workings of the affected public service company
145 or person involved in the transportation of gas, as such terms are
146 defined in section 16-280a are inefficient, improvident, unreasonable,
147 negligent or in abuse of discretion, the authority may, after notice and

148 opportunity for a hearing, order the affected public service company or
149 person involved in the transportation of gas, as such terms are defined
150 in section 16-280a to adopt such new or altered practices and procedures
151 as the authority shall find necessary to promote efficient and adequate
152 service to meet the public convenience and necessity. The authority shall
153 annually submit a report of audits performed pursuant to this section to
154 the joint standing committee of the General Assembly having
155 cognizance of matters relating to public utilities which report shall
156 include the status of audits begun but not yet completed and a summary
157 of the results of audits completed. Any such report may be submitted
158 electronically.

159 (6) All reasonable and proper costs and expenses, as determined by
160 the authority, of complying with any order of the authority pursuant to
161 this subsection shall be recognized by the authority for all purposes as
162 proper business expenses of the affected company.

163 (7) After notice and hearing, the authority may modify the scope and
164 schedule of a management audit of a telephone company which is
165 subject to an alternative form of regulation so that such audit is
166 consistent with that alternative form of regulation.

167 (c) Nothing in this section shall be deemed to interfere or conflict with
168 any powers of the authority or its staff provided elsewhere in the
169 general statutes, including, but not limited to, the provisions of this
170 section and sections 16-7, 16-28 and 16-32, to conduct an audit,
171 investigation or review of the books, records, plant and equipment of
172 any regulated public service company or person involved in the
173 transportation of gas, as such terms are defined in section 16-280a.

174 Sec. 4. Section 16-8a of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective July 1, 2021*):

176 (a) No public service company, as defined in section 16-1, holding
177 company, as defined in section 16-47, person involved in the
178 transportation of gas, as such terms are defined in section 16-280a, or
179 Nuclear Regulatory Commission licensee operating a nuclear power

180 generating facility in this state, or person, firm, corporation, contractor
181 or subcontractor directly or indirectly providing goods or services to
182 such public service company, holding company, person involved in the
183 transportation of gas or licensee, may take or threaten to take any
184 retaliatory action against an employee for the employee's disclosure of
185 (1) any matter involving the substantial misfeasance, malfeasance or
186 nonfeasance in the management of such public service company,
187 holding company, person involved in the transportation of gas or
188 licensee, or (2) information pursuant to section 31-51m. Any employee
189 found to have knowingly made a false disclosure shall be subject to
190 disciplinary action by the employee's employer, up to and including
191 dismissal.

192 (b) Any employee of such a public service company, holding
193 company, person involved in the transportation of gas or licensee, or of
194 any person, firm, corporation, contractor or subcontractor directly or
195 indirectly providing goods or services to such a public service company,
196 holding company, person involved in the transportation of gas or
197 licensee, having knowledge of any of the following may transmit all
198 facts and information in the employee's possession to the Public Utilities
199 Regulatory Authority: (1) Any matter involving substantial
200 misfeasance, malfeasance or nonfeasance in the management of such
201 public service company, holding company, person involved in the
202 transportation of gas or licensee; or (2) any matter involving retaliatory
203 action or the threat of retaliatory action taken against an employee who
204 has reported the misfeasance, malfeasance or nonfeasance, in the
205 management of such public service company, holding company, person
206 involved in the transportation of gas or licensee. With regard to any
207 matter described in subdivision (1) of this subsection, the authority shall
208 investigate such matter in accordance with the provisions of section 16-
209 8, as amended by this act, and shall not disclose the identity of such
210 employee without the employee's consent unless it determines that such
211 disclosure is unavoidable during the course of the investigation. With
212 regard to any matter described in subdivision (2) of this subsection, the
213 matter shall be handled in accordance with the procedures set forth in

214 subsections (c) and (d) of this section.

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

220 (2) Not more than five business days after receiving a written
221 complaint, in a form prescribed by the authority, the authority shall
222 notify the employer by certified mail. Such notification shall include a
223 description of the nature of the charges and the substance of any
224 relevant supporting evidence. The employer may submit a written
225 response and both the employer and the employee may present rebuttal
226 statements in the form of affidavits from witnesses and supporting
227 documents and may meet with the authority informally to respond
228 verbally about the nature of the employee's charges. The authority shall
229 consider in making its preliminary finding as provided in subdivision
230 (3) of this subsection any such written and verbal responses, including
231 affidavits and supporting documents, received by the authority not
232 more than twenty business days after the employer receives such notice.
233 Any such response received after twenty business days shall be
234 considered by the authority only upon a showing of good cause and at
235 the discretion of the authority. The authority shall make its preliminary
236 finding as provided in subdivision (3) of this subsection based on
237 information described in this subdivision, without a public hearing.

238 (3) Unless the authority finds by clear and convincing evidence that
239 the adverse employment action was taken for a reason unconnected
240 with the employee's report of substantial misfeasance, malfeasance or
241 nonfeasance, there shall be a rebuttable presumption that an employee
242 was retaliated against in violation of subsection (a) of this section if the
243 authority finds that: (A) The employee had reported substantial
244 misfeasance, malfeasance or nonfeasance in the management of the
245 public service company, holding company, person involved in the
246 transportation of gas or licensee; (B) the employee was subsequently

247 discharged, suspended, demoted or otherwise penalized by having the
248 employee's status of employment changed by the employee's employer;
249 and (C) the subsequent discharge, suspension, demotion or other
250 penalty followed the employee's report closely in time.

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

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

270 (e) If an employee or former employee of such a public service
271 company, holding company, person involved in the transportation of
272 gas or licensee, or of a person, firm, corporation, contractor or
273 subcontractor directly or indirectly providing goods or services to such
274 a public service company, holding company, person involved in the
275 transportation of gas or licensee, having knowledge of any matter
276 involving the substantial misfeasance, malfeasance or nonfeasance in
277 the management of such public service company, holding company,
278 person involved in the transportation of gas or licensee, enters into an
279 agreement with the employee's employer that contains a provision

280 directly or indirectly discouraging the employee from presenting a
281 written complaint or testimony concerning such misfeasance,
282 malfeasance or nonfeasance in any legislative, administrative or judicial
283 proceeding, such provision shall be void as against public policy.

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

300 Sec. 5. Section 16-11 of the general statutes is repealed and the
301 following is substituted in lieu thereof (*Effective July 1, 2021*):

302 The Public Utilities Regulatory Authority shall, so far as is
303 practicable, keep fully informed as to the condition of the plant,
304 equipment and manner of operation of all public service companies and
305 persons involved in the transportation of gas, as such terms are defined
306 in section 16-280a, in respect to their adequacy and suitability to
307 accomplish the duties imposed upon such companies by law and in
308 respect to their relation to the safety of the public and of the employees
309 of such companies. The authority may order such reasonable
310 improvements, repairs or alterations in such plant or equipment, or such
311 changes in the manner of operation, as may be reasonably necessary in
312 the public interest. The general purposes of this section and sections 16-

313 19, 16-25, 16-43 and 16-47 are to assure to the state of Connecticut its full
314 powers to regulate its public service companies, to increase the powers
315 of the Public Utilities Regulatory Authority and to promote local control
316 of the public service companies of this state, and said sections shall be
317 so construed as to effectuate these purposes.

318 Sec. 6. Section 16-16 of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective July 1, 2021*):

320 Each public service company, person involved in the transportation
321 of gas, as such terms are defined in section 16-280a and electric supplier
322 subject to regulation by the Public Utilities Regulatory Authority shall,
323 in the event of any accident attended with personal injury or involving
324 public safety, which was or may have been connected with or due to the
325 operation of its or his property, or caused by contact with the wires of
326 any public service company or electric supplier, notify the authority
327 thereof, by telephone or otherwise, as soon as may be reasonably
328 possible after the occurrence of such accident, unless such accident is a
329 minor accident, as defined by regulations of the authority. Each such
330 person, company or electric supplier shall report such minor accidents
331 to the authority in writing, in summary form, once each month. If notice
332 of such accident, other than a minor accident, is given otherwise than in
333 writing, it shall be confirmed in writing within five days after the
334 occurrence of such accident. Any person, company or electric supplier
335 failing to comply with the provisions of this section shall be fined not
336 more than five hundred dollars for each offense.

337 Sec. 7. Section 16-41 of the general statutes is repealed and the
338 following is substituted in lieu thereof (*Effective July 1, 2021*):

339 (a) Each (1) public service company and its officers, agents and
340 employees, (2) electric supplier or person providing electric generation
341 services without a license in violation of section 16-245, and its officers,
342 agents and employees, (3) certified telecommunications provider or
343 person providing telecommunications services without authorization
344 pursuant to sections 16-247f to 16-247h, inclusive, and its officers, agents

345 and employees, (4) person, public agency or public utility, as such terms
346 are defined in section 16-345, subject to the requirements of chapter 293,
347 (5) person subject to the registration requirements under section 16-
348 258a, (6) cellular mobile telephone carrier, as described in section 16-
349 250b, (7) Connecticut electric efficiency partner, as defined in section 16-
350 243v, (8) company, as defined in section 16-49, [and] (9) entity approved
351 to submeter pursuant to section 16-19ff, and (10) person involved in the
352 transportation of gas, as such terms are defined in section 16-280a shall
353 obey, observe and comply with all applicable provisions of this title and
354 each applicable order made or applicable regulations adopted by the
355 Public Utilities Regulatory Authority by virtue of this title as long as the
356 same remains in force. Any such company, electric supplier, certified
357 telecommunications provider, cellular mobile telephone carrier,
358 Connecticut electric efficiency partner, entity approved to submeter,
359 person, any officer, agent or employee thereof, public agency or public
360 utility which the authority finds has failed to obey or comply with any
361 such provision of this title, order or regulation shall be fined, ordered to
362 pay restitution to customers or ordered to pay a combination of a fine
363 and restitution by order of the authority in accordance with the penalty
364 prescribed for the violated provision of this title or, if no penalty is
365 prescribed, not more than ten thousand dollars for each offense, except
366 that the penalty shall be a fine, restitution to customers or a combination
367 of a fine and restitution of not more than forty thousand dollars for
368 failure to comply with an order of the authority made in accordance
369 with the provisions of section 16-19 or 16-247k or within thirty days of
370 such order or within any specific time period for compliance specified
371 in such order. The authority may direct a portion of any fine levied
372 pursuant to this section to be paid to a nonprofit agency engaged in
373 energy assistance programs named by the authority in its decision or
374 notice of violation. Each distinct violation of any such provision of this
375 title, order or regulation shall be a separate offense and, in case of a
376 continued violation, each day thereof shall be deemed a separate
377 offense. Each such penalty and any interest charged pursuant to
378 subsection (g) or (h) of section 16-49 shall be excluded from operating
379 expenses for purposes of rate-making.

380 (b) Any regional water authority, any regional water district, any
381 municipal gas or electric plant established under chapter 101, any
382 municipal waterworks system established under chapter 102, or any
383 other municipality or department thereof owning, leasing, operating or
384 managing a plant for the supplying or furnishing of any public utility,
385 which the Public Utilities Regulatory Authority finds has failed to
386 comply with the procedures of section 16-29, shall be subject to a civil
387 penalty of not more than five thousand dollars for any annual report
388 which is not submitted or submitted late in violation of said section.

389 (c) If the authority has reason to believe that a violation has occurred
390 for which a civil penalty is authorized by subsection (a) or (b) of this
391 section, it shall notify the alleged violator by certified mail, return
392 receipt requested, or by personal service. The notice shall include:

393 (1) A reference to the sections of the title, regulation or order
394 involved;

395 (2) A short and plain statement of the matter asserted or charged;

396 (3) A statement of the prescribed civil penalty for the violation; and

397 (4) A statement of the person's right to a hearing.

398 (d) The person to whom the notice is addressed shall have twenty
399 days from the date of receipt of the notice in which to deliver to the
400 authority a written application for a hearing. If a hearing is requested,
401 then, after a hearing and upon a finding that a violation has occurred,
402 the authority may issue a final order assessing a civil penalty under this
403 section which shall not be greater than the maximum penalty [stated in
404 the notice] permitted by law. If a hearing is not requested, or if such a
405 request is later withdrawn, then the notice shall, on the first day after
406 the expiration of the twenty-day period or on the first day after the
407 withdrawal of the request for hearing, whichever is later, become a final
408 order of the authority and the matters asserted or charged in the notice
409 shall be deemed admitted, unless the notice is modified by a consent
410 order before it becomes a final order. A consent order shall be deemed

411 a final order.

412 (e) All hearings under this section shall be conducted under sections
413 4-176e to 4-184, inclusive. The final order of the authority assessing a
414 civil penalty shall be subject to appeal under section 4-183. No challenge
415 to any final order of the authority assessing a civil penalty shall be
416 allowed as to any issue which could have been raised by an appeal of
417 an earlier order of the authority. Any civil penalty authorized by this
418 section shall become due and payable (1) at the time of receipt of a final
419 order in the case of a civil penalty assessed in such order after a hearing,
420 (2) on the first day after the expiration of the period in which a hearing
421 may be requested if no hearing is requested, or (3) on the first day after
422 the withdrawal of a request for hearing.

423 (f) A civil penalty assessed in a final order of the authority under this
424 section may be enforced in the same manner as a judgment of the
425 Superior Court. The final order shall be delivered to the respondent by
426 personal service or by certified mail, return receipt requested. After
427 entry of such final order, the authority may file a transcript without the
428 payment of costs, in the office of the clerk of the superior court in the
429 judicial district in which the respondent resides, has a place of business,
430 owns real property, or in which any real property which is the subject
431 of the proceedings is located or, if the respondent is not a resident of the
432 state of Connecticut, in the judicial district of Hartford. Upon the filing,
433 the clerk shall docket the order in the same manner and with the same
434 effect as a judgment entered in the superior court within the judicial
435 district. Upon the docketing, the order may be enforced as a judgment
436 of the court.

437 Sec. 8. Section 16-280b of the general statutes is repealed and the
438 following is substituted in lieu thereof (*Effective July 1, 2021*):

439 (a) It shall be unlawful for any person who engages in the
440 transportation of gas or maintains pipeline facilities or owns any
441 pipeline facilities within the state to violate any of the safety standards
442 established by the Secretary of Transportation of the United States for

443 the transportation of gas and pipeline facilities pursuant to the
444 provisions of the federal act or any regulations adopted by the authority
445 pursuant to subsection (b) or (c) of this section.

446 (b) The Public Utilities Regulatory Authority may adopt regulations,
447 in accordance with chapter 54, establishing intrastate gas pipeline safety
448 standards, which may be more specific than federal standards where
449 appropriate in relation to local circumstances or conditions and
450 consistent with public safety, provided such standards recognize
451 alternative instrumentalities and methodologies for achieving federal
452 safety objectives and do not foreclose utilization of alternative
453 instrumentalities and methodologies that conform to national
454 engineering standards or industry practices.

455 (c) The authority may issue a waiver of any federal safety standards
456 or any regulations adopted by the authority pursuant to subsection (b)
457 of this section in individual cases where warranted by local
458 circumstances or conditions, consistent with public safety and
459 authorized under the federal act.

460 Sec. 9. Section 16-280c of the general statutes is repealed and the
461 following is substituted in lieu thereof (*Effective July 1, 2021*):

462 [Each] The federal safety [standard] standards applicable to [pipeline
463 facilities and] the transportation of gas established under the provisions
464 of the federal act, contained in 49 CFR 191 to 49 CFR 193, inclusive, and
465 49 CFR 199, as the same are, from time to time, made effective, or any
466 regulation adopted by the authority pursuant to subsection (b) or (c) of
467 section 16-280b, as amended by this act, shall be the standards of the
468 state.

469 Sec. 10. Section 16-280e of the general statutes is repealed and the
470 following is substituted in lieu thereof (*Effective July 1, 2021*):

471 (a) Any person that violates any provision of the federal act, any
472 regulation issued under the federal act, any provision of this chapter or
473 any regulation adopted by the authority pursuant to subsection (b) or

474 (c) of section 16-280b, as amended by this act, shall be subject to a civil
475 penalty not to exceed the higher of the maximum civil penalty provided
476 under 49 USC 60122(a), as amended, or 49 CFR 190.223(a), as amended
477 from time to time.

478 (b) Any such civil penalty may be compromised by the Public
479 Utilities Regulatory Authority. In determining the amount of such
480 penalty, or the amount agreed upon in compromise, the authority shall
481 consider the criteria set forth in 49 USC 60122(b), as amended.

482 (c) Nothing in this section shall be construed to limit the penalties
483 available under section 16-33.

484 Sec. 11. (NEW) (*Effective July 1, 2021*) The utility commissioners, as
485 defined in section 16-1 of the general statutes, or their designees, shall
486 have the authority to cause any work performed by any person involved
487 in the transportation of gas, as such terms are defined in section 16-280a
488 of the general statutes, to cease immediately if said work may endanger
489 any person.

490 Sec. 12. Section 16-354 of the general statutes is repealed and the
491 following is substituted in lieu thereof (*Effective July 1, 2021*):

492 A person, public agency or public utility responsible for excavating,
493 discharging explosives or demolition shall exercise reasonable care
494 when working in proximity to the underground facilities of any public
495 utility and shall comply with such safety standards and other
496 requirements as the authority shall prescribe by regulations adopted
497 pursuant to section 16-357. If the facilities are likely to be exposed, such
498 support shall be provided as may be reasonably necessary for protection
499 of the facilities. If excavation is within the approximate location of
500 facilities containing combustible or hazardous fluids or gases, only hand
501 digging or soft digging shall be employed. As used in this section, "soft
502 digging" means a nonmechanical and nondestructive process used to
503 excavate and evacuate soils at a controlled rate, using high pressure
504 water or air jet to break up the soil, often in conjunction with a high
505 power vacuum unit to extract the soil without damaging the facilities.

506 In the event that an immediate life-threatening hazard resulting from a
 507 wilful violation of this chapter, or of such regulations adopted pursuant
 508 to section 16-357, is identified, the utility commissioners, as defined in
 509 section 16-1, or their designees, shall immediately notify the person,
 510 public agency or public utility responsible for excavating, discharging
 511 explosives or demolition of the hazard and violation. Upon receipt of
 512 such notification, the person, public agency or public utility responsible
 513 for excavating, discharging explosives or demolition shall promptly
 514 abate the hazard and violation. In the event that the hazard and
 515 violation is not abated in a reasonable time frame, the utility
 516 commissioners, or their designees, shall have the authority to cause the
 517 excavation, discharge of explosives or demolition to cease immediately
 518 until such hazard and violation have been abated.

519 Sec. 13. Sections 16-358 and 16-359 of the general statutes are
 520 repealed. (*Effective October 1, 2021*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	16-356
Sec. 2	<i>July 1, 2021</i>	16-7
Sec. 3	<i>July 1, 2021</i>	16-8
Sec. 4	<i>July 1, 2021</i>	16-8a
Sec. 5	<i>July 1, 2021</i>	16-11
Sec. 6	<i>July 1, 2021</i>	16-16
Sec. 7	<i>July 1, 2021</i>	16-41
Sec. 8	<i>July 1, 2021</i>	16-280b
Sec. 9	<i>July 1, 2021</i>	16-280c
Sec. 10	<i>July 1, 2021</i>	16-280e
Sec. 11	<i>July 1, 2021</i>	New section
Sec. 12	<i>July 1, 2021</i>	16-354
Sec. 13	<i>October 1, 2021</i>	Repealer section

Statement of Purpose:

To require that civil penalties for the failure of a public utility to properly or timely mark the approximate location of an underground facility be paid by the person, public agency or public utility to whom

the notice of failure to comply is addressed; and to modify existing gas pipeline processes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]