



General Assembly

**Amendment**

February Session, 2022

LCO No. 5448



Offered by:  
SEN. FORMICA, 20<sup>th</sup> Dist.

To: Subst. Senate Bill No. 90

File No. 344

Cal. No. 242

**"AN ACT CONCERNING PROCUREMENT AUTHORITY FOR THE  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL  
PROTECTION."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 16-2 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2022*):

5 (a) There shall continue to be a Public Utilities Regulatory Authority,  
6 [within the Department of Energy and Environmental Protection,]  
7 which shall consist of five electors of this state, appointed by the  
8 Governor with the advice and consent of both houses of the General  
9 Assembly. Not more than three members of said authority in office at  
10 any one time shall be members of any one political party. The Governor  
11 shall appoint five members to the authority. The procedure prescribed  
12 in section 4-7 shall apply to such appointments, except that the  
13 Governor shall submit each nomination on or before May first, and both  
14 houses shall confirm or reject it before adjournment sine die. Any utility

15 commissioner appointed by the Governor and confirmed by both  
16 chambers of the General Assembly between February 1, 2019, and June  
17 1, 2019, shall serve a term expiring on March 1, 2024. Any utility  
18 commissioner appointed by the Governor and confirmed by both  
19 houses of the General Assembly between February 1, 2018, and June 1,  
20 2018, shall serve a term expiring on March 1, 2022. Between July 1, 2019,  
21 and May 1, 2020, the Governor shall appoint three utility  
22 commissioners, provided one such commissioner shall serve a term  
23 expiring on March 1, 2021, and two such commissioners shall serve  
24 terms expiring on March 1, 2023. Any utility commissioner appointed  
25 on or after May 1, 2020, shall serve a term of four years. The utility  
26 commissioners shall be sworn to the faithful performance of their duties.

27 (b) The authority shall elect a chairperson and vice-chairperson each  
28 June for one-year terms starting on July first of the same year. The vice-  
29 chairperson shall perform the duties of the chairperson in his or her  
30 absence.

31 (c) Any matter coming before the authority may be assigned by the  
32 chairperson to a panel of three or more utility commissioners. Except as  
33 otherwise provided by statute or regulation, the panel shall determine  
34 whether a public hearing shall be held on the matter, and may designate  
35 one or more of its members to conduct such hearing or may assign a  
36 hearing officer to ascertain the facts and report thereon to the panel. The  
37 decision of the panel, if unanimous, shall be the decision of the  
38 authority. If the decision of the panel is not unanimous, the matter shall  
39 be approved by a majority vote of the utility commissioners.

40 (d) The utility commissioners of the Public Utilities Regulatory  
41 Authority shall serve full time and shall file a statement of financial  
42 interests with the Office of State Ethics in accordance with section 1-83.  
43 Each utility commissioner shall receive annually a salary equal to that  
44 established for management pay plan salary group seventy-five by the  
45 Commissioner of Administrative Services, except that the chairperson  
46 shall receive annually a salary equal to that established for management  
47 pay plan salary group seventy-seven.

48 (e) To insure the highest standard of public utility regulation, on and  
49 after October 1, 2007, any newly appointed utility commissioner of the  
50 authority shall have education or training and three or more years of  
51 experience in one or more of the following fields: Economics,  
52 engineering, law, accounting, finance, utility regulation, public or  
53 government administration, consumer advocacy, business  
54 management, and environmental management. On and after July 1,  
55 1997, at least three of these fields shall be represented on the authority  
56 by individual utility commissioners at all times. Any time a utility  
57 commissioner is newly appointed, at least one of the utility  
58 commissioners shall have experience in utility customer advocacy.

59 (f) (1) The chairperson of the authority [, with the approval of the  
60 Commissioner of Energy and Environmental Protection,] shall prescribe  
61 the duties of the staff [assigned to] of the authority in order to (A)  
62 conduct comprehensive planning with respect to the functions of the  
63 authority; (B) cause the administrative organization of the authority to  
64 be examined with a view to promoting economy and efficiency; and (C)  
65 organize the authority into such divisions, bureaus or other units as  
66 necessary for the efficient conduct of the business of the authority. [and  
67 may from time to time make recommendations to the Commissioner of  
68 Energy and Environmental Protection regarding staff and resources.]

69 (2) The chairperson of the Public Utilities Regulatory Authority, in  
70 order to implement the comprehensive planning and organizational  
71 structure established pursuant to subdivision (1) of this subsection, shall  
72 (A) coordinate the activities of the authority and prescribe the duties of  
73 the staff assigned to the authority; (B) for any proceeding on a proposed  
74 rate amendment in which staff of the authority are to be made a party  
75 pursuant to section 16-19j, determine which staff shall appear and  
76 participate in the proceedings and which shall serve the members of the  
77 authority; (C) enter into such contractual agreements, in accordance  
78 with established procedures, as may be necessary for the discharge of  
79 the authority's duties; (D) subject to the provisions of section 4-32, and  
80 unless otherwise provided by law, receive any money, revenue or  
81 services from the federal government, corporations, associations or

82 individuals, including payments from the sale of printed matter or any  
83 other material or services; and (E) require the staff of the authority to  
84 have expertise in public utility engineering and accounting, finance,  
85 economics, computers and rate design.

86 (g) No utility commissioner of the Public Utilities Regulatory  
87 Authority or employee of the [Department of Energy and  
88 Environmental Protection assigned to work with the] authority shall  
89 have any interest, financial or otherwise, direct or indirect, or engage in  
90 any business, employment, transaction or professional activity, or incur  
91 any obligation of any nature, which is in substantial conflict with the  
92 proper discharge of his or her duties or employment in the public  
93 interest and of his or her responsibilities as prescribed in the laws of this  
94 state, as defined in section 1-85, concerning any matter within the  
95 jurisdiction of the authority; provided, no such substantial conflict shall  
96 be deemed to exist solely by virtue of the fact that a utility commissioner  
97 of the authority or employee of the [department assigned to work with  
98 the] authority, or any business in which such a person has an interest,  
99 receives utility service from one or more Connecticut utilities under the  
100 normal rates and conditions of service.

101 (h) No utility commissioner of the Public Utilities Regulatory  
102 Authority or employee of the [Department of Energy and  
103 Environmental Protection assigned to work with the authority, during  
104 such assignment,] authority shall accept other employment which will  
105 either impair his or her independence of judgment as to his or her  
106 official duties or employment or require him or her, or induce him or  
107 her, to disclose confidential information acquired by him or her in the  
108 course of and by reason of his or her official duties.

109 (i) No utility commissioner of the Public Utilities Regulatory  
110 Authority or employee of the [Department of Energy and  
111 Environmental Protection assigned to work with the authority, during  
112 such assignment,] authority shall wilfully and knowingly disclose, for  
113 pecuniary gain, to any other person, confidential information acquired  
114 by him or her in the course of and by reason of his or her official duties

115 or employment or use any such information for the purpose of  
116 pecuniary gain.

117 (j) No utility commissioner of the Public Utilities Regulatory  
118 Authority or employee of the [Department of Energy and  
119 Environmental Protection assigned to work with the authority, during  
120 such assignment,] authority shall agree to accept, or be in partnership  
121 or association with any person, or a member of a professional  
122 corporation or in membership with any union or professional  
123 association which partnership, association, professional corporation,  
124 union or professional association agrees to accept any employment, fee  
125 or other thing of value, or portion thereof, in consideration of his or her  
126 appearing, agreeing to appear, or taking any other action on behalf of  
127 another person before the authority, the Connecticut Siting Council, the  
128 Office of Policy and Management or the Commissioner of Energy and  
129 Environmental Protection.

130 (k) No utility commissioner of the Public Utilities Regulatory  
131 Authority shall, for a period of one year following the termination of his  
132 or her service as a utility commissioner, accept employment: (1) By a  
133 public service company or by any person, firm or corporation engaged  
134 in lobbying activities with regard to governmental regulation of public  
135 service companies; (2) by a certified telecommunications provider or by  
136 any person, firm or corporation engaged in lobbying activities with  
137 regard to governmental regulation of persons, firms or corporations so  
138 certified; or (3) by an electric supplier or by any person, firm or  
139 corporation engaged in lobbying activities with regard to governmental  
140 regulation of electric suppliers. No such utility commissioner who is  
141 also an attorney shall in any capacity, appear or participate in any  
142 matter, or accept any compensation regarding a matter, before the  
143 authority, for a period of one year following the termination of his or  
144 her service as a utility commissioner.

145 (l) The chairperson of the authority shall assign authority staff to  
146 fulfill the duties of procurement manager where required pursuant to  
147 this title and title 16a.

148 (m) Notwithstanding any provision of the general statutes, the  
149 decisions of the Public Utilities Regulatory Authority, including, but not  
150 limited to, decisions relating to rate amendments arising from the  
151 Comprehensive Energy Strategy, the Integrated Resources Plan, the  
152 Conservation and Load Management Plan and policies established by  
153 the Department of Energy and Environmental Protection, shall be  
154 guided by said strategy and plans and such policies.

155 (n) Two or more utility commissioners serving on a panel established  
156 pursuant to subsection (c) of this section may confer or communicate  
157 regarding the matter before such panel. Any such conference or  
158 communication that does not occur before the public at a hearing or  
159 proceeding shall not constitute a meeting as defined in section 1-200.

160 (o) The authority shall be responsible for all matters of rate regulation  
161 for public utilities and regulated entities under title 16 and shall  
162 promote policies that will lead to just and reasonable utility rates.

163 Sec. 502. Section 4-67e of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective October 1, 2022*):

165 The Secretary of the Office of Policy and Management shall  
166 coordinate the activity of the Commissioner of Public Health, [and] the  
167 Commissioner of Energy and Environmental Protection and the  
168 chairperson of the Public Utilities Regulatory Authority in the  
169 following: (1) The review of the authority of each agency for consistency  
170 with the policies established by section 22a-380, (2) the preparation of a  
171 memorandum of understanding, not more than six months after  
172 October 1, 1991, intended to avoid inconsistency, overlap and  
173 redundancy in requirements and authority of each agency in water  
174 conservation issues, emergency contingency plans and regulatory  
175 authority under chapters 283, 446i, 446j and 474, (3) the review of  
176 exercise of regulatory authority over water companies, as defined in  
177 section 25-32a, to determine whether inconsistency, overlap or  
178 redundancy exist in the statutory requirements or regulatory authority  
179 of such agencies under chapters 283, 446i, 446j, and 474, (4) the

180 assessment of the necessity of a memorandum of understanding to  
181 avoid such inconsistency, overlap or redundancy, and, if determined to  
182 be necessary, the preparation of such a memorandum by July 1, 1995,  
183 and (5) the development of recommendations for legislation and  
184 amendments to regulations to implement the provisions of a  
185 memorandum of understanding prepared pursuant to this section, or  
186 for consistency with the policies established by section 22a-380. There  
187 shall be a period of public review and comment on a memorandum of  
188 understanding prior to final agreement. On or before January 1, 1995,  
189 the secretary shall submit to the joint standing committees of the  
190 General Assembly having cognizance of matters relating to public  
191 health, energy and public utilities and the environment, written  
192 findings, and any recommendations, concerning the review and  
193 assessment conducted pursuant to subdivisions (3) and (4) of this  
194 section.

195 Sec. 503. Section 16-4 of the general statutes is repealed and the  
196 following is substituted in lieu thereof (*Effective October 1, 2022*):

197 No officer, employee, attorney or agent of any public service  
198 company, of any certified telecommunications provider or of any  
199 electric supplier shall be a member or employee of the Public Utilities  
200 Regulatory Authority or an employee of the Department of Energy and  
201 Environmental Protection.

202 Sec. 504. Section 16-6b of the general statutes is repealed and the  
203 following is substituted in lieu thereof (*Effective October 1, 2022*):

204 The Public Utilities Regulatory Authority may, in accordance with  
205 chapter 54, adopt such regulations with respect to: (1) Rates and charges,  
206 services, accounting practices, safety and the conduct of operations  
207 generally of public service companies subject to its jurisdiction as it  
208 deems reasonable and necessary; (2) services, accounting practices,  
209 safety and the conduct of operations generally of electric suppliers  
210 subject to its jurisdiction as it deems reasonable and necessary; and (3)  
211 standards for systems utilizing cogeneration technology and renewable

212 fuel resources. [, in accordance with the Department of Energy and  
213 Environmental Protection's policies.]

214 Sec. 505. Section 22a-2d of the general statutes is repealed and the  
215 following is substituted in lieu thereof (*Effective October 1, 2022*):

216 (a) There is established a Department of Energy and Environmental  
217 Protection, which shall have jurisdiction relating to the preservation and  
218 protection of the air, water and other natural resources of the state,  
219 energy and policy planning and regulation and advancement of  
220 telecommunications and related technology. For the purposes of energy  
221 policy and regulation, the department shall have the following goals: (1)  
222 Reducing rates and decreasing costs for Connecticut's ratepayers, (2)  
223 ensuring the reliability and safety of our state's energy supply, (3)  
224 increasing the use of clean energy and technologies that support clean  
225 energy, and (4) developing the state's energy-related economy. For the  
226 purpose of environmental protection and regulation, the department  
227 shall have the following goals: (A) Conserving, improving and  
228 protecting the natural resources and environment of the state, and (B)  
229 preserving the natural environment while fostering sustainable  
230 development. [The Public Utilities Regulatory Authority within the  
231 department shall be responsible for all matters of rate regulation for  
232 public utilities and regulated entities under title 16 and shall promote  
233 policies that will lead to just and reasonable utility rates.] The  
234 department head shall be the Commissioner of Energy and  
235 Environmental Protection who shall be appointed by the Governor in  
236 accordance with the provisions of sections 4-5 to 4-8, inclusive, as  
237 amended by this act, with the powers and duties therein prescribed. The  
238 Department of Energy and Environmental Protection shall establish  
239 bureaus, one of which shall be designated an energy bureau.

240 (b) The Department of Energy and Environmental Protection shall  
241 constitute a successor department to the Department of Environmental  
242 Protection and the Department of Public Utility Control in accordance  
243 with the provisions of sections 4-38d, 4-38e and 4-39.



244 (c) On and after October 1, 2022, if the duties of any employee of the  
245 Department of Energy and Environmental Protection pertain to  
246 functions which are shared between the department and the Public  
247 Utilities Regulatory Authority, the heads thereof shall determine the  
248 department or authority to which such employee shall be transferred  
249 and, if they are unable to agree, such determination shall be made by  
250 the Governor.

251 Sec. 506. Section 4-5 of the 2022 supplement to the general statutes is  
252 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
253 *2022*):

254 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
255 means Secretary of the Office of Policy and Management, Commissioner  
256 of Administrative Services, Commissioner of Revenue Services,  
257 Banking Commissioner, Commissioner of Children and Families,  
258 Commissioner of Consumer Protection, Commissioner of Correction,  
259 Commissioner of Economic and Community Development, State Board  
260 of Education, Commissioner of Emergency Services and Public  
261 Protection, Commissioner of Energy and Environmental Protection,  
262 Commissioner of Agriculture, Commissioner of Public Health,  
263 Insurance Commissioner, Labor Commissioner, Commissioner of  
264 Mental Health and Addiction Services, Commissioner of Social Services,  
265 Commissioner of Developmental Services, Commissioner of Motor  
266 Vehicles, Commissioner of Transportation, Commissioner of Veterans  
267 Affairs, Commissioner of Housing, Commissioner of Aging and  
268 Disability Services, the Commissioner of Early Childhood, the executive  
269 director of the Office of Military Affairs, the executive director of the  
270 Office of Health Strategy, the executive director of the Technical  
271 Education and Career System, [and] the Chief Workforce Officer and  
272 effective October 1, 2022, the chairperson of the Public Utilities Control  
273 Authority. As used in sections 4-6 and 4-7, "department head" also  
274 means the Commissioner of Education.

275 Sec. 507. Section 4-5 of the 2022 supplement to the general statutes, as  
276 amended by section 6 of public act 17-237, section 279 of public act 17-2

277 of the June special session, section 20 of public act 18-182, section 283 of  
278 public act 19-117 and section 254 of public act 21-2 of the June special  
279 session, is repealed and the following is substituted in lieu thereof  
280 (*Effective July 1, 2022*):

281 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
282 means Secretary of the Office of Policy and Management, Commissioner  
283 of Administrative Services, Commissioner of Revenue Services,  
284 Banking Commissioner, Commissioner of Children and Families,  
285 Commissioner of Consumer Protection, Commissioner of Correction,  
286 Commissioner of Economic and Community Development, State Board  
287 of Education, Commissioner of Emergency Services and Public  
288 Protection, Commissioner of Energy and Environmental Protection,  
289 Commissioner of Agriculture, Commissioner of Public Health,  
290 Insurance Commissioner, Labor Commissioner, Commissioner of  
291 Mental Health and Addiction Services, Commissioner of Social Services,  
292 Commissioner of Developmental Services, Commissioner of Motor  
293 Vehicles, Commissioner of Transportation, Commissioner of Veterans  
294 Affairs, Commissioner of Housing, Commissioner of Rehabilitation  
295 Services, the Commissioner of Early Childhood, the executive director  
296 of the Office of Military Affairs, the executive director of the Technical  
297 Education and Career System, [and] the Chief Workforce Officer and  
298 effective October 1, 2022, the chairperson of the Public Utilities Control  
299 Authority. As used in sections 4-6 and 4-7, "department head" also  
300 means the Commissioner of Education.

301 Sec. 508. Section 4-38c of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective July 1, 2022*):

303 There shall be within the executive branch of state government the  
304 following departments: Office of Policy and Management, Department  
305 of Administrative Services, Department of Aging and Disability  
306 Services, Department of Revenue Services, Department of Banking,  
307 Department of Agriculture, Department of Children and Families,  
308 Department of Consumer Protection, Department of Correction,  
309 Department of Economic and Community Development, State Board of

310 Education, Department of Emergency Services and Public Protection,  
311 Department of Energy and Environmental Protection, Department of  
312 Public Health, Board of Regents for Higher Education, Insurance  
313 Department, Labor Department, Department of Mental Health and  
314 Addiction Services, Department of Developmental Services,  
315 Department of Social Services, Department of Rehabilitation Services,  
316 Department of Transportation, Department of Motor Vehicles,  
317 Department of Veterans Affairs, [and] the Technical Education and  
318 Career System and effective October 1, 2022, the Public Utilities  
319 Regulatory Authority.

320 Sec. 509. Section 4-38c of the general statutes, as amended by section  
321 7 of public act 17-237, section 287 of public act 17-2 of the June special  
322 session, section 21 of public act 18-182 and section 284 of public act 19-  
323 117, is repealed and the following is substituted in lieu thereof (*Effective*  
324 *July 1, 2022*):

325 There shall be within the executive branch of state government the  
326 following departments: Office of Policy and Management, Department  
327 of Administrative Services, Department of Revenue Services,  
328 Department of Banking, Department of Agriculture, Department of  
329 Children and Families, Department of Consumer Protection,  
330 Department of Correction, Department of Economic and Community  
331 Development, State Board of Education, Department of Emergency  
332 Services and Public Protection, Department of Energy and  
333 Environmental Protection, Department of Public Health, Board of  
334 Regents for Higher Education, Insurance Department, Labor  
335 Department, Department of Mental Health and Addiction Services,  
336 Department of Developmental Services, Department of Social Services,  
337 Department of Transportation, Department of Motor Vehicles,  
338 Department of Veterans Affairs, [and] the Technical Education and  
339 Career System and effective October 1, 2022, the Public Utilities  
340 Regulatory Authority."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>October 1, 2022</i>	16-2
Sec. 502	<i>October 1, 2022</i>	4-67e
Sec. 503	<i>October 1, 2022</i>	16-4
Sec. 504	<i>October 1, 2022</i>	16-6b
Sec. 505	<i>October 1, 2022</i>	22a-2d
Sec. 506	<i>July 1, 2022</i>	4-5
Sec. 507	<i>July 1, 2022</i>	4-5
Sec. 508	<i>July 1, 2022</i>	4-38c
Sec. 509	<i>July 1, 2022</i>	4-38c