

Legislative History for Connecticut Act

HB 7491 PA 75-625 (1975)

Regulated Activities: 134-136, 141-158, 161,
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House 4335-4372, 6377-6380 (42)

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JOINT
STANDING
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HEARINGS

REGULATED
ACTIVITIES
PART 1
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Regulated Activities

March 11, 1975
4:00 p.m.

Presiding Chairmen: Senator Paul Amenta
Representative George Ritter

Committee Members Present:

Senators: Amenta, Schwartz, Gunther, Ciccarello

Representatives: Ritter, Gejdenson, Shays, Stober, Turiano, Smoko,
Anastasia, Abate, Baehr, Giles, Balducci, Bogden.

Senator Amenta: I would like to get this meeting started. Are there any legislators who would like to speak first who have other committees they have to go to.

If not, we will start the hearing off with Bruce - can't read your name. You must be a doctor Bruce, I can't read your name.

Mr. Dorpalen: OK, I am Bruce Dorpalen, I am from Connecticut Citizens Action Group. First off, we would like to say we are very much impressed with the recent decision and prompt action by the Regulated Activities and Energy Committee to pass a 30 day moratorium on utility shut offs and we certainly feel that shows a deep commitment towards dealing with a problem of utility terminations in general.

In December, 1974, 2,173 households in Connecticut had their utilities shut off. Utilities are a necessity and we feel no family should have to go without them. Yet more and more families simply are having more, and more problems meeting their utility bills. Presently Connecticut taxpayers are people that pick up the hidden costs of utility shut offs. More people are forced to use emergency social services, the ill, the elderly and young children risk serious health problems which may require expensive institutional care.

Families face the threat of safety hazards such as the Bristol fire which strained five police departments.

We are here to speak about three bills, 7491, 5761 and 7620. All three bills which deal with utilities, - the utility shut offs today.

HB 7491 - is a comprehensive package dealing with utility shut off policies. We feel it is designed to prevent any unjustified shut offs, to give tenants the right to appeal in the utility shut off process. I am just going to run briefly through what the bill accomplishes. The bill requires at least seven days of notice before termination. The seriously ill are protected against the termination

if they keep current in their bill and agree to pay the back debt over time. No customer may be terminated while a complaint for investigation is pending. A customer can appeal any decision of the credit department to a company review officer outside of the credit department and to the Public Utilities Commission. This is particularly important to the possibility that any mistake may occur, that there might be a problem in billing, that in the Connecticut statutes, we feel terribly important that customers be...

Representative Gejdenson: We have got a double meeting going on - I find it hard to hear.

Mr. Dorpalen: OK, should I speak up.

We feel it is terribly important that customers be given the right to appeal, the right to question any decisions for the utility. What essentially happens here is that if there is a problem or question that comes up, the customer gets to appeal first to the credit manager and then to a company review officer who is above the credit manager but is still in the Utility Company and if they are not satisfied, they can go to the Public Utilities Commission where an investigation can be made.

In a situation where a customer has run up in arrearage and receives a termination notice and then attempts to pay a portion of of the utilities - the balance back to the utility company, say more than 20%, what we would consider substantial payment, then the customer has at least the right to be notified that that is not adequate if the utility company goes ahead and wants to shut off. And the customer then receives some kind of notice that they have to contact the company in order to prevent a shut off and comply with whatever conditions the company may require.

We also would like to stress that this does not set up a new appeal process. It is simply giving the customer a change to know how they stand with the utility company and don't get suddenly cut off when they have actually complied with the needs of the company.

The bill also extends existing Statute 62-C which right now bars the termination of services for most utility companies on Fridays, Saturdays, and Sundays or legal holidays or the day before legal holidays - this extends those requirements to telephone companies, and most important - to municipal utilities.

Section 3 of the Bill, 7491, deals with a situation where the landlord - where the tenant pays for the utilities within the rent and the landlord defaults on paying - passing that payment on to the utility company. A lot has been said about the problem. It is incredibly unjust and we feel this bill provides a viable solution to that problem. It is essentially designed to handle the Danbury problem that came up this year.

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The bill requires notice be sent to tenants if the termination of the landlord's account is emanate. Where each apartment has a separate meter, the service can be transferred to the tenant's name and the tenant may substract each utility bill from the rent. The utility company will supply the tenant with the proper notice of their rights to deduct the utility bill from the rent which is terribly important because many tenants may simply not know what the law is right now - what the law is if it is enacted.

Also, what is very important is no security deposit is required. One reason is that some tenants will move into an apartment where the landlord provides utility services is that they may an arrearage from the past which they would have to lay a security deposit down for and they may not be able to produce that money on short notice. What we are saying that in this kind of an emergency situation, it is terribly important that the tenants don't lose their utility service and that the requirement of the security deposit:be waived.

Where one meter should serve several departments, the utility company should go into court and have a receivership set up for the rents. The utility bill could come out of the - the utility bill would then come out of the rent and the company would also be reimbursed for the costs - all court costs and attorneys fees. The importance of this bill is that tenants will not face a termination and the utility companies will be paid and the innocent tenants do not have hardships such as a substantial security deposit on short notice or the need to hire a lawyer to protect themselves in a situation which is basically not their fault.

Also important - this section of the bill, the section that covers where the landlord pays for the utility bills, - this also covers fuel oil suppliers - and will protect against the situation of non-deliveries where the landlord has defaulted.

Essentially what Bill 7491 accomplishes is that it protects customers against unfair termination and we think it is terribly important that these be included in the statutes.

Utilities are a necessity and honestly, we can't - nobody can afford to do without them. We would like to just comment very briefly on HB 5761.

As drafted, the bill is very good in intent but we have some problems with it. First, the receiver is set up as a manager of the property which is a much more difficult role than what is 7491 where they simply set up - simply take in the rents and deduct the utility

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Representative Coatsworth: No, I would not.

Senator Amenta: Is that it George. Thank you very much.

Chuck Mokriski.

Mr. Mokriski: Senator Amenta, Representative Ritter, my name is Charles Mokriski, and I am representing Northeast Utilities Service Company.

Very briefly because I did testify at some length at your earlier hearing. We remain on record as in support of the joint regulations which were drawn up by the utility companies together with legal aid, as submitted to the Public Utilities Commission for promulgation by that commission. And we support those regulations and any legislative proposals which would incorporate the regulations to provide for the orderly procedures relating to service termination including hearing, review and appeal procedures. To the degree that any of these legislative proposals mandate moratoria on service shut offs we feel that we have to oppose such a legislation and Bill 7620 because as was stated at the earlier hearing, to the degree that bills are not paid by one segment of the population, they are to be borne and the rates paid by other segments, sooner or later. As well as the carry costs on the bills which are over due.

It may very well be within the sound social policy of the state to provide some methodology for aiding low and low to moderate income people to pay for areas essential services they must receive. But we feel to do this in the context of a rate structure, or a termination moratorium, prohibits the company from collecting rates from one segment of the population - the nonpayers would be inequitable. And we would have to oppose that.

So far as Bill 7491 goes, I feel and I certainly hope in accordance with the policy that Northeast Utilities has maintained together with other utilities, that the PUC will adopt the promulgated - the proposed regulations. To the degree that 7491 comes up with regulations and I feel that Sections 1 and 2 up to and not including Subsection F, do incorporate those regulations - we would not oppose the enactment of this statute. From Section 1F and 3 on, the bill is somewhat of a departure from the regulations and in part, inconsistent with them and on that grounds, we would oppose the bill.

I sat down with Mr. Pollen and Mr. Silverstone and worked on this bill and we did have some meeting of the minds on Section 1 and Section 2 as you are aware. Section 3 concerning a receivership and Section 4 concerning receiverhip, we had a difference of opinion as to what the triggering mechanism for a receivership should be - and I have submitted an alternative draft to the committee for Sections 3 and 4 which I think harmonizes better with the commission's pending regulations as well as with the remainder of the bill.

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A couple of other brief points. Contrary to one previous speaker, I think Mr. Dorpalen, fewer of our terminations take place at least for HELCO and CLP during the winter points. As I think you will find from the data that was supplied to the committee during the last public hearing - there are more terminations in the summer.

Secondly, there is pending before another committee, the Judiciary Committee, a uniform landlord tenant act, 8236, which has in Section 30 as one of its provisions, a provision that a tenant may withhold part of his rent from a landlord in a case where he can establish a service in his own name. I just mention that in effect that there are other bills pending in the legislature that this committee ought to have the aware of the impact on this same area and an attempt should be made to reconcile them.

In so far as the other bill relating to procedures for moratorium and procedures for termination, that 5761, I would concur with Mr. Dorpalen that at least the approach it takes - 7491 - is more comprehensive and more consistent, than.....the committee might consider this area.

Finally I have a little bit of information the committee called for last time pertaining to the percentage of terminations - of HELCO which occur in the city of Hartford. In January 1975, total disconnects in the HELCO service area, were 783. Of those, 449 or slightly over 50% were in the City of Hartford.

Also for HELCO, within three days of those terminations, 455 were reconnected of which 235 or again over 50%, were within the city of Hartford. We are assembling a set of kind of notices and letters which are sent to tenants and to customers, pertaining to over due billings and terminations and I would supply them right now - but in violation of one of Mr. Ritter's requests the last time, I did not make sufficient copies for everybody in the committee and I will do that and supply the materials to the committee.

Do you have any questions, I ...

Representative Anastasia: Representative Anastasia from Norwalk. You did mention 7491, I believe, some portions of it that you did agree on.

Mr. Mokriski: In conjunction with the CCAG and the Consumer Council. Yes.

Representative Anastasis: Could you just repeat that. I would like to have you repeat it for my own knowledge.

Mr. Mokriski: Section 1, we agreed on the whole thing except for Subsection F which is the so-called re-notice question. I might point out that in the course of drawing up the jointly proposed regulations, this re-notice

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provision was a bone of contention between the legal aid attorneys and the attorneys for the utilities. And it was resolved after considerable debate and give and take on the side of leaving it out. because of some circularity problems that it would create.

We also agreed on Section 2. Section 3 and 4 dealing with the landlord tenant situation which this committee very brightly called attention to was being an area that was not fully addressed - although partially addressed not fully addressed in the pending regulations - I drew up an alternative proposal which I feel would harmonize more with the pending regulation as well as with the intent in the content of the rest of the bill and that I believe is in the hands of both the committee, chairman and the legislative draftsman for the committee.

Representative Anastasio: Thank you.

Senator Amenta: Any other questions.

Representative Turiano: Representative Turiano of the 120th. What did you have for Northeast Utilities shut off. This is just HELCO, hartford power or is that both.

Mr. Mokriski: This was the January figures for just HELCO, Mr. Turiano. I provided the figures for HELCO and CL&P at the last hearing which I think the clerk has on file which I believe go through January, 1975. The reason for mentioning these is that Mr. Ritter wanted a breakdown of the number of percentage terminations in the City of Hartford. That goes for the rest of the service area.

Senator Amenta: Thank you, any other questions. Len Dube.

Mr. Dube: Thank you, Mr. Chairman, Members of the Committee, my name is Leonard Dube. I am President of the Connecticut State United Auto Workers, Community Action Program Council. We are here today speaking in support of both committee Bills, 7620, An Act Concerning Utility Service Terminations and Committee Bill 7491, An ACT Concerning the Termination of Service by Public Service Companies.

Ten days ago, two Bristol children died in a fire caused by a toppled candle, that was being used for lighting, because the non-payment of a \$60. utility bill, warranted an electricity shut off. As unemployment, inflation and utility rates spiral, the unemployed, the elderly, the underemployed, the state assisted and seriously ill are being caught in a financial squeeze. Utility bills as well as shelter, food and clothing are place high on the priority list of bills that must be paid. We do not believe that Committee Bill 7620 would open the door to create deadbeats but rather provide an opportunity for the financially burdened customer to be heard. The United Auto Workers supports this fair and humane procedure, to prohibit termination of utility services during the coldest months of the year, November to March.

Committee Bill 7620 would indeed, eliminate the risk of a winter utility service shut off and protect those who are already faced with a crisis.

Committee Bill 7491 - I am sure we are all aware of this but ten families in Danbury lost their electricity for seven hours because their landlord neglected to pay the utility bill. A similar situation occurred in Torrington where approximately 25 families were without heat because the landlord didn't pay his fuel bill. Innocent and unsuspecting tenants who pay their utility bills in their rent, must suffer, due to the negligence of landlords.

If tenants neglected to pay their rent, they would be threatened with eviction, a recourse usually allotted landlords, within their leasing or rental agreements. Protection should be allotted tenants who may be forced to live without adequate or no heat, cooking gas, electricity, and hot water. The United Auto Workers supports Committee Bill 7491 which will be a strong and overdue piece of legislation which will protect innocent tenants from terminations of service due to landlord negligence.

Thank you.

Senator Amenta:

Any questions. Thank you Lenny.

Mrs. Wilson.

Mrs. Wilson:

My name is Ora Lee Wilson and I work for Legacy in New London. I am a para-legal and I have people coming into the office on a daily basis to see me for one reason or other. But I do deal with a lot of utility problems. There are some days for instance, like Monday, that I had about 8 people coming in

Senator Amenta:

Excuse me Mrs. Wilson, people in the back of the room can't hear - this is not a microphone.- this is simply to record the happenings. So would you speak louder, the people would like to hear you.

Mrs. Wilson:

As I was saying Monday of last week, I had about 8 people come into the office about utility problems alone. One of our major concerns at the Legacy is that we have a lot of complaints about the services, not being able to get into the apartment to read meters. I have a case today - the tenant does not get a bill and all of a sudden, the tenant gets a bill that is way over their means because this particular tenant happens to be a welfare recipient, she is only getting \$290 a month and she has three children to support. So she gets a bill for \$294.85. Her landlord works during the day, he didn't leave a key - he never gave her a key. And now she is stuck with this bill. She has to pay it.

We have had cases where there were children in the house

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sick or a child in the house sick where one - a women had come home from the hospital with a seven month old baby, she came in with the utilities being shut off. We have problems like late in the evening time, calls where we can't get to a utility company because they are closed at 4:30. Many people have to go over night without having utilities. I support the Bill 7491. I just believe that nobody should be without heat or electric just because they don't have money to pay right then.

Also in Legacy, we have what we call an installment type of plan which we worked out with the utility companies - say ok, the person does not have all this money, they can pay so much a month or a week on the bill. Sometime these people don't even keep those agreements. They don't have the money to do this - they pay two or three times on time, then they miss one time and then the utilities are shut off. Then they might come back again and - naturally they are going to come back again, they have to go someplace, - so they come back again and I call the utility company again and they say well we just made arrangements with you for last month and they didn't keep up the payment. I don't think this is fair either because this person has put in at least three fourths of it and they are trying to pay the bill and just because they have missed one payment on the bill - maybe out of necessity - they just don't have the money. I think something should be done in that instance too, you know.

I really don't think living in America, a country that is supposedly able to help other countries and all that we are - that we have people here that are without heat and without utilities and I don't think that nobody should be without heat - utilities, regardless of whether they are able to pay right then or whether they are able to pay in the future. I think there should be some arrangements made that in the future that they can take care of these bills and I think those arrangements should be made according to that person's income because lots of the people that we deal with are not able to pay on a back bill plus keep up a current bill plus try to eat. They are just not able to do it but they will say yes at that particular time because they are desperd, they don't have any heat or any lights on so when they come into the office and I try to make arrangements for them - they will say yes, OK, I can pay \$40. But they really can't pay \$40 so they will squeeze out \$40 on the first of the month, let some part of the rest go. The will squeeze out that \$40 but next time around, the next thing you know, you have an eviction notice on your hands.

So these are the kinds of problems we work with all the time with our utility problems at Legacy. We have on an average of a month, sometimes I have had a good 20-25. And like I said, some days, I have a good 7-8 people coming in with no heat. Very seldom do I have some-

one come in because they just have a notice to be shut off. Most of the time it is that they have been shut off. I think the notice on the utilities bills should be made a little broader - that something and in bigger writing so a person can really see - hey, I've got a notice, I have got to get something done about this bill right away so that I have to take care of this. I think that a person has to realize that I have four days or five days to get something done about this bill. I have known some of our people who come into our office and have tried to negotiate on their own with the people at various utility companies and the treatment is not too good either. And this is another thing I have had a lot of dealing with. They just don't get anyplace even when they try to explain that they have a desperate situation where I just don't have the money, I can't pay, I have children in the house and you know, still come to the office. And they say why didn't you call. Did you try calling. We called and we just don't get any place. So I definitely hope that these bills could be passed and the utilities will not be shut off during those cold winter months. And that some arrangements can be made for these people - to pay in the summer months if they can't keep up these back.....like this bill here, there is not way this person is going to be able to pay \$40 a month on this bill, she only gets \$220 a month to take care of rent, food, clothing, everything. So there is no way she is going to be able to pay this \$40 plus keep up her current bill. So she is going to fall behind on this bill and she is going to have to come right back to us and we are going to have to try to negotiate a plan to get new arrangements for her and that is the hard part when you try to go back again for the same person.

And that is where we stand.

Representative Ritter: Your last example points up the concern that I have and re-enforces something that I have been wondering about. Do you agree that is is really not up to the part of the public utility but it is up to the State of Connecticut or some governmental agency, to provide the funds in these situations. That I think, it is fine and I hope we pass this legislation, I really do. But I hope we add to it and I would like to get your reaction - I hope we add to it, the requirement that funds be made available by the State of Connecticut to make payment and not to expect the utility company to carry this additional burden. You are not....

Mrs. Wilson: I don't expect that the utility companies can let some people go without paying and charge others. I know this can't be done.

Representative Ritter: But you demonstrated full well in your last example that that is what is happening and that is what inevitably will have to happen in a certain number of cases.

Mrs. Wilson: Not necessarily, because as I said, if the person is not

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able to pay say November until March, if they are not able to pay, they have these enormous bills. We do get some enormous bills. This is a big bill - this is a six month bill but we do get some big bills - \$300 - \$400. If they are not able to pay those bills, during those cold months., then some arrangements should be made for them to take care of those bills during the summer months when

Representative Ritter: But what you just said Mrs. Wilson was that you knew when you had to go back to negotiate because it wasn't going to be possible even during the summer....

Mrs. Wilson: What I meant - like this one here that I made an example of. Right now, she is not going to be able to do this.

Representative Ritter: In the summer, she is not going to be able.....

Mrs. Wilson: Not necessarily - you don't know that she won't be able to do it during the summer.

Representative Ritter: I thought that was what you said.

Mrs. Wilson: No that is not what I said.

Representative Ritter: Then you don't necessarily support the fact that the state should provide additional funds for such people. But only people on public assistance or welfare should get that help.

Mrs. Wilson: I think that people who are welfare reciprocants or people who are receiving any public money who are on a fixed type income, elderly people who are only receiving FSI, \$177. a month - these people who are really in need...

Representative Ritter: How about people who are unemployed...

Mrs. Wilson: People who are unemployed too. Yes.

Representative Ritter: I am just trying to get your point of view.

Senator Amenta: Sam Gejdenson.

Representative Gejdenson: Representative Gejdenson, 48th. Have you been dealing with the Groton Municipal Utility also.

Mrs. Wilson: I have had not too much dealings with the Groton. I have had some dealings with the(inaudible)

Representative Gejdenson: Have you dealt with the Norwich utilities at all.

Mrs. Wilson: No.

Representative Gejdenson: In your Groton experience, would you say the municipal utility

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tries to be more understanding or goes to greater lengths...

.....

Machine Stuck - Conversation between Representative Gejdenson and Mrs. Wilson lost.

Mr. Taubman:

As I said, I am an attorney with Legacy, Inc. which is a legal services program for New London County, Connecticut. Mrs. Wilson works in our New London Office. We also have an office in Norwich where we have another para-legal who handles utility problems. I am the attorney who handles if it gets beyond negotiating at the local level. We strongly support Committee Bill 7620 and 7491. Of course, more so, the 7491. Although, I would have to say that this is only a partial solution. I think Mr. Ritter is fully aware and yourself who I spoke to before on this - that I think you have to change the rate structure - you have to have something which actually gives money in some cases.

I think Mrs. Wilson wasn't really disagreeing with Mr. Ritter, she just didn't understand exactly what you were trying to get at. Because she her self, has used the fund that (inaudible) had available which went in three weeks. They had \$12,000 for our county, and it went in three weeks. People just couldn't pay their bills. And this fund which is theoretically a loan fund, just rent. I mentioned this before in previous hearings so that there obviously is a need here.

I have had numerous clients and have been seven years in legal service, two years and a law student and five years as a lawyer -

Senator Amenta:

Can we keep this down, we really - it is awfully difficult hearing the speaker and we have a lot of speakers and everybody wants to be heard and we are here to hear them all but we have got to have our cooperation.

Mr. Taubman:

The only reason I am saying this is that I am not talking off the top of my head. I have had a great deal of experience and a lot of clients from Hartford and from New London County - because I worked in Hartford legal services for four years and then went to New London. And this is a repeated problem which has been getting worse and worse and worse as the utility rates have been going up, and up and up. That is one reason why I am going to try and change the rate structure because the small user which is shown to be the poor person or the elderly, particularly the elderly, has come to the point where they just can't pay it.

And something has to be done. Rate structure and/or some kind of payment mechanism. But as a partial solution of course, this

will help the middle income person as well as the termination procedure. As the gentleman from Northeast Utilities said, we worked for a year in trying to accomplish some kind of proposed termination regulation and we tried to come with a compromise to the PUC because we wanted to have something that was workable for the company as well as helping the consumer. That in fact, was a compromise and we did support it in front of the Public Utilities Commission. I don't necessarily agree with the characterization that this particular gentlemen made on that compromise because it was a different person from Northeast Utilities who worked on it, but it was myself and one other attorney who worked on the faulting plus a few other people from legal services.

We are bound to that compromise in front of the Public Utilities Commission and we do support that. I think that legislation which is going to be a long term thing and is not going to be easy to get off the books, might be a little bit different. I don't want to take a position on the changes which have been made in our proposal, I just point that out that it was in fact, a compromise which we did support in front of the Public Utilities Commission but that I think legislation is not quite the same thing.

I also say that we have had this repeated problem with landlords shutting off. I remember one in particular example, we had a trailer part in Montville, Connecticut. HELCO is one of the more reasonable utilities in the state. In fact, that is the reason why we need legislation - because there are other utilities in the state which aren't so reasonable. But HELCO did shut off these 27 trailers. Because the landlord hadn't paid the bill and the landlord was in dispute with HELCO for about \$2,000 as a matter of fact. Because they disagreed with the rate they had him on, he felt they should have him on a different rate. In the meantime, the tenants are in the middle and the tenants got shut off. Now some of them we were able to put on their own service but there were five which there was one meter for five tenants. There was nothing we could do about it. And, ultimately we went to the Public Utilities Commission and they told HELCO to put them back on again. They also told them to not require security deposits, which has been a problem. So this is not something that is made up of(inaudible) we have had actual cases where this has been a problem.

Mr. Coatsworth mentioned that Wisconsin has a statute dealing with part of the problem. I also point out that Massachusetts has regulations somelike what we are talking about. In effect, they have been in effect for a couple of years, as regulations for Massachusetts Public Utilities Commission. Also I understand they are in Washington, D.C. and in New York - Consolidated Edison - they have such regulations and they are in effect now. So this is not a totally new thing that we are talking about. Some courts have held that it is a matter of due processes required. Just point out that there is one

case which may cause misunderstanding. Jackson vs. Metropolitan Edison Company - the U.S. Supreme Court held that in a particular case, there was no state action which meant that the state was not involved sufficiently with the utility company that the requirement of due process involved. They did not say that if the government was involved, the due process did not require a prior hearing. They just said in that particular case, it was not involved enough. And, I point out that in that case, there was no complaint to the Public Utilities Commission. If the state is involved, the Supreme Court has been pretty consistent in saying that due process does require it. I am not saying that this is actually required, I am just saying that in terms of what the constitution requires, it has been quite a bit of controversy. In most of the lower federal courts which have come to the merits as opposed to the jurisdictional issue, have held that due process does require a hearing. That there is to be adequate notice of hearing before there is a shut off.

One other point which is made by the gentleman from Northeast Utilities, I wanted to note is that he says the Uniform Landlord Tenant Act deals with this deduction of the utility bills. I have to say that at least all the people I have spoken to in legal services, have opposed the Uniform Landlord Tenant Act and I also understand some landlord groups, also oppose it. It is a compromise and we don't think it is a good compromise for Connecticut and there just is a different committee altogether, I will say that I don't think it is going to pass. At least, with all the opposition that presently is against it. And that this committee should deal with the problem as it presently exists. If they pass it later, they can take account of that when the bill goes through. So I don't think you should be too concerned with that at this point.

I guess I have completed my basic comments. I think that this committee has to do something about it. Mr. Gejdenson talks about the Norwich Utilities, as I said we have two offices and we deal with Norwich in the Norwich office. So that is why that particular par-legal could not make it today. She has been very busy and otherwise, I would have had her here to talk about her problems in Norwich. Groton is reasonable OK. Norwich is not. Our experience in Norwich is that they have not as reasonable and there should be some kind of back-up authority such as a statute that we can deal with them in terms of particular clients.

I reiterate that it is not just poor people that are hurt by this, it is the middle class and we can't represent all the people who have this problem. There are a lot of people who are going to have to represent themselves. But you have to have some kind of a mechanism that people can help themselves with. And I think these bills are one of those mechanisms.

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Senator Amenta: Thank you. Any questions.

Representative Baehr: Yes, If I may. Representative Baehr, 123rd. I understand you to say that Massachusetts has a law or legislation now in effect
...

Mr. Taubman: It is a regulation of that Public Utilities...

Representative Baehr: Public Utilities Commission in Massachusetts or whatever the body is named.

Mr. Taubman: I think it is the Community Public Service Commission in Massachusetts. The equivalent of our Public Utilities Commission.

Representative Baehr: Therefore, the State of Massachusetts does not have specific legislation on the books which would be similar to what we are proposing in Committee Bill 7491. Is that correct.

Mr. Taubman: I don't think they have a statute. I think they have a statute perhaps on - similar to our Connecticut statute about not cutting off on weekends and holidays. And they may also have one about sickness. I can't vouch for that, I can get the information if the committee wants it, because I know where to get it fairly quickly.

Representative Baehr: I would - Mr. Chairman, if this information were made available to us, I think it would be useful in our final disposition of this proposed piece of legislation. Thank you.

Senator Amenta: Anyone else. George.

Representative Ritter: Counselor you indicated that some utilities are not as reasonable as HELCO. Without necessarily going into names, are you talking about the policies they follow or are you talking about the manner in which they execute identical problems.

Mr. Taubman: Both. HELCO for whatever reason, may be more concerned with their public image, or maybe they really are more reasonable. People that they seem to have are more reasonable. In the same - Northeast Utilities also Connecticut Light and Power. We have had numerous problems with the Willimantic Office of Connecticut Light and Power Company. Mrs. Wilson - she mentioned this.

Representative Ritter: What I am really concerned with - in talking about - do the companies have similar policies but just administer them differently. Or are their policies different.

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- Mr. Taubman: The policies of CL&P and HELCO are similar. OK. The way they are administered can be very different. But the policies of Norwich Utilities for instance, are very different from HELCOs. And they are much tougher. OK, particularly for our clients. And, even if you have a hearing, you get to the point where you can't really help the person because the underlying policy of that particular company - there is nothing you can do with it. But we have even had the position with a
- Representative Ritter: A publically owned utility...
- Mr. Taubman: Yes, a publically owned utility.
- Representative Ritter:(inaudible) and be defeated by the commissioners.
- Mr. Taubman: Well that is part of the problem, the commissioners have run it as if they were the board of directors of a private company. And there is no public utilities commission of the state level that can control them. They are independent. We are not asking necessarily that there be state-wide control of them on all issues but I think on the issue of termination, there should be some kind of state mechanism.
- Representative Giles: You mentioned a compromise. I think maybe it was in Bill 7491, Section F or Subsection F. Is that the compromise that you were talking about.
- Mr. Taubman: No, most of this bill is what we proposed to the Public Utilities Commission - was a joint proposal by the Legal Services Programs of Connecticut and the Northeast Utilities. I am sorry, not Northeast Utilities. Northeast Utilities was the primary representative of the Connecticut Gas and Electric Companies and the Connecticut Waterworks Companies. We made a joint proposal to the State Public Utilities Commission that they adopt regulations. Hearings were held on February 6th. The Public Utilities Commission has not adopted those regulations yet, except for those portions of it which relate to sickness. In other words, they have adopted that part of it which says that if a person is sick in the household, they will not terminate as long as the current bill is paid. They have adopted that part.
- Now our proposal to the State Public Utilities Commission has mostly been embodied in this statute. But an addition was made - I did not participate in this addition OK. This was as I said, I - because we did make this joint proposal, it was somewhat different. But Subsection F, Section 1 has been added in by the committee in this bill that was not a part of our original proposal OK. Because as I said, that was a compromise. I don't want to take the position because we did agree to support those regulations in front of the Public Utilities Commission, I just want to point out that that was a compromise which we wanted to get so that we could have a joint proposal to the

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Public Utilities Commission.

This is legislation - a completely different ball game. As I said, we do support that proposal in front of the Public Utilities Commission. But what I wanted to say - that legislation is a different thing, OK.

Representative Giles:(inaudible) take a position on it, even though you have to support it ---- yes, I guess that is what I wanted to know.

Senator Amenta: Just so that everybody knows - as I understand we have representatives from the Public Utilities Commission and they have adopted the regulations today in total.

Mr. Taubman: Well, I am glad to hear that. I wasn't aware of that, I am glad they have.

I just want to point out one other thing which is not even part of our compromise. Is that it doesn't control municipal companies, it doesn't control telephone companies and therefore, you might want to adopt it even though the Public Utilities Commission has adopted its regulations.

Senator Amenta: Thank you. Any other questions. Thank you very much.

Frank Shaw.

Mr. Shaw: Thank you. My thoughts are being very thoroughly discussed.

Senator Amenta: Noel Higgins.

Mrs. Higgins: I am Noel Higgins and I am the Welfare Administrator for the Town of Durham. And I have become increasingly concerned with the facilities and their procedures of shut offs. I don't...

Representative Ritter: The people can't hear you.

Mrs. Higgins: I realize like any business, utilities have to be paid but in these times of economic chaos, it seems that if they won't do something to help the consumer, the General Assembly has to and I really hope they shall consider these bills very strongly. I think maybe I can shed a little light on a human side of what happens when the utilities are shut off. I had one family in my role as Welfare Administrator, a young couple, who - the husband was employed only part time and made \$50 a week at a lighting fixture factory in Durham. He couldn't possibly pay his utilities bills because he had \$100 a month, rent, two children to feed and all the other expenses involved. So he did fall behind in his monthly payments. This guy was barely literate. He didn't have a telephone, the utilities could not phone him and say - if you don't pay Mr. so and so, we are going to shut you off. They would send him these letters, telling about termination and arrears, and all this business and he hardly understood

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what was happening to him. So during the very cold period in November, the utilities did turn off the power at his home, leaving himself, his wife, a three year old and a eight day old baby girl without heat and when that family came to me, I went to their house and I found they were huddled around a gas stove, boiling water on top of the stove and that was the only source of heat they had for themselves and the baby.

I had another - two fellows - our Vietnam veterans, - who shared an apartment. Their absentee landlord was headed for parts unknown and had fallen behind in his payments eventhough the landlord before he left said he had given the utilities a check. It appeared that he hadn't - these two guys had their heat turned off in their homes on a very cold weekend in February. I believe the termination took place on a Saturday or Sunday and Monday was Washington's Birthday which was a legal holiday. So these guys although - I called the utilities during the morning of Saturday - I talked to the man who I always talked to. He claims to be very sympathetic but apparently cold cash is the only thing that he is going to listen to. And, explained a Red Cross nurse had contacted me - both of these guys had a bronchial condition, bordering on pneumonia. And he said well, I know, that's really too bad if you can just get the landlord to come up with the money which was like \$150. we will be glad to reinstate the services. Well the landlord is God knows where and these two guys are home hacking and coughing in a cold place. They finally ended up sleeping the night at the firehouse.

I think fatalities like this have to be ended. Again as in the case of the young couple, the fellow is bringing home \$50 a week. In order to have their power reinstated, this couple went around to six or seven different people, scrapping up a few dollars here, a few dollars there, finally got enough money to appease the utilities for a while, on the basis that they should pay \$40 a week from there on. Well he is bringing home \$50, how is he going to pay \$40 a week. But he did pay that next week and that left him \$10 to feed the family and take care of his other expenses.

So the utilities are always talking about their humanitarian image and we have a friend here - we listen to HELCO on such and such but when it comes to actual application, this is not the case. And, today when cold hard cash is not always available, especially to the poor and now to the middle class, I think the General Assembly has got to take the bull by the horn and do something.

Senator Amenta: Thank you very much.

Dave Silverstone.

Mr. Silverstone: Thank you Senator Amenta. For the record, my name is David Silverstone of the Consumer Council for the Public Utilities

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Commission.

Mr. Chairman and members of the committee, I would just like to comment on some of the comments that have been made previously today since I think that some mis-impressions have been left.

Bill 7620 which talks about the winter moratoriums. This is only a bill that is not going to stop the problem of terminations, it is going to alleviate the problem. And on that basis, I am supporting it. I don't think - the bill does not signal the coming of the moratorium nor does it single the coming of the disaster. I think that is important that be kept in mind.

Senator Amenta raised the question earlier, concerning whether or not the utilities would in effect, lose all the money that was owing at the time of the moratorium coming into effect in November. And the answer to that is no. The way I see the bill operating is that on November 1st, the person is starting off with a balance of zero. He owes zero money. And that money that he may have owed to services prior to November 1st is merely suspended. It is not canceled out. It is merely suspended. During the period from November 1st to the end of March, he has to - the customer has to maintain his balance, his current balance through the winter months which is just - within 45 days he has to pay the bill that he incurs for that particular month. Starting April 1st, again, he then has to make up any monies that were owing prior to November 1st. So what it really is doing is making it simpler during the winter months to maintain electric and gas service. But that money that was owing prior to November 1st, will still be owing I supposed legally is owing throughout the winter, but it cannot be collected until after the winter is over. That money is not permanently lost to the utilities, it is just a matter of them having to wait for collection.

There is no question that that may incur some costs - some additional carrying charges, etc., but I think that ought to be minimum.

I might point out that several of the companies at the present time allow these kinds of arrangements to be made on an informal basis where payments are not due until - payments on back bills are not due until after the heavy winter heating season is over. So what it is really doing is adapting into law some existing informal arrangements that some companies make.

In regards to 7491 - I think this bill is just absolutely critical to introducing and insuring a sense of procedural fairness in how utilities operate. And there is no question in my mind in my dealings with the utility company, that to some extent, this bill for some of the utilities will not really effect the way they do business.

Since many of the provisions in it are followed in some informal fashion by them already. However, to the extent that other utilities do not follow these regulations or do not follow the form of these regulations, this bill is essential.

I would just like to comment on a couple of the highlights of that bill and specifically Sections 3 and 4 which talk about the - which has come to be known as the Danbury problems. Where the landlord is in default of his bills and the tenants lose electricity or gas merely because the landlord doesn't pay his bills, although the tenants have paid their rent to the landlord.

I think it is important to point out to the committee, that the receivership provisions where in Section 4, receiver - the utility company petitions the court for a receiver to be appointed, who then collects the rents and pays the utilities the monies due them. That last resort type provision and every efforts made prior to that to make some arrangement with the tenant where he can pick up service in his own name. And it is only when that becomes impracticable, mainly because of wiring problems, it is just impossible to give him an individual meter - that is the only time receivership situation would come up.

I might point out that the receivership should not be looked upon again as a disaster situation. I think the utility company is made whole by that provision in a sense that from the rents they are going to receive the monies that are due them for utilities and they are also going to receive the cost of bringing the action. The tenant - his continuity with the electric service is not foreclosed. I think that is critical to him. And the landlord is merely paying that amount of money which he should have paid anywhere, and that being taken out of his rent.

So I don't think any of the parties are going to be losing any money in that sense. In fact, it is guaranteeing the utility companies some monies which previously they might have lost altogether.

There was some comment that this Section 3 and 4 specifically, the receivership, inconsistent with proposed regulations with the Public Utilities Commission. I am familiar with the regulations put forth or submitted to the Public Utilities Commission and I see nothing inconsistent between those regulations and this proposed statute. This statute goes beyond the regulations but there is nothing in this statute - there is nothing in the regulations that will clash with this statute. One just goes beyond the other one.

Mr. Okriski talked about an alternative draft that he submitted to the committee on a different way of setting up this

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receivership provision and I think my major objection to that particular draft is that it asks the tenants to instigate and to initiate the court action to set up the receiver. Whereas in this draft before the committee this bill 7491, that is the burden of the utility company. The reason for that I think is clear. To ask tenants, probably poor tenants, to go out and hire a lawyer at that particular cost, just doesn't - just isn't feasible. To the extent that Legal Services could handle it, that might take care of part of the problem but they are just not represented throughout the state and just doesn't makeit is not feasible - not a feasible alternative.

So I think that the burden must be made on that person who can go to court the easiest which would be the utility companies and the company will be reimbursed for their expense and just in conclusion, I would like to just make a point that I think these bills are important in themselves to introduce some procedural fairness and some small amount of relief to this problem. Obviously the problem is not going to be solved until the legislature addresses itself to providing additional funds both for welfare and non-welfare - people just can't afford to pay the bills at the present time and I will direct myself to that directly at another time.

Thank you.

Representative Ritter: Thank you. Any questions.

Representative Abate: Mr. Silverstone, to the extent that the (inaudible) do you think it would be advantageous to amend the proposed bill 7491 to delete those sections which are now covered by regulation.

Mr. Silverstone: No, I don't think so. I think that statute should set guiding principles and guiding policies, and the nitty-griddy of enactment should take place by regulation. And the regulation that I have seen take that nitty-griddy enactment - that they do. Whereas this statute sets policy and I think, the problem with deleting - excuse me - I think the problem with deleting parts of the statute is that those regulations may change at another time without the approval of the legislature. And it seems to me that if the legislature finds the policy state is that hearings shall be provided prior to any terminations, they should make sure that any such hearings are provided and that there can be no chance that hearings will not be provided because a particular regulatory agency decides to amend its rules.

Representative Abate: The assumption being that the legislature would be more responsive to a stand the Public Utilities Commission.....

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Mr. Silverstone: Not necessarily, I am not saying that all. I am saying that if the legislature finds and I urge it to do so, finds that it should be a policy of the state that particular procedures should be followed prior to termination but not ought to be enacted into law with regulations to work out that law through into the nitty-griddy details - to ignore the responsibility however, to enact that law merely on the basis that as of today, particular regulations may or may not exist, I think this would be shirking responsibility and it may cause a problem in the future if those regulations are rescinded for some reason or in fact, are not enacted yet.

I would like to point out that those regulations and unless I am very wrong, have been approved by the Public Utilities Commission and now have to go to the Attorney General's office for approval and I believe, to the Legislative Management Review Committee.

Unidentified Speaker: Legislations Review Committee.

Mr. Silverstone: I am sorry, Legislations Review Committee for approval so they are not really enacted into regulations at this point.

I don't see any problem - I don't see it is a problem of duplication at all.

Representative Abate: My thinking on it is that regulation when it deals with a change with some facility whereas the law doesn't lend itself to change with the same degree of facility. So if the law is found to be inadequate, it is going to take some doing to make change. Just in the terms of procedure. Whereas with a regulation found to be inadequate, the vehicle for change might be better.

Mr. Silverstone: I would agree with your assessment of which is easier to change. I think that the statute though is merely setting a policy and I think if you compare the statute to the regulation, you will find that the regulation is a lot more detailed, a lot more things that could wrong with it in that sense. And the statute is merely setting a policy and I really don't see how the - unless the legislature changes its mind after than policy, I don't see that policy causing a problem.

Representative Ritter: Are there any other questions.

Senator Amenta: On Bill 7620 which is the termination during the winter - do you think on those cases other than the public assistance cases, that there ought to be a provision that they should have their - that their utility bills should be paid up by let's say October 1st. The other way, you are just going to carry - could conceivably carry one full years bill.

Mr. Silverstone: No - in other words, return the electricity when that

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Mr. Betts:

Thank you Mr. Chairman, my name is John M. C. Betts. I am Vice President of United Aluminating in New Haven.

With respect to Bill 7491, we believe that basically this is a sound bill. We are certainly encouraged by the evidence of interest and the pressure for legislation by this committee and the Human Services Committee in order to meet this welfare problem and state aid in that connection.

We are also very much encouraged about the adoption of the regulations that have been discussed here so much by the PUC today. Basically we think this is a sound bill, perhaps, it does need some minor modifications in certain provisions but we are as frustrated as are the tenants that have been discussed here so much by this landlord situation. I can assure you that no utility company is - has an desire to penalize a tenant by shutting him off for a bill that is somebody else's responsibility. We certainly don't want to do it. But when it is impossible to get the tenant - the landlord to pay the bill, we are up against it. So I think basically, this is a desirable provision.

With respect to Bill 7620. It seems to me that this is basically an unsound bill and we oppose it. On several grounds - first of all, the bill has no restriction - no definition as to the cause of the non payments that are in question. The assumption is being made by many that the payments are because of inability to pay. They may be but they also may not be. And, this question of the timing that Mr. Silverstone was just discussing, bothers me considerably.

In effect what this says is - there is no limitation - no provision in the bill to force the payment during the winter months of bills which were incurred prior to November 1st, even though there is this 45 day provision for those that are - have been incurred after that in the period after that day. This simply means that the person who is able to come up to November 1st, with two months or more outstanding bill and get by that date, is then in the clear with respect to that until the next spring. Now, what is the significance of this.

Any delay in the payment of bills has got to mean to that extent that the company must obtain a substitute for the revenue that it has not gotten. Which means, eventually in one way or another, borrowing working capital. Borrowing working capital means interest charges. Interest charges mean additional operating expenses which have got to be absorbed not by the company, they have got to be absorbed by all of the company's customers. That is the only person who is to pay the bill. So that in effect, what we are doing here is suggesting that those customers who do pay promptly, should of necessity, carry the additional costs incurred by those who don't. Now, Chairman Ritter made a point with respect to this a little while ago in asking about the situation - state paying and should there be a provision for the state.

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- Representative Giles: Yes.
- Mr. Betts: I am afraid I don't quite...
- Representative Giles: You take (inaudible).... and turn it into electricity.
- Mr. Betts: Basically we take oil and turn it into electricity.
- Representative Giles: All right - of course, we want to be competitive, but don't we have people who(inaudible) ... the problem of not getting people into the state.....
- Mr. Betts: It isn't a question of our being competitive, it is a question of whether our customer who are buying that energy can be competitive.
- Remember, we in New England, to the extent that we are depending on oil at this time are at a serious disadvantage with much of the rest of the country. The fact that we in New England are dependent for oil or imported oil, which at the present time is running on the heavy oils that we use or that industry use, is running in the vicinity of \$13. a barrell here in Connecticut against a price of perhaps half that or the equivalent of half that out in the middle West. Our industry is at a serious disadvantage and if we try to up those rates further in order to produce an offsetting reduction in residential rates, we simply make the problem that much worse.
- Representative Ritter: (inaudible) I think the committee will.....Thank you.
- Mr. Betts: I think so. You are so very welcome.
- Representative Ritter: The next person listed is Mr. William Glynn, of Day, Berry and Howard. Bonnie Heilig. Did I pronounce your name right.
- Ms. Heilig: Yes you did. Mr. Chairperson and members of the committee, I would like to speak first today for the Connecticut Committee against Inflation and Unemployment. I was a member of the interim co-ordinating committee for this group and we would like to support Bill 7491 and 7620. With the current rate of inflation and unemployment and under-employment, it is clear that the inability to pay utility bills is not the fault of individual home management. The homes of our state needs utilities under these protections from shut-offs. On February 22nd, the Connecticut Committee Against Inflation and Unemployment sponsored an emergency legislative conference to start emergency needs for the people of the state. 300 people attended this conference. In the emergency needs workshop, there were 50-60 participants. In this workshop, it was clear that people were feeling tearful, angry and desparate with the choices they were faced to make. People on fixed income, low income and middle income, were present. Some of the specific problems discussed were in the case of utility shut offs, the need for a large deposit to reinstitute service, which

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lower income people are clearly less able to pay and in the case of bring suit to the PUC for recourse in case of a pending shut off, people are unequally able to use means such as that. Coming out of the workshop and the conference, there was a clear mandate to support legislation preventing utility shut offs. In Bill 7491, Line 27, although the bill was not present to be discussed at that time, the issue of a certificate was passed to prevent shut offs was discussed and we would like to suggest that in addition to Line 27 by a registered physician, that there be the following or social service agency. The rationale behind that is that social agency can similarly access the stress in the family, and it is less likely to be an additional bill that the family must pay than if they must go to a physician and get medical services also or not equally available to all.

Representative Ritter: Can you give a memo to us as soon as possible with that recommendation.

Ms. Heilig: Yes. These bills serve as emergency measures and not lasting solutions. As emergency measures, however, they should be enacted immediately. Regarding the question of who pays as David Silverstone suggested, this may not be such a large problem. Since most bills will be picked up eventually. However, recommendation coming out of the state wide conference is that the role of the state government, representatives of the populus, perhaps more specifically and I will add of the Regulated Activities Committee - should be to develop policy which makes it clear the responsible part the utility management deems allocating natural resources so as to meet the people's basic needs first.

Now further as a social worker and a family therapist, I would like to comment on the mental health consequences of the present economic crisis. On people on fixed incomes, are clearly in the most stress at this point. An AID family of four is allocated \$35. a month for utilities. However, there are other families, low income, moderate income families who are facing stresses currently that are of no fault of their own either. And, specifically I could cite a family of four. The breadwinner of the family worked in the construction industry and because of the slack there, has been bumped to a much lower paying job with little hope of being moved back up for many, many months until recovery of the construction industry. And the stress in this family has been really its only problem - they are a very, healthy, hard-working and earnest family. But under the stress, the boy-child of ten is feeling and in pretty bad shape. Other families - the parents are hurting and the children manifest other acting out and withdrawing kinds of symptoms. So I think that from what I have seen in the mental health profession, that families who are earnestly struggling and would not be faulted in their payments of these bills.

Senator Amenta: Are you suggesting that the utilities should take it upon themselves to supply services at no cost, is that what you are suggesting - that it is their responsibility.

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- Ms. Heilig: That is not specifically a recommendation of the conference.
No.
- Representative Ritter: Well, this is what was inferred.
- Senator Amenta: You indicated that they have a responsibility to supply these services and I suppose, at no cost. I am sure you are suggesting that because somebody has to pay.
- Ms. Heilig: Through rate structures or other means that would put the home unit in a first priority.
- Representative Ritter: Let me say this is a very important issue for this committee and it is not one to be accepted by us lightly. Some of us are struggling to get money in the budget - the state budget - that is why I raised the question with Mrs. Wilson. We are struggling to get money in the state budget to pay for the people who are unemployed, such as your construction worker whose family is receiving much less - to have those funds be made available to pick up the difference. Now what you are suggesting is much more difficult accomplishment, and hardly possible an accomplishment in an emergency situation, for those funds to be made available through rate changes. That is what you are suggesting, I gather.
- Ms. Heilig: There are other more lasting solutions which would be discussed in other places.
- Representative Ritter: Well, that's the point, we do have to do both. We certainly want to have a lasting solution but also are facing an emergency situation which we are trying really to address ourselves as well. I assume you would have no objection to the state having a special fund allocated for let's say, the balance of this year at least, for these purposes even as we address ourselves, to a long term approach. Is that right.
- Ms. Heilig: If the long term is being considered.
- Representative Ritter: Well, I hope that this is something you will carry back with you and also back to your legislators because it is not going to be easy for this committee to get revocates and to get the Governor to sign a couple of million dollars worth of additional money in the budget which we understand may be required to meet the very needs you are concerned with. That is what I think the Senator has been talking about.
- Senator Amenta: My concern is that this hearing or any other hearing, the bad people are the utility people and you know, the good people are those that are on this committee who are going to tell the bad people(inaudible).....I am sure that this - that somebody has to pay. Now, if as George said, in the case where those people cannot

pay, the state has an obligation to pay. I think in the case where it is determined that the electricity service should not be shut off, that ultimately someone has to pay for them. The utility companies are not philanthropists. They have to get their money because they are really guardians for the rest of the rate payers who are making the payments. And if someone doesn't pay, someone else has to pay. I just wanted to make sure that we didn't keep going with that thing that they have a responsibility to supply services for nothing. I am sure that nobody believes that this....

Representative Ritter: Let me just continue for one moment, the title of your committee is what invites this kind of concern and direction. You talk about a Committee Against Inflation and Unemployment. One of the most important factors in employment, is having strong utility companies, economically vital utility companies. The utility companies in our state, for example, Northeast has just been in a position of having the first two stock offers reconsidered, they then went before a third one and then they had to sell at one half the value. They then had to be in a position of providing a 12-15% return on the buyers of this stock. That isn't a case of health - it is a case the opposite of health so that if we are going to have work in those areas, we have to do something to strengthen our utility companies. This is where we become more and more aware of it as we sat here in hearings during the last several months.

Ms. Heilig: My comment to that again as a priority of this state and of the utility companies despite the need for full employment - the people's needs must come first.

Representative Ritter: Exactly, the only question we are talking about is who is going to pay for it. That's the only question and you don't ask the guy who owns the meat store to pay for it. That is a poor analogy but we could make several other ones. You ask the state that the civilized influence of the state or the federal government and that is where you have to go to meet this kind of situation.

Ms. Heilig. Or you ask the Regulated Activities to insist that certain policies of utility companies, certain management priorities be to serve home consumers.

Representative Ritter: You have every right to do that in the total approach to the long term solutions. Any other questions. Thank you very much, you have been very provocative, as well as informative. Maggie Alston, my dear friend from Hartford.

Ms. Alston: Thank you. Good afternoon Mr. Chairman and members of the committee, my name is Maggie Alston. I live at 23 Dutch Point in Hartford, Connecticut. I am employed as an Administrative Assistant

for the Low Income Planning Agency and I am here this afternoon to support Committee Bill 7491 and 7620. I am not going to make my remarks lengthy, but I got a phone call last night and because of the nature of our business, people do know that we come and support certain measures here before various committees and the person said to me, please tell them that - and this is a person who works - since we are talking about terminations, it is all going to be in the same vein - but please tell them that while the utility companies do say they have a policy of three notices prior to termination with a phone call and then a home visit, it is not happening. If a person lives in public housing in Hartford and was out of the home for one month, living with another relative who had had open heart surgery so therefore, no one was in the apartment to use the utilities. The bill came and it seems that the bill was more than it has ever been before. The person called the office, asked what the policy for having the meter person read the meters. The secretary at the office informed that the person that the meter reader comes up and picks up a master key and is then to go into each basement to read each meter for each apartment. This did not happen and this was last month, February. It seems that who ever the meter reader was, if they picked up the key, they didn't bother to go to the basement. They just estimated the bill, so want I am trying to point out here is that while we talk about terminations and it does happen, it comes about for a variety of reasons. People who are working can be caught in a bind where their services are terminated as - because they are not paying the bill. If the bill is estimated as exhorbitant - well too large, let's put it. Then, they are always in the same position as a person who is unemployed and doesn't have the money.

I wanted to bring this to your attention that while I have come to several hearings now and I have listened to the representatives of the various utility companies and they lay out their case and talk about their policies and their procedures, I am here to tell you categorically, that it is not happening. There are people who still have jobs.

Thank you.

Representative Ritter: Excuse me (inaudible)

Senator Amenta: Presently, in the case of those on welfare or state aid, how are the utility bills paid. Is it a flat grant or how....

Ms. Alston: The person I understand, takes it out of the flat grant award and pays the utility company if he can manage it.

Senator Amenta: Would there be any advantage in having the state pay that utilities separate.

Ms. Alston:

I believe so, I have often questioned about doing that Mr. Ritter. On the flat grant - if the flat grant is a very small amount already and a portion of that money is taken out prior to the person receiving the award and given to the utility companies, then it means that the family has a yet even smaller amount of money to juggle around to do some other things with.

Representative Ritter:

Maggie, if the utility bills were paid directly by the Welfare Department and therefore, ultimately legislators and the people of the state would then realize how small the remaining amount of monies on a flat grant from a family is because all of the increases of utilities and I can't help but believe that that would have to effect increasing the flat grant or changes in the flat grant system.

At least that ought to be considered.

Ms. Alston:

George, I hope you are right.

Representative Ritter:

I hope I am right too, I am almost sure I am right.

Ms. Alston:

That is the only way I would agree to that kind of a system.

Representative Ritter:

It puts it right out in the public - right out in print.

Ms. Alston:

But again, one of the other reasons why bills are not being paid promptly now is that the money has to be taken to buy Johnny a new coat because someone stole it in school, about Susan needs a new pair of shoes because she has holes in them and there is snow on the ground. Those kinds of things, because the poor have learned how to take what little they have and shift it around, adjust it and rob Peter and pay Paul and then when the next month comes, they have to do something else.

But you know....

Senator Amenta:

Don't they get in trouble eventually though. Eventually, they still have to pay the bills. And when a turn off is involved, there -.....so wouldn't you be better off if the state just made the determination as to what the amount would be for the utilities and just paid it. Not give you the additional - not you, but people involved, but just paid it. This way the utility gets paid, the state would paid it

Representative Ritter:

So long as it didn't effect the flat grant.

Ms. Alston:

Well, sir you are absolutely right. Except my concern is that once that does happen, Johnny isn't going to get a coat to wear because there will be no more money you can shift and Suzy won't get shoes. So we are going to pay additional costs and have Johnny and Suzy shifted off to Mt. Sinai or St. Francis or Hartford Hospital because they have got pneumonia. You see, what I am saying.....

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- Senator Amenta: Well, if they turn over power, they will still get pneumonia.
- Ms. Alston: Right, so they are going to get pneumonia anyways. - it seems. But we don't want that and I think an increase in the flat grant on top of taking out the predetermined amount for utilities would be the answer.
- Senator Amenta; So, if they increase the state grant - flat grant and they still won 't pay the utility bills and they are shut off.....
(inaudible)
- Ms. Alston: But then you have done your part.
- Representative Ritter: Maggie, I hope you recognize what I was saying, let it be paid separately without effecting the flat payment.
- Ms. Alston: Right, but add to the flat payment, the utility rate.
- Representative Ritter: That's right. Any questions. Maggie, we need you back as a resource person.
- Representative Turiano: The people that you have been dealing with - in what amount is their electric bill.
- Ms. Alston: Well, let me say this, at the low income....
- Representative Ritter: Did everyone hear the question here.

What is the general amount of their actual bills.
- Ms. Alston: OK, let me answer this way, our agency does not deal directly with the client. It is done by accident. What we have been mandated to do is to provide the fourteen Community Action Agencies in Connecticut with a set amount of dollars, thousands, to give to low income people when they come in to help them with those bills. So when people do come into to us, what we do is refer them to CRT that is the Community Renewal Team Consumer Education Unit and those people actually sit down with the client or the individual and you know, do the paper work and help them.
- Representative Turiano: With the conversation that was going on about paying the electric companies out of the grant, is there any way that you can find out what these electric bills are - how high they are or This is what I would like to know.

Ms. Alston: Oh sure, no problem.

Representative Turiano: Because the conversation that was going back and forth I believe it would be easier and advantageous to the people to pay the electric company first because there are some people who don't pay that. They go out and spend money otherwise. Which I have seen in my own home town. Do you see what I am trying to bring out. And if you could get that information, about what the bills run, I would appreciate it.

Ms. Alston: We have tht information, if you will tell me where I can send it, I will be glad to.

Representative Turiano: Thank you, send it to this committee.

Senator Amenta: Maybe the state would get a better rate too. They would be a big user.

Representative Turiano: The way they sell it to the industrials.

Representative Ritter: The next speaker, Mr. Rosen.

Mr. Rosen: My name is Mark Rosen. I work with Neighborhood Legal Services of Hartford. I am here today speaking as a private citizen and I would like to urge the committee to strongly consider the Bill 7491 and I would particularly like to recommend your attention to Sections 3 and 4 of that bill. I believe it would provide an effective and efficient mechanism to avoid terminations of service to tenants paying rents inclusive of the utilities, where you have a defauldy landlord.

My experience and our office experience has been very direct in point with this type of a problem. I believe Dave Silverstone referred to this type of a problem as the Danbury problem earlier. We have always called it the Ann St. problem. There was an incident a little while ago, where we had a defauldy landlord who didn't pay any utility bills both to HELCO and to the Connecticut Natural Gas Company and there was a termination of electric service to five buildings on Ann St. and one building on Main St. in the City of Hartford.

The problem was resolved only the combined efforts of our agency, La Costa Del Puerta Rico was called in, San Juan Center, the tenants and HELCO. The problem took about - I think to resolve the problem took about two weeks. It took several amount of man hours, discussion, and at one point we even attempted to go to the Hartford Police, attempting to enforce I can't remember the statute at the moment - I think it is 49-6 or 46-5. It is a statute on the books as you probably know - that when a landlord willfully refuses to provide utility service to tenants, there are criminal provisions to have them arrested. We even attempted that.

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I believe that the mechanism set up by Section 3 and 4 would help alleviate the problem. I think I would like to reiterate some of the things Dave Silverstone said....

Representative Ritter: I don't think that is necessary, I really don't - Just state your position.

Mr. Rosen: I'd like to say then that Dave Silverstone did summarize the goods points about how the bill and the mechanism would protect both the utilities and the tenants, it would put the burden on the parties of default, the landlord. I also would like to say that I have had extensive dealings with HELCO on this type of a problem, and I was very pleased to hear the gentlemen from UI today, also say that his company was concerned with this problem as we were and HELCO has told me they are. I would urge the committee if it sees the opportunity to try to effectively deal with the problem and to protect this situation, both the utilities and the tenants.

Representative Ritter: Do you favor both of these bills.

Mr. Rosen: I haven't read the other bill. I am here today on 7491 and I am in favor that bill. I think it would be useful.

Representative Ritter: Thank you very much. Any questions.

Representative Gejdenson: Did you say Sir, it took two weeks to get the turn on or(inaudible)

Mr. Rosen: The turn on - we got the turn on as I remember it, was done inside of 48 hours, the difficulty was that the solution of the problem --- let's put it this way, We got an agreement from Mr. Joseph Halloren of HELCO to reconnect service. But what followed after that was extensive dealings as to what to do with the bill, how to go about collecting it, whether or not these tenants would be qualified to accept the bill in their own names, did they have to accept the bill in their own names, this type of problem.

Representative Ritter: Thank you very much.

Steven Somerstein.

Out of respect to a shrinking number of the members of the committee present, I will urge that where possible you associate yourself with previous positions as well as if you have additional information or certain perspective to share with us.

Mr. Somerstein: My name is Steven Somerstein, again from the Neighborhood Legal Services in Hartford and I associate myself with all positions previously stated supporting 7491 and the winter moratorium bill.

Representative Ritter: That is 7620.

specifically, if you could give the clerk,(inaudible).
We do want to review these bills very quickly and hopefully take
action very soon. So if you can get that information to our
clerk, it would be very helpful. If you don't, it may....
.....(inaudible) easily fall between the cracks.

Mr. Somerstein: I will have it for you tomorrow morning. Thank you.

Representative Ritter: Thank you. Any other questions. Nextspeaker, Mr. Wilson.

I gather Mr. Wilson has left. Arroyo - I am sorry I can't
quite read this. OK.

Mr. Arroyo: Mr. Chairman and members of the committee, my name is
Edelmo Arroyo and I represent Now, Inc. which is the Anti-proverty
Agency in Waterbury.

Representative Ritter: For the record, could you please spell your last name for me.

Mr. Arroyo: Arroyo.

Representative Ritter: Thank you sir.

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Mr. Arroyo: Much of what I was going to say has been covered all ready
therefore, I am going to make only a few comments. There are a few
points I would like to bring to your attention and it is in regards
to testament of bills that are being sent into the people. This is
creating a great problem. People are being over-charged and we have
investigated this case and the explanation that is being given to us
is that the meter readers don't have access to the basements. We have
checked out many of these cases and we find that this is not true.
It may be true in some isolated cases, but the majority of the cases,
it is not true. We also have found out that the reson is that they
never go to actually read the meters. I also - we also believe that
in the case where there is no access to the basement where the meters
are, the landlord should be responsible for that. So, we have had some
cases where families have been away for a whole month and when they come
back, they have found a larger bill than the previous month. So that
is an indication that something is gone astray. So I think that it
should be made illegal to sent any estimate bills to the customers.

Another problem is although it was mentioned before, I would
like to re-emphasize this that many times, the landlord is responsible
for paying the gas and electricity and while the tenant has paid the
rent, the landlord is not paying the gas and light and therefore, they
get shut off and the tenant gets penalized and that should be also
be made illegal. There should be some mechanism to - with this.

There is also a big inconsistency in the way they sent the
final bills. Many times they sent the bill, the final bill for say the
sum of \$60 or \$75. On other occasions, and we have proof of that, they
sent a final bill for \$400 and \$500. We don't know why so obviously
they have neglected to read the meters and all of a sudden they come up

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with some enormous bill and they demand immediate payment of that. Many cases, they - once they shut off the gas and the light, they demand full payment of the full bill in addition to a deposit sometimes two and three times the amount of the bill. They have done this to many people. And so we are pushing this thing - so I believe many of these things should be made illegal.

I don't know whether this committee has any jurisdiction over this thing, but I think also that people who are - I don't mean myself, but agency believes that those people who are on public assistance, they should be pushed back into direct vendor's payments. That is, the state should pay the rents and also the gas and light because we have found out that unfortunately many people for some reason, don't know how to handle their monies and the ultimate result is that the children are the ones that suffer. You know, when they are shut off. So this is more or less what.....

Representative Ritter: Did you discuss that with the Welfare Department.

Mr. Arroyo: Yes, we discussed that and in the meantime, we are going to proceed with these discussions - but in the meantime, the director of that office in Waterbury was moved who in fact, was made Assistant Commissioner of Welfare and now we have a meeting with the new acting director there to discuss this problem.

Representative Ritter: Have you finished your presentation.

Mr. Arroyo: Yes.

Representative Ritter: Are there any questions.

Representative Balducci: Just a point on the estimation of bills Mr. Arroyo - a little while back there was an article in the paper the utilities had estimated something like 30,000 bills or something like that. And I question it and it turns out that they do estimate something like that. But there is 900,000 meters that they have to check. And, at times, it is impossible to get to read some of those meters because people aren't home, or somebody may be home by themselves and would not open the door in special situations, for one reason or another. So meters sometimes go unread and are therefore, estimated by previous bills. Now this may happen once or twice in a row, now I don't think this happens at least to my knowledge, is not suppose to happen consistently.

Mr. Arroyo: It has happened consistently - I think to avoid this problem, somehow, there should be some kind of a law or regulation stating that there must - the meters should be accessible - there should be access to those meters to avoid this problem. May be you could do something about it.

Representative Balducci:(inaudible).. put meters that are inside - outside just as

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they have attempted to try to do. But I do think with meters still in cellars on most multi-dwellings, it is still very difficult for them in any case to get in and read some of those meters - I think that as long as that type of a situation exists, it is going to be very difficult for them to....

Mr. Arroyo: Yes, but I think that the utility companies are using this as an excuse. Because as I said, we have checked - I have gone you know, where I have been told that they couldn't get into this cellar and I have gone there personally and it wasn't so. So I think that some.....(inaudible) should be developed

Representative Balducci: But don't they all come out in the wash some where along the lines, they have got to be balanced up. The over-estimates for this month and then when he gets in next month to read the meter, you know, you will be compensated for that excess.

Mr. Arroyo: Yes, this is not the case though.

Representative Balducci: This is not the case.

Mr. Arroyo: So, you know, there are too many irregularities there.

Representative Ritter: You know, it would be helpful to this committee to be more fully informed and if we could become more fully informed generally, when people are able to say here - from January 1 to March 1 or 17 examples, or 43 specifically and in writing - then I suspect we would not only understand better, but we would be in a better position to sit down with people and review the matter and perhaps, solve some problems.

That is one of the problems we have, we don't have things presented to us generally - in a way that we can then in fact, know a particular company and a particular situation with given examples. So if you can do that, perhaps -...

Mr. Arroyo: I am doing that right now, I am collecting this information.

Representative Ritter: Thank you. Thank you very much for helping.

Mr. Arroyo we have another question. They don't want to let you go.

Representative Turiano: Turiano, 120th. On your estimated bills, what area are you in, Connecticut Light and Power.

Mr. Arroyo: Yes.

Representative Turiano: Don't they have the electronics system maybe Mr. Betts can answer that. Don't they have the electronic clock that they put outside.

Mr. Betts: The electronic clock.

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Representative Turiano: Right.

Mr. Betts: Well, people here at the CLP(inaudible). CLP has a lot of outdoor meters but I am sure they are in the same position we are in - we have a lot of indoor meters particularly in the older areas.

Representative Turiano: No question. Also, water meters are inside. But there is an electronic clock. In fact, they just came to my house and put one outside. If I was home, I would never have let them do it. But any wise, I think they are becoming a reality because five or six years ago, they weren't accurate. But they are more accurate today. They are coming out all over and I am sure UI at one time had them. Whether they went back to it or not I don't know.

CLP, do they have them.

Mr. Mokriski: With new service....(inaudible), they just changed my house over to.....

Representative Turiano: There is a small electronic meter they put outside..

|| Mr. Mokriski: To supplement the regular meters...

Representative Turiano: Right, they tag right on and it does outside.

Mr. Mokriski: I'll check into it, I am not aware of that.

Representative Ritter: OK, thank you very much. Mr. William Vasquez.

Mr. Vasquez: Gentlemen and members of the committee, my name is William Vasquez and I work for San Juan Center as the Housing Coordinator. I am not here to take up too much time but just to express some of the problems I have been confronted with. On November 20th, a lady by the name of Mrs. Colman, living at the(inaudible) Apartments, came to me and said that her gas - that her lights had been shut off and her heat had been shut off. I looked into the problem and I found out that it was negligence of the landlord. I got right to the bottom of it and I found that the landlord was not paying his bills and stuff like that. And, we got that straightened out.

I just want to go briefly on this. On January 5th, I had a lady who had eight kids....

Representative Ritter: Could you speak for the benefit of the record, what city you are talking about.

Mr. Vasquez: I am talking about Hartford, Connecticut. The Clay Hill area and the South end also. On January 5th, a lady who had 8 kids, ranging like 1-10 her lights were cut off. She had no baby sitter, she had no transportation, she didn't even know how to speak English, she didn't even know how to sign her name. They cut her light off and

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she of course, had to get some kind of emergency help right away. So she was referred to me. I went down to the light company and then they couldn't do nothing about it because her light bill was outrageous and stuff like that so I went to Consumer Protection and they helped her out somehow.

And then again on March 4th, I had a client come to me who - her utilities were cut off because of the fact that the unit that she was living in was announced unfit to live in - so the landlord sent her a notice saying that she should move within ten days. Now she had no way of moving, she had no husband, nothing like that and ten days, they cut off her lights. You know, and I think that, you know, really like ----because she couldn't move in ten days, the landlord called the light company and they shut them off. So then we had to go back and go into the problem, and have them turned on.

And last, but not least, the most terrible of them all. A lady come to me, she explained to me that her mail box was broken - it hadn't been fixed for as long as she was living there and that I guess she wasn't receiving any bills or notices of termination from the utilities. She lived with no lights and no gas for like about two days and three nights and the way she was getting - - she was doing, heating her milk for her young ones by burning newspapers in the sink. And I think right there, that is a good example of why these bills should be supported and this is why I am here. I am here to support Committee Bills 7491 and 7620. And that is the end of my

Representative Ritter: Thank you Mr. Vasquez.

Sara Ellison.

Ms. Ellison:

I am Sara Ellison and I am speaking today for the League of Women Voters of Connecticut. I would like to say that the League of Women Voters supports 7491 and 7620. Have supported 7264 and will be supporting on Thursday night, the Regulated Activities Bill dealing with the other lower income household need of assistance.

But I wonder if I could just comment in regard to some of the questions that have been raised before just individually for myself not officially for the league. There have been some questions raised in terms of returning to a vendor payment system for welfare families. And I would point out to the committee that under federal regulations, set up by HEW, under which we get 50% federal reimbursement for the expenditures under the AIDC program, you can only use direct vendor payments normally for up to 10% of the caseload and only in the instance in which you can show that these people really can't manage their money. Simply the fact that you don't give them enough money to manage, is not acceptable, it has to be that they cannot manage the money that is given to them. And the implications of not complying with that, and

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I think the point raised, was rent and utilities. OK, that represents in terms of this year's proposed expenditure, the current fiscal year, would be between fort and fifty five million dollars in gross terms, which would mean you would be endangering twenty to twenty seven million dollars of reimbursement. Which would be a fairly expensive route to take. In terms of the allowance in the flat grant for families to pay the utility bills, I don't know if it has been raised with you before - about 31% of AFDC families, are two person families and the allowance for heat, hot water and electricity and cooking gas for a month is currently \$22.20. Which seems fairly low. For the three person family, this accounts for another 25% of AFDC families, you are talking about a base allowance of \$32.76. During the summer, because I was working on that transition committee, I did a simply calculation of what it would cost to update the allowance in the welfare flat grant to cope with the changes in the cost of living up to July, 1975. And to make that adjustment on the projected caseloads for AFDC, it would cost the state 9.8 million dollars.

So that I think if you look at what you are allocating to the welfare allowances for next year. and I don't care whether they call it cost of living increases across the board at x percent or whatever, if we don't see the additional monies put in to enable these families to pay utility bills, it is really going to be very difficult for them to do it.

Thank you.

Representative Ritter: Thank you very much .

Morton Korn.

Mr. Koren: Yes, I am Morton Koren and I am a staff attorney with Legal Services of Danbury, Connecticut. I would like to speak briefly at this time about the Danbury problem.

Representative Ritter: Are you a former colleague of Mr. Silverstone.

Mr. Koren: Yes, I am.

Representative Ritter: Thank you are well recommended.

Mr. Koren: At least I know, I am not the Danbury problem. I would like to speak in favor of 7491 with particular regard to Sections 3 and 4. I believe all of us know what the Danbury problem was and I strongly that after having seen what happened when a landlord did not pay the bill and the terminations without notice followed, I think there needs to be some statutory protection so that innocent third parties - the ultimate users of the service will not be injured when the landlord refuses or does not pay his bill for whatever reason. I believe

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that is adequately covered by 7491.

Representative Ritter: Thank you very much. That goes for your completeness and the brevity.

Mr. Howard Hausman, Chairman of the PUC.

Mr. Hausman: Mr. Chairman, members of the committee, I am Howard Hausman, chairman of the Public Utilities Commission. I will make my comments brief. First I would like to tell the committee of the two changes the commission made in the shut off regulations submitted to us at the hearing a few weeks ago.

First, the first draft requires written notice before shut off. We have added to that a requirement that personal contact be made. That takes care of the people who don't read their mail or can't read, whatever. And the regulation provides that if they can't find anybody home, the first time, they have got to try once more. Having tried twice, they have to file a written statement with the PUC describing the time and place when they made these efforts and the PUC will then decide whether to tell them OK go ahead and shut off.

The second change that we made is this. The original regulation prohibits shut offs when there is serious illness in the family. The amendment adds that a provision that if service has been shut off, and serious illness occurs subsequently, that the service will be restored.

Now, on the matter of who should pay for the welfare cases and the unemployed, etc., who just can't pay their bills, I was very pleased to read in the Hartford Courant on March 8th, that the Committee on Human Rights and Opportunities -

Representative Ritter: Human Services...

Mr. Hausman: Human Services, and the Committee on Appropriations, have approved an appropriation for that. And I get a little bit of a feeling that there is some feeling on the part of some members of the General Assembly that may not pass the whole General Assembly. I hope it does.

Because I certainly feel that it is a state responsibility to absorb the burden of those who can't pay because of handicaps, or whatever reason, they are on welfare or because of unemployment - and the responsibility of the remaining customers of the utility who otherwise, in the long run would have to pay.

Representative Ritter: On that score, you may be interested to know, this committee co-sponsored that hearing and supported that.

Mr. Hausman: I was aware that the committee had this put in. Thank you.

On the matter of the bill which incorporates much of the

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provisions of our new regulations

Representative Gejdenson: 7491.

Mr. Hausman: 7491 - it's basically immaterial to us how much or how little of the regulation is put into the statute. We have not objection to enacting the whole regulation. On the other part of it, we do favor the principle of rent receivers to take care of the landlord - the delinquent landlord problem.

On the 7620 which provides a five month moratorium from November to March on all shut offs, we of course, will go along with whatever the General Assembly decides. But I think I should point out that when you allow bills to accumulate for a period of three months or five months, it is not just the interest charges that you have to incur - the utility does and pass on to the other consumers - because some of these bills will never get paid. And I call attention particularly to those of you who live in cities as I do, the great mobility of residents of cities. I used to be in politics in New Britain and this is not in a recession - in good times, 20% of the people moved every year. And when they moved...

Representative Ritter: Was that under a republican administration.....

Mr. Hausman: In New Britain, no ...not very often.

When they moved, they moved out of town. If they have delinquent electric accounts, they don't leave a forwarding address. And an analysis of the bad debt accounts that we do examine in connection with hearings, indicates that the great bulk of the bad debts that have to be charged off, come from the customer having moved. Sometimes they move out of the state. So what I am saying is - nobody knows not in Wisconsin, not in Connecticut, just what this moratorium will do, on delinquent accounts. I am aware that only a small portion of whole accounts become delinquent, are actually shut off. But I am also aware that some of those people pay up mostly because of the possibility of being shut off and when you remove that possibility, your delinquencies or your eventual bad debts, are going to rise. And I have no solution to it. I have no objection to trying this as one of your members suggested for a year and see what happens. But I thought I ought to point out there is danger of accumulating some unpaid bills.

Representative Ritter: If you had language - something like inability to pay or demonstrate an inability to pay - do you think that would go along way towards solving the problem.

Mr. Hausman: Well, it depends. Who are you going to demonstrate it to. I believe some one of your members suggested last week on the resolution, no there was an amendment on that. That said they had to sign a written statement. No, I don't think that would do it. I don't think

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Representative Ritter: Any questions.

Unidentified Speaker: Could I ask him a question.

Representative Ritter: I am afraid not. Our rules do not so provide.

You can ask one of the representatives, take him outside and give him the question.

Representative Gejdenson: Commissioner Hausman, so in your estimation our passage of 7491 would do no violence to your resolution - to your regulation.

Mr. Hausman: No, it is perfectly OK.

No, I'm sorry I forgot that. I am reminded that the PUC regulation does not cover telephone companies. The bill does.

Actually, I guess the telephone company is here or gone. But they don't have quite the same problem that the gas and electric companies have. Because they get their basic service paid in advance. So it is the toll calls that become delinquent.

Representative Ritter: Do you have a question you wanted to ask.

Representative Balducci: Yes, is anything being done to regulate the prices for large companies who get the cost of power at a less rate than the everyday users, you and I for instance.

Mr. Hausman: Now, we have had extensive testimony on that in three hearings for CL&P, three hearings for HELCO and two for UI since I have been on the commission. In each case, the commission established a rate structure which in our opinion, correctly represents the cost of service. And it does cost more for example, to serve 34 apartments in my apartment building, each with a separate meter, separate wiring than it would to one factory. They use that much electricity. That with one meter, one meter reader and one maintenance of the meter, etc. And these things are taken into account of in the cost of service studies which have been introduced as evidence before the commission and we believe that the present rate structure accurately represents cost of service.

Representative Ritter: Thank you very much Commissioner.

Our next speaker is Commission Richard Stewart. First Commissioner Stewart may I express appreciation from this committee for your sharing with us the good news of your regulations and commend through you, your commission for having accomplished this.

We appreciate it.

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I would only add one thing to Chairman Hausman's remarks Section says that the Public Utilities Commission shall adopt regulations necessary to carry out the purposes of this act. This, I am referring to 7491, as you know, Chairman Hausman has just said, we have not included the telephone companies in our act. Included also in this proposed act is the municipal utility, furnishing electric, gas, telephone or water. We do not have jurisdiction over municipal utilities. And I believe you also have something in here mentioned about an oil company, is that correct - servicing - oil as a service. Again, we do not have jurisdiction over that type of company. So when you are asking us to promulgate legislations over utilities over which we have no regulation, or jurisdiction, I think it may be a little bit difficult.

Representative Gejdenson: I think this legislation may give you jurisdiction.

Representative Ritter: Obliquely.

Mr. Stewart: I am not so sure we want to accept jurisdiction under these circumstances. If you want us to take it, we would appreciate it if you would say so. Rather than coming in the back door.

Representative Gejdenson: I think we may deal with that later in the session but I think for all practical purposes, unless I am mistaken what we have got here is a - if this does pass and we do have jurisdiction, at least in the areas as described by this bill, so that concerning terminations of services, you now do have jurisdiction in those areas.

Mr. Stewart: If that is your feeling, if you want to keep it....

Representative Ritter: The committee hasn't discussed this as yet so I suspect if you really put us on notice and I appreciate that and that will be our responsibility to renew this and determine what form we would like to take if at all.

But I do appreciate very much your calling it to our attention.

Any questions.

Representative Turiano: You don't mind accepting a little more responsibility, do you
Mr. Stewart.

Representative Ritter: He has never flinched from responsibility in the years I have known him.

Mr. Stewart: Thank you.

Representative Ritter: Any other questions. Thank you very much Mr. Stewart. Our next speaker is Mr. James Curtin, attorney for SNET.

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Mr. Curtin: Chairman Ritter, members of the committee I am attorney James Curtain speaking for the Southern New England Telephone Company and I confine my remarks to Committee Bill 7491. The telephone company's position on this is that this bill at the present time would be premature to include the telephone company in the provisions that are covered in this bill. As Chairman Hausman has mentioned, the regulations that the commission has adopted, do not include the telephone company. Several of the provisions in this bill would not be applicable to the telephone company, speaking now more specifically about Sections 3 and 4. We do not provide service to landlords, we provide only service directly to the consumer or the customer.

Also, I would like to mention to this committee that at the time the language was being prepared for the PUC regulations, which are comparable to this - there was a recognition on the part of the people proposing this, that the telephone company's problems are different and more specifically as has already been mentioned, in the area of toll calling. I think what we are suggesting here is that what we need and what the understanding that I think we have is that our problems will be looked at separately and developed separately and solutions specifically designed to work towards the problems the telephone company has.

Mr. Ritter: Any questions.

Representative Gejdenson: Is the telephone company able to have a number set up so that it can only make local calls. Is that a possibility.

Mr. Curtin: We do have and these are some of the things we would really as I said - our solutions have to be specially designed....

Representative Gejdenson: But you can do that without any great economic...

Mr. Curtin: It can be done and the economics of it are another problem. This would require some additional wiring which would restrict and I am not at all sure that the wiring could be done that would completely cut him off from the toll network and restrict him to local calling. We do have a special plan at the present time that provides for a limited rate for a limited number of calls per month on a local basis. But we do get the exposure there even with those customers on the use of the toll network.

Representative Balducci: Isn't there a problem though - or some type of a problem when you try to limit toll calls. You would have to go through the operator. That for emergency purposes if you shut off tolls, you would more or less be closing off the operator - if somebody doesn't know the police station number. They would call information.

Mr. Curtin: Well, I think we have quite a few problems here that really haven't been looked at or studied with the various groups that are interested in this overall problem of termination of service and I guess I am suggesting really is that this bill to include us in this bill at this point is a little premature. We are not - I am not personally aware of any tremendous desire

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by any of the groups that are interested in this termination, to include the telephone company. We have indicated to those that we...

Representative Ritter: Some people aren't being candid with you.

Mr. Curtin: Well, we have talked to some of the groups and as I mentioned before, it is my understanding that at such time as this problem is taken care of with the electric and gas, that we are going to get together with them and take a look at our problems and try to see what can be worked up in a comparable nature.

Representative Ritter: Any questions.

Representative Turiano: Turiano from the 120th. When you went into the system where you dial one and then dial out of town, that also can be dropped if you want to regulate certain customers from local calls, couldn't it.

Mr. Curtin: Representative I am aware that we have the means of denying access to the toll network in some situations, whether or not it can be done for an individual residential customer, I am not sure. For example, I am well aware that certain businesses, a certain station in that business or an extension can be restricted to local calling but that is through their own equipment and not through our telephone equipment. So that there are some variations in it. And as I say, I think really what we are saying is that all of these variations can be studied and arrangements if necessary, can be worked out.

Representative Turiano: Economically, it wouldn't cost that much because your company has all the facilities.

Mr. Curtin: Right. We would have to wire in the office.

Representative Turiano: No, I meant when you went into that new dialing system where you don't bother with the operator to get you your out of town call, you dial one , x number, etc. or 745 or down in California. And I believe through this system of the wiring or somewhere, there is something that you can knock off - to strictly just to call local. I am pretty sure of this.

Mr. Curtin: Well, this again is a situation where there is a restriction put on that station but whether or not that restriction can be put on to limit to local calling and knock out the toll calling, is a question I think we have got to look at.

Representative Ritter: Mr. Curtin, being candid with you, there is sentiment on this committee, to include the telephone company. I think rather than advising you to wait until you reach some accommodation with some public spirited organization that it might be more appropriate for you to submit to this committee at your earliest convenience, the kind of legislation which you think is appropriate based on the experience of your company and then we can set up a hearing, perhaps

to invite your people and generally to review this, that might be where we are.

I think at the moment, this will stay in the bill. I think at the moment, it is unlikely it will be deleted. I think at the moment unless you come up with some specific program which you feel that is going to meet some of the concerns that have been expressed, I suspect you may not have that particular advantage of the opportunity to present them to us.

Mr. Curtin: Well, I certainly appreciate your suggestion Chairman, the only thing I would say if I may, is this that I think you are all aware and I would just like to mention, it took almost a year's time for the utilities, the gas and electric and the legal assistance people, to work up a format that was acceptable to them.

Representative Ritter: You haven't seen a comparable one for the telephone company.

Mr. Curtin: We have not had the input to my knowledge.

Representative Ritter: You may not have had the input, but we have had the results. And perhaps there is a need for you to sit down and review it. Perhaps you can get together with some of the groups that have been working on it.

Mr. Curtin: We certainly would like to. If we may, get the groups and start a dialogue with them in conversation.

Representative Ritter: But please don't leave believing that this will not be approved in this bill as we consider it. The only way that I can encourage you to do so is to take advantage of this committee as regard to your public service, is to review what ever you believe should be a proper alternative to what you think now should not be included fully in this proposed bill.

Thank you.

The last listed speaker although after I call on Santos Rivera, anyone else is then free to speak.

Mr. Rivera: Mr. Chairman, and members of the committee, good evening, I am here to speak and everything I have to say has to do with the town of Hartford. Recently I was living at 341 Liberty Street and our heater...

Representative Ritter: Can you talk a bit louder please.

Mr. Rivera: Yes sir. Recently I was living at 341 Liberty Street and a heater in the apartment caused me to move next door to 341 Liberty Street because of the high bills. My name is Santos Rivera and I work for the San Juan Center as a AA counselor and a field worker. I am also a board member of the local low income plan agency representing the Spanish community.

I feel and I have observed that the residents of the community

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are not getting adequate services out of the utility companies. I have cases where the bills have been extremely high. Where customers cannot pay for these bills. It is mostly low income employees, welfare reciprocants, who suffer these bills. And some landlords are at fault because they render tenements without giving the tenants facts, when the apartment is rented as to whether the utilities are included. I am working on one case right now where a customer of this town, someone who is on welfare, a lady with four children on a flat grant, owes the utility companies \$312. In no time at all, she can't pay this bill.(inaudible) shutting off the utilities. I could understand the way this young lady feels. And there is many other residents in this town like her who cannot pay their bills. Something must be done about this because I sure hope and I need to get up in the morning and continue what I have to do all day without hot breakfast or a hot cup of coffee. Because the gas company shut off my service. I recommend that at least the customer get an even break.

I got this case where a lady moved into an apartment where the electric company had not taken the previous tenant's name off the house. Three days after the lady took this apartment, she got a bill for \$146. I checked into the electric company myself and they did give me a hard time. We finally got it straightened out.

I found out that this was not the lady's fault or the landlord, that it was the electric company's fault. I feel that customers who owe bills to the company should get....(inaudible) to pay for them and keep their services installed. I also feel that the notice the utility companies are going to send to their customers, if they send at all, is not long enough. Money does not grow on trees and when it comes to a low income employee, it is a hard struggle to meet the utility bills. And I have found out three things, when there is no gas in the stove, there is hunger in the stomach. When there is no oil to heat, the body suffers, also adults as well as children. No electricity, the heads will be bumped around the house when the night falls.

You could feed a child with a cold breakfast in the morning, but when afternoon comes, the organs of his body need a hot meal. I also feel that the deposits for the utility companies to get a service installed, are extremely high for welfare reciprocants and low income employees.

The state has an obligation to pay but when a customer goes to the state, he spends days there and does not get the bill paid. The customer gets angry and hungry sometimes. I support Bill 7491 but hope that after the bill is passed, that a utility company don't ignore it and for the gentlemen there on the right, who is sitting right there, I have something to say to him.

If the meter don't get read, the bill is higher the next time he shows. Thank you.

Representative Ritter: Thank you very much Mr. Rivera. Any questions.

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Representative Giles: Yes, you said that where a lady who gets an apartment, somebody else has moved out, and the utility company hadn't changed the name.

Mr. Rivera: Hadn't taken the name off the account.

Representative Giles: Right, well it seems to me that the lady wouldn't get billed at all. It would be the person who moved would get billed.

Mr. Rivera: The lights had not been cut off of the former tenant's account so the lady that took the apartment, three weeks after she got there, she got a bill for \$146.

Representative Giles: Alright, she got it under the other person's name.

Mr. Rivera: Now, I got in touch with the lady who was living in the apartment and she told me that she did call the electric company to have the service shut off.

Representative Ritter: Thank you very much. Now, is there anyone else who wants to speak on that series of bills.

We are now coming into an additional hearing on Bills 994 and 932.

I would like to first call Louis Garfield.

Ms. Garfield: We will take a one minute break.

Ms. Garfield: Members of the Regulated Activities Committee, my name is Louise Garfield and I cover utility issues for the Connecticut Citizen Action Group. In general, CCAG maintains that the changes proposed by Northeast Utilities tend to interfere with full public participation in Power Facility Evaluation Council proceedings. I will address some of the proposed amendments, and also make comments on SB 932.

First in Section 2, Lines 44-49, we object to the proposed requirement that state agencies submit comments prior to hearings. Now there allowed to submit comments during and after the hearings - after the transcript is made available to them. Such a restriction proposed would seriously limit the analysis now permitted to agencies whose input is vital to a balanced assessment of proposed facilities.

Section 3, Line 79...

Representative Ritter: Can we linger at that, it would help the committee. Would you have the same view if it is directed that such comments should be made both before and after hearings,...

Ms. Garfield: Yes, that is the way it is now.

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ROBERT WENTON: My name is Robert Wenton, I live in Colchester and I work with Legacy, which is a Legal Services Program in Norwich. I, I'll just go through these. I've picked up the Bills that ah jumped out at me. The first one is 5761. This is to repeal 1965 of the General Statutes, and I'll replace a few of the parts.

REPRESENTATIVE SAMUEL GEJDENSON: I don't have it. Number 5761.

ROBERT WENTON: This is a Statute that sets a minimum of heat and housing in the winter time. Ah, provides that ah, gas and heat and electricity and hot water shall be furnished, and if you fail to furnish it you can be fined \$100. Ah, the first section of Sub-Section A apparently isn't going to be changed at all. And I think what the intention here, to major modification seems to be ah, to avoid turn-offs in places where the landlord is in default on payment and the tenant is the one that suffers from the turn-off. There's 2 points on this, first of all Sub-Section B of the statute which new Sub-Section B which until now and still does say that no Public Service Companies shall turn off unless there's a Notarized statement that the place is vacant from the landlord or a statement agreeing to it from lessee, the tenant. This is all well and good but unfortunately there are no teeth in this statute.

REPRESENTATIVE SAMUEL GEJDENSON: Well if I may, ah, as I stated earlier we've had a series of Hearings and ah, in Hartford, already on many of these Bills, and on some to expedite the process we've already acted. That doesn't mean we can't act further. The community is today with one extention, with one vote in opposition my good colleague to my left here, voted against it but the other members and I think the other members were all Democrats.

UNIDENTIFIED SPEAKER: The bill that they drafted was that was voted favorably was 7491, and it was an act concerning the termination of certain service by Public Service Companies.

REPRESENTATIVE SAMUEL GEJDENSON: With full teeth.

UNIDENTIFIED SPEAKER: That's got full teeth in it.

ROBERT WENTON: 7491. This is the 7 page one?

REPRESENTATIVE SAMUEL GEJDENSON: Yes. It's got several amendments to it, you might say from probably what that printing is because as you can see here, we had a xerox . . . sheets - -

ROBERT WENTON: I have a question now. In this ah, is there any kind of a opportunity for a civil remedy by a tenant whose has his utilities terminated wrongfully.

REPRESENTATIVE SAMUEL GEJDENSON: Yes.

ROBERT WENTON: I'm not talking about a Hearing and a opportunity

REPRESENTATIVE SAMUEL GEJDENSON: Notification to the Company, I believe.

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ROBERT WENTON: No, I'm not talking about that either. I'm talking about an opportunity for some kind of an affirmative action by the tenant against the Utilities for wrongfully turning off the utility.

REPRESENTATIVE SAMUEL GEJDENSON: Well I think the ah, I'm trying to remember back, the utility, one cannot shut off the tenant, alright? If - -

ROBERT WENTON: Are you talking about 7491?

REPRESENTATIVE SAMUEL GEJDENSON: 7491, without a Hearing, Okay? Well withoutproper . . .

TWO SPEAKING AT ONCE - INAUDIBLE

ROBERT WENTON: Right I know that.

REPRESENTATIVE SAMUEL GEJDENSON: If the ah, for instance let's take the situation of, you have, you rent an apartment, you pay your landlord your rent and he pays your utilities.

ROBERT WENTON: Right that's what I'm talking about.

REPRESENTATIVE SAMUEL GEJDENSON: Because your're going to both need it. Okay, now, the Law takes care of the standard problems where you set up a receivership, they can't terminate your utilities either, receivership or and they are separate meters you pay them directly. All that money is included in the rent and then the landlord is If the utilities, and I think it was put in today, is it in Section 3, okay, alright now we've a language that was added today. I believe, let me just check. Ah, has actual, constructive knowledge that the occupants of such dwelling are not the persons to whom the company in this utility, a retailer usually sends his bills. Such company, municipality, utility or retailer shall not terminate service for non payment of a delinquent account owed to such companies valid utility or retailer. Now this your annual section that was added in, wait okay, let's see, section - -

ROBERT WENTON: Do you have a later print of this, is that what - - -

REPRESENTATIVE SAMUEL GEJDENSON: Well, I've got basic, ya, this is a later print. I think in here it takes care of that. It's simply notification, would make it - -

ROBERT WENTON: Well they have to really restore this - -

REPRESENTATIVE SAMUEL GEJDENSON: Ya, and then the PUC would come in or the Consumer Advocates or the PUC would see if that occurs. Which is a case of any regulation. So today by ah,

ROBERT WENTON: all but one.

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REPRESENTATIVE SAMUEL GEJDENSON: All but one.

ROBERT WENTON: Alright, ah - -

REPRESENTATIVE SAMUEL GEJDENSON: I'm sure for good reasons.

ROBERT WENTON: Alright, the next thing that I am concerned about that's sort of related to this, you mentioned PUC involvement and I represent mostly people from Norwich which is a Municipal Utility. And a Municipal Utility as of today, are not under the regulation of the PUC.

REPRESENTATIVE SAMUEL GEJDENSON: They will be today.

ROBERT WENTON: Alright. And then - -

REPRESENTATIVE SAMUEL GEJDENSON: For termination purposes only.

ROBERT WENTON: Ya, well that's a start, but not a, not a finish. But at least it's something. Ah, also - -

REPRESENTATIVE KENNETH STOBER: Tenant builder, tenant buildings which are supplied by common oil facilities, fuel oil and gas will be under

ROBERT WENTON: and there's Propane?

REPRESENTATIVE SAMUEL GEJDENSON: Bottle gas.

REPRESENTATIVE KENNETH STOBER; bottle gas are very good. And I, crude oil, . . .

REPRESENTATIVE SAMUEL GEJDENSON: Well I hope on Monday about bottle gas, I guess.

REPRESENTATIVE KENNETH STOBER: I didn't hear about that, but I use bottle gas myself.

REPRESENTATIVE SAMUEL GEJDENSON: Then your're voting against the bill.

REPRESENTATIVE KENNETH STOBER: Well, I have reasons ah, the thing that I want to, I would just like to comment on, the PUC has already adopted regulations as of February 11th, that encompasses most of this. The only part that they do not address themselves to, which is in this bill, ah, are fuel oil, retailers that is not controlled by the PUC, and this is my objection. We're not enacting Legislation and bottle gas, and we're enacting Legislation through this that is, that is broadening the powers of the PUC without actually going to our other Statutes that ought to be attached. Our other Statutes ought to say, now that the PUC is going to control this, we're doing it through the back-door, in my opinion. This is the reason why I'm - -

REPRESENTATIVE SAMUEL GEJDENSON: I dont agree without this. Near the basis, I think that by this Act that we include it, we're going to the front door saying, they now have specifically power, authority to deal in this area, and that on February 11 they did - -

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REPRESENTATIVE KENNETH STOBBER: adopt these. They do not go into effect for 60 days because they do have to be published.

ROBERT WENTON: And the problem with those is, is they don't cover Municipal Utilities.

REPRESENTATIVE KENNETH STOBBER: They don't cover it because the PUC does not.

ROBERT WENTON: That's right. And - -

REPRESENTATIVE KENNETH STOBBER: And they don't cover fuel oil and so forth. I agree that's a prob lem, but I hesitate to think that we are going through this kind of legislation to put the PUC in charge of this.

ROBERT WENTON: Okay, I am - - I understand what - - - Ah, just as a kind of side point about this municipal turn-off problem, I'm sure that you are aware that the one Bill I think that has past the Legislature so far in this term, by the emergency utility resolution that went through, has not yet been signed by the Governor. And is not, is not law.

REPRESENTATIVE SAMUEL GEJDENSON: Well I don't think the Governor -

ROBERT WENTON: Wait a minute, I'm talking about - -

REPRESENTATIVE KENNETH STOBBER: the resolution.

ROBERT WENTON: No I'm talking about a Bill, and Emergency Energy Grant - - AD & C and General - - that has not yet been signed by the Governor, I'd ask you to go back and find out why because I have 5 clients that have been turned off since Monday. And the Bill is sitting there. Norwich Public Utilities has not agreed to the moratorium of the major utilities. And the result is that they are turning people off daily in Norwich. And they will not - -

REPRESENTATIVE SAMUEL GEJDENSON: You've got 5 since that. Thank you for bringing that to my attention.

ROBERT WENTON: I've talked with Senator Hudson and she contacted the Corporation Council for Norwich, I've been in touch with the Chairman of the City Council, blah, blah but the point is they still will not do anything until the Governor has signed it into regulations or issues so that they can restore . . . and nothing will satisfy them. So please have the Governor sign it.

REPRESENTATIVE KENNETH STOBBER: The Bill we past there will satisfy them. Because then it will be law.

ROBERT WENTON: Okay. Now the next thing is this Bill about Consumer Council Offices of Consumer Council. I can only say this is really vitally necessary, it shouldn't just be, this is ah, ah, what have we got, 8201, Independent Consumer Council for Budgetary Purposes under the Public Utilities Commission. But that . . . Ya, the, very much in favor of this, for , I'll tell you why, ah

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Mr. Speaker, could we...could I ask for a withdrawal of efr my point of order temporarily and come back to it? Is that in order?

MR. SPEAKER:

No, it isn't.

BENJAMIN N. DEZINNO, JR.:

Thank you, Mr. Speaker.

MR. SPEAKER:

If the gentleman cares to withdraw his point of order it cannot be qualified as to time.

BENJAMIN N. DEZINNO, JR.:

Mr. Speaker, I withdraw my point of order.

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MR. SPEAKER:

The Journal will so note.

WILLIAM A. O'NEILL:

Mr. Speaker, I move we pass temporarily this bill, please.

MR. SPEAKER:

Is there objection? Hearing none, the bill is passed temporarily.

THE CLERK:

Calendar 1012, Substitute for H.B. 7491, an Act concerning the termination of service by public service companies. Committee on Regulated Activities.

SAMUEL GEJDENSON:

Mr. Speaker, I move we accept the Committee's joint favorable report and passage of the bill.

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MR. SPEAKER:

efr

The question's on acceptance and passage. Will you remark?

SAMUEL GEJDENSON:

Yes, Mr. Speaker. Mr. Speaker, what this bill basically does is provide due process for people dealing with utilities in considering their overdue bills. The bill also gives the utilities a process by which they can be reasonable, consistent and protect their investments in dealing with the same consumers that are late in their payments on utility bills. This bill includes municipal utilities only for the purpose of suspension of services. It does not include utilities that are publicly owned for any other matter to come before the P.U.C. The necessity of this bill has been questioned by some on the basis that the Public Utilities Commission has set up similar standards and procedures for termination policy. This bill goes beyond what the Public Utilities Commission can do in providing remedies for the utility companies to retrieve funds that have not been paid to them. This bill is a bill that will provide a sane and sensible policy in dealing with people who cannot, for whatever reason, are unable to pay their utility bills. What we are seeking to prevent here are deaths and damages to people similar to what may have happened in Bristol over a fifty-four dollar utility bill...what's happened in New York and Rhode Island, where people's services were terminated without due process, and lives were then lost. I move acceptance of the bill, Mr. Speaker.

MR. SPEAKER:

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Will you remark further on the bill?

efr

JAMES J. CLYNES:

Mr. Speaker, may the record show that I am absenting myself from the House for possible conflict?

MR. SPEAKER:

The Journal will so note.

DOROTHY C. GOODWIN:

Mr. Speaker, I must absent myself, too. Thank you.

MR. SPEAKER:

The lady of the 54th, the Journal will so note.

ROBERT D. SHEA:

Mr. Speaker, will the Journal so note that I will absent myself because of possible conflict. Thank you.

MR. SPEAKER:

The Journal will so note.

RUFUS ALLYN:

Mr. Speaker, for the same reason, Mr. Speaker.

MR. SPEAKER:

The Journal will so note. Before proceeding further with the debate on the issue on the bill, are there any other Members who seek leave.

CHARLES D. CAMPBELL:

Excused for the same reason.

MR. SPEAKER:

The gentleman of the 118th, the Journal will so note. Are there further remarks on the bill?

PATRICIA T. HENDEL:

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Mr. Speaker, for the reason of a question to the proponent of the bill.

MR. SPEAKER:

Please state your question.

PATRICIA T. HENDEL:

I wonder whether Mr. Gejdenson could state more clearly that the inclusion of municipal utilities in this bill does not mean that the...there is any intention of extending the jurisdiction of the P.U.C. to the existing municipal utilities.

MR. SPEAKER:

Gentleman care to respond?

SAMUEL GEJDENSON:

Yes. Through you, Mr. Speaker, the bill clearly states that the only area that the Public Utilities Commission or any following agency dealing with the same matters will deal with municipal utilities only on the matter of termination.

MR. SPEAKER:

The lady from the 40th has the floor.

PATRICIA T. HENDEL:

Thank you, Mr. Speaker.

MR. SPEAKER:

Will you remark further on the bill?

BRUCE L. MORRIS:

Mr. Speaker, I would like to absent myself because of a possible conflict.

MR. SPEAKER:

The Journal will so note. Will you remark further on

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the bill?

efr

GERALD F. STEVENS:

Mr. Speaker, I have several questions on the file copy of the bill, which is, indeed, a major piece of legislation, and I'd like to clarify some points that are not readily apparent upon reading it. Through you, Mr. Speaker, to the gentleman who reported out the bill, starting on line 9 through 11, could the gentleman indicate when does the seven-day period begin to run?

MR. SPEAKER:

Gentleman care to respond?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, it is my understanding that the seven-day period follows what is the utilities companies' practice of considering a bill overdue. I believe the maximum would be 60 day...well, I think that would depend on whether the billing is monthly or quarterly.

GERALD F. STEVENS:

Through you, Mr. Speaker, my question is when does the seven-day period of notification to the customer who pays the bill begin to run?

SAMUEL GEJDENSON:

Oh, concerning the matter...through you, Mr. Speaker... concerning the matter of written notice through first class mail, through you, Mr. Speaker?

GERALD F. STEVENS:

Yes.

MR. SPEAKER:

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Gentleman of the 48th care to respond?

efr

SAMUEL GEJDENSON:

Through you, Mr. Speaker, that would be seven days from the time when the individual has that at his household.

GERALD F. STEVENS:

Through you, Mr. Speaker, where, in the bill, does it indicate that the seven-day period of notice commences upon receipt by the addressee?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe that from reading the bill that would be a general understanding. However, if there were further complications, the Public Utilities Commission, or the body that follows that Commission, will be able to make that determination.

GERALD F. STEVENS:

Through you, Mr. Speaker, is it implicit in the gentleman's answer that if notice is never received by the addressee, for instance because he or she or it is vacationing, that the seven-day period does not commence to run?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, no.

GERALD F. STEVENS:

Through you, Mr. Speaker, when does the seven-day period commence to run when the addressee does not receive the notice since he or she is not at the location to which it's mailed?

SAMUEL GEJDENSON:

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Through you, Mr. Speaker, it would be my understanding efr that the seven days would begin to run seven days from when the written notification has been delivered to the individual's residence.

GERALD F. STEVENS:

Through you, Mr. Speaker, and the gentleman has clarified it by saying that delivery to the address is the trigger for the seven days commencing?

MR. SPEAKER:

Gentleman care to respond?

SAMUEL GEJDENSON:

Yes, that would be my understanding.

GERALD F. STEVENS:

Through you, Mr. Speaker, how, then, does the utility know when to start commencing the seven-day countdown?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, it would take approximately one to two days, maybe three days, for the letter to reach the individual's home by first class mail. I don't think that's a great problem that either if there is difficulty with this, the P.U.C., as I stated earlier, could clarify it further. I would think that one or two days after it was mailed would be a proper time for the counting to begin.

GERALD F. STEVENS:

Through you, Mr. Speaker, does the bill in any...is there any language in the bill that indicates a two or three-day grace period is given for the purpose of computing the

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seven-day notice?

efr

SAMUEL GEJDENSON:

Through you, Mr. Speaker, no, but I believe the Public Utilities Control Authority or the P.U.C., whichever is in effect, will deal with that matter adequately.

GERALD F. STEVENS:

Through you, Mr. Speaker, in line 16 the word "seriously ill" is used. Could the gentleman give us an indication as to what it means by "seriously ill"?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, could he please repeat that question?

GERALD F. STEVENS:

Through you, Mr. Speaker, what is it intended to mean by "seriously ill"? Who makes the determination as to whether or not it is a "serious illness"?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe that is by a physician.

GERALD F. STEVENS:

Through you, Mr. Speaker, on line 18 it speaks of a "registered physician". Would the gentleman indicate what a "registered physician" is?

SAMUEL GEJDENSON:

I would believe that would be a medical doctor.

GERALD F. STEVENS:

Through you, Mr. Speaker, is there any requirement

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in the Connecticut General Statutes, or definition of a "registered efr physician" as opposed to a "physician"?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe that refers to a licensed doctor...that the language in the legislation is clear ...that the gentleman from the 119th's concern for the line, line 18, could have been dealt with prior to today in that this has been in the file copy for a sufficient amount of time, and if he feels the language was unclear, he could have offered an amendment.

GERALD F. STEVENS:

Thank you. Through you, Mr. Speaker, does the gentleman mean that "registered physician" means licensed physician?

SAMUEL GEJDENSON:

I would believe it means a medical doctor allowed to practice in the State of Connecticut.

GERALD F. STEVENS:

Through you, Mr. Speaker, would it mean a dentist, also?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, if the illness were related to one's teeth, I would assume that would be so.

GERALD F. STEVENS:

Through you, Mr. Speaker, how is the physician to certify as to the fact of the illness?

SAMUEL GEJDENSON:

One moment, Mr. Speaker. Through you, Mr. Speaker, I believe the utility would have to be informed by the physician,

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and that, again, could be dealt with either by P.U.C., or P.U.C.A. efr regulation.....or determination that it would either be a note from the physician, mailed or delivered to the utility company, or a call from the physician to the utility company would adequately determine that the person or individual was ill.

GERALD F. STEVENS:

Through you, Mr. Speaker, does the file copy in any place spell out what is meant by "certification of the fact of serious illness"?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, once again, I believe that the regulatory agency involved would quite adequately handle what proper notice would be and proper certification to the utility company.

GERALD F. STEVENS:

Through you, Mr. Speaker, directing your attention to lines 23 to 26 of the file copy, is the portion of the bill being amortized included in that which must be kept current?

SAMUEL GEJDENSON:

One moment, Mr. Speaker. Through you, Mr. Speaker, what the file copy says is that the unpaid balance will be amortized, and that the individual must keep current in his present payments. A reasonable interpretation of that, through you, Mr. Speaker, would be that the past-due payments would be amortized, and he would have to make his present payments on time.

GERALD F. STEVENS:

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All right. Through you, Mr. Speaker, my question is efr
must the amortization schedule be kept current as opposed to the
current charges?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, could he please repeat that
question?

GERALD F. STEVENS:

Does the bill require the amortized schedule of ar-
rearage to be kept current, or is it only the current charges
of subsequent billing periods which must be kept current?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, both would have to be kept
current.

GERALD F. STEVENS:

Through you, Mr. Speaker, would the gentleman indicate
where, in the file copy, it indicates that the amortization
schedule agreed to must be kept current?

TAPE
#5

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I would believe that the
regulatory agency and the process as set up so that the schedule
that has been set up by the regulatory agency must be maintained
in order for termination not to occur. It would, therefore, be
a reasonable conclusion that the amortized payments would have
to be made on time.

GERALD F. STEVENS:

Through you, Mr. Speaker, is that a point which would
then be covered by subsequent regulation, also.

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SAMUEL GEJDENSON:

efr

Through you, Mr. Speaker, if clarification be necessary, then regulation could deal with that.

GERALD F. STEVENS:

Through you, Mr. Speaker, does the file copy authorize interest on any portion of arrearage being amortized?

SAMUEL GEJDENSON:

No.

GERALD F. STEVENS:

Through you, Mr. Speaker, would the arrearage be the type of debt for which the creditor would be entitled to interest under the statutory provisions providing for interest?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, no. I believe that interest charges are only for commercial billings...not for residential billings.

GERALD F. STEVENS:

All right. Through you, Mr. Speaker, then under the file copy an individual, or individuals, could accumulate a substantial arrearage, and then pay on an amortization schedule without interest payments. Is that correct?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, we're dealing with residential charges. They're not that large. The entire health and economic situation of the utility company is reflected in its rates. The utility company is placed in jeopardy by this legislation. The utility company benefits from this legislation. It is not

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necessary to place additional finance charges on the kind of efr
bills we're dealing with.

GERALD F. STEVENS:

Through you, Mr. Speaker, is the answer "yes" or "no"?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, could the gentleman from the
119th repeat the question?

GERALD F. STEVENS:

Through you, Mr. Speaker, does the file copy permit
the accumulation of arrearage which would then be amortized
without interest payments?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, yes.

GERALD F. STEVENS:

Through you, Mr. Speaker, in Section 1c, the word
"complaint" is used. Could the gentleman indicate where, in the
file copy, "complaint" is defined?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe if the gentleman
reads the line it says "complaint, investigation, hearing or
appeal". Those would be matters that end up before the regula-
tory agency concerning any particular bill. To further explain
that, if the individual who is in arrearage brought a complaint
to the Public Utilities Commission and then that went into a
hearing, there could be no termination until that hearing was
concluded.

GERALD F. STEVENS:

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Through you, Mr. Speaker, does the file copy indicate efr what type of complaint it is as to whether or not it had to be reduced to writing, oral, or anything of the type?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe once again that is an area that is bascially understood from reading the bill, but that the regulatory agency could define it further if necessary, although I doubt that to be the case.

GERALD F. STEVENS:

Through you, Mr. Speaker, directing your attention to lines 106 through 108, would the gentleman give an example of what is meant by "constructive knowledge"?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe that section refers to the fact that whether or not the utility has the kind of information that would lead it to conclude that this is an account that is not occupied solely...if, for instance, the case were that you had a 200-unit dwelling place, that the electric bill came to thousands of dollars, I believe that would be "constructive knowledge" for the utility companies if that was a residential dwelling, and there was one meter, that it was not just one individual who was being billed for the electricity. However, further sections of the bill provide that if the utility company does make a mistake, it can then solve that problem by turning on the electricity.

GERALD F. STEVENS:

Through you, Mr. Speaker, in line 124, which relates to

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accounts being placed in the names of tenants, why is there a
prohibition against requiring a security deposit? efr

SAMUEL GEJDENSON:

Through you, Mr. Speaker, the reason for this section is that the individuals have no prior...the failure...the landlord...in that case the landlord would have already placed a deposit for the services, and that it was not as a result of the tenant's failure to pay utility bills that termination occurs... or an attempt to termination occurs. Therefore, it would be unjust to penalize the tenants as a result of the landlord's inaction.

GERALD F. STEVENS:

Through you, Mr. Speaker, does the file copy give digression to the utility company in the case where a tenant may be an individual who has previously owed money and not paid the bill, and upon the installation of a new service, in a case like that, could the utility company require a security deposit?

SAMUEL GEJDENSON:

Through you, no.

GERALD F. STEVENS:

Through you, Mr. Speaker, does the file copy prohibit utility companies from obtaining security deposits from other residential users except in cases where there has been a default by landlord?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, no.

GERALD F. STEVENS:

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Through you, Mr. Speaker, can you explain the Committee rationale for prohibiting security deposits in cases where a landlord has defaulted and a tenant takes out service, and allowing security deposits in other residential instances?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe it was the feeling of the Committee that the individuals who live in a multi-unit dwelling in which the landlord was responsible for providing utility service and such service was, or was about to be interrupted as a result of the landlord's non-payment, had gone through considerable problems and hardships as it exists, and there was no necessity of placing them in further hardship.

GERALD F. STEVENS:

Through you, Mr. Speaker, then, do I understand from the gentleman's answer that that section only applies to multi-family residential units, and not to single-family leased residential units?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, the same rationale would occur in a single-family dwelling, where the tenant was not paying the utilities, and the landlord was responsible...the only difference being we're dealing with one individual renting, rather than many.

GERALD F. STEVENS:

Through you, Mr. Speaker, directing your attention to Sec. 3c, which begins on line 138, what would happen in an example where a tenant has an arrangement with a landlord that they pay a base rent of, say, \$100 a month, and then they pay a percentage

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of the overall single electric bill directed to the landlord? In efr the case where the landlord defaults, the tenant, under sub-Sec. 3c, is permitted to offset the amount of the monthly utility for that dwelling against the rent. What if the landlord's default is due to the tenant's default in paying the landlord the percentage of the utility bill? Does that mean that the tenant, who has defaulted in payment to the landlord, can then deduct the amount he has defaulted from the monthly rental payment to the landlord?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, through the many lengthy hearings we held at the Committee of Regulated Activities, and the meetings we held which ended up being as many as sixty hours a week, that particular situation does not seem to be in existence. However, if that situation does occur and is in existence, and a problem does occur, that the appropriate regulatory agency could then deal with that problem.

GERALD F. STEVENS:

Through you, Mr. Speaker, would the gentleman show me where in sub-section 3c there is disgression for the P.U.C. to issue regulations that would change the import of sub-section 3c? Would the gentleman please show me disgressionary language?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, at this moment, I don't have the disgressionary langauge in this particular section. However, I think the entire bill, which will have to be promulgated by the Public Utilities Commission, or the Public Utilities

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Control Authority, will have to be interpreted by them through efr their implementation of the bill, and it would only be reasonable that they would have the ability to interpret for problems that are not dealt with.

GERALD F. STEVENS:

Through you, Mr. Speaker, would the gentleman point to the part of the bill that says what he just indicated?

SAMUEL GEJDENSON:

Could he repeat that, through you, Mr. Speaker?

GERALD F. STEVENS:

Through you, Mr. Speaker, I would like to know where in the bill there is language that grants disgression to the P.U.C. on mandatory items in the bill?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, I believe Section 7.

GERALD F. STEVENS:

Through you, Mr. Speaker, is the gentleman saying then that the P.U.C. can issue regulations which are contrary to statutory mandates?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, no.

GERALD F. STEVENS:

Through you, Mr. Speaker, then my question is if there is a mandatory section of this bill the P.U.C. cannot change it by regulation, can they?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, the answer is "no". Through

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you, Mr. Speaker, the Legislature meets every year now, and if an efr
additional problem occurs which has not been dealt with in this
bill, we can deal with that. However, I believe that the pro-
blem Mr. Stevens is alluding to is not a real one.

GERALD F. STEVENS:

Through you, Mr. Speaker, directing your attention to
line 169, Section 4, which begins, "Upon default of the owner
agent", would the gentleman please indicate what "default" modi-
fies?

SAMUEL GEJDENSON:

Mr. Speaker, I believe "default" means failure to pay
the bill.

GERALD F. STEVENS:

Through you, Mr. Speaker, where, in Section 4, does it
say that?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, one moment, please. Through
you, Mr. Speaker, "default" is a word of art. It refers to be-
ing billed directly. "Default" would then be interpreted, I be-
lieve, for failure to pay his bills.

GERALD F. STEVENS:

Through you, Mr. Speaker, does it say that in Section 4
in any line?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, as I read Section 4 it is
very clear.

GERALD F. STEVENS:

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Through you, Mr. Speaker, would the gentleman please efr indicate the line in Section 4 where "default" is shown to modify some act?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, if the gentleman from the 119th would read lines 69, 70, 71, I think he would understand the meaning of the word "default", and also I might recommend that he look at Webster.

TAPE
#6

GERALD F. STEVENS:

Through you, Mr. Speaker, in a receivership session, if a building goes into receivership, what priority does the mortgage and insurance payment on the building in receivership have in order of payment?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, the mortgage payment is an obligation of the landlord. The mortgage payment would then come out of the funds last on the list, in that they would be funds that would be given to the landlord following the payment of utility bills...following the payment of the receiver's fees ...following the payment of utility costs...then you would have payments of the overdue portion of the utility bill, and finally the landlord would receive all funds that have not been expended. Therefore, it would be last.

GERALD F. STEVENS:

Through you, Mr. Speaker, is the gentleman then saying that if a residential building goes into receivership, payments of the mortgage on the building, the fire and liability insurance

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on the building, are last in priority?

efr

SAMUEL GEJDENSON:

Through you, Mr. Speaker, yes.

GERALD F. STEVENS:

Through you, Mr. Speaker, is the payment of the mortgage and the insurance to be made by the receiver or by the owner?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, a mortgage is a priority item. It is second...follow any money that would go to the landlord. The landlord would first have to pay the mortgage. However, most of the problems dealing with receiverships are not problems that...are experienced over a long period of time. Often, a situation arises through momentary, or short-term, problems of the economy, a landlord is unable to make his payments of utility bills, and, therefore, at that point there would be a temporary insufficient amount of money, so that the receivership would be set up just long enough to pay the utility bills, to take care of the receiver, to pay the back bills.

GERALD F. STEVENS:

Through you, Mr. Speaker, would the gentleman define what, in Section 5, is "a malicious violation of this Act"?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, one made in bad faith.

GERALD F. STEVENS:

Through you, Mr. Speaker, what is the distinction between a wilful violation and a malicious violation?

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MR. SPEAKER:

efr

Gentleman care to respond?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, "wilful" is in reckless disregard, "malicious" is in bad faith. Through you, Mr. Speaker, the gentleman from the 119th is an attorney and understands those works of art far better than I do.

GERALD F. STEVENS:

Thank you. Mr. Speaker, I believe that I have the floor.

MR. SPEAKER:

Mr. Ritter, the gentleman from the 119th does have the floor.

GEORGE J. RITTER:

I would wonder if he might yield it for one moment.

GERALD F. STEVENS:

No, Mr. Speaker, I don't choose to yield the floor. Mr. Speaker, I'm through temporarily asking questions, and some may think that this is an exercise in futility, or better, very little meaning, but I think we've just seen an example of perhaps the sloppiest drafted piece of legislation that has come before this House in a long time. I don't quarrel with the substantive intent of this bill. I think it's needed, but I think for a piece of legislation to come out in the condition that this file copy is, and for a person to report out a bill and answer questions by saying it's going to be covered by regulations, and that it's not really a problem, is an insult to the legislative

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process that we're all here to serve. It seems to me that this efr House is forgetting that we're drafting laws...laws that affect property rights...laws that affect rights of tenants, land-owners, utility companies, and, yes, municipalities, because municipalities that own electric companies and water companies come under the purview of this Act, and the bill does not answer most of the questions that I've raised here today, and the questions were not raised with any frivolous intent in mind. They were raised to point out very real problems that will involve people in this State, that will involve property and will involve large sums of money, and if you think it's a laughing matter, let me give you an example of one of the questions that I asked and the answer I got that had to do with mortgages and insurance. We were told that the mortgage payment, that the insurance payment, would be last...that if there is any money left over, and, ladies and gentlemen, I point out to you that you're talking about residential units, and let's take one that's a multi-family unit. Let's take an apartment building. You're saying that those tenants may not have the liability insurance payments made, and if a child falls down an elevator shaft and is maimed for life, there might not be any insurance on the building, because there weren't any funds, and the receiver was not obligated to pay it. The language quite clearly should have established priorities for payment, and even before the utility bills, the insurance should be maintained. What if there's a fire? You're saying that every tenant in that building is going to lose every single possession they have, because the bill provides that not only will the

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utilities be paid first, but the lawyer's fees...the person who puts the building in receivership, and if you think that legal fees should be paid before fire insurance, liability insurance, on apartment buildings, where's your priorities? This bill is terrible. The intent behind the legislation is good. The draftmanship is among the worst I have ever seen in the years that I've been here in the House, and unfortunately, I think it's indicative of what's happening. We're all out to accomplish a purpose, and we don't care how we accomplish it, and we lose sight of the fact that we're drafting complicated laws...laws that are quite serious in their impact, and I think it's regrettable for this House to be asked to vote "yes" or "no" on a bill with good intentions that is so poorly drawn.

GEORGE J. RITTER:

Mr. Speaker, I had truly expected a much better presentation than we received from the Minority Leader. He certainly had ample time, and he certainly took some of it. When I learned yesterday that there was going to be this kind of a grilling, I went over to the Minority Leader, and said I understand you have some questions on this bill, and I'm sure that they're serious, and that there's only one reason for your raising them, and that is to make sure that we have a constructive use of your ability and time in order to provide, and (inaudible) with an opportunity to (inaudible) these questions. For reasons that one can only infer, the Minority Leader did not see fit to share those questions yesterday. But that really is not the relevant portion of what I'd like to say. I'd like to point out

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that this bill was reviewed not only by members of the Committee, and at great length, but also others who participated in this and who reviewed this in detail, and whose fingerprints are all over it, are actually elected...excuse me...appointed P.U.C. Commissioners, who urged that our Committee take this action, who said that the measure which they had taken was good so far as it went, but that they believed that this was a very important piece of legislation, and that they were very pleased that this Committee was taking the time and the effort to put this on the books, and further that we were able to do certain things which the P.U.C. Commissioners felt they did not have the power to do. Second, we met with representatives of the utilities. The members of the utilities, I must say, their attorneys, and some of their officers, gave us much of their time, and they helped us recognize some of the technical aspects that are incorporated in this bill. Their fingerprints are all over this as well. In addition to that, it should be helpful to recognize that the consumer was fully represented, not only by members of our Committee, but by the C.C.A.G., who also had designated people to participate fully in the discussions, the writing, the negotiations that went on. This bill received many, many tens of hours of effort by many, many people. I think that the kind of questions which the Minority Leader raised certainly have a right to be raised. I think many of them throw dust in the eyes. For example, the question of fire insurance. Well, I suspect that most lawyers and all insurance people recognize that the landlord's fire insurance does not cover the contents of a tenant's home, or a

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tenant's rent. That is done by the individual tenant. I think efr
 Mr. Stevens implied something to the contrary. I think it would
 be possible to go on for some time to give you a specific list of
 situations where Mr. Stevens has raised questions, but we're...I
 think the answers have been fully given by the gentleman who so
 well brought this bill out. I might just say this to Members of
 the House, Mr. Speaker, that this bill has received a tremendous
 amount of effort. Our lawyers have gone over it very carefully.
 They concluded with Section 7, and I think it's very important to
 reinforce what the gentleman who brought out the Committee said.
 "Section 7. The Public Utilities Commission shall adopt regula-
 tions necessary to carry out the purposes of this Act", and if
 there are any problems that any of us believe exist, and I don't
 see them, but if there are, it is abundantly clear that the P.U.C.
 has ample power under this section to proceed to make sure that
 this Act is properly carried out.

MR. SPEAKER:

Remark further on the bill?

JOSEPH BOGDAN:

Mr. Speaker, I rise to support this bill. It's a good
 bill. The proponent of the bill has adequately explained it. I
 find it difficult to comprehend how so many questions can be
 raised by one who agrees with the intent of the bill and yet
 fails to propose the amendments that would have covered the al-
 leged deficiencies. This is a good bill, and it ought to pass.

ALAN H. NEVAS:

Mr. Speaker, I will rise and say that I oppose the

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bill conceptually and in the form in which it's drawn, lest any motives be ascribed to the questions I'm about to raise. And with respect, Mr. Speaker, to the remarks of Mr. Ritter, with reference to the fingerprints of all the people whose...or whose fingerprints are all over this bill, I would hope that some method would be devised whereby we could submit those fingerprints for identification, so we'd know who those people are, because they ought to be embarrassed, in my opinion, particularly those of them who are lawyers. This is about the most unlawyer-like draftmanship that I've ever seen in my experience in the General Assembly. Mr. Speaker, through you, I'd like to raise some questions, and I'd like to ask the gentleman bringing out the bill some questions, if I may.

MR. SPEAKER:

Please frame your question, sir.

ALAN H. NEVAS:

Through you, Mr. Speaker, in line 14, the word "resident" is used. To whom does that apply, or what is your definition of the word "resident"?

MR. SPEAKER:

Gentlman care to respond?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, an individual who resides in the dwelling.

ALAN H. NEVAS:

And, through you, Mr. Speaker, then am I to understand the response to mean that any member of a family, whether it be

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husband, wife, child, mother-in-law, aunt, uncle, cousin...they're efr
living in that household...that they would come within that defi-
nition? Is that correct?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, this bill was drafted with
the intent and concern for people's lives...their lives and their
health. When services are terminated in the winter months, or in
the summer months, especially in the winter months, individuals,
residents, are ill, that endangers their lives. I believe that
the sections of this bill are clear, and I believe that "resi-
dent" is clear.

ALAN H. NEVAS:

Mr. Speaker, I don't think the question was answered.
I'd like to ask it again. It's my understanding from the gentle-
man's first response that the word "resident" means anybody who's
living there, whether it be husband, wife, child, mother-in-law,
father-in-law, brother, sister, aunt, uncle, cousin. Is or is
not that correct? The gentleman is not responding I assume.

MR. SPEAKER:

Gentleman of the 136th has the floor.

ALAN H. NEVAS:

Yes. Mr. Speaker, in line 17 of the bill, in that sec-
tion there's reference to certification by a physician with re-
spect to illness on the part of any such resident. My question,
through you, Mr. Speaker, is how does one know that the person
who is ill has recovered?

MR. SPEAKER:

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Gentleman of the 136th has the floor. efr

ALAN H. NEVAS:

Mr. Speaker, apparently the gentleman is going to follow a pattern and refuse to answer my questions. He has that right, Mr. Speaker, but I think it's insulting to this General Assembly and insulting to the people of the State of Connecticut when we're called upon to vote upon major legislation and legitimate questions are raised, such as the one I just raised. You read the language of this statute, Mr. Speaker, there's no way to terminate once the notice has been given by the physician to indicate that the person has recovered and that normal circumstances then obtained. The gentleman doesn't choose to respond. I'm going to continue to ask my questions. Mr. Speaker, in Section 2e, questions with respect...or appeals can be taken. Has the Committee estimated in terms of the number of appeals that might be taken?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, the Committee in its hearings has decided that the number of these occurrences would not, in any way, burden the existing staff of the utilities and that are not sufficiently significant to be considered.

MR. SPEAKER:

Gentleman of the 136th has the floor.

ALAN H. NEVAS:

Mr. Speaker, reference is made in line 70 to a Hearing Officer appointed by the Commission. Through you, Mr. Speaker, are such Hearing Officers now authorized to be appointed by the

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Commission?

efr

SAMUEL GEJDENSON:

Through you, Mr. Speaker, yes.

ALAN H. NEVAS:

Through you, Mr. Speaker, does the gentleman know how many Hearing Officers are now authorized by the Commission, and are they full-time or part-time?

SAMUEL GEJDENSON:

Through you, Mr. Speaker, the Hearing Officers are full-time. I'm not aware of the exact number.

ALAN H. NEVAS:

Mr. Speaker, in Section 3d, that is the section that permits and authorizes a tenant to withhold from his rent that portion of the rental payment, or an amount equal to what he is paying into the utility company...my question, through you, Mr. Speaker, is if the tenant avails himself of this section and pays the utility company, thus paying less than what he would normally pay in rent, and the landlord makes his back payments to the utility company, how does the landlord recover the rent which has been withheld from him?

SAMUEL GEJDENSON:

Mr. Speaker, I believe at a point in time when the arrearage has been paid and service has been reinstated in the name of the landlord that the tenant would no longer pay to the utilities, thus avoiding a double payment for a single bill, that the tenant would then be obligated to once again pay his full monthly rental.

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ALAN H. NEVAS:

efr

Through you, Mr. Speaker, and if he refused, I would assume then what you're saying is the landlord would be required to sue him to collect the back rent.

SAMUEL GEJDENSON:

Through you, Mr. Speaker, the question is not a question of back rent. The question that is dealt herewith deals with a situation where the landlord is no longer providing service...utility services...that the tenant is paying for those services on his own. There would be no back payment of rent in that that portion which was paid would be paid to the utility for utility services.

ALAN H. NEVAS:

Mr. Speaker, through you, in line 260, in Section 6, there is a reference to "such building". Could the gentleman tell me what building "such building" refers to?

SAMUEL GEJDENSON:

Mr. Speaker, could the gentleman please repeat the line?

ALAN H. NEVAS:

Line 260.

SAMUEL GEJDENSON:

Through you, Mr. Speaker, could the individual repeat the question?

ALAN H. NEVAS:

The question, through you, Mr. Speaker, is the reference is to "such building". The question is what building?

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SAMUEL GEJDENSON:

efr

Through you, Mr. Speaker, the building in which he resides.

ALAN H. NEVAS:

Mr. Speaker, I would submit that some of the questions that I have raised, and questions that Mr. Stevens has raised, while he and I may differ...that is, Mr. Stevens and I may differ on our basic positions with respect to this bill...he's indicated that conceptually he supports the bill...I've indicated that I do not, and I will vote against it...however, I think the questions that both of us have raised point up the inadequacy of this bill, whether for those of you who support it, or who do not. The bill is badly written...poorly written. It is full of holes. It is sloppy draftmanship, and for those reasons, as well as a matter of philosophy, I will vote against the bill.

RONALD L. SMOKO:

Mr. Speaker, I rise in total and complete support of this bill. I think many of the questions raised by the Minority Leader and the Deputy Minority Leader are legitimate questions, but I further feel, Mr. Speaker, that they are adequately answered in file copy 801. A thorough understanding and study of this file I feel addresses itself to all of the questions raised by the minority side of the aisle. I started at the beginning of this debate to write down my responses if I was being interrogated as Representative Gejdenson was by the Minority Leader. I gave up after awhile when I finally realized that these questions are adequately addressed, Mr. Speaker. I think the interrogation, while

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worthwhile in establishing legislative intent, was totally unnecessary if a full review of the file and study had been made. I support the concept. It's an excellent piece of legislation, and I urge its adoption.

MR. SPEAKER:

Are you prepared to vote?

GEORGE B. BAEHR, JR.:

Mr. Speaker, I'd like to call the attention of this House to the fact that this piece of legislation fills a gap. There is no protection for tenants in this State who, having paid their rent and in the process of paying their rent pay their utility bills, and when the man who...or the landlord fails then to pay his obligations to the utility company, which, in effect, is rendering payment for service that he said he would deliver, this bill would cover that situation. I think we have to keep our focus on this concept. The bill, I think, takes care of this problem. It may have some unfortunate poor draftmanship, but in spite of this, I believe it is a needed piece of legislation, and I would urge its passage. Thank you.

ROBERT J. VICINO:

Mr. Speaker, this Chamber witnessed today probably the best example of maneuvering in a dilatory fashion that I've ever seen before in the last nine years. Obviously, the Minority Leader and Deputy Minority Leader, and their staff, spent a great deal of time taking apart this bill, so that they could present an interrogation to the proponent of the bill that would probably try to embarrass him, or probably try to show that the bill was

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ineffective in language and in terminology. However, if this is the case, I accuse them of deliberately trying to stall this session and our work here in the General Assembly, because if they were sincere in what they were trying to do, they would have prepared, with all the research that has been put into this by that side of the aisle, the necessary amendments that would have corrected all the problems that we have told that there were involved in this bill. Keep it up. ^{If} /you're trying to delay this session...you're trying to stop legislation in the State of Connecticut, you're doing a good job. This is nothing new. You've did it before, and you'll do it again. Why were you not positive enough to come before this Chamber with the necessary amendments. I accuse you of being dilatory, and I expect to see more of this before this session is over.

MR. SPEAKER:

Will you remark further on the bill?

GERALD F. STEVENS:

Mr. Speaker, I happen to feel that every Member of this Chamber has an obligation to question file copies that come before us, and I reiterate what I said before. Apparently many people in this Chamber...most especially those on the Majority side...forget that we're making laws, and it's not just a question of putting paragraphs on a piece of paper and having them signed by a Governor. About a week or so ago, we did offer a number of amendments, which were routinely rejected...obviously I'm speaking about the budget deliberations...rejected even in those cases where the facts we brought before the House were correct...such as Human Services,

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where you admitted your mistake a week later. There are some efr
bills that can be amended, and when they can be amended, amend-
ments will be offered. This particular bill is so poorly drafted
that it's my considered opinion it cannot be amended. You'd
have to write an entirely new bill, and with the large number of
bad pieces of legislation that are coming up, I don't have time
to rewrite every one that your committees poorly do. So, quite
obviously, I'll have to speak out on them, and you may think
it's being dilatory. I happen to think it's a responsibility
that both the Majority and Minority party have to write laws
properly, and I don't think that you're doing it in this case,
and whether or not it's the afternoon or evening, when I think
it's poorly drafted, I intend to point that out. That's a re-
sponsibility which I take rather seriously, even though you may
take it somewhat lightheartedly. TAPE
#8

PAUL D. DEMENNATO:

Mr. Speaker, it's very easy to criticize without being
constructive. This is a good bill, and I urge its passage.

Thank you.

MR. SPEAKER:

Will you remark further on the bill?

MICHAEL L. MORANO:

Mr. Speaker, I'm surprised, indeed, to hear my good
friend, the Deputy Majority Leader, make the remark that we, on
this side, are using delaying tactics to stall the session. I
would like to remind the gentleman that daily I have met with
his assistants to go over the Calendar...Consent items...items

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that are one-starred...yes, and I know you could pass them under
suspension without asking, but in the spirit of cooperation, we
reviewed these bills daily, and we have gotten together and sub-
mitted many Consent items, many one-starred items, and I believe
our leadership has met with you, sir, and the Majority Leader as
late as last night to do this sort of thing. So, I do take of-
fense to any delaying tactics that the Deputy Majority Leader
indicated.

ROBERT J. VICINO:

Mr. Speaker, if I have offended Representative Morano,
I apologize.

MR. SPEAKER:

Are you prepared to vote?

MICHAEL L. MORANO:

Through you, Mr. Speaker, I'd like to thank the gentle-
man.

MR. SPEAKER:

Are you prepared to vote?

RICHARD E. VARIS:

Mr. Speaker, I just have one question that I'd like to
pose to the proponent of the bill, please.

MR. SPEAKER:

Please frame your question.

RICHARD E. VARIS:

In the event that a landlord and a tenant has an agree-
ment...a prior agreement...that all utilities will be paid by the
tenant, does this bill have any impact?

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SAMUEL GEJDENSON:

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Through you, Mr. Speaker, the file copy clearly indicates that the receivership only occurs when the utility services are provided in the landlord's name.

RICHARD E. VARIS:

Thank you very much.

MR. SPEAKER:

Are you prepared to vote?

WILDA S. HAMERMAN:

Mr. Speaker, I just would like to say I think this is an outstanding bill, and I urge its passage.

MR. SPEAKER:

Are you prepared to vote? The Chair will announce an immediate roll call. Will the Members please be seated...the staff come to the well. Will the Members please be seated, and will the staff come to the well. Will the Members please be seated, and will the staff come to the well. Will you remark further on the bill?

WILLIAM A. O'NEILL:

Mr. Speaker, I rise to support the bill conceptually and in its present form, and I'm not here to criticize or impugn the proponents or the opponents of the measure. I think that the matter is fairly before us. I think that it has been thoroughly and completely discussed here in this Chamber. It has been before us for three days. It has had considerable committee work with input from many, many groups, and, Mr. Speaker, I would hope that we can all support this bill. We

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have all found in many instances where perhaps we couldn't agree efr
with all parts of a bill, or perhaps there may be a technical
flaw here or there, but the concept is the correct concept. I
think the bill is properly before us, and I hope we support it.

MR. SPEAKER:

Are you prepared to vote? The machine will be opened.
Have all the Members voted? Have all the Members voted, and is
your vote properly recorded? If so, the machine will be closed,
and the Clerk will take a tally.

The following is the result of the vote:

Total number voting	138
Necessary for passage	70
Those voting yea.	122
Those voting nay.	16
Those absent and not voting	13

The bill is passed.

THE CLERK:

Calendar 1013, Substitute for H.B. 8258, an Act concern-
ing the criminal jurisdiction of the Court of Common Pleas. Com-
mittee on Judiciary.

THOMAS C. CLARK:

Mr. Speaker, I move for acceptance of the Joint Com-
mittee's favorable report and passage of the bill.

MR. SPEAKER:

The question's on acceptance and passage. Will you
remark?

THOMAS C. CLARK:

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Representative Webber, from the 92nd, in the affirmative.
tive.

The following is the result of the vote:

Total number voting	140
Necessary for passage	71
Those voting yea.	140
Those voting nay.	0
Those absent and not voting	11

The bill is passed. The Clerk please return to the Calendar.

THE CLERK:

Page 1 of the Calendar, Calendar 846, Substitute for H.B. 6429, an Act concerning the payment of prevailing rates in services rendered to political subdivisions.

JOSEPH S. COATSWORTH:

Mr. Speaker, I move that item be recommitted to the Committee on Labor and Industrial Relations.

MR. SPEAKER:

The motion's on recommittal.

DOMINIC J. BADOLATO:

Mr. Speaker, for the record, I must object.

MR. SPEAKER:

All those in favor of recommittal...any objections to recommitting this item? Any objection? Hearing none, the item's recommitted.

THE CLERK:

Page 7 of the Calendar, Calendar 1012, Substitute for H.B. 7491, an Act concerning the termination of service by public

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service companies. As amended by Senate Amendment Schedule "A". efr
From Regulated Activities.

SAMUEL GEJDENSON:

Mr. Speaker, I move acceptance and passage.

MR. SPEAKER:

Representative Gejdenson, from the 48th, moves acceptance and passage. Will you remark?

SAMUEL GEJDENSON:

Yes. The Clerk has Senate Amendment "A".

MR. SPEAKER:

The Clerk please call Senate "A".

THE CLERK:

Senate Amendment Schedule "A", L.C.O. 9817. Delete lines 267 and 268, and insert in lieu thereof the following:
"Sec. 8. This Act shall take effect December 1, 1975."

SAMUEL GEJDENSON:

Mr. Speaker, I move acceptance of Senate "A".

MR. SPEAKER:

The question's on adoption of Senate "A". Will you remark?

SAMUEL GEJDENSON:

Senate "A" merely moves the date of the effect of this Act to coincide with the new P.U.C.A. I move acceptance of the Act.

MR. SPEAKER:

The question's on adoption of Senate "A". Will you remark? If not, all those in favor of Senate "A" signify by saying

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"aye". Those opposed. Senate "A" is adopted. Will you remark efr further on the bill as amended by Senate "A"? If not, would the Members please...

ALAN H. NEVAS:

Mr. Speaker, I would just like to remind the Members of this House, and I won't belabour the point, that this is a bill about which many of us had serious reservations in terms of its wording, and I would recall to the Members of this House that I made the point during the course of the debate in response to remarks of Mr. Ritter's about fingerprints...that any lawyer who had his fingerprints on this bill ought to be ashamed of himself. The fact that we've adopted Senate Amendment "A" doesn't change my opinion, and I will vote against the bill.

TAPE
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HERBERT V. CAMP, JR.:

Mr. Speaker, I suppose that Senate Amendment "A" makes this better, because it puts it off for a bit, but, frankly, I cannot conceive of any logical consistency why adoption of this bill should in any way be contingent upon adoption or rejection of PUCA. At any rate, I think the bill is not really improved and ought to be voted against.

MR. SPEAKER:

Are you prepared to vote? Members take their seats. Staff come to the well. The machine will be opened. Every Member voted? The machine will be closed. The Clerk please take a tally.

CLYDE M. BILLINGTON:

In the affirmative, Mr. Speaker.

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MR. SPEAKER:

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Representative Billington, from the 7th, in the affirmative.

The following is the result of the vote:

Total number voting	138
Necessary for passage	70
Those voting yea.	115
Those voting nay.	23
Those absent and not voting	13

The bill is passed.

THE CLERK:

Page 3 of the Calendar, Calendar 1334, Substitute for S.B. 66, an Act concerning assistance for technical assistance. As amended by Senate Amendment Schedule "A". From Appropriations.

KEVIN P. JOHNSTON:

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

MR. SPEAKER:

The question's on acceptance and passage in concurrence with the Senate. Will you remark?

KEVIN P. JOHNSTON:

Yes, Mr. Speaker. Would the Clerk please call Senate Amendment "A".

MR. SPEAKER:

The Clerk please call Senate "A".

KEVIN P. JOHNSTON:

L.C.O. 9727.

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buildings OPEN TO THE PUBLIC, as amended by House Amendment Schedule A.^{roc}

THE PRESIDENT:

Senator Ciccarello. Senator Rome.

SENATOR ROME: (8th)

In his absence, I would move it to the Consent Calendar.

THE PRESIDENT:

Without objection, the matter is placed on the CONSENT CALENDAR.

THE CLERK:

Page five, please. Cal. 919, File 801. Favorable report joint standing committee on Regulated Activities. Sub. for House Bill 7491, AN ACT CONCERNING THE TERMINATION OF SERVICE BY PUBLIC SERVICE COMPANIES.

THE PRESIDENT:

Senator Amenta.

SENATOR AMENTA: (6th)

Mr. President, I'd like to move the acceptance of the committee's joint favorable report and passage of the bill.

THE PRESIDENT:

Will you remark on it, Senator?

THE CLERK:

The Clerk has an amendment, Senator. In fact, the Clerk has two amendments on this bill. The first is Senate Amendment A as offered by Senator Amenta. Delete lines 267 and 268, and insert in lieu thereof the following: Section 8. This

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act shall take effect December 1, 1975.

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SENATOR AMENTA:

Mr. President, I move for the adoption of the amendment.

THE PRESIDENT:

No further remarks? The question is on the adoption of Senate Amendment Schedule A. All in favor please signify by saying Aye. Opposed Nay. The Ayes have it. AMENDMENT A IS ADOPTED.

THE CLERK:

The Clerk has Senate Amendment B as offered by Senator Guidera. It's LCO 9522.

THE PRESIDENT:

Senator Guidera.

SENATOR GUIDERA: (26th)

Mr. President, before I begin, I would like to say to the chairman of the committee, Senator Amenta, a very fine thank you for giving me the opportunity to prepare this amendment and being so cooperative over the last week in letting me bring it out. I appreciate it very much. Mr. President, in lieu of reading the amendment, what this amendment simply does is to delete from the bill any reference or applicability of this statute to municipal utilities only. The bill still would be applicable to privately-owned utilities, such as Northeast, CL&P, United Illuminating and those kinds of utilities, but would delete municipal utilities. It would have an impact on the towns of Wallingford and Groton, Norwich, Jewett City and

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Norwalk and there may be other areas, but at least in those towns I know it would be applicable. Why should municipal utilities be deleted from the bill and other utilities included? This statute basically deals with the method by which electric service is turned off. Mr. President, municipal utilities are treated differently under our statutes and in our government than privately-owned utilities. Privately-owned utilities are controlled by the, till this time, the PUC and in the future the PUCA, whereas municipal utilities are owned and controlled, as I understand it, by the people who live within the district, that is the district of operation. These people have a say in how the company is run and how the bills are collected. They even determine the rates that are set. There are annual electors' meetings, special meetings at the call, for example, in Norwalk of only twenty-five electors and any elector in the district, that is somebody who is eligible to vote in a general election, who lives within the district of operation, I understand, whether they take the utility services or not, has an opportunity to go to the meetings and to vote. In short, Mr. President, the municipal utilities are controlled by the people. They are not subject to the control of the public utilities corporation or as, I understand it, by the new PUCA in the future and, in fact, this control by the local people, this mutual venture, has resulted in something in the neighborhood of rates being eleven percent cheaper on the whole with municipal utilities than they

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are with privately-owned stockholder-owned utilities. Mr. President, I think that a distinction can be made and, in fact, a distinction has been made in the past in our statutes with respect to municipally-owned and privately-owned utilities. In the past, privately-owned utilities have been controlled by the State of Connecticut whereas municipal utilities have not, for the reason that it is the people who have the say in how bills are collected, for example, how the rates are set. They can do this at their annual and their special meetings. Mr. President, I think that distinction is a valid one. It has resulted in cheaper rates for people in towns like Norwalk where they have municipally-owned utilities and I think that we should not tamper with that aspect. In other words, the people in Norwalk, the people in Wallingford, Groton, Norwich, Jewett City, will have the opportunity and have it today and have always had it to set the policy with respect to how bills are collected. They can determine that there shall be a seven-day notice or they can determine there shall be a fourteen-day notice period. They can determine that there will be no notice period. I think we ought to leave that to the municipally-owned utilities. Mr. President, I don't want to belabor my remarks. Those are the salient points in support of the amendment. I am sure Senator Amenta will have some comments at which time I would like to have a vote on that amendment. I am not going to call for a roll call, but I would hope that if the senators are not back in the room, I may decide to ask for a roll call vote just to get them back here. Thank you, Mr. President.

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THE PRESIDENT:

Senator Ciccarello.

SENATOR CICCARELLO: (25th)

Mr. President, the proposition has been asserted that the municipal public utilities are not controlled to any extent by the Public Utilities Commission and I have done some research on that subject and I find that the Public Utilities Commission does have a substantial role to play with regards to municipal utilities. Section 16-29 requires the filing of annual returns. There are various other sections dealing with safety, with transmission lines, all of which indicate that the municipal public utilities and the Public Utilities Commission can work together and do work hand in hand. I have heard, although there are four public utility companies run by various districts in the City of Norwalk, not one word from any member of such utilities indicating that they had a problem with this bill. I think that it is important that termination procedures be uniform regardless of whether it is state or municipal and that the important factors of health and so forth be considered as the bill does.

THE PRESIDENT:

Senator Page.

SENATOR PAGE: (12th)

Mr. President, I rise to associate myself with the remarks of Senator Guidera and to partly answer Senator Ciccarello. I think if you really look into this matter you will find that PUC and local PUC's are quite far apart and there is not that

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much control exercised by the State Public Utilities Commission over the local public utilities commission and I would favor the amendment because the local utilities if you look at the rate structures and their efficiency factors and other things, you will find that they are much more efficient in their operation and to include them in this amendment would take away from their rights and would, in the long run, wind up costing some of these consumers that use municipally-owned utilities more money.

Thank you, Mr. President.

SENATOR GUIDERA:

Mr. President, excuse me, just very briefly, many of the senators are out of the room, I would ask for a roll call vote on the amendment.

THE PRESIDENT:

Senator Amenta.

SENATOR AMENTA: (8th)

Thank you, Mr. President. Mr. President, we are not discussing here the efficiency of municipal operated utilities versus private operated. We are talking about terminating procedures which apply to all. If they don't apply to municipal utilities, if they are not good enough for the municipal, then we ought to kill the bill. We ought to just recommit the bill. It has either got to apply to all or to none. We have got to remember this that the municipal utilities do not have any better record of termination. In fact, they have a worse record of termination because they are just not quite as sensitive at

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times as the private people are by the PUC regulations of the past. As has been brought out by Senator Ciccarello, the PUC does control the fiscal and the safety matters of the municipal utilities. Termination has a great impact on people and if it has that kind of an impact in the middle of winter or in the middle of summer, it again, as I said before, must be applied by all. You cannot take and separate this question. You are either for proper termination procedures which I will describe when I get to the bill or else you are not for any termination procedures by anybody. I think that this amendment is a bad one and it cannot run by itself. It has to be considered in context of the whole problem of termination. You either apply it to both municipal and private or else you don't apply it to either.

THE CLERK:

An immediate roll call will be taken in the Senate. Would all Senators please return to the chamber. (A second time)

THE PRESIDENT:

Are there further comments? Senator Lieberman.

SENATOR LIEBERMAN: (10th)

Mr. President, I rise to oppose the amendment and if I gather correctly the intent of the amendment is to exclude municipal utilities from the requirement of this particular bill. Mr. President, I think if we accept the equity behind the protections afforded in this bill, they should be accepted for all forms of utility companies in the state. In other words, there is no unique distinction that makes it reasonable that municipal

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utilities should be exempted from the purview of this bill.

I think that the chairman of the committee, Senator Amenta, has spoken well in opposition to this amendment and I rise to strongly support him in that position.

THE PRESIDENT:

The question now is on the adoption of Senate Amendment Schedule B. Are the senators ready to vote? The machine is open. Will you please cast your votes? The machine is closed and locked and the Clerk will tally the vote.

N	1	Joseph J. Fauliso	Y	19	James J. Murphy, Jr.
N	2	Wilber G. Smith	N	20	Richard F. Schneller
N	3	George W. Hannon, Jr.	N	21	George L. Gunther
N	4	David M. Barry	N	22	Howard T. Owens, Jr.
A	5	David H. Neiditz	N	23	Salvatore C. DePiano
N	6	Paul S. Amenta	N	24	Wayne A. Baker
A	7	Charles T. Alfano	N	25	Louis S. Ciccarello
Y	8	Lewis B. Rome	Y	26	George C. Guidera
Y	9	J. Martin Hennessey	N	27	William E. Strada, Jr.
N	10	Joseph I. Lieberman	N	28	Joseph W. Schwartz
N	11	Anthony M. Ciarlone	N	29	Audrey P. Beck
Y	12	Stanley H. Page	N	30	Harold D. Hansen
N	13	Anthony P. Miller	N	31	Joseph J. Dinielli
Y	14	Robert L. Julianelle	Y	32	Richard C. Bozzuto
Y	15	Louis S. Cutillo	N	33	Betty Hudson
Y	16	William J. Sullivan	N	34	Lawrence J. DeNardis
Y	17	Joseph P. Flynn	Y	35	Robert D. Houley
N	18	Mary A. Martin	N	36	Florence D. Finney

Total Voting 34
Necessary for Passage 18
Voting Yea 11
Voting Nay 23
Absent and Not Voting 2

ADOPTION OF SCHEDULE B IS REJECTED. THE AMENDMENT IS
REJECTED.

SENATOR AMENTA:

Mr. President, I would now like to move for the

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acceptance of the bill as amended.

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THE PRESIDENT:

Any further remarks?

SENATOR AMENTA:

Just very briefly, Mr. President. I would like to just summarize what some of the important parts of this bill are. It says that before termination shall take place there shall be a seven-day notice. In the case of serious illness, no utility company may terminate a household where someone is seriously ill and the doctor will certify that there is an ill person in the home. There would be no shutoff during an investigation where there is a question of a bill that's in doubt. There will be no terminations when business offices are closed. They are barring shutoffs on legal holidays, the day before a holiday, Friday, Saturday, Sunday or whenever the business offices are closed is extended to include municipal utilities and the phone company. It also has a section to handle the problem of where the tenant is not the owner and it handles in that particular case if at all possible the utility may be put in the name of the tenant. In conclusion, this bill sets up the broad outline for preventing abuse of utility customers. The administrative details are and should be left up to the proper regulatory agency, the PUCA. In fact, sections specifically state that the PUCA must draft the appropriate regulations to implement the act and this was an act that was agreed upon by all the utilities. Mr. President, if there are no further objections, I'd like to have it placed on the Consent Calendar.

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THE PRESIDENT:

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If there are no objections, the matter has been moved to the Consent Calendar. Hearing none, it is so ordered.

THE CLERK:

Cal. 948, Files 847 and 1000. Favorable report of the joint standing committee on Finance. Substitute for House Bill 8116. AN ACT PROVIDING FOR CONSOLIDATION OF THE GENERAL FUND AND THE STATE TRANSPORTATION FUND, as amended by House Amendment Schedule A.

THE PRESIDENT:

Senator Beck.

SENATOR BECK: (29th)

Mr. President, I move acceptance of the committee's favorable report and I believe there is an amendment.

THE PRESIDENT:

Do you care to remark?

SENATOR BECK:

The purpose of this legislation is to consolidate the General Fund and the Transportation Fund so that in the future the Appropriations Committee will have before it competing priorities and will be able to judge this with the full financial support of the state. We will not be segregating a large amount of money for any one particular purpose and the Finance Committee feels very strongly that we are providing for maximum use of the revenues that we are able to provide and we urge strong support for this legislation.