

HB 6551

PA8

1997

Senate - 741, 782-783

(3)

House: 842-845

(4)

Energy & Technology 226, 230-231, 288,
290, 298-299, 362-364

(10)

17p

S-405

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

VOL. 40
PART 3
707-1082

pat

8

Senate

April 2, 1970 000741

Termination of Nonresidential Utility Service on
Fridays. I would move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent
Calendar. Without objection, so ordered.

SEN. JEPSSEN:

Page 7, Calendar 93, Substitute for HB6551, I
would move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent
Calendar. Without objection, so ordered.

SEN. JEPSSEN:

Calendar 94, Substitute for HB6609 An Act
Concerning the Use of as Parcel of State Land Conveyed
to the City of Hartford Pursuant to Special Act 90-37
is a Go.

Calendar 95, File 85, Substitute for HB6612 is a
PR.

Calendar 96, File 47, HB6576 I would move to the
Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent
Calendar. Without objection, so ordered.

SEN. JEPSSEN:

Calendar 103, File 89 is a PR.

Calendar Page 4, Calendar 85, HJ109.

Calendar 86, HJ110.

Calendar 87, HJ111.

Calendar Page 6, Calendar 90, HB6589.

Calendar 91, HB6330.

Calendar 92, HB6331.

Calendar Page 7, Calendar 93, Substitute for
HB6551.

Calendar 97, HB6576.

Calendar Page 8, Calendar 105, SB895.

Calendar Page 11, Calendar 97, Substitute for
HJ38.

Calendar 98, Substitute for HJ40.

Calendar 99, HJ50.

Calendar 100, Substitute for HJ64.

Calendar Page 12, Calendar 101, Substitute for
HJ68.

Madam President, that is the first Consent
Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Would you please announce a
roll call vote and that we are in the process of voting
on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the

Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Consent Calendar No. 1. Total number voting, 36; necessary for adoption 18. Those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted. At this time the Chair will entertain points of personal privilege or announcements. Are there any announcements or points of personal privilege? Seeing none, would the Clerk please return to the Call of the Calendar.

THE CLERK:

Turning to Calendar Page 4, Favorable Report. Calendar 47, File 8, Substitute for SB842 An Act Concerning Termination of Gas Service During the Winter. Favorable Report of the Committee on Energy and Technology.

H-761

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1997

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gmh

House of Representatives

Wednesday, March 19, 1997

Necessary for Passage	71
Those Voting Yea	141
Those Voting Nay	0
Those absent and not voting	10

SPEAKER RITTER:

The bill passes.

Clerk, please call Calendar Number 89.

CLERK:

On page eight, Calendar 89, Substitute for House Bill Number 6551, AN ACT CONCERNING DIRECT PETITION OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL. Favorable Report of the Committee on Energy and Technology.

SPEAKER RITTER:

The Honorable Assistant Majority Leader from the Town of East Lyme, 37th District, Representative Gary Orefice. You have the floor, sir.

REP. OREFICE: (37TH)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER RITTER:

The motion is on acceptance and passage. Please proceed, sir.

REP. OREFICE: (37TH)

Mr. Speaker, the Clerk has an amendment, LCO

House of Representatives

Wednesday, March 19, 1997

Number 5304.

SPEAKER RITTER:

The Clerk has LCO 5304 which will be designated House "A". If he may call and Representative Orefice would like to summarize.

CLERK:

LCO Number 5304, House "A" offered by Representative Eberle.

SPEAKER RITTER:

Representative Orefice, you have the floor, sir.

REP. OREFICE: (37TH)

Mr. Speaker, the amendment just clarifies the intent of the bill and is more specific in the actions that the DPUC may take on a petition.

SPEAKER RITTER:

You have to move adoption.

REP. OREFICE: (37TH)

I move adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further? If not, I will try your minds.

All in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

House of Representatives

Wednesday, March 19, 1997

Opposed, no. House "A" is adopted. Will you remark further on this bill, as amended by House "A"?

REP. OREFICE: (37TH)

Mr. Speaker, this bill streamlines the petitioning process for an individual to the DPUC, but still protects his right to, as an individual, to petition the Department if he feels the utility has not provided appropriate service.

I move passage.

SPEAKER RITTER:

Thank you, sir. Will you remark further on this bill, as amended by House "A"? If not, staff and guests please come to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER RITTER:

This is the last bill we have for today. I would encourage people to stick around the Chamber if you want to hear announcements and schedules and things of that nature. Have all the members voted? Please check the roll call machine to make sure your vote is properly cast. Take your time. Has everybody voted?

gmh

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House of Representatives

Wednesday, March 19, 1997

The machine will be locked.

Clerk, please take the tally. Take your time, Representative Scipio. Representative Scipio, you have to vote. Vote. The machine will be locked.

Clerk, please announce the tally. Take the tally and announce the tally.

CLERK:

House Bill Number 6551, as amended by House Amendment Schedule "A".

Total Number Voting	142
Necessary for Passage	72
Those Voting Yea	142
Those Voting Nay	0
Those absent and not voting	9

SPEAKER RITTER:

The bill, as amended passes.

At this time, the Chair would ask for points of personal privileges or announcements. Representative Backer from the 121st.

REP. BACKER: (121ST)

Thank you, Mr. Speaker. For purposes of a point of personal privilege. I would like to take an opportunity to say good-bye in the Chamber to someone who has worked with the House Democratic staff and who has been my legislative aide for five years without of

JOINT
STANDING
COMMITTEE
HEARINGS

ENERGY AND
TECHNOLOGY
PART 1
1-367

1997
INDEX

kmg ENERGY & TECHNOLOGY COMMITTEE

February 6, 1997
11:00 a.m.

PRESIDING CHAIRMAN: Representative Eberle

COMMITTEE MEMBERS PRESENT:

SENATORS: Fonfara, McDermott, Somma

REPRESENTATIVES: Altobello, Ferrari,
Flaherty, Miller,
Nardello, Orefice, Ritter,
Scipio, Tercyak, Tonucci,
Veltri

COMMISSIONER JACK GOLDBERG: ...on testimony, we did
some revisions this morning. I believe everybody's
got copies. First bill I wanted to talk about is
raised bill SB931, AN ACT CONCERNING GAS PIPELINE
TRANSPORTATION.

SB 934
SB 936
HB 6551
SB 932
HB 6550
HB 6549

In 1968 the United States Congress, through the Federal Natural Gas Pipeline Safety Act of 1968 began exercising jurisdiction over natural gas pipeline safety. The act established an Office of Pipeline Safety in the U.S. Department of Transportation.

That office has promulgated federal safety regulations that cover natural gas pipelines. In 1971 the State of Connecticut adopted CGS-16288, at sequence, to implement these regulations and adopt them as state regulations.

This allowed the state its fullest authority over the safety of the natural gas industry in Connecticut. The Department of Public Utility Control, through its gas pipeline safety unit, serves as an agent for the U.S. Department of Transportation on matters involving the state of transportation of natural gas.

The proposed amendment before you abates current Connecticut statutes on the maximum fine that could be levied for violating statutes and regulations covering federal gas pipeline safety standards, and

necessary. But if we need to reopen that case for a particular reason, we then have to hold a hearing, and it just doesn't make sense. This change will bring the statute in line with the UAPA, which is the section 4-181a, referenced in the bill.

This greater uniformity with the UAPA would eliminate hearings where they've been unnecessary, and often unwanted by all the parties. This change does not compromise the parties' rights to fair and due process.

Even without a statutory requirement, parties can still request a hearing for such uncontested matters, and we have been receptive to such requests. The requirements for written notices, the opportunity to provide written comments, and the requirement for written decisions, are eliminated from the statute. But they're guaranteed by sections within the UAPA.

Next I'll discuss raised bill HB6551, AN ACT CONCERNING DIRECT PETITION OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL. And this bill is proposed by us. It would amend 16-20 of the general statutes to allow DPUC greater flexibility with regard to administrative procedure.

Section 16-20 is an ancient statute. It's antecedents date back prior to 1911 revision of the general statutes. It's purpose is to allow direct petition to the DPUC of any single person who has a complaint regarding adequate service or reasonable rates.

I am told that this statute played a prominent role in the orderly extension of telephone and electric service in the early part of the twentieth century. Utilities often balked at that point, at extending service, or proposed to change unreasonable rates to recoup their costs.

The department believes that it is important to preserve the individual consumer's right to appeal to us for help. But we are also aware that the statute as currently written, does not permit the

department the flexibility to even investigate a matter, or to transfer the petition to a more appropriate statutory process. For example, termination of utility service is governed by a specific statute, 16-262d, Sub C, that is implemented by comprehensive regulations.

And even though an extensive body of law exists to remedy unfair termination of utility service, a petitioner could avail himself of the alternative rate of a 16-20 petition, and that has specific statutory deadlines that we'd have to meet, and we have no choice in that matter.

The list of specific statutory remedies that have been added to Title 16 over the years is extensive. And the department should have the flexibility within the language of the statute to transfer 16-20 petition to a more pertinent section of Title 16, including alternate dispute resolution.

The proposed amendments would permit wide discretion. It would eliminate the mandatory requirement of a hearing. What this does is give us more discretion, and we could still hold a 16-20 hearing if we deemed it necessary, and we could also send it to a more appropriate statutory way to deal with the problem, which would be quicker for every involved.

Next I'll discuss raised bill SB932, AN ACT CONCERNING THE ACQUISITION OF WATER COMPANIES. I brought along technical help on this one. The Department of Public Utility Control supports this bill as drafted.

During a recent proceeding on the acquisition and transfer process of water companies, the agency found that major problems in these proceedings were that they take too long and they cost too much. This bill would streamline and shorten the process by allowing the DPUC and the Department of Health to select any suitable entity to acquire a non-viable water system.

The existing language requires a most suitable entity to be selected. Which, according to our

ATTY. JOHN KING: Senator Fonfara, members of the Energy & Technology Committee, my name is John King. I'm an attorney with Updike, Kelly and Spellacy in Hartford, and am appearing here today as a registered lobbyist on behalf of Northeast Utilities, and its wholly owned subsidiary, the Connecticut Light and Power ompany.

SB934 SB 935 SB 936 HB 6551 HB 6021

I will supplementing brief oral comments with written testimony. I actually prepared to address seven bills today, but I thought that was cruel and unusual punishment on the members of the committee. So I will try to avoid addressing the bill which deals with whether or not HB6552 there should or should not be a split infinitive.

But I would like to address briefly, and lend our support to proposed bill SB883, AN ACT CONCERNING THE CONTROL OF TRAFFIC BY FLAGMEN AND POLICE OFFICERS AT UTILITY WORK SITES. I think despite a lot of the testimony that has been heard today, this is a fairly simple concept on which there has been a lot of work.

I think it is significant that the Police Chiefs Association publicly supports this legislation, because even though they might be sympathetic to the goals of the legislation, they must feel, it would seem to me very strongly, to take that stand given the various controversies that occur within police departments and the collective bargaining rules that cover police and fire departments.

I think all we're dealing with is preventing precluding ordinances that would require police officers at each and every site, and rather designating the chief public safety officer of that community with the power to make the decision pursuant to a plan.

This doesn't, legislation as I read it, doesn't create a pool, or municipal pool, but does create a plan. It is an expense to all utility rate payers to pay costs which are operating expenses, and which are passed through that may not be warranted in each and every situation.

through 62 of the bill, which is the current statute, it states -- all reasonable proper costs and expenses as defined in Section 3, shall be recognized by the department for all purposes as proper business expenses of the affected company.

So if they are to be recognized by the DPUC and passed along, it is not unreasonable to consider the DPUC having some review power in looking at the issue of the hiring of consultants by the Office of the Consumer Council.

With regard to bill HB936, AN ACT CONCERNING ORDERS OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL, which would change the procedure or modification of rescinding of a prior order. This is a, and would avoid a hearing in that instance. Northeast Utilities really has no position one way or the other. And I think that's a decision most properly made by the DPUC.

With regard to bill HB6651, which is AN ACT CONCERNING DIRECT PETITION OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL. This is a proposal that would eliminate the opportunity of a hearing where there is a direct petition to the DPUC dealing with an issue concerning the failure to provide service.

HB6551

Under the current legislation, the hearing must be held within 150 days, and a decision made. This would provide that the DPUC could either issue an order within sixty days to the affected party, or consider further proceedings.

I think it was Commissioner Goldberg who testified that, as a lawyer, he thought hearings were pretty good. And in this instance we think the utility, against whom the order is being issued, ought to have the opportunity for a hearing.

Finally, would like to comment briefly with regard to raised bill HB6021, AN ACT IMPOSING CIVIL PENALTIES ON UTILITIES FOR FAILURE TO REMOVE POLES AT ROAD IMPROVEMENT PROJECTS. And very briefly, we would support the position that was in more detail, articulated by United Illuminating that there are procedures in place to deal with these issues.

contingency or temporary workers with no benefits, and no other, you know, no health care, etc.? I mean I think that at least needs to be put a little more attention on as to what the impetus behind that well-intentioned, you know, proposal would be. Are they going to be state employees?

SEN. FONFARA: I think we'd be glad to add you to the process of working that piece out David, you know.

DAVID MCCLUSKY: I'll be happy to accept your invitation.

SEN. FONFARA: Appreciate your interest in seeing the bill be worked to its best...

DAVID MCCLUSKY: Okay.

SEN. FONFARA: ...final conclusion then. Be glad to have your support for it as well. But I think your comments are well taken in general.

DAVID MCCLUSKY: Thank you.

SEN. FONFARA: Any other questions? Thank you.

REP. EBERLE: Thanks John. David Evans is our next speaker.

DAVID EVANS: Madam Chairman, Senator Fonfara, members of the committee, my name is David Evans, and I'm legislative consultant to the Connecticut Water Works Association.

The Connecticut Water Works Association consists of twenty-one publicly owned and nineteen investor owned utilities in Connecticut. I'm here to comment on a number of bills. SB935, SB933, SB935, SB936, SB938, HB6549, HB6550, HB6551 and HB6553.

SB932

Before your eyes glaze over, I'd just like to say that the association generally supports all of those proposals. And you can examine our comments with regard to those. We have some suggestions with regard to the commissioner's, the DPUC's package.

One bill of particular note, and I'll be brief, is sixty-five fifty....

(gap in tape 2a - 2b)

DAVID EVANS: ...calls for the petition of and elimination of a hearing with regard to petition. Although it may have the appearance of streamlining the decision process under Section 16-20 petition, it denies the party the right to appeal.

What we suggest with regard to this particular piece of legislation is although you may be able, we may be able to change the process to a certain degree to avoid unnecessary appeals by setting some sort of an economic threshold.

In other words, and I don't know, we'll suggest the number of 2,000, \$2,000, of matters of economic value below \$2,000 wouldn't require a appeal, but we feel it's unnecessary to preclude appeal by a utility in an instance where a petition is made in an amount, excuse me, above that level.

And we're certainly not wedded to two thousand, but that's our suggestion with regard to that. So, generally our comments are contained in our testimony, and we'll be happy to supply any information, further information if the committee so desires.

REP. EBERLE: Thank you. Are there any questions from the committee? Thank you Mr. Evans. David Silverstone.

DAVID SILVERSTONE: Good afternoon, my name is David Silverstone, and I'm testifying on behalf of the Southern Connecticut Gas Company. I'd like to talk briefly about two bills, and I've submitted comments on both of these, and so I'll just give a couple of quick comments.

SB 883

The first is, raised bill SB937, AN ACT CONCERNING THE IMPOSITION OF SALES TAX ON NATURAL GAS SERVICE. Currently, for commercial and some manufacturing customers, there's a sales tax on electricity and gas, but the first \$150 per month of electricity



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL
Testimony of the Department of Public Utility Control

Raised Bill 6551

**AN ACT CONCERNING DIRECT PETITION OF THE
 DEPARTMENT OF PUBLIC UTILITY CONTROL**

February 6, 1997

Raised Bill 6551, An Act Concerning Direct Petition of the Department of Public Utility Control was proposed by the Department. The main purpose of this bill is to update and clarify legislation originally enacted in 1949.

In 1949, the legislature wanted to ensure that public service companies extended adequate service to rural customers and that the state's citizens had effective access to the Department's help. Since that time, the Legislature passed widespread changes to the Uniform Administrative Procedures Act. The changes provided clear, credible, and consistent methods for petitioners to access the Department's jurisdiction and for the Department to process the petitions. Over the intervening years, the state's courts have interpreted "16-20 legislation" to be a cause of action apart from the rules used in the Uniform Administrative Procedures Act.

As a result, the Department finds itself in situations where it is outside (or potentially in conflict with) the clear procedural rules afforded by the Uniform Administrative Procedures Act.

Another problem with the current form of "16-20 legislation" is that it does not give the Department sufficient flexibility to address issues raised in "16-20 petitions" and according to the most appropriate legislation already on the books. For example, one "16-20 petition" might concern a single customer with a unique bill complaint. This issue might best be handled informally or by processing it as a service termination investigation.¹ Alternately, the Department may find that a "16-20 petition," though initially filed on behalf of a single person, actually affects many of the franchise's or industry's ratepayers. Such a petition might best be processed pursuant to the formal rules established for contested cases and require noticed hearings.² These are only two examples of current legislation that make the Department responsive to the state's citizens.³

¹ Pursuant to Conn. Agencies Regs. §§ 16-3-100 et al., Termination of utility service.

² Pursuant to Conn. Gen. Stat. §§ 4-177 et al., Contested case.

³ Others include but are not limited to: Conn. Gen. Stat. §§ 4-176, Declaratory rulings; 16-11, Safety of public and employees; 16-12, Complaints as to dangerous conditions; 16-13, Procedure upon complaint; 16-14, Powers concerning electrolysis or escape of electricity; 16-15, Compliance with orders; 16-19, Amendment of rate schedule. Investigations. Findings by department. Hearings. Deferral of municipal rate increases. Refunds. Notice of application for rate amendment. Interim rate

Specifically, the Department's proposal in Bill 6551, An Act Concerning Direct Petition of the Department of Public Utility Control, is twofold: (1) retain and strengthen every person's right to petition the Department by spelling out the procedures the Department will use to timely process a "16-20 petition," and (2) allow the Department to order the matter set down for specific proceedings appropriate to the issue or issues raised in the petition.

amendment and reopening of rate proceeding; 16-19jj, Alternative dispute resolution mechanisms; 16-262c, Termination of utility service for nonpayment. When prohibited. Amortization agreements. Moneys allowed to be deducted from customers' accounts and moneys to be included in rates as an operating expense. Hardship cases. Notice. Regulations. Annual reports. Privacy of individual customer utility usage and billing information; 16-262d, Termination of residential service by public service and municipal utility companies on account of nonpayment. Notice. Nontermination in event of illness or during pendency of customer complaint or investigation. Amortization agreement. Appeal; and 16-262e, Notice furnished tenants by utility re intended termination. Assumption by tenants of liability for future service. Liability of landlords for certain utility services. Deduction from rent.

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STATE OF CONNECTICUT

OFFICE OF CONSUMER COUNSEL
Ten Franklin Square
New Britain, Connecticut 06051-2644

TELEPHONE
(860) 827-2900
Voice & TDD

FAX
(860) 827-2929

ENERGY AND TECHNOLOGY COMMITTEE FEBRUARY 6, 1997 HEARING

TESTIMONY OF THE OFFICE OF CONSUMER COUNSEL

HB 6551

AAC DIRECT PETITION OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL

OCC supports this legislation.

OCC supports this legislation for one very simple, but important, reason.

It will speed up the time for the person, who has filed a petition with the DPUC for a utilities failure to provide adequate and reasonable service, to get a decision on the petition.

This bill will reduce the time from 150 days to 60 days that the DPUC must take action.

For that reason, OCC supports this legislation.

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