

**SA12-008**

HB5543

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**JOINT  
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**ENERGY AND  
TECHNOLOGY  
PART 4  
970 – 1292**

**2012**

The demand is there if we're smart and do creative outreach strategies. The question is can the program keep up? Today it can with some vendors booked and some less, but overall there's lot of demand. But tomorrow, the program is gone unless some positive step is taken.

SENATOR WITKOS: Okay. Thank you.

Thank you, Madam Chair.

REP. NARDELLO: Other questions from members of the committee?

Thank you, Roger, for your testimony.

ROGER SMITH: Thank you for your time.

REP. NARDELLO: Okay.

And the next speaker is Kennard Ray?

KENNARD RAY: Representative Nardello, Senator Fonfara, members of the Energy and Technology Committee, I'm here to testify today in support of SB 450, as well as to touch on HB 5543.

I just want to thank you for the opportunity to comment on Senate -- on this bill -- on these two bills.

I'd like to focus my support, first, on Section 21 of SB 450, which removes the cap on energy -- on energy program assistance for oil customers that was put in place by last year's major energy bill, PA 11-80. It specifies that all oil, gas and electric heat customers will be able to access the service of the Home

jobs SB 450 specifies but will also go beyond and set the table to generate consumer demand for more energy efficiency programs and subsequent jobs in the future.

I'd like -- I would like to express our support for 5543, expanding the ability for municipalities to adopt public power systems, as well. Municipalization of power needs to be an option -- municipalization of power needs to be an option for every town in the state as our customers pay among the highest energy rates in the country. Our families and businesses deserve the opportunity to make a local switch to public power which saves on executive salaries and promotes competition for lower rates within the industry.

I'd be happy to take any questions. Thank you for your time.

REP. NARDELLO: Another one who timed very well. I'm so proud of you.

KENNARD RAY: Thank you.

REP. NARDELLO: Are there questions from members of the committee?

Yes, Representative Hoydick.

REP. HOYDICK: Thank you, Madam Chair.

I think I -- I think I might have misunderstood you. What was your last statement about customers have the right to choose power --

KENNARD RAY: You -- oh, for --

REP. HOYDICK: -- could you just repeat that for me?

KENNARD RAY: -- for municipalization of power? You want me to just read it off. I would also like to express the municipalization of power needs to be an option for every town in the state as our customers pay among the highest energy rates in the country. Is that it? All right.

REP. NARDELLO: And actually, I'm going to follow up on that line of questioning. And the operative word there is that it's an option for municipalities. So can you comment on the fact that do you feel that municipalities, as they go forward, should they -- should they be given all the tools, in other words, if they make this choice?

KENNARD RAY: Should they be given all the tools? If municipalities have the funding to buy in and are willing to support their own -- their own power, then I think they should be given the tools to do so.

REP. NARDELLO: Further questions from members of the committee?

Thank you for your testimony.

KENNARD RAY: Thank you.

REP. NARDELLO: Next is Diane Harp Jones? Is she here -- Diane? No. Thank you.

In that case, we're going to move on to our next bill -- and this is SB 451, but I do believe it's possible that the two people signed up to testify may have already done so. It would be Bob Alessio from UI? Yes? And

Richard Soderman who isn't here; I don't see him in the room. So is there -- is there anybody else that wishes to testify on 451?

If not, we're going to move on to 5543. And signed up for 5543 is Donna Hamzey. Is Donna here? Okay.

And John Murphy. Is John Murphy here? Okay.

If either of them come back into the room later, we'll certainly hear their testimony, but otherwise we're moving on again. Okay, hold on. Excuse me while I just double-check.

Are we talking about the correct bill because the signup sheet I have doesn't have an additional name. It's 5543, AN ACT CONCERNING THE CREATION AND EXPANSION OF MUNICIPAL UTILITIES? Okay. Possibly you're signed up under the wrong bill, but if this is the bill you want to testify to, please come to the microphone and then just state your name for the record.

BETH ANGEL: Good evening, Representative Nardello and Senator Fonfara and committee members.

My name is Beth Angel. I'm with the Connecticut Public Power Task Force, and I'm testifying on HB 5543 in favor of.

I'm here today representing the Connecticut Public Power Task Force. We are a group of Connecticut residents from 14 different towns and growing, who suffered from the long shutdowns in our electricity last year. The inexcusable length of these outages was highlighted by the quick response and short time without power in the towns served by our local electrical co-op. Wallingford, in

particular, in the heart of the critical area up and running after two to three days served as a lifeline to all the surrounding towns providing them with food and water. The success in Wallingford was due to better upkeep of their distribution system and full coordination among town officials. Electrical distribution there is fully integrated with the other town agencies.

Most other towns in Central Connecticut, as every one of them knows, suffered from a complete dislocation of communication with CL&P. I can attest to that in my town. The CL&P crews performed heroic work but were forced to work under full management disarray.

Thousands of informed citizens all over Connecticut are now taking a hard look at municipalization or "public power" as we call it. About 15 percent of our nation's power is distributed by local government, 6 percent in Connecticut. People served by public power are use to better service at lower rates, as much as 40 percent lower. This is very attractive in a state with the highest rates in the continental US.

One of the reasons why more towns in Connecticut don't move to public power is obstructive state statutes. HB 5543 submitted by the Energy Committee goes a long ways towards correcting this problem. This bill clearly enables towns to use eminent domain to take over the poles and wires of their towns and adjacent towns paying fair market value.

Without this clarifying wording, the right of towns to do this is unclear. Elected leaders in several Connecticut towns are keenly interested in public power. These towns

include New Britain, Hartford, Glastonbury, Middletown, Mansfield, Andover and West Hartford.

I would like to add that additional changes in state statutes would make HB 5543 even more useful. It would be important to remove some obstructive language to enable electrical co-ops, multitown alliances to use eminent domain.

Thank you very much for your time at this late hour.

REP. NARDELLO: Are there questions from members of the committee? Just to -- and I don't have your testimony before me. In your testimony did you state which towns -- you talked -- your referenced 14 towns. Did you state which towns in your testimony --

BETH ANGEL: No.

REP. NARDELLO: -- as part of this task force? If you would just provide that to the committee -

BETH ANGEL: Sure.

REP. NARDELLO: -- or if you -- if you wanted to just put it on the record now, that's up to you.

BETH ANGEL: I can give you some of them. I don't have them all in my head what towns, like, Torrington --

REP. NARDELLO: You know what? It might be easier just to send it to us later on. That might be easier. Okay.

BETH ANGEL: -- and by the way, they're in the north, the south, the east and the west. They're all over the state -- our towns.

REP. NARDELLO: Thank you very much. I appreciate that.

Are there questions from members of the committee?

Seeing none, thank you for your testimony.

BETH ANGEL: Thank you very much for your time, everyone.

REP. NARDELLO: Next, we'll go to Senate Bill 447. And I believe Mr. Henderson has already spoken to this so, in that case, we have Keefe -- Keefe Clemons, if that's correct. Is Keefe here?

Are you at --

KEEFE CLEMONS: Good evening, Representative Nardello, Senator Fonfara, committee members.

My name is Keefe Clemons. I am the Verizon region general counsel with responsibility for regulatory and legal issues in the Northeast region that includes Connecticut.

Verizon would like to express its strong support for SB 477 and to thank the committee for providing an opportunity to discuss this important bill, which would provide much needed regulatory reform, help the telecommunication providers in the state operate more efficiently and stimulate investment in new technologies, such as VoIP services.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENERGY AND  
TECHNOLOGY  
PART 5  
1293 – 1616**

**2012**



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<http://connecticutworkingfamilies.org/>

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March 20, 2012

**To the Co-Chairs and members of the Energy & Technology Committee**

**Testimony in SUPPORT of SB 450, AN ACT CONCERNING ENERGY CONSERVATION AND RENEWABLE ENERGY and HB 5543 AN ACT CONCERNING THE CREATION AND EXPANSION OF MUNICIPAL UTILITIES**

*Submitted by Kennard Ray, Legislative Director*

Senator Fonfara, Representative Nardello, and members of the Committee,

Thank you for the opportunity to comment on Senate Bill 450, AAC Energy Conservation and Renewable Energy. Working Families is pleased to support this bill.

I'd like to focus my support first on Section 21 of the bill, which removes the cap on energy program assistance for oil customers that was put in place by last year's major energy bill, P.A. 11-80. It specifies that all oil, gas, and electric heat customers will be able to access the services of the Home Energy Solutions program at the same costs regardless of heating source, for as long as that program is supported by a surcharge on utility bills. Today, 48 percent of Connecticut homes use fuel oil. By removing the cap on energy assistance for nearly half of the state's energy consumers, these oil customers will be open to take advantage of programs that can save them hundreds of dollars a year while at the same time maintaining and growing jobs in the energy efficiency and home retro-fitting industry as well as reducing greenhouse emissions produced by the burning of oil – a fossil fuel. This will also be an important program to have in place as Connecticut develops programs to create a higher volume of home retrofits.

Connecticut currently has the programming in place to help residents reduce their energy use, and in effect grow jobs. Programs such as the Home Energy Solutions program which provides low-cost home energy audits and basic efficiency improvements, along with rebate and financing programs to help make thorough efficiency upgrades more affordable and available to more families. In the still weak job environment, SB450 effectively gives the state an opportunity to open up and grow an existing job market, while addressing the consumer need and frustration associated with high-energy cost. This can all be done while reducing greenhouse gas emissions which home energy currently contributes around 20 percent of all emissions in Connecticut today. Connecticut is need of a strong bill like SB450 that pushes us forward on so many fronts, opening the door for a Green Jobs stream that will create the jobs SB450 specifies, but will also go beyond and set the table to generate consumer demand for more energy efficiency programs and subsequent jobs for the future.



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The infrastructure to move this forward currently exists. The state's natural gas and electricity utilities currently fund these programs through a surcharge on consumer's monthly bills, but not on oil bills. Due to this, oil customers have limited access to the programs, even though they contribute to the funds via their electric bills. This is unfair to these consumers who not only feel the crunch associated with high oil payments, but are then subjected to payment into a fund that they are not able to take full advantage of.

I would also like to express our support for 5543, expanding the ability for municipalities to adopt public power systems. Municipalization of power needs to be an option for every town in this state, as our customers pay among the highest energy rates in the country. Our families and businesses deserve the opportunity to make a local switch to public power, which saves on executive salaries and promotes competition for lower rates within the industry.

Thank You,

Kennard Ray



**State of Connecticut**

**HOUSE OF REPRESENTATIVES**  
STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE VINCENT J. CANDELORA**  
EIGHTY-SIXTH ASSEMBLY DISTRICT

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**DEPUTY REPUBLICAN LEADER**

**MEMBER**  
EXECUTIVE & LEGISLATIVE NOMINATIONS  
FINANCE, REVENUE AND BONDING COMMITTEE  
REGULATIONS REVIEW COMMITTEE  
PLANNING AND DEVELOPMENT COMMITTEE  
LEGISLATIVE MANAGEMENT COMMITTEE

**HB 5543**

**An Act Concerning the Creation and Expansion of Municipal Utilities  
Energy & Technology Committee Public Hearing  
March 20, 2012**

To The Chairmen, Co-Chairmen, Ranking Members and Honorable Members of the  
Energy & Technology Committee:

I would like to respectfully request that you consider the attached written testimony from  
Richard Branigan, Town Manager of the Town of North Branford relative to his support  
of HB 5543.

This bill proposes to clarify the eminent domain power of a municipality concerning  
electric distribution facilities and the process for expanding a municipal electric utility's  
service area into a neighboring town.

I thank you for your consideration of Mr. Branigan's testimony and request your support  
and passage of this bill.

Sincerely,

Vincent J. Candelora  
Deputy House Republican Leader

VJC/pb  
Attachment (1)

MAYOR  
ANTHONY S. CANDELORA

DEPUTY MAYOR  
ALFRED D. ROSE

TOWN MANAGER  
RICHARD V. BRANIGAN



COUNCIL MEMBERS

ROSE MARIE ANGELONI  
VINCENT P. CAPRIO  
MICHAEL J. DOODY  
ANDREW ESPOSITO III  
JOSEPH E. FAUGHNAN  
DONALD J. FUCCI, II  
JOANNE S. WENTWORTH

## TOWN OF NORTH BRANFORD

TOWN HALL 909 FOXON ROAD, NORTH BRANFORD, CONNECTICUT 06471-1290  
TOWN MANAGER (203)484-6000 FAX (203) 484-6025

March 19, 2012

Honorable Vincent J. Candelora  
State Representative  
Legislative Office Building Room 4200  
Hartford, CT 06106-1591

RE: HB 5543

Dear Representative Candelora:

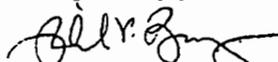
I am writing to you on behalf of the Town of North Branford relative to the above-referenced legislation now pending action in the General Assembly.

The proposed legislation, which seeks to clarify the eminent power of a municipality, would allow municipally-owned electric utility to expand into a neighboring municipality for the provision of electrical services. The adjoining city or town could benefit greatly from the provision of those services.

In certain cases, electrical services are provided by more than one service provider. In the Town of North Branford, there are no less than three separate utilities (Wallingford Electric, The United Illuminating Company, and Connecticut Light and Power) which results in wide variances in electrical rates, service levels, and other factors. These issues are a constant source of confusion and complaint for many property owners and are exacerbated during periods of public emergency (such as Tropical Storm Irene and Storm Alfred).

I would respectfully request your support of proposed House Bill 5543 and I am available to you to at your convenience to discuss this issue in greater detail.

Respectfully yours,

  
Richard V. Branigan  
Town Manager

cc. Town Council



STATEMENT OF  
UIL HOLDINGS CORPORATION  
Before the Committee on Energy and Technology  
On  
RAISED HOUSE BILL 5543 – AN ACT CONCERNING THE CREATION AND  
EXPANSION OF MUNICIPAL UTILITIES  
Legislative Office Building  
March 20, 2012

UIL Holdings Corporation thanks you for the opportunity to offer these comments regarding Raised House Bill 5543, AN ACT CONCERNING THE CREATION AND EXPANSION OF MUNICIPAL UTILITIES. UIL's comments relates to specific aspects of the bill in addition to general commentary regarding the practical complexities that municipalities would need to think through carefully if the municipality considered making the very substantial expenditure and equally substantial ongoing and future commitment to become engaged in the business of power supply and delivery.

Section 1 of RHB 5543 would confer eminent domain authority on municipalities concerning the taking of electric distribution facilities by amending section 7-148(c)(3)(A) of the general statutes. In the event a municipality did not seek a willing sale pursuant to the process set forth in chapter 101, it is unclear how the fair market value of the utility facilities would be determined in the event of a taking by eminent domain. The lack of clarity could lead the parties to protracted litigation which would lead to additional costs for all. For clarity, UIL suggests the following changes to Section 7-226 of the general statutes to address this issue:

Sec. 7-226. Determination of plant value

The price to be paid for such plant, including through any eminent domain authority conferred by section 7-148 for the taking of any electric distribution facility, whether gas, electric or both, shall be its fair market value for the purposes of its use, no portion of such plant to be estimated at less than its fair market value for any other purpose, which shall be determined by considering the present-day reproduction cost of the plant or facilities being acquired, less depreciation and including as an element of value the earning capacity of such plant, based upon the actual earnings being derived from such use at the time of the final vote of such municipality to establish a plant, and also including the market value of any other locations or similar rights acquired by the owners of such plant or plants, intended and adapted for use in connection with such plant or plants, to be sold less the amount of any mortgage or other encumbrance or lien to which such plant or plants or any part thereof may be subject at the time of the transfer of title; but such municipality may require that such plant or property shall be transferred to it free and clear of any mortgage or lien, unless the Superior Court, through its special commission as provided in section 7-228, otherwise determines. The price to be paid for any plant or electric distribution facility shall include compensation for any diminution in value of the remaining plant or facilities, any electric system re-configuration costs necessitated by the sale or taking, and if the sale of assets to a municipality or the taking of assets by a municipality results in stranded assets, those stranded costs shall also be compensated.

Section 2 of RHB 5543 would allow municipalities to expand the service area of its municipal electric utility to any adjacent municipality, but would exempt the municipal electric utility that so expanded to be considered a “participating municipal electric utility” as defined in section 16-1 of the general statutes. This exemption would mean that such municipal electric utility would not be required to provide customers within its service area retail choice, which is currently required of a participating municipal electric utility under section 16-245c(c) of the general statutes. Subsection (c) requires each participating municipal electric utility to “allow customers within its service area to choose among electric suppliers for electric generation services in a manner comparable to all other end use customers of an

electric distribution company ” Retail choice has been the public policy of the State since the enactment of Public Act 98-28. Under current law, municipal utilities are not required to provide retail choice to their customers. The proposed exemption would further eliminate retail choice for consumers.

#### **General Comments.**

##### **Acquisition is expensive and complex.**

Municipalization is expensive at the point of initial acquisition and has significant ongoing costs required for infrastructure maintenance, repair and upgrade.

Municipalities would need to raise billions of dollars, in aggregate, to pay fair market value to acquire electric distribution company systems. This would burden, or overburden, the available bonding authority of municipalities and would mean tax increases to the resident-customers.

Acquiring an electric distribution system is complex. Electric utility circuits do not follow municipal boundaries, and existing substations can serve customers in more than one municipality. The costs of reconfiguring the company’s electric system in order to accommodate town boundaries would have to be considered in the acquisition costs, along with other costs, such as stranded costs, that may occur as part of the takeover of the system. Additionally, municipalities would need to be prepared to take on additional costs so the municipal system could provide capabilities presently provided by the electric company that cannot be separated and sold to municipalities, such as meter reading and customer billing.

In sum, municipalities would have to be operationally and financially responsible to manage all aspects of a complex overhead and underground transmission and distribution system. These include, for example, inspections to ensure reliability, testing and maintenance of relay protection systems, line clearance, and pole maintenance to name a few. The municipalities would also have to address system performance issues (such as voltage concerns or system overloads) as well as manage the system in concert with overall regional reliability concerns and requirements.

**Ongoing Costs are Significant.**

Electric distribution companies have large transmission and distribution capital programs associated with the requirement to plan, construct and pay for large-scale infrastructure replacement, upgrades and extension needed to maintain system reliability. In addition to financing these infrastructure programs, municipalities would also have to have the appropriate skilled resources to manage them and coordinate the planning and work on the system with other utilities, municipalities or region system operators and cooperate with other utilities to finance the design and construction of the system.

**Potential Loss of Tax Revenue.**

Shareholder-owned electric companies pay millions of dollars in state taxes and in property taxes associated with real and personal property located in the municipalities. If a municipality purchases a distribution company's system, this may result in a loss of some or all tax revenue to both the state and the municipality. Any loss of revenue

would be permanent, and any gaps in revenues to meet state and local budget requirements would have to be addressed if the facilities are sold to municipalities.

**Other complexities.**

In the event that a municipality were to acquire transmission assets, such transfer would be subject to federal jurisdiction as part of the interconnected interstate electric grid, and planning of the grid and infrastructure upgrade is a federally supervised process. Separating the transmission system into small pieces owned by municipalities complicates the already complex task of maintaining system reliability. Transmission operators are subject to a host of compliance requirements including the North American Electric Reliability Corporation (NERC) standards relating to Critical Infrastructure Protection (CIP) and Emergency Preparedness and Operations (EOP). There are also heightened cyber security requirements that municipalities would have to address. Municipalities operating transmission assets would be subject to these obligations, and would need to incur ongoing costs of compliance with existing and future standards, federal reporting and related commitments.

**State Public Policies.**

Municipalization impacts a number of State public policies, including promoting retail choice, as already discussed. Additionally, State public policy promoting energy efficiency, including weatherization of homes, and renewable generation is largely paid for by electric distribution company customers and is a component of the electric distribution companies' rates. Municipal utility customers have not historically paid

for these costs and currently do so at lower rates. Funding for energy efficiency and renewable generation programs would likely decrease under municipalization.

Municipalities will also be required to perform customer service functions - such as metering, billing, collections and overall account management. These functions would require a significant initial investment and ongoing cost in maintaining and operating these technologies such as billing systems, metering infrastructure, outage management and supervisory control and data acquisition systems (SCADA). The municipality would also be required to hire office and field resources to operate and maintain these systems in addition to meeting all regulatory, market and customer expectations. The municipality would also be required to hire resources to perform bill print, payment services including web access for customers to manage their energy usage and account information. Finally, the municipality would require the expertise to procure power and function in the ISO-NE regional marketplace.

**Shareholder-owned electric companies are highly regulated by the Public Utilities Regulatory Authority.**

Electric distribution companies are comprehensively reviewed and regulated by a state regulatory agency pursuant to Connecticut statutory requirements. This means that there is ongoing oversight and review of all aspects of utility operations. Procedures and processes are in place to foster safe, adequate and reliable services (including important customer service procedures). For example, termination of service by electric distribution companies must comply with state law.

**Labor**

Finally, municipalization has labor implications that require consideration. If utility workers lose their jobs as a result of the sale of facilities to municipalities this could increase unemployment in the State. Union employees, whose employment by electric distribution companies is governed by collective bargaining agreements, could not be compelled to work for the municipalities, and at a minimum would expect to enter into new agreements at least as favorable as existing agreements.

In summary, UIL believes the proposed legislation, if enacted, should address how the fair market value of the utility facilities would be determined in the event of a taking by eminent domain and that this can be accomplished through modification of section 7-226 of the general statutes. Additionally, the proposed legislation impacts retail choice and should be carefully considered. Finally, in our opinion there are practical complexities that municipalities would need to think through carefully if the municipality considered making the very substantial expenditure and equally substantial ongoing and future commitment to become engaged in the business of power supply.

If you wish to discuss this issue further or have any questions please contact Carlos M. Vázquez, Senior Director, Government Relations at your earliest convenience at 203-521-2455.



**Retail Energy Supply Association**

Testimony for House Bill 5543

Submitted to the Energy and Technology Committee

March 20, 2012

Good Morning Members of the Energy and Technology Committee,

The Retail Energy Supply Association (“RESA”) submits this testimony in **opposition** to H.B. 5543 (An Act Concerning The Creation and Expansion of Municipal Utilities). RESA, a trade association of 21 competitive energy suppliers<sup>1</sup>, many of whom are or are affiliates of Fortune 500 and Fortune Global 500 companies, is committed to the development of a robust, vibrant and sustainable energy market in Connecticut – a market that has provided ample choices of value-added products and services to Connecticut residents and businesses.

RESA submits this opposition to H.B. 5543 because in its current form this bill – particularly Section 2(d) – would effectively end electric retail competition for Connecticut consumers located within an expanded municipal utility

According to the Public Utilities Regulatory Authority, as of February 29, 2012, 678,788 customers representing 67% of the total statewide electric load, 92% of the entire large commercial and industrial electric load, 80% of the small and medium-sized commercial customer electric load and 46% of the residential customer electric load is served by a competitive electric supplier. For Connecticut consumers, the competitive choice model has been an undisputed success by every objective measure. It has provided customers with ample

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<sup>1</sup> RESA’s members include: Champion Energy Services, LLC, ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power, MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. . The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

choices of electric products that can provide them with cost savings, price stability, access to renewable energy and energy efficiency, and other innovations that customers value.

Section 2(d) of House Bill 5543, however, takes away from residents and businesses who have overwhelmingly found value in competitive choice the right to choose solely because they are located in a municipality that has decided to become part of an expanded area of a neighboring municipal utility. At a time when Connecticut residents and businesses are searching for choices to help their bottom lines, removing from customers the right and ability to choose merely by virtue of the township in which they are located can harm these customers at a time when they can least afford it. Rather than leaving Connecticut residents and businesses – who have overwhelmingly embraced electric choice – with fewer options, the State of Connecticut should embrace policies that provide customers with as many options as they can access.

Section 2(d) of House Bill 5543, by taking away the customer's right to shop and choose an electric supply product that best fits their needs, represents remarkably bad public policy. Accordingly, RESA recommends the removal of Section 2(d) from House Bill 5543, and absent this measure **opposes** House Bill 5543.

Testimony on HB4453, Energy and Technology Committee  
March 20, 2012  
By CT Public Power Task Force -

Good afternoon. My name is

I am here today representing the Ct Public Power Task Force. We are a group of CT residents from 14 different towns which suffered from the long shutdowns in our electricity last year. The unexcusable length of these outages was highlighted by the quick response and short time without power in the towns served by our local electrical co-op.

Wallingford, in particular, in the heart of the critical area, up and running after 2-3 days, served as a lifeline to all the surrounding towns, providing them with food and water. The success in Wallingford was due to better upkeep of their distribution system and full coordination among town officials. Electrical distribution there is fully integrated with the other town agencies.

Most other towns in central CT, as everyone in them knows, suffered from a complete dislocation of communication with CL&P. The CL&P crews performed heroic work, but were forced to work under full management disarray.

Thousands of informed citizens, all over CT, are now taking a hard look at municipalization, or Public Power as we call it. About 15% of our nation's power is distributed by local governments, 6% in CT. People served by Public Power are used to better service at lower rates, as much as 40% lower. This is very attractive in a state with the highest rates in the continental US.

One of the reasons why more towns in CT don't move to Public Power is obstructive state statutes. HB4453, submitted by the Energy Committee goes a long ways toward correcting this problem. This bill clearly enables towns to use eminent domain to takeover the poles and wires of their town and adjacent towns, paying fair market value. Without this clarifying wording the right of towns to do this is unclear.

Elected leaders in several CT towns are keenly interested in Public Power. These towns include New Britain, Hartford, Glastonbury, Middletown, Mansfield, Andover, and West Hartford.

I would like to add that additional changes in State Statutes would make HB4453 even more useful. It would be important to remove some obstructive language to enable electrical co-ops, multi-town alliances, to use eminent domain.

Page 15 Linen

Good morning. I'm John Fernandes and I am President of the International Brotherhood of Electrical Workers Local 457 in Meriden, CT representing workers at the Connecticut Light & Power Company in the Eastern portion of CT as well as Utility workers at the municipalities of Norwich and Wallingford.

As raised bill #5544 currently reads it refers to minimum staffing based on the ratio of linemen to the number of customers served, but it can be interpreted to read as scaling up for storms; that it's a reference for the number of crews that may be needed in the State to address a potential storm.

We propose the number must be set for the daily operation of the utility so that you have a clear benchmark and from that point you can drive up in the event of a storm.

After the fall storms in CT the various panels and investigations that were commissioned consistently found that the municipalities performed better than the utilities and that was based on the fact that the ratio of linemen to customers served was lower in the municipalities vs. the utilities.

I testified to that fact in September before the Governor's two storm panel with supporting documentation<sup>1</sup> and in fact Boston University did a study on the same storms that was part of a review of the proposed merger between NU and NStar and their findings were the same<sup>2</sup>. I see

<sup>1</sup> CL&P Area	# of Linemen	Population	Customer ratio to Linemen
Hartford	17	314,400	18,494 to 1
Middletown	12	91,320	7,610 to 1
East Hampton	16	98,178	6,136 to 1
Willimantic	14	103,180	7,370 to 1
New London	11	92,951	8,450 to 1
Mystic	10	88,460	8,846 to 1
Cheshire	30	321,929	10,730 to 1
Tolland	25	176,063	7,042 to 1
Danielson	15	124,382	8,292 to 1
Madison	17	116,312	6,841 to 1
Municipalities	# of Linemen	Population	Customer ratio to Linemen
Norwich	10	40,493	4,049 to 1
Wallingford	14	52,135	3,723 to 1

CL&P total district linemen represented by LU 457 is 167 for 1,527,476 customers which leaves a ratio of 1 lineman to 9,146 customers, whereas the municipalities have a ratio of 1 lineman to 3,859 customers.

These staffing levels were bases on 2010/2011 numbers which have gone down since then and the population numbers were from the 2010 census

<sup>2</sup> From the NECIR article by Scott Van Voorhis:

- A quadrupling of major power outages in Massachusetts over the past five years as major outages, once somewhat rare, have become annual outages
- Too few front-line repair crews at the major power companies to avoid prolonged outages after large storms.
- Growing concerns over whether the state's electric grid is being adequately maintained, from aging infrastructure to overgrown trees looming over lines.

this bill along with the Governor's bill uses this same measure, everyone uses the same equation but no one plugs in the numbers.

For the municipalities that we represent the ratio is approximately 1 lineworker for every 4,000 customers. For the 10 CL&P districts we represent the best ratio is 1 lineworker for every 6,136 customers and the worst is here in Hartford where it is 1 lineworker for every 18,494

- 
- In a key indicator of potential trouble, the region's major utilities are understaffed when it comes to having enough linemen and other front-line workers to deal with major storms, the NECIR investigation found.
  - The state's top three power companies, National Grid, NStar and Western Massachusetts Electric have on average 3 or fewer linemen for every 10,000 people in their service areas.
  - By contrast, the average is closer to four linemen at 11 town and city owned power companies surveyed by NECIR, with some towns employing five or even six linemen for every 10,000 residents
  - The municipal utilities were bright spots in an otherwise darkened landscape during the big outages last year, getting their customers' lights back on, in some cases in hours, even as it took the major power companies up to a week to do.
  - The ability to put more boots on the ground quickly safeguarded town-owned power companies from prolonged outages, industry watchdogs and managers at some of these utilities said.
  - There have been eight major power outages in Massachusetts since 2007, with winter storms being the major culprit, reports filed with the U.S. Department of Energy indicate. All involved the state's big electric companies. By contrast, there were only two major outages- defined as more than 50,000 homes and businesses losing power- during the previous five-year period, 2001-2006
  - "We are never out for several days," said Robert Jolly, general manager of Marblehead's municipal utility, which has nine linemen to cover a town with just under 20,000 residents. "I can't ever recall being out for several days "
  - By contrast, with not enough linemen of their own to respond to big, regional storms, the major power companies were forced to rely heavily during last years' storms on contract repair crews- some from as far away as the Sunbelt states and Canada. Despite that extra manpower, it took more than a week-in some areas-to restore power.
  - "They (the major power companies) are gambling with the weather and they gambled and they lost," said Rep. Daniel Winslow, (R-Norfolk), who has proposed legislation that would result in rebates for customers stuck without power for days on end.
  - Passing the buck on storm costs.
  - While acknowledging frustration on the part customers over the outages, NStar- which serves a large portion of eastern Massachusetts- contends it did a good job getting the lights back on.
  - At the height of "Snowtober" storm, 1.4 million people were without power across New England, federal stats show.
  - "I honestly think we did a very good job in these storms," said Craig Hallstrom, vice president of electric field operations of NStar. "They were historic sized storms."
  - But the Massachusetts Municipal Association, which represents communities statewide that bore the brunt of the outages, takes a very different view.
  - "That's baloney. The end result was a real collapse," MMA Executive Director Geoff Beckwith said.
  - Last years' outages were among the worst yet in Massachusetts, rivaling even a brutal December 2008 ice storm and triggering huge costs that eventually could be passed on to rate payers.
  - NStar's bill for the two fall storms topped \$48 million, a company spokesman said.
  - But National Grid's expenses were double to triple that, ranging as high as \$100 million to \$120 million, said Deborah Drew, a spokeswoman for the utility.
  - Western Massachusetts Electric's (WMECO) costs add up to another \$23 million, pushing the total for all three companies to at least \$160 million and possibly as high as \$190 million.
  - The costs for National Grid and WMECO were significantly higher than those incurred in the 2008 ice storm
  - Bad weather of just corporate bean counting?

customers. Overall for the 10 CL&P districts we represent it works out to 1 lineman for every 9,146 customers, which is more than double of what we have in our municipalities.

I'm not suggesting doubling the number of linemen at CL&P. I recognize there are support staff that help bring the ratio down, but an increase of 25- 30% from the current level would help ease the stress on the districts. Additionally, there should be an integrated attrition plan that's part of any benchmarking so that this doesn't become a perpetual problem.

Currently the workforce is supplemented with outside contractors for which the utility is paying a premium for on a weekly basis. As an example, even with the current level of contractors on site, which CL&P is paying 60 hours per week with overtime to have them on retainer, on the weekend of February 25, 2012 with the prediction of high winds, CL&P made a call for additional support from contractors over 1K miles away, in addition to all the CL&P lineworkers that were put on-call. The winds never came but that bill had to be paid. Obviously that way of doing business can't be sustained. It's reactive and not financially prudent. The rate payers can't afford that way of doing business.

After reviewing the analysis of the Governor's two storm panel as well as the multiple independent storm reviews a new term of art has risen to the surface. The utility has been told they need to "lean forward" relative to storm performance.

In light of that analysis, I propose that they be told to not lean forward but instead take a giant step forward- hire the appropriate number of full-time workers. That would displace contract workers, create CT jobs and would put them in a better position to deal with storms which have always been an issue on a small scale, never mind the larger events that we saw last fall.

On behalf of our membership I thank you for consideration in these matters.

**H – 1135**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2012**

**VOL.55  
PART 13  
4109 – 4473**

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The Clerk will announce the tally.

THE CLERK:

House Bill Number 5031.

Total number voting	146
Necessary for passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER ARESIMOWICZ:

The bill passes.

Will the Clerk please call Calendar 351.

THE CLERK:

On page 20, Calendar 351, Substitute for House Bill Number 5543, AN ACT CONCERNING THE CREATION AND EXPANSION OF MUNICIPAL ELECTRIC UTILITIES, favorable report by the Committee on Energy and Technology.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello of the 89th District, you have the floor, madam.

REP. NARDELLO (89th):

Good afternoon, Mr. Speaker.

I move acceptance of the joint committees' favorable report and passage of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

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The question is on acceptance of the joint committees' favorable report and passage of the bill.

Will you remark further, madam?

REP. NARDELLO (89th):

Yes, Mr. Speaker.

This bill is before us because after last year's storms there was a renewed interest in the towns' ability to establish municipal utility or to allow the expansion of the municipal utilities. Our current municipal utilities were established in the late 1800s and the beginning of the 1900s so we haven't had any in years.

As we debated the original bill, it was very clear that there were many issues that needed to be resolved before we could move forward to create new municipal utilities. Therefore, the committee requested that PURA open a docket to provide information to the General Assembly on issues that need to be resolved and the legislative changes that may be necessary and that is the legislation you see before you.

Mr. Speaker, I ask the members of the Assembly to support the legislation.

Thank you.

DEPUTY SPEAKER ARESIMOWICZ:

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Thank you very much, madam.

Will you remark further on the bill before us?

Representative Hoydick of the 120th, you have the floor, madam.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

I'm pleased to support this -- this proposed bill, which will allow PURA to open a docket and look into the expansion and the creation of municipal utility companies. And I'd like to thank the Chairwoman of the Energy and Technology committee for bringing this forward, and I'd also like to thank very much for changing it with the substitute language from allowing municipalities to automatically expand or create and promoting this study, which will allow us to see the pitfalls that may possibly -- may possibly be involved with expanding our utilities.

And through you, Mr. Speaker, may I ask questions to the proponent of the bill?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello is awaiting the questioning.

Representative Hoydick, please proceed.

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REP. HOYDICK (120th):

Thank you, Mr. Speaker.

Through you, as I said before, I'm glad the -- this bill is proposing a study, and I think there's a lot to consider with regard to switching to a municipal electric -- electricity company or gas company with regard to, currently, we have privatized companies.

So what I'd like to know is what -- what do you think PURA might investigate with regard to the third-party retailers or the third-party suppliers that we're currently, some of us are enjoying being able to buy electricity or gas, if you're a commercial customer at a lower price. And do you think through this process this -- we will be able to avail ourselves in the future, if we go through a municipal electric or gas company? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, currently, municipal utilities do not offer retail choice and that was something that was decided in 1998. If they were to go forward, what we would have to determine because

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there would be towns that would have that choice currently, they would have to decide whether or not they wanted to continue to have that and have it run out through the contract, or they would have to consider whether or not they wanted to not allow it all. But the general policy for municipal utilities is that they do not offer retail choice.

So, again, that would be one of the issues that would have to be addressed in the docket as to how they would go forward with any contracts that were in place at the time. So it will be -- there are a number of issues that need to be considered but that is one of them.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

I thank the kind gentlewoman for her answers.

And through you, Mr. Speaker, if I could follow up on this as well. Do you anticipate the possibility of a third-party supplier or a retailer being considered or is this something that PURA is just going to rule on and they'll take testimony and the recommendation will come back to the General Assembly? Through you, Mr. Speaker.

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DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, it is my anticipation that PURA will provide information to us going forward on what was brought out in the docket. I don't believe they would make a recommendation one way or the other. I think that would be up to the municipality that decides to go forward and pursue the public power of that particular town but that decision will not be made by PURA in my judgment.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you very much.

And to follow up also on that so is there legislation that has to be enacted by this body in order to allow the expansion of municipal utility companies? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, I believe that there is it would require legislative change but, again, that's

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why we're asking for the docket to be assured of all of this.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

I thank the kind woman again for that because it's good to know that something will come back to us one way or another and not just through the Energy and Technology Committee.

On another note, through you, Mr. Speaker, I'd like to ask the proponent of the bill, what the process is if we were to move forward with this of purchasing existing infrastructure and how the value of that infrastructure's determined? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, that would be one of the areas in which the information would come through in the docket, and it would be brought to the General Assembly for consideration in any legislative changes that might be necessary in the determination of the class. But, ultimately, it would be decided between

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the buyer, which would be the municipality deciding to go forward, and the utility. Because, currently, right now, the municipal electric companies own all their lines. If they were to begin to pursue this, they would have to then purchase those lines.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

And are we just talking about electricity or are we also considering gas? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, it's electric utilities.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you very much, Madam Chair.

I do have a question on the topic of eminent domain.

Through you, Mr. Speaker, how would you expect PURA to evaluate or outline or would they even the

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issues of possible eminent domain taking of land and  
infrastructure through this process?

Thank you, Mr. Speaker. Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, it would be my  
expectation they would look at the current laws and  
make recommendations to changes that would be  
necessary in order for municipality to form a public  
power utility.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

I thank the kind gentlewoman for her answers.  
It's been a pleasure to work on with her on this bill.  
Again, I'm going to reiterate that I'm very, very  
happy that it is a study and PURA's opening a docket  
and we're just not jumping into the legislation.  
Sometimes it's more prudent to understand what you're  
getting into before you do launch. So I'm going to  
urge my colleagues support and thank you.

DEPUTY SPEAKER ARESIMOWICZ:

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Thank you very much for your comments, madam.

Representative Sawyer of the 55th, you have the floor, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

A question through you to the Chairwoman of the committee?

DEPUTY SPEAKER ARESIMOWICZ:

She has not sat down yet, so please proceed, madam.

REP. SAWYER (55th):

Thank you, sir.

One of the things that has transpired recently in the last year or so has been municipalities who have signed contracts with utility providers to deliver electricity to the town -- to the municipality and they also provide electricity at a specific rate to other people who reside in that town. Would this also fall under this particular study by PURA? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

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Through you, Mr. Speaker, that would not be a specific element of this study. It would only be considered if it was relevant to the fact that they would be developing a municipal utility. It would not change any of those agreements, if that's what you're asking.

Thank you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, and I thank her answer for that.

This is a fairly new development that's happened in the last few years where municipalities have been able to enter into contracts with certain energy distributors, and it has been very beneficial to, particularly in the small towns, they've been able to get a specific lower rate to their electricity charges, and many people have availed themselves of those particular contract, as well and have followed and piggybacked on the municipality, and I would like to thank the chairwoman on her clarification.

Thank you, sir.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam.

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Representative Shaban of the 135th, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Through you, if I may, a couple of quick questions to the proponent of the bill, please.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Through you, I'm trying to figure out, it's obviously some short language.

Is it anticipated that municipalities would be both in the generation and the distribution business or -- or would that be part of their utility? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, if they chose to become a municipal utility, yes, they would offer both, generation and distribution.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

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REP. SHABAN (135th):

And through you, I try not understand the direction that this may go in. I mean once you get into generation and you're hooked into -- my assumption would be the grid and not an independent grid but the grid, in general -- and correct me if I'm wrong -- would the municipality then be subject to control or reporting to FERC, Federal Energy Regulatory Commission or the local independent system operator? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, yes. Current municipalities are -- municipal utilities are subject to all of that and that would apply in this situation, as well.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

And I thank the Chairwoman for her answer.

How about renewable portfolio standards? If the municipality is engaged in both generation and distribution, but generation in particular, are

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municipalities -- would municipalities -- is it anticipated that they would be subject to the renewable portfolio standards? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, we currently do not regulate municipal utilities and so, therefore, they would have to elect to do that.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

All right. I thank the Chairwoman for her answer and thank you for the time.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Greene of the 105th, you have the floor.

REP. GREENE (105th):

Thank you, Mr. Speaker.

Mr. Speaker, through you to the proponent of the bill, I have a couple of questions, if I could?

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

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REP. GREENE (105th):

Thank you.

Just to kind of follow up on a couple of the questions that have happened here. I was reading through the bill again that we heard on the Energy Committee. And obviously, very short, it simply specifies that a docket be created by PURA and, you know, it specifically mentions procedures and statutory changes necessary.

Just to be clear, when this docket is initiated by PURA, will this actually take into account -- to follow up on Representative's Shaban's question -- what the actual implications are for any municipal utility with in regard to federal jurisdiction?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, I can't speak for PURA, but that's normally the procedure is that evidence is taken and all evidence that is appropriate to that docket will be considered during the docket.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Greene.

REP. GREENE (105th):

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Thank you, Mr. Speaker.

And thank you for that answer.

The -- obviously, if there's a municipal utility created in the state that we have several already, but if more are created, this does have implications for the rest of the customers throughout the state that still utilize CL&P, United Illuminating, et cetera. Will this docket actually take into account the impact on traditional customers within those two jurisdictions? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, it is my expectation that all of those matters will be examined so that we can get the proper information to advise our municipalities of how to go forward.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Greene.

REP. GREENE (105th):

Thank you, Mr. Speaker.

And lastly, municipal customers, as I understand it, I don't -- actually, I should say, I'm not sure whether or not municipal customers are required to

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contribute to the Clean Energy Fund, the Energy Efficiency Fund, et cetera. So my question is will this docket take into account the impact on an increase in municipal utilities throughout the state on those particular funds? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, yes, it would. All of that would be part of the consideration.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Greene.

REP. GREENE (105th):

And I thank the lady for her answers.

Thank you, Mr. Speaker.

I -- I, too, support this bill. The -- the idea is an interesting one. Obviously, we've seen some success as in, for example, the town of Watertown, which has a municipal utility, and they, obviously, did very, very well in the storm response situation that we saw after the two storms last fall -- last summer and fall, I should say.

Obviously, I'm very interested to see what the docket will come up with here, but I'm hopeful that

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PURA and the Department of Energy and Environmental Protection will take into account all aspects of, basically, I guess, the big picture perspective so that we have an understanding as to what we're looking at with this potentially huge change to our energy market here in the State of Connecticut.

So I support the bill, and I urge my colleagues to do so as well.

Thank you.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Lavielle of the 143rd, you have the floor, madam.

REP. LAVIELLE (143rd):

Thank you very much, Mr. Speaker.

A few questions to the proponent, if I may?

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, madam.

REP. LAVIELLE (143rd):

Thank you.

We -- we currently have -- and I'm not sure I remember it well enough, through you, Mr. Speaker, three towns that have municipal utilities or is it more? Through you.

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DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, there are six towns that have municipal utilities.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle

REP. LAVIELLE (143rd):

Thank you.

Thank you for that clarification.

If -- if a town under current legislation wanted to create its own municipal utility before this study is completed, can -- can it do that? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, it was -- through the committee process, it is our belief that we would have to have legislative changes in order for that to happen.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

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Thank you.

And if there's -- there's something else that's mentioned in the bill, which is the expansion of a neighboring town's utility into another town. Were that to come up, as a subject, would that be a decision that would have to be mutually agreed to -- under current circumstances, I'm just searching for what's possible right now. Could that happen by agreement by the two towns, or would they have to have recourse to the Legislature, as well? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, it -- it has actually happened in the past, but the other town was willing to sell that -- there was a small municipal -- a small utility that was willing to sell. It wasn't in the area of CL&P and UI, which are much larger utilities so it was a very tiny utility that was annexed to one of the others. But if you had to do it now, it would be a little bit more complicated, and therefore, we would need more information and, again, most likely legislative change.

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DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And do we have some -- do we have any information on how this question is handled in other states? Is that something we've already delved into and is there anything that we know at the moment that's kind of pertinent to the discussion? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, the rules for municipal utilities vary from state to state they are not totally uniform. The only uniformity is the fact that they control their own municipal district.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And for the study that is provided for in the bill, and I -- this is probably my own ignorance of the term "docket" but does that imply that this is

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something that would be executed internally by PURA?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Nardello.

REP. NARDELLO (89th):

Through you, Mr. Speaker, yes, that is the case.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

This is a -- I do absolutely support this bill.

I come from one of those towns, Wilton, which was heavily, heavily damaged by the two storms last year. And the question of whether it would be practical for the Town to have its own utility came up more times than I can count and has been one of those ceaseless sources of curiosity for people as we've experienced these weather disasters.

So I think it's a -- an essential subject to explore. I hope that the -- that the docket will be completed by the date that's stipulated in the bill. I think it's January 1, 2013. And I hope that we can see some real results and some guidance very quickly on this matter.

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Thank you so much, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam.

Representative Candelora of the 86th, you have the floor, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

I rise in support of this bill. I want to thank the Chairwoman of Energy and Technology for raising this issue. As we move forward, I think one of the issues that my town, in particular, has dealt with is we are serviced -- the Town of North Branford is serviced by three utility companies. One being a municipal one, the other two being UI and CL&P. And that brings other challenges, I think, to a community, in particular, when there are storms. So as this move forward, aside from just allowing a municipality to create an electric service, I'm happy to see that we're looking at the expansion, as well, because a town, like North Branford, certainly could use it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the bill before us?

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Will you remark further on the bill before us?

With the board being cleared and nobody standing,  
staff and guests please come to the well of the House.  
Members take your seats. The machine will be opened.  
THE CLERK:

The House of Representatives is voting by roll  
call. Members to the chamber. The House is taking a  
roll call vote. Members to the chamber please.

Deputy Speaker Ryan in the Chair.

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted?

Will the members please check the board to see if  
your vote has been properly cast. If your vote is  
properly cast, if all members have voted, the machine  
will be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5543.

Total number voting	146
Necessary for passage	74
Those voting Yea	146
Those voting Nay	0

lg/cd/ed  
HOUSE OF REPRESENTATIVES

May 1, 2012

Those absent and not voting 5

DEPUTY SPEAKER RYAN:

The bill passes.

Are there any announcements or introductions?

Representative Ayala of the 128th --

All right. If there are no introductions or announcements, will the Clerk, please call Calendar Number 149.

THE CLERK:

On page 6, Calendar 149, Substitute for House Bill Number 5269, AN ACT CONCERNING REPORTING REQUIREMENTS AND ENFORCING JOB CREATION COMMITMENTS ON CERTAIN STATE-SPONSORED PROJECTS, favorable report by the Committee on Commerce.

DEPUTY SPEAKER RYAN:

The esteemed Chairman of the Commerce Committee, Representative Berger, you have the floor.

REP. BERGER (73rd):

Thank you, Mr. Speaker, and good afternoon.

I move for acceptance of the joint committees' favorable report and passage of the bill.

DEPUTY SPEAKER RYAN:

The question is acceptance of the joint committees' favorable report and passage of the bill.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2012**

**VOL. 55  
PART 14  
4223 - 4505**

rgd/tmj/gdm/gbr  
SENATE

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THE CLERK:

House Bill 5173 as amended by Senate "A."

Total Number Voting	36
Necessary for Adoption	19
<u>Those Voting Yea</u>	<u>36</u>
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Madam President.

Would move for immediate transmittal to the House of House  
Bill 5173 as amended in the Senate.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, we have some additional items to place  
on the consent calendar at this time.

Madam President, first, is calendar page 14, Calendar 453,  
House Bill 5543; calendar page 14, Calendar 459, House  
Bill 5271.

THE CHAIR:

So ordered, sir -- sorry.

SENATOR LOONEY:

Also, Madam President, calendar page 25, Calendar 530,  
House Bill 5462 and --

THE CHAIR:

rgd/tmj/gdm/gbr  
SENATE

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May 9, 2012

(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



## State of Connecticut

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ERNEST J. COTNOIR  
ASSISTANT SENATE CLERK

TIMOTHY B. KEHOE  
PERMANENT ASSISTANT  
CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

5358  
5148  
5394  
5326  
5025  
5534  
5539  
5320  
5462  
5394  
5511  
5283  
5437  
374  
5011  
5440  
5279  
5290  
5307  
5032  
5230  
5241  
5087  
5276  
5484  
5495  
5232  
5447  
5543  
5353  
5271  
5344  
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- 5233
- 5550
- 5258
- 5106
- 5355
- 5521
- 5248
- 5412
- 5319
- 5328
- 5365
- 5170
- 55440
- 5521
- 5298
- 5343
- 5504
- 418
- 5037
- 5467
- 5022
- 5259
- 5496
- 5360



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CLERK OF THE SENATE

Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304  
HB 5342

rgd/tmj/gdm/gbr  
SENATE

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Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

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At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.