



General Assembly

Amendment

February Session, 2022

LCO No. 4572



Offered by:
SEN. FORMICA, 20th Dist.

To: Senate Bill No. 10

File No. 305

Cal. No. 224

"AN ACT CONCERNING CLIMATE CHANGE MITIGATION."

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

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 Section 16-2 of the general statutes is repealed and the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

5 (a) There shall continue to be a Public Utilities Regulatory Authority,
6 [within the Department of Energy and Environmental Protection,]
7 which shall consist of five electors of this state, appointed by the
8 Governor with the advice and consent of both houses of the General
9 Assembly. Not more than three members of said authority in office at
10 any one time shall be members of any one political party. The Governor
11 shall appoint five members to the authority. The procedure prescribed
12 in section 4-7 shall apply to such appointments, except that the
13 Governor shall submit each nomination on or before May first, and both
14 houses shall confirm or reject it before adjournment sine die. Any utility
15 commissioner appointed by the Governor and confirmed by both
16 chambers of the General Assembly between February 1, 2019, and June

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

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

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

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

48 (e) To insure the highest standard of public utility regulation, on and

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

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

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

83 other material or services; and (E) require the staff of the authority to
84 have expertise in public utility engineering and accounting, finance,
85 economics, computers and rate design.

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

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

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

116 pecuniary gain.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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