



Senate

General Assembly

File No. 387

January Session, 2023

Substitute Senate Bill No. 1063

Senate, April 3, 2023

The Committee on Energy and Technology reported through SEN. NEEDLEMAN of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING UTILITY COMMISSIONERS OF THE PUBLIC UTILITIES REGULATORY AUTHORITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

14 commissioner appointed by the Governor and confirmed by both
15 chambers of the General Assembly between February 1, 2019, and June
16 1, 2019, shall serve a term expiring on March 1, 2024. Any utility
17 commissioner appointed by the Governor and confirmed by both
18 houses of the General Assembly between February 1, 2018, and June 1,
19 2018, shall serve a term expiring on March 1, 2022. [Between July 1, 2019,
20 and May 1, 2020, the Governor shall appoint three utility
21 commissioners, provided one such commissioner shall serve a term
22 expiring on March 1, 2021, and two such commissioners shall serve
23 terms expiring on March 1, 2023.] Any utility commissioner appointed
24 on or after May 1, 2020, shall serve a term of four years. No utility
25 commissioner appointed on or after February 1, 2023, may serve more
26 than three such four-year terms. All utility commissioners shall be
27 electors of the state. The utility commissioners shall be sworn to the
28 faithful performance of their duties.

29 (b) [The authority shall elect] Each June, the utility commissioners
30 shall choose, from among them, a chairperson and vice-chairperson,
31 [each June] who shall serve for one-year terms starting on July first of
32 the same year. The vice-chairperson shall perform the duties of the
33 chairperson in his or her absence.

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

46 (d) The utility commissioners of the Public Utilities Regulatory

47 Authority shall serve full time and shall file a statement of financial
48 interests with the Office of State Ethics in accordance with section 1-83.
49 Each utility commissioner shall receive annually a salary equal to that
50 established for management pay plan salary group seventy-five by the
51 Commissioner of Administrative Services, except that the chairperson
52 shall receive annually a salary equal to that established for management
53 pay plan salary group seventy-seven.

54 (e) To insure the highest standard of public utility regulation, on and
55 after October 1, 2007, any newly appointed utility commissioner of the
56 authority shall have education or training and three or more years of
57 experience in one or more of the following fields: Economics,
58 engineering, law, accounting, finance, utility regulation, public or
59 government administration, consumer advocacy, business
60 management, and environmental management. On and after July 1,
61 1997, at least three of these fields shall be represented on the authority
62 by individual utility commissioners at all times. Any time a utility
63 commissioner is newly appointed, at least one of the utility
64 commissioners shall have experience in utility customer advocacy.

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

75 (2) The chairperson of the Public Utilities Regulatory Authority, in
76 order to implement the comprehensive planning and organizational
77 structure established pursuant to subdivision (1) of this subsection, shall
78 (A) coordinate the activities of the authority and prescribe the duties of
79 the staff assigned to the authority; (B) for any proceeding on a proposed

80 rate amendment in which staff of the authority are to be made a party
81 pursuant to section 16-19j, determine which staff shall appear and
82 participate in the proceedings and which shall serve the [members]
83 utility commissioners of the authority; (C) enter into such contractual
84 agreements, in accordance with established procedures, as may be
85 necessary for the discharge of the authority's duties; (D) subject to the
86 provisions of section 4-32, and unless otherwise provided by law,
87 receive any money, revenue or services from the federal government,
88 corporations, associations or individuals, including payments from the
89 sale of printed matter or any other material or services; and (E) require
90 the staff of the authority to have expertise in public utility engineering
91 and accounting, finance, economics, computers and rate design.

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

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

114 or her official duties.

115 (i) No utility commissioner of the Public Utilities Regulatory
116 Authority or employee of the Department of Energy and Environmental
117 Protection assigned to work with the authority, during such assignment,
118 shall wilfully and knowingly disclose, for pecuniary gain, to any other
119 person, confidential information acquired by him or her in the course of
120 and by reason of his or her official duties or employment or use any such
121 information for the purpose of pecuniary gain.

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

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

147 authority, for a period of one year following the termination of his or
148 her service as a utility commissioner.

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

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

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

165 Sec. 2. Section 16-4 of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2023*):

167 No officer, employee, attorney or agent of any public service
168 company, of any certified telecommunications provider or of any
169 electric supplier shall be a [member] utility commissioner of the Public
170 Utilities Regulatory Authority or an employee of the Department of
171 Energy and Environmental Protection.

172 Sec. 3. Subdivision (2) of subsection (a) of section 16-1 of the general
173 statutes is repealed and the following is substituted in lieu thereof
174 (*Effective October 1, 2023*):

175 (2) "Utility commissioner" means a [member] utility commissioner of
176 the Public Utilities Regulatory Authority;

177 Sec. 4. Section 16-2c of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective October 1, 2023*):

179 There is established a Division of Adjudication within the Public
180 Utilities Regulatory Authority. The staff of the division shall include,
181 but not be limited to, hearing officers appointed pursuant to subsection
182 (c) of section 16-2, as amended by this act. The responsibilities of the
183 division shall include, but not be limited to, hearing matters assigned
184 under said subsection and advising the Public Utilities Regulatory
185 Authority concerning legal issues. [A panel of one] One or more utility
186 commissioners may assign a hearing officer pursuant to section 16-2, as
187 amended by this act, and the chairperson of the Public Utilities
188 Regulatory Authority may assign such other staff as are necessary to
189 advise said chairperson.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	16-2
Sec. 2	<i>October 1, 2023</i>	16-4
Sec. 3	<i>October 1, 2023</i>	16-1(a)(2)
Sec. 4	<i>October 1, 2023</i>	16-2c

ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no fiscal impact by reducing formally the number of Public Utilities Commissioners from five to three. This has in practice been the number of commissioners being utilized. The bill also creates term limits for commissioners but does not obligate the state to any additional action.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1063*****AN ACT CONCERNING UTILITY COMMISSIONERS OF THE PUBLIC UTILITIES REGULATORY AUTHORITY.*****SUMMARY**

This bill reduces, from five to three, the number of utility commissioners the governor must appoint to the Public Utilities Regulatory Authority (PURA). It also establishes term limits for commissioners appointed on or after February 1, 2023, by prohibiting any utility commissioner appointed on or after that date from serving more than three four-year terms.

Current law requires PURA to consist of five commissioners and establishes a schedule for the governor to appoint three of the five commissioners between July 1, 2019, and May 1, 2020. In practice, there are currently only three PURA commissioners; additional appointments have not been made. The bill instead requires PURA to be under the direction of three commissioners appointed by the governor (i.e., the existing number of commissioners) and eliminates the schedule for appointing new commissioners. It also makes conforming changes to:

1. prohibit more than two, rather than three, commissioners from the same political party from holding office concurrently and
2. allow the PURA chairperson to assign any matter before the authority to one or more utility commissioners, rather than to a panel of three or more utility commissioners.

Lastly, the bill makes technical changes to replace references to PURA “members” with “utility commissioners.”

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/14/2023)