



General Assembly

Substitute Bill No. 1063

January Session, 2023



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 Section 16-2 of the general statutes is repealed and the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,
5 which shall [consist of five electors of this state] be under the direction
6 of three utility commissioners, appointed by the Governor with the
7 advice and consent of both houses of the General Assembly. Not more
8 than [three members] two utility commissioners of said authority in
9 office at any one time shall be members of any one political party. [The
10 Governor shall appoint five members to the authority.] The procedure
11 prescribed in section 4-7 shall apply to such appointments, except that
12 the Governor shall submit each nomination on or before May first, and
13 both houses shall confirm or reject it before adjournment sine die. Any
14 utility commissioner appointed by the Governor and confirmed by
15 both chambers of the General Assembly between February 1, 2019, and
16 June 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,

20 2019, 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

53 management pay plan salary group seventy-seven.

54 (e) To insure the highest standard of public utility regulation, on
55 and after October 1, 2007, any newly appointed utility commissioner of
56 the authority shall have education or training and three or more years
57 of 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
67 prescribe the duties of the staff assigned to the authority in order to (A)
68 conduct comprehensive planning with respect to the functions of the
69 authority; (B) cause the administrative organization of the authority to
70 be examined with a view to promoting economy and efficiency; and
71 (C) organize the authority into such divisions, bureaus or other units
72 as necessary for the efficient conduct of the business of the authority
73 and may from time to time make recommendations to the
74 Commissioner of Energy and Environmental Protection regarding staff
75 and resources.

76 (2) The chairperson of the Public Utilities Regulatory Authority, in
77 order to implement the comprehensive planning and organizational
78 structure established pursuant to subdivision (1) of this subsection,
79 shall (A) coordinate the activities of the authority and prescribe the
80 duties of the staff assigned to the authority; (B) for any proceeding on a
81 proposed rate amendment in which staff of the authority are to be
82 made a party pursuant to section 16-19j, determine which staff shall
83 appear and participate in the proceedings and which shall serve the
84 [members] utility commissioners of the authority; (C) enter into such
85 contractual agreements, in accordance with established procedures, as

86 may be necessary for the discharge of the authority's duties; (D) subject
87 to the provisions of section 4-32, and unless otherwise provided by
88 law, receive any money, revenue or services from the federal
89 government, corporations, associations or individuals, including
90 payments from the sale of printed matter or any other material or
91 services; and (E) require the staff of the authority to have expertise in
92 public utility engineering and accounting, finance, economics,
93 computers and rate design.

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

109 (h) 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, shall accept other employment which will either
113 impair his or her independence of judgment as to his or her official
114 duties or employment or require him or her, or induce him or her, to
115 disclose confidential information acquired by him or her in the course
116 of and by reason of his or her official duties.

117 (i) 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, shall wilfully and knowingly disclose, for pecuniary
121 gain, to any other person, confidential information acquired by him or
122 her in the course of and by reason of his or her official duties or
123 employment or use any such information for the purpose of pecuniary
124 gain.

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

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

152 termination of his or her service as a utility commissioner.

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

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

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

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

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

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

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

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

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