



Senate

General Assembly

File No. 388

February Session, 2024

Senate Bill No. 336

Senate, April 10, 2024

The Committee on Planning and Development reported through SEN. RAHMAN of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE METROPOLITAN DISTRICT OF HARTFORD COUNTY'S INDEPENDENT CONSUMER ADVOCATE.

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

1 Section 1. Section 7-334a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) There is established an Independent Consumer Advocate to act as
4 an independent advocate for consumer interests in all matters which
5 may affect Metropolitan District of Hartford County consumers,
6 including, but not limited to, rates, water quality, water supply and
7 wastewater service quality. Costs related to the Independent Consumer
8 Advocate, including, but not limited to, hourly fees and necessary
9 expenses shall be paid for by the district. The annual amount of such
10 costs shall not exceed seventy thousand dollars [for the first year and
11 fifty thousand dollars for each year thereafter,] unless there is a
12 demonstration of substantial need made by the Independent Consumer
13 Advocate and approved by the [board of directors of the district]
14 Consumer Counsel appointed pursuant to section 16-2a.

15 (b) The Independent Consumer Advocate may appear and
16 participate in Metropolitan District of Hartford matters or any other
17 federal or state regulatory or judicial proceeding in which consumers of
18 the district are or may be involved. The Independent Consumer
19 Advocate, in carrying out his or her duties, shall [:(1) Have] (1) have
20 access to the records of the district, (2) have the right to make a
21 reasonable number of copies of district records, (3) be entitled to call
22 upon the assistance of the district's technical and legal experts, and (4)
23 have the benefit of all other information of the district, except for
24 employment records and other internal documents that are not relevant
25 to the duties of the Independent Consumer Advocate.

26 (c) ~~[(1)]~~ The Independent Consumer Advocate shall be a member of
27 the bar of this state and shall have private legal experience in public
28 utility law and policy but shall not be a member of the district's board
29 of directors or a person who has or may have conflicts of interest, as
30 defined by the Rules of Professional Conduct, in representing the
31 district's consumers as a class. ~~[(2) Prior to November 1, 2017, and prior~~
32 ~~to November first in each odd-numbered year thereafter, the Consumer~~
33 ~~Counsel, appointed pursuant to section 16-2a,] The Consumer Counsel~~
34 ~~shall select the Independent Consumer Advocate to serve for a two-year~~
35 ~~term commencing on the [following] first day of January in each odd-~~
36 ~~numbered year, except that the length of any term and the dates of~~
37 ~~commencement and expiration of any term may be altered at the~~
38 ~~discretion of the Consumer Counsel in the event of a vacancy or in the~~
39 ~~best interests of the district's consumers.~~ The Independent Consumer
40 Advocate may be terminated by the Consumer Counsel prior to the
41 completion of a two-year term only for misconduct, material neglect of
42 duty or incompetence. ~~[(3)]~~ The Independent Consumer Advocate shall
43 be independent of the district's board of directors and may not be
44 removed by the district's board of directors for any reason. The district's
45 board of directors shall not direct or oversee the activities of the
46 Independent Consumer Advocate. The district's board of directors shall
47 cooperate with reasonable requests of the Independent Consumer
48 Advocate to enable the Independent Consumer Advocate to effectively
49 perform his or her duties and functions.

50 (d) [(1)] The Independent Consumer Advocate shall prepare reports
 51 of his or her activities and submit such reports at the end of each
 52 calendar quarter to the district, the chief elected official of each [town]
 53 municipality receiving service from the district and to the Consumer
 54 Counsel. Such quarterly reports shall be posted on the Internet web sites
 55 of the district and the Consumer Counsel. [(2)] The Independent
 56 Consumer Advocate shall hold an annual public forum on the second
 57 Wednesday of October each year at a location where the district holds
 58 hearings, for the purpose of describing the recent activities of the
 59 Independent Consumer Advocate and receiving feedback from
 60 consumers. The district shall publicize the public forum through an
 61 announcement at the preceding scheduled meeting of the district, on its
 62 Internet web site and in a notice on or attached to its consumer bills. The
 63 Independent Consumer Advocate may hold additional public forums
 64 as he or she deems necessary.

65 (e) Nothing in this section shall be construed to prevent any
 66 interested person, including, but not limited to, any individual
 67 consumer or group of consumers, from participating in any
 68 Metropolitan District of Hartford meeting or hearing on [their own]
 69 such person's behalf or through counsel.

70 (f) The Metropolitan District of Hartford shall promptly adopt any
 71 changes to its rules, regulations or other governing documents
 72 necessary to carry out the requirements of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	7-334a

PD *Joint Favorable*

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: See Below

Explanation

The bill increases the maximum annual costs for the consumer advocate from \$50,000 to \$70,000 and makes changes to the advocate's term length. This may result in a cost to the Metropolitan District Commission (MDC) of up to \$20,000 in FY 25 and FY 26 as the MDC pays the costs for the consumer advocate.¹ There is a potential cost to the MDC member and some non-member towns to the extent that the MDC increases water and sewer usage fees or imposes assessments on member towns to cover the additional costs.²

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ MDC is a public non-profit municipal corporation established by the General Assembly.

² Member towns include Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield, and Windsor. Non-member towns that the MDC provides drinking water to include Farmington, Glastonbury, East Granby, and South Windsor.

OLR Bill Analysis**SB 336*****AN ACT CONCERNING THE METROPOLITAN DISTRICT OF HARTFORD COUNTY'S INDEPENDENT CONSUMER ADVOCATE.*****SUMMARY**

By law, the consumer counsel must appoint an independent consumer advocate to advocate for and represent Metropolitan District Commission (MDC) customers in matters that may affect them, (e.g., rates, water quality, water supply, and wastewater service quality) and MDC must pay the consumer advocate's costs. This bill increases, from \$50,000 to \$70,000, the maximum annual amount for these costs, unless the advocate demonstrates substantial need for additional funds. The bill requires the consumer counsel, rather than MDC's board, to approve these additional expenses.

The bill also removes the requirement that the consumer counsel appoint the advocate by November in advance of the advocate's term, which under the bill starts January 1 in odd-numbered, rather than even-numbered, years. The bill gives the consumer counsel discretion to change the advocate's term length, start date, and expiration date if there is a vacancy or it is in MDC's consumers' best interests.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2024

BACKGROUND***Consumer Counsel***

The consumer counsel heads the Office of the Consumer Counsel, which advocates for consumer interests in matters that may affect Connecticut consumers with utility companies, electric suppliers, and

certified telecommunications providers.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 21 Nay 0 (03/22/2024)