



## **OCC Appears before Connecticut Supreme Court Regarding Multi-Million Dollar Contractual Pricing Dispute**

On April 21, 2015, the Office of Consumer Counsel (“OCC”) participated on behalf of the ratepayers before the Connecticut Supreme Court in the matter of Kleen Energy Systems, Inc. v. Connecticut Department of Energy and Environmental Protection, Public Utilities Regulatory Authority, et al. In this case, at issue was whether Kleen Energy Systems, Inc. (“Kleen”), who contracted to provide power capacity to the Connecticut Light & Power Company (“CL&P”), waived its contractual right to seek arbitration of a pricing determination made by the Public Utilities Regulatory Authority (“PURA”). Kleen is alleged by the co-defendants to have waived its arbitration rights through its participation in proceedings before PURA involving essentially the same contractual pricing dispute that were brought by parties similarly situated to Kleen. Also at issue was whether PURA even had jurisdiction to decide the waiver issue or the pricing dispute. Plaintiff, Kleen, is now seeking arbitration of the pricing dispute, while co-defendants PURA, OCC, and CL&P argued to the Supreme Court that the right to arbitration was waived by Kleen, as had been found by the Superior Court. Several millions of ratepayer dollars are at stake if the Supreme Court rules that arbitration rights still exist and if PURA’s ruling on the pricing dispute is overturned or modified in arbitration.

The case was effectively argued by all counsel present, including Michael Kurs of Pullman & Comley for plaintiff and Seth Hollander, AAG, for PURA, Vincent Pace for CL&P, and OCC’s own Joe Rosenthal for the co-defendants. A ruling is expected within the next few months.