

Fiscal Year 2020-2021



At a Glance

Office of Consumer Counsel

RICHARD E. SOBOLEWSKI, *Acting Consumer Counsel*

Established - 1975

Statutory authority - Connecticut General Statute §16-2a

Central office - Ten Franklin Square, New Britain, CT 06051

Number of employees – 12 (13 Authorized)

Recurring operating expenses - \$3,074,555

Organizational structure – Independent office. Department of Energy and Environmental Protection provides administrative support pursuant to Public Act 11-80.

Mission

The Office of Consumer Counsel serves as a strong independent voice for Connecticut’s public utility and telecommunications consumers through advocacy and customer education.

Statutory Responsibility

The Office of Consumer Counsel’s (“OCC”) statutory responsibilities include:

- Advocating for Connecticut’s ratepayers in all matters relating to public service companies, electric suppliers, certified video service providers, and certified telecommunications providers;
- Participating in any regulatory or judicial proceedings, federal or state, that involve the interests of Connecticut utility ratepayers, or matters affecting utility services provided in Connecticut;
- Representing utility ratepayers and consumers as a party to each contested docket before the Public Utilities Regulatory Authority (“PURA”);
- Appealing decisions, orders, or authorizations in any state regulatory proceeding impacting utility ratepayers;

- Addressing issues involving rate increases and ratepayer-funded programs, as well as matters concerning the reliability, maintenance, operations, infrastructure, and quality of service of utility companies, suppliers and providers; and
- Working actively with the Connecticut General Assembly, including the Energy and Technology Committee, in developing utility-related legislation in the best interests of consumers.

In addition to these statutory responsibilities, as of July 1, 2015, the Office of State Broadband (“SBO”) was established within OCC by the General Assembly. SBO is responsible for facilitating the availability of broadband access to every state citizen and increasing access to and adoption of high-speed broadband internet access networks in Connecticut. Activities of the SBO are discussed below.

Improvements/Achievements Fiscal Year 2020 – 2021

In Fiscal Year 2020-2021, OCC continued to operate as a fully independent state agency committed to effectively carrying out its statutory mandate. Despite operating during a pandemic without in-person hearings, audits, inspections, technical meetings, and reduced in-office work, the office continues to work diligently to fulfill its mission. This Report covers July 2020- July 2021.

OCC’s specific achievements this Fiscal Year include:

- **Savings to Consumers:** OCC achieved over \$500 million dollars in direct savings to Connecticut ratepayers in the 2020-2021 Fiscal Year through OCC’s advocacy (along with other allies and stakeholders, including fellow state agencies) in dockets before PURA, state court decisions, and advocacy in matters before the Federal Energy Regulatory Commission (“FERC”), including the following:
 - a. \$213 million in annual savings for Eversource/Connecticut Light & Power customers for the third year of the rate plan approved in the rate the rate case settlement;
 - b. \$56 million in ratepayer benefits for Yankee Gas Company customers for the third year of the rate plan approved in rate case settlement;
 - c. \$13 million in ratepayer benefits for Southern Connecticut Gas Company customers for the third year of the rate plan approved in rate case settlement;
 - d. \$9 million in ratepayer benefits for Connecticut Natural Gas Corporation customers for the third year of the rate plan approved in rate case settlement;
 - e. \$93 million in continued annual savings from the United Illuminating (“UI”) Rate Plan;
 - f. Continued rate freeze for Aquarion Water Company customers;
 - g. Customer bill savings and ratepayer benefits of approximately \$16 million for Connecticut Water Company customers associated with extending a base rate freeze in merger proceeding with San Jose Water; and
 - h. Negotiated rate freezes and overearning settlements with smaller water companies.

- **Advocacy in PURA Dockets:** OCC was a party in over 400 dockets during Fiscal Year 2020-2021 that were opened or re-opened by PURA. Some key dockets include:
 - a. In Docket No. 10-03-11RE03, *Investigation Into Town Square Energy, LLC – Marketing*, OCC entered into an assurance of voluntary compliance with the Attorney General, PURA EOE, and Town Square Energy, LCC in order to resolve a long-standing investigation into Town Square Energy’s marketing of third-party supply products to Connecticut consumers. The AVP required Town Square Energy to make a \$400,000 payment to Operation Fuel, cease all marketing in Connecticut for 15 months, and submit to a PURA-approved compliance and monitoring program.
 - b. In Docket No. 16-06-04, *Application Of The United Illuminating Company To Increase Its Rates And Charges*, PURA issued an order directing UI to disperse ratepayers’ share of the company’s earnings sharing mechanism (“ESM”) to a third-party nonprofit organization rather than the company’s ratepayers, as was approved in UI’s last rate case. OCC opposed PURA’s order and requested reconsideration, arguing that PURA’s order violates the terms of the rate case, the filed rate doctrine, and that PURA substantially failed to abide by the due process requirements plainly provided under its own operative statutes and the Uniform Administrative Procedure Act., OCC also argued that the practical effect of PURA’s order would result in a rate increase of nearly nine million dollars across all classes of ratepayers. Multiple parties subsequently filed in support of OCC’s opposition. In response, PURA reopened UI’s rate case as Docket No. 16-06-04RE03 for the alleged purpose of revisiting UI’s previously approved ESM. Following PURA’s issuance of a Final Decision that failed to adhere to Connecticut law, OCC was forced to seek an appeal in Superior Court to ensure that ratepayer dollars are properly returned to them and not arbitrarily reappropriated. The Superior Court agreed with OCC and vacated PURA’s Decision in *Office of Consumer Counsel v. Public Utilities Regulatory Authority*, HHB-CV-206062373-S (Jan. 14, 2021, Klau, J.) Accordingly, ratepayers received their ESM refund and the Superior Court Decision sets important precedent regarding PURA’s ability to alter ESM refunds in the future.
 - c. In Docket No. 16-12-29, *PURA Development Of Voluntary Renewable Options Program*, OCC continued its advocacy in a long-running proceeding to consider modifications to the State’s Clean Energy Options Provider program as well as modifications as to how third-party suppliers may market and source renewable energy generation supply offers to Connecticut customers. On October 21, 2020, PURA issued a Final Decision requiring third-party suppliers selling “voluntary renewable offers” to adhere to a new series of marketing and REC sourcing requirements. OCC supported the Decision, which provides greater transparency to consumers regarding third-party supply offers on the market. Several suppliers and aligned trade groups appealed to the Superior Court and OCC intervened and defended the PURA Decision, which was ultimately upheld. *See Direct Energy Services, LLC v. Public Utilities Regulatory Authority*, HHB-CV21-6063122-S (July 23, 2021, Klau, J.) The Appellants thereafter appealed the Superior Court’s Decision to the Appellate Court, which remains pending.

- d. In Docket No. 17-12-03RE01, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies – Energy Affordability*, PURA completed the four tracks of its 100-day Sprints initiative, in which it examined four aspects of energy affordability in the context of programming aimed at assisting the State’s most vulnerable citizens: Utility-Agency Coordination on Identifying Hardship Eligibility, Utility Benchmarking, Guidance for Medical Hardship Recipients, and Targeted Marketing Campaign. The OCC fully participated in all 4 Sprint tracks, as well as in provided input to PURA on the proposed recommendations of the Prosecutorial Team assigned to the investigations.
- e. In Docket No. 17-12-03RE02, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies – Advanced Metering Infrastructure*, PURA is investigating the topic of AMI for the EDCs, including but not limited to developing a business case for statewide smart meter deployment in Connecticut as appropriate, as well as enhancing the utilization of existing assets. PURA will also consider the business case for technologies and systems related to smart meter deployment, including information technology, data management, DER management, and billing systems, among others. The final decision of this reopened proceeding may outline service territory-specific implementation details to be vetted in a subsequent contested case rate proceeding, where appropriate. OCC has fully participated in this proceeding, with additional comment on EDC AMI plans slated for November of 2021.
- f. In Docket No. 17-12-03RE03, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies – Electric Storage*, PURA investigated and outlined foundational elements to be developed to implement a statewide energy storage program geared toward achieving the goals of the State’s carbon-reduction initiative, and the directives of Public Act 21-53. Much of the OCC’s advocacy in this matter centered around cost-containment, pragmatic decision making regarding the deployment of technologies that are expected to become less expensive in the coming years, and disposal concerns. Following the July 28, 2021 Decision, the next year will include dockets formed to finalize process and implementation details as outlined in the July 28 Decision. The OCC looks forward to continued involvement and contribution as the state moves forward to implementing this energy storage program.
- g. In Docket No. 17-12-03RE04, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies – Zero Emission Vehicles*, PURA investigated and began to design a framework to enable and encourage the deployment of charging infrastructure for electric vehicles (EVs) in Connecticut. Throughout the proceeding, OCC advocated for cost control measures including but not limited to: the development of and meaningful reliance upon a cost benefit analysis; consideration of the contributions of the private market and federal government programs that would not depend upon ratepayer funds; and a clear program budget. PURA issued a final decision on July 14, 2021, which appears to have considered and incorporated some of OCC’s suggestions. The decision calls for several important elements of the program to be designed and approved over the coming months, and OCC looks forward to continuing its participation and advocacy.

- h. In Docket No. 17-12-03RE05, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies – Innovative Technology Applications And Programs (Innovation Pilots)*, PURA is investigating the creation of an Innovative Pilots Program that would increase development and employment of potential new technologies to benefit ratepayers. OCC has consistently participated in this proceeding to ensure that ratepayer dollars are not unwisely spent on pilot programs that may not yield any actual benefits. A Final Decision remains pending in this investigation, and although PURA has entertained some of OCC’s suggestions, OCC harbors significant concerns that ratepayer dollars may be spent in an unbeneficial manner.
- i. In Docket No. 17-12-03RE06, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies – Interconnection Standards and Practices*, PURA investigated the development of interconnection standards, a process which OCC was supportive of throughout. OCC subsequently participated in a Working Group to develop a structure and bylaws for a standing Interconnection Working Group to address interconnection issues in Connecticut. OCC remains a member of that Group, with two members of the OCC staff serving as designees.
- j. In Docket No. 17-12-03RE07, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies – Non-Wires Alternatives*, PURA is investigating whether there is a need to consider alternatives to traditional electric infrastructure in certain circumstances, such as where a solar/storage project might be preferable to a traditional hardwired grid connection. PURA recently released a Straw Proposal that would empower a third-party administrator, in concert with OCC, DEEP, and other stakeholders, to determine whether there are more cost-effective or carbon-neutral alternatives to major planned utility investments. OCC looks forward to continuing to participate in this process.
- k. Docket No. 17-12-03RE08, *PURA Investigation into Distribution System Planning of the Electric Distribution Companies Resilience and Reliability Standards and Programs*, will include PURA’s investigation of the overall effectiveness of the electric distribution companies’ current resilience and reliability programs, as well as establish metrics and targets to measure the effectiveness of resilience and reliability programs, and improve their cost-effectiveness. Technical meetings to begin at the end of August 2021.
- l. In Docket No. 17-12-03RE09, *PURA Investigation Into Distribution System Planning Of The Electric Distribution Companies - Clean And Renewable Energy Resource Analysis And Program Reviews*, PURA set out to review the Distributed Energy Resources’ (“DER”) implementation processes, identify key performance metrics, and establish centralized reporting requirements to track deployment levels, costs, and other data associated with these programs, such as greenhouse gas emission reductions. The OCC participated in technical meetings, discovery review, and briefing. At this time, no decision has issued in this docket but much of the docket’s work has continued in Docket Nos. 20-07-01 and 21-08-02.

- m. Docket No. 17-12-03RE11, *PURA Investigation into Distribution System Planning of the Electric Distribution Companies – New Rate Designs and Rates Review*, was initiated following the ratification of Public Act 20-5, An Act Concerning Emergency Response By Electric Distribution Companies, The Regulation Of Other Public Utilities And Nexus Provisions For Certain Disaster-related Or Emergency-related Work Performed In The State. The Authority has divided this docket into four phases, the first two of which have been completed (regarding and optional volumetric tariff for certain Commercial and Industrial customers and the review and allowance of a settlement agreement in which the United Illuminating Company will employ certain measure to mitigate a rate increase). Still under investigation are an interim rate decrease and exploration of low income and business development rates. The OCC has actively participated in all phases of this docket and supports its goals.

- n. In Docket No. 18-12-22, *Investigation Into Amnesty For Suppliers For Conn. Gen. Stat. § 16-245d(A)(2) Next Cycle Rate Violations*, PURA initiated a proceeding to explore granting amnesty from civil penalties to those electric suppliers offering refunds to their customers that have been overcharged due to next cycle rate billing errors investigated in Docket No. 14-07-19RE05. OCC advocated that suppliers seeking amnesty should be required to refund all customers, past and present, the full amount that they were overcharged, an approach that PURA pursued via Interim Draft Decision. Multiple suppliers have submitted amnesty plans to PURA, which are in the process of being audited. To date, numerous suppliers have had their plans approved and issued refunds in the form of bill credits to consumers worth hundreds of thousands of dollars in sum. OCC staff participated in multiple billing audits in the process of assisting PURA’s approval of refund plans that returned millions to customers. This proceeding has since concluded and OCC continues to monitor the supplier market to ensure that such issues do not arise again.

- o. In Docket Nos. 19-07-01/19-07-01RE02, *Review Of Statewide Shared Clean Energy Facility Program Requirements*, over the past year the underlying statewide Shared Clean Energy Facilities (SCEF) procurement process continued with challenges to the bid selection process, including an administrative appeal to the Superior Court (see below “*Fuel Cell Energy v. Public Utilities Regulatory Authority*, HHB-CV-21-6013367-S”). Additionally, revisions to the Department of Energy and Environmental Protection’s (DEEP)’s proposed statewide the Shared Clean Energy Facility (“SCEF”) program requirements were reviewed and adopted by PURA. The OCC remains active in and strongly supportive of the launch and refinement of the SCEF program and one of its goals: that underserved communities are its beneficiaries.

- p. In Docket No. 19-08-21, *Application Of Residents Energy, LLC For A Connecticut Electric Supplier License*, OCC entered into a settlement with PURA EOE and Residents Energy, LLC to resolve a series of door-to-door marketing violations that involved false and deceptive representations to consumers regarding third-party supply products. The settlement required Residents Energy to make a \$300,000 payment to Operation Fuel, withdraw from the Connecticut market for 3 years, and have no violations in other states when seeing to reenter Connecticut.

- q. In Docket No. 19-12-25, *Petition Of Northland Investment Corporation For A Declaratory Ruling As To The Authority's Application Of C.G.S. Sec. 16-262e To Allocation Of Utility Expenses In Rent*, PURA addressed the legality of “ratio utility billing systems” (RUBS) under Connecticut law upon request of a residential apartment complex owner. OCC strongly advocated against RUBS, which based on its reading of the relevant statute, would violate Connecticut law as well as unfairly saddle tenants with energy costs for which they were not solely responsible. PURA’s Final Decision confirmed that RUBS do not reflect a tenant’s exclusive use of utility services and therefore unpermitted by law. In doing so, PURA adopted OCC’s relevant positions. Following that Decision, the petitioner appealed to the Superior Court, where OCC intervened to ensure consumers are adequately represented. The Superior Court remanded the appeal to PURA for consideration of an additional issue, which remains pending. OCC will continue to advocate in support of PURA’s Decision in subsequent stages of the proceeding.
- r. In Docket No. 20-02-13, *Joint Investigation by DPH and PURA of Carefree Homeowners Association, Lebanon, Connecticut*, the OCC successfully advocated for its pro-ratepayer position that small water systems cannot be involuntarily acquired by larger water companies unless and until there is a full adjudication of the small water system’s non-viability. In turn, a larger water system cannot be awarded a Return on Equity Premium for its acquisition of a smaller water system unless such system was previously adjudged to be non-viable. OCC’s position and PURA’s aligned decision in this docket protect the interests of ratepayers by ensuring that large water companies cannot collect ratepayer-funded premiums without adhering to the statutorily mandated process.
- s. Docket Nos. 20-03-01 and 21-01-03 are the annual proceedings in which PURA reviews and trues up Eversource Energy’s prior year’s revenue recovery via its Rate Adjustment Mechanisms (“RAM”). Based on PURA’s directive from 20-01-01, the review of the Company’s 2020 RAM followed a different process and timing and includes two phases. In both year’s cases, the OCC has retained subject matter expert consultants, propounded significant discovery, participated in evidentiary hearings and presented briefs and oral arguments for PURA’s consideration. The OCC continues to tirelessly advocate for ratepayer impact awareness and pragmatic recovery processes by the Company.
- t. Similarly, Docket Nos. 20-03-02 and 21-01-04, are the annual proceedings in which PURA reviews and trues up United Illuminating’s prior year’s revenue recovery via its Rate Adjustment Mechanisms (“RAM”). Just as was true with the Eversource dockets as noted above, the review of the United Illuminating’s 2020 RAM followed a different process and timing and includes two phases this year, based on PURA’s directive from 20-01-01. The OCC joined PURA’s Office of Education, Outreach and Enforcement; the Office of the Attorney General; and DEEP in a settlement agreement with United Illuminating which will amortize the Company’s collection of RAM components over a 2-year period, after such components are reviewed for prudence and approved via Docket 21-01-04. This agreement, which has been approved by PURA, will smooth the bill impact of the RAM components for ratepayers. OCC continues to actively participate in the prudence review of these components as the docket continues.

- u. In Docket No. 20-03-14, *PURA Investigation Of Utility Pole Owners' Compliance With Orders Related To Pole Attachments*, PURA commenced to investigate whether utility pole owners (Frontier, Eversource, United Illuminating and Verizon) had complied with various PURA decisions and orders with respect to applications to attach to those poles, mostly from competitive telecommunications and broadband providers. OCC served extensive interrogatories on the pole owners to assist PURA in determining whether they have fully complied with PURA orders and participated in hearings. PURA issued fines to each of these pole owners for non-compliance with PURA orders.
- v. Docket No. 20-03-15, *Emergency Petition Of William Tong, Attorney General For The State Of Connecticut, For A Proceeding To Establish A State Of Emergency Utility Shut-Off Moratorium*, continues to be active as the COVID-19 pandemic persists. Last year, the Attorney General petitioned PURA to impose a residential utility shut-off moratorium in response to the COVID-19 pandemic. OCC filed in support of the Attorney General's petition, which PURA ultimately granted. PURA continues to explore other avenues by which to assist utility customers during the pandemic and associated economic downturn, as well as to follow the public utility companies' compliance with certain orders related to pandemic-related repayment programs. In the past year, OCC has consistently filed in support of relief that would assist ratepayers dealing with the challenges of the Covid-19 pandemic. OCC continues to be an active participant in this proceeding to ensure that the needs of ratepayers are adequately considered as we remain mired in these unprecedented times and aftermath of the pandemic.
- w. In Docket No. 20-04-31, *The Southern New England Telephone Company D/B/A Frontier Communications Of Connecticut (SNET) Bankruptcy Proceeding And Change Of Control*, PURA reviewed a petition from Frontier Communications to reorganize its corporate structure in accordance with a plan approved by the United States Bankruptcy Court. OCC actively monitored Frontier Communications' Chapter 11 bankruptcy case and fully participated in related PURA proceedings. With a particular focus on ensuring that Frontier's network in Connecticut reaps the benefits of financial and corporate restructuring that Frontier asserted in both its bankruptcy case and the PURA proceeding, OCC advocated against PURA's approval of Frontier's petition on the grounds that Frontier had failed to demonstrate sufficiently reliable plans to improve its Connecticut operations. PURA issued a decision which adopted many of OCC's recommendations, including requirements for Frontier to expand its fiber optic investments in our state, maintain its headquarters in Norwalk, maintain Connecticut employee headcounts, and several other consumer protection measures. OCC continues to monitor Frontier's compliance with PURA's orders.
- x. In Docket Nos. 20-06-14, *Application of GenConn Energy LLC for Establishment of 2021 Revenue Requirements*, and 20-06-30, *Application of PSEG New Haven for Establishment of 2021 Revenue Requirements*, PURA evaluated the revenue applications of Connecticut's peaking generation providers, which provide excess generation to the grid when load demand exceeds the normal range. OCC actively participated in both dockets. GenConn sought an increase of \$2.118 million for its already-incurred 2020 expenses, and a total 2021 revenue requirement of \$52.624 million. The OCC advocated

that only prudently incurred costs should be eligible for recovery. PURA ultimately disallowed a total of \$0.899 million of GenConn's 2020 costs, and limited 2021 revenue to \$49.338 million. The OCC supported this reduction to the burden of Connecticut ratepayers, and has intervened in GenConn's appeal of PURA's decision to Superior Court, as discussed further below.

- y. In Docket No. 20-07-01, *PURA Implementation of Section 3 of Public Act 19-35, Renewable Energy Tariffs and Procurement Plans*, participants assisted PURA with the design and implementation of new residential and commercial/industrial solar energy tariffs. OCC advocated throughout the docket for a balance of costs and benefits between participants and non-participants, and that the programs should achieve net-zero generation in excess of load so as to avoid creating a ratepayer subsidized revenue source for program participants. PURA issued decisions establishing some program targets and incentives, but the tariffs will be finalized and implemented via Docket Nos. 21-07-01RE01 and 21-08-02. OCC continues its advocacy on behalf of ratepayer interests as these dockets develop.
- z. The OCC actively participated in the annual review in 20-07-04, *Application of The Connecticut Light and Power Company and Yankee Gas Services Company, each individually d/b/a Eversource Energy, The United Illuminating Company, Connecticut Natural Gas Corporation, and The Southern Connecticut Gas Company for Approval of Arrearage Forgiveness Program 2020-2021*. The OCC reviewed and provided feedback on the Companies' Arrearage Forgiveness plans via its brief and participated in a technical meeting. The 2020 review had an additional focus on relief and streamlining of approval procedures for households suffering compounded economic consequences as a result of the pandemic.
- aa. In Docket No. 20-08-03, *Investigation Into Electric Distribution Companies' Preparation For And Response To Tropical Storm Isaias*, PURA initiated an investigation into the EDCs' electricity restoration response to Tropical Storm Isaias. OCC fully participated in the proceeding by propounding hundreds of interrogatories, conducting cross examination at multiple hearing days, and submitting briefs making recommendations regarding the EDCs' storm performance. In addition, in coordination with DEEP and the Connecticut Conference of Municipalities, OCC developed and disseminated a survey to all Connecticut municipalities regarding their opinions on the EDCs' storm response. On April 28, 2021, PURA issued a Final Decision substantially revamping how the EDCs prepare for and respond to storms. OCC supported the Decision, which took into account many of OCC's recommendations. Both Eversource and UI ultimately appealed the Decision to Superior Court, which remains pending. *See The Connecticut Light & Power Company v. Public Utilities Regulatory Authority*, HHB-CV-21-6066605-S / *The United Illuminating Company v. Public Utilities Regulatory Authority*, HHB-CV21-6066639-S. OCC has intervened in both appeals and intends to defend the PURA Decision.
- bb. In Docket No. 20-08-03RE01, *PURA Consideration Of Civil Penalty And Enforcement Action Against The Electric Distribution Companies After Storm Isaias Investigation*, PURA considered and assessed substantial civil penalties against the EDCs in response to

their performance after and before Tropical Storm Isaias. OCC strongly supported the imposition of civil penalties, the majority of which would flow back to ratepayers through a bill credit. Both Eversource and UI appealed the civil penalty assessments to the Superior Court. OCC has intervened in both appeals and intends to defend the return of the penalty money to ratepayers. *See The Connecticut Light & Power Company v. Public Utilities Regulatory Authority*, HHB-CV21-60667799-S / *The United Illuminating Company v. Public Utilities Regulatory Authority*, HHB-CV21-6067807-S.

- cc. In Docket No. 20-10-31 *Application of Jewett City Water Company to Amend Rates*, the OCC was instrumental in decreasing the request by approximately \$120,000.
- dd. In Docket No. 20-11-14, *Application of Valley Water Systems, Inc. For Amendment of Rate Schedule*, OCC actively participated in the review of a requested rate increase by Valley Water Systems. OCC propounded multiple interrogatories and cross-examined company witnesses at evidentiary hearings. Ultimately, OCC filed a brief requesting a significant reduction in the requested rate increase. Subsequently, OCC entered into a settlement with Valley Water Systems and the Town of Plainfield that would resolve the rate request to the benefit of ratepayers when compared to the initial application. The parties submitted the settlement to PURA, which remains pending.
- ee. In Docket No. 20-12-30, *Application of the Connecticut Water Company to Amend its Rate Schedule*, the OCC launched a full investigation into the Company's proposed rate plan, which involved review and testimony by three subject matter expert consultants, propounding discovery, filing a brief, reply brief, and written exceptions, testifying and conducting cross examination in the evidentiary hearing and participating in oral argument. PURA rendered its final decision on July 28, 2021, which the OCC supported for its favorable outcome for ratepayers. Currently two parties the Connecticut Water Company and the Town of Enfield have petitions for reconsideration of certain finite elements of the decision pending; PURA allowed the CWC petition, but denied the Town of Enfield's petition. The OCC will continue to be involved in the adjudication of the CWC petition.
- ff. In Docket No. 20-12-46, *PURA Implementation Of Residential Customer Credit And Reimbursements By Electric Distribution Companies For Storm-Related Outages*, PURA convened a proceeding pursuant to Public Act 20-5 to consider the implementation of certain provisions of that statute requiring the EDCs to pay daily outage credits and provide reimbursement for spoiled food and medicine in the event of prolonged power outages. Throughout, OCC assisted PURA in interpretation of the statute and by offering implementation strategies that would inure to the benefit of consumers. PURA issued a Final Decision, which OCC fully supported, that took into substantial account OCC's recommendations. OCC looks forward to consumers enjoying these additional benefits in the future.
- gg. OCC also actively participated in two proceedings at PURA concerning pole attachments. In Docket No. 19-01-52, *PURA Investigation Of Developments In The Third Party Pole Attachment Process*, PURA established an optional "self-help" vehicle for pole attachers

to utilize in the engineering phase of pole applications. In Docket No. 03-03-07RE01, *DPUC Review Of Public Utility Structures And Poles Within Municipal Rights Of Way – Compliance Review*, PURA continues to monitor the performance of pole owners to remove double poles from public streets and highways.

hh. In the fiscal year, OCC also initiated two investigations at PURA regarding consumer issues that occurred in Connecticut. In Docket No. 21-04-09, *Petition Of The Office Of Consumer Counsel For An Investigation Into The Aquarion Water Company For Catastrophic Flooding Associated With A Substation Located In The Vicinity Of Anderson Road, Greenwich, Connecticut*, OCC filed a Petition with PURA requesting an investigation into the Aquarion Water Company of Connecticut regarding a significant series of main breaks in Greenwich that caused substantial damage to residential property and town infrastructure. In Docket No. 21-08-24, *Petition Of William Tong, Attorney General For The State Of Connecticut, And The Office Of Consumer Counsel For An Investigation Into Eversource Energy Regarding Gas Expansion Marketing*, OCC and the Attorney General filed a Petition with PURA requesting an investigation into Yankee Gas Services regarding potential deceptive marketing of the gas expansion program to residential customers in South Windsor.

- **Legislative Advocacy:** The Office of Consumer Counsel actively participated in the 2021 legislative session, testifying on numerous utility, broadband and telecommunications measures.
 - a. Special session Proposed Bill No. 3920, *An Act Concerning Emergency Response by Electric Distribution Companies and Revising the Regulation Of Other Public Utilities;*
 - b. S.B. No. 937 *An Act Concerning Emergency Response Planning and Video Service Wire Removal;*
 - c. H.B. No. 6571, *An Act Concerning The Commercial Property Assessed Clean Energy Program;*
 - d. S.B. No. 952 *AN ACT concerning Certain Solar Energy Projects;*
 - e. Governor’s Bill 882, *An Act concerning climate change mitigation and home energy affordability;*
 - f. S.B. No. 992, *An Act Concerning Utility Company Text Message Communications;*
 - g. S.B. No. 990, *An Act Preventing New Data Caps During Covid-19;*
 - h. S.B. No. 991. *An Act Articulating Fees on An Electric Distribution Customer’s Bill;*
 - i. H.B. 6526, *An Act Concerning Electric Suppliers;*

- j. S.B. 950, *An Act Concerning The Replacement Of Public Utility Poles And Revising Vegetation Management In utility Protection Zones*,
 - k. S.B. No. 862, *An Act Limiting Eligibility for the Residential Solar Investment Program and Preventing Distributed Energy Generation Solicitations from Segregating Large Projects*;
 - l. H.B. No. 6411, *An Act Moving the Office of Consumer Counsel within the Office of the Attorney General*; and
 - m. H.B. No. 6442, *An Act Concerning Equitable Access to Broadband which was enacted into law as Public Act No. 21-159*.
- **Federal Advocacy**: OCC continued to be involved this fiscal year with numerous cases at FERC and in the federal courts. Of note:
 - a. OCC continued to participate in the years-long litigation (FERC Docket #s EL13-33 EL14-86, and EL16-64) involving the investment returns earned by the high-voltage transmission lines by utilities in New England.
 - b. In FERC Docket No. RM20-10, the FERC issued a Notice of Proposed Rulemaking that would provide additional incentives to transmission owners. OCC joined in Written Comments filed by the other Connecticut agencies and other New England state entities opposing the proposed rulemaking, arguing that transmission owners are already justly compensated for their infrastructure investments and that the incentives detailed in the proposed rule would provide no additional corresponding value to ratepayers. e Supplemental Notice of Proposed Rulemaking (the “Supplemental NOPR”) issued on April 15, 2021, to which the OCC joined with the Connecticut Office of the Attorney General in comments. OCC intends to continue its involvement in this proceeding moving forward.
 - c. OCC also actively monitors relevant proceedings at the Federal Communications Commission.
 - **Advocacy in Court Cases**: In Fiscal Year 2020-2021, OCC was a party in 1 direct action in the Superior Court, 13 Administrative Appeals to the Superior Court, 1 Connecticut Appellate Court case, and 2 federal court appeals. Chief among those were:
 - a. *Windham Solar Litigation*. OCC continued its participation in a series of appeals brought by Windham Solar, LLC against PURA regarding certain claims pertaining to the LREC/ZREC program. In *Windham Solar, LLC v. Public Utilities Regulatory Authority*, HHB-CV-16-6035301-S, the Appellate Court reversed the Superior Court’s dismissal of Windham Solar’s administrative appeal and remanded the case for further proceedings. Similarly, OCC intervened in *Windham Solar, LLC v. Public Utilities Regulatory Authority*, HHD-CV-19-

6118790-S in which Windham Solar filed a Connecticut Environmental Protection Act suit against PURA over its management of the LREC/ZREC program. OCC entered into a settlement with Windham Solar and Eversource that resolved these appeals and other related matters.

- b. *Office of Consumer Counsel v. Public Utilities Regulatory Authority*, HHB-CV-20-6062372-S. As detailed above, OCC appealed PURA's Final Decision in Docket No. 16-06-04RE03, which illegally denied United Illuminating customers their refund of the company's overearnings and instead reappropriate those monies to only specific customers—rather than the general class of ratepayers—and further awarded those monies to cover operational expenses of a third-party organization. The Superior Court agreed with OCC that PURA had exceeded its statutory authority and discriminated among ratepayers in a manner unauthorized by statute. The Superior Court vacated PURA's Decision. The Court's Decision establishes important precedent under Title 16, namely PURA's authority to reallocate company overearnings and the important principle that ratepayers cannot be treated differently when all are legally entitled to a refund.
- c. *Northland Investment Corporation v. Connecticut Public Utilities Regulatory Authority*, HHB-CV-20-6061088-S. Following PURA's July 1, 2021 Decision in Docket No. 19-12-25, in which PURA denied Northland Investment Corporation's requested declaratory ruling that landlords may bill tenants for utility services using Ratio Utility Billing and upheld its prior determination that Ratio Utility Billing is not permissible under Connecticut law, Northland Investment Corporation sought judicial review. The OCC's motion to intervene was allowed on September 8, 2020. In an April 19, 2021 decision, the Court (Cohn, J.) remanded the case back to PURA for further consideration.
- d. *Fuel Cell Energy v. Public Utilities Regulatory Authority*, HHB-CV-21-6013367-S. Following PURA's rulings on several motions in Docket No. 19-07-01, *Review Of Statewide Shared Clean Energy Facility Program Requirements*, Fuel Cell Energy filed a petition for judicial review of those rulings on December 22, 2020. The OCC's motion to intervene was allowed on January 21, 2021. PURA filed a motion to dismiss, which the Court (Klau, J.) allowed on June 24, 2021, for lack of subject matter jurisdiction.
- e. *Direct Energy Services, LLC v. Public Utilities Regulatory Authority*, HHB-CV-21-6063122-S. In this appeal, several supplier business interests appealed PURA's Final Decision in Docket No. 16-12-29, which established important marketing and disclosure requirements that would have assisted consumers participated in the third-party supply market. OCC intervened, briefed the issues, and argued before the Superior Court that the Decision should be upheld, which the Court did in full on July 23, 2021. On August 12, 2021, Appellants initiated a direct appeal to the Appellate Court; AC 44890; challenging the Superior Court's Decision. OCC intends to continue its advocacy in that forum as well.
- f. *GenConn Energy LLC v. Public Utilities Regulatory Authority*, HHB-CV-21-6064030-S. Subsequent to the issuance of PURA's final decision in Docket No. 20-06-14, in which PURA disallowed a total of \$4.185 million of GenConn's requested revenue requirement,

GenConn sought judicial review. The OCC's motion to intervene was granted on March 1, 2021 and the matter is currently open and ongoing before the Superior Court.

- g. *Town of Enfield v. The Connecticut Water Company, Et Al.*, HHD-CV-21-6130874-S. The Town of Enfield filed this action to the Superior Court under its original jurisdiction. Enfield seeks a declaratory judgment clarifying that Enfield is not legally responsible for paying fire protection charges to The Connecticut Water Company. OCC opted to intervene out of concern that such a judgment could leave the responsibility for fire protection charges to ratepayers, and set a precedent that could lead to substantial rate impacts for all water customers in the state. OCC's motion to intervene was granted over Enfield's objection on November 24, 2020. The parties are currently engaged in the Alternative Dispute Resolution process while the matter remains pending before the Superior Court.
- h. *Tropical Storm Isaias Litigation*. Following PURA's Decisions in Docket Nos. 20-08-03 and 20-08-03RE01, both of the EDCs instituted administrative appeals of both decisions in the Superior Court. OCC has intervened in all four appeals and continues its advocacy to ensure that PURA's Final Decision regarding the EDCs' storm performance is upheld and that the substantial fines assessed to the EDCs are returned to their customers via a line item bill credit. *See The Connecticut Light & Power Company v. Public Utilities Regulatory Authority*, HHB-CV21-6066605-S; *The Connecticut Light & Power Company v. Public Utilities Regulatory Authority*, HHB-CV21-6067799-S; *The United Illuminating Company v. Public Utilities Regulatory Authority*, HHB-CV21-606787-S; *The United Illuminating Company v. Public Utilities Regulatory Authority*, HHB-CV21-6066639-S.
- **State, National and Regional Advocacy in Key Organizations, Committees, and Boards:** OCC staff serve on numerous state, regional, and federal boards and organizations. They also continue to be in great demand as speakers and participants at national conferences and meetings, regional panels, Connecticut organizations, and other forums. OCC's participation was extensive, but highlights include:
 - a. Staff Economist John R. Viglione serves as a board member of the Connecticut Economic Resource Center (CERC), which works with public utility companies and other state agencies and private corporations to promote the economic well-being of Connecticut.
 - b. Staff Attorney Burt Cohen represented the OCC/SBO as a statutory board member of the Commission on Educational Technology (CET), the governance board of the Connecticut Education Network and other fiber network infrastructure managed by the state.
 - c. On joining the OCC as a staff attorney on May 8, 2020, Burt Cohen assumed the duties of Broadband Policy Coordinator. Attorney Cohen has been serving as legal advisor for the Office of the Governor on addressing the emergency needs of student connectivity for the upcoming 2020-21 school year, the results of which were announced by the Governor on July 28, 2020, and longer term strategies to address the broadband needs of the underserved and unserved communities in Connecticut. Additionally, he has been

actively involved with the National Telecommunications and Information Association (NTIA) and both its Broadband Leaders network and Digital Inclusion Leaders Network, the National Digital Inclusion Association, Broadband Connects America and the Telecommunications Committee of NASUCA.

- d. OCC Utilities Examiner Tyra Anne Peluso continues as a member of the state's Low Income Energy Advisory Board ("LIEAB"), which helps in the planning, development and implementation of energy-assistance programs, and low-income weatherization programs and policies. The LIEAB worked to craft the Connecticut Energy Affordability Policy Initiative for Low-Income Households as well as the 2018/2019 LIEAB Recommendations. The Board specifically focused on how to best design and implement the Utility Companies' low-income programs to best assist customers and ultimately lessen the significant uncollectibles problem in Connecticut.
- e. OCC Economist John Viglione has continued the office's role on the state's Energy Efficiency Board ("EEB"). The EEB serves Connecticut ratepayers through the programs it offers that act as a first line of defense against high winter energy prices. The programs service residential consumers, businesses, government agencies, institutions such as schools and hospitals, and Connecticut communities, by educating consumers, offering financial incentives along with technical and installation assistance, and providing energy resources at lower costs. Mr. Viglione also serves as a member of the Evaluation, and Joint Committees.
- f. In addition to contributing to policy decisions on program design and allocation of resources, OCC worked to advise on the Conservation and Load Management ("C&LM") Plan Update. OCC continued its advocacy for an appropriate funding level for both program evaluations and performance management incentives ("PMI") for the utility companies and for an independent and transparent evaluation process. With a focus on cost-effectiveness testing design, OCC is eager to continue its participation in this initiative.
- g. Dave Thompson, a Utility Examiner, is the representative on the Coordinating Committee for the Consumer Liaison Group ("CLG"), a New England-wide entity which hosts public forums on a quarterly basis to consider significant topics affecting electricity consumers, with a particular focus on high-use commercial and industrial customers. Being involved with CLG is part of OCC's effort to work with stakeholders to try to reduce electricity prices, promote electric reliability, and promote fair and effective electric rate policies.
- h. OCC's Utility Examiner Dave Thompson continues to be active in the discussions among a regional electric stakeholder group called the New England Power Pool ("NEPOOL"). NEPOOL meetings are often attended by nearly 100 representatives of various electric industry participants, including utilities (privately-owned and publicly-owned), power plant owners (renewable, fossil, and nuclear), demand response developers, retail suppliers, heavy industrial users, and parties that serve the public interest (like OCC). OCC is the sole Connecticut agency that is a voting member of

NEPOOL, which functions almost as a quasi-legislature, with proposals, votes, coalitions, and the like. The recommendations of NEPOOL stakeholders do not generally bind the grid operator, ISO New England, but more often than not, the views of a clear majority of NEPOOL stakeholders usually hold sway in the region or at FERC.

- i. Acting Consumer Counsel Richard Sobolewski continues to serve on the National Association of State Utility Consumer Advocates Heads of Office, Water and Gas Committees.
- **Conferences:** Due to the Covid-19 pandemic, OCC’s staff did not participate in person in major conferences during this fiscal year. However, the OCC continues to be actively involved via teleconferencing where available.
 - a. OCC Staff Attorney Burt Cohen participated as a moderator in a virtual conference held by NASUCA on resiliency in telecommunications and broadband networks.
 - b. Attorney Cohen also served as a moderator for a virtual webinar during the National Digital Inclusion Conference held by the National Digital Inclusion Alliance on “Local Government and State Digital Inclusion Funding, Offices, Coordination, and Policy.”
 - c. Attorney Cohen also participated as a speaker in a webinar on broadband sponsored by the Connecticut Chapter of AARP, along with Governor Ned Lamont.
 - d. Staff Attorney Andrew W. Minikowski held a virtual discussion with CT AARP regarding consumer protections in the third-party supply market.
 - e. Utilities Examiner Dave Thompson participated in *Critical Consumer Issues Forum, Supporting Electric Customers thru times of Crisis*, in April 2021.
 - f. Staff Attorney Julie Datres attended the virtual mid-year meeting of the National Association Of State Utility Consumer Advocates in June 2021.
 - **Working Group Advocacy**
 - a. OCC has continued to participate in the Supplier Working Group, which was initiated by PURA in 2011 as a forum to address changes in Connecticut’s retail energy market. The Supplier Working Group currently provides a collaborative process for stakeholders to consider current regulatory and legislative supplier issues, and to discuss and implement best practices with regard to the Rate Board.
 - b. OCC participated in the Electronic Business Transaction (“EBT”) Working Group, which was initiated to develop the processes necessary to exchange data between licensed electric suppliers and the electric distribution companies to implement the residential electric bill redesign initiative of Section 1 of Public Act 1475, *An Act Concerning*

Electric Customer Consumer Protection. The EBT Working Group continues to meet to resolve ongoing issues with regard to the electric bill redesign and other billing concerns.

- c. During this Fiscal Year, OCC continued to participate in a newly-formed Working Group to discuss consumer protection issues in competitive electric markets, including issues with telesales and door-to-door marketing as well as the effect that predatory marketing tactics has on vulnerable populations and the general class of electric ratepayers. The Working Group is comprised of representatives from various Attorney General Offices and state consumer advocate agencies from states which have deregulated energy markets.
- d. OCC Staff Attorney Andrew W. Minikowski and Utilities Examiner Dave Thompson participated in CANE, a working group consisting of representatives from each ratepayer advocacy office in the New England states in order to coordinate and identify issues relevant to all state offices.
- e. OCC became a board member of the Lawyers Collaborative for Diversity (“LCD”), which consists of law offices and organizations throughout Connecticut and seeks to advance the overall diversity of the legal profession. In addition to board duties, Staff Attorney Julie Datre mentors a student of Western New England University School Of Law and served on the organizational committee for the virtual Edwin Archer Randolph Diversity Awards, which included awards for both 2020 and 2021, as the 2020 event was cancelled due to the pandemic. The award ceremony also served as a fundraiser for the LCD’s 2021 summer pipeline internship initiative.
- f. OCC Staff Attorney Burt Cohen was designated as a member of the Emergency Broadband Benefit Working Group of the National Digital Inclusion Alliance.
- g. OCC Staff John Viglione and Dave Thompson began serving on the Interconnections Working Group, comprised of various government and private stakeholders, designed to facilitate and streamline the interconnection process in Connecticut.

- **Third Party Electric Supplier Outreach and Education**

Each month the OCC examines and analyzes 3rd party electric supplier compliance data and produces a “Monthly Supplier Fact Sheet,” which is posted regularly on the [OCC website](#). This fact sheet reports on the state of the residential electric supplier market in Connecticut and the impact it is having on customers with 3rd party electric suppliers. Many metrics can be derived from this data, but three important ones stand out. The first of these metrics is the percentage of customers paying more or less than the EDC standard service rate. The second is how much savings or overpayments customers, as a whole, experienced for a particular month. The final metric is a big picture view of the impact of electric suppliers on customers. It examines how much savings or overpayments customers experienced on a rolling year basis. The OCC uses this report as a tool to help inform Connecticut customers about competitive supply and the impact it can have on their bills. The OCC Fact Sheets show that for the last fiscal year, Connecticut ratepayers with a third-party electric supplier overpaid by \$ 37,490,702. Since OCC

started tracking supplier data on January 2015, ratepayers with a third-party supplier have overpaid by \$286,781,911.

Information Reported as Required by State Statute

OCC has complied with all state requirements regarding affirmative action and equal opportunity, most particularly Conn. Gen. Statutes §§46a-70 through 46a-78, and is in compliance with all other applicable federal requirements.