



IN THE MATTER OF :
STOP THE BROOKFIELD COMPRESSOR :
STATION EXPANSION : November 12, 2025

DECISION NOT TO ISSUE DECLARATORY RULING

Pursuant to Conn. Gen. Stat. § 4-176(e) and Regs., Conn. State Agencies § 22a-3a-4(c)(3), I am issuing this decision in response to a Petition for Declaratory Ruling submitted by Stop the Brookfield Compressor Station Expansion (“Petitioners”), which describes itself as “an unincorporated association of residents and stakeholders in the Town of Brookfield, Connecticut.”

A. Background.

On July 31, 2025, the Department of Energy and Environmental Protection (“Department”) issued a Notice of Tentative Determination (“NTD”) to approve certain permits and permit modifications sought by Iroquois Gas Transmission System, L.P. in association with the expansion of its Brookfield Compressor Station. The NTD was published in the Danbury News Times, and public comments were accepted until September 16, 2025.¹ Three petitions for hearing on the proposed permits and permit modifications – including one filed by the Petitioners - were submitted during the public comment period. In a ruling dated October 15, 2025, the Department’s independent Office of Adjudications determined that the petitions initiated a public informational hearing, pursuant to Public Act 25-84.²

¹ On August 22, 2025, the 30-day comment period was extended to end on September 16, 2025.

² Public Act 25-84 was adopted by the Connecticut General Assembly during its 2025 regular session. Section 4 of the Act, concerning hearings, became effective on June 23, 2025 when the Public Act was signed by Governor Ned Lamont. That section provides for a hearing “subject to the requirements of chapter 54” if a petition satisfies the requirements of subsection (2), or for a public informational hearings and response to comments in all other instances.

B. The Petition.

On October 29, 2025 the Petitioners submitted a Petition for Declaratory Ruling (“Petition”) to the Commissioner of Energy and Environmental Protection. The Petition seeks a declaratory ruling regarding the application of certain provisions of Public Act 25-84 to petitions for hearing filed regarding the proposed compressor station expansion. Petitioners specifically request a ruling as to whether, and when, a petition seeking “an adjudicatory hearing” subject to chapter 54 of the Connecticut General Statutes must be a “verified pleading.”

The Petition notes that the question on which a declaratory ruling is sought “arises from the Department’s interpretation, articulated in its *Determination of Hearing* (Oct. 15, 2025) and subsequent rulings (October 28, 2025) that a certified pleading is a jurisdictional prerequisite for all hearing requests.” The determinations and rulings identified by the Petitioners were issued by the Department’s independent Office of Adjudications.

C. The Decision Not to Issue the Requested Rulings.

Conn. Gen. Stat. § 4-176(e) requires that “[w]ithin sixty days after receipt of a petition for a declaratory ruling” an agency must take one of five specified actions.³ Among those actions, and the option I have selected with respect to the Petition, is to decide not to issue a declaratory ruling and state the reasons for my action. I have selected this option for reasons of both form and substance.

³ Conn. Gen. Stat. § 4-176(e) provides that:

(e) Within sixty days after receipt of a petition for a declaratory ruling, an agency in writing shall: (1) Issue a ruling declaring the validity of a regulation or the applicability of the provision of the general statutes, the regulation, or the final decision in question to the specified circumstances, (2) order the matter set for specified proceedings, (3) agree to issue a declaratory ruling by a specified date, (4) decide not to issue a declaratory ruling and initiate regulation-making proceedings, under section 4-168, on the subject, or (5) decide not to issue a declaratory ruling, stating the reasons for its action.

The Department’s Rules of Practice also require compliance with § 4-176(e). See, Regs. Conn. State Agencies § 22a-3a-4(c)(3).

First, the Petition, as submitted, does not satisfy the requirements of the Department's Rules of Practice.⁴ These Rules provide, in relevant part, that:

Any petition for declaratory ruling filed with the Commissioner *shall be accompanied by an affidavit that the petitioner has given notice of the substance of the petition, and of the opportunity to file comments and to request intervenor or party status under subdivision (c) (1) of this section, to all persons known by the petitioner to have an interest in the subject matter of the petition.* Unless the Commissioner has provided for another method reasonably calculated to apprise interested persons of the petition, such notice shall be delivered to each such person personally or by mail, except that if there are more than fifty such persons, the petitioner may instead publish such notice in a newspaper of general circulation in the area where each such person resides or his principal place of business is located. The petitioner's affidavit shall contain the name and address of each person to whom the notice was personally delivered or mailed, the date of personal delivery or mailing, and, if applicable, the name of the newspaper(s) in which such notice was published, the date of publication, and the reasons why newspaper notice was published.

(Emphasis added.) Regs., Conn. State Agencies § 22a-3a-4(a)(3). The Petition was not accompanied by such an affidavit.⁵ The Petition is, therefore, improper as to form.

Next, even assuming, *arguendo*, that the Petition was proper as to form, I would still decline to issue a declaratory ruling in response thereto. A petition for declaratory ruling cannot be used to bypass other available administrative remedies, including available administrative appeals.

Public Act 25-84, in subsection 4(b) provides, in relevant part, that if it is determined that a

⁴ Conn. Gen. Stat. § 4-176(b) provides, that "[e]ach agency shall adopt regulations, in accordance with the provisions of this chapter, that provide for (1) the form and content of petitions for declaratory rulings, (2) the filing procedure for such petitions and (3) the procedural rights of persons with respect to the petitions." The Department has adopted such regulations at Regs., Conn. State Agencies § 22a-3a-4, part of its Rules of Practice (Regs., Conn. State Agencies §§ 22a-3a-2 to 22a-3a-6, inclusive).

⁵ Further, the Petition was personally delivered, via e-mail, to representatives of those who filed petitions in response to the Notice of Tentative Determination and to Department staff. That e-mail did not identify the opportunity to provide comments or seek intervenor or party status. It is not clear that that e-mail was sent to "all persons known by the petitioner to have an interest in the subject matter of the petition," or that newspaper notice is not appropriate given the circumstances. However, because I have determined not to issue a declaratory ruling for other reasons, I need not determine whether sufficient notice of the Petition was provided.

petition for hearing does not satisfy the requirements to initiate a hearing subject to chapter 54 of the Connecticut General Statutes, “the person who submitted the petition may appeal such determination pursuant to section 4-183 of the general statutes.” Our Courts have determined that petitions for declaratory rulings:

may not be used to bypass a party’s obligation to exhaust its remedies in the context of a pending administrative proceeding. . . . [And, further, if a person] does not prevail, it nevertheless would have access to an administrative remedy in the form of an administrative appeal pursuant to § 4-183. As our Supreme Court has observed, § 4–183 provides the proper avenue for reviewing an agency’s actions.... Not only does that statute provide a right of appeal from a final agency decision by an aggrieved party, but it also includes an immediate right to appeal from an adverse preliminary ruling if review of the final agency decision would not provide an adequate remedy. . . . Thus, a potentially aggrieved party is well protected by statute.

Metro. Dist. v. Comm’n on Human Rights & Opportunities, 180 Conn. App. 478, 496–498, *cert. denied*, 328 Conn. 937 (2018) (Citations omitted, internal quotation marks omitted).⁶

The question on which the Petition seeks a declaratory ruling is one for which there are other available administrative remedies. For that reason, a declaratory ruling is inappropriate and I decline to issue one.

While I will not opine on whether a hearing subject to the requirements of chapter 54 of the Connecticut General Statutes is required, I will note that the alternative to such a hearing still provides for robust public engagement and careful consideration of identified concerns. Section (4)(a) of

⁶ The language regarding the scope of a declaratory ruling within Conn. Gen. Stat. § 4-176 is identical to language governing the scope of the court’s declaratory judgment authority under Conn. Gen. Stat. § 4-175. Limitations on the right to petition for declaratory ruling pursuant to Conn. Gen. Stat. § 4-175 have been construed similarly to limitations on the right to seek a declaratory judgment pursuant to Conn. Gen. Stat. § 4-176. *See, e.g., Metro. Dist. v. Comm’n on Human Rights & Opportunities*, 180 Conn. App. 478, 496, *cert. denied*, 328 Conn. 937 (2018)(“ The existence of those pending administrative proceedings, which concern the same conduct that forms the basis for the plaintiff’s request for declaratory relief, precluded the plaintiff from seeking such relief pursuant to §§ 4–175 and 4–176.”)

Public Act 25-84 provides for a “public informational hearing,” at which time representatives of the Petitioner and other members of the public can provide “verbal and written comments regarding the license that is the subject of such informational hearing.” Those comments will be carefully considered by Department staff and a written response to comments will be posted on the Department’s Internet website. The Department takes this public engagement process seriously, and it is not unusual for the terms and conditions of a draft permit to be adjusted in response to public comment.

D. Conclusion.

For the reasons set out herein, and pursuant to Conn. Gen. Stat. § 4-176(e), I hereby decline to issue a declaratory ruling in response to the above captioned petition.



Katherine S. Dykes
Commissioner of Energy and Environmental Protection