

# SECTION 10: STATUS OF DECISIONS IN APPEAL

## The Decision Appeal Process

All Authority decisions are based upon robust evidence gathered through the public docket process, which includes discovery, hearings, written and verbal comments, testimony, interrogatories, and more. Authority staff with technical expertise in finance, accounting, engineering, economics, policy, and law are assigned to each docket to ensure that the record of that docket is substantial and sufficient to issue sound decisions.

If a party to a PURA docket disagrees with a decision of the Authority, the party may file an administrative appeal with the Superior Court.

In 2024, about 19 of PURA's decisions were in some stage of an appellate process, 16 of which are from Avangrid, Eversource, or a subsidiary. The table below summarizes the pending and resolved appeals from 2021-2024. Due to the Authority's vigorous public process, active stakeholder participation, and the commissioners' equitable balancing of various interests, the Authority has a strong record of having Courts dismiss these administrative appeals or affirm the Authority's decision. In some cases, the court may require the Authority to provide further articulation or clarification of a decision.

## PURA Decisions in Appeal

The below table provides a status update of PURA's decisions that were in some stage of an appellate process in 2024.

**Table 17: Status of PURA Decisions in Appeal during 2024**

Appellant	Docket No.	Summary	Status
Direct Energy Services, LLC et al.	16-12-29 SC 20643	Certain electric suppliers appealed a 2020 PURA decision that imposes restrictions on the Voluntary Renewable Offers (VRO) market to minimize customer confusion and to align the VRO program with the state's energy and environmental goals.	The Superior Court affirmed PURA on all counts.  The CT Supreme Court affirmed the Superior Court.
Northland Investment Corporation	19-12-25 SC 20769	Northland challenged PURA's determination that ratio utility billing methodology (RUB) is not permitted under state law.	The Superior Court affirmed PURA's determination.  The Supreme Court affirmed.
Retail Energy Advancement League (REAL, assoc. of retail electric suppliers)	18-06-02RE01 CV23-6077829	REAL appealed motion ruling declining to strike evidence.	REAL withdrew the appeal.
Retail Energy Advancement League (REAL, assoc. of retail electric suppliers)	18-06-02re02 CV23-6082579	REAL is seeking a declaratory judgment relating to provisions of Senate Bill 7 and PURA's pending Docket No. 18-06-02re02.	Superior Court dismissed the appeal.
Yankee Gas (Eversource)	21-08-24 CV22-6073770	Eversource appealed a 2022 PURA decision ordering LDCs to apply surplus non-firm margin (NFM) revenues to capital infrastructure investments at their next rate case.	After full briefing, Eversource withdrew the appeal.

Appellant	Docket No.	Summary	Status
CL&P (Eversource)	21-01-03 CV21-6069473	Eversource appealed a 2021 Rate Adjustment Mechanism (RAM) decision in which PURA disallowed \$17.2M of catastrophic storm costs in the Electric System Improvement (ESI) tracker. Eversource also challenged the interest rate applicable to carrying charges.	The Superior Court affirmed PURA on the storm cost issue and remanded the interest rate matter for clarification by PURA. PURA issued a clarification decision, and the matter is pending before the Superior Court. Eversource and the Authority reached a settlement in principle to resolve the carrying charge portion of this case.
CL&P (Eversource)	21-01-03 CV23-6078865	See CV21-6069473 above. Eversource separately appealed the clarification decision issued on remand by PURA.	Pending in Superior Court. The settlement reached in the above proceeding will resolve this appeal.
CL&P (Eversource)	22-09-08 CV23-6078868	See two appeals above. PURA identified a transcription error in a decision that consolidated existing PURA orders related to RAM proceedings. PURA issued an errata decision correcting the error. Eversource appealed the correction.	Pending in Superior Court. The settlement reached in the above proceeding will resolve this appeal.
CL&P (Eversource)	21-01-03 AC 45899	Eversource appealed the Superior Court's affirmation of PURA's 2021 RAM decision as to storm costs.	The Appeals Court dismissed the appeal for lack of jurisdiction pending resolution of the appeal at Superior Court.
CL&P (Eversource)	23-01-39 CV23-6081727	Eversource appealed a decision resulting from PURA's investigation into Eversource's response (exceeding 1 hour) to an entrapment incident involving injured persons in Norfolk. PURA directed Eversource to reduce its target response time to 30 minutes for "blue-sky" conditions and to improve its accident reporting.	Superior Court dismissed the appeal. Eversource has appealed the dismissal.

Appellant	Docket No.	Summary	Status
CL&P (Eversource)	23-01-39 CV24-6083548	In addition to the direct appeal of the entrapment investigation, Eversource also filed a request for a declaratory judgment challenging the entrapment investigation (see above).	Duplicative action by Eversource. Pending resolution of Eversource's appeal of the Superior Court dismissal.
CL&P (Eversource)	23-01-32 CV24-6083754	Eversource appealed a decision resulting from PURA's investigation into a series of explosions and fires in Eversource's underground facilities.	Pending in Superior Court. Briefing scheduled.
Aquarion (Eversource)	22-07-01 CV23-6078177	Eversource appealed the 2023 rate case decision denying a \$35M rate increase. Eversource is challenging approx. \$15M in disallowances.	Superior Court affirmed PURA's decision with respect to the majority of the counts and remanded 3 counts back to PURA for further explanation. Eversource appealed the court's affirmation. The appeal is pending with the Supreme Court (21010).
Aquarion (Eversource)	22-07-01 CV24-6089616	PURA issued a supplemental decision with respect to the 3 counts remanded back to PURA in the rate case appeal. Eversource appealed.	Pending before Superior Court. Briefing is scheduled.
United Illuminating (UI)	24-01-04 CV24-6089978	UI appealed the 2024 RAM decision.	Pending resolution of UI's appeal of the 2022 RAM decision.
United Illuminating (UI)	23-01-04 CV24-6083218	UI appealed the 2023 RAM decision.	Pending resolution of UI's appeal of the 2022 RAM decision.
United Illuminating (UI)	22-01-04 CV22-6075751	UI appealed the 2022 RAM decision,	Court remanded the matter back to PURA for explanation. PURA issued a proposed final decision in January 2025. UI filed written exceptions. Final decision to be issued late January or early February.

Appellant	Docket No.	Summary	Status
United Illuminating (UI)	22-08-08 CV23-6081616 CV23-6082032	UI appealed the 2023 rate case decision granting a \$22M increase.	Briefing completed in Fall 2024. A decision from the Superior Court is pending.
United Illuminating (UI)	22-08-08 CV24-6084344	UI appealed the Authority's decision to not grant an interim rate increase	After briefing, UI withdrew the appeal.
United Illuminating (UI)	20-08-03 and 20-08-03RE01 SC 20795 CV21- 6067807SCV21 -6066639S	After finding UI's storm response was deficient in several areas, PURA imposed a civil penalty of \$1.3M for non-compliance with performance standards and accident reporting requirements and ordered a 15 basis point ROE reduction penalty in UI's next rate case to incentivize improved storm response performance by UI. In the subsequent rate case, PURA determined that the 15 basis point reduction was no longer warranted.	Superior Court affirmed PURA's decision on all counts. UI appealed the affirmation. The Supreme Court affirmed the \$1.2M civil penalty related to performance, found the ROE issue to be moot, and required PURA to recalculate the \$61k civil penalty for accident reporting.
GenConn Energy LLC (a joint venture between UI and NRG Energy, Inc.)	20-06-14 21-06-28 22-06-02 23-06-02 CV21-6064030 CV22-6070555 CV23-6077103 CV24-6083506 SC 20716	GenConn has appealed the decisions issued in these annual rate proceedings for 2021 to 2024. The primary issue on appeal is GenConn's cost of capital.	The Superior Court affirmed PURA's decision for 2021 on all counts. The Supreme Court affirmed. The appeals for 2022 to 2024 are pending.
Vistra Corp. et al.	23-06-01 CV24-6083505	Several electric suppliers that had previously entered into a settlement agreement to resolve a PURA investigation appealed this decision, which requires the suppliers to pay their actual Renewable Portfolio Standard (RPS) obligations, rather than have these costs shift to ratepayers.	Superior court dismissed the appeal. Vistra filed an appeal to the Appellate Court.

Appellant	Docket No.	Summary	Status
Sunnova Energy Corp.	22-10-05 CV23-6078852	Sunnova appealed PURA's determination regarding the transfer of RECs under the RRES program.	Superior court dismissed the appeal.
Clearview Electric, Inc.	07-08-17 CV23-6082224	Clearview appealed PURA's denial of Clearview's request to withdraw its electric supplier license until Clearview pays the amount it owes under the supplier cost allocation decision (14-07-19re07).	Superior court dismissed the appeal. Clearview filed an appeal to the Appellate Court.
Communications Workers of America, Local 1298	24-05-11 CV25-6091597	CWA petitions and appeals from PURA's Final Decision dated October 23, 2024, related to decisions issued by the Authority and actions taken by the working group to address double-poles.	Pending in Superior Court.