

REGS-1 Rev. 09/2013
(Title page)

For permanent regulations
First NOTICED ON AND AFTER JULY 1, 2013

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For emergency regulations, use form REGS-1-E instead.
For non-substantive technical amendments and repeals proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY: Public Utilities Regulatory Authority

A. Concerning

SUBJECT MATTER OF REGULATION:
Promulgation of Regulations by the Public Utilities Regulatory Authority to Amend
Certain Rules of Practice and to Establish Rules for Uncontested Proceedings

Section 1. Section 16-1-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-2. Definitions. As used in sections 16-1-2 to 16-1-133, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Commissioner" means "Commissioner" as defined in section 16-1(2) of the Connecticut General Statutes;
- (2) "Contested case" means "Contested case" as defined in section 4-166(2) of the Connecticut General Statutes;
- (3) ["Department"] "Authority" means the [Department of Public Utility Control] Public Utilities Regulatory Authority or its successor;
- (4) "E-mail" means electronic mail;
- (5) "Electronic" means "electronic" as defined in section 1-267(5) of the Connecticut General Statutes;
- (6) "Electronic means" means any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression;
- (7) "Electronic signature" means "electronic signature" as defined in section 1-267(8) of the Connecticut General Statutes;
- (8) "Intervenor" means "intervenor" as defined in section 4-166(5) of the Connecticut General Statutes;
- (9) "License" means "license" as defined in section 4-166(6) of the

Connecticut General Statutes;

(10) "Party" means "party" as defined in section 4-166(8) of the Connecticut General Statutes;

(11) "Person" means "person" as defined in section 4-166(9) of the Connecticut General Statutes;

(12) "PIN" means personal identification number; [and]

(13) "Presiding officer" means the commissioner or the hearing officer designated by the head of the Authority to preside at a hearing[.];

(14) "Participant" means any person granted permission by the Authority to take part in an uncontested proceeding; and

(15) "Uncontested proceeding" means any agency matter designated as such by statute or any proceeding that is not a contested case as defined in section 4-166(2) of the Connecticut General Statutes.

Section 2. Section 16-1-14(c) of the Regulations of Connecticut State Agencies is amended to read as follows:

(1) Electronic copies may be submitted under the [department] Authority web filing system via the [department's] Authority's website ["<http://www.state.ct.us/dpuc>" "<http://www.ct.gov/pura>". If web filing is not possible, electronic copies may be (a) [e-mailed to "dpuc.executivesecretary@po.state.ct.us"] delivered electronically to pura.executivesecretary@ct.gov; or (b) submitted on [a diskette, cd-rom or other] an electronic storage medium acceptable to the [department] Authority and delivered to [the department's] executive secretary, at Ten Franklin Square, New Britain, Connecticut 06051.

(2) Paper copies shall be delivered to the Executive Secretary, [Department of Public Utility Control] Public Utilities Regulatory Authority, at Ten Franklin Square, New Britain, Connecticut 06051.

Section 3. Section 16-1-24 of the Regulations of Connecticut State Agencies is amended to read as follows:

[Unless by statute or by direction of the commissioners a different place is designated,] Unless a different location is required by statute or directed by the commissioners, all hearings of the [commission] Authority shall be held at [Hartford at] the office of the [commission] Authority at Ten Franklin Square, New Britain, Connecticut 06051.

Section 4. The Headings for Article 3 of the Rules of Practice (Sections 16-1-45 to 16-1-101, inclusive) of the Regulations of Connecticut State Agencies are amended to read as follows:

ARTICLE 3
PETITIONS, [AND] APPLICATIONS AND UNCONTESTED PROCEEDINGS

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[PETITIONS AND APPLICATIONS,
SPECIAL PROVISIONS]

Part 2
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Part 3
[Petitions and Applications, Sec. 16-43, Gen. Stat.] Uncontested Proceedings

[Transferred] When Appropriate [16-1-60—16-1-61] 16-1-60

[Part 4]
[Petitions and Applications, Sec. 16-46, Gen. Stat.]

[Transferred] Designation of Participants [16-1-62—16-1-63] 16-1-61

[Part 5]
[Petitions and Applications, Sec. 16-47, Gen. Stat.]

[Transferred] Role of Participants. [16-1-64—16-1-65] 16-1-62

[Holding Company Applications]

[Transferred] Presentation of facts [16-1-65A—16-1-65C] 16-1-63

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Notice of Hearings 16-1-65

Part [6] 4
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 Illuminating, Power and Water Companies

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Part [9] 7
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Petitions and Applications, Motor Carriers

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Intrastate motor bus 16-1-91
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Transfer, motor truck. 16-1-94
Transfer, motor bus 16-1-95
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Special components, police record, and agent for service of process . . 16-1-98
Special components, rate applications 16-1-99
Special requirements, rate applications 16-1-100
More than one department 16-1-101

Section 5. Section 16-1-60 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-60. When appropriate. The Authority shall hold an uncontested proceeding when specifically required by statute or regulation. The Authority may hold an uncontested proceeding on its own motion or in response to a request, petition or application that is not a contested case for purposes of Section 4-166(2) of the Connecticut General Statutes. The Authority shall determine and identify the format, timing, or any other procedural aspect of an uncontested proceeding. Unless otherwise required by statute or regulation, there is no right to a hearing in an uncontested proceeding. The conducting of an elective hearing held in the agency's sole discretion pursuant to Section 16-1-63 shall not cause such uncontested proceeding to become a contested case for purposes of Sections 4-166(2), 4-183 or any other provision of Chapter 54 of the Connecticut General Statutes.

Section 6. Section 16-1-61 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-61. Designation of Participants. Any person granted permission by the Authority to take part in an uncontested proceeding shall be designated a Participant.

Section 7. Section 16-1-62 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-62. Role of Participants. The Authority will determine the nature and extent of a person's participation in the uncontested proceeding, taking into account whether such participation will furnish assistance to the agency in resolving the issues of the uncontested proceeding.

Section 8. Section 16-1-63 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-63. Presentation of facts. Unless otherwise required by statute, the Authority may, but is not required to, conduct a hearing and permit oral presentations of fact. The Authority also may require that documents filed in the uncontested proceeding be verified.

Section 9. Section 16-1-64 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-64. Presentation of argument. Unless otherwise required by statute, the Authority may designate the time, place and manner for the submission of facts, written comments and arguments by participants. Unless otherwise required by Section 4-179 of the Connecticut General Statutes, the Authority may, but is not required to, permit oral argument on issues of law or fact.

Section 10. Section 16-1-65 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 16-1-65. Notice of hearings or technical meetings. (a) The Authority shall give written notice of any hearing or technical meeting to all participants in advance of such hearing or meeting. The Authority may give notice by newspaper publication and such other means as the executive secretary deems appropriate and advisable.

(b) Contents of notice. Notice of a hearing or technical meeting shall include but not be limited to: (1) the time, place and nature of the hearing or technical meeting; (2) the legal authority and jurisdiction under which the hearing is to be held; (3) reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement describing the nature of the hearing or technical meeting and the principal facts to be asserted therein. The initial notice of hearing or technical meeting given in each uncontested proceeding may include a list of all participants, but any such list shall be omitted from any subsequent notice of hearing or technical meeting therein, except where the commissioners otherwise direct.

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(Statement of Purpose page)

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

Connecticut General Statutes §4-167(a) requires State agencies to promulgate regulations in order to provide for the nature and requirements of all formal and informal administrative proceedings. The designation of individuals, presentation of facts, and notice of hearings requirements constitute fundamental elements of an informal proceeding. PURA's current regulations do not furnish sufficient guidance on the nature and requirements of its uncontested proceedings. Therefore, the principal reason in support of amending the regulations is to provide a procedural framework for uncontested proceedings held by PURA.