



STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

NOTICE OF INTENT TO AMEND REGULATIONS

In accordance with the provisions of Section 4-168(a) of the General Statutes of Connecticut (C.G.S.), as amended, the Public Utilities Regulatory Authority (PURA) hereby gives notice that it proposes to amend regulations concerning PURA rules of practice and rules for uncontested proceedings, under the authority of C.G.S. §4-167(a)(2).

Statement of Purpose: The purpose of the amendment to the regulations is to provide a procedural framework for uncontested proceedings at PURA.

Persons wishing to present their views and comments regarding the proposed regulations are invited to do so in writing by 4:00 p.m. on April 17, 2014. Written comments regarding the proposed regulations may be sent to PURA Executive Secretary, 10 Franklin Square, New Britain CT 06051; or via email at PURA.ExecutiveSecretary@ct.gov. All comments must reference PURA Docket No. 14-02-11.

A copy of the fiscal note and small business impact statement are available for public inspection on the PURA website at www.ct.gov/pura (Docket Info/Search for a Docket Number/Docket No. 14-02-11); by calling PURA Executive Secretary at (860) 827-1553; or by emailing PURA.ExecutiveSecretary@ct.gov.

Dated at New Britain, Connecticut this 12th day of March, 2014

PUBLIC UTILITIES REGULATORY AUTHORITY

Nicholas E. Neeley
Acting Executive Secretary

(BHC)

10 Franklin Square, New Britain, CT 06051

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www.ct.gov/pura

PUBLIC UTILITIES REGULATORY AUTHORITY

Promulgation of Regulations by the PURA to Amend Certain PURA 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 Authority web filing system via the Authority's website "http://www.ct.gov/pura". If web filing is not possible, electronic copies may be (A) delivered electronically to pura.executivesecretary@ct.gov; or (B) submitted on an electronic storage medium acceptable to the Authority and delivered to 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

Part 1
Petitions and Applications, General Provisions

General rule	16-1-45
Form	16-1-46
Original records	16-1-47
Fees	16-1-48
Rejection of petition or application	16-1-49
Deficiencies in filing	16-1-50
Purpose of application	16-1-51
Additional evidence	16-1-52

[PETITIONS AND APPLICATIONS,
SPECIAL PROVISIONS]

Part 2
Petitions and Applications, Rate Adjustments

General rule	16-1-53
Standard filing requirements	16-1-53a
Test year	16-1-54
Requirements for medium utility companies	16-1-55
Added requirements for exhibits.	16-1-56
Combined operations.	16-1-57
Amendments	16-1-58
Small utility companies	16-1-59
Exception	16-1-59A
Exception	16-1-59B

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

[Transferred] <u>When Appropriate</u>	[16-1-60—16-1-61] <u>16-1-60</u>
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[Part 4]
[Petitions and Applications, Sec. 16-46, Gen. Stat.]

[Transferred] <u>Designation of Participants</u>	[16-1-62—16-1-63] <u>16-1-61</u>
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[Part 5]
[Petitions and Applications, Sec. 16-47, Gen. Stat.]

[Transferred] <u>Role of Participants</u>	[16-1-64—16-1-65] <u>16-1-62</u>
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[Holding Company Applications]

[Transferred] <u>Presentation of facts</u>	[16-1-65A—16-1-65C] <u>16-1-63</u>
<u>Presentation of arguments</u>	<u>16-1-64</u>
<u>Notice of Hearings</u>	<u>16-1-65</u>

Part [6] 4
Petitions and Applications, Railroads

General rule	16-1-66
Special components	16-1-67
Other applications and petitions	16-1-68

Part [7] 5
Petitions and Applications, Street Railways

General rule	16-1-69
Special components	16-1-70

Part [8] 6
Petitions and Applications, Telegraph, Telephone,
Illuminating, Power and Water Companies

General rule	16-1-71
Special components	16-1-72
Further special components	16-1-73
Components for standards of service	16-1-74
Components for extension of telephone service	16-1-75
Transferred	16-1-76
Components for permission to sell electric energy	16-1-77
Transferred	16-1-78

Part [9] 7
Petitions and Applications, Natural Gas Pipelines

General rule	16-1-79
Special components	16-1-80
Special components in eminent domain	16-1-81
Special components in gas sales	16-1-82
Components for appeals to commission	16-1-83

Part [10] 8
Petitions and Applications, Community Antenna
Television System

General rule	16-1-84
Application for granting of certificate	16-1-85
Special components	16-1-86
Application to transfer certificate. Special components.	16-1-87

Part [11] 9
Petitions and Applications, Motor Carriers

General rule	16-1-88
Forms of application	16-1-89
Motor truck carriers	16-1-90
Intrastate motor bus	16-1-91
Taxicab	16-1-92

Livery	16-1-93
Transfer, motor truck.	16-1-94
Transfer, motor bus	16-1-95
Transfer, taxicab	16-1-96
Transfer, livery	16-1-97
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.