

Office of Consumer Counsel



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 – 11 (13 Authorized)

Recurring operating expenses - \$2,953,562

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 2019 – 2020

In Fiscal Year 2019-2020, OCC continued to operate as a fully independent state agency committed to effectively carrying out its statutory mandate. Despite operating with its lowest level of staff in decades, the office continues to work diligently to fulfill its mission. This Report covers July 2019 - July 2020. Note that Consumer Counsel Elin Swanson Katz resigned as of July 5, 2019. OCC Director of Technical Analysis Richard Sobolewski was appointed Acting Consumer Counsel as of that date.

OCC’s specific achievements this Fiscal Year include:

- **Savings to Consumers**: OCC achieved over \$450 million dollars in direct savings to Connecticut ratepayers in the 2019-2020 Fiscal Year through OCC’s advocacy (along with other allies and stakeholders, including fellow state agencies) in dockets before PURA, court decisions, and advocacy in matters before the Federal Energy Regulatory Commission (“FERC”), including the following:

- a. \$212 million in annual savings from the Eversource rate case settlement;
 - b. \$12 million in ratepayer benefits for Southern Connecticut Gas Company customers for the second year of the rate plan approved in rate case settlement;
 - c. \$53 million in ratepayer benefits for Yankee Gas Company customers for the second year of the rate plan approved in rate case settlement;
 - d. \$12 million in ratepayer benefits for Connecticut Natural Gas Corporation customers for the second year of the rate plan approved in rate case settlement;
 - e. Continued rate freeze for Aquarion Water Company customers;
 - f. 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;
 - g. \$93 million in continued annual savings from the United Illuminating (“UI”) Rate Plan ; and
 - h. Negotiated rate freezes and overearning settlements with smaller water companies.
- **Advocacy in PURA Dockets:** OCC was a party in over 500 dockets during Fiscal Year 2019-20120 that were opened or re-opened by PURA. Some key dockets include:
 - a. In Docket No. 14-07-20RE01, OCC advocated that PURA adopt a series of Marketing Standards for electric suppliers that would govern all door-to-door and telemarketing sales solicitations in Connecticut. Following years of advocacy and hearings on the issues in this proceeding, PURA issued a Final Decision on May 6, 2020 which imposed substantive Marketing Standards on all suppliers effective August 1, 2020. The Marketing Standards are by far the most comprehensive of any state with a deregulated electricity market.
 - b. In several settlements resolving PURA dockets, OCC entered into agreements with PURA Prosecutorial Staff and suppliers to address compliance issues related to rate reporting and REC compliance. In Docket No. 17-06-23, OCC entered into a settlement with Abest Energy in which it agreed to payment of a civil penalty of \$60,000.00 to address its failure to meet state REC requirements. Additionally, Abest agreed to cease serving Connecticut customers and that its principal would not seek to operate a supplier in Connecticut at any time in the future. In Docket No. 11-10-14, OCC entered into a settlement with Think Energy in which the supplier agreed to payment of a \$21,000.00 civil penalty for failure to accurately report historic variable rate data. Similarly, in Docket No. 07-08-17RE02, OCC entered into a settlement with Clearview Energy in which the supplier agreed to pay a \$9,000.00 civil penalty for failure to accurately report that same data.

- c. In Docket No. 19-12-25, 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. Following extensive briefing, hearings, and oral argument, PURA ultimately issued a Final Decision confirming 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. Accordingly, tenants will continue to be protected from abstract and unverifiable utility charges. The petitioner ultimately appealed PURA’s decision to the Superior Court, where OCC has intervened to ensure consumers are adequately represented.

- d. In Docket No. 20-03-15, 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. In this proceeding, PURA has continued to explore other avenues by which to assist utility customers during the pandemic and associated economic downturn. OCC continues to be an active participant in this proceeding to ensure that the needs of ratepayers are adequately considered at this unprecedented time.

- e. In Docket No. 19-03-02, PURA conducted its annual review of the rate adjustment mechanisms of the United Illuminating Company. In its own review, OCC noted that UI had retained as income—rather than returned to ratepayers—credits from the Nuclear Electric Insurance Limited company (“NEIL”) between 2014 and 2018 totaling \$634,321.00. OCC argued that these past NEIL credits should be credited back to ratepayers and treated accordingly in future years. UI agreed with OCC’s position and PURA’s Final Decision ultimately ordered UI to return all NEIL credits to ratepayers via NBFMCC and to continue doing so in future years. Accordingly, UI electric ratepayers will continue to receive the value of such credits moving forward.

- f. In Docket No. 16-06-04, 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. OCC intends to vigorously continue its advocacy in this proceeding to ensure that UI ratepayers receive the rate decrease that they are legally entitled to under the terms of UI's rate plan.

- g. In Docket No. 18-06-02, PURA reviewed the feasibility, costs, and benefits of transferring to electric distribution company standard service all electric hardship customers using suppliers. OCC's detailed petition to PURA spurred the opening of this important docket. In its Direct Testimony in this proceeding, OCC's consultant concluded, based on actual electric bills rendered, that from 2016 to 2018, hardship customers taking electric supply from a third-party supplier paid \$7.2 million more for an essential service than they would have on standard service over the same period. OCC's testimony demonstrated additional, ongoing financial harm to hardship customers using electric suppliers, including that hardship customers participate in the supplier market at higher rates than non-hardship customers yet pay higher rates to do so. PURA's Final Decision adopted OCC's testimony and issued an order directing all EDCs to place all hardship customers on standard service by July 1, 2020. OCC successfully argued against a Motion for Reconsideration filed by a supplier before PURA. This Decision was a major victory for OCC following years of advocacy on this issue.
- h. Grid Modernization Proceedings (Docket Nos. 17-12-03RE01; 17-12-03RE02; 17-12-03RE03; 17-12-03RE04; 17-12-03RE05; 17-12-03RE06; 17-12-03RE07; 17-12-03RE08; 17-12-03RE09). In this suite of proceedings, PURA is investigating multiple aspects of potential grid modernization plans in Connecticut, including energy affordability, advanced metering infrastructure, electric storage, electric vehicles, interconnection standards, non-wires alternatives, sustainability, and others. OCC has been an active participant in all of these proceedings, which have constituted a substantial commitment for OCC and its staff, including attendance at dozens of technical conferences and outreach events, the filing of hundreds of pages worth of comments, briefs, and technical analysis, and meetings with consultants and other stakeholders. Throughout, OCC has advocated in favor of ratepayers, continually emphasizing that additional expenditure by the EDCs will in the vast majority of instances ultimately be borne by ratepayers who already face high energy costs. OCC intends to continue its robust participation in these proceedings as they continue.

- i. In Docket No. 18-12-22, 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 continues its participation in this important docket to ensure that those consumers entitled to refunds receive them.
- j. Docket No. 20-01-01, is a yearly administrative proceeding to review procurement results and to consider approval of The Connecticut Light and Power Company's (CL&P) proposed rates for Standard Service and Supplier of Last Resort Service. Following the July 1, 2020 rate change and subsequent ratepayer outcry, PURA ordered that rate increase to be suspended pending an investigation into the increase. OCC is an active participant in the investigation and has closely followed consumer responses to the billing changes, and remains focused on cost containment measures, consumer education of bill components, and bill transparency.
- k. In Docket No. 20-08-03, PURA initiated an investigation into the EDCs' electricity restoration response to Tropical Storm Isaias. The investigation is in its nascent stages, but the OCC has been actively engaged by closely following consumer responses, legislative reactions, and its own fact-finding initiative.
- l. In Docket No. 20-04-31, OCC is actively monitoring Frontier Communications' Chapter 11 bankruptcy case and participating in related PURA proceedings involving the corporate restructuring of Frontier once it emerges from bankruptcy. OCC is particularly focused on ensuring that Frontier's network in Connecticut reaps the benefits of financial and corporate restructuring that Frontier asserts in both its bankruptcy case and this PURA proceeding.
- m. In Docket No. 19-01-32, OCC represented natural gas ratepayers in the first ever petition for an industrial customer to take gas service under the newly created MFG rate class. Throughout the proceeding, OCC argued that any rate relief authorized under rate MFG should be prospective so as to protect the general class of natural gas ratepayers from retroactive charges. In its Final

Decision, PURA rejected OCC's and imposed approximately \$250,000 in retroactive charges on the general class of natural gas ratepayers. Following an appeal by OCC to the Superior Court, PURA reopened the proceeding as Docket No. 19-01-32RE01 and issued a new Final Decision consistent with OCC's original position, thereby saving ratepayers substantial additional charges to their bills.

- n. In Docket No. 20-03-14, which PURA commenced to investigate whether utility pole owners (Frontier, Eversource, United Illuminating and Verizon) have been complying with various PURA decisions and orders with respect to applications to attach to those poles, mostly from competitive telecommunications and broadband providers. OCC has served extensive interrogatories on the pole owners to assist PURA in determining whether they have fully complied with PURA orders. OCC anticipates that this proceeding will be completed by the end of 2020.
- o. In Docket No. 11-03-07RE01, relating to the standards for utility pole administration by the electric distribution companies as Single Pole Administrator in their respective territories, OCC continued to lead the advocacy before PURA to develop a statewide utility pole and conduit management process to streamline access by competitors and new advanced technology providers in an equitable platform to help make Connecticut competitive among the states in terms of broadband access and speed. For this period, the process of overlashing (applying new wires over existing strands or cables) was litigated before PURA. OCC was pleased that PURA adopted OCC's idea and proposal and ordered the development of statewide pole and attachments database called the Connecticut Utility Pole Database. The docket's working group will once again dig in on the database issue with OCC as a lead participant. In the meantime, Frontier has filed an appeal of PURA's ruling with the Superior Court and OCC has intervened on the side of PURA. Frontier subsequently voluntarily withdrew its appeal.
- p. Docket No. 17-09-37, Municipal Gain Declaratory Ruling, dealt with a petition to determine the scope of the statutory rights granted to all 169 municipalities by the state General Assembly (since 1905) to affordable access to a designated location, called the "municipal gain" on all utility poles and in telecom conduit. The focus is on whether municipalities can seek to serve their citizens, including some who today do not have any broadband access or can only access the internet at very slow speeds, with high-speed broadband services through the municipal gain. PURA ruled, over OCC's objection, that under the statute, municipalities may not provide broadband to the general public. This docket is the third in as many years to attempt to clarify the parameters of this statute,

and OCC, along with the Connecticut Conference of Municipalities and several cities and towns, initiated an administrative appeal of the PURA final decision. Oral argument occurred before the Superior Court on August 14, 2019. The Superior Court issued its decision on November 12, 2020, rejecting PURA's decision as legally incorrect and ruling in favor of OCC's position. Accordingly, the Superior Court made clear that municipalities may provide broadband services to their residents utilizing the municipal gain on utility poles.

- q. In Docket No. 19-08-19, which reviewed utility disconnection/connection costs and cost recovery as a result of concrete foundation problems, a/k/a "crumbling" foundation issues, PURA examined financial assistance to homeowners for such costs arising from foundation remediation, as well as methods of recovery to public utility companies for those costs. Among processes reviewed were those of the Connecticut Foundation Solutions Indemnity Company, Inc. ("CFSIC"), funded by the Crumbling Foundations Assistance Fund ("Fund"), and suggested proposals from the public utilities for their own cost recovery. OCC offered its full support to PURA's final decision, which recognized the successful remuneration of Connecticut homeowners from CFSIC and realization of the intended benefits of the Fund, and also issued specific cost-recoupment directives to the public utilities for service connections and disconnections.
- r. In Docket No. 18-05-04, OCC has worked with DEEP and other state parties on the procurement and development of a contract with the Millstone Nuclear Power Station in Waterford, Connecticut ("Millstone") owned by Dominion. The contract will result in a major energy purchase by Connecticut electric customers from Millstone that is expected to preserve Millstone in operation for at least ten years and yield an estimated net \$2 billion in customer benefits, plus reliability and environmental benefits, by avoiding a premature retirement of Millstone. PURA ultimately approved the proposed contract.
- s. In Dockets No. 19-07-01/19-07-01RE01, PURA reviewed the Department of Energy and Environmental Protection's (DEEP) proposed modified statewide the Shared Clean Energy Facility ("SCEF") program requirements and established a working group for the EDC's customer enrollment process. The OCC has been an active participant in both proceedings, which emphasize the State's goals for both renewable energy sources and energy equity for low to moderate residential users. In particular, OCC stands fully behind one of the program's goals: that underserved communities are its beneficiaries. Following a robust review process of DEEP's proposal including discovery, technical meetings, briefing, and oral argument, PURA approved the Program Requirements for Connecticut's Shared Clean Energy Facility (SCEF) Program. The OCC took no exceptions to that decision, due to the modified

plan's increased subscriber savings, inclusion of amplified consumer protections, and reduced marketing costs advanced by the OCC at oral argument. As of this writing, the COVID-19 pandemic has delayed both the 2020-2021 subscriber organization project bidding process and the EDC's design of a customer enrollment process, however, OCC remains an active participant in each proceeding as each moves forward to finalize consumer enrollment processes and approving SCEF facility proposals.

- **Legislative Advocacy:** The Office of Consumer Counsel actively participated in the 2019 legislative session, testifying on numerous utility and telecommunications measures. Due to the COVID-19 pandemic, none of the bills referenced below advanced beyond committee.
 - a. In the telecommunications area, OCC in its support of S.B. 5 continued its advocacy for the consumer protection principles of net neutrality and safeguards in this arena nullified by the FCC. OCC also supported S.B. No. 176, concerning funding for Community Access Programming, which aimed to remedy the funding crisis for community access programming resulting from dramatically reduced cable television subscriptions.
 - b. In the realm of proposed legislation aimed at consumer protections and access to information, the OCC supported three bills. H.B. No. 5225, concerning electric suppliers, gained strong OCC support as it sought to invoke overdue consumer protections for the third-party supplier market and expand PURA's authority to grant restitution, a necessary remedy for meaningful enforcement. OCC strongly supported S.B. No. 289, related to disclosure of information requirements for municipal cooperatives, expanding Freedom of Information Act obligations to municipal cooperations thereby providing transparency and accountability to their customers related to operations and costs. OCC suggested S.B. No. 175, related to electricity shutoff notifications, was premature as it would benefit from awaiting the outcome of PURA Docket No. 17-12-03RE01, which was slated to examine the same topic. However, OCC recognizing the importance of adequate shutoff notifications and the potential for the S.B. No. 175's passage, recommended modifications that addressed certain notice provisions of the proposed bill that had the potential to result in consumer scams.
 - c. OCC supported H.B. 5350, concerning natural gas infrastructure. The proposed bill would have furthered the state's carbon-reduction goals by giving DEEP the ability to solicit bids and create a program that injects biogas into the gas distribution system. OCC strongly supported the bill's goal to establish a PURA docket to evaluate the repair and replacement schedules of aging

infrastructure and the natural gas expansion program, suggesting such a review was necessary for cost containment and aligning the goals of a seven-year old program with current conditions.

- d. OCC supported H.B. No. 5223, concerning voltage standards, which would have adjusted voltage variance standards, which in turn would have removed a potential impediment to Distributed Energy Resource implementation, another important component of the state's energy goals.
 - e. Finally, OCC supported two study bills in principle: H.B. 5347, related to a Volumetric Surcharge Study by the Department of Economic and Community Development, and H.B. No. 5348, concerning Community Choice Aggregation ("CCA"). Related to H.B. 5347, OCC flagged potential ratepayer impact and need for federal approval for any legislation seeking to implement changes to the non-bypassable charges. Regarding H.B. 5348, OCC suggested that because CCA represents a significant policy shift for the state, a study involving fact finding and analysis would benefit stakeholder and community member understanding of CCA.
- **Federal Advocacy:** OCC continued to be involved in 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. As to the "bigger picture," OCC is part of a coalition of New England state agencies that is seeking at FERC (Docket No. EL16-19) to ensure that the annual rate filings by transmission owning utilities (including Eversource and Avangrid/UI) will be understandable and subject to questioning in advance by government parties. The negotiations continued last year before a FERC Settlement Judge, and a settlement signed by OCC and many other parties was forwarded to FERC for consideration. However, FERC rejected the settlement and the case has now been re-opened. Settlement discussions between the parties resumed this year and following several rounds of additional negotiation, OCC and many other parties again signed a settlement agreement, which was forward to FERC and subsequently approved
 - c. In FERC Docket No. EL20-42, the FERC considered a petition which sought to impose federal FERC jurisdiction over current state net metering policies. Net metering has traditionally been within the jurisdiction of state public utility commissions and prior FERC orders have recognized them as state-jurisdictional issues. OCC filed a joint brief with the Attorney General

opposing the petition as contrary to established law and requesting that FERC dismiss the petition. FERC ultimately rejected the petition, leaving net metering policy under state control for the time being.

- d. 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. OCC intends to continue its involvement in this proceeding moving forward.
 - e. In FERC Docket No. EL19-90, OCC has joined in the filing of multiple sets of comments with the other Connecticut agencies and other New England state entities opposing the manner in which ISO-NE has implemented FERC Order 1000, which was intended to foster greater competition in transmission bids and thereby deliver savings to the region's ratepayers. OCC and the other parties have argued that ISO-NE has regularly utilized emergency exceptions in Order 1000 to foster additional transmission development rather than competitively bid those projects as envisioned by the Order. OCC intends to continue its participation in this proceeding to ensure that ratepayers receive transmission upgrades at the best possible price.
 - f. OCC also actively monitors all relevant proceedings at the Federal Communications Commission.
- **Advocacy in Court Cases:** In Fiscal Year 2019-2020, OCC was a party in 9 Administrative Appeals to the Superior Court and 1 appeal to the Connecticut Appellate Court. Chief among those were:
 - a. *Office of Consumer Counsel v. Public Utilities Regulatory Authority*, HHB-CV-19605567-S. In this case, OCC appealed to the Superior Court for judicial review of PURA's Final Decision in Docket No. 19-01-32, in which PURA approved a manufacturing company to take gas service under Rate MFG but also ordered all Yankee Gas ratepayers to retroactively incur approximately \$250,000 in costs otherwise attributable to the manufacturing company. In its complaint, OCC argued that PURA's Decision violated General Statutes § 55-3, did not properly adhere to the UAPA, and was arbitrary, capricious, and an abuse of PURA's discretion. In response to OCC's appeal, PURA reopened the docket and issued a new decision that did not impose additional costs on all ratepayers. Accordingly, OCC withdrew its appeal.

- b. *Office of Consumer Counsel v. Public Utilities Regulatory Authority*, HHB-CV-18-6045635-S. As outlined in greater detail above, in this administrative appeal OCC contested PURA's determination that municipalities cannot utilize the "municipal gain" on utility poles to provide broadband services to municipal residents and businesses. The Superior Court rejected PURA's interpretation of the operative statute and concluded that municipalities may indeed use the municipal gain "for any purpose" including the provision of broadband service. Neither PURA nor other defendant-intervenors appealed the Superior Court decision.

- c. *Liberty Power Holdings, LLC v. Public Utilities Regulatory Authority*, HHB-CV-19-6054658-S. OCC intervened in this administrative appeal to support PURA's decision in Docket No. 06-12-07RE07 which imposed a \$1.5 million civil penalty on Liberty Power for its deceptive marketing practices and failure to comply with multiple provisions of Connecticut law. PURA ultimately settled the administrative appeal with Liberty Power for \$750,000.00. OCC declined to join the settlement. OCC and PURA Prosecutorial Staff are both currently auditing Liberty Power's recent marketing to determine whether the company has remedied its issues in Docket No. 06-12-07RE09.

- d. *Spark Energy, LLC v. Public Utilities Regulatory Authority*, HHB-CV-19-6055021-S. OCC intervened in this administrative appeal to support PURA's decision in Docket No. 10-06-18RE02 which imposed a \$750,000.00 civil penalty on Spark Energy for a deceptive robocall campaign conducted by its sales agents and for Spark Energy's failure to adequately monitor and directly train its sales agents as required by law. Spark Energy argued that PURA's decision was the result of improper administrative process. OCC ultimately entered into a settlement with PURA and Spark Energy for \$500,000.00 that resolved the appeal. The Attorney General and Department of Consumer Protection subsequently secured approximately \$15,000.00 in restitution for Spark customers who enrolled during the robocall campaign.

- e. *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. A proposed settlement which would resolve this case, and which OCC supports, is currently pending before PURA. 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. The Attorney General filed a motion to dismiss the case which remains pending before the Superior Court.

- **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. Principal Attorney Bill Vallee, state Broadband Policy Coordinator since 2008, retired as of 8/30/19, was a member of the NTIA State Broadband Leaders Network which is comprised of state broadband leaders from the 56 entities of the U.S. (50 states, 5 possessions and territories, and D.C.), seeking to develop and promote best practices to expand affordable broadband internet access.
 - b. Principal Attorney Bill Vallee, state Broadband Policy Coordinator since 2008, retired as of 8/30/19, represented the OCC/SBO as a board member and chair of the Audit Committee 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. After Attorney Vallee's retirement, Staff Economist John R. Viglione will continue representing OCC at CERC.
 - c. Staff Attorney Andrew W. Minikowski 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.
 - d. Principal Attorney Bill Vallee, state Broadband Policy Coordinator since 2008, retired as of August 30, 2019. 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.

- e. OCC Utilities Examiner Tyra Anne Peluso participates 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.
- f. 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.
- g. Former OCC Associate Rate Specialist Taren O'Connor began work on the national NASEO-NARUC Grid Interactive Efficient Buildings (GEB) Working Group, along with thirteen other states.
- h. In addition to contributing to policy decisions on program design and allocation of resources, OCC worked to advise the 2019 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 participate in the design of the next three-year 2019-2021 C&LM Plan.
- i. Joseph Rosenthal, a Principal Attorney for OCC, resigned from the OCC, and Dave Thompson, a Utility Examiner, is the new 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.

- j. Dave Thompson continues to be active OCC personnel who is involved with the discussions among regional electric stakeholders 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.

- **Conferences**

Critical Consumer Issues Forum, The Path To A More Resilient Energy Grid, San Antonio, Texas, November, 2019;

Critical Consumer Issues Forum, Tampa, FL, February, 2020;

Due in part to the Covid-19 pandemic, OCC's staff did discontinue in person participation in major conferences during this fiscal year.

- **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 14-75, *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 Attorneys Andrew W. Minikowski, Thomas Weil and Utilities Examiner Dave Thompson began participating 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 member of the Lawyers Collaborative for Diversity, which consists of law offices and organizations throughout Connecticut and seeks to advance the overall diversity of the legal profession.

- **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 \$38,218,171.

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.