

**Office of Consumer Counsel
Annual Report
Fiscal Year 2023-2024**



At a Glance

Claire E. Coleman, Consumer Counsel

Office of Consumer Counsel Established – 1975

Statutory Authority – Connecticut General Statute 16-2a

Central Office – Ten Franklin Square, New Britain, CT, 06051

Number of Employees as of September 1, 2024 – 19

Recurring operating expenses – \$3,798,325.80

Organizational Structure – OCC is an independent office, within the Department of Energy and Environmental Protection for administrative purposes only.

Mission

The Office of Consumer Counsel OCC is an independent state agency with statutory responsibility to represent customers of Connecticut's five regulated utilities – electric, gas, water, telephone, and to some extent, cable television. The OCC serves as a strong voice for Connecticut's public utility and telecommunications consumers through policy advocacy, legal representation and customer education.

Our mission is to propose and achieve innovative and equitable solutions that will improve the affordability, sustainability, and performance of our energy, water, and telecommunications utility infrastructure to the benefit of all consumers. We work tirelessly to ensure reasonable rates, and reliable and resilient service for customers. Additionally, we work to facilitate the availability of broadband access to every state citizen and to increase access to and the adoption of high-speed broadband networks.

Leveraging the technical expertise of our dedicated legal and financial team, the OCC works for Connecticut's consumers in many different forums. We advocate for the ratepayers before the Public Utilities Regulation Authority (PURA) and the Federal Regulatory Energy Commissions (FERC). We testify before the state legislature. We voice concerns through legal action in state and federal courts, and work with state, regional, and federal agencies to develop policies that consider consumer impacts and ensure accessible, affordable, and reliable energy and internet. We bring the voice of the consumer to the table – from a single individual up to the largest industrial facility.

Statutory Responsibility

Since 1975, the Office of Consumer Counsel has been charged by state statute "to act as the advocate for consumer interests in all matters, which may affect Connecticut consumers with respect to public service companies, electric suppliers and certified telecommunications providers, including, but not limited to, rates and related issues, ratepayer-funded programs and matters concerning the reliability, maintenance, operations, infrastructure and quality of service of such companies, suppliers and providers." *Conn. Gen. Statutes Sec. 16-2a*.

The Office of Consumer Counsel's ("OCC") statutory responsibilities, pursuant to Sec. 16-2a of the Connecticut General Statutes, 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 in contested dockets 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;
- Working actively with the Connecticut General Assembly, including the Energy and Technology, Environment, Human Services, Appropriations, and General Law Committees, in developing utility, telecom and energy legislation with environmental impact for the outcomes that are in the best interests of consumers, and
- Through the Office of State Broadband ("OSB"), established within OCC in 2015 by the General Assembly through Public Act 15-5, 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.

Public Service

OCC represents the interests of consumers of Connecticut's public utilities, including the industries of electricity, gas, water, cable and telecommunications. OCC regularly appears before PURA, participates in the legislative process, represents the interests of consumers in appellate litigation, serves as a voting member of the New England Power Pool, participates in proceedings and litigation before the Federal Energy Regulatory Commission (FERC), the Federal Communications Commission (FCC), and other regional and federal entities, and provides consumers with critical information related to utility and broadband service.

Improvements/Achievements in Fiscal Year 2023—2024

OCC is extremely proud of our work on behalf of consumers in the Fiscal Year 2023-2024 (July 1, 2023 – June 30, 2024), during which OCC continued to operate as a fully independent state agency committed to effectively carrying out its statutory mandate.

OCC's team of dedicated attorneys, accountants, economists, policy analysts and other skilled staff continue to serve Connecticut consumers through strategic and data-driven analysis, advocacy and legal representation. To briefly summarize, OCC plays an impactful role representing consumer interests in the myriad of PURA proceedings that take place annually, including contested rate cases and annual rate adjustment proceedings, annual reviews of clean energy programs and energy affordability programs. On top of these annual proceedings, OCC has been actively engaged in proceedings to develop a potentially transformative performance-based regulation framework for Connecticut electric distribution companies (EDCs), and extensive proceedings focused on grid modernization and the integration of new technologies to better serve consumers. We have also been engaged in a record number of appeals of PURA proceedings, including three Connecticut Supreme Court cases. This year we have been very active in the legislature, NEPOOL, and FERC proceedings on behalf of utility consumers. OCC's OSB continues to serve as a consumer voice for universal, reliable, and affordable service, and has engaged in extensive federal advocacy before FCC. It has been a busy and successful year.

Savings to Consumers: In addition to the indirect savings and the substantive quality of service improvements that result from OCC's advocacy in PURA proceedings and at the legislature, Connecticut ratepayers experienced at least **\$350 million dollars** in direct savings in the 2023-2024 Fiscal Year due to OCC's ongoing advocacy in dockets before PURA, state court decisions, and advocacy in matters before the Federal Energy Regulatory Commission ("FERC"), including the following:

- **New Savings achieved for 2023-24 fiscal year:**
 - \$53 million in ratepayer savings associated with the OCC's litigation efforts in the United Illuminating rate application litigated in 2022-2024. PURA's decision further reduced rate rates an additional \$26 million, relying upon some of OCC's arguments.
 - \$15 million in ratepayer savings associated with the OCC's litigation efforts in the Connecticut Water Company rate application litigated in 2023 and 2024;
 - \$3 million in reduced revenue requirements associated with the OCC's 2023 litigation efforts in PURA regulated gas peaking electric generation units rate cases and related appeals.
- **Continued 2023-24 fiscal year savings achieved related to OCC work in prior fiscal years:**
 - Additional \$150 million in continuing annual ratepayer benefits through the continuation of the rate plan adopted as part of the 2021 joint settlement with Eversource, the Governor's Office, Office of the Attorney General, the Department of Energy and Environmental Protection, and the OCC, that will continue through at least November 2025;
 - Additional \$31 million in continued annual ratepayer savings associated with the OCC's litigation efforts in Aquarion Water Company's rate application litigated in 2022 and 2023 and related appeals in 2023-24;

- Additional \$15 million in non-firm margin proceeds being deferred for future ratepayer benefit as a result of the wind down of the gas local distribution companies' (LDC's) gas expansion plan;
- \$78 million in annual ratepayer benefits through the continuation of the rate plans approved in three rate case settlements with Yankee Gas, Southern Connecticut Gas Company, and Connecticut Natural Gas Corporation;
- \$5 Million in OCC's advocacy in the annual proceeding in which PURA reviews and trues up Eversource's and UI's revenue recovery via its Rate Adjustment Mechanisms ("RAM").
- **Expected Savings next fiscal year (related to OCC work this year):**
 - If OCC's arguments are adopted by PURA, \$60 million in ratepayer savings associated with the OCC's litigation efforts in the Connecticut Natural Gas Corporation rate application litigated in 2023 and 2024, effective December 1, 2024;
 - If OCC's arguments are adopted by PURA, \$62 million in ratepayer savings associated with the OCC's litigation efforts in the Southern Connecticut Gas Company's rate application litigated in 2023 and 2024, effective December 1, 2024;
 - Additional \$157 million in ratepayer estimated savings over the next two years associated with OCC's litigation efforts in UI's 2023 rate case;
 - Additional \$40 million in savings from the Aquarion rate case due to the rejection of Aquarion's multiyear plan.

In addition to these quantifiable savings, OCC's work has focused on improving the electric distribution companies' quality of service to Connecticut consumers in many ways, including the reliability and resiliency of the electric grid, storm and emergency response, customer service, low-income affordability programs, grid modernization, as well as working through PURA to help establish procedural and regulatory changes to enable speedy deployment of high-speed broadband.

I. Advocacy in PURA Dockets

OCC was an active party representing consumers in more than 100 administrative proceedings before PURA (known as dockets) during Fiscal Year 2023-2024. Below is a non-exhaustive, high-level list and description of some of the most important dockets that OCC was most active in:

Rate Adjustments Proceedings

- *In Docket No. 24-01-03 PURA Annual Review of the Rate Adjustment Mechanisms of the Connecticut Light and Power Company*, PURA evaluated Eversource's annual rate adjustment application for costs associated with state and regulatory directed energy purchases; affordability programs; and other costs that are recovered through the annual reconciling mechanism. This year's proceeding was a historic increase, primarily driven by very large under-recoveries in 2023. The two largest drivers of the under-recoveries were the Millstone nuclear

power procurement contract (due to energy market volatility impacts) and uncollectible debt for hardship-designated customers. The increase, effective July 1, 2024, resulted in significant rate shock for Eversource customers, which was exacerbated by historic high temperatures that month and resulting increased electric usage due to home cooling. A second increase was authorized to be effective September 1, 2024, which was primarily to allow Eversource to recover the costs of the Electric Vehicle Charging program, which were originally authorized to be recovered in base rates rather than the annual rate adjustment. OCC conducted a prudency review and advocated for some solutions that could mitigate the rate shock, and there is a pending motion before PURA seeking consideration of solutions.

- *In Docket No. 24-01-04 PURA Annual Rate Adjustment Mechanisms of the United Illuminating Company*, PURA evaluated UI's annual rate adjustment application for costs associated with state and regulatory directed energy purchases; affordability programs; and other costs that are recovered through the annual reconciling mechanism. Like the Eversource proceeding, this year's proceeding was also a substantial increase, which was also primarily driven by very large under-recoveries in 2023. UI's initial increase was also effective July 1, 2024, and was also exacerbated by historic high temperatures that month. A second increase was also authorized for UI to be effective September 1, 2024, which was primarily to allow UI to recover the costs of the Electric Vehicle Charging program, which were originally authorized to be recovered in base rates rather than the annual rate adjustment. UI's September 1 increase also included a very small increase to the Transmission rate. As in the Eversource proceeding, OCC conducted a prudency review and advocated for some solutions that could mitigate the timing and impact of these sorts of increases, and there is a pending motion before PURA seeking consideration of solutions.
- *In Docket No. 23-11-02 Application of Connecticut Natural Gas Corporation and the Southern Connecticut Gas Company to Amend Their Rate Schedules*, two Avangrid-owned natural gas local delivery companies simultaneously sought substantial increases to their base distribution rates. CNG sought an overall increase of approximately \$20 million, and SCG requested over \$40 million. OCC filed multiple rounds of opposing testimony, issued hundreds of interrogatory requests, cross examined every witness panel throughout a multiple-week long hearing, and filed a brief proposing rate *decreases* for each company, primarily due to our objections to the rate recovery of gas infrastructure that has not yet been installed – particularly given the future of natural gas distribution in the context of our state's decarbonization goals. PURA is scheduled to issue a draft decision in early October of 2024, followed by the opportunity for written exceptions and oral arguments. The final decision is scheduled to be released on November 18, 2024.
- *Docket No. 23-08-32 Application of Connecticut Water Company to Amend its Rate Schedule*. In October 2023, Connecticut Water filed an application with PURA seeking to increase rates by \$21.755 Million which equaled an 18.4% increase over current rates. OCC evaluated the application, filed expert testimony, issued many interrogatory requests and cross-examined company witnesses across seven full days of evidentiary hearings. We ultimately advocated for a more reasonable rate adjustment to protect consumers from unnecessary spending but would still ensure that the company would continue to provide reliable access to clean water. We also

recommended the Authority open a general proceeding applicable to all regulated water companies to ensure they are prepared to address PFAS contamination and other water quality issues. We filed our brief in March and PURA issued its final decision in June, incorporating many of our arguments. PURA's final decision approved an increase of \$2.74 Million, which amounts to a 2.32% over the current rates they were charging customers, with the ability to recover an additional \$1.115 million in executive compensation costs contingent upon the achievement of performance targets. We are proud of this balanced and positive outcome for Connecticut Water customers.

Regulatory Reform & Affordability Focused Proceedings

- In PURA's *Investigations into Performance Based Ratemaking* (Docket No.'s 21-03-15RE01, 21-03-15RE02, 21-03-15RE03), OCC continues to engage in PURA's investigation into Performance-Based Regulation, or "PBR," and has been a significant contributor and participant in these proceedings. PURA started its general investigation in the winter of 2022 and after prolonged and collective engagement from all stakeholders, the process is now focused on three areas: considering adjustments to the overall framework for utility rate cases (Docket [21-05-15RE01](#)); designing specific tools to create incentives for particular performance outcomes (Docket [21-05-15RE02](#)); and addressing the distribution system planning practices of the utilities (Docket [21-05-15RE03](#)). The work in these dockets is occurring simultaneously. OCC has most recently recommended tracking utility practices with tangible scorecards aimed to evaluate and improve utility performance and customer outcomes, including: Avoided Service Terminations, Peak Demand, Customer Satisfaction, Cost Efficiency, Post Storm Power Restoration.
- OCC has heavily participated in PURA's annual energy affordability docket, Docket No. 24-05-01 *Energy Affordability Annual Review*. OCC continues to offer suggestions and guidance regarding how to structure the energy affordability programs after the statutory revisions to the Matching Payment Plan. OCC has advocated for streamlining energy affordability offerings, which makes the offerings more accessible to the customers who qualify, makes them more manageable for the utilities, and reduces their costs for all other ratepayers. In this docket, PURA also incorporated OCC's extensive work on wage garnishments in Docket No. 22-03-16RE02. OCC continues to advocate for the recommendations included in its [wage garnishment report](#) and to seek equitable solutions for mounting medical arrearage costs.
- In PURA's Low Income Discount Rate docket, Docket No. 17-12-03RE11, *PURA Investigation into Distribution System Planning of Electric Distribution Companies – New Rate Design and Rates Review*, OCC continues assist PURA in designing a rate that will assist low-income customers with their electric costs while minimizing costs to other ratepayers for continuing arrearages. OCC is working with the Department of Social Services to determine the best way to apply DSS' government benefits' information to the structure of the discount rate.

Broadband and Communications Proceedings

- *OCC Championed the Enforcement of Frontier's Telephone Quality of Service Standards* (Docket No. 24-01-15). In January 2024, PURA opened Docket No. 24-01-15 as the result of an OCC Petition to investigate and enforce the minimum Quality of Service Standards ("QoSS") required of Frontier (The Southern New England Telephone Company) set forth in Connecticut General

Statutes 16-247g-2. OCC's petition illuminated, citing the company's own semi-annual reports filed between January 1, 2015 and June 30, 2023, that Frontier failed to meet the mandatory minimum QoS for completing maintenance appointments as scheduled and for repairing out of service ("OOS") telephone lines within 24 hours. Findings confirmed that Frontier had failed to meet the minimum Maintenance Appointment Met (MAM) standard for 35 months and the minimum Out of Service Repair (OSR) standard for 51 months, from January 2015 to December 2023. In addition, Frontier also failed to file 16 required exception reports for 3-month periods in which Frontier failed to meet the minimum standards, and those reports were, cumulatively, 8,811 days overdue as of December 31, 2023. In July, after months of discovery, PURA issued a Final Decision and subsequent Notice of Violation (Docket No. 24-01-15RE01). In accordance with powers afforded to PURA in Connecticut General Statutes, PURA is proposing a collective \$2,481,000 in civil penalties for the aggregated violations.

- *Verizon Petition for Reclassification and Retirement of its Alternative Form of Regulation Plan (Docket No. 24-06-15)*. On June 18, 2024 Verizon, one of Connecticut's two incumbent local exchange carriers (ILECs) submitted a Petition to PURA seeking reclassification under Conn. Gen. Stat. § 16-247f and retirement of its Alternative Form of Regulation Plan. Verizon claims in its Petition that the area it serves, Greenwich and Byram Connecticut, are subject to competition and therefore Verizon should no longer be subject to the Public Service Company designation befitting an ILEC. Were the Petition to be granted, Verizon states that it would seek a Certified Telecommunications Provider designation to continue operating in Connecticut. OCC conducted discovery geared toward understanding whether or not competition for Verizon's basic telephone service (called Local Exchange Service) and other tariffed services exists in Greenwich and Byram. OCC filed a brief on August 23rd expressing concerns that Verizon has not proven that local exchange service competition of any kind exists in Greenwich and Byram and recommends that the Petition be denied. A hearing is currently set for September 13, 2024.

II. State Litigation and Appeals

OCC plays an important and unique role as a statutorily empowered pro-consumer litigant in state appellate court. OCC's active participation in appellate litigation helps preserve hard-won victories in PURA dockets and helps establish and strengthen pro-consumer legal precedent that benefits all ratepayers in enduring ways. In Fiscal Year 2023-2024, OCC was a party in the Superior Court in 15 Administrative Appeals, participated in one Connecticut Appellate Court case, and represented consumer interests in four Connecticut Supreme Court cases. The following are select examples of OCC's state appellate work:

- *GenConn Energy LLC v. Public Utilities Regulatory Authority*, S.C. 20716. At stake in this Connecticut Supreme Court matter are ratepayer savings as a result of PURA's final decision in Docket No. 20-06-14, in which PURA disallowed a total of \$4.185 million of plaintiff GenConn Energy LLC's ("GenConn") requested annual revenue requirement. OCC intervened in the subsequent appeal filed by GenConn and supported PURA's defense of its decision due to the beneficial impact to rates. The Superior Court ruled in favor of PURA in January 2022, and GenConn's next appeal was ultimately transferred to the Connecticut Supreme Court. OCC filed briefing in January 2023 and presented oral argument on September 8, 2023. On February 23, 2023, the Connecticut Supreme Court upheld both PURA and the lower courts decision,

accepting many of the OCC's supporting arguments, most notably, that PURA must retain the "flexibility" necessary to resolve issues where they arise, and must be allowed to evaluate rate applications "in light of the entire universe of facts and circumstances available. The decision upheld the following: PURA has the authority to analyze each rate application on its own merits, and is not strictly limited to past practices or decisions; PURA can analyze whether costs are not only prudently incurred, but also whether it is appropriate for a company to collect such costs from ratepayers; PURA's disallowance of particular costs does not constitute an illegal deprivation of a company's profits. This is one of the most important decisions that has been rendered to date affirming guiding and longstanding principles in Connecticut's utility regulatory framework, and OCC considers it a hard-fought victory.

- *Aquarion Water Company of Connecticut v. Public Utilities Regulatory Authority*, Docket No. HHB-CV-23-6078177-S. In this administrative appeal, filed in March 2023, the plaintiff, Aquarion Water Company of Connecticut ("Aquarion"), sought to overturn PURA's final decision in the underlying rate case that resulted in a historic rate reduction – of over \$40 Million of the company's request – for the water utility's customers. To help defend this pro-consumer outcome against the company's April 2023 appeal to the Connecticut Superior Court, OCC intervened. On March 26, 2024, the court ruled, in all major respects, to uphold PURA's decision, and in doing so, upheld PURA's decision making authority in line with many of the legal principles the Connecticut Supreme Court used to affirm the decision in *GenConn Energy LLC v. PURA*. The basis for OCC's intervention were cited in the court's decision, including: PURA must apply the entire array of statutory standards to requests for cost recovery -- even for prudently incurred costs -- in order to fulfill its statutory obligation to balance competing regulatory interests, and PURA's reduction to the company's ROE – in this case – would not unconstitutionally diminish the company's financial integrity or deprive it of its ability to attract capital. Aquarion subsequently appealed to the Connecticut Supreme Court, where briefing remains ongoing and OCC intends to continue its advocacy for consumers via its brief and oral argument before the bench. (Docket No. SC 21010).
- *Northland Investment Corporation v. Public Utilities Regulatory Authority*, Docket No. SC 20769. This company appealed the 2023 Superior Court decision to uphold PURA's findings that "ratio utility billing systems" – a practice where a residential apartment owner charges tenants for utility costs for which they were not solely responsible – was not permitted under Connecticut law. OCC filed to intervene in the appeal and presented oral argument before the Connecticut Supreme Court. In May, the Supreme Court ruled that both PURA's and the lower court's decisions were made on sound legal basis and prevailed. This was a significant outcome to the benefit of consumers that OCC had fought for before PURA and in the Courts for nearly five years.
- *The United Illuminating Company v. Public Utilities Regulatory Authority*, Docket No. SC 20795. This consolidated Connecticut Supreme Court appeal of two Superior Court administrative appeals concerns PURA's orders and civil penalties imposed on UI in the aftermath of Tropical Storm Isaias. In those decisions, PURA ordered a future reduction to UI's ROE (which was ultimately not imposed in UI's most recent rate case) and hundreds of thousands of dollars in civil penalties for UI's failure to adhere to its emergency response protocols. The Superior Court

upheld PURA's decisions in full in a 2022 decision, which UI appealed to the Connecticut Supreme Court. OCC filed its brief on June 26, 2023 and presented oral argument on December 11, 2023. The Connecticut Supreme Court's decision remains pending.

- *The United Illuminating Company v. Public Utilities Regulatory Authority*, Docket Nos. HHB-CV-23-6082032-S & HHB-CV-23-6081616-S. In these two administrative appeals, UI challenges PURA's 2023 decision on UI's most recent rate case, Docket No. 22-08-08. In that decision, PURA issued a decision that, while still permitting UI an appropriate rate increase, saved ratepayers millions and millions of dollars compared to the rates UI requested in its application. OCC filed its brief on August 15, 2024, in which it defended PURA's decision as legally sound and supported by the evidence in the record. OCC will continue its participation by appearing at oral argument and defending ratepayers in any subsequent appellate litigation of this matter that may arise.
- *The United Illuminating Company v. Public Utilities Regulatory Authority*, Docket No. HHB-CV-24-6084344-S. This administrative appeal concerns PURA's proper rejection of a request for an interim rate increase that UI sought following PURA's issuance of its decision on UI's rate application in Docket No. 22-08-08. Arguing that the rate case decision did not provide UI with sufficient revenues, UI sought an additional interim rate increase to collect further costs from ratepayers above what PURA had just authorized. OCC filed its brief on July 26, 2024, arguing that PURA properly rejected UI's request given that it was procedurally and evidentiarily deficient and at odds with the controlling statutory framework. OCC will continue its advocacy by appearing at oral argument and participating in any subsequent appellate litigation.

III. Federal and Regional Consumer Advocacy and Litigation

OCC also advocates vigorously for consumer interests at the regional and federal levels on energy, water and telecommunications issues.

Energy. This work targets multiple crucial venues, including NEPOOL, ISO-New England ("ISO-NE"), and the Federal Energy Regulatory Commission ("FERC"). NEPOOL is an advisory governance body for ISO-NE that is composed of representatives from different wholesale electricity sectors. OCC is a voting NEPOOL member and actively participates in NEPOOL's governing committees to give voice to ratepayer concerns. Through its NEPOOL work, OCC weighs in on transmission planning, energy market operation, grid resiliency, and other important regional matters related to the region's electricity production and delivery. OCC also engages in direct advocacy with ISO-NE, the region's power grid operator and wholesale market manager, and helps represent consumer interests through its membership on the Coordinating Committee for ISO-NE's Consumer Liaison Group, a public education and outreach body established by FERC order. Finally, OCC engages in litigation before FERC, the federal regulatory body that oversees ISO-NE, and also challenges FERC decisions, when necessary, through federal court appeals. Examples of OCC regional and federal advocacy include:

- Continued engagement in oversight of asset condition projects pursued by transmission owners at the regional level through joint written comments along with other regional consumer advocates as well as active participation in ISO-NE's Planning Advisory Committee and NEPOOL's Reliability and Transmission committees;

- Pooling resources with other New England consumer advocates, OCC hired a consultant to review annual formula rates filings from transmission owners operating in New England, potentially setting up challenge to those rates as necessary before FERC;
- OCC drafted and filed letters of support for several DOE GRIP funding applications for both New England and Connecticut, including the successful Power Up New England project, which won \$389 million in federal funds to improve offshore wind points of interconnection and build grid-scale battery storage;
- OCC joined with other states to file a motion for rehearing of FERC’s Order 1920 that would allow transmission owners to collect construction work in progress funds;
- OCC submitted joint comments regarding FERC’s ruling on reactive power payments that cost New England ratepayers an estimated \$20 million annually in VAR payments.
- OCC filed comments with FERC in August 2023 following the Winter Reliability Forum in Portland, Maine focused on the future of Everett Marine Terminal and reliability of electric grid in New England;
- Working with our regional colleagues, OCC filed joint comments on the Department of Energy’s *Action Plan for Offshore Wind Transmission Development in the U.S. Atlantic Region*;
- Met with FERC Chairman Willie Phillips, along with other regional consumer advocates, to discuss ways that FERC can help control growing costs related to asset condition projects in New England;
- Submitted written comments on ISO-NE annual budget questioning additional staffing requests as well as the incentive compensation plan offered to employees.

Broadband/Telecom. OSB has been an integral consumer advocate before the FCC on critical consumer protection issues facing broadband and telecommunication customers. Examples of OCC OSB’s federal advocacy include:

- *OCC Kept Consumer Needs and Public Safety at the Forefront in Support of the FCC’s Safeguarding and Securing the Open Internet Initiative.* On April 25, 2024, the FCC voted to reclassify Broadband Internet Access Service (“BIAS”) as a Title II telecommunications service in order to enact stronger consumer protections and advance public safety.¹ The OCC’s OSB was an

¹ Prior to this decision, a change made by the FCC in 2017 reversed the classification from “telecommunications services” to “information services,” resulting in decreased oversight at every regulatory level. This April decision restores BIAS services to its proper classification under federal law, which provides the FCC with authority to enact consumer protections for broadband users, such as net neutrality rules.

active participant in this proceeding and filed [joint comments](#), alongside the National Association of State Utility Consumer Advocates (NASUCA), supporting the change and advocating for stronger state oversight of telecommunications services. The collective suggestions in the joint filing included:

- Providing states with the authority to require affordability programs and low-income service tiers for customers;
 - Maintaining state utility commission authority to ensure that updates to infrastructure in the public streets and highways are performed safely and efficiently;
 - Allowing for increased data privacy and security for all consumers by ensuring providers are cooperative with state cybersecurity and network resiliency efforts;
 - Establishing clear, straightforward rules to prevent BIAS providers from engaging in practices harmful to consumers, competition and public safety, and subsequently, penalties enforced by state regulators for failure to meet these standards;
 - Allowing states to continue to do their own broadband mapping, which is used for many localized purposes other than those of federal broadband maps; and
 - Rectifying regulatory uncertainty regarding jurisdiction and other harmful consequences of the 2017 reclassification. Without clear state directives and authority, many utility commissions declined to process consumer complaints on telecommunications, cable and internet service (non-rate) issues, though those services were provided through facilities located in public rights-of-way with state authorization. Clear jurisdictional language allows states that choose to take consumer complaints to better facilitate resolution between consumers and service providers in a prompt and meaningful way.
- *OCC Provided Guidance and Recommendations to the FCC as it Adopted First-Ever Broadband Access Anti-Discrimination Rules.* At its November 15 meeting, the FCC adopted new rules to address discriminatory practices or acts of internet service providers that impact access to that service. The rules protect against both intentional discrimination and disparate impact practices. The classes protected under the FCC rules include income level, race, ethnicity, color, religion, and national origin. The rules were enacted pursuant to Congressional directive under the bi-partisan Infrastructure Investment and Jobs Act of 2021. OSB provided guidance and recommendations through comments and reply comments submitted to the FCC, and our comments were cited in the FCC's Report and Order on seven separate occasions. As recommended by the OCC, the rules cover all consumers, including both current and prospective subscribers. The term "consumers" includes not only individuals, but also groups of persons, organizations, and businesses. The Guidelines the Report and Order established which the OCC supported include:
 - Policies or practices, not justified by genuine issues of technical or economic feasibility, that (1) differentially impact consumers' access to broadband internet access service based on their income level, race, ethnicity, color, religion or national origin or (2) are intended to have such differential impact, are prohibited. The FCC also found that this standard must address not only business conduct motivated by discriminatory intent, but also business conduct having discriminatory effects. In other words, business practices of internet service providers can also be found to constitute prohibited digital discrimination, in addition to intentional discrimination, as recommended by the OCC.

- A policy or practice will violate the prohibition on digital discrimination of access if it discriminates, either by intent or in effect, against income level, race, ethnicity, color, religion or national origin. In evaluating a claim of discrimination, the FCC considers whether the policy or practice in question differentially affects access to broadband service or is intended to do so. If that question is answered in the affirmative, the FCC will review any issues of technical or economic feasibility that may compel use of the challenged policy or practice rather than a less discriminatory policy or practice. The rules thus require assessment of whether a policy or practice is discriminatory; and if so, whether there were reasonably available and achievable alternatives (i.e., alternatives that were technically and economically feasible) that would have been less discriminatory.
- Additionally, the FCC will accept both informal and formal complaints of digital discrimination and is amending its Commission’s existing enforcement rules, so they specifically authorize investigations regarding digital discrimination of access. The FCC will also be amending its informal consumer complaint process to provide a designated pathway for accepting complaints of digital discrimination of access. At this time, the FCC has decided to be the entity that takes formal complaints under its digital discrimination rules. However, state agencies may file complaints with the FCC on a consumer’s behalf. Accordingly, the OSB within the OCC is available to do a preliminary review of any complaint about a discriminatory action or practice of an internet service provider in Connecticut and, if appropriate, assist in the filing of a complaint with the FCC.
- *OCC Supported the FCC’s Efforts to Provide Clear and Accessible Broadband Labelling.* The OCC led a coordinated effort with other CT State Broadband leaders to support the FCC’s initiative to provide a uniform format for clear, concise, easily accessible, and user-friendly labelling of broadband service offerings and rates. The implementation of this format will provide consumers with transparent and standardized information to evaluate before they commit to a service, giving them the necessary tools to understand and make an informed decision about what they are purchasing. OCC’s OSB and the Office of Telecommunications and Broadband within the Department of Energy and Environmental Protection’s Bureau of Energy and Technology Policy jointly submitted written comments in response to the FCC’s Notice of Proposed Rulemaking, and urged the FCC to establish a state-FCC concurrent jurisdiction standard for enforcement in order to leverage local partnerships to increase the impact of these measures on local communities. The objectives of our collaboration were realized on July 18, 2023, when the FCC released an [order](#) updating the template for the recently adopted broadband consumer label and putting a number of our recommendations into policy. All providers must comply with the new requirements as of October 10, 2024.

IV. Legislative Advocacy

The Office of Consumer Counsel actively participated in the 2023 legislative session, preparing written testimony on numerous energy, water, broadband and telecommunications-related proposals and with Consumer Counsel Coleman testifying either in person and virtually at all Energy & Technology

committee hearings. OCC also submitted testimony on relevant proposals considered in the Environment and Planning and Development Committees committee.

OCC introduced and advocated for proposals related to consumer protection, utility affordability and oversight of communications companies.

- Senate Bill No. 336 *An Act Concerning the Metropolitan District of Hartford County's Independent Consumer Advocate*. OCC has the statutory responsibility to select a consumer advocate to oversee the operations of Connecticut's regional and municipal utility districts that are not regulated by PURA – and therefore, do not permit OCC intervention or oversight – including the Metropolitan District Commission of Hartford County (“MDC”). OCC worked with legislators on the Planning and Development Committee and within the MDC service territory on this proposal, which appropriately aligns the compensation for the work and commitment required, while also expanding the scope of professional experience to widen the applicant pool and attract candidates who did not meet the narrow qualifications for the position set forth in statute. This legislation was passed and signed into law by Governor Lamont on June 4, 2024.
- Senate Bill No. 384 *An Act Concerning the Low-Income Energy Advisory Board*. Since Consumer Counsel Coleman assumed the role of Chair of the Board in August 2023, there has been an even greater focus on utility affordability in our state, and nationwide – with growing concerns about the quality and cost of our water resources. The board supported, and OCC utilized team resources, to propose and shepherd this bill through the legislative process expanding the Board's purview to include water utility services in their work. With this change, passed and signed into law by the Governor, the newly named Low-Income Energy and Water Advisory Board is now responsible for providing recommendations to improve the availability, administration, and implementation of water assistance programs, by optimizing current energy assistance and efficiency programs as well as water conservation and affordability efforts. In addition, as prescribed by the legislation, the Board is now working on a report that will recommendations to the Joint Committees of Cognizance due October 15, 2024 and biennially thereafter.
- House Bill No. 5446 *An Act Concerning Funding for Community Access Television, the Connecticut Television Network and Low-Income Internet Access and Taxation of Communications Services Providers*. This legislation aimed to solve several issues currently facing our state that have a direct impact on consumers. The proposal would have provided a sustainable and equitable funding source for CT-N and our community access agencies, created an equitable tax structure amongst the communications companies operating our state, prioritized digital equity efforts, and created the framework for an inter-agency working group to explore the potential of a state run low-income broadband discount program as a result of the federal sunset of the Affordable Connectivity Program. While the Energy & Technology members voted the proposal out of Committee, the House Chamber took no further action.

OCC also provided input on several bill's signed by the Governor, which included additional engagement by OCC for completion prior to the start of the 2025 legislative session, including:

- Senate Bill No. 385 *An Act Concerning Energy Procurements, Certain Energy Sources and Programs of the Public Utilities Regulatory Authority*. Of the many provisions in this pro-

consumer proposal, the creation of a Task Force to review existing practices and make recommendations on policy, regulations and future legislation to improve disclosure requirements and consumer protections for consumers who enter solar contracts, outlined OCC's membership in the process. During its review the group is tasked with focusing on low-income consumers and whether additional or special protections are necessary to ensure they receive the benefits of solar at reasonable costs and are not victims of deceptive practices. The task force must issue its findings to the Energy & Technology committee on or before January 1, 2025. Other provisions in this proposal updated the parameters for state solicitation of proposals for zero-carbon electricity generating resources as well as interconnections with the electric distribution grid of which the Department of Energy and Environmental Protection must work in consultation with the OCC to determine if such proposals are in the best interest of ratepayers.

- House Bill No. 5426 *An Act Concerning Energy Assistance Studies and Fuel Vendor Reimbursement*. As per the enactment of this statute, the Department of Social Services must convene a working group, of which OCC is a member, to establish new pricing standards for fuel vendors participating in the Connecticut Energy Assistance Program to fairly compensate vendors but maximize the financial benefit to qualified recipients who meet the program guidelines and parameters. Additionally, the law directs the Department of Social Services to study the feasibility of creating a common application and benefits portal for use when consumers are applying for both CEAP benefits through DSS and heating assistance through Operation Fuel, Inc. — a Hartford based non-profit. To complete this task by January 1, 2025, DSS must work in consultation with the newly named Low-Income Energy and Water Advisory Board, of which, Consumer Counsel Coleman is the sitting Chair.
- House Bill No. 5507 *An Act Concerning Certain Proceedings Relating to Electric Transmission Lines and the Membership and Processes of the Connecticut Siting Council*. With the growing concern surrounding energy costs and the increasing bill Connecticut's customers are paying — this has drawn increased attention to state administrative processes that play a role in overseeing those costs. This proposal made several changes to the Connecticut Siting Council ("CSC") and among the provisions requires DEEP to conduct a review of the current make up and administrative process when rendering a decision on proposals to update energy and telecommunications infrastructure in our state. Several state agencies are statutorily tasked with assisting DEEP in that effort, including the OCC. Additionally, the statute prescribes that prior to starting a hearing on an application, CSC must request OCC input on proposals that may impact to Connecticut's ratepayers.

OCC submitted informative testimony on several proposals during the legislative session, including:

- House Bill No. 5052 *An Act Supporting Solar Energy in Schools*
- House Bill No. 5231 *An Act Concerning Revisions to the State's Nonresidential Renewable Energy Program and Shared Clean Energy Facility Program*
- House Bill No. 5232 *An Act Concerning Solar Projects Throughout the State*
- House Bill No. 5356 *An Act Concerning Modifications to the Renewable Portfolio Standard*
- House Bill No. 5357 *An Act Concerning a Study of Nuclear Power Generating Facilities*
- House Bill No. 5358 *An Act Concerning a Study of Geothermal Energy*
- House Bill No. 5360 *An Act Establishing a Municipal Aggregation Program*

- House Bill No. 5406 *An Act Establishing a Task Force to Study Transmission and Grid Enhancing Technologies*
- House Bill No. 5438 *An Act Concerning Energy Efficiency Funding and Programs*
- House Bill No. 5438 *An Act Concerning Heat Pump Adoption*
- House Bill No. 5441 *An Act Concerning Utility Shutoffs for Certain Customers*
- House Bill No. 5443 *An Act Establishing and Energy Data Bill of Rights*
- House Bill No. 5445 *An Act Concerning Electric Grid Interconnection*
- Senate Bill No. 297 *An Act Concerning Consumer Protection for Customer of Solar Power Companies*
- Senate Bill No. 3 *An Act Concerning Consumer Protection*
- Senate Bill No. 298 *An Act Concerning a Study of Combing Energy Storage System and Deployment with New Residential Solar Installations*
- Senate Bill No. 299 *An Act Concerning Data Centers*
- Senate Bill No. 300 *An Act Concerning Natural Gas Capacity and the Renewable Portfolio Standard*

V. Representation on Key Organizations, Committees, Boards and Working Groups:

Consumer Counsel Coleman and OCC staff serve on numerous, state, regional, and federal boards and organizations. Additionally, OCC expertise continues to be in great demand as speakers and participants at national conferences and meetings, regional panels, Connecticut organizations and other forums. OCC highlights the following membership and participation on:

- The National Association of State Utility Consumer Advocates (NASUCA), including the water, gas, consumer protection, telecom and electric committees. OCC’s staff attend numerous virtual and in-person trainings, conferences, and discussions with consumer advocacy groups.
- The Commission on Educational Technology (CET), the governance board of the Connecticut Education Network and other fiber network infrastructure, managed by the state. OSB’s Broadband Policy Coordinator has served as a member of the Commission of Educational Technology’s core planning group for Connecticut’s Digital Equity Plan
- The Low-Income Energy and Water Advisory Board (“LIEWAB”), which helps in the planning, development and implementation of energy-assistance programs, and low-income weatherization program and policies. Consumer Counsel Coleman assumed the role of Chair in August 2023.
- The Energy Efficiency Board (“EEB”), which serves Connecticut ratepayers through the programs it offers that reduce energy demand and acts as a first line of defense against high winter energy prices. OCC’s Associate Economist currently serves as the Vice Chair.
- The Coordinating Committee for the Consumer Liaison Group (“CLG”), a New England-wide entity established through a FERC order, which is tasked with serving as a public forum for consumer-critical information and concerns to be shared among New England ratepayers, various key stakeholders in the regional power grid, and the Board of ISO-New England. Among other activities, the CLG hosts public meetings on a quarterly basis throughout the region to consider significant topics affecting electricity consumers, with a particular focus recently on

issues around transitioning the wholesale energy market to cleaner, more sustainable, and more affordable low-carbon power. OCC has a seat on the CLG.

- 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 plants 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 function almost as a quasi-legislature, with proposals, votes, collations, and the like. The recommendations of NEPOOL stakeholders do not generally bind the grid operator, ISO New England, but often, the views of a clear majority of NEPOOL stakeholders usually hold sway in the region or at FERC. OCC regularly participates in NEPOOL meetings to represent Connecticut consumers’ interests.
- The Consumer Advocates of New England (“CANE”), a working group consisting of representatives from each ratepayer advocacy office in the New England states to promote coordination and identify issues relevant to all state offices.
- Lawyers Collaborative for Diversity (“LCD”) board member, which consists of law offices and organizations through Connecticut and seeks to advance the overall diversity of the legal profession. OCC Staff Attorney and Broadband Policy Coordinator is on the Board.
- OCC’s OSB has been an active participant in several broadband advocacy groups, including The National Digital Inclusion Alliance, Broadband Connects America, NTIA’s State Broadband Leaders Network.
- OCC staff spoke at the following conferences this year:
 - OCC participated in NASUCA’s “Consumer Protection Panel” at their July 2023 Mid-Year Meeting, where Consumer Counsel Coleman presented on Connecticut’s long-term strategy for achieving energy affordability in the state.
 - Consumer Counsel Coleman presented at the July 2023 National Association of Regulatory Utility Commissioners (NARUC) Conference on a panel entitled “Lessons from the Northeast: Emerging Technologies and Practices to Manage Gas Demand in a Decarbonizing Future.”
 - In August 2023, Consumer Counsel Coleman participated in a round table discussion and presentation at the Marlborough Senior Center with Congressman Joe Courtney, to help seniors enroll in the Affordable Connectivity Program and advocate for this critical federal program, which unfortunately ended in June 2024.
 - Consumer Counsel Coleman joined State Senator James Maroney’s August 2023 consumer protection panel in Milford, alongside State Senator Bob Duff and the Connecticut Department of Consumer Protection Commissioner Bryan Cafferelli.
 - Consumer Counsel Coleman was a panelist at the National Council on Electricity Policy’s (NCEP) Annual Meeting in September 2023. She joined representatives from the Regulatory Assistance Project and the National Consumer Law Center at NCEP’s

“Improving Long-term and Future Affordability” panel and discussed how Connecticut is addressing energy burden.

- Tom Wiehl, OCC's Legal & Regulatory Director, was invited to speak on the panel “A Host of Water Quandaries Around the US” at NASUCA’s November 2023 Annual Meeting. This panel focused on trends across the country in the regulation of public water companies and in best practices for consumer advocacy. Director Wiehl highlighted the specific role and positions OCC took during Aquarion Water Company's rate case, which was decided in March 2023, and areas where other states can emulate the successes of the final decision.
- In November 2023, Consumer Counsel Coleman moderated the “Constructing Connecticut 2035” panel discussion at CTBILT’s CONNSTRUCT Infrastructure Summit. This discussion focused on the vision for our state’s future and what we can achieve through Bipartisan Infrastructure Law funding and by centering equity and resilience in new projects.
- In February 2024, Consumer Counsel Coleman spoke on the “State and Community Perspectives” panel at the U.S. Department of Energy-National Lab Equity Summit: Grid Planning and Operations. She shared Connecticut's successes, and discussed potential challenges, on the path towards achieving long-term energy equity and affordability.

VI. Outreach and Education

- *Third Party Electric Suppliers.* 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 metrics is a big pictures 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 residential ratepayers with a 3rd party electric supplier saved \$34,991,886. Since OCC started tracking supplier data in January 2015, ratepayers with a third-party supplier have overpaid by \$163,143,674. Over the past two years roughly 22% of customers on a supplier were paying rates higher than standard service. With the recent July 1, 2024 supply rate decrease, roughly 73% of supplier customers are paying a higher price than the standard service rate, mostly in Eversource territory due to its substantially lower rate. The weighted average supplier rate for July was roughly 12.5cents/kWh or roughly 3 cents more than Eversource's standard service rate and 0.5 cents more than UI. With the recent standard service decrease supplier customers in July paid in aggregate \$9,944,127 more than standard service.
- OCC regularly issues “Consumer Alerts” on critical topics and changes to utility rates and service to ensure customers are informed.

- Under Consumer Counsel Coleman’s leadership, OCC has begun issuing biennial newsletters – the first in [December 2023](#) and most recent in [July 2024](#).
- Consumer Counsel Coleman participated in Coffee & Tea with the AARP, a bi-weekly conversation in which AARP staff and volunteers talk to Connecticut decision makers about policies and programs that are of interest to older residents. Counsel Coleman spoke with AARP staff and volunteers about the role of the OCC in ratepayer advocacy, electric bill changes consumers might expect, and what payment plans and affordability programs might be available for consumers.

Information Reported as Required by State Statute

OCC has complied with all state requirements regarding affirmative action and equal opportunity, most particularly Connecticut General Statutes 46a-70 through 46a-78, and is in compliance with all other applicable federal requirements.

For further information on OCC activities, visit the OCC website at <https://portal.ct.gov.occ>.