

*Regulations of Connecticut State Agencies*

TITLE 16. Public Service companies

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*Agency*

**Public Utilities Regulatory Authority**

*Subject*

**Licensing Electric Suppliers**

*Inclusive Sections*

**§§ 16-245-1—16-245-6**

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**Licensing Electric Suppliers**

**Sec. 16-245-1. Definitions**

As used in sections 16-245-1 to 16-245a-2, inclusive, of the Regulations of Connecticut State Agencies:

(1) “All-inclusive” means inclusive of all generation-related costs or charges, such that no other costs or charges can be added;

(2) “Alternative compliance payment” means the payment required pursuant to section 16-245(k) or 16-244c(h)(1) of the Connecticut General Statutes for failure to meet the renewable energy portfolio standards;

(3) “Applicant” means any person, as defined in section 16-1 of the Connecticut General Statutes, who applies for a license to become an electric supplier in this state pursuant to section 16-245 of the Connecticut General Statutes, and any municipal electric utility that applies, pursuant to section 16-245c of the Connecticut General Statutes, for a license to provide electric generation services to end use customers outside of its service area using the transmission or distribution system or facilities of an electric distribution company, as defined in section 16-1 of the Connecticut General Statutes;

(4) “Authority” means the Public Utilities Regulatory Authority or its successor;

(5) “Class I renewable energy source” has the same meaning as provided in section 16-1 of the Connecticut General Statutes;

(6) “Class II renewable energy source” has the same meaning as provided in section 16-1 of the Connecticut General Statutes;

(7) “Class III source” has the same meaning as provided in section 16-1 of the Connecticut General Statutes;

(8) “Electric distribution company” has the same meaning as provided in section 16-1 of the Connecticut General Statutes;

(9) “Electric supplier” has the same meaning as provided in section 16-1 of the Connecticut General Statutes;

(10) “ISO” means ISO – New England, Inc. and includes any successor organization thereto;

(11) “KWh” means kilowatt-hour;

(12) “Municipal electric utility” means a municipal electric utility established under chapter 101 of the Connecticut General Statutes or any other electric utility owned, leased, maintained, operated, managed or controlled by any unit of local government under any general statute or any public or special act;

(13) “MWh” means megawatt-hour;

(14) “NEPOOL” means the New England Power Pool and includes any successor organization thereto;

(15) “NEPOOL GIS” means the generation information system and associated operating rules that govern the tracking of generation attributes, as approved by NEPOOL, and as amended from time to time;

(16) “Participating municipal electric utility” has the same meaning as provided in

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section 16-1 of the Connecticut General Statutes;

(17) “Rate” means the all-inclusive cost per kWh;

(18) “Security” means a bond, letter of credit, guarantee, or other appropriate financial instruments approved by the Authority from a creditworthy financial institution; and

(19) “Total output or services” means an electric supplier’s or electric distribution company’s pool transmission facility load obligation data assignment in the NEPOOL GIS.

(Adopted effective April 6, 1999; Amended December 29, 1999; Amended October 7, 2004; Amended August 11, 2005; Amended December 27, 2022; Amended July 24, 2024)

*Notes:* Republished to correct amended text and date in full version subject matter view. (May 1, 2023)

**Sec. 16-245-2. Scope of license. Application filing requirements. Periodic review**

(a) At the discretion of the Authority, the scope of any license may be restricted to the provision of service to a geographic area, the provision of service to a particular type of customer, a method of operation (e.g., generator, broker, marketer), or the services it offers (e.g., energy services, backup services). The scope of a license may be restricted based on the Authority’s assessment of the technical, managerial and financial capability of the applicant and the scope of service plan submitted by the applicant.

(b) Except as provided in subsection (e) of this section, an application for a license to become an electric supplier or participating municipal electric utility shall include a completed form prescribed by the Authority and shall include the following items:

(1) An application fee in the amount of \$ 2,500, made payable to the Treasurer of the State of Connecticut;

(2) A scope of service plan, which sets forth a description of the geographic area the applicant plans to serve, the type of customers to be served, a description of the applicant’s proposed operations (e.g., generator and supplier of electric generation services; broker or marketer and supplier of electric generation services; or aggregator and supplier of electric generation services), and the services it plans to offer (e.g., energy services, backup services);

(3) Documentation demonstrating the applicant’s technical, managerial and financial capability to provide electric generation services;

(4) The applicant’s legal name, a description of the applicant’s form of ownership, and the name of the state or jurisdiction where the applicant is organized or formed;

(5) The applicant’s endorsed certificate of incorporation certified by the Connecticut Secretary of the State, a copy of the applicant’s certificate of existence, a copy of the applicant’s certificate of good standing, or other business registration on file with the Connecticut Secretary of the State; unless the applicant is a municipal electric utility, in which case the applicant shall include the municipality’s authorization to apply to become a participating municipal electric utility, which may include, but shall not be limited to, a resolution from its board of electrical commissioners, board of gas and electrical commissioners or town council;

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(6) The address of the applicant's headquarters, the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated, and any bylaws and amendments thereto;

(7) The name, business address, and title of each officer and director, partner, or other similar officer, unless the applicant is a municipal electric utility, in which case the applicant shall include the name and business address of the manager, superintendent, or other designated person in charge of electric generation services, as defined in section 16-1 of the Connecticut General Statutes, and the name and business address of each member of its board of electrical commissioners or board of gas and electrical commissioners appointed pursuant to section 7-216 of the Connecticut General Statutes;

(8) The address of the applicant's principal office in this state, if any, or the address of the applicant's agent for service in this state. The application shall also include the name, address, telephone number, facsimile machine number, and e-mail address of the applicant's contact person for regulatory matters;

(9) Information about the applicant's corporate structure, including names and financial statements, as appropriate, concerning corporate affiliates. If the applicant is a holding company or the subsidiary of a holding company, a graphical depiction of the organization shall also be provided;

(10) A summary of any history of bankruptcy, dissolution, merger, or acquisition of the applicant in the two calendar years immediately preceding the application;

(11) An exhibit indicating whether the applicant or any of the applicant's corporate affiliates or officers have been or are currently under investigation, either in this state or in another state or jurisdiction for violation of any consumer protection law or regulation, and whether the applicant or any of the applicant's corporate affiliates or officers have been fined, been sanctioned, been otherwise penalized, or entered into a settlement agreement for an alleged violation, either in this state or in another state or jurisdiction for violation of any consumer protection law or regulation;

(12) The applicant's toll-free telephone number for customer service and address for customer complaints;

(13) A copy of the applicant's standard service contract or contracts for both residential and non-residential customers;

(14) Unless addressed in the applicant's standard service contract or contracts, the applicant's customer service plan, which shall consist of the applicant's customer security deposit procedures and requirements, customer complaint handling and dispute resolution procedures, customer termination procedures, customer rights and responsibilities, and customer information and disclosure procedures;

(15) The applicant's Federal Employer Identification Number;

(16) A declaration that the applicant agrees to cooperate with the Authority, the ISO, the electric distribution companies, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of electric service in accordance with emergency plans and other procedures as may be determined appropriate by the

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Authority;

(17) An attestation that the applicant will not release customer information to any person, as that term is defined in section 16-1 of the Connecticut General Statutes, unless the customer signs a release, the form for which shall be made available by the Authority, and that the applicant and the applicant's third party agents have reasonable cyber and data security practices. The form prescribed under this subsection shall provide a space in which the applicant shall include a description of the applicant's and the third party agents' cyber and data security practices. For purposes of this subdivision, "customer information" means customer-specific information which the electric supplier acquired or developed in the course of providing electric generation services and includes, but is not limited to, information that relates to the quantity, time of use, type and destination of electric service, information contained in electric service bills and other data specific to an electric supplier customer;

(18) Documentation demonstrating that the applicant maintains security as required pursuant to section 16-245-4 of the Regulations of Connecticut State Agencies;

(19) A twelve month estimate of the expected total load to be served in Connecticut by the applicant;

(20) If the applicant is a publicly owned company, a copy of the applicant's two most recent annual reports to stockholders, annual returns or summary financial statements, including filings made with the securities and exchange commission such as 10-K or 10-Q and 8-K filings and audited financial statements; if the applicant is a privately owned company, a copy of the company's two most recent federal income tax returns;

(21) Information regarding the status of the applicant's operations in other states, including any investigations by regulatory agencies or attorneys general in other states, whether such investigations are current or settled, and if settled, the outcome of such settlement, and any decisions or orders granting or denying the applicant authority to sell electricity in another state;

(22) An affidavit certifying under penalty of false statement that all statements made in the application are true and complete; and

(23) Any other information the Authority deems necessary.

(c) An application to expand the scope of an electric supplier's license shall include the information required in subsections (b)(2) and (b)(3), and subsections (b)(18) to (b)(23), inclusive, of this section.

(d) An applicant shall amend its application while the application is pending if substantial changes occur regarding the information provided in the application not more than ten days after any such change.

(e) Subsections (b)(6), (b)(9), (b)(10), and (b)(20) of this section shall not apply to any applicant to become a participating municipal electric utility.

(f) (1) Beginning on April 15, 2025, the Authority shall conduct biennial proceedings to review all electric supplier licenses to ensure electric suppliers continue to have the technical, managerial and financial capability to provide electric generation services to

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customers. Not later than January 31 of each year in which an electric supplier's biennial review is conducted, such electric supplier shall file with the Authority a license review compliance filing, which shall include the following:

(A) A fee in the amount of \$ 2,500, made payable to the Treasurer of the State of Connecticut;

(B) Information required in subsections (b)(6), (b)(9), (b)(10), (b)(12), (b)(17), and (b)(20) of this section; and

(C) Any other information the Authority deems necessary.

(2) Not more than ninety days after receiving the license review compliance filing, the Authority shall notify the electric supplier whether the license review compliance filing is complete or whether the applicant is required to submit additional information.

(g) An electric supplier shall:

(1) Maintain all records of customer complaints for a minimum of three years from the date of complaint;

(2) Make customer complaint records available to the Authority upon its request;

(3) Cooperate with the Authority in its investigations of consumer complaints and comply with any resulting orders; and

(4) Notify the Authority not more than ten days after any changes to the regulatory contact information and customer service plan filed pursuant to subsections (b)(8) and (b)(14) of this section.

(Adopted effective April 6, 1999; Amended June 9, 1999; Amended December 29, 1999; Amended October 7, 2004; Amended July 24, 2024)

**Sec. 16-245-3. Post-licensing requirements**

(a) In addition to the conditions described in subsection (g) of section 16-245 of the Connecticut General Statutes, it shall be a condition of continuing licensure for an electric supplier to provide:

(1) Any and all information requested by the Authority for the purpose of compiling disclosure reports required pursuant to section 16-245p of the Connecticut General Statutes;

(2) Any and all information requested by the Authority in its implementation of section 16-245x of the Connecticut General Statutes;

(3) Accurate renewable energy portfolio standards compliance filings in the form prescribed by the Authority pursuant to section 16-245a-1(a) of the Regulations of Connecticut State Agencies; and

(4) Not later than October 1 of each year, any and all information that the electric supplier is required to provide pursuant to section 16-245y(b) of the Connecticut General Statutes.

(b) Not less than twenty days before an electric supplier executes its first contract for the sale of electric generation services to an end user, the electric supplier shall file with the Authority an affidavit attesting to the electric supplier's capability to exchange data necessary for the establishment and maintenance of a customer's account with the electric distribution company or companies serving the area or areas the electric supplier intends to

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serve. The affidavit shall attest to the successful completion of a “test run” between the electric supplier’s computer systems and the electric distribution company’s or companies’ computer systems. The electric supplier shall serve such affidavit on the electric distribution company or companies serving the area or areas the electric supplier intends to serve. For purposes of this subsection, “test run” shall mean an exchange of data necessary to establish and maintain a customer’s account, including, but not limited to, account administration, usage and billing, and payments and adjustments. The affidavit shall create a rebuttable presumption that the electric supplier is capable of electronically exchanging data necessary for the establishment and maintenance of a customer’s account with the electric distribution company or companies serving the area or areas the electric supplier intends to serve.

(c) An electric supplier shall maintain its internet website to include the following:

(1) The electric supplier’s official name and trade name or names, if any;

(2) All Authority docket numbers and titles pertaining specifically to the electric supplier to show its regulatory history in Connecticut, including all licensing and review dockets and history of dockets of companies acquired through mergers or license transfers, and all Authority investigation dockets that have been concluded;

(3) Customer service contact information, including a phone number at which a live company representative (i.e., not an answering service) shall be available during normal business hours;

(4) Authority contact information; and

(5) Any other information which the Authority deems necessary.

(d) For purposes of this subsection, “aggregated customer” means a customer who is assisted by an electric aggregator, as defined in section 16-1 of the Connecticut General Statutes, in the purchase of electric generation services from an electric supplier. Not less than forty-five days before an aggregated customer contracts with an electric supplier, and not more than sixty days before any renewal, extension, or modification of such contract, the electric aggregator shall issue to the aggregated customer a notice containing the following information:

(1) The name, address, email address, and toll-free customer service telephone number of the electric supplier that provides electric generation services under the aggregation offer; and

(2) The rate for electric generation services stated in the aggregation offer, or a description of how electric generation services are charged to customers under the aggregation offer.

(Adopted effective June 9, 1999; Amended October 7, 2004; Amended July 24, 2024)

**Sec. 16-245-4. Security**

(a) (1) In addition to the security required by subsection (b) of section 16-245a-1 of the Regulations of Connecticut State Agencies, each electric supplier shall maintain security in an amount that will ensure its financial responsibility and its supply of electricity to end use customers in accordance with contracts, agreements, or arrangements. The security

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shall:

(A) Name the Authority as obligee; and

(B) Be continuous without an expiration date during the term of the electric supplier's license and shall be revised annually as required pursuant to subsection (b) of this section.

(2) (A) An electric supplier shall maintain an amount of security based on its forecast year load in accordance with the following schedule. The forecast year load shall be the amount of the full load served by the electric supplier during the previous calendar year, as adjusted to account for changes in the type and quantity of customers to be served in the forecast year.

(i) Up to 100,000 MWh: \$ 250,000;

(ii) 100,001 MWh to 499,999 MWh: \$ 500,000;

(iii) 500,000 MWh to 999,999 MWh: \$1 million; and

(iv) 1,000,000 to 1,500,000 MWh: \$2 million.

(B) An electric supplier may elect to maintain continuous security in an amount greater than indicated in the schedule set forth in subparagraph (A) of this subdivision. Notwithstanding such schedule, the Authority shall have discretion to increase an electric supplier's security as indicated by a decision in the electric supplier's licensing docket to accommodate an electric supplier's forecast year load in excess of 1,500,000 MWh, in increments of one million dollars per each additional 500,000 MWh of annual load.

(b) All electric suppliers shall submit necessary revisions of security as a compliance filing in their most current licensing docket on or before the date on which the electric supplier is required to submit its annual report pursuant to section 16-245a-1(a) of the Regulations of Connecticut State Agencies. Such compliance filings shall include a cover letter that identifies the electric supplier's name, licensing docket number, and licensing docket title. Any electric supplier serving in its first year licensed in Connecticut shall post the minimum security and shall adjust the security accordingly each subsequent year based on the electric supplier's forecast year load.

(c) The amount of security maintained to comply with this section may be satisfied by (1) adding the amount of security required by this section to the security the electric supplier uses to comply with the security requirements of subsection (b) of section 16-245a-1 of the Regulations of Connecticut State Agencies, or (2) maintaining a separate security in the amount required by this section.

(Adopted effective April 6, 1999; Amended July 24, 2024)

**Sec. 16-245-5. Repealed**

Repealed October 7, 2004.

**Sec. 16-245-6. Enforcement**

In determining the appropriate sanction for violation of any licensing requirement, the Authority shall consider the following:

(1) The appropriateness of the sanction or fine to the size of the business of the person



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charged;

- (2) The gravity of the violation;
- (3) The number of past violations by the person charged;
- (4) The good faith effort to achieve compliance;
- (5) The proposed programs and procedures to ensure compliance in the future; and
- (6) Such other factors deemed appropriate and material to the particular circumstances of the violation.

(Adopted effective April 6, 1999; Amended July 24, 2024)