

**Sec. 16-47a-11. Waiver and variance**

(a) The Department may, upon its own motion or upon the request of any gas company, waive, for a specified period of time or event, any of the requirements of this Gas Code of Conduct that are not required by statute upon a finding of good cause and that the waiver would not be inconsistent with the purpose of section 16-47a of the Connecticut General Statutes or this Gas Code of Conduct.

(b) A gas company may request a variance from any standard in the Gas Code of Conduct from the Department. The granting of an exception to one gas company does not constitute a waiver respecting or otherwise affect the required compliance of any other gas companies to comply with the standards. The scope of the exception will be determined based on the facts and circumstances surrounding each request.

(c) A gas company may engage in an affiliate transaction not in compliance with the standards set out in the Gas Code of Conduct when, to its best knowledge and belief, compliance with the standards would not be in the best interests of its ratepayers, provided such gas company:

(1) Complies with all reports and record retention requirements for each affiliate transaction; and

(2) Files notice of the noncomplying affiliate transaction with the Department no later than 10 days of the occurrence of the noncomplying affiliate transaction. The notice shall provide a detailed explanation of why the affiliate transaction should be exempted from the requirements of the Gas Code of Conduct, and shall provide a detailed explanation of how the affiliate transaction was in the best interests of the ratepayers. Within thirty (30) days of the notice of the noncomplying affiliate transaction, any party shall have the right to request a hearing regarding the noncomplying affiliate transaction. The Department may grant or deny the request for hearing at that time. If the Department denies a request for hearing, the denial shall not in any way prejudice a party's ability to challenge the affiliate transaction at the time of the annual CAM filing. At the time of the filing of a gas company's annual CAM filing a gas company shall provide the Department a listing of all noncomplying affiliate transactions which occurred between the period of the last filing and the current filing. Any affiliate transaction submitted pursuant to this section shall remain interim, subject to a final Department determination on whether the noncomplying affiliate transaction had an adverse impact on the costs or revenues of the gas company.

(Adopted effective February 8, 2011)