

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;

(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 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 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.

Regulations of Connecticut State Agencies

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