

Regulations of Connecticut State Agencies

TITLE 16. Public Service companies

Agency

Department of Public Utility Control

Subject

RULES OF PRACTICE

Inclusive Sections

§§ 16-1-1—16-1-133

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RULES OF PRACTICE

ARTICLE 1

GENERAL PROVISIONS

Part 1

Scope and Construction of Rules

Sec. 16-1-1. Procedure governed

These rules govern practice and procedure before the public utilities commission of the state of Connecticut under the applicable laws of the state of Connecticut and except where by statute otherwise provided.

(Effective December 21, 1971)

Sec. 16-1-2. Definitions

As used in sections 16-1-2 to 16-1-133, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Commissioner” means “Commissioner” as defined in section 16-1(2) of the Connecticut General Statutes;
- (2) “Contested case” means “Contested case” as defined in section 4-166(2) of the Connecticut General Statutes;
- (3) “Department” means the Department of Public Utility Control or its successor;
- (4) “E-mail” means electronic mail;
- (5) “Electronic” means “electronic” as defined in section 1-267(5) of the Connecticut General Statutes;
- (6) “Electronic means” means any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression;
- (7) “Electronic signature” means “electronic signature” as defined in section 1-267(8) of the Connecticut General Statutes;
- (8) “Intervenor” means “intervenor” as defined in section 4-166(5) of the Connecticut General Statutes;
- (9) “License” means “license” as defined in section 4-166(6) of the Connecticut General Statutes;
- (10) “Party” means “party” as defined in section 4-166(8) of the Connecticut General Statutes;
- (11) “Person” means “person” as defined in section 4-166(9) of the Connecticut General Statutes;
- (12) “PIN” means personal identification number; and

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(13) “Presiding officer” means the commissioner or the hearing officer designated by the head of the department to preside at a hearing.

(Effective December 21, 1971; Amended June 11, 2003)

Sec. 16-1-3. Waiver of rules

Where good cause appears the commissioners and any presiding officer may permit deviation from these rules, except where precluded by statute.

(Effective December 21, 1971)

Sec. 16-1-4. Construction and amendment

These rules shall be so construed by the commissioners and any presiding officer as to secure just, speedy and inexpensive determination of the issues presented hereunder. Amendments and additions to these rules may be adopted by the commissioners by being duly promulgated as orders of the commissioners in accordance with the authority delegated to the commissioners by law.

(Effective December 21, 1971)

Sec. 16-1-5. Computation of time

Computation of any period of time referred to in these rules begins with the first day following that on which the act which initiates such period of time occurs. The last day of the period so computed is to be included unless it is a day on which the office of the commission is closed, in which event the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is five (5) days or less, the said Saturdays, Sundays and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(Effective December 21, 1971)

Sec. 16-1-6. Extensions of time

In the discretion of the commissioners or the presiding officer, for good cause shown, any time limit prescribed or allowed by these rules may be extended. All requests for extensions shall be made before the expiration of the period originally prescribed or as previously extended. The executive secretary of the commission shall notify all parties of the commission’s action upon such motion.

(Effective December 21, 1971)

Sec. 16-1-7. Effect of filing

The filing with the commission of any application, petition, complaint, request for advisory ruling, or any other filing of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, regulation or order of the commissioners.

(Effective December 21, 1971)

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Sec. 16-1-8. Acceptance of filing non-waiver

By accepting the filing of any petition, application, exhibit annex, or document of any kind whatsoever the commission or commissioners shall not have waived any failure to comply with these rules. Where appropriate, the commissioners may require the amendment of any filing.

(Effective December 21, 1971)

Sec. 16-1-9. Consolidation

Proceedings involving related questions of law or fact may be consolidated at the direction of the commissioners.

(Effective December 21, 1971)

Part 2

Formal Requirements

Sec. 16-1-10. Office

The office of the department is located at Ten Franklin Square, New Britain, Connecticut 06051. It is open from 8:30 a.m. to 4:30 p.m. each day except Saturdays, Sundays and legal holidays.

(Effective December 21, 1971; Amended June 11, 2003)

Sec. 16-1-11. Date and time of filing

The date and time of filing of each document shall be the date and time by which the department first receives a complete electronic version of the document or the document and the required number of paper copies of such document, provided that such electronic version or paper copies are filed in accordance with section 16-1-14 of the Regulations of Connecticut State Agencies. If payment of a fee is required, a document shall not be deemed filed until the fee is received by the department. If a document is electronically submitted when the offices of the department are not open, such electronic document shall be deemed filed at the time the offices next open. Electronic versions and paper copies of each document shall be filed on the same day or within two business days of each other.

(Effective December 21, 1971; Amended June 11, 2003)

Sec. 16-1-12. Electronic web filer registration

(a) Any person may participate in the department web filing system by registering as a “web filer” with the department. Each individual person shall register in his or her own name. Each business, firm, corporation, association, joint stock association, trust, partnership or limited liability company may have an unlimited number of registered web filers.

(b) To register as a web filer, a person shall (1) complete and submit, electronically, a

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registration form on the department's website "<http://www.state.ct.us/dpuc>", and (2) provide proper identification by facsimile or mail. The registration form shall require the person's name, address, telephone number, and e-mail address, along with a chosen password. A web filer shall be required to provide a chosen PIN if the web filer intends to authorize another person to web file documents on the web filer's behalf. Identification may include copy of a pictured identification card, driver's license, or letterhead stationery. The web filer shall, on the identification, clearly type or print his or her name, phone number and e-mail address, the chosen password and, if applicable, PIN. Once the registration form and identification are accepted by the department, the department shall confirm and activate the registration. The department may at any time issue a new password to any web filer. A web filer may at any time obtain a new password or PIN upon request to the department.

(c) A web filer shall notify the department immediately of any change in any information provided in the web filer's registration. Once registered, a person may withdraw from participation in the department web filing system by providing the department with written notice, which may be submitted electronically. Upon receipt of a withdrawal notice, the department shall immediately cancel the person's password and deactivate the person's registration.

(d) The department shall maintain as confidential records of all passwords and PINs. Each web filer shall maintain as confidential, except as provided in subsection (E) of this section, his or her password and PIN. A web filer, upon learning of the compromise of the confidentiality of any password or PIN, shall immediately notify the department.

(e) No person shall knowingly permit or cause to permit his or her password or PIN to be utilized by anyone other than an authorized employee or agent. If a web filer authorizes another person to file a document on his or her behalf using the user name, password or PIN of the web filer, such web filer shall retain full responsibility for any document filed.

(Effective December 21, 1971; Amended June 11, 2003)

Sec. 16-1-13. Signatures

(a) Every application, letter, report, motion, petition, complaint, brief, memorandum or similar document shall be signed by the filing person, by his or her authorized agent or by one or more attorneys in their individual names on behalf of the filing person.

(b) A document shall be deemed to include an electronic signature if such document is filed under the department web filing system with the use of at least one PIN. A document shall be deemed signed by the persons whose names appear in the signature block and whose PINs were used in the filing of such document.

(Effective December 21, 1971; Amended June 11, 2003)

Sec. 16-1-14. Formal requirements as to documents filed in proceedings

(a) Definitions.

As used in this section:

(1) "Bulk document" means any paper document that is 50 pages or more in length; and

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(2) “Extreme bulk document” means any paper document that is 100 pages or more in length.

(b) **General requirement.** All documents shall be filed with the department in both electronic and paper form. The requirement to file in electronic form is waived for (1) documents available to the filer only in paper form, and (2) filers who are unable to file electronically. The requirement to file in paper form is waived for documents for which no paper form is technically feasible or practical. If the filer submits a corrected version of a filed document, the filer shall also submit the required number of paper copies and a corrected electronic version of such document. This subsection shall not apply to the filing of protected materials.

(c) **Place of filing.**

(1) Electronic copies may be submitted under the department web filing system via the department’s website “<http://www.state.ct.us/dpuc>”. If web filing is not possible, electronic copies may be (a) e-mailed to “dpuc.executivesecretary@po.state.ct.us”; or (b) submitted on a diskette, cd-rom or other electronic storage medium acceptable to the department and delivered to the department’s executive secretary, at Ten Franklin Square, New Britain, Connecticut 06051.

(2) Paper copies shall be delivered to the Executive Secretary, Department of Public Utility Control, at Ten Franklin Square, New Britain, Connecticut 06051.

(d) **Document format.**

(1) Each paper copy of a document shall be legible, collated and secured, on three-holed recyclable white paper, and shall not contain any colored paper, or plastic or metal separators.

(2) Each diskette, cd-rom or other electronic storage medium acceptable to the department shall be labeled with the following information: the docket number, if any; the name of the filer; the name of the company if different from the filer; the type of filing; the document format; and the filing date.

(3) Each electronic version of a document shall be formatted to be compatible with the computer programs used by the department and free of defects and viruses. All documents filed electronically shall be capable of being transferred to electronic storage media, without loss of content or material alteration of appearance. Hyperlinks to external websites are permissible; however, a hyperlink is not itself a part of the official filed document and each hyperlink shall contain a text reference to the target of the link. The department shall make available on its website information regarding compatible computer programs.

(e) **Identification of document.** The front page of each document filed with the department shall prominently display the filer’s name, address, telephone number, facsimile number and, if available, e-mail address, as well as the company name if different from the filer. Any document filed in any proceeding to which a docket number has been assigned shall also include the number and title of the docket.

(f) **Bulk documents.** Each bulk and extreme bulk document shall be separately collated and conspicuously labeled as bulk or extreme bulk. The filer shall identify in a cover letter

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each bulk or extreme bulk document that is being filed.

(g) **Number of copies.** To file a document, the filer shall submit the original document along with one electronic copy and eight paper copies of such document, except that (1) two paper copies shall be required for telecommunications service tariffs filed pursuant to section 16-247f of the Connecticut General Statutes; (2) three paper copies shall be required for bulk documents or applications for certificates of public convenience and necessity for water companies filed pursuant to section 16-262m of the Connecticut General Statutes; (3) one paper copy shall be required for extreme bulk documents, water supply plans required under section 25-32d of the Connecticut General Statutes, or gas supplier registration forms filed pursuant to section 16-258a of the Connecticut General Statutes; or (4) as otherwise required by the department. These copies are required in addition to any copies submitted directly to commissioners, department staff or the office of consumer counsel. This subsection shall not apply to the filing of protected materials.

(Effective December 21, 1971; Amended June 11, 2003)

Sec. 16-1-15. Service

(a) **Service list.** The department shall prepare and make available a service list for each docket. Each service list shall (1) contain the name of each party, intervenor, and participant in the docket; (2) contain the names and addresses of the representatives of each party, intervenor, and participant in the docket; (3) indicate whether each party, intervenor, and participant has consented to be served by electronic means pursuant to this section; and (4) provide the e-mail address of every person in the docket who has consented to be served by electronic means.

(b) **Service requirements.**

(1) Every person shall serve a copy of a filed document to every person on the service list of the proceeding in which the document is filed. This subsection shall not apply to the filing of protected materials.

(2) Each document presented for filing shall contain, in substance, the following certification:

“I certify that a copy (copies) hereof (has)(have) been furnished to (name or names) by (method of service) on (date) . . . “ signature and printed name

(c) **Method of service.**

(1) Service may be by personal delivery, facsimile, mail, or third-party commercial carrier for delivery no later than three business days from the date of the filing. If a document seeks emergency relief, service of such document on a party or intervenor shall be by a manner at least as expeditious as the manner used to file such document with the department. Personal service includes delivery of the copy to a responsible person at the person’s office. Service by facsimile is deemed complete as of the telephonic transfer to the recipient’s facsimile machine. Service by mail or by commercial carrier is complete on mailing or delivery to the carrier.

(2) Notwithstanding subdivision (1) of this subsection, service may be made

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electronically to persons who have consented to be served exclusively by electronic means, as indicated on the appropriate service list.

(d) Consent to service by electronic means.

(1) Any person may consent to be served and to receive documents issued by the department exclusively by electronic means. Such consent shall be given on a form prescribed by the department and shall state that the consenting person (a) consents to be served and to receive documents issued by the department exclusively by electronic means, and (b) agrees to be bound by any orders or requirements contained in any documents received by electronic means in accordance with this subsection. The consenting person shall provide an e-mail address for the purpose of receiving all documents. A consent shall be signed by the consenting person and shall be filed under the department web filing system or submitted non-electronically.

(2) A consent given pursuant to this subsection shall be applicable to all the department's proceedings and remain effective until withdrawn by the consenting person. Any person may at any time withdraw his or her consent by submitting a written notice to the department.

(Effective December 21, 1971; Amended June 11, 2003)

ARTICLE 2

CONTESTED CASES

Part 1

Parties, Intervention and Participation

Sec. 16-1-16. Designation of parties

In issuing the notice of hearing the commissioners will name as parties those persons whose legal rights, duties or privileges are being determined in the contested case and any person whose participation as a party is necessary to the proper disposition of such proceeding. All other persons proposing to be named or admitted as parties shall apply for such designation in the manner hereinafter described.

(Effective December 21, 1971)

Sec. 16-1-17. Application to be designated a party

(a) Filing of petition. Any other person who proposes to be named or admitted as a party to any proceeding shall file a written petition to be so designated not later than five (5) days before the date of the hearing of the proceeding as a contested case.

(b) Contents of petition. The petition shall state the name and address of the petitioner. It shall describe the manner in which the petitioner claims to be substantially and specifically affected by the proceeding. It shall state the contention of the petitioner concerning the issue of the proceeding, the relief sought by the petitioner, and the statutory or other authority

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therefor, and the nature of the evidence, if any, that the petitioner intends to present in the event that the petition is granted.

(c) Designation as party. The commissioners shall consider all such petitions and will name or admit as a party any person whose legal rights, duties or privileges will be determined by the decision of the commissioners after a hearing, if the commissioners find such person is entitled as of right to be a party to said contested case or that the participation of such person as a party is necessary to the proper disposition of said contested case.

(Effective December 21, 1971)

Sec. 16-1-18. Application to be an intervenor

(a) Request to participate. At any time prior to the commencement of oral testimony in any hearing on a contested case any person may request that the presiding officer permit that person to participate in the hearing as an intervenor.

(b) Contents of request. In so requesting, the proposed intervenor shall state the person's name and address and shall describe the manner in which said person is affected by the contested case. The proposed intervenor shall further state in what way and to what extent that person proposes to participate in the hearing.

(c) Designation as intervenor. The presiding officer will determine the proposed intervenor's participation in the hearing, taking into account whether or not such participation will furnish assistance to the commissioners in resolving the issues of the contested case.

(Effective December 21, 1971)

Sec. 16-1-19. Participation by intervenor

The intervenor's participation shall be limited to those particular issues, that state of the proceeding, and that degree of involvement in the presentation of evidence and argument that the presiding officer shall expressly permit at the time such intervention is allowed.

(Effective December 21, 1971)

Sec. 16-1-20. Procedure concerning added parties

(a) During hearing. In addition to the designation of parties in the initial notice and in response to petition, the commissioners may add parties at any time during the pendency of any hearing upon their finding that the legal rights, duties or privileges of any person will be determined by the decision of the commissioners after the hearing or that the participation of such person as a party is necessary to the proper disposition of the contested case.

(b) Notice of designation. In the event that the commissioners name or admit any party after service of the initial notice of hearing in a contested case, the commission shall give written notice thereof to all parties theretofore named or admitted. The form of the notice shall be a copy of the order of the commissioners naming or admitting such added party and a copy of any petition filed by such added party requesting designation as a party.

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Service of such notice shall be in the manner provided in these rules.

(Effective December 21, 1971)

Sec. 16-1-21. Status of party and of intervenor as party in interest

(a) Party as party in interest. By their decision of a contested case the commissioners shall dispose of the legal rights, duties and privileges of each party named or admitted to the proceeding. Each such party is deemed to be a party in interest who may be aggrieved by any final decision, order or ruling of the commissioners.

(b) Status of intervenor. No grant of leave to participate as an intervenor shall be deemed to be an expression by the commissioners that the person permitted to intervene is a party in interest who may be aggrieved by any final decision, order or ruling of the commissioners unless such grant of leave explicitly so states.

(Effective December 21, 1971)

Part 2

Hearing, General Provisions

Sec. 16-1-22. Grant of hearing

(a) A hearing will be held in all contested cases and otherwise as the Commissioners may determine in specific investigations of the Commission.

(b) Any public service company which served an average of more than 50,000 customers in the calendar year covered by its most recent annual report to the Public Utilities Commission shall file with the Commission, the Governor of the State of Connecticut and the Chief Executive Officer of every municipality located within its franchise area, a preliminary notice of its intention to file an amended rate schedule proposing an increase in rates not less than thirty (30) days nor more than sixty (60) days prior to the actual filing of such amended rate schedule under Section 16-19 of the General Statutes. The preliminary notice shall state the approximate dollar amount and the approximate percentage of the increase in revenues over existing rates that the proposed amended rate schedule will produce.

(c) Such hearing as is ordered by the Commission for the investigation of proposed amendments to existing rate schedules by any public service company which is required to file a preliminary notice as set forth in Subsection (b) hereof shall not commence earlier than sixty (60) days after the date of the filing of such amendment under Section 16-19 of the General Statutes.

(Effective April 23, 1974)

Sec. 16-1-23. Calendar of hearings

The executive secretary of the commission shall maintain a docket of all proceedings of the commission. The executive secretary shall maintain a hearing calendar of all proceedings that are to receive a hearing. Proceedings shall be placed on the hearing calendar in the

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order in which the proceedings are listed on the docket of the commission, unless otherwise ordered by the commissioners.

(Effective December 21, 1971)

Sec. 16-1-24. Place of hearings

Unless by statute or by direction of the commissioners a different place is designated, all hearings of the commission shall be held at Hartford at the office of the commission.

(Effective December 21, 1971)

Sec. 16-1-25. Notice of hearings

(a) Persons notified. Except where the commissioners shall otherwise direct, the commission shall give written notice of a hearing in any pending matter to all parties, to all persons who have theretofore become intervenors, to all persons otherwise required by statute to be notified, and to such other persons as have filed with the commission their written request for notice of hearing in a particular matter. Also the commission shall give written notice to such additional persons as the commissioners shall direct. The commission may give notice by newspaper publication and by such other means as the executive secretary shall deem appropriate and advisable.

(b) Contents of notice. Notice of a hearing shall include but shall not be limited to the following: (1) a statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of fact describing the nature of the hearing and the principal facts to be asserted therein. A list of all persons named or known to the commission as parties may be included in the initial notice of hearing given in each contested case, but shall be omitted from any subsequent notice of hearing therein, except where the commissioners shall otherwise direct.

(Effective December 21, 1971)

Sec. 16-1-26. Bill of particulars

The initial notice may be limited to a statement of the issues involved, if the commission is unable to include in the initial notice of the hearing in a contested case other than an application concerning the fixing of rates a detailed statement of the facts to be asserted for the consideration of the commissioners therein. Not later than seven (7) days after service of the initial notice any party may apply to the commission for a bill of particulars containing a more definite and detailed statement of said facts. If the commissioners find that a more definite and detailed statement of such facts is necessary and appropriate, a bill of particulars shall be prepared as directed by the commissioners and a copy served on each person named or admitted as a party on or before the date of service of the bill of particulars.

(Effective December 21, 1971)

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Sec. 16-1-27. Effect of initial notice of hearing

Except as otherwise directed by an order of the commissioners, each contested case shall be deemed to have commenced on the date of service of the initial notice of the hearing thereof.

(Effective December 21, 1971)

Sec. 16-1-28. Ex parte communication

Unless required for the disposition of ex parte matters authorized by law, neither the commissioners nor any member of the commission staff designated as a presiding officer shall communicate directly or indirectly with any person or party concerning any issue of fact or law involved in any contested case that has been commenced under these rules, except upon notice and opportunity for all parties to participate. The commission staff member designated as presiding officer and the commissioners may severally communicate with each other ex parte and may have the aid and advice of such members of the commission staff as are designated to assist them in such contested case. This rule shall not be construed to preclude such necessary routine communications as are necessary to permit the commission staff to investigate facts and to audit the applicable records of any party in a contested case at any time before, during and after the hearing thereof. (See Sec. 16-1-27)

(Effective December 21, 1971)

Sec. 16-1-29. Representation of parties and intervenors

Each person making an appearance before the commission as an attorney, agent or representative of any person, firm, corporation or association subject to the commission's regulatory jurisdiction in connection with any contested case shall promptly notify the executive secretary of the commission in writing in order that the same may be made a part of the record of the contested case.

(Effective December 21, 1971)

Sec. 16-1-30. Attorney defined

As used in these rules, the word "attorney" shall mean an attorney at law, duly admitted to practice before the superior court of the state of Connecticut. Any other person who appears before the commission in any contested case shall be deemed to have appeared as the agent or representative of a person, firm, corporation or association and, as such, shall file with the written notification of appearance the written authorization of the person, firm, corporation or association being represented and shall be fully bound to proceed in accordance with these rules in the contested case.

(Effective December 21, 1971)

Sec. 16-1-31. Former commissioners and employees

Except when specially authorized by the commissioners, no person who has served as a

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commissioner or employee of the commission shall practice or act as attorney, agent or representative in any contested case before the commission or by any means aid in the preparation or prosecution of any such contested case which was pending before the commission while that person was so serving, if such representation or other employment in the contested case does or may involve the disclosure of confidential information acquired while serving as such commissioner or employee of the commission. In all cases except upon individual application and showing that such subsequent employment is not contrary to the public interest, no former commissioner or employee of the commission shall appear before the commission or accept employment in connection with any contested case before the commission within six months after the termination of such employment. The restrictions of this rule are in addition to and are not a limitation upon the provisions of the general statutes and the canons of ethics of any profession.

(Effective December 21, 1971)

Sec. 16-1-32. Rules of conduct

Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the superior court govern the conduct of the commissioners, state employees serving the commission, and all attorneys, agents, representatives, and any other persons who shall appear in any proceeding or in any contested case before the commission in behalf of any public or private person, firm, corporation or association.

(Effective December 21, 1971)

Part 3

Hearings, Procedure

Sec. 16-1-33. General provisions

(a) Purpose of hearing. The purpose of the hearing in a contested case shall be to provide to all parties an opportunity to present evidence and argument on all issues to be considered by the commissioners.

(b) Uncontested disposition of case. Unless precluded by law, any contested case may be resolved by stipulation, agreed settlement consent order or default upon order of the commissioners. Upon such disposition a copy of the order of the commissioners shall be served on each party.

(Effective December 21, 1971)

Sec. 16-1-34. Record in contested cases

The record in each contested case shall be maintained by the commission in the custody of the executive secretary and shall include but shall not be limited to the following items. The commission will not be required to set forth as a separate item any of the following which may have been duplicated and incorporated in some other portion of the record:

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(a) Any notices, petitions, applications, bill of particulars, complaints, orders, decisions, motions, briefs, exhibits, and any other documents that have been filed with the commission or issued by the commission in written form; (b) all written evidence of any kind received and considered by the commissioners; (c) any questions and offers of proof together with any objections and rulings thereon during the course of the hearing; (d) any recommended decision, opinion or report submitted in writing to the commissioners by the member of the commission staff designated as the presiding officer at the hearing; (e) the transcript of the hearing.

(Effective April 25, 1974)

Sec. 16-1-35. Witnesses and subpoenas

In the conduct of the hearing of a contested case any commissioner may act in behalf of the commissioners and summon and examine under oath such witnesses in relation to the affairs of any public service company as the commissioners may find advisable. Any commissioner may act in behalf of the commissioners to direct the production and examination of such books, records, vouchers, memoranda, documents, letters, contracts or other papers in relation to the affairs of any public service company as the commissioners may find advisable. The fees of witnesses summoned on behalf of the commissioners to appear before the commissioners or before any presiding officer in the hearing of a contested case, and the fees for summoning such witnesses shall be the same as in the superior court. All such fees, together with any other expenses authorized by statute whose method of payment is not otherwise provided shall be paid through the executive secretary of the commission in the same manner as court expenses. In the event that any witness summoned under this authority objects to testifying or to producing any book or other paper ordered hereunder on the ground that such testimony, book or paper may tend to incriminate said witness, and in the further event that the commissioners or any commissioner directs said witness nevertheless to testify or to produce such book or paper and said witness complies or is compelled to comply by order of the court, then said witness shall not be prosecuted for any matter concerning which he has so testified, as provided in section 16-8 of the general statutes.

(Effective December 21, 1971)

Sec. 16-1-36. Filing of added exhibits

Upon order of any commissioner before, during or after the hearing of a case any party shall prepare and file added exhibits and testimony. Such added exhibits and testimony shall be deemed to be a disclosure by such party pursuant to section 16-8 of the general statutes.

(Effective December 21, 1971)

Sec. 16-1-37. Obstructing hearing

Any person who testifies falsely to any material fact in any contested case wherein he has given oath or affirmation or who wilfully falsifies any account, book, paper, record,

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report, financial statement, or any other exhibit that is made a part of the record in any contested case with the intent to mislead or deceive the commissioners or presiding officer will be prosecuted as provided in section 16-33 of the general statutes.

(Effective December 21, 1971)

Sec. 16-1-38. Rules of evidence

The following rules of evidence shall be followed in contested cases:

(a) Rules of evidence. Any oral or documentary evidence may be received, but the presiding officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The commissioners or presiding officer shall give effect to the rules of privilege recognized by law in Connecticut. Subject to these requirements and subject to the right of any party to cross examine, any testimony may be received in written form.

(b) Documentary Evidence. Documentary evidence may be received at the discretion of the commissioners or presiding officer in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies, subject to the provisions of Section 52-180 of the General Statutes as amended.

(c) Cross examination. Such cross examination may be conducted as the commissioners or the presiding officer shall find to be required for a full and true disclosure of the facts.

(d) Facts noticed, commission records. The commissioners may take notice of judicially cognizable facts, including prior decisions and orders of the commissioners. Any exhibit admitted as evidence by the commissioners or the presiding officer in a prior hearing of a contested case may be offered as evidence in a subsequent contested case and admitted as an exhibit therein; but the commissioners shall not deem such exhibit to be judicially cognizable in whole or in part and shall not consider any facts set forth therein unless such exhibit is duly admitted as evidence in the contested case then being heard.

(e) Facts noticed, procedure. The commissioners may take notice of generally recognized technical or scientific facts within the commission's specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, by an appropriate reference in preliminary reports or otherwise of the material noticed. This provision shall also apply to material noticed in any staff memoranda or data that may be submitted to the commissioners for their consideration in the determination of the contested case. The commissioners shall nevertheless employ the commission's experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making their finding of facts and arriving at a decision in any contested case.

(Effective April 25, 1974)

Sec. 16-1-39. Order of procedure at hearings

In hearings on complaints, applications, and petitions, the party that shall open and close

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the presentation of any part of the matter shall be the complainant, applicant, or petitioner. In a case where the opening portion has already been submitted in written form as provided by these rules, the hearing shall open with the cross examination of persons who have given written testimony. In the event any person has given written testimony and is not available for such cross examination at the time and place directed by the commissioners, all of such written testimony may be discarded and removed from the record at the direction of the commissioners.

(Effective December 21, 1971)

Sec. 16-1-40. Limiting number of witnesses

To avoid unnecessary cumulative evidence, the commissioners or the presiding officer may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(Effective December 21, 1971)

Sec. 16-1-41. Limitation of direct case in rate hearing

In any proceeding in which a rate change is proposed, the public service company's direct case shall be limited substantially to the statement of application and the exhibits and other materials annexed thereto unless the commissioners or the presiding officer shall rule otherwise for good cause shown. All prepared written testimony filed with the statement of application shall be received in evidence with the same force and effect as though it were stated orally by the witnesses, provided that each such witness shall be present at the hearing at which such prepared written testimony is offered, shall adopt such written testimony under oath, and shall be made available for cross examination as directed by the commissioners or the presiding officer.

(Effective December 21, 1971)

Part 4

Hearings, Decision

Sec. 16-1-42. Filing of proposed findings of facts and briefs

At the conclusion of the presentation of evidence in any hearing the commissioners or the presiding officer shall fix a time within which any party may file proposed findings of facts and briefs.

(Effective December 21, 1971)

Sec. 16-1-43. Final decision

(a) Procedure and contents. All decisions and orders of the commissioners concluding a contested case shall be in writing. The decision shall include all findings of fact and conclusions of law relied upon by the commissioners in arriving at the decision, the findings

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of fact and law to be separately stated. The findings of fact shall also set forth a concise and explicit statement of the underlying facts supporting the findings of fact, where appropriate. In any contested case where the commissioners or presiding officer have required any party to submit proposed findings of fact, the decision shall further include a ruling by the commissioners on each proposed finding. In the event, however, that such a proposed finding of fact has been submitted by any party without such requirement or order of the commissioners or presiding officer, then the commissioners' decision may omit a ruling on any findings so proposed.

(b) Service. Parties shall be served in the manner herein provided with a copy of the decision and order of the commissioners.

(Effective December 21, 1971)

Sec. 16-1-44. Procedure to submit to parties

Where a majority of the commissioners have not heard a contested case or read the record thereof, any decision adverse to a party other than the commission, itself, shall not be made until such decision is served as a proposed decision upon each of the parties and until each party adversely affected thereby is afforded an opportunity to file exceptions and to present briefs and oral argument to the commissioners. Such proposed decision shall contain a statement of the reasons therefore and of each issue of fact or law necessary to the proposed decision, which statement shall have been prepared by the presiding officer or by a commissioner who has read the record of the hearing. By written stipulation the parties may waive compliance with this section of these rules.

(Effective December 21, 1971)

ARTICLE 3

PETITIONS AND APPLICATIONS

Part 1

Petitions and Applications, General Provisions

Sec. 16-1-45. General rule

Petitions and applications shall include all forms of proposals, requests, applications, petitions, and filings of whatever nature whatsoever that are placed before this commission pursuant to law.

(Effective December 21, 1971)

Sec. 16-1-46. Form

The form to be followed in the filing of petitions and applications hereunder will vary to the extent necessary to provide for the nature of the legal rights, duties or privileges involved therein. Nevertheless, all petitions and applications shall include the following components:

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(a) Statement of application. Each petition or application shall incorporate a statement setting forth clearly and concisely the authorization or other relief sought. The statement shall cite by appropriate reference the statutory provision or other authority under which such authorization or relief is to be granted by the commission. In addition to the specific requirements for particular types of petitions and applications that may hereinafter be stated, the statement of application shall further set forth:

(1) The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant or petitioner is a corporation, trust association or other organized group, it shall also give the state under the laws of which it was created or organized.

(2) The name, title, address and telephone number of the attorney or other person to whom correspondence or communications in regard to the petition or application are to be addressed. Notice, orders and other papers may be served upon the person so named; and such service shall be deemed to be service upon the petitioner or applicant.

(3) A concise and explicit statement of the facts on which the commission is expected to rely in granting the authorization or other relief sought, including the public convenience and necessity thereof.

(4) An explanation of any unusual circumstances involved in the petition or application, to which the commission will be expected to direct its particular attention, including the existence of emergency conditions or any request for the granting of interlocutory relief by way of an interim order in the proceeding.

(b) Annexed materials. There shall be attached to the petition or application any exhibits, sworn written testimony, data, models, illustrations and all other materials that the petitioner or applicant deems necessary or desirable to support the granting of the petition or application. In addition, such annexed materials shall also include such exhibits, sworn written testimony, and other data that any statute or these rules may require.

(Effective December 21, 1971)

Sec. 16-1-47. Original records

The petitioner or applicant shall furnish and make available for the use of the commission the original books, papers and documents from which any part of the application is derived. If so directed, certified or verified copies shall be furnished in lieu of such original records. Failure to furnish original records may be ground for rejecting any component and, if appropriate, for refusing the petition or application.

(Effective December 21, 1971)

Sec. 16-1-48. Fees

All application fees or other charges required by law shall be paid to the commission at the time that the application is filed with the commission.

(Effective December 21, 1971)

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Sec. 16-1-49. Rejection of petition or application

Where these rules require that specific exhibits or data be prepared and submitted as part of any petition or application, the authority may within thirty (30) days of the filing thereof, after notice and an opportunity to be heard, reject any petition or application or any portion of an application or petition that the authority finds to have failed to comply with criteria for submission of exhibits and data as are set forth in these rules. If in response to and within thirty (30) days of the filing of a petition or application the authority requests additional supporting exhibits or data, such exhibits or data shall be furnished within a reasonable time. For purposes of this provision, thirty (30) days from the date of the request shall be considered a reasonable time except where the data and exhibits requested are unusually complex or, in the aggregate, unusually voluminous. Failure to substantially comply with such request may be considered grounds for rejecting the application or petition or any portion of the application or petition to which such data or exhibits relate, after notice and an opportunity to be heard, notwithstanding that the date of rejection may under such circumstances be more than thirty (30) days after receipt of the petition or application.

(Effective December 6, 1978)

Sec. 16-1-50. Deficiencies in filing

When called to the attention of the petitioner or applicant, all deficiencies in any filed petition or application to the commission must be promptly corrected. If any such deficiency is not promptly corrected in the manner directed by the commission, the petition or application may be denied and rejected for lack of proper submission.

(Effective December 21, 1971)

Sec. 16-1-51. Purpose of application

The petition or application and annexed materials will be treated by the commissioners as a substantially complete statement of the case in chief of the applicant or petitioner.

(Effective December 21, 1971)

Sec. 16-1-52. Additional evidence

The enumeration of required items hereinafter set forth as the minimum evidentiary submission in the following sections shall not preclude the submission of additional evidence hereunder.

(Effective December 21, 1971)

PETITIONS AND APPLICATIONS, SPECIAL PROVISIONS

Part 2

Petitions and Applications, Rate Adjustments

Sec. 16-1-53. General rule

These rules apply to all proceedings, except those proceedings set forth in sections 16-1-59a and 16-1-59b, involving a change in revenue requirements or approval of adjustments to the schedule of utility rates. Such proceedings include all requests for authority to create or adjust any tariff, rate, rental or charge, or to alter any classification, contract, practice or rule as to result in a different or new tariff, rate, rental or charge, and shall be referred to as rate applications in Sections 16-1-53a through 16-1-59 of the Regulations of Connecticut State Agencies. All of such rate applications shall also comply with the rules hereinabove set forth in part 1 of this article.

(Effective April 12, 1978; Amended September 30, 1997)

Sec. 16-1-53a. Standard filing requirements

Any public utility with annual gross revenues in excess of fifty million dollars or fifty thousand or more customers shall complete the standard filing requirements in connection with all applications for any proposed amendment of its existing rates. A copy of the current standard filing requirements is available, upon request by interested parties, at the office of the Executive Secretary of the Department of Public Utility Control, Ten Franklin Square, New Britain, Connecticut 06051.

(Effective October 30, 1978; Amended January 14, 1980; Amended June 23, 1982; Amended September 30, 1997)

Sec. 16-1-54. Test year

Regardless of the size of the utility company, in each rate application the test year shall consist of the most recent twelve month period available ending at a calendar quarter. The data presented in any statement concerning any test year shall be limited to the actual income and expenses as determined on the accrual basis during the subject period without adjustment or alteration.

(Effective January 28, 1988; Amended September 30, 1997)

Sec. 16-1-55. Requirements for medium utility companies

In addition to the requirements stated in section 16-1-54 of the Regulations of Connecticut State Agencies, each rate application, as defined in section 16-1-53, that is filed by a utility company with revenues in excess of one hundred thousand dollars but less than fifty million dollars, or less than fifty thousand customers, shall contain the following data, either in the statement of application or as exhibits annexed thereto and accompanying the application:

- (a) A statement of financial operations for the last four (4) calendar years, the test year,

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and the pro forma year at present and proposed rates.

(b) Balance sheet for the test year, for the prior three years, and a pro forma year.

(c) Schedule of existing rates and of actual revenues and number of customers by rates and by class for the test year and pro forma at the present and at the proposed rates.

(d) Statement of the proposed increases or changes which will result in adjustments, which rate applicant requests authority to make effective. Such statement shall set forth the proposed rate structure with reasonable clarity and with appropriate rate classifications where applicable, including bill comparisons between old and new rates.

(e) Detailed statement of annualization of revenues by class of customers served by rate applicant at the end of the test year. This will also include the number of customers by class. In the case of water companies this statement will further include the number of hydrants or other items of private fire protection. Where applicable, detail of adjustments to revenues and expenses for degree day data will be included in this statement.

(f) Schedule of utility plant additions for the past three years and for the test year. The schedule shall clearly indicate which plant additions are currently being employed in furnishing utility service to the customers of the rate applicant on the date of the rate application.

(g) Actual and pro forma expense adjustments with supporting detail set forth by the accounts affected. Such adjustments shall be supported by competent evidence and shall not include estimates based on speculative or conjectural data.

(h) Comparative schedule of operation and maintenance expenses, classified as per utility's chart of accounts for the test year and the prior four years.

(i) Detailed statement of rate case expense.

(j) Rate base and rate of return for the prior four years, the test year, and the pro forma year at present and proposed rates.

(k) Federal income tax calculation for the rate applicant for the test year and for the pro forma year, computed at the present and at the proposed rates.

(l) Calculation of state taxes based on income for the test year and for the pro forma year, computed at both the present and the proposed rates.

(m) Schedule showing claimed property taxes computed at both the present and the proposed tax rates for the test year and for the pro forma year.

(Effective December 21, 1971; Amended September 30, 1997)

Sec. 16-1-56. Added requirements for exhibits

Where applicable in any rate application the following components shall be submitted as part of the application:

(a) Map of the utility system showing major facilities. In the case of water utilities this will show the principal water mains by size and will show location of sources of supply, standpipes or storage facilities, and treatment facilities.

(b) Services or commodities provided to associated companies, to which the rate applicant makes payments or receives payments. Such exhibit shall describe in detail the

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services or commodities provided, give a complete description of the basis for the charges or procedures used in allocating the cost, and furnish a copy of any contracts concerning such services or commodities.

(c) History of dividend coverage and payout the last four years, and a pro forma statement thereof at the present and proposed rates. This is not required where rate applicant is a closely held company or is a subsidiary of another company.

(Effective October 26, 1989; Amended September 30, 1997)

Sec. 16-1-57. Combined operations

In any rate application by a utility which has more than one department, district, exchange, or system, the earnings results should be presented for the total utility operations of the company, as well as for any part of such operations for which a proposal is filed pursuant to the criteria set forth in section 16-1-53 of the Regulations of Connecticut State Agencies.

(Effective December 21, 1971; Amended September 30, 1997)

Sec. 16-1-58. Amendments

During the first thirty (30) days after the date on which the rate application is filed the applicant may revise the application. If the revision pertains to an amendment to the level of rates or the revenue requirements, then the revised application shall contain a complete revised statement and revised schedules for the proposed increases or changes in the existing rate schedule. In addition, all of the information required by Sections 16-1-53a, 16-1-55, 16-1-56, 16-1-57, and 16-1-59 shall be revised accordingly. After the first thirty (30) days following the date on which the rate application is filed the applicant may not amend or revise the level of rates shown therein except upon the granting of permission to amend by the commissioners upon motion by the applicant.

(Effective December 21, 1971; Amended September 30, 1997)

Sec. 16-1-59. Small utility companies

The following requirements shall apply to rate proceedings and applications of water or sewerage companies whose current annual gross incomes do not exceed \$100,000 per year or who provide service to not more than one thousand customers, hereinafter referred to as small water companies and sewerage companies.

(a) **Components required.** The small water and sewerage company shall not be required to comply with sections 16-1-51 and 16-1-56 in preparing and submitting its rate application as defined in section 16-1-53. However, in addition to the requirements in section 16-1-54, above, the rate applications filed by a small water company or sewerage company shall include the following:

(1) A map that will show the location of the principal water mains by size, all sources of supply, standpipes or storage facilities, and treatment facilities; and a brief description of the system of water supply and distribution of the water company or the system of sewerage

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collection and treatment of the sewerage company;

(2) The rates the company is presently charging its customers;

(3) The rates the company proposes to charge its customers;

(4) The number of customers served by the applicant company, broken down by classes and presented on such seasonal or annual basis as is appropriate to the business of the company;

(5) Statement of the company's revenues at both the current and the proposed rates by class;

(6) An income statement showing the actual results of the company's operations under the current rates; and

(7) An income statement showing the estimated results of the company's operations based on the proposed rates.

(b) **Additional data.** The small water and sewerage company will be permitted to present any further data, exhibits, and certain written testimony that it deems appropriate to support its application, and may be required to submit any additional information found necessary by the department pursuant to section 16-8 of the General Statutes of Connecticut.

(c) **How components submitted.** All of the components hereinabove listed shall be annexed to the application of the small water or sewerage company and submitted with the application and as a part thereof.

(Effective March 15, 1973; Amended September 30, 1997)

Sec. 16-1-59A. Exception

The following requirements shall apply to all tariff filings by telephone companies which do not alter existing rates or charges.

(a) **Components Required.** All tariff filings by telephone companies which do not alter existing rates or charges shall include the following components, where applicable, in place of the components described in Sections 16-1-54 and 16-1-55, in addition to the requirements of Part I of this article.

(1) **Supporting Data.** Each tariff filing must be submitted to the Authority together with sworn testimony on matters of public benefit from the proposed service and cost justification for the proposed rate. The Authority may require such additional data as it deems necessary.

(2) **Effective Date.** Each tariff filing which does not alter existing rates or charges shall include an effective date which shall be no earlier than thirty (30) days after the filing date. Each such tariff filing may be placed into effect by the Company on the proposed effective date subject to the requirements of suspension and hearing under subsections (c) and (d) of this Section and shall be deemed approved by the Authority sixty (60) days thereafter if no action to the contrary is taken by the Authority.

(b) **Notice.** The Authority, by publication and by written notice to those who so request in writing, shall state the name of the Telephone Company, the proposed effective date of the new tariff, shall identify the subject matter of the new tariff, and shall state that the tariff and its supporting testimony and cost study are on file at the office of the Authority for

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examination by interested parties.

(c) **Hearing.** The Authority may on its own motion, or may upon receipt of a written petition in accordance with Article 3, Part I, order a public hearing on the proposed tariff. Upon suspension of said proposed tariff, a public hearing shall be held no later than thirty (30) days after the proposed effective date and the Authority shall issue its finding and order no later than thirty (30) days after such hearing.

(d) **Suspension or effectiveness of tariff.** If the proposed tariff becomes effective on its proposed effective date in accordance with subsection (a) (2) of this section it shall be subject to appropriate accounting orders to provide for possible refunds, with interest, should the rate ultimately be found unreasonable. Where a petitioner has satisfactorily demonstrated irreparable harm to his business or property should the tariff become effective, or where the Authority has determined unsatisfactory public benefit or the unreasonableness of the proposed rate, the Authority shall suspend the effective date and schedule a hearing in accordance with subsection (c) of this section.

(Effective April 12, 1978)

Sec. 16-1-59B. Exception (Repealed)

Repealed June 11, 2014.

(Effective September 10, 1979; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Part 3

Petitions and Applications, Sec. 16-43, Gen. Stat.

Sec. 16-1-60. Transferred

Transferred to Sec. 16-43-1, August 23, 2000

Sec. 16-1-61. Transferred

Transferred to Sec. 16-43-2, August 23, 2000

Part 4

Petitions and Applications, Sec. 16-46, Gen. Stat.

Sec. 16-1-62. Transferred

Transferred to Sec. 16-46-1, August 23, 2000

Sec. 16-1-63. Transferred

Transferred to Sec. 16-46-2, August 23, 2000

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Part 5

Petitions and Applications, Sec. 16-47, Gen. Stat.

Sec. 16-1-64. Transferred

Transferred to Sec. 16-47-1, August 23, 2000

Sec. 16-1-65. Transferred

Transferred to Sec. 16-47-2, August 23, 2000

Holding Company Applications

Sec. 16-1-65A. Transferred

Transferred to Sec. 16-47-3, August 23, 2000

Sec. 16-1-65B. Transferred

Transferred to Sec. 16-47-4, August 23, 2000

Sec. 16-1-65C. Transferred

Transferred to Sec. 16-47-5, August 23, 2000

Part 6

Petitions and Applications, Railroads

Sec. 16-1-66. General rule (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-67. Special components (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-68. Other applications and petitions (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Part 7

Petitions and Applications, Street Railways

Sec. 16-1-69. General rule (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-70. Special components (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Part 8

Petitions and Applications, Telegraph, Telephone, Illuminating, Power and Water Companies

Sec. 16-1-71. General rule

These rules apply to all proceedings seeking approval by the commissioners under chapter 283 of the general statutes and to any form of appeal to the commissioners taken under that authority.

(Effective December 21, 1971)

Sec. 16-1-72. Special components

In addition to the requirements hereinabove set forth in part 1 of this article each application for approval of the commissioners under chapter 283 of the general statutes shall contain the data hereinafter described, either in the statement of application or as exhibits annexed thereto and accompanying the application.

(Effective December 21, 1971)

Sec. 16-1-73. Further special components

If such application is for an approval for any purpose connected with any directive, authorization, approval or order of the commissioners under sections 16-228, 16-233, 16-234, 16-238, 16-243 or 16-255 of the general statutes then there shall be annexed to the application:

(a) Statement describing in detail the location of the site that is the subject of the application.

(b) Where applicable, any plan, engineer's drawing, or plot plan necessary to describe the proposal that is the subject of the application.

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(c) Where applicable, an itemized statement of the cost to implement the applicant's proposal in the event that approval is granted by the commissioners. Such itemized statement shall also set forth the cost of constructing or otherwise providing such facilities as shall be necessary and convenient to furnish the same public utility service in the event that approval is denied by the commissioners.

(Effective December 21, 1971)

Sec. 16-1-74. Components for standards of service

If such application is for establishment of any standard of service or for any other purpose described in chapter 283 of the general statutes and with particular reference to sections 16-258 and 16-259 of the general statutes, then there shall be annexed to the application:

- (a) Detailed description of the standards proposed by the applicant.
- (b) Detailed description of such standards as are in current use which it is expected will be altered in any respect or whose use will be discontinued or supplanted by the approval of the applicant's proposal.
- (c) Statement of facts and arguments favoring the adoption of the standards proposed by the applicant, including reasons supporting the conclusion that public convenience and necessity will be better served by the adoption of the applicant's proposal than by its rejection by the commissioners.

(Effective December 21, 1971)

Sec. 16-1-75. Component for extension of telephone service

If such application is for the extension of telephone operations under sections 16-248, 16-249 and 16-250 of the general statutes, then there shall be annexed to the application:

- (a) Statement describing the area to which it is proposed to extend service setting forth the anticipated number of subscribers and the nature of the services the applicant plans to furnish therein.
- (b) Where applicable, any plan, engineer's drawing, map, plot plan, or other form of illustration necessary to describe the scope and nature of the proposal that is the subject of the application.
- (c) Itemized statement of the cost of implementing the proposal in the event that approval is granted by the commissioners.
- (d) Schedule of rules, tariffs and rates applicant will apply to the area into which service is to be extended.
- (e) Pro forma statement of applicant's income, giving effect to implementation of said proposal.
- (f) Pro forma balance sheet giving effect to implementation of said proposal.

(Effective December 21, 1971)

Sec. 16-1-76. Transferred

Transferred to Sec. 16-261-1, August 23, 2000

Sec. 16-1-77. Components for permission to sell electric energy

If such application seeks authority to generate, distribute, transmit or sell electric energy in any form or for any purpose provided in sections 16-244, 16-245, 16-246, 16-246a, 16-246b, 16-246c or 16-246d of the general statutes, then there shall be annexed to the application:

(a) statement describing the area that will be affected by and order of the commissioners under the application.

(b) Where applicable, any map, plan or other form of illustration necessary to describe the scope and nature of the area in which such authority will be employed by the applicant.

(c) Description of the anticipated purchasers of such electric energy and the nature of the service applicant proposes to furnish under its application.

(d) Names and addresses of all persons owning ten (10) percent or more of the outstanding debt or equity of the applicant. If applicant is trustee or agent for any person, the name and address of each person for whom the applicant is acting as such trustee or agent in the presentation of the application for the approval of the commissioners.

(e) A statement of the financial condition of the applicant.

(f) Statement of rules, tariffs, and rate schedule the applicant will apply to the area where electric energy is to be furnished under the application.

(g) Itemized statement of the cost of implementing the applicant's proposal.

(h) Pro forma statement of applicant's income, giving effect to the implementation of applicant's proposal under the rules, tariffs and rates applicant proposes to apply.

(i) Pro forma financial statement giving effect to the implementation of applicant's proposal.

(j) Any contract and any other instrument proposed or existing between the applicant and any other person concerning the furnishing of electric energy in the event the commissioners approve the application.

(k) Statement of any benefits that will accrue to the area where such electric energy will be furnished, including any facts and arguments leading to the conclusion that public convenience will be better served by the granting of the application than by its rejection by the commissioners.

(l) Any approval that applicant has received from the commissioners under section 16-43 of the general statutes which may relate to the circumstances under which applicant proposes to furnish electric energy under the application.

(Effective December 21, 1971)

Sec. 16-1-78. Transferred

Transferred to Sec. 16-235-1, August 23, 2000

Part 9

Petitions and Applications, Natural Gas Pipelines

Sec. 16-1-79. General rule

These rules apply to all proceedings seeking approval by the commissioners under chapter 284 of the general statutes and to any form of appeal taken under the authority thereof.

(Effective December 21, 1971)

Sec. 16-1-80. Special components

In addition to the requirements hereinabove set forth in part 1 of this article each application for approval of the commissioners under chapter 284 of the general statutes shall contain the data hereinafter described, either in the statement of application or as exhibits annexed thereto and accompanying the application.

(Effective December 21, 1971)

Sec. 16-1-81. Special components in eminent domain

If such application concerns the exercise of eminent domain under section 16-265 of the general statutes, then there shall be annexed to the application:

(a) Statement describing in detail the location of the site that is the subject of the application as set forth in the proposed petition to the superior court or any judge thereof, as provided by section 16-266 of the general statutes.

(b) Such plot plan, engineer's drawing, and other plan or layout sketch of the site as is necessary to illustrate the property to be taken, the method of construction and the plans to be used in the construction of the natural gas pipeline.

(c) Specifications to be used in the construction of the natural gas pipeline.

(d) Any written statement given by the railroad, street railway company or other public utility company setting forth facts and arguments opposing the granting of permission to proceed with construction in the manner proposed by the natural gas pipeline company.

(e) Statement of facts and arguments setting forth facts and arguments supporting the conclusion that public convenience and necessity will be served by construction over, under or across the location of the railroad, street railway or other public utility in accordance with the plans and specifications of the natural gas pipeline company at the site proposed.

(Effective December 21, 1971)

Sec. 16-1-82. Special components in gas sales

If such application concerns authorization by the commission to supply or sell gas in the manner described in section 16-269 of the general statutes, then there shall be annexed to the application:

(a) Statement identifying the location where the gas is to be supplied or sold, the name of the franchise holder for said area, and the name or names and addresses of the proposed recipients of such gas.

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(b) Statement of the quantity of gas to be supplied or sold, setting forth the gross annual volume of gas broken down by monthly quantities and giving the proposed beginning and ending dates of the period which the applicant proposes to supply or sell that volume of gas to such recipients.

(c) Rules, tariffs and rates governing the delivery and pricing of such gas under the applicant's proposal.

(d) Total annual revenue applicant proposes to receive for supply or sale of gas, broken down by the amount of revenue expected from each recipient.

(e) Statement of any facts supporting conclusion that franchise holder is unable to furnish gas to proposed recipients in volume they demand and as proposed in the application.

(f) Statement of the facts and arguments supporting conclusion that public convenience and necessity will be served by approval of the application.

(Effective December 21, 1971)

Sec. 16-1-83. Components for appeals to commission

If the proceeding presented to the commission is an appeal under section 16-231 of the general statutes for any purpose provided in chapter 284 of the general statutes, then the appellant shall proceed in the manner described in section 16-1-78 in preparing and presenting such appeal.

(Effective December 21, 1971)

Part 10

Petitions and Applications, Community Antenna Television Systems

Sec. 16-1-84. General rule

These rules apply to all proceedings seeking approval by the commissioners under chapter 289 of the general statutes.

(Effective December 21, 1971)

Sec. 16-1-85. Application for granting of certificate

In addition to the requirements set forth in part 1 of this article each application for approval of the commissioners under chapter 289 of the general statutes shall contain the data hereinafter described, either in the statement of application or as exhibits annexed thereto and accompanying the application, together with an application fee of fifty (\$50) dollars in cash, check or post office money order payable to the treasurer of the state of Connecticut.

(Effective December 21, 1971)

Sec. 16-1-86. Special components

If the application concerns the granting of a certificate that public convenience and

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necessity require the operation of any proposed community antenna television system within the territory specified in such certificate in the manner described in section 16-331 of the general statutes, then there shall be annexed to the application:

(a) Statement describing in detail the territory wherein the applicant proposes to furnish such service.

(b) Such map, engineer's drawings and other form of illustration as shall be necessary to describe the scope and nature of the service that is the subject of the application, as well as the equipment with which such service is to be furnished.

(c) A statement of the financial condition of the applicant.

(d) Names and addresses of all persons owning ten (10) percent or more of the outstanding debt or equity of the applicant. If the named applicant is the trustee, agent or nominee of any person, such statement shall also include the name and address of each person for whom the applicant is acting as such trustee, agent or nominee in presenting the application.

(e) Description of the services and conditions of service that applicant proposes.

(f) Statement of proposed rules, tariffs, and schedule of rates under which such service will be supplied by applicant.

(g) Description of equipment with which applicant proposes to furnish such service, together with itemized statement of the cost of said equipment to the applicant.

(h) Proposed timetable for commencing to furnish such service after application is approved.

(i) Description of street wiring applicant proposes to undertake within the first two years of operation, together with a breakdown of the proposed cost of installation of such street wiring.

(j) Pro forma balance sheet as of date when applicant commences operations.

(k) Pro forma income statement for applicant's first ten (10) years of operations under proposed tariff and schedule of rates.

(l) Copies of any contracts, leases, or other commitments proposed or existing between the applicant and any supplier of equipment or of services in any form whatsoever that will affect the construction or operation of the proposed system.

(m) Statement listing names and addresses of all management and principal staff personnel, and setting forth their qualifications to construct and operate the system efficiently.

(Effective December 21, 1971)

Sec. 16-1-87. Application to transfer certificate. Special components

If the application concerns the transfer of a certificate concerning the public convenience and necessity of any community antenna television system, either before or after the commencement of the construction or operation of such system under authority of section 16-331 of the general statutes, then there shall be annexed to the application to transfer in addition to the requirements of part 1 of this article.

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- (a) Copy of the authority which applicant seeks to transfer to proposed transferee.
- (b) A statement of the financial condition of the proposed transferee.
- (c) All contracts and other agreements of conveyance and assignment of every kind whatsoever that the applicant and the transferee will employ to consummate the change of ownership of the system upon approval by the commissioners.
- (d) Names and addresses of all persons owning ten (10) percent or more of the outstanding debt or equity of the transferee. If the named transferee is the trustee, agent, or nominee of any person, such statement shall also include the name and address of each person for whom the transferee is acting as such trustee, agent or nominee in the proposed transfer.
- (e) Statement listing names and addresses of all management and principal staff personnel of proposed transferee who will construct, operate or manage the system, setting forth their qualifications to construct, operate or manage the system efficiently.
- (f) Pro forma financial statement and balance sheet of the transferee following acquisition of the system from the applicant.
- (g) Statement of any alterations in equipment or service proposed by transferee after approval by the commissioners.
- (h) Fee of fifty (\$50) dollars in cash, check or post office money order payable to the treasurer of the state of Connecticut.

(Effective December 21, 1971)

Part 11

Petitions and Applications, Motor Carriers

Sec. 16-1-88. General rule (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-89. Forms of applications (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-90. Motor truck carriers (Repealed)

Repealed June 11, 2014.

(Effective January 28, 1988; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

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Sec. 16-1-91. Intrastate motor bus (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-92. Taxicab (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-93. Livery (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-94. Transfer, motor truck (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-95. Transfer, motor bus (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-96. Transfer, taxicab (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-97. Transfer, livery (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

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Sec. 16-1-98. Special components, police record, and agent for service of process (Repealed)

Repealed June 11, 2014.

(Effective January 28, 1988; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-99. Special components, rates applications (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-100. Special requirements, rate applications (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 16-1-101. More than one department (Repealed)

Repealed June 11, 2014.

(Effective December 21, 1971; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

ARTICLE 4

MISCELLANEOUS PROCEEDINGS

Part 1

**Petitions: Presentation of Complaints and Other Requests for Action by the
Commissioners and for Adoption of Regulations**

Sec. 16-1-102. General rule

These rules set forth the procedure to be followed by persons asserting any complaint to the commission under title 16 of the general statutes including but not limited to the provisions of sections 16-12, 16-13, 16-14, 16-20, 16-21, 16-273, 16-274, 16-296, 16-304, 16-309, 16-319, 16-325. In addition, these rules shall set forth the procedure to be followed by any person desiring to bring to the commission any petition whatsoever with respect to the rates, service operation, equipment and plant; the convenience, protection and safety of the persons served by any public service company; and the public safety.

(Effective December 21, 1971)

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Sec. 16-1-103. Form of petition

Any such petition or statement of complaint shall conform to the rules stated in part 1 of article 3, where applicable, setting forth a plain and concise statement of the material facts on which the petitioner or complainant relies. Such statement of facts should be divided into paragraphs numbered consecutively, each containing as nearly as may be a separate allegation. Where applicable, the petitioner or complainant may set forth acts, events, documents, and other occurrences according to their claimed legal effect. But in so doing the petition or statement of complaint should be such as fairly to apprise the commission and the public service company of the state of facts on which it is intended the commissioners shall act.

(Effective December 21, 1971)

Sec. 16-1-104. Special components

The petitioner or complainant may annex such exhibits, illustrations, written testimony, and other evidence, as well as any brief of law and fact that the petitioner deems necessary or desirable to support the petition or statement of complaint. Insofar as man be practical, however, each petition or statement of complaint and the exhibits and other evidence annexed thereto shall be sufficiently complete when filed to present the entire ease of the petitioners or complainant, subject only to cross examination by the other parties and by the commission at the time of hearing.

(Effective December 21, 1971)

Sec. 16-1-105. Hearing

An investigation shall be conducted by the commission and duly noticed hearings shall be held as ordered by the commissioners. The proceedings and disposition of the petition or statement shall follow the rules of practice and procedure hereinabove set forth in article 2 for all other forms of proceedings before the commission.

(Effective December 21, 1971)

Part 2

Enforcement of Statutes, Regulations and Orders of Commissioners

Sec. 16-1-106. General rule

These rules set forth the procedure to be followed by the commission in the enforcement of statutes, regulations, and orders concerning public service companies under the authority of law.

(Effective December 21, 1971)

Sec. 16-1-107. Procedure in response to violation

At such time as facts known to the commission shall indicate that any public service

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company or any other person within the authority delegated by law has violated or is violating any statute in title 16 of the general statutes, or any regulation or order of the commissioners, then the commissioners may order an investigation of such facts. The purpose of said investigation shall be to determine whether or not such violation has, in fact, occurred. In the event the commissioners find that such a violation has occurred, they shall make such order and take such remedial action as is authorized by law in the case of such violation.

(Effective December 21, 1971)

Sec. 16-1-108. Order commencing investigation of violation

The commission shall set a time and place for a hearing concerning the investigation of the violation. It shall give the accused public service company and all other interested persons notice of the hearing in the form and manner hereinabove provided for all other hearings. Such notice shall be sent to the accused public service company with a plain and concise statement of the material facts known to the commission that have led to the conclusion that the information known to the commission indicates the apparent violation of such statute, regulation or order of the commissioners. Where applicable, a bill of particulars will be provided pursuant to the procedure set forth in Section 16-1-26.

(Effective December 21, 1971)

Sec. 16-1-109. Hearing

The proceedings and disposition of the evidence elicited in the investigation and hearing concerning such violation shall follow the rules of practice and procedure hereinabove set forth in article 2 for all other forms of proceedings before the commission.

(Effective December 21, 1971)

Part 3

Petitions Concerning Adoption of Regulations

Sec. 16-1-110. General rule

These rules set forth the procedure to be followed by the commissioners in the disposition of petitions concerning the promulgation, amendment, or repeal of a regulation.

(Effective December 21, 1971)

Sec. 16-1-111. Form of petitions

Any interested person may at any time petition the commissioners to promulgate, amend, or repeal any regulation. The petition shall conform to the rules stated in part 1 of article 3, where applicable, and shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments either in the petition

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or in a brief annexed thereto. The petition shall be addressed to the commission and sent to the executive secretary by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.

(Effective December 21, 1971)

Sec. 16-1-112. Procedure after petition filed

(a) Decision on petition. Upon receipt of the petition the commissioners shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(b) Procedure on denial. If the commissioners deny the petition, the commission shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the commissioners shall deem appropriate.

(Effective December 21, 1971)

Part 4

Requests for Advisory Rulings

Sec. 16-1-113. General rule

These rules set forth the procedure to be followed by the commissioners in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the commissioners. Such a ruling of the commissioners disposing of a petition for a declaratory ruling shall have the same status as any decision or order of the commissioners in a contested case.

(Effective December 21, 1971)

Sec. 16-1-114. Form of petition for advisory ruling

Any interested person may at any time request an advisory ruling of the commissioners with respect to the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the commissioners. Such request shall be addressed to the commission and sent to the executive secretary by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation or order concerning which the inquiry is made and shall identify the particular aspect thereof to which the inquiry is directed. The request for an advisory ruling shall be accompanied by a statement of any supporting data, facts and arguments that support the position of the person making the inquiry. Where applicable part 1 of article 3 governs the form and contents of the petition

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for advisory ruling.

(Effective December 21, 1971)

Sec. 16-1-115. Procedure after petition filed

(a) Notice to other persons. The commission may give notice to any person that such an advisory ruling has been requested and may receive and consider data, facts, arguments and opinions from persons other than the person requesting the ruling.

(b) Provision for hearing. If the commissioners deem a hearing necessary or helpful in determining any issue concerning the request for advisory ruling, the commission shall schedule such hearing and give such notice thereof as shall be appropriate. The provisions of article 2 govern the practice and procedure of the commission in any hearing concerning an advisory ruling.

(c) Decision on petition, ruling denied. If the commissioners determine that an advisory ruling will not be rendered, the commission shall within ten (10) days thereafter notify the person so inquiring that the request has been denied and furnish a statement of the reasons on which the commissioners relied in so deciding.

(d) Decision on petition, ruling granted. If the commissioners render an advisory ruling, a copy of the ruling shall be sent to the person requesting it and to that person's attorney, if applicable, and to any other person who has filed a written request for a copy with the executive secretary.

(Effective December 21, 1971)

Part 5

Miscellaneous Provisions

Sec. 16-1-116. Commission investigations

The commission may at any time institute investigations at the direction of the commissioners. Orders instituting the investigation shall indicate the nature of the matters to be investigated and will be served upon any person being investigated. Upon direction by the commissioners said person shall file with the commission such data, facts, arguments and statement of position as shall be necessary to respond to the inquiry of the commission.

(Effective December 21, 1971)

Sec. 16-1-117. Procedure

The rules of practice and procedure set forth in article 2 govern any hearing held for the purpose of such an investigation.

(Effective December 21, 1971)

Part 6

Extended Local Calling Telephone Service

Sec. 16-1-118. General rule

These rules shall apply to all petitions received by the Public Utilities Control Authority for the extension of local telephone service in the State of Connecticut and shall govern the disposition of such petitions by the Authority under the standards set forth herein.

(Effective April 19, 1979)

Sec. 16-1-119. Definitions

As used in these rules concerning local calling.

(1) “Customer” or “Subscriber” means any person or entity which has contracted with a telephone company for residential or business exchange telephone service and shall include any such persons or entities that would normally be served from the exchange requesting extended local calling but have foreign exchange service properly provided from the exchange to which toll free calling is requested.

(2) “Contiguous Exchange” means an exchange that adjoins or comes in physical contact with the boundaries of another exchange at any point.

(3) “Exchange” means a telephone service area with geographic boundaries or company designated administrative boundaries within which all customers have access to an identical list of central office codes which constitute the first three digits of telephone numbers they can call without paying a toll charge.

(4) “Extended Local Calling (ELC)” means a local exchange service that allows the telephone user to dial to a telephone which is located in an exchange other than the one from which the customer is served without incurring a toll charge. Such service shall be deemed “two-way” if extended local calling service is available to both exchanges in which an ELC route terminates, and “way” where a call on such a route, in either direction, requires the payment of a toll charge.

(5) “Main Station” means each exchange access line, or the equivalent as defined in the telephone company tariff, connected to a central office serving the exchange in question. Connection at the central office to switching equipment permits communication with other main stations.

(6) “Non-Contiguous Exchanges” means that the exchange boundaries of two exchanges do not adjoin or come in contact with each other at any point.

(7) “Petition” means a request for extended local calling which meets the requirements of section 16-1-120 and is in compliance with the provisions governing petitions to the Authority in general, Section 16-1-10 through 16-1-15 and Sections 16-1-45 to 16-1-52.

(8) “Public Utilities Control Authority,” “PUCA” or “the Authority” means the Connecticut Public Utilities Control Authority.

(9) “Telephone Company” means any public service company providing exchange telephone service within the state of Connecticut.

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(10) “Split Town” means a Town served by two or more exchanges, between any two of which a toll charge applies when such toll charge is not the result of a customer choosing to be served from an exchange other than the one designated to serve that area.

(Effective February 24, 1982)

Sec. 16-1-120. Petitions

A petition to receive extended local calling shall, in order to be considered by the Authority, be signed by five percent (5%) of the subscribers in the telephone exchange in which the petition originates. The form of the petition shall state the name and telephone number of each person signing the petition, the name of the exchange in which the petition originated and the name of the exchange to which extended local calling is sought, whether the exchanges are contiguous to each other, the number of main stations in each exchange, and the name of each exchange to which the petitioning exchange either has existing extended local calling or has been granted extended local calling under these rules. The telephone company which serves the petitioning exchange shall provide this information on a suitable petition form to subscribers desiring to circulate a petition.

(Effective April 19, 1979)

Sec. 16-1-121. Telephone company studies

When a petition is filed with the Authority under Section 16-1-120, the telephone company serving the exchange shall be notified and thereafter the telephone company shall conduct a study to determine the effect, if any, of the provision of the extended local calling on the local exchange service rates then in effect, due to reclassification of one or both exchanges involved to a higher local service rate class. The telephone company shall also determine the overall effect on its revenue requirements and shall state separately the amount of annual toll revenues that would be lost by conversion to ELC, together with a complete cost study showing itemized capital costs and recurring costs. The telephone company shall determine the current average number of toll messages per month per subscriber between the exchanges involved. Upon the conclusion of such study or studies the telephone company shall file the information with the Authority.

(Effective April 19, 1979)

Sec. 16-1-122. Contiguous exchange extended local calling

The Authority shall hold a hearing on all petitions for the provision of extended local calling between contiguous exchanges to determine if the following requirements are satisfied:

- (1) That the petition in all respects satisfies the criteria set forth in Section 16-1-120;
- (2) That the toll messages on the route requested average greater than or equal to four (4) calls per customer per month from the petitioning exchange over a six month period;
- (3) That a previous petition has not been rejected nor a subscriber vote conducted in the 18-month period prior to the petition.

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Provided, however, that if a petition for a contiguous route encompasses two or more exchanges serving the same regional school district and said petition is sponsored by the superintendent for that district or the chief administrative officer for any town served by said district, or encompasses two or more exchanges in a split town; or is from an exchange in the lowest exchange classification; the requirement that the number of toll calls per customer per month exceed any given level need not be met.

(Effective June 12, 1980)

Sec. 16-1-123. Noncontiguous exchange extended local calling

The Authority shall hold a hearing on all petitions for the provision of extended local calling between non-contiguous exchanges to determine if the following requirements are met:

(1) That criteria set forth in Section 16-1-122 (1) and (3), relating to contiguous exchanges is fully satisfied; and

(2) That the toll messages on the non-contiguous route requested average greater than or equal to ten (10) calls per customer per month from the petitioning exchange over a six month period; or

(3) A petition from an exchange in the lowest exchange classification has been signed by at least 15 percent of the subscribers in that exchange. Only one such petition is required to meet the requirements of Section 16-1-120 and this section.

Provided, however, that if a petition for a non-contiguous route encompasses two or more exchanges serving the same regional school district and the petition received by the Authority is sponsored by the superintendent for that district or the chief administrative officer of any town served by said district, or is from an exchange in the lowest exchange classification; the requirement that the number of toll calls per customer per month exceed any given level need not be met.

(Effective April 23, 1984)

Sec. 16-1-124. Subscriber votes

In all cases where a petition for extended local calling otherwise conforms to these rules and either exchange would be subject to reclassification to a higher rate group for local service rates, subsequent to a hearing the Authority shall direct the Company to conduct a survey of all subscribers in any exchange subject to reclassification. The survey ballot and accompanying letter explaining the reason for the survey shall be submitted by the serving telephone company to the Authority and, unless otherwise directed by the Authority within 10 days, the company shall deem them approved for mailing. The vote of subscribers shall be taken during the next 60 days. Each separately billed subscriber is entitled to only one vote. Responses to such a vote shall be submitted to the telephone company no later than 30 days after the expiration of the 60 day voting period for counting under the direction of the Authority. The ballots for such votes shall clearly and plainly state:

(1) The increase in local service rates to which subscribers would be subject because of

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any rate group reclassification, under the currently effective tariff.

(2) The telephone exchanges, towns and three digit telephone number prefixes which would become accessible to the exchanges if extended local calling were approved.

Extended local calling shall be approved and ordered if after a hearing the Authority finds that more than 50 percent of the responding subscribers in each exchange required to be surveyed vote in favor of the additional extended local calling route and at least 50 percent of all subscribers in each exchange required to be surveyed respond to the survey; provided only validly completed and signed ballots shall be used in computing the required percentages.

The ballots for the subscriber votes shall state separately for each exchange required to be surveyed the amount of local service rate increases due to reclassification under currently effective tariffs. In no event shall the percentage of responses or affirmative votes be aggregated or averaged over the exchanges involved, but the results shall be separately compiled for each exchange.

(Effective May 19, 1988)

Sec. 16-1-125. Telephone company modernization

A new extended local calling route which otherwise meets the conditions set forth in these rules may be delayed in implementation by the Authority beyond the normal implementation interval, if it finds that the construction necessary to provide the route would conflict with a plan or program of modernization of telephone service equipment, either in progress or planned by the telephone company or companies that serve the exchanges involved. Such a conflict in a plan or program of modernization may be deemed to exist if a type or types of modification to equipment, required to provide extended local calling, would produce a payback rate, computed using standard financial accounting techniques, of less than or equal to 10 percent. The computation of the payback rate shall be limited to the term of the period before which equipment is to be replaced or modernized and to the estimated cost of the capital investment necessary to provide extended local calling service.

(Effective April 19, 1979)

Sec. 16-1-126. One-way extended local calling routes

All existing one-way extended local calling routes shall be converted to two-way local calling in coordination with the planned conversion to ESS facilities. The subscribers affected by the conversion of existing one-way ELC routes shall pay only the expense associated with reclassification to a higher rate group, if any. Where reclassification of an exchange from Class I to Class III occurs as a result of conversion of one-way toll route(s) to two-way local calling, the increase to Class II rates will be effected upon completion of said conversion and the increase in rates to Class III will be effected two years after completion of said conversion.

(Effective April 19, 1979)

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Sec. 16-1-127. Revenue requirement changes

Any changes in the revenue requirements of the telephone company due to the granting of ELC in compliance with these regulations shall be the proper subject of a public hearing pursuant to Section 16-19 of the General Statutes of Connecticut. The hearing may be limited to consideration of the revenue requirements emanating from actions taken under these regulations.

(Effective April 19, 1979)

Area Transfers

Sec. 16-1-128. Definitions

As used in these rules concerning area transfer.

(a) “Customer” or “Subscriber” means any person or entity which has contracted with a telephone company for residential or business exchange telephone service and shall also include any such persons or entities that reside in the area requested to be transferred but which have telephone exchange service from an exchange other than that which would normally serve the area.

(b) “Exchange” or “Telephone Exchange” means a telephone service area with geographic boundaries or telephone company designated administrative boundaries within which all customers have access to an identical list of central office codes which constitute the first three digits of telephone numbers they can call without paying a toll charge.

(c) “Telephone Company” means any public service company providing exchange telephone service within the State of Connecticut.

(d) “Department” means the Department of Public Utility Control.

(e) “Petition” means a request that a specific geographic area be transferred from one exchange to another within the same town, which meets the requirements of Section 16-1-129 and is in compliance with the provisions governing petitions to the Department in general, Sections 16-1-10 through 16-1-15 and Sections 16-1-45 to 16-1-52.

(f) “Principal Exchange” means that exchange which serves the largest number of customers within the town.

(g) “Area Transfer Area” means a single continuous exchange service area adjacent to the principal exchange and presently served by only one other exchange.

(Effective September 27, 1988)

Sec. 16-1-129. Petitions

(a) A petition for the transfer of an area from one exchange to another, in order to be considered by the Department, must meet the following requirements:

(1) The petition must be from customers who reside in an area of a town which is served by an exchange other than the principal exchange.

(2) The petition must be for transfer of an area of a town to the principal exchange for the same town.

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(3) The form of the petition shall state the name, address, and telephone number of each person signing the petition, the name of the exchange which serves the subject area, the name of the principal exchange serving the town, and the number of customers in the town served by each of the exchanges involved.

(4) The petition must be signed by at least five percent (5%) of the customers in the area transfer area.

(Effective September 27, 1988)

Sec. 16-1-130. Telephone company studies

When a petition is filed with the Department under section 16-1-129, the telephone company(s) serving the exchanges shall be notified and thereafter shall conduct a study to determine the effect, if any, of the transfer of the area in question on the rates, then in effect, due to reclassification of one or more exchanges. A complete report of the above study, including a five (5) year analysis of the revenue requirements associated with such a transfer shall be filed with the Department no later than ninety (90) days following receipt of notification that a petition has been filed. The telephone company also shall file, with the above report, a proposed survey ballot and accompanying letter which explains the purpose of the survey.

(Effective September 27, 1988)

Sec. 16-1-131. Hearing

The Department shall hold a hearing on all petitions for the transfer of subscribers from one exchange to another to determine if the petition in all respects satisfies the criteria set forth in section 16-1-129, that a previous petition has not been denied in the eighteen (18) month period prior to the filing of the current petition and if the public interest would be served by the proposed transfer. For the purpose of this section and section 16-1-132, the Department shall consider, without limitation, the following factors in determining whether a proposed area transfer is in the public interest:

- (1) the estimated cost of implementing the transfer;
- (2) the number of customers who would be transferred;
- (3) the estimated impact of the transfer upon rates, charges, and service for other customers of the company, and upon the company's revenue requirements; and
- (4) the relationship between implementing the proposed area transfer and the company's modernization program.

(Effective September 27, 1988)

Sec. 16-1-132. Subscriber votes

(a) In all cases where a petition is found to be in the public interest and otherwise conforms to these rules, the Department shall direct the telephone company to conduct a survey of all subscribers in the area proposed to be transferred. The vote of subscribers shall be initiated within sixty (60) days after the hearing required in Section 16-1-131. Each

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separately billed subscriber is entitled to only one vote. Responses to such a ballot shall be submitted to the telephone company no later than thirty (30) days after the expiration of the sixty (60) day voting period for counting under the direction of the Department. The ballots for such votes shall clearly and plainly state:

(1) The change in local service rates, if any, to which the subscribers would be subject due to different exchange classifications under currently effective tariffs, if the area transfer were approved.

(2) The exchanges, towns and three (3) digit telephone number prefixes which would be accessible to the subscribers if the area transfer were approved.

(3) The exchanges, towns and three (3) digit telephone number prefixes which would no longer be accessible to the subscribers if the area transfer were approved.

(4) The three (3) digit telephone number prefix(es) to which subscribers telephone numbers would be changed if the area transfer were approved.

(b) Modification of exchange boundaries (area transfer) shall be ordered if the Department finds that at least 50 percent (50%) of those subscribers surveyed respond and at least 60 percent (60%) of those, vote in favor. Only validly completed and signed ballots shall be used in computing the percentages. An area transfer so ordered shall be mandatory for all customers in the subject area.

(Effective September 27, 1988)

Sec. 16-1-133. Telephone company modernization

An area transfer petition which otherwise meets the conditions set forth in these rules may, upon approval by the Department, be coordinated in implementation with the telephone company's modernization programs. In no event shall the delay exceed twelve (12) months.

(Effective September 27, 1988)