

REGULATIONS OF CONNECTICUT STATE AGENCIES

Department of Energy and Environmental Protection

Public Utilities Regulatory Authority

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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

(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)

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 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

(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 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 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 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)