



# STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051

DOCKET NO. 20-08-03RE01 PURA CONSIDERATION OF CIVIL PENALTY AND  
ENFORCEMENT ACTION AGAINST THE ELECTRIC  
DISTRIBUTION COMPANIES AFTER STORM ISAIAS  
INVESTIGATION

July 14, 2021

By the following Commissioners:

Marissa P. Gillett  
John W. Betkoski, III  
Michael A. Caron

**DECISION**

# Table of Contents

|  |           |
|--|-----------|
| <b>I. INTRODUCTION .....</b>   | <b>1</b>  |
| <b>A. SUMMARY .....</b>  | <b>1</b>  |
| <b>B. BACKGROUND OF THE PROCEEDING.....</b>  | <b>1</b>  |
| <b>C. CONDUCT OF THE PROCEEDING .....</b>  | <b>3</b>  |
| <b>D. PARTIES AND INTERVENORS .....</b>  | <b>4</b>  |
| <b>II. APPLICABLE STATUTES, REGULATIONS, AND ORDERS .....</b>                        | <b>4</b>  |
| <b>III. AUTHORITY ANALYSIS.....</b>  | <b>5</b>  |
| <b>A. EVERSOURCE .....</b>   | <b>5</b>  |
| <b>1. Storm Monitoring and Initial Event Declaration .....</b>                       | <b>5</b>  |
| <b>2. Line Crews.....</b>  | <b>6</b>  |
| <b>3. Damage Assessors and Estimated Restoration Times .....</b>                     | <b>8</b>  |
| <b>4. Municipal Liaisons and Make Safe Protocol.....</b>                             | <b>8</b>  |
| <b>5. Customer Communications, Outage Reporting, and Communications Systems.....</b> | <b>9</b>  |
| <b>6. Accident Reporting.....</b>  | <b>10</b> |
| <b>B. UNITED ILLUMINATING .....</b>  | <b>11</b> |
| <b>1. Priority Call Response.....</b>  | <b>11</b> |
| <b>2. Bridgeport Make Safe .....</b>   | <b>12</b> |
| <b>3. Accident Reporting.....</b>  | <b>12</b> |
| <b>IV. CALCULATION OF CIVIL PENALTY .....</b>  | <b>13</b> |
| <b>A. APPLICABLE STANDARDS.....</b>  | <b>13</b> |
| <b>B. EVERSOURCE .....</b>   | <b>14</b> |
| <b>1. NOV .....</b>  | <b>14</b> |
| <b>2. Performance Standards Violations .....</b>                                     | <b>14</b> |
| <b>3. Reporting Violations.....</b>  | <b>17</b> |
| <b>C. UNITED ILLUMINATING .....</b>  | <b>17</b> |
| <b>1. NOV .....</b>  | <b>17</b> |
| <b>2. Performance Standards Violations .....</b>                                     | <b>18</b> |
| <b>3. Reporting Violations.....</b>  | <b>19</b> |
| <b>V. METHOD OF RETURN OF ASSESSMENT.....</b>  | <b>19</b> |
| <b>VI. CONCLUSION AND ORDERS.....</b>  | <b>19</b> |
| <b>A. CONCLUSION.....</b>  | <b>19</b> |
| <b>B. ORDERS.....</b>  | <b>20</b> |

## DECISION

### **I. INTRODUCTION**

#### **A. SUMMARY**

Pursuant to the provisions of §§ 16-16, 16-32h, 16-32i, and 16-41 of the General Statutes of Connecticut (Conn. Gen. Stat.), the Public Utilities Regulatory Authority (Authority or PURA) finds that The Connecticut Light & Power Company d/b/a Eversource Energy (Eversource) and The United Illuminating Company (UI) failed to comply with standards of acceptable performance in preparing for and responding to Tropical Storm Isaias. Consequently, the Authority assesses civil penalties against the companies.

For Eversource, the Authority imposes a civil penalty in the amount of twenty-eight million, five hundred eighty-three thousand, twenty-two dollars (\$28,583,022). This amount consists of a twenty-eight million, four hundred five thousand, twenty-two dollar (\$28,405,022) penalty for non-compliance with performance standards under Conn. Gen. Stat. § 16-32i and one hundred seventy-eight thousand dollars (\$178,000) fine for violations of accident reporting requirements under Conn. Gen. Stat. § 16-16.

For UI, the Authority imposes a civil penalty in the amount of one million, two hundred forty-eight thousand, six hundred forty-seven dollars (\$1,248,647). This amount consists of a one million, one hundred eighty-seven, six hundred and forty-seven dollar (\$1,187,647) penalty for non-compliance with performance standards under Conn. Gen. Stat. § 16-32i and a sixty-one thousand dollar (\$61,000) fine for violations of accident reporting requirements under Conn. Gen. Stat. § 16-16.

#### **B. BACKGROUND OF THE PROCEEDING**

On August 4, 2020, Tropical Storm Isaias arrived in Connecticut, causing widespread outages across the State, affecting all 149 communities served by Eversource and all 17 communities served by UI. These outages persisted in Eversource's and UI's territories until August 13 and 12, respectively. In response to the extent and duration of the outages, Governor Lamont requested that the Authority investigate the electric distribution companies' (EDCs) preparation for and response to Tropical Storm Isaias. Office of the Governor, Press Release, Aug. 5, 2020.

In addition, the Authority was statutorily required to examine and evaluate the EDCs' performance given the extent of outages. Specifically, under Conn. Gen. Stat § 16-32i, the Authority is required to "review the performance of each electric distribution company . . . after any emergency<sup>1</sup> . . . (1) in which more than ten per cent of any such company's customers were without service for more than forty-eight consecutive hours . . ." Conn. Gen. Stat. § 16-32e(a). This statutory requirement was enacted by the General Assembly in 2012 in response to public outrage in the wake of Tropical Storm Irene in August 2011 and the subsequent October Nor'easter, both of which caused lengthy, wide-

---

<sup>1</sup> The term "emergency" is defined in Conn. Gen. Stat. § 16-32e(a) and includes, among other things, "hurricane, tornado, [and] storm."

spread service outages.<sup>2</sup> As a result, due to the extent and length of outages caused by Tropical Storm Isaias, the Authority was required to initiate and complete an investigation into the EDCs' performance.

On August 7, 2020, the Authority opened Docket No. 20-08-03, Investigation into Electric Distribution Companies' Preparation for and Response to Tropical Storm Isaias, to conduct a broadly-scoped investigation of the EDCs' preparation for and response to Tropical Storm Isaias. In its August 14, 2020 revised Notice of Proceeding, the Authority designated the proceeding as a contested case that would encompass determinations as to compliance with applicable performance standards and the prudence of the EDCs' management of the storm response. In the simultaneously issued Notice Regarding Investigation Timeline and Process (Notice of Process), the Authority explained that the storm investigation would be conducted in Docket No. 20-08-03 but that civil penalties, if applicable, would be issued in a separate contested proceeding, designated as Docket No. 20-08-03RE01 to maintain "appropriate procedural requirements." Notice of Process, p. 1.<sup>3</sup>

During the ensuing eight months, the Authority issued more than 700 interrogatories, held public comment hearings, received written comments, and conducted cross-examination during twelve (12) days of evidentiary hearings. Other parties to the proceeding, including the Office of Consumer Counsel (OCC), the Office of the Attorney General and several affected municipalities, issued hundreds of additional interrogatories and participated in the hearings through the provision of testimony and the cross-examination of witnesses. The investigation culminated in a proposed final decision issued on March 19, 2021. The EDCs submitted written exceptions and presented oral argument on April 19, 2021. The Authority issued a final decision on April 28, 2021 (Tropical Storm Isaias Decision), which detailed the Authority's numerous findings as to whether the EDCs met acceptable performance criteria and managed the storm preparation and response prudently, efficiently, and with care for public safety.

In summary, the Authority found that Eversource did not satisfy performance standards for the municipal liaison program, Make Safe responsibilities, communicating critical information to customers, or securing adequate resources in a timely manner to protect the public safety. The Authority found that UI did not satisfy the performance standards for Make Safe responsibilities. The Authority also made findings relating to Eversource's and UI's accident reporting in the aftermath of Tropical Storm Isaias.

---

<sup>2</sup> See Sections 3 and 4, Public Act 12-148, An Act Enhancing Emergency Preparedness and Response.

<sup>3</sup> Specifically, the notice stated: "The Authority maintains that it must conduct a thorough investigation, complete with findings, before it considers the imposition of civil penalties. If no civil penalties are warranted after the investigation in Docket No. 20-08-03, the Authority will close the Additional Enforcement Orders and Civil Penalties proceeding without further action. However, if the Authority determines in the course of Docket No. 20-08-03 that one or both EDCs failed to comply with any standard of acceptable performance in emergency preparation or restoration of service in an emergency, or with any order of the Authority, PURA will use the Additional Enforcement Orders and Civil Penalties docket to swiftly follow the administrative procedures established pursuant to Conn. Gen. Stat. § 16-41." Notice of Process, p. 2.

As a result, the Authority stated that it would “conduct a reopened proceeding . . . to consider issuing civil penalties and further enforcement orders for the instances of noncompliance found during this investigation.” Tropical Storm Isaias Decision, p. 12.<sup>4</sup>

### C. CONDUCT OF THE PROCEEDING

On May 6, 2021, as a result of the Authority’s findings in the Tropical Storm Isaias Decision and in accordance with Conn. Gen. Stat. §§ 16-16, 16-32h, 16-32i, and 16-41, the Authority issued separate Notices of Violation and Assessment of Civil Penalty (NOVs) to Eversource and UI for failing to comply with standards of acceptable performance in emergency preparation or restoration of service in an emergency and with orders of the Authority, and for violations of accident reporting requirements.<sup>5</sup>

Pursuant to Conn. Gen. Stat. § 16-41(d), Eversource and UI respectively requested a hearing through Motions No. 3 and 4, dated May 26, 2021. Eversource and UI submitted pre-filed testimony (PFT) and exhibits on May 26, 2021. On June 3, 2021, the Authority issued a Notice of Proceeding and Notice of Hearings. Further, pursuant to Conn. Gen. Stat. § 4-178, the Authority issued a Notice of Record Evidence, dated June 3, 2021, notifying the Parties that the Authority takes notice of the record in Docket No. 20-08-03 and informing the Parties of their opportunity to contest the materials noticed. No Party or Intervenor contested the materials noticed. At no time after issuance of the NOVs did any Party or Intervenor request a bill of particulars pursuant to Conn. Agencies Reg. §§ 16-1-26 and 16-1-108.

The Authority conducted and adjourned the public hearings in accordance with Conn. Gen. Stat. § 16-41 on June 10, 2021, via remote access. The public hearings were held before all Commissioners of the Authority. Eversource and UI each had the opportunity to present additional direct testimony and exhibits through the public hearings. The Parties and Intervenors were provided the opportunity to file briefs by June 21, 2021.

---

<sup>4</sup> Eversource has contested this proceeding on the legal theory that the Authority’s findings in a statutorily-required storm investigation, in which Eversource fully participated, deprive the company of its due process rights. Eversource’s argument is contradicted by the plain statutory language and, moreover, would create absurd and unworkable results. Importantly, Conn. Gen. Stat. § 16-32i expressly directs the Authority to investigate the EDCs’ performance and, then, states that “[t]he authority, upon a finding that any such company failed to comply with any standard of acceptable performance in emergency preparation or restoration of service in an emergency, . . . may levy civil penalties against such company, pursuant to section 16-41, . . .”(emphasis added). In Eversource’s view, any storm investigation required by Conn. Gen. Stat. § 16-32i would need to stop short of any actual findings. More precisely, according to Eversource, a rigorous, months-long investigation into a critical public safety matter should culminate only with the Authority having “reason to believe” something happened – no findings, no determinations. Such an approach to storm investigations ignores the plain language of Conn. Gen. Stat. § 16-32 and strains Conn. Gen. Stat. § 16-41 beyond reason.

<sup>5</sup> The EDCs filed Motion Nos. 1 and 2 objecting to the NOVs. The Authority considered but rejected the objections. See Motion Rulings, May 26, 2021. The EDCs renewed these objections in their briefs, with Eversource adding an additional claim – that the penalty stated in the NOV may not exceed the statutory cap on penalties. Eversource Brief, p. 20 (“Thus, to conform [the NOV] with the mandates of that statute, the proposed civil penalty cannot exceed the statutory cap.”). However, this objection again belies the plain language of Conn. Gen. Stat. § 16-32i, which caps the amount of penalty levied, not the amount noticed in the NOV. As Eversource knows, the civil penalty ultimately assessed is frequently reduced from the amount stated in the NOV as the Authority considers the evidence in the record, and it is the amount levied that is capped by the statute rather than any amount listed in the NOV.

## D. PARTIES AND INTERVENORS

The Authority designated all Parties and Intervenors from Docket No. 20-08-03 as Parties and Intervenors in this contested proceeding. Specifically, the Authority recognized the following as Parties to this proceeding: the Office of Consumer Counsel, Ten Franklin Square, New Britain, CT 06051; the Commissioner of the Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106; Connecticut Office of the Attorney General, Ten Franklin Square, New Britain, CT 06051; Eversource Energy Services Company, 107 Selden Street, Berlin, CT 06037; and The United Illuminating Holdings Corporation, 180 Marsh Hill Road, MS AD-2A, Orange, CT 06477.

The Authority recognized the following as Intervenors to this proceeding: Utility Workers Union of America, Local 470-1; City of Bridgeport; City of Danbury; City of Milford; City of Norwalk; Connecticut Conference of Municipalities (CCM); Connecticut Council of Small Towns; Town of Bethel; Town of Brookfield; Town of Easton; Town of Monroe; Town of New Canaan; Town of New Fairfield; Town of Newtown; Town of Ridgefield; Town of Redding; Town of Seymour; Town of Vernon; Town of Weston; Town of Westport; and Town of Wilton.

## II. APPLICABLE STATUTES, REGULATIONS, AND ORDERS

After two major storms in 2011 (Tropical Storm Irene and the October Nor'easter) caused lengthy, wide-spread service outages, the General Assembly enacted, in 2012, Public Act 12-148, An Act Enhancing Emergency Preparedness and Response (Act). Among other things, the Act required the Authority to develop specific performance standards for the EDCs in responding to an emergency and authorized substantial penalties for noncompliance. Public Act 12-148, §§ 3 and 4.

Specifically, the Authority was required to “establish industry specific standards for acceptable performance by each utility in an emergency to protect public health and safety, to ensure the reliability of such utility's services to prevent and minimize the number of service outages or disruptions and to reduce the duration of such outages and disruptions, to facilitate restoration of such services after such outages or disruptions, and to identify the most cost-effective level of tree trimming and system hardening, including undergrounding, necessary to achieve the maximum reliability of the system and to minimize service outages.” Conn. Gen. Stat. § 16-32h(b).

Accordingly, the Authority conducted a proceeding in Docket No. 12-06-09, PURA Establishment of Performance Standards for Electric and Gas Companies, and issued a decision establishing the emergency performance standards for EDCs. Decision, Nov. 1, 2012 (Performance Standards Decision). Among other things, the EDCs are required to “restore service to its customers in a safe and reasonable manner during all service interruptions and outages. During an Emergency Event, this shall include at a minimum implementing all applicable components of a utility's [emergency response plan] related to restoration of service.” Performance Standards Decision, Appendix A, p. 8.

Notably, the Authority ordered the EDCs to incorporate the standards delineated in the Performance Standards Decision into their emergency response plans (ERPs) and

to follow their ERPs in response and recovery activities related to emergencies. Id., Appendix A, pp. 2 and 8. As a result, an EDC's failure to comply with the Performance Standards Decision or its ERP constitutes a failure to comply with established standards for acceptable performance.

Separate from their responsibilities under Conn. Gen. Stat. §§ 16-32h and 16-32i, the EDCs have an obligation to report accidents, including minor accidents, to the Authority. Conn. Gen. Stat. § 16-16. The term "minor accidents" is defined in Conn. Agencies Regs. § 16-16-2(b).

### **III. AUTHORITY ANALYSIS**

#### **A. EVERSOURCE**

##### **1. Storm Monitoring and Initial Event Declaration**

As part of the investigation in Docket No. 20-08-03, the Authority reviewed the Performance Standards Decision and Eversource's ERP to identify the standards that applied to Eversource's storm monitoring and event level declaration. Tropical Storm Isaias Decision, pp. 25-28. Next, using the record evidence, the Authority documented Eversource's actions in assessing and declaring the event level and its subsequent conduct in communicating and updating the declaration. Id., pp. 28-32. Finally, the Authority made detailed findings and determinations based on the identified performance standards and the record evidence. Id., pp. 34-38.

In short, the Authority found that Eversource did not reasonably comply with acceptable performance standards in its monitoring of Tropical Storm Isaias and in establishing and communicating its event level declarations. Specifically, Eversource unreasonably: (1) failed to appropriately classify the emergency event; (2) failed to update or revise its initial declaration notwithstanding the increasing certainty of a tropical storm level event; and (3) mismanaged its communications related to the storm event level classification with relevant stakeholders to those stakeholders' express detriment. Id.; Eversource NOV, p. 4.

In this proceeding, Eversource submitted pre-filed testimony and exhibits. Eversource PFT May 26, 2021. In its pre-filed testimony, Eversource introduced Exhibits 1, 2, and 3. See Eversource PFT, pp. 28; 36, fn. 8; 44, fn. 10. Although Eversource also attached Exhibits 4 through 11 to its PFT Filing, Eversource failed to introduce or explain the purpose of these Exhibits through its PFT or at the public hearing, and as such, the relevance and probative value of such exhibits is negligible.<sup>6</sup> See Eversource PFT Filing 5/26/21; Tr. 6/10/21. At the hearing, an Eversource representative testified that Exhibit 2 is information previously submitted, but in a new format. Tr. 6/10/21, p. 27-28. Exhibit 1 is a new document but likewise does not contain new information; rather, it consists of chronological excerpts of the weather forecasts provided in response to Q-AG-008 in Docket No. 20-08-03. Tr. 6/10/21, p. 27.

---

<sup>6</sup> The Authority observes that Exhibits 4 through 11 (as well as Exhibits 2 and 3) appear to be record documents previously considered by the Authority in Docket No. 20-08-03.

The Authority finds that Eversource did not provide any new evidence with respect to the three specific violations of the performance standards related to the event level declaration. Notably, Eversource's PFT repeats arguments made during the storm investigation in Docket No. 20-08-03. In the PFT, Eversource cites record evidence from Docket No. 20-08-03, explaining the company's disagreement with the Authority's findings. However, the Authority has previously considered these arguments and, nonetheless, found substantial evidence that Eversource failed to comply with the performance standards.

The purpose of this proceeding was to provide Eversource with an opportunity to present new evidence or information that may establish cause for the Authority to rescind, reverse, or alter a finding of non-compliance with a performance standard made in the Tropical Storm Isaias Decision. Eversource's witness stated that the PFT provides new information about "event level classifications and how we determine our events" and "the differences between the 3 and a 4 [event level classification.]" Tr. 6/10/21, p. 31. However, a review of the PFT, which contains no new exhibits or citations to new evidence, reveals that the Eversource PFT does not provide any novel information about event level classifications, the determination of event level classifications, or the differences between a level 3 and a level 4 event level classification. In the absence of such information, the Authority finds that the record in Docket No. 20-08-03 provides substantial evidence that Eversource failed to comply with the performance standards as stated in the NOV.

## 2. Line Crews

Similarly, the Authority reviewed the Performance Standards Decision and Eversource's ERP to identify the standards that applied to Eversource's securing and deploying sufficient line crews for the emergency event. Tropical Storm Isaias Decision, pp. 39-41. Next, using the record evidence, the Authority documented the available resources that Eversource procured and staged prior to and throughout the storm response. Id., pp. 41-44. Finally, the Authority made extensive findings and determinations based on the identified performance standards and the record evidence. Id., pp. 46-54.

In brief, the Authority found that Eversource failed to reasonably comply with established performance standards by failing to adequately secure, pre-stage, and deploy sufficient line crews during the first 48 hours of storm response. Id.; Eversource NOV, pp. 4-5.

In this proceeding, Eversource's witnesses testified that their PFT provides new information about "the NAMAG process and procuring crews and how that process works," "procuring resources and having them available on site 48 hours," "the mutual aid process," and "the availability of crews in these large scale events, especially events that affect the east coast, the hurricane events, tropical storm events and crews that are available, how many there are available, where we get those crews, how we did that during Isaias, that is laid out in our testimony[.]" Tr. 6/10/21, pp. 31-32. Further, witness Hallstrom provided an opening statement in which he described Eversource's relationship with NAMAG and the EEI mutual aid assistance process. Id., pp. 13-16.



Eversource's opening statement and PFT provided new, albeit limited, information relating to NAMAG and EEI mutual aid assistance policies that was not presented to the Authority in Docket No. 20-08-03. See Id.; Eversource PFT, pp. 104-106.<sup>7</sup> Witness Hallstrom explained that Eversource was constrained by the NAMAG policies, which require members organizations to seek mutual assistance solely from NAMAG. Tr. 6/10/21, pp. 13-15. Specifically, Eversource "cannot obtain crews from [Southeast Electric Exchange, the Midwest Mutual Aid Group and the Great Lakes Mutual Assistance Group] without NAMAG, and when NAMAG gets access to those crews, it must allocate the available crews to all of its members in need, not just Eversource." Id., pp. 14-15; Eversource PFT, pp. 105-106. Further, "there were no crews available through other mutual aid groups because those groups are all part of EEI mutual aid organization, and those crews have to come to us through NAMAG. NAMAG did not have any of those crews to allocate to us prior to the storm." Tr. 6/10/21, p. 16. In the PFT, Eversource representatives state: "A utility cannot be a member of more than one mutual aid organization. And, when a utility is a member of a mutual aid organization (like NAMAG), it makes all requests for mutual aid through its organization." Eversource PFT, p. 104. Eversource did not, however, submit the NAMAG and EEI mutual assistance policies as evidence in this proceeding.

The additional evidence offered by Eversource is not sufficiently persuasive to overcome the substantial evidence in the storm investigation that Eversource failed to secure adequate line crew resources for Tropical Storm Isaias. Importantly, the evidence conflicts with other evidence in the record. According to Eversource's filings, the company typically seeks mutual aid crews from southern and midwestern states, but because of high COVID rates in those areas, Eversource sought crews from New England and Canada. Eversource 30-Day Event Report, p. 37. Additionally, Eversource described multiple efforts made to secure crews, including through EEI and "in parallel, the logistics section was communicating with utility counterparts across the country to try to secure additional resources - leaving no stone unturned in their efforts to secure crews." Id., p. 82.

Therefore, Eversource's assertion that it may request mutual aid exclusively through NAMAG is disputed by the company's own statements that it is capable of securing additional resources outside of the formal mutual aid process. Id.; Eversource Response to Interrogatory LCG-185 and LCG-314. Further, Eversource did not present any new evidence with respect to its internal and contractor "pivot" crews and other external crew resources outside of the formal mutual aid process.

Given these contradictions and the notable absence of the specific NAMAG and EEI mutual assistance process policies, the Authority finds this evidence to be unavailing in light of the record evidence cited by the Authority in the Tropical Storm Isaias Decision in concluding that Eversource failed to secure adequate line crew resources for Tropical Storm Isaias as stated in the NOV.

---

<sup>7</sup> Eversource did not offer any explanation as to why this information was not available during the storm investigation.

### 3. **Damage Assessors and Estimated Restoration Times**

Likewise, the Authority reviewed the Performance Standards Decision and Eversource's ERP to identify the standards that applied to assessing storm damage and communicating restoration times to stakeholders during storm events. Tropical Storm Isaias Decision, pp. 55-56. Next, using the record evidence, the Authority documented Eversource's management of its damage assessment program during the storm response. *Id.*, pp. 56-57. Finally, the Authority made significant findings and determinations based on the identified performance standards and the record evidence. *Id.*, pp. 58-61.

The Authority found that Eversource failed to comply with the established performance standard because it failed to deploy an adequate number of damage assessors within the first 48 hours following the storm event and failed to set reasonable expectations with the towns and deliver results consistent with reasonable expectations. *Id.*, pp. 58, 60; Eversource NOV, p. 5.

Eversource's PFT and direct testimony did not provide any new information relating to damage assessors and estimated restoration times. In the absence of new evidence, the Authority finds that the record evidence cited by the Authority in the Tropical Storm Isaias Decision supports the conclusion that Eversource failed to deploy an adequate number of damage assessors and failed to set reasonable expectations with the towns and deliver results consistent with reasonable expectations as stated in the NOV.

### 4. **Municipal Liaisons and Make Safe Protocol**

The Authority also reviewed the Performance Standards Decision and Eversource's ERP to identify the standards that applied to providing timely, detailed and accurate information to affected municipalities through liaisons and executing its Make Safe obligations. Tropical Storm Isaias Decision, pp. 61-66. Next, using the record evidence, the Authority documented Eversource's management of its liaison program and Make Safe responsibilities. *Id.*, pp. 66-76, 80-82. Finally, the Authority made detailed findings and determinations based on the identified performance standards and the record evidence. *Id.*, pp. 76-80, 82-87.

In summary, the Authority found that Eversource did not meet standards of acceptable performance by failing to (1) provide sufficient resources to manage the town liaison process, (2) provide timely and accurate information, (3) coordinate response and restoration activities, and (4) provide detailed information to enable town emergency response functions. *Id.*, p. 80; Eversource NOV, p. 5.

Further, the Authority found that Eversource failed in three key ways to meet the performance standards for its Make Safe and safety priority response. First, Eversource failed to bring sufficient resources to bear in the first 48 hours following the onset of Tropical Storm Isaias to timely and appropriately respond to threats to public safety and meet its public safety obligations. Second, Eversource failed to properly prioritize fire and public safety events with the modest resources it did have, based on the direction provided by the municipalities. Third, Eversource failed to relay information timely and

properly to town officials about what Make Safe and safety priority work it had completed in the early stages of the storm response. Tropical Storm Isaias Decision, p. 86; Eversource NOV, p. 5.<sup>8</sup>

Eversource does not contest the occurrence of violations in relation to the municipal liaisons and make safe protocol. Tr. 6/10/21, p. 10; Eversource Brief, pp. 3, 29. As a result, the Authority finds that the record evidence cited by the Authority in the Tropical Storm Isaias Decision supports the conclusion that Eversource failed to comply with the standards of acceptable performance in relation to municipal liaisons and make safe protocol as stated in the NOV.

#### **5. Customer Communications, Outage Reporting, and Communications Systems**

Lastly, with respect to performance standards, the Authority reviewed the Performance Standards Decision and Eversource's ERP to identify the standards that applied to customer communications, outage reporting and communications systems. Tropical Storm Isaias Decision, pp. 96-97. Next, using the record evidence, the Authority documented Eversource's inbound and outbound communications and the functioning of its communications systems. Id., pp. 97-102. Finally, the Authority made substantial findings and determinations based on the identified performance standards and the record evidence. Id., pp. 103-109.

In short, the Authority identified multiple communications-related failures and breakdowns and found that Eversource did not meet standards of acceptable performance. Id., p. 109. Specifically, the Authority found that Eversource's outage reporting channels, customer IVR, and call center channels were not designed to be flexible, reliable, and scalable, and did not function properly in response to Tropical Storm Isaias. Id., p. 107. The Authority found that Eversource's IVR, call center, and digital channels were not reliable as required by the ERP. Id., p. 108. Additionally, the Authority found that Eversource had not updated its Customer Group ERP in accordance with its own standards. Id. The Authority also found that Eversource failed to meet acceptable performance standards by not adequately stress testing its communications channels. Id., pp. 108-109; Eversource NOV, p. 6.

Eversource does not contest the violations in relation to the customer communications, outage reporting, and communications systems, with the exception of findings made regarding FPS-1 reporting in the hours immediately following Tropical Storm Isaias. Tr. 6/10/21, p. 10; Eversource Brief, p. 3, 19.

Eversource's PFT does not provide any new information regarding FPS-1 reporting, nor did Eversource offer direct testimony on this issue. In the absence of further evidence, the Authority finds that the record evidence cited by the Authority in the Tropical Storm Isaias Decision supports the conclusion that Eversource failed to comply with the

---

<sup>8</sup> The Authority determined that the first and third of these key issues are subsumed in the four enumerated violations and do not represent distinct violations. However, Eversource's failure to properly prioritize fire and public safety events remains a distinct violation. Consequently, a total of five (5) violations are identified with respect to this category of violations.

standards of acceptable performance in relation to customer communications, outage reporting and communications systems as stated in the NOV.

## 6. Accident Reporting

As part of its investigation in Docket No. 20-08-03, the Authority conducted a review of Eversource's incident reporting practices for the month of August 2020 to identify any accidents related to Tropical Storm Isaias and to ensure that Eversource's current reporting practices are compliant with applicable regulatory requirements. Tropical Storm Isaias Decision, pp. 121-123. The Authority found up to thirty-six (36) instances of minor accidents that were not included in the August 2020 monthly accident report. *Id.*, p. 122-123. Consequently, the Authority determined that Eversource failed to report minor accidents as required by Conn. Gen. Stat. § 16-16 and Conn. Agencies Regs. § 16-16-3.

In this proceeding, the only new factual information offered by Eversource is that "none of the instances of property damage from the 29 customers reached the \$50,000[.]" Eversource PFT, p. 141. However, Eversource failed to submit any new documentary evidence in this proceeding demonstrating the specific value or other particulars of any of the minor accidents identified in the Tropical Storm Isaias Decision, including additional information on the 29 customer-reported damage claims. Tr. 6/10/21, p. 29. Eversource also failed to provide any further evidence related to the timing of when the company was first made aware of the minor accidents and when they were reported.<sup>9</sup>

Nonetheless, the Authority has carefully reviewed these minor accident violations. The Authority identified three categories of minor accidents that went unreported, including (1) four instances of employee or contractor injuries, (2) three instances of property damage to company equipment, and (3) twenty-nine claims of property damage from customers. Tropical Storm Isaias Decision, pp. 122.

The first category of unreported incidents, employee or contractor injuries, involved "personal injury" and, therefore, qualify as minor accidents pursuant to Conn. Agencies Regs. § 16-16-2(b)(2). The failure to report these is a violation of Conn. Gen. Stat. § 16-16 and Conn. Agencies Regs. § 16-16-3.

The second category, damage to company equipment, involved damage to Eversource vehicles. Based on further review of the record evidence and the language of Conn. Agencies Regs. § 16-16-2(b)(1), the Authority finds that the three instances of damage to Eversource's vehicles do not constitute a "minor accident" and were not reportable. Consequently, the failure to report these instances was not a violation.

The third category, damage to customer property, depends on the interpretation of the phrase "customer equipment" in Conn. Agencies Regs. § 16-16-2(b)(1). Because general "property damage" is addressed under Conn. Agencies Regs. § 16-16-2(b)(2), the Authority finds that "customer equipment" refers to equipment used for the

---

<sup>9</sup> The failure to submit evidence is particularly surprising since Eversource claims that it "was given no prior notice or opportunity to be heard, and to develop a fair administrative record, in Docket No. 20-08-03 on the issue of the alleged minor accident reporting violations." Eversource Brief, pp. 87-88.

interconnection to the EDC's distribution system and the distribution of electricity on the property. Applying this interpretation to the record evidence, the Authority finds that the claims of property damage by customers were not reportable minor accidents.

Consequently, the Authority finds four (4) minor accidents went unreported in violation of the reporting requirements.

The Authority considers all minor accidents as continuing violations for the time period of the date the August 2020 monthly accident report was due (September 10, 2020) to the date the Authority first had information on each of the instances of minor accidents (December 8, 2020), which is eighty-nine (89) days. See Eversource Response to Interrogatory RSR-35.

## **B. UNITED ILLUMINATING**

### **1. Priority Call Response**

As part of the investigation in Docket No. 20-08-03, the Authority reviewed the Performance Standards Decision and UI's ERP to identify the standards that applied to providing timely, detailed, and accurate information to affected municipalities through liaisons and executing its Make Safe obligations. Tropical Storm Isaias Decision, pp. 61-66. Next, using the record evidence, the Authority documented UI's management of its liaison program and Make Safe responsibilities. Id., pp. 69-70, 88-92. Finally, the Authority made detailed findings and determinations based on the identified performance standards and the record evidence. Id., pp. 88-89, 93-95.

In short, the Authority found that UI did not meet standards of acceptable performance with regard to its Make Safe and priority call duties. Id. Specifically, the Authority found that UI's performance resulted in unreasonable delays in responding to priority safety events. Id., p. 93. In addition, the Authority found that UI failed to timely provide a dedicated Make Safe crew for the City of Bridgeport and, subsequently, failed to adequately communicate with Bridgeport and properly prioritize the city's critical restoration sites. Id., pp. 94-95; UI NOV, p. 4.

UI claims that the Tropical Storm Isaias Decision incorrectly conflates the E-911 Priority 1, Priority 2, and Priority 3 calls outlined in RSR-19 with FPS-1, FPS-2, and FPS-3 blocked roads, and then incorrectly applies the ERP standard for FPS calls to E-911 calls.

UI submitted PFT in this proceeding in which it provided new, more granular information on UI's response to E-911 calls and distinguished its E-911 calls from FPS calls. UI PFT, pp. 13-28. Specifically, UI provides additional information relating to its Interrogatory Response to RSR-19, including clarification on crew dispatch time, arrival time, and ticket close out times. Id., pp. 20-26; see, also, Tr. 6/10/21, pp. 37-38, 49-69.

In light of UI's testimony, the Authority finds that UI did not violate the performance standard for timely response to priority safety events identified in the Tropical Storm Isaias

Decision and the NOV, and the Authority will not assess a penalty for this alleged violation.<sup>10</sup>

## 2. Bridgeport Make Safe

The Authority also reviewed UI's testimony relating to its provision of a dedicated Make Safe crew for the City of Bridgeport and subsequent communications with Bridgeport to prioritize the city's critical restoration sites. UI PFT, pp. 28-56; Tr. 6/10/21, pp. 38-47. While UI identifies new instances in which it believes its performance in relation to Bridgeport was acceptable, the Authority determines that UI has not provided sufficient new information to rebut the two performance violations that the Authority found in the Tropical Storm Isaias Decision.

Consequently, the Authority finds that the record evidence cited by the Authority in the Tropical Storm Isaias Decision supports the conclusion that UI failed to comply with the standards of acceptable performance for provision of a dedicated Make Safe crew to Bridgeport and to adequately communicate with Bridgeport and properly prioritize the city's critical restoration sites.

## 3. Accident Reporting

As part of its investigation in Docket No. 20-08-03, the Authority conducted a review of UI's incident reporting practices for the month of August 2020 to identify any accidents related to Tropical Storm Isaias and to ensure that UI's current reporting practices are compliant with applicable regulatory requirements. *Id.*, pp. 121-124. The Authority found up to eight (8) instances of minor accidents that were not included in the August 2020 monthly accident report. Consequently, the Authority determined that UI failed to report minor accidents as required by Conn. Gen. Stat. § 16-16 and Conn. Agency Regs. § 16-16-3.

In this proceeding, UI provided new information relating to the accident reporting violations. Specifically, UI describes that it did not receive some of the eight customer claims until well after the August storm event and provides more detail on each claim. UI PFT, pp. 59-63. UI alleges that each of the eight the instances of damage to customer property do not constitute minor accidents, and UI provides its interpretation of PURA's accident reporting regulations. *Id.*, pp. 59- 62.

As noted above, whether damage to customer property is a reportable minor accident depends on the interpretation of the phrase "customer equipment" in Conn. Agencies Regs. § 16-16-2(b)(1). Because general "property damage" is addressed under Conn. Agencies Regs. § 16-16-2(b)(2), the Authority finds that "customer equipment" refers to equipment used for the interconnection to the EDC's distribution system and the distribution of electricity on the property.

---

<sup>10</sup> This finding is strictly limited to whether a performance standard was violated. E-911 Priority 1 call responses should remain a priority and receive appropriate responses from UI. While the Authority finds that a performance standard was not violated, the Authority believes UI's E-911 Priority 1 call response times could be improved. The Authority will work towards this end in Docket No. 17-12-03RE08.

Applying this interpretation to the record evidence, the Authority finds that UI failed to report two minor accidents - breaker damage (Hamden) and miscellaneous damage (Woodbridge). In both cases, the damaged property constitutes customer equipment or UI provided insufficient information to rule out damage to customer equipment.

The breaker damage (Hamden) was reported to UI on August 19, 2020, and should have been reported to the Authority on September 10, 2020. The miscellaneous damage (Woodbridge) was report to UI on September 10, 2020, and should have been reported to the Authority on October 10, 2020. UI PFT, pp. 60-62.

The Authority considers all minor accidents as continuing violations for the time period of the date the relevant monthly accident report was due (10<sup>th</sup> day of the following month) to the date the Authority first had information on each of the instances of minor accidents (November 25, 2020). See UI Response to Interrogatory RSR-35. As a result, the Authority finds an aggregate of 122 days of reporting violations.

#### **IV. CALCULATION OF CIVIL PENALTY**

##### **A. APPLICABLE STANDARDS**

Because the EDCs' storm response has a direct impact on public health and safety, Conn. Gen. Stat. § 16-32i allows the Authority to impose substantial penalties for non-compliance with established performance standards. Specifically, Conn. Gen. Stat. § 16-32i provides, in pertinent part:

The [A]uthority, upon a finding that any [electric distribution company] failed to comply with any standard of acceptable performance in emergency preparation or restoration of service in an emergency, adopted pursuant to section 16-32h, or with any order of the authority, shall make orders, after a hearing that is conducted as a contested case in accordance with chapter 54, to enforce such standards or orders and may levy civil penalties against such company, pursuant to section 16-41, not to exceed a total of two and one-half per cent of such electric distribution or gas company's annual distribution revenue, for noncompliance in any such emergency.<sup>11</sup>

In determining the level of civil penalty for an instance of non-compliance, the Authority is required to "consider whether such company received approval and reasonable funding allowances, as determined by the authority, from the

---

<sup>11</sup> As of October 2, 2020, Section 9 of Public Act 20-5 amended Conn. Gen. Stat. § 16-32i to increase the maximum civil penalty from 2.5% to 4% and to modify how the penalty is returned to ratepayers. This NOV pertains to Eversource's actions associated with Tropical Storm Isaias in August 2020. Consequently, for purposes of this NOV only, the Authority is citing the statute as written and in effect at the time of Tropical Storm Isaias.

authority to meet infrastructure resiliency efforts to improve such company's performance." Id.<sup>12</sup>

The imposition of civil penalties under Conn. Gen. Stat. §16-32i is procedurally governed by the Authority's general civil penalty statute, Conn. Gen. Stat. § 16-41.

## **B. EVERSOURCE**

### **1. NOV**

On May 6, 2021, the Authority issued a NOV to Eversource. The NOV identified Conn. Gen. Stat. §§ 16-32h and 16-32i and the standards of acceptable performance developed therefrom as the relevant regulatory sections. The NOV further provided short and plain statements as to the asserted noncompliance as well as citations to the more detailed analysis contained in the Tropical Storm Isaias Decision. Specifically, the NOV asserted a total of seventeen (17) performance standards violations: three (3) violations related to storm monitoring and event level declaration; one (1) violation related to securing and deploying adequate line crews; two (2) violations related to deploying damage assessors and setting expectations with towns; seven (7) violations related to the municipal liaison program and make safe protocols; and four (4) violations related to customer communications, outage reporting, and communications systems. Eversource NOV, pp. 4-6. In addition, the NOV identified up to thirty-six (36) instances of minor accidents that were not included in the August 2020 monthly accident report. Id., p. 6.

The NOV prescribed a total civil penalty in the amount of thirty million, twenty-five thousand, twenty-two dollars (\$30,025,022). The civil penalty consisted of the maximum allowable civil penalty under Conn. Gen. Stat. § 16-32i for performance standard violations of twenty-eight million, four-hundred five thousand, twenty-two dollar (\$28,405,022) and a fine of one million, six-hundred twenty thousand dollars (\$1,620,000) for violations of accident reporting requirements.

On May 26, 2021, the Authority further clarified that, due to the severity of the violations of performance standards, the prescribed amount for each violation was five million dollars (\$5,000,000), except for the violation related to securing and deploying adequate line crews. Motion No. 1 Ruling, pp. 1-2. The violation for securing and deploying adequate line crews was deemed to be "egregious" and assessed the maximum allowable civil penalty of twenty-eight million, four-hundred five thousand, twenty-two dollar (\$28,405,022). Id.

### **2. Performance Standards Violations**

In assessing a civil penalty for noncompliance with performance standards, the only factor that Conn. Gen. Stat. § 16-32i requires the Authority to affirmatively consider is "whether such company received approval and reasonable funding allowances, as

---

<sup>12</sup> Cf. Conn. Gen. Stat. § 16-280e (requiring the Authority to "consider the criteria set forth in 49 USC 60122(b)" for violations of gas pipeline safety); Conn. Agencies Regs. § 16-345-9(b) (requiring the Authority to "take into account the [enumerated] criteria by way of aggravating and mitigating factors" for call-before-you-dig violations).



determined by the authority, from the authority to meet infrastructure resiliency efforts to improve such company's performance.” Conn. Gen. Stat. § 16-32i.

Here, there is nothing in the record to support a finding that Eversource has not received approval and reasonable funding for infrastructure resiliency efforts. Eversource implies that it has not received adequate funding; however, it cites generally to Public Act 20-5, a law that was signed on October 2, 2020, several months after Tropical Storm Isaias. Eversource PFT, p. 145. Eversource fails to explain how legislation passed after a storm event affects infrastructure resiliency efforts prior to the event. Notably, Eversource provides no citation or reference to any request or approval or funding determination prior to Tropical Storm Isaias related to funding for infrastructure resiliency efforts. For example, Eversource does not discuss the Authority’s approval of the company’s request for incremental funding for its Enhanced Tree Removal system resiliency program to address the widespread roadside tree mortality. Decision, June 12, 2019, Docket No. 17-10-46RE02, Application of The Connecticut Light and Power Company d/b/a Eversource Energy to Amend its Rate Schedules – Enhanced Tree Removal. Consequently, the Authority finds no reason to mitigate the assessment of civil penalties against Eversource.

In light of the Authority’s numerous and substantial findings of Eversource’s noncompliance with established performance standards, the Authority levies a civil penalty as follows:

|   |              |
|---|--------------|
| <b>Storm monitoring and event level declaration</b>   |              |
| (1) Failure to appropriately classify the emergency event   | \$5,000,000  |
| (2) Failure to update or revise the initial declaration   | \$5,000,000  |
| (3) Mismanagement its communications related to the storm event level classification with relevant stakeholders       | \$5,000,000  |
| <b>Securing and deploying adequate line crews</b>   |              |
| (4) Failure to secure adequate line crew resources for Tropical Storm Isaias  | \$28,405,022 |
| <b>Damage assessment</b>  |              |
| (5) Failure to deploy an adequate number of damage assessors within the first 48 hours                                | \$5,000,000  |
| (6) Failure to set reasonable expectations with the towns and deliver results consistent with reasonable expectations | \$5,000,000  |
| <b>Municipal liaison program and make safe protocols</b>  |              |
| (7) Failure to provide sufficient resources to manage the town liaison process  | \$5,000,000  |
| (8) Failure to provide timely and accurate information  | \$5,000,000  |

|   |                      |
|---|----------------------|
| (9) Failure to coordinate response and restoration activities   | \$5,000,000          |
| (10) provide detailed information to enable town emergency response functions   | \$5,000,000          |
| (11) Failure to properly prioritize fire and public safety events based on the direction provided by the municipalities                                     | \$5,000,000          |
| <b>Communications</b>   |                      |
| (12) Failure to design and maintain outage reporting channels, customer IVR, and call center channels that are flexible, reliable, scalable, and functional | \$5,000,000          |
| (13) Failure to maintain reliable IVR, call center, and digital channels as required by the ERP   | \$5,000,000          |
| (14) Failure to update its Customer Group ERP in accordance with its own standards.   | \$5,000,000          |
| (15) Failure to adequately stress test communications channels  | \$5,000,000          |
| <b>TOTAL:</b>   | <b>\$ 98,405,022</b> |

The Authority finds that, except for one of the violations, a penalty of \$5,000,000 for each violation is reasonable and appropriate. Performance standards for storm response directly impact public health and safety and, therefore, must be sufficient to serve as an adequate deterrent against future violations. The amount must be substantial enough to ensure the EDC takes seriously its obligation to meet the performance standard while not jeopardizing its ability to do so. Here, Eversource calculated its rate year 2020 electric distribution revenues to be \$1,136,200,861. A \$5,000,000 penalty constitutes less than one-half of one percent ( $\frac{1}{2}\%$ ) of its annual distribution revenue. This amount is sufficient to promote public safety and health while not being detrimental to Eversource's ability to operate effectively.

Due to the serious nature of the line crews violation and the cascading and multi-faceted effect it had on the Company's overall storm performance, the Authority finds that a severe penalty, consistent with the maximum statutory penalty of 2.5% of the Company's annual distribution revenue, is warranted for this violation on its own, fully independent of the other violations.

The maximum allowable civil penalty under Conn. Gen. Stat. § 16-32i is two and one-half percent (2.5%) of Eversource's annual distribution revenue. Based on Eversource's rate year 2020 electric distribution rate revenues of \$1,136,200,861, the maximum allowable penalty is twenty-eight million, four-hundred five thousand, twenty-

two dollar (\$28,405,022).<sup>13</sup> Therefore, the Authority cannot assess the full amount of civil penalties that it would have otherwise imposed on Eversource.

Given that Conn. Gen. Stat. § 16-32i limits the total amount of civil penalties related to nonperformance, the Authority will impose the maximum allowable penalty of twenty-eight million, four-hundred five thousand, twenty-two dollar (\$28,405,022).

### **3. Reporting Violations**

Pursuant to Conn. Gen. Stat. § 16-16, the Authority may prescribe civil penalties for accident reporting violations of not more than five hundred dollars (\$500) for each offense. As noted above, the Authority found four (4) minor accidents went unreported in violation of the reporting requirements.

The Authority considers these accident reporting violations to be continuing violations from the date the August 2020 monthly accident report was due (September 10, 2020) to the date the Authority first had information on each of the four (4) instances (December 8, 2020). The Authority determines that each violation continued for 89 days.

As a result, the Authority will assess a fine of one hundred seventy-eight thousand dollars (\$178,000) for violations of accident reporting requirements.

## **C. UNITED ILLUMINATING**

### **1. NOV**

On May 6, 2021, the Authority issued a NOV to UI. The NOV identified Conn. Gen. Stat. §§ 16-32h and 16-32i and the standards of acceptable performance developed therefrom as the relevant regulatory sections. The NOV further provided short and plain statements as to the asserted noncompliance as well as citations to the more detailed analysis contained in the Tropical Storm Isaias Decision. Specifically, the NOV asserted a total of three performance standards violations: (1) failure to timely respond to priority safety events, (2) failure to timely provide a dedicated Make Safe crew for the City of Bridgeport and (3) failure to adequately communicate and prioritize the city's critical restoration sites. UI NOV, p. 4. In addition, the NOV identified up to eight (8) instances of minor accidents that were not included in the August 2020 monthly accident report. *Id.*, p. 6.

The NOV prescribed a total civil penalty in the amount of two million, one-hundred forty-one thousand, four-hundred seventy dollars (\$2,141,470). The civil penalty consisted of a civil penalty under Conn. Gen. Stat. § 16-32i for performance standard violations of one million, seven-hundred eighty-one thousand, four-hundred seventy dollars (\$1,781,470) and a fine of three-hundred sixty thousand dollars (\$360,000) for violations of accident reporting requirements.

---

<sup>13</sup> See, Docket No. 21-01-03, PURA Annual Review of the Rate Adjustment Mechanisms of The Connecticut Light and Power Company, Supplemental Filing, Exhibit 9, dated March 1, 2021.

On May 26, 2021, the Authority further clarified that the prescribed amount for each violation was five hundred ninety-three thousand, eight hundred twenty-three dollars (\$593,823) for an aggregate penalty of one-half of one percent (0.5%) of UI's annual distribution revenue.

## 2. Performance Standards Violations

In assessing a civil penalty for noncompliance with performance standards, the Authority must affirmatively "consider whether such company received approval and reasonable funding allowances, as determined by the authority, from the authority to meet infrastructure resiliency efforts to improve such company's performance." Conn. Gen. Stat. § 16-32i.

Here, there is nothing in the record to support a finding that UI has not received approval and reasonable funding for infrastructure resiliency efforts. Consequently, the Authority finds no reason to mitigate the assessment of civil penalties against UI.

The Authority prescribed a civil penalty in the NOV of \$1,781,470, or one-half of one percent (0.5%), of UI's annual distribution revenue of \$356,294,004 for three violations in aggregate (i.e., \$593,823 for each violation individually). UI NOV, p. 5.<sup>14</sup> However, the Authority finds that only two of the three violations asserted in the NOV occurred. In light of the Authority's findings of UI's noncompliance with established performance standards, the Authority levies a civil penalty as follows:

|  |                    |
|--|--------------------|
| (1) Failure to timely provide a dedicated Make Safe crew for the City of Bridgeport        | \$593,823          |
| (2) Failure to adequately communicate and prioritize the city's critical restoration sites | \$593,823          |
| <b>TOTAL:</b>  | <b>\$1,187,647</b> |

The Authority finds that a penalty of \$593,823 for each violation is reasonable and appropriate. Performance standards for storm response directly impact public health and safety and, therefore, must be sufficient to serve as an adequate deterrent against future violations. The amount must be substantial enough to ensure the EDC takes seriously its obligation to meet the performance standard while not jeopardizing its ability to do so. Here, UI estimated its electric distribution revenues beginning May 1, 2020 to be \$356,294,004. A \$1,187,647 penalty constitutes one third of one percent (1/3%) of its annual revenue. This amount is sufficient to promote public safety and health while not being detrimental to UI's ability to operate effectively.

<sup>14</sup> See, Docket No. 21-01-04, PURA Annual Review of the Rate Adjustment Mechanisms of The United Illuminating Company, Rate Adjustment Mechanism Attachment 2A, p. 5

### **3. Reporting Violations**

Pursuant to Conn. Gen. Stat. § 16-16, the Authority may prescribe civil penalties for accident reporting violations of not more than five hundred dollars (\$500) for each offense. As noted above, the Authority found two (2) minor accidents went unreported in violation of the reporting requirements.

The Authority considers these accident reporting violations to be continuing violations for an aggregate of 122 days as discussed above (i.e., 76 days for the Hamden incident and 46 days for the Woodbridge incident).

As a result, the Authority will assess a fine of sixty-one thousand dollars (\$61,000) for violations of accident reporting requirements.

## **V. METHOD OF RETURN OF ASSESSMENT**

In accordance with Conn. Gen. Stat. § 16-32i, the Authority directs the EDCs to return their respective Conn. Gen. Stat. § 16-32i civil penalty in the form of credits to their respective ratepayers. The amount shall be returned as a separate line-item credit on customer bills on a per kWh basis to both residential and non-residential rate classes beginning on August 1, 2021, and lasting through July 31, 2022.

Each EDC shall file a motion requesting the Authority's approval of the specific credit to ratepayers. In order to determine the appropriate share of the total to be returned to each rate class, the Company shall include with the motion an unlocked excel spreadsheet reflecting the energy sales in kWh for each of its residential and non-residential rate schedules for the period of May 2019 through April 2021, providing monthly amounts and a total. The filing shall include separate lines for total kWh of residential energy sales and the percent of residential energy sales for each month and as averaged over the time period. The filing shall also include a calculation of the proposed credit per kWh for each rate class to be returned over the period of August 1, 2021, through July 31, 2022.

The Authority directs the EDCs to return their respective assessed fine for accident reporting violations to the State's general fund as ordered below.

## **VI. CONCLUSION AND ORDERS**

### **A. CONCLUSION**

Based on the Authority's findings of noncompliance in the Tropical Storm Isaias Decision and herein, the Authority assesses both Eversource and UI civil penalties for their response to Tropical Storm Isaias.

**B. ORDERS**

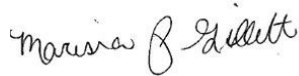
For the following Orders, the company shall file an electronic version through the Authority's website at [www.ct.gov/pura](http://www.ct.gov/pura). Submissions filed in compliance with the Authority's Orders must be identified by all three of the following: Docket Number, Title, and Order Number. Compliance with orders shall commence and continue as indicated in each specific Order or until the Company requests and the Authority approves that the Company's compliance is no longer required after a certain date.

1. Eversource is assessed a civil penalty for the performance standards violations stated above in the amount of twenty-eight million, four-hundred five thousand, twenty-two dollar (\$28,405,022), which Eversource shall return in the form of credits to ratepayers of Eversource pursuant to Conn. Gen. Stat. § 16-32i in a manner approved by the Authority.
2. Eversource is assessed a penalty of one hundred seventy-eight thousand dollars (\$178,000) for accident reporting violations, which Eversource shall pay by certified check, company check, or bank check, payable to the order of "Treasurer, State of Connecticut", or by wire transfer. If the Company makes payment by wire transfer, the Company shall contact PURA for wire instructions. This civil penalty shall be delivered to the Public Utilities Regulatory Authority, Ten Franklin Square, New Britain, CT 06051, no later than 20 days from the date of receipt of this Decision. The payment shall be identified as "20-08-03RE01 Compliance". Eversource shall file documentation of such payment contemporaneously as a compliance filing in this docket.
5. The total civil penalty of twenty-eight million, five hundred eight-three thousand, twenty-two dollars (\$28,583,022) shall not be included as an operating expense of Eversource for purposes of ratemaking.
6. UI is assessed a civil penalty for the performance standards violations stated above in the amount of one million, one hundred eighty-seven, six hundred and forty-seven dollars (\$1,187,647), which UI shall return in the form of credits to ratepayers of UI pursuant to Conn. Gen. Stat. § 16-32i in a manner approved by the Authority.
7. UI shall pay the penalty assessment of sixty-one thousand dollars (\$61,000) for accident reporting violations by certified check, company check, or bank check, payable to the order of "Treasurer, State of Connecticut", or by wire transfer. If the Company makes payment by wire transfer, the Company shall contact PURA for wire instructions. This civil penalty shall be delivered to the Public Utilities Regulatory Authority, Ten Franklin Square, New Britain, CT 06051, no later than 20 days from the date of receipt of this Decision. The payment shall be identified as "20-08-03RE01 Compliance". UI shall file documentation of such payment contemporaneously as a compliance filing in this docket.

8. The total civil penalty of one million, two hundred forty-eight thousand, six hundred forty-seven dollars (\$1,248,647) shall not be included as an operating expense of UI for purposes of ratemaking.
9. Any civil penalty unpaid on the due date or any portion thereof shall be subject to interest at the applicable rate.

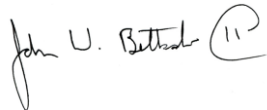
**DOCKET NO. 20-08-03RE01 PURA CONSIDERATION OF CIVIL PENALTY AND ENFORCEMENT ACTION AGAINST THE ELECTRIC DISTRIBUTION COMPANIES AFTER STORM ISAIAS INVESTIGATION**

This Decision is adopted by the following Commissioners:



---

Marissa P. Gillett



---

John W. Betkoski, III



---

Michael A. Caron

**CERTIFICATE OF SERVICE**

The foregoing is a true and correct copy of the Decision issued by the Public Utilities Regulatory Authority, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.



---

Jeffrey R. Gaudiosi, Esq.  
Executive Secretary  
Public Utilities Regulatory Authority

---

July 14, 2021

Date