

Bond Case Briefs

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PUBLIC UTILITIES - CONNECTICUT

United Illuminating Company v. Public Utilities Regulatory Authority

Supreme Court of Connecticut - October 29, 2024 - A.3d - 2024 WL 4611170

Plaintiff, an electric distribution company (EDC), sought judicial review of two final decisions of Public Utilities Regulatory Authority (PURA) that plaintiff had violated its statutory obligations with respect to its emergency planning, storm recovery performance, and other actions taken in connection with tropical storm and its aftermath, reducing authorized return on equity (ROE), and imposing various civil penalties, including more than \$1.2 million in fines.

Office of Consumer Counsel (OCC) intervened as a defendant in both administrative appeals, and appeals were consolidated. The Superior Court dismissed appeals. Plaintiff appealed to the Appellate Court, and appeal was transferred to the Supreme Court.

The Supreme Court held that:

- Voluntary cessation exception to the mootness doctrine did not apply;
- Collateral consequence exception to mootness did not apply;
- Vacatur was warranted for portion of PURA order authorizing penalty of reduction of ROE, and that portion of trial court's judgment upholding order;
- Statute imposing fine for each day that reporting of a minor accident is delayed for continued violation was ambiguous;
- Legislative history supported interpretation that delayed reporting of a minor accident should be subject only to a monthly fine;
- Plaintiff's failure to make monthly reports regarding two minor accidents pursuant to monthly reporting deadlines warranted imposition of civil penalties for each distinct offense; and
- Sufficient evidence supported PURA's finding that plaintiff violated an established performance standard by not timely and consistently providing a dedicated make safe crew to city.