# STATE OF CONNECTICUT

## PUBLIC UTILITIES REGULATORY AUTHORITY

October 23, 2026
In reply, please refer to:
Docket No. 26-05-10

Vicent P. Pace, Esq.
Associate General Counsel
The Connecticut Light and Power Company
d/b/a Eversource Energy
101 Selden Street
Berlin, CT 06037

Re: Docket No. 26-05-10 – Application of CL&P d/b/a Eversource Energy to Amend its Rate Schedules

Dear Attorney Pace:

On September 15, 2026, The Connecticut Light and Power Company d/b/a Eversource Energy (Company or CL&P) filed with the Public Utilities Regulatory Authority (Authority or PURA) a cover letter (Initial Correspondence) and two new exhibits to the Company's July 14, 2026 application to amend its rate schedules (Application). Exhibits CLP-ADDITIONS-4 Supplemental and Exhibit CLP-ADDITIONS-6 Supplemental (jointly, First Supplemental Additions Exhibits) provide final project documentation and actual costs of certain projects through June 30, 2026. Initial Correspondence, p. 1. Exhibit CLP-ADDITIONS-4 Supplemental also includes an update to the Company's planned capital spend for 2026, including project numbers, costs, and project descriptions. Id.

On September 24, 2026, the Authority issued a correspondence (PURA Correspondence) reminding the Company that "[a]fter 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," and that "the public service company's direct case shall be limited substantially to the statement of application and the exhibits and materials annexed thereto unless the commissioners or the presiding officer shall rule otherwise for good cause shown." PURA Correspondence, p. 1, (citing Conn. Agencies Regs. §§ 16-1-58; 16-1-41). The Authority stated that because the Company's First Supplemental Additions Exhibits are new exhibits (i.e., the Company did not annex the exhibits to the Application when initially filed or within the following 30 days) and serve to amend or expand the Company's Application, the Company is required to file a motion demonstrating good cause to amend the Application with these filings. PURA Correspondence, p. 1.

On September 28, 2026, the Company filed a response (CL&P Response) to the PURA Correspondence, clarifying that the Company's First Supplemental Additions Exhibits "provide[] documentation only for capital project costs already included in the Company's Application . . . and neither amended nor expanded the [Company's Application]." CL&P Response, p. 1. The Company argues that the First Supplemental Additions Exhibits do not change the proposed revenue requirement in the Company's Application; therefore, an amendment to the Application is not required. Id., p. 2. In addition, the Company argues that the submission of the First Supplemental Additions Exhibits aligns with Conn. Agencies Regs. §§ 16-1-51 and 16-1-52 and PURA precedent allowing the submission of evidence to support post-test year plant additions identified in a company's rate amendment application. Id. Further, the Company asserts that the Authority has "consistently allowed documentation of capital projects completed between the test year and evidentiary hearings in all its recent rate decisions" and that this practice is consistent with Connecticut judicial precedent. Id., pp. 2–3. Therefore, the Company requests that PURA accept the First Supplemental Additions Exhibits as filed. CL&P Response, p. 4.

The Authority disagrees with the Company's interpretation of Conn. Agencies. Regs. §§ 16-1-51 and 16-1-52 as conferring a right to supplement an application at any point during the proceeding, so long as the materials do not alter the requested revenue requirement. Those regulations are contained within Article 3 "Petitions and Applications" of the regulations, which specifically addresses the form and content of applications. As the Company notes, Conn. Agencies. Regs. § 16-1-51 allows "annexed materials" as part of the application. However, Conn. Agencies Regs § 16-1-46(b) defines the term "annexed materials" to mean "exhibits, sworn testimony, data, models, illustrations and all other materials that the petitioner or applicant deems necessary to support the granting of the petition or application," which "shall be attached to the petition or application." (emphasis added). This definition is within the regulation that defines the form of the *filing* of petitions or applications, meaning the point in time at which "annexed materials" are "attached" to the application is the filing of the application.

Moreover, the plain meaning of the term "annexed materials" is those documents attached to and submitted with the application. See Black's Law Dictionary (12th ed. 2024) ("annex n. Something that is attached to something else, such as a document to a report or an addition to a building."). Similarly, Conn. Agencies. Regs. § 16-1-52 merely allows parties to submit evidence beyond the "minimum evidentiary submission" as part of the application. Neither of these provisions address the augmentation or supplementing of an application after submission. Notably, Conn. Agencies. Regs. § 16-1-51 discourages such an action, stating that the "application and annexed materials will be treated by the commissioners as a substantially complete statement of the case in chief of the applicant . . . ." (emphasis added) see also Conn. Agencies Regs. § 16-1-41 ("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."). These regulations promote administrative efficiency and fairness by requiring applications to be a "substantially complete statement of the case."

To that end, Conn. Agencies. Regs. § 16-1-58 specifically governs and restricts amendments to an application. Within the first 30 days of filing, an applicant may "revise the application" as of right (i.e., no Authority permission is required). Id. Within this 30-day window, two types of revisions are allowed: (1) a documentary amendment or supplement and (2) a change to the "level of rates or the revenue requirement." Id. The regulation recognizes that an applicant may have erred in filing an application or subsequently discovered new information and provides a reasonable opportunity to update the application. However, there are conditions. The amendment window is only 30 days, and, for that second category, the applicant must submit "a complete revised statement and revised schedules." Id.

Given that the first two sentences of Conn. Agencies. Regs. § 16-1-58 create a 30-day safe harbor for application amendments, subject to certain conditions, any amendments after the first 30 days are outside this safe harbor and, therefore, not as-of-right. See also Conn. Agencies Regs. § 16-1-41 (limiting the direct case to the application unless for "good cause shown").[1] The third sentence of Conn. Agencies. Regs. § 16-1-58 states:

> 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.

The Company argues that it is not proposing a change to its revenue requirement and, therefore, "§ 16-1-58 is inapplicable to the [First Supplemental Additions Exhibits] because § 16-1-58 only applies when a public service company proposes to 'amend or revise the level of rates shown' in the original Application . . . ." CL&P Response, p. 4. The Company's construction of the regulation is too narrow and inconsistent with the general rules of interpretation. See General Statutes §1-2z. Specifically, the Company's interpretation would render the first two sentences of the regulation superfluous and contradict Conn. Agencies Regs. §§ 16-1-41 and 16-1-51.

The Company's interpretation would also conflict with Conn. Agencies Regs. § 16-1-38 and General Statutes § 4-177c, both of which require the Authority to consider the exclusion of evidence that may be irrelevant, immaterial, unduly repetitious, or may breach a privilege recognized by law. General Statutes § 4-177(d)(4) also requires that the record in this case include "offers of proof, objections and rulings thereon." The Company's practice of offering documents into the record in a contested case via correspondence, rather than a motion, deprives the Authority of a mechanism to determine admissibility, and likewise deprives other parties of the opportunity to object.

Under Conn. Agencies. Regs. § 16-1-58, as-of-right amendments are only permissible within 30 days of filing. The third sentence imposes a specific requirement for certain amendments (i.e., changes to level of rates) after the 30 days; however, that does not mean that other revisions or amendments to the application (such as

[1] An applicant may always withdraw an application and refile with any revisions and supplements.

supplemental evidence) are no longer subject to the 30-day safe harbor window for as-of-right amendments. Nor does this obviate the "good cause" requirement in Conn. Agencies Regs. § 16-1-41 to expand the direct case beyond the application. The more reasonable interpretation of Conn. Agencies. Regs. §§ 16-1-58 and 16-1-41, and the one the Authority adopts, is that revisions not involving a change to the level of rates are subject to the 30-day as-of-right period and that any such revisions filed after the 30-day period may be allowed by the Authority for good cause in accordance with applicable law and due process. Here, for administrative efficiency, such amendments shall be submitted as a motion that includes an explanation as to why good cause exists for the amendment and why the filing of the amendment outside the 30-day as-of-right period does not prejudice other parties and intervenors.

As for prior practice, the Authority agrees with the Company that it has admitted supplemental evidence offered by the applicant through the close of the evidentiary record, without requiring or ruling on motions, in previous rate cases. See, e.g., Decision, Mar. 3, 2026, Docket No. 24-12-01, Application of Yankee Gas Services Company d/b/a Eversource Energy to Amend Its Rate Schedules, p. 28. However, courts have recognized that agencies are not necessarily bound by prior decisions or policies, so long as a change in such prior practices is reasonable and deliberate. "If a reviewing court is satisfied that the administrative agency has provided a reasoned analysis for departing from its own established policy indicating that prior policies and standards are being deliberately changed and not casually ignored, so that agency's path may reasonably be discerned, the court will affirm the agency's decision." The United Illuminating Co. v. Pub. Utilities Regulatory Auth., No. HHB-CV-23 6081616-S, 2025 WL 842228, at *8 (quoting Gill v. Brescome Barton, Inc., 142 Conn. App. 279, 289 (2013)); see also GenConn Energy, LLC v. Pub. Utilities Regulatory Auth., 348 Conn. 532, 552 (2024) (noting the agency provided "an adequate and full explanation . . . for the reasons behind the change."). Therefore, the Authority is not necessarily bound by its previous decisions to admit evidence through the close of the evidentiary record.

Here, the scale of the underlying application, the magnitude of the Company's proposed amendments, as well as the prospect of similar sized supplements in the future, requires the Authority to reconsider its past practices and implement a more orderly process to ensure fundamental fairness for all parties and intervenors. The Company requests that PURA "accept" the First Supplemental Additions Exhibits consisting of an 80-page spreadsheet and more than 15,000 of pages of documentation filed over 30 days after the Company filed its Application. See Exhibit CLP-ADDITIONS-4; CL&P Corresp., Oct. 16, 2026, Att. 6 ("Combined_CLP_ Additions_6_Supp_Indexes"). The First Supplemental Additions Exhibits are in addition to the more than 300,000 pages of invoice and capital project documentation the Company filed with the Application. See CL&P Corresp., June 11, 2026, pp. 1, 4. Further, the Company indicates that it intends to submit additional supplemental exhibits "based on actual activity through the close of the

evidentiary record, among other changes that become known as the case progresses."[2] Application, p. 9.

The sheer volume of these filings, coupled with the proceeding's statutory deadline of June 29, 2026, underscores the importance of ensuring the orderly administration of the proceeding and fundamental fairness to all parties. Notably, the Authority provided notice to the Company of its intention to address the volume of filings in its decision in Docket No. 25-12-13, Application of the Connecticut Light and Power Company d/b/a Eversource Energy for Order to Securitize 2018-2023 Catastrophic Storm Costs. See Decision, July 29, 2026, Docket No. 25-12-13, pp. 23–25.

Accordingly, the Company is required to file a motion demonstrating good cause for the First Supplemental Additions Exhibits, including a showing that allowing the documents outside the 30-day as-of-right period will not prejudice other parties and intervenors. The Authority will consider the motion as well as the positions of other parties and intervenors in ruling on the motion. For the avoidance of all doubt, this correspondence does not predetermine the outcome of a request to amend the application—it merely calls for the request to be made in the first place. Given that evidentiary hearings have not yet commenced, the Authority is not aware, at this time, of any reason to disallow the supplement to the Application; however, parties and intervenors may have reasonable concerns with preparing their case-in-chief and how these supplements may impact their review of the Company's Application in relation to the docket schedule.

The Authority recognizes the Company's efforts to meet its burden under General Statutes § 16-22 by providing sufficient documentation to support its proposed Application. However, as the Company is aware, General Statutes § 16-19(a) requires that the Authority issue a final decision in this proceeding no later than 350 days "after the effective filing date of the proposed amendment." This provides PURA and all parties and intervenors a 350-day window to analyze the Company's rate proposal.[3] When the Company chooses to increase the scope of evidence after the initial filing date, the Authority and parties and intervenors must increase their scope of review without a corresponding increase in the amount of time afforded to do so. Both the reasonable capacity and the legally protected rights of the parties and intervenors to meaningfully engage in this proceeding could be unreasonably prejudiced if the Company continuously

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[2] On October 19, 2026, the Company filed Exhibits CLP-ADDITIONS-4 Second Supplemental and Exhibit CLP-ADDITIONS-6 Second Supplemental. See Company Corresp., Oct. 19, 2026. Exhibits CLP-ADDITIONS-4 Second Supplemental and Exhibit CLP-ADDITIONS-6 Second Supplemental (jointly, Second Supplemental Additions Exhibits) provide final project documentation and actual costs of certain projects through August 30, 2026. Id., p. 1. Exhibit CLP-ADDITIONS-4 Second Supplemental also includes an update to the Company's planned capital for 2026, including project numbers, costs, and project descriptions. Id.

[3] More specifically, all evidence in this proceeding must be subject to an opportunity for cross examination, which must occur in an evidentiary hearing. General Statutes § 4-177c. Because the commissioners need sufficient time to evaluate the record and render a decision after the close of the record, the window to analyze additional evidence is even narrower than the period provided by the statutory deadline provision. Whereas the statutory deadline is June 29, 2027, the current time schedule in this proceeding lists the close of the evidentiary record as March 12, 2027.

expands the scope of additional evidence via tens of thousands of pages of documentation while the statutory window for review continuously narrows. In light of this concern, continued supplements and amendments to the Application may begin to implicate fundamental fairness.

By the following commissioners,



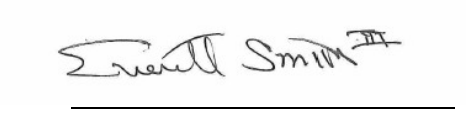
Thomas H. Wiehl
Chairman



David Arconti, Jr.
Vice Chairman



Janice A. Beecher
Commissioner



Everett Smith, III
Commissioner



Holly H. Cheeseman
Commissioner

cc: Service List