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May 13, 2026

Public Utilities Regulatory Authority
Ten Franklin Square
New Britain, Connecticut 06051

Re: Undocketed Correspondence – Follow-Up to Eversource's May 5, 2026 Correspondence

Dear Commissioners:

The Office of Consumer Counsel ("OCC") respectfully files this response to the May 5, 2026, undocketed correspondence filed by The Connecticut Light and Power Company d/b/a Eversource Energy ("Eversource"). OCC appreciates the continued dialog with the Public Utilities Regulatory Authority ("Authority") and other parties regarding procedural, filing, and process adjustments in Authority proceedings.

OCC is willing to waive the requirement that it receive paper copies of filings. It will request paper copies of any filings if required, but agrees that paper copies are generally unnecessary and limiting paper copies reduces environmental impacts.[1]

The remainder of OCC's concerns rest on the foundation that the Authority's dockets are public and ratepayers deserve to have full access to all non-confidential material in dockets. Building from this, OCC is not opposed to parties filing high-volume documents through file sharing or flash drives, but the Authority must place all such documents in the appropriate docket on its public-facing website so that all parties, and ratepayers, can view them. OCC presumes Eversource's request involves only how the documents are transmitted to the Authority and not how they are seen in the public-facing docket, but this is unclear since Eversource refers to how parties access the material in a hearing.[2]

[1] If the Authority or any other party continues to require paper copies, then OCC believes the filing date calculating a statutory deadline should be when the paper copies are filed.
[2] OCC interprets Eversource's request as saying it is easier to open a 10-page document than a 500-page document. OCC presumes there is no difference on the Authority's docket website between having ten 50-page documents or one 500-page document, but defers to the Authority in that regard. Whether the document is 10 pages or 500 pages, the important aspect is that it is viewable to everyone on the Authority's public-facing website.

OCC opposes Eversource's request regarding not redacting voluminous filings.[3] Eversource appears to propose that parties be allowed to file large documents confidentially without a publicly-redacted copy and such documents would be visible only to the state parties and intervenors who have signed a non-disclosure agreement. Eversource proposes that it be allowed to file only a table of contents publicly. OCC does not believe Eversource's request complies with Connecticut law, and even if it is legally compliant, it is ill advised for many reasons, the least of which is its impact on ratepayers.

Connecticut law "favors the open conduct of government." *Drumm v. Freedom of Information Comm'n*, 348 Conn. 565, 581 (2024). Pursuant to both the Connecticut Freedom of Information Act ("FOIA") and the Authority's regulations, all filings in an Authority docket are public record. "Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to" inspect and copy such records. General Statutes § 1-210(a). Conn. Agencies Regs. § 16-1-34 sets forth the items contained in the record in a contested proceeding, and these include "all written evidence of any kind" as well as interrogatory responses and a variety of other filings that must be "maintained by the Authority in the custody of the executive secretary."

Since every filing submitted to the Authority is a record "maintained or kept on file" by the Authority, every filing is subject to FOIA. FOIA has specific exemptions for confidential material, but none of its exemptions are based on expense or effort.[4] General Statutes § 1-210(a). If a member of the public were to request some portion, or all, of the filing for which Eversource proposes to submit only a public table of contents, the Authority, not Eversource, would have to assert a FOIA exemption.[5] *See GR Vending CT, LLC v. Dept. of Consumer Protection*, HHDCV196109300S, 2019 WL 5858038, p. *7 (Conn. Super. Ct. October 22, 2019). This presents multiple interesting issues. First, the Authority might decide not to assert any FOIA exemption and provide the entirety of the filing in its unredacted form. This would be permissible, since courts have made clear that state agencies have no "duty to withhold records where exemptions apply." *Id*. FOIA "exemptions are permissive, not mandatory. Public agencies, therefore, retain the right to determine whether and when to assert an exemption…" *Id*.

Second, if the Authority attempted to assert a FOIA exemption, it would not know which FOIA exemption to assert, since Eversource would not have indicated the specific reason to protect each part of the material. Even if the Authority correctly guessed which FOIA exemptions might

[3] If the Authority allows Eversource to file high-volume documents via flash drives or file sharing (and then posts those documents on the Authority's public-facing website) then, according to Eversource's proposal, it will not file any high-volume documents and could redact everything it provides to the Authority. Under that scenario, it is unclear that the third portion of Eversource's proposal is relevant since it would never be triggered. If Eversource is attempting to combine its second and third requests to file nothing publicly but a table of contents and the remaining filing be a file share that would not appear on the Authority's website, that is an entirely unacceptable proposal.

[4] "Significant cost and extraordinary, manual effort" are equally poor excuses when it comes to making large-scale confidential filings in a rate case, in particular. Utilities do not wake up one morning and decide they are filing a rate case that afternoon. Rate cases take months of planning, sometimes years. Utilities have an abundance of time to properly redact their rate case filings. What they no longer have is the ability to recover from ratepayers the costs of redacting the filings. *See* General Statutes § 16-243p(b).

[5] In a recent comment on Motion No. 7 in Docket No. 26-08-08, OCC discussed in greater detail the law regarding FOIA and state agencies.

apply, it would have no way of knowing what material should be protected and what material should be confidential since Eversource did not indicate so in a motion.[6] More important for Authority resources, the Authority, not Eversource, would be required to redact the material before submitting the FOIA response, thus shifting the "significant cost and extraordinary, manual effort" Eversource avoided onto the Authority.

Eversource is a regulated utility. In exchange for its ability to operate as a monopoly, it is overseen by a state agency whose workings are rightfully subject to public view. Everything Eversource files with the Authority that does not meet a narrowly-tailored exemption is public. This transparency is not only necessary for state agencies, it also benefits ratepayers. Ratepayers pay for the overwhelming majority of items contained in Eversource's filings. In a rate case in particular, ratepayers deserve the opportunity to review a utility's request for a rate increase and fully understand the components of that request. That understanding is not possible if the utility files the majority of the application confidentially. Depriving ratepayers of that opportunity compounds already strained relationships between ratepayers, the utilities, and the Authority, and makes customer education more difficult.

Connecticut Practice Book § 11-20A offers an appropriate path for Authority filings. This section states, "Except as otherwise provided by law, there shall be a presumption that documents filed with the court shall be available to the public." Section 11-20A(a). The Section then allows, "Upon written motion of any party, or upon its own motion, the judicial authority may order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials." *Id*. at 11-20A(b). Importantly, "[A]ny such order *shall be no broader than necessary* to protect such overriding interest." *Id*. (emphasis added). As the Authority has done for years, it should allow parties to file motions for protective orders and, if granted, the party must *file a public version redacting only the confidential material* and a confidential version without redactions.

OCC understands that utility filings can be voluminous, particularly rate case filings.[7] OCC does not mean to appear insensitive to this but, unfortunately, redacting voluminous filings is a cost of appearing in Authority proceedings. As explained, it appears that failing to file a public version of voluminous material does not comply with Connecticut law and becomes infeasible for the Authority if a FOIA request is submitted. Equally importantly, failing to file public versions deprives ratepayers of the ability to understand Authority proceedings, which undercuts much of the Authority's recent work. *See* Docket No. 24-09-07.[8] As a result, the Authority should require all utilities, including Eversource, to file redacted copies of all material they submit in a docket.

[6] If Eversource can provide the Authority a list of everything that should be protected, it can, and might as well, redact the documents.

[7] OCC also understands that Docket No. 25-12-13 permitted Eversource to make voluminous confidential filings without publicly redacted versions. OCC has the same concerns for Docket No. 25-12-13, but that docket has reached a point where it appears it is too late to address these concerns. The Authority has the discretion to determine past practices were unadvisable and change its procedures accordingly in the future.

[8] There is little point in conducting an entire proceeding to determine how to increase stakeholder participation in Authority dockets and then allowing the state's largest utility to file a rate case confidentially.

Alternatively, utilities may submit filings, particularly rate case filings, fully publicly without redactions.

OCC thanks the Authority and other parties for this discussion regarding how to best structure its procedural and filing requirements. OCC welcomes continued dialogue and efforts to refine processes and procedures to ensure they benefit all parties and ratepayers.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I do hereby certify that on this day the foregoing document was filed with the Public Utilities Regulatory Authority, and copies thereof were served upon each person designated on the official service list in this proceeding in accordance with R.C.S.A. § 16-1-15.

Dated at New Britain, Connecticut this 13th day of May, 2026.

/s/Andrew W. Minikowski
Commissioner of the Superior Court