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August 23, 2024

Jeffrey R. Gaudiosi, Esq.
Executive Secretary
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 23-11-02 – Application of Connecticut Natural Gas Corporation and The Southern Connecticut Gas Company to Amend their Rate Schedules – Request for Disclosure of Delegation of Authority

Dear Mr. Gaudiosi:

Throughout the course of this docket, and most recently on Friday, August 16, 2024, you have issued substantive decisions and other correspondence on behalf of the Public Utilities Regulatory Authority (“PURA”), in response to motions submitted by the Connecticut Natural Gas Corporation and The Southern Connecticut Gas Company (together, the “Companies”).¹

In particular, the decision that you issued on August 16, 2024 (the “Decision”), was a substantive ruling denying the Companies’ Motion Nos. 115 and 116, presented as the decision of “the Authority.” (Decision at 7). The Decision encompassed detailed factual findings, legal conclusions and numerous negative characterizations and accusations regarding the validity of the Companies’ Motion No. 116. The Decision also sets forth numerous new facts not previously disclosed to the record in relation to the subject matter addressed in Motion No. 116. Conversely, although identified as a subject of the Decision, you did not address Motion No. 115, which presented separate and distinct issues for PURA’s consideration.²

As was the case with all previous rulings you issued during the proceeding, the August 16th Decision purported to be issued on behalf of “the Authority.” This Decision denied the Companies’ Motion No. 116 on substantive grounds, vastly exceeding any form of ministerial procedural ruling. For example, the August 16th Decision is signed by you, purportedly denying

¹ Other decisions rendered on behalf of “the Authority” include decisions on Motion Nos. 73, 76 and 102, which purported to make key evidentiary determinations blocking discovery on the Office of Education, Outreach and Enforcement during the evidentiary phase of the proceeding.

² Motion No. 116 was explicitly addressed to the full panel of Commissioners authorized under Connecticut law to render a decision of the “agency” in a contested proceeding, given the Companies’ growing concern as to the actual validity of “the Authority’s” decisions on the Companies’ motions.

the Companies' Motion Nos. 115 and 116 under the title of "Public Utilities Regulatory Authority," and stating:

The Companies did not offer, **nor has the Authority found**, any credible evidence of *ex parte* communications between the Chair and EOE. Similarly, the Companies did not offer, **nor has the Authority found**, any credible evidence of bias with respect to the Chair or EOE. As such, there is no basis on which to reasonably question the Chair's impartiality in this proceeding.

(Decision at 7) (emphasis added). Those three sentences unquestionably purport to be a decision by you on the substantive matters pertaining to the motions.

Conn. Gen. Stat. §§ 4-166(1) and (4) and § 16-2(c) make it clear that a "decision" of "the Authority" requires that at least two of the three PURA Commissioners to sign a decision. In that regard, Conn. Gen. Stat. § 16-8(a) states that the "Public Utilities Regulatory Authority" may delegate certain, specified powers "to one or more of its directors or to a hearing officer." However, the powers authorized for delegation are specifically enumerated under Conn. Gen. Stat. § 16-8(a) as limited to the following specific tasks:

- "to ascertain the facts and report thereon to the authority."
- "to hold a hearing and make report thereon to the authority."
- "to conduct a hearing."

Thus, Conn. Gen. Stat. § 16-8(a) first and foremost requires a delegation of authority. It does *not*, however, authorize one or more commissioners to delegate decisional authority to any "directors or a hearing officer," nor does this provision authorize a delegation of power to the Executive Secretary to render decisions on substantive matters duly placed before the PURA commissioners for decision. The August 16th Decision therefore renders "findings" of "the Authority" that appear to be beyond the scope of your role as Executive Secretary. Without a proper delegation of authority from the PURA commissioners, it would appear that this decision is improper, invalid and void.³

Accordingly, for transparency and clarity of the record, it is important for you to disclose documentation of your authority to issue substantive decisions on behalf of "the Authority." What is the proof of your delegation to take the actions you have taken in rendering this Decision? To

³ Although signed by you, the content of the Decision raises a question as to whether the Decision was instead authored by the PURA Chairman given the reference on page 2, fn.2, stating "The Companies further misrepresent the law by requesting a decision by the PURA commissioners to recuse the PURA Chairman. It is well established that recusal of a member of a tribunal is not a matter voted on by the tribunal ... **(a judge must "disqualify himself or herself . . .")** (emphasis added). This reference raises the question as to whether this ruling constitutes the PURA Chairman's decision on recusal. If so, why was the decision published as if authored by you as PURA's Executive Secretary and under what authority are you rendering this Decision in that case?

that end, the Companies respectfully request that you produce information to the docket on or before Tuesday, September 3, 2024, as follows:

1. Certification that you authored the Decision.
2. Production of any written delegation of authority from the PURA Commissioners to you as Executive Secretary by which you issued this substantive Decision.
3. Production of any and all internal policies, regulations or executive rules by which you issued this and all other decisions in this docket.

Thank you for your attention to this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel P. Venora". The signature is fluid and cursive, with the first name "Daniel" being more prominent.

Daniel P. Venora

cc: Service List