

029.053-LR



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January 28, 2016

**VIA ELECTRONIC MAIL**

Mr. Ernie Orgera  
Director of Operations  
City of Stamford  
Stamford Government Center  
888 Washington Boulevard, 10th Floor  
Stamford, CT 06901  
E-mail: EOrgera@ci.stamford.ct.us

Re: January 28, 2016 Operations Committee Meeting of the City of Stamford Board of Representatives

Item No. O29.053

Proposed amendment to § 214-29 of the Code of Ordinances

Dear Mr. Orgera:

I am legal counsel for The Connecticut Light and Power Company d/b/a Eversource Energy and Yankee Gas Services Company d/b/a Eversource Energy (collectively, the "Companies"). I am submitting this letter concerning Item No. O29.053 on the Agenda for this evening's meeting of the Operations Committee Meeting of the City of Stamford Board of Representatives, which proposes to amend § 214-29 of the Code of Ordinances to substantially increase the existing road excavation permitting fees charged by the City and impose other changes. The Companies respectfully request that you incorporate this letter into your record for this evening's public hearing.

The Companies have a long-standing cooperative relationship with the City. In addition, the Companies recognize that the City must periodically evaluate the reasonableness of the permit fees it charges to determine whether or not those fees adequately compensate the City for the costs it incurs in issuing those permits. However, based upon the Companies' review of the information available to them in the City's January 14, 2016 public notice and on the City's website for this proposed amendment (see <http://www.boardofreps.org/o29053.aspx>), the Companies did not see any empirical, statistical or other evidence that directly justifies the substantial permit fee increases and other changes to the terms and conditions under which permits are issued, which have been proposed in the amendment to § 214-29 of the Code of Ordinances.

For these reasons, the Companies respectfully request that the proposed amendments be denied. In the alternative, the Companies respectfully request that the proposed amendments be postponed to the next regularly scheduled meeting of the Operations Committee so that representatives of the Companies can discuss their concerns in greater detail with the City.

Connecticut General Statutes Section 16-229 states that the terms and conditions of municipal road excavation permits must be "reasonable". Additionally, Connecticut General Statutes Section 16-231 authorizes any Connecticut utility company, including the Companies, to appeal unreasonable or unsubstantiated road excavation permit conditions to the State of Connecticut Public Utilities Regulatory Authority ("PURA"). Through this letter, the Companies respectfully reserve their respective right to appeal to PURA any potential amendment to § 214-29.<sup>1</sup>

Thank you for your consideration of the Companies' comments.

Sincerely,

*Vincent P. Pace*

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Senior Counsel

(860) 665-5426

On Behalf of CL&P and Yankee Gas dba Eversource Energy

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<sup>1</sup> See, e.g., City of Hartford v. Dep't of Pub. Util. Control, No. CV 970568252, 1998 WL 61916, at \*4 (Conn. Super. Ct. Jan. 21, 1998) (holding that "The department [of public utility control] has followed the rule of the above cases in its own decisions, particularly those involving the city of Stamford, DPUC dockets No. 82-06-07 and No. 82-06-19, holding fees charged by Stamford for excavation permits to be unauthorized because they exceeded the cost of issuance. Based on the decisions of our Supreme Court and its own prior decisions, as summarized above, the department [of public utility control] correctly concluded that the [road excavation permit] fees charged by [the City of] Hartford in this case were not authorized by law because they were not confined to the cost of issuance" of a road excavation permit.); see also Petition Of Yankee Gas Services Company Concerning Excavation Permit Terms And Conditions Imposed By The City Of Stamford, 2008 WL 366690, Conn.D.P.U.C. (Feb. 06, 2008 Decision) (stating "In this Decision, the Department of Public Utility Control holds that the terms and conditions of excavation imposed upon Yankee Gas Services Company by the City of Stamford to remove contaminated soil from the City's roadway are unreasonable.")