

Proposal 1

Section 2(b) of Title 30 is amended to add subdivision (h) to read as follows:

(h) The Department of Public Service shall investigate any complaints related to compliance with sections 246, 248, 248a, and 8010 of this title.

Section 30 of Title 30 is amended by adding subparagraph (h) to read as follows:

(h) If the Department determines that a person, partnership, unincorporated association, company, or corporation has violated section 246, 248, 248a, or 8010 of this title, any rule adopted pursuant to those sections, or any certificate of public good issued pursuant to those sections, it may issue a notice of violation to the person alleged to have committed the violation. The Department shall file a copy of the notice with the Board.

- (1) The notice of violation shall identify the violation, state the relevant facts, and may include a request that the alleged violator take remedial action and pay a civil penalty of not more than \$5000 for any violation.
- (2) Within 30 days of receipt of a notice of violation, the person who is the subject of the notice shall either:
 - a. Agree to the remedial action set forth in the notice and submit a plan for compliance to the Department; or
 - b. Request that the Board review whether a violation has occurred, the remedial actions proposed by the Department, or the penalties proposed by the Department.
- (3) If a person who is the subject of a notice of violation under this subdivision requests that the Board review whether a violation has occurred, the reasonableness of the remediation, or the penalty proposed by the Department, the Board shall open a proceeding and shall provide an opportunity for hearing before rendering a final judgment. In such a proceeding, the Board may consider a penalty in excess of that set forth in the notice of violation, up to the maximum amounts authorized by subsections (a) and (b) of this section, and may order such additional remediation actions as it finds reasonable.
- (4) If the person who is the subject of a notice of violation issued by the Department under this subdivision agrees to the remedial action specified by the Department, such agreement shall not preclude the Board from issuing a penalty under this section or taking other action to ensure compliance with relevant requirements in a subsequent proceeding. If the Board, after notice and opportunity for comment, determines that a penalty is warranted, the Board shall reduce the penalty amount by any amount paid pursuant to subdivision (h)(2)(a) of this section.