



General Assembly

Amendment

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LCO No. 3121

SB0014503121SD0

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. LOONEY, 11th Dist.
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SEN. PETERS, 20th Dist.
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To: Subst. Senate Bill No. 145

File No. 184

Cal. No. 165

"AN ACT CONCERNING ENERGY EFFICIENCY STANDARDS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (d) of section 16-331 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*July 1, 2004*):

5 (d) (1) An initial certificate issued prior to June 1, 1988, shall grant a
6 franchise for fifteen years, provided that for certificates issued prior to
7 January 1, 1975, the initial franchise term shall be deemed to end for
8 four such companies each year, starting in 1989, in order of those
9 companies having the highest gross revenues under chapter 211 or
10 212a during the calendar year ending December 31, 1982. An initial,
11 renewal or transfer certificate issued on or after June 1, 1988, shall
12 grant a franchise for a term of [not less than five years and] not more

13 than [ten] two years. [, except that under special circumstances, as
14 described in subdivision (2), a franchise may be granted for a term of
15 more than ten years but not more than fifteen years.] The department
16 shall have the discretion to determine the appropriate length of a
17 franchise term, initial, renewal or transfer, and in making its decision
18 shall consider the following without limitation: (A) The operator's past
19 performance in terms of meeting the needs of the cable-related
20 community; (B) the operator's past performance in terms of complying
21 with the material terms of the existing franchise; (C) the operator's
22 compliance with department regulations and the general statutes; (D)
23 the ability of the operator's management to properly operate the
24 franchise; (E) the operator's effectiveness in dealing with consumer
25 requests, complaints and billing questions or disputes; (F) the
26 operator's effectiveness in dealing with the advisory council; (G) the
27 quality and diversity of the operator's programming; (H) the quality of
28 the operator's community access programming, including public
29 access, educational access and governmental access programming, in
30 accordance with the provisions of subdivision [(3)] (2) of this
31 subsection; (I) the quality of the operator's equipment and facilities; (J)
32 the operator's proposals for future extensions and upgrading to
33 technologically advanced equipment, facilities and systems; (K) the
34 operator's past performance in terms of meeting the needs of the cable-
35 related community by providing African-American and Hispanic
36 programming; (L) the operator's good faith efforts, as determined by
37 the department, to provide service, when practicable, to all customers
38 within the service area; (M) the operator's past performance in making
39 available addressable converters, traps or other devices or services
40 which enable subscribers to voluntarily block transmission of specific
41 programming to their homes or places of business; and (N) the
42 applicant's provision of innovative services, including audio services,
43 information services, electronic publishing and information concerning
44 the proceedings of the General Assembly and legislative committees.

45 [(2) Under special circumstances, the department in its discretion,
46 may issue, renew or transfer a franchise for a term of not more than

47 fifteen years if the franchisee has committed itself, as outlined in the
48 franchise agreement, to provide or maintain technologically advanced
49 equipment, facilities and systems, as determined by the department, to
50 enhance and promote technologically advanced educational
51 programming and to comply with specific quality of service standards,
52 including, but not limited to, the time between installation and repair
53 following a subscriber request, the response time to consumer
54 complaints and the quality of the operator's customer service policies
55 and practices.]

56 [(3)] (2) In evaluating the quality of community access programming
57 the department shall consider, without limitation, (A) compliance with
58 federal laws governing noncommercial educational broadcast stations
59 and public broadcast stations, and state laws governing community
60 access, including, but not limited to, sections 16-333-31 to 16-333-36,
61 inclusive, of the regulations of Connecticut state agencies; (B)
62 compliance with the terms of the franchise certificate, which apply to
63 community access; and (C) compliance with requirements involving
64 community access contained in any order of the department which
65 applies to the community antenna television system.

66 [(4)] (3) If the department, on or after June 1, 1988, approves the
67 transfer of a certificate, the franchise term of such transferred
68 certificate shall be the remaining duration of the franchise term
69 originally granted unless the department grants a different term, the
70 appropriate length of which shall be determined by the department
71 under this subsection. A certificate may be renewed for an additional
72 term, the appropriate length of which shall be determined by the
73 department under this subsection, if the department finds that the
74 holder of the certificate has complied with the provisions of the
75 Communications Act of 1934, 47 USC 546.

76 [(5)] (4) The department shall adopt regulations in accordance with
77 chapter 54, establishing procedures and standards for the renewal of
78 certificates issued to community antenna television companies. Such
79 regulations shall, without limitation, (A) incorporate the provisions of

80 the Communications Act of 1934, 47 USC 546, (B) require the
81 department to consult with the advisory council for the franchise area
82 served by the certificate holder before making a decision concerning
83 the renewal of the certificate, (C) require any holder of a certificate
84 which is not renewed by the department to continue to operate the
85 franchise for one year after the end of its term or until a successor is
86 chosen and ready to assume control of the franchise, whichever is
87 sooner, (D) establish standards for the content of notices sent to cable
88 subscribers concerning public hearings for franchise renewal
89 proceedings which standards shall include, without limitation, the
90 requirements specified in subdivision (6) of this subsection, (E)
91 establish standards to ensure that the costs and expenses of a
92 municipality constructing, purchasing or operating a community
93 antenna television company are accurately attributed to such
94 company, and (F) establish quality standards for the instructional and
95 educational channels. The department shall adopt regulations
96 pursuant to this subdivision in conjunction with the Commission for
97 Educational Technology.

98 [(6)] (5) Any community antenna television company which applies
99 to the department for the renewal of a franchise shall: (A) Make
100 available for public inspection a copy of the company's proposal for
101 renewal at the town hall, each public library and the primary senior
102 center, as determined by the chief executive official of each
103 municipality of its franchise area and at the company's primary
104 customer service center and community access facility, and (B) notify
105 each subscriber of any public hearing for a franchise renewal, which
106 notices shall be mailed by first class mail to each subscriber not less
107 than fourteen days in advance of any public hearing and shall state in
108 plain language the time, place, date, address and subject matter of the
109 hearing, and in boldface print shall state that public participation is
110 encouraged. The notice shall also provide information concerning the
111 locations where the company's proposal for renewal may be reviewed,
112 and shall not contain any billing, promotional or extraneous
113 information."