



General Assembly

January Session, 2005

Raised Bill No. 1097

LCO No. 3619

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Referred to Committee on Energy and Technology

Introduced by:
(ET)

**AN ACT CONCERNING THE EQUAL REGULATION OF
TELECOMMUNICATIONS SERVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-247f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The department shall regulate the provision of
4 telecommunications services in the state in a manner designed to foster
5 competition and protect the public interest.

6 (b) Notwithstanding the provisions of section 16-19, [a
7 telecommunications service] the following telecommunications
8 services shall be deemed competitive services: (1) A
9 telecommunications service offered on or before July 1, 1994, by a
10 certified telecommunications provider and a wide area telephone
11 service, "800" service, Centrex service or digital Centrex service offered
12 by a telephone company, [shall be deemed a competitive service. Any]
13 (2) a telecommunications service offered to business customers by a
14 telephone company, (3) a home office service offered by a telephone
15 company, and (4) a telecommunications service provided to a

16 residential customer who subscribes to two or more telephone
17 company services, including, but not limited to, basic local service, any
18 vertical feature, or intrastate toll service. Unless reclassified pursuant
19 to subsections (c) or (d) of this section, any other service offered by a
20 telephone company on or before July 1, 1994, shall be deemed a
21 noncompetitive service, provided such initial classification shall not be
22 a factual finding that such service is noncompetitive.

23 (c) On petition, on its own motion or in conjunction with a tariff
24 investigation conducted pursuant to subsection (g) of this section, after
25 notice and hearing, and within ninety days of receipt of a petition or its
26 motion or within the time period set forth in subsection (g) of this
27 section, as applicable, the department shall reclassify a
28 telecommunications service as competitive in a geographic area in
29 which: (1) At least three persons offer commercial mobile
30 telecommunications service to residents in the relevant geographic
31 area, and (2) at least one person offers voice over Internet protocol
32 service to residents in the relevant geographic area or a community
33 antenna television company or its affiliate or a certified
34 telecommunications provider offers telecommunications services to
35 residents in the relevant geographic area.

36 [(c)] (d) On petition, on its own motion, or in conjunction with a
37 tariff investigation conducted pursuant to subsection [(f)] (g) of this
38 section, after notice and hearing, and within ninety days of receipt of a
39 petition or its motion or within the time period set forth in subsection
40 [(f)] (g) of this section, as applicable, the department may reclassify a
41 telecommunications service as competitive, emerging competitive or
42 noncompetitive, in accordance with the degree of competition which
43 exists for that service in the marketplace, provided (1) a competitive
44 service shall not be reclassified as an emerging competitive service,
45 and (2) the department may extend the period (A) before the end of the
46 ninety-day period and upon notifying all parties to the proceedings by
47 thirty days, or (B) in accordance with the provisions of subsection [(f)]
48 (g) of this section, as applicable.

49 [(d)] (e) In determining whether to reclassify a telecommunications
50 service pursuant to subsection (d) of this section, the department shall
51 consider:

52 (1) The number, size and geographic distribution of certified
53 telecommunications providers of the service, provided the department
54 shall not reclassify any service as competitive if such service is
55 available only from a telephone company or an affiliate of a telephone
56 company that is a certified telecommunications provider;

57 (2) The availability of functionally equivalent services in the
58 relevant geographic area at competitive rates, terms and conditions;

59 (3) The financial viability of each company providing a functionally
60 equivalent service in the relevant market;

61 (4) The existence of barriers to entry into, or exit from, the relevant
62 market;

63 (5) Other indicators of market power which the department deems
64 relevant, which may include, but not be limited to, market penetration
65 and the extent to which the provider of the service can sustain the
66 price for the service above the cost to the company of providing that
67 service;

68 (6) The extent to which other telecommunications companies must
69 rely upon the service to provide their telecommunications services;

70 (7) Other factors that may affect competition; and

71 (8) Other factors that may affect the public interest.

72 [(e)] (f) Each certified telecommunications provider and each
73 telephone company shall file with the department a new or amended
74 tariff for each competitive or emerging competitive intrastate
75 telecommunications service authorized pursuant to section 16-247c. A
76 tariff for a competitive service shall be effective on five days' written

77 notice to the department. A tariff for an emerging competitive service
78 shall be effective on twenty-one days' written notice to the department.
79 A tariff filing for a competitive or emerging competitive service shall
80 include (1) rates and charges which may consist of a maximum rate
81 and a minimum rate, (2) applicable terms and conditions, (3) a
82 statement of how the tariff will benefit the public interest, and (4) any
83 additional information required by the department. A telephone
84 company filing a tariff pursuant to this section shall include in said
85 tariff filing the information set forth in subdivisions (1) to (4), inclusive,
86 of this subsection, a complete explanation of how the company is
87 complying with the provisions of section 16-247b and, in a tariff filing
88 which declares a new service to be competitive or emerging
89 competitive, a statement addressing the considerations set forth in
90 subsection (c) or (d) of this section, as applicable. If the department
91 approves a tariff which consists of a minimum rate and a maximum
92 rate, the certified telecommunications provider or telephone company
93 may amend its rates upon five days' written notice to the department
94 and any notice to customers which the department may require,
95 provided the amended rates are not greater than the approved
96 maximum rate and not less than the approved minimum rate. A
97 promotional offering for a previously approved competitive or
98 emerging competitive tariff service or a service deemed competitive
99 pursuant to section 16-247f shall be effective on three business days'
100 written notice to the department.

101 ~~[(f)]~~ (g) On petition or its own motion, the department may
102 investigate a tariff or any portion of a tariff, which investigation may
103 include a hearing. The department may suspend a tariff or any portion
104 of a tariff during such investigation. Not later than seventy-five days
105 after the effective date of the tariff, unless the party filing the tariff, all
106 statutory parties to the proceeding and the department agree to a
107 specific extension of time, the department shall issue its decision,
108 including whether to approve, modify or deny the tariff. If the
109 department determines that a tariff filed as a new service is, in fact, a
110 reclassification of an existing service, the department shall review the

111 tariff filing as a petition for reclassification in accordance with the
112 provisions of subsection (c) or (d) of this section, as applicable.

113 [(g)] (h) The provisions of this section shall not prohibit the
114 department from ordering different tariff filing procedures or effective
115 dates for an emerging competitive service, pursuant to a plan for an
116 alternative form of regulation of a telephone company approved by the
117 department in accordance with the provisions of section 16-247k.

118 Sec. 2. Section 16-247p of the general statutes is repealed and the
119 following is substituted in lieu thereof (*Effective July 1, 2005*):

120 (a) Not later than April 1, 2000, the Department of Public Utility
121 Control shall, by regulations adopted pursuant to chapter 54, establish
122 quality-of-service standards that shall apply on an equal basis with
123 regard to all telephone companies and certified telecommunications
124 providers and to all telecommunications services. Such standards shall
125 include, but not be limited to, measures relating to customer trouble
126 reports, service outages, installation appointments and repeat
127 problems as well as timeliness in responding to complaints or reports.
128 The department shall include with the quality of service standards
129 methodologies for monitoring compliance with and enforcement of
130 such standards. Such monitoring shall include input from employees
131 of telephone companies and certified telecommunications providers,
132 including members of collective bargaining units. No standard shall be
133 applied and no penalty shall be applied pursuant to a standard unless
134 the standard or penalty applies on an equal basis with regard to all
135 telephone companies and certified telecommunications providers and
136 to all telecommunications services.

137 (b) Not later than April 1, 2000, the department shall, by regulations
138 adopted pursuant to chapter 54, establish comprehensive performance
139 standards and performance based reporting requirements for functions
140 provided by a telephone company to a certified telecommunications
141 provider, including, but not limited to, telephone company
142 performance relating to customer ordering, preordering, provisioning,

143 billing, maintenance and repair. Such service standards shall be
144 sufficiently comprehensive to ensure that a telephone company meets
145 its obligations under 47 USC 251. Such regulations may also contain
146 provisions the department deems necessary to prevent anticompetitive
147 actions by any telephone company or certified telecommunications
148 provider.

149 Sec. 3. Section 16-262d of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective July 1, 2005*):

151 (a) No electric, electric distribution, gas, telephone or water
152 company, no electric supplier, no certified telecommunications
153 provider and no municipal utility furnishing electric, gas or water
154 service may terminate such service to a residential dwelling on account
155 of nonpayment of a delinquent account unless such company, electric
156 supplier, telecommunications provider or municipal utility first gives
157 notice of such delinquency and impending termination by first class
158 mail addressed to the customer to which such service is billed, at least
159 thirteen calendar days prior to the proposed termination, except that if
160 an electric, electric distribution or gas company, electric supplier or
161 municipal utility furnishing electric or gas service has issued a notice
162 under this subsection but has not terminated service prior to issuing a
163 new bill to the customer, such company, electric supplier or municipal
164 utility may terminate such service only after mailing the customer an
165 additional notice of the impending termination, addressed to the
166 customer to which such service is billed either (1) by first class mail at
167 least thirteen calendar days prior to the proposed termination, or (2) by
168 certified mail, at least seven calendar days prior to the proposed
169 termination. In the event that multiple dates of proposed termination
170 are provided to a customer, no such company, electric supplier or
171 municipal utility shall terminate service prior to the latest of such
172 dates. For purposes of this subsection, the thirteen-day periods and
173 seven-day period shall commence on the date such notice is mailed. If
174 such company, electric supplier or municipal utility does not terminate
175 service within one hundred twenty days after mailing the initial notice

176 of termination, such company, electric supplier or municipal utility
177 shall give the customer a new notice at least thirteen days prior to
178 termination. Every termination notice issued by a public service
179 company, electric supplier, telecommunications provider or municipal
180 utility shall contain or be accompanied by an explanation of the rights
181 of the customer provided in subsection [(c)] (d) of this section.

182 (b) No such company, electric supplier, telecommunications
183 provider or municipal utility shall effect termination of service for
184 nonpayment during such time as any resident of a dwelling to which
185 such service is furnished is seriously ill, if the fact of such serious
186 illness is certified to such company, electric supplier,
187 telecommunications provider or municipal utility by a registered
188 physician within such period of time after the mailing of a termination
189 notice pursuant to subsection (a) of this section as the Department of
190 Public Utility Control may by regulation establish, provided the
191 customer agrees to amortize the unpaid balance of his account over a
192 reasonable period of time and keeps current his account for utility
193 service as charges accrue in each subsequent billing period.

194 (c) No such company, electric supplier, telecommunications
195 provider or municipal utility shall effect termination of service to a
196 residential dwelling for nonpayment during the pendency of any
197 complaint, investigation, hearing or appeal, initiated by a customer
198 within such period of time after the mailing of a termination notice
199 pursuant to subsection (a) of this section as said Department of Public
200 Utility Control may by regulation establish; provided, any telephone
201 company or telecommunications provider during the pendency of any
202 complaint, investigation, hearing or appeal may terminate telephone
203 service if the amount of charges accruing and outstanding subsequent
204 to the initiation of any complaint, investigation, hearing or appeal
205 exceeds on a monthly basis the average monthly bill for the previous
206 three months or if the customer fails to keep current his telephone or
207 telecommunications account for all undisputed charges or fails to
208 comply with any amortization agreement as hereafter provided.

209 (d) Any customer who has initiated a complaint or investigation
210 under subsection (c) of this section shall be given an opportunity for
211 review of such complaint or investigation by a review officer of the
212 company, electric supplier, telecommunications provider or municipal
213 utility other than a member of such company's, electric supplier's or
214 municipal utility's credit department, provided the Department of
215 Public Utility Control may waive this requirement for any company,
216 electric supplier or municipal utility employing fewer than twenty-five
217 full-time employees, which review shall include consideration of
218 whether the customer should be permitted to amortize the unpaid
219 balance of his account over a reasonable period of time. No
220 termination shall be effected for any customer complying with any
221 such amortization agreement, provided such customer also keeps
222 current his account for utility service as charges accrue in each
223 subsequent billing period.

224 (e) Any customer whose complaint or request for an investigation
225 has resulted in a determination by a company, electric supplier,
226 telecommunications provider or municipal utility which is adverse to
227 him may appeal such determination to the Department of Public
228 Utility Control or a hearing officer appointed by the department.

229 (f) If, following the receipt of a termination notice or the entering
230 into of an amortization agreement, the customer makes a payment or
231 payments amounting to twenty per cent of the balance due, the public
232 service company, telecommunications provider or electric supplier
233 shall not terminate service without giving notice to the customer, in
234 accordance with the provisions of this section, of the conditions the
235 customer must meet to avoid termination, but such subsequent notice
236 shall not entitle such customer to further investigation, review or
237 appeal by the company, electric supplier, municipal utility,
238 telecommunications provider or department.

239 (g) No electric distribution, gas, telephone or water company,
240 certified telecommunications provider, gas registrant or municipal

241 utility furnishing electric, gas or water service shall submit to a credit
242 rating agency, as defined in section 36a-695, any information about a
243 residential customer's nonpayment for electric, gas, telephone,
244 telecommunications or water service unless the customer is more than
245 sixty days delinquent in paying for such service. In no event shall such
246 a company, certified telecommunications provider, gas registrant or
247 municipal utility submit to a credit rating agency any information
248 about a residential customer's nonpayment for such service if the
249 customer has initiated a complaint, investigation hearing or appeal
250 with regard to such service under subsection [(c)] (d) of this section
251 that is pending before the department. If such a company, certified
252 telecommunications provider, gas registrant or municipal utility
253 intends to submit to a credit rating agency information about a
254 customer's nonpayment for service, it shall, at least thirty days before
255 submitting such information, send the customer by first class mail
256 notification that includes the statement, "AS AUTHORIZED BY LAW,
257 FOR RESIDENTIAL ACCOUNTS, WE SUPPLY PAYMENT
258 INFORMATION TO CREDIT RATING AGENCIES. IF YOUR
259 ACCOUNT IS MORE THAN SIXTY DAYS DELINQUENT, THE
260 DELINQUENCY REPORT COULD HARM YOUR CREDIT RATING".

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	16-247f
Sec. 2	<i>July 1, 2005</i>	16-247p
Sec. 3	<i>July 1, 2005</i>	16-262d

Statement of Purpose:

To amend the statutes regarding the classification of telecommunications services and the imposition of sanctions for failure to comply with quality of service requirements and to apply, to certified telecommunications providers, requirements concerning the termination of residential service for nonpayment of a delinquent account.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]