



General Assembly

Substitute Bill No. 7179

January Session, 2007

* HB07179ET 030807 *

AN ACT CONCERNING CABLE TELEVISION CONSUMER PROTECTION.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) There is established a
2 state-wide community antenna television advisory council to assist
3 local community antenna television advisory councils in the
4 performance of their functions and disseminate information to local
5 advisory councils that is relevant to the interests of customers of
6 community antenna television companies. The state-wide advisory
7 council shall consist of the following members: (1) Three appointed by
8 the Governor; (2) two appointed by the speaker of the House of
9 Representatives; (3) two appointed by the president pro tempore of the
10 Senate; (4) one appointed by the majority leader of the House of
11 Representatives; (5) one appointed by the majority leader of the Senate;
12 (6) two appointed by the minority leader of the House of
13 Representatives; and (7) two appointed by the minority leader of the
14 Senate. The term of each member of the state-wide advisory council
15 shall be coterminous with the term of the appointing authority for said
16 member. Not later than January 1, 2008, and annually thereafter, the
17 members shall elect a chairperson of said council from among the
18 members of the state-wide advisory council.

19 Sec. 2. Subsection (d) of section 16-331 of the general statutes is

20 amended by adding subdivision (7) as follows (*Effective October 1,*
21 *2007*):

22 (NEW) (7) Notwithstanding the provisions of this subsection, if at
23 any time after the grant of an initial or renewal term of a franchise, the
24 community antenna television company and the third-party nonprofit
25 community access provider reach an agreement that the community
26 antenna television company will provide a capital contribution to such
27 provider in a mutually agreeable amount solely for the purpose of the
28 upgrade or replacement of capital equipment, the Department of
29 Public Utility Control shall grant a two-year extension of such
30 franchise term, provided the community antenna television company
31 commits to not pass through said capital contribution in subscriber
32 rates or community access fees. In a franchise area with more than one
33 community access provider, an agreement shall be deemed to be
34 reached when two-thirds or more of the community access providers
35 within that franchise independently reach agreement with the
36 community antenna television company. Only those community access
37 providers reaching agreement shall receive the funding mutually
38 agreed upon pursuant to this subdivision. Such extension shall not be
39 a contested case proceeding and shall be applicable to no more than
40 one time per franchise term.

41 Sec. 3. Subsection (f) of section 16-331 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2007*):

44 (f) Each applicant for a certificate shall finance the reasonable costs
45 of a community needs assessment, conducted by an independent
46 consultant and developed jointly by the department, the Office of
47 Consumer Counsel, the local advisory council and the applicant,
48 which assessment shall analyze a community's future cable-related
49 needs and, if applicable, shall provide the department with assistance
50 in analyzing an operator's past performance, as defined in subsection
51 (d) of [section 16-333/] this section. The department shall supervise the
52 assessment and provide the independent consultant with the date

53 upon which the assessment shall be completed and filed with the
54 department. Such community needs assessment shall be conducted in
55 lieu of the requirement in subdivision (12) of subsection (c) of section
56 16-333-39 of the regulations of Connecticut state agencies. In its final
57 decision, the department shall state the reasons for not implementing
58 any key recommendations made in any such needs assessment. The
59 provisions of this subsection shall not apply to a franchise area which
60 is subject to effective competition, as defined in 47 USC 543, as from
61 time to time amended, at the time the application is received by the
62 department.

63 Sec. 4. Subsection (g) of section 16-331 of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective*
65 *October 1, 2007*):

66 (g) Each certificate of public convenience and necessity for a
67 franchise issued pursuant to this section shall be nonexclusive, and
68 each such certificate issued for a franchise in any area of the state
69 where an existing franchise is currently operating shall not contain
70 more favorable terms or conditions than those imposed on the existing
71 franchise. This subsection shall not apply to the length of the term of
72 such certification as may be determined pursuant to subsection (d) of
73 this section. A certificate may require a franchise to enter into good
74 faith negotiations to facilitate community access television
75 interconnection with an existing or potential competitor franchise.

76 Sec. 5. Subsection (d) of section 16-331a of the general statutes is
77 repealed and the following is substituted in lieu thereof (*Effective*
78 *October 1, 2007*):

79 (d) Each company or organization shall conduct outreach programs
80 and promote its community access services. Such outreach and
81 promotion may include, but not be limited to (1) broadcasting cross-
82 channel video announcements, (2) distributing information throughout
83 the franchise area and not solely to its subscribers, (3) including
84 community access information in its regular marketing publications,

85 (4) broadcasting character-generated text messages or video
86 announcements on barker or access channels, (5) making speaking
87 engagements, [and] (6) holding open receptions at its community
88 access facilities, and (7) in multitown franchise areas, encouraging the
89 formation and development of local community access studios
90 operated by volunteers or nonprofit operating groups.

91 Sec. 6. Subsection (h) of section 16-331a of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective*
93 *October 1, 2007*):

94 (h) Upon the request of the Office of Consumer Counsel or the
95 franchise's advisory council, and for good cause shown the department
96 shall require an organization responsible for community access
97 operations to have an independent audit conducted at the expense of
98 the organization. For purposes of this subsection, "good cause" may
99 include, but not be limited to, the failure or refusal of such
100 organization (1) to account for and reimburse the community access
101 programming budget for its commercial use of community access
102 programming facilities, equipment or staff, or for the allocation of such
103 facilities, equipment or staff to functions not directly related to the
104 community access operations of the franchise, (2) to carry over
105 unexpended community access programming budget accounts at the
106 end of each fiscal year, (3) to properly maintain community access
107 programming facilities or equipment in good repair, or (4) to plan for
108 the replacement of community access programming equipment made
109 obsolete by technological advances. In response to any such request,
110 the department shall state, in writing, the reasons for its determination.

111 Sec. 7. Section 16-331a of the general statutes is amended by adding
112 subsection (o) as follows (*Effective October 1, 2007*):

113 (NEW) (o) Each company or organization shall consult with its
114 advisory council in the formation of a community access programming
115 policy, the adoption of the community access programming budget
116 and the allocation of capital equipment and community access

117 programming resources.

118 Sec. 8. Section 16-331c of the general statutes is repealed and the
 119 following is substituted in lieu thereof (*Effective October 1, 2007*):

120 Each community antenna television company, as defined in section
 121 16-1, shall annually contribute to the advisory council in its franchise
 122 area an amount not less than two thousand dollars [. An] and to the
 123 state-wide community antenna television advisory council an amount
 124 not less than two hundred dollars. A local advisory council may at its
 125 option receive any or all of its funding through in-kind services of the
 126 community antenna television company. [Each] The state-wide
 127 community antenna television advisory council and each local
 128 advisory council shall annually, on January thirty-first, provide the
 129 Department of Public Utility Control with an accounting of any
 130 funding or services received.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	16-331(d)
Sec. 3	<i>October 1, 2007</i>	16-331(f)
Sec. 4	<i>October 1, 2007</i>	16-331(g)
Sec. 5	<i>October 1, 2007</i>	16-331a(d)
Sec. 6	<i>October 1, 2007</i>	16-331a(h)
Sec. 7	<i>October 1, 2007</i>	16-331a
Sec. 8	<i>October 1, 2007</i>	16-331c

ET *Joint Favorable Subst.-LCO*

Statement of Legislative Commissioners:

In section 1, the second to last sentence which dictates the terms of the members, was rephrased for clarity. In the last sentence of section 1, "2007" was changed to "2008" for consistency with the effective date. In section 2, "renewed" was deleted from the last sentence for statutory consistency.