



General Assembly

January Session, 2007

**Amendment**

LCO No. 8781

**\*HB0718208781HDO\***

Offered by:

REP. FONTANA, 87<sup>th</sup> Dist.

REP. WILLIAMS, 68<sup>th</sup> Dist.

REP. STAPLES, 96<sup>th</sup> Dist.

To: Subst. House Bill No. 7182

File No. 706

Cal. No. 547

**"AN ACT CONCERNING CERTIFIED COMPETITIVE VIDEO SERVICE."**

1 In line 333, after "service" insert "in a franchise area as of October 1,  
2 2007,"

3 In line 390, after "section." insert "A community antenna television  
4 company may apply for a certificate of video franchise authority  
5 pursuant to this section for any service area in which it was not  
6 certified to provide community antenna television service pursuant to  
7 section 16-331 of the general statutes on or before October 1, 2007."

8 In line 466, strike "Each" and insert "The Department of Public  
9 Utility Control shall not require a" in lieu thereof

10 In line 467, strike "shall not be required"

11 In line 468, strike "be required to"

12 After line 481, insert the following:

13 "(c) The rights and responsibilities under section 16-333a of the  
14 general statutes regarding service and wiring to multiunit residential  
15 buildings shall apply to a certified competitive video service provider."

16 In line 651, strike "drop" and insert "outlet" in lieu thereof

17 In line 683, after "authority," insert "or thirty days after a municipal  
18 electric utility, its affiliate or subsidiary begins offering video service in  
19 a community antenna television company's existing franchise area  
20 pursuant to a certificate of video franchise authority,"

21 In line 745, strike "A" and insert "The Department of Public Utility  
22 Control shall not require a" in lieu thereof

23 In line 746, strike "shall not be required"

24 In line 747, strike "be required to"

25 In line 894, strike "drop" and insert "outlet" in lieu thereof

26 After the last section, add the following and renumber sections and  
27 internal references accordingly:

28 "Sec. 501. (NEW) (*Effective October 1, 2007*) (a) There is established an  
29 account to be known as the "municipal video competition trust  
30 account", which shall be a separate, nonlapsing account within the  
31 General Fund. The account shall contain any moneys required by this  
32 section to be deposited in the account and shall be distributed as  
33 property tax relief to the towns, cities and boroughs of this state  
34 pursuant to subsection (c) of this section.

35 (b) The Comptroller shall deposit into the municipal video  
36 competition trust account, established pursuant to this section, a sum  
37 not to exceed five million dollars per fiscal year from the gross  
38 earnings tax imposed on certified competitive video service providers  
39 pursuant to section 12-256 of the general statutes, as amended by this

40 act.

41 (c) (1) The amount to be distributed to each town from said account  
42 shall be a proportional part of the total amount of such distribution  
43 determined with respect to each town by the following ratio: The total  
44 number of subscribers to certified competitive video service located in  
45 such town at the end of such fiscal year shall be the numerator of the  
46 fraction, and the total number of subscribers to certified competitive  
47 video service located in all towns in this state at the end of such fiscal  
48 year shall be added together, and the sum shall be the denominator of  
49 the fraction.

50 (2) Any city or borough not consolidated with the town in which it  
51 is located and any town containing such a city or borough shall receive  
52 a portion of the amount allocated to such town under subdivision (1)  
53 of this subsection on the basis of the following ratio: The total property  
54 taxes levied in such fiscal year by such town, city or borough shall be  
55 the numerator of the fraction, and the total property taxes levied in  
56 such fiscal year by the town and all cities or boroughs located within  
57 such town shall be added together, and the sum shall be the  
58 denominator of the fraction. Any such city or borough may, by vote of  
59 its legislative body, direct the Secretary of the Office of Policy and  
60 Management to reallocate all or a portion of the share of such city or  
61 borough to the town in which it is located.

62 (d) Not later than September 15, 2008, and annually thereafter, the  
63 Secretary of the Office of Policy and Management shall certify to the  
64 Comptroller the percentage of the amount in said account to be paid to  
65 each municipality from said account in accordance with this section  
66 and the Comptroller shall draw the Comptroller's order on the  
67 Treasurer not later than the twenty-fifth day of September in the same  
68 year. The Treasurer shall pay the respective amount to each  
69 municipality in accordance with this section on or before the thirtieth  
70 day of September in the same year.

71 (e) Not later than July 30, 2008, and annually thereafter, each

72 certified competitive video service provider shall file with the Office of  
73 Policy and Management the total number of subscribers to certified  
74 competitive video service in each town and the total subscribers to  
75 certified competitive video service in all towns in this state as of the  
76 last day of the immediately preceding fiscal year.

77 Sec. 502. Section 12-256 of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2007*):

79 (a) For purposes of this section, "quarterly period" means a period of  
80 three calendar months commencing on the first day of January, April,  
81 July or October and ending on the last day of March, June, September  
82 or December, respectively.

83 (b) Each person operating a community antenna television system  
84 under chapter 289 or a certified competitive video service pursuant to  
85 sections 2 to 12, inclusive, of this act and each person operating a  
86 business that provides one-way transmission to subscribers of video  
87 programming by satellite shall pay a quarterly tax upon the gross  
88 earnings from (1) the lines, facilities, apparatus and auxiliary  
89 equipment in this state used for operating a community antenna  
90 television system, or (2) the transmission to subscribers in this state of  
91 video programming by satellite or by a certified competitive video  
92 service provider, as the case may be. No deduction shall be allowed  
93 from such gross earnings for operations related to commissions,  
94 rebates or other payments, except such refunds as arise from errors or  
95 overcharges. On or before the last day of the month next succeeding  
96 each quarterly period, each such person shall render to the  
97 commissioner a return on forms prescribed or furnished by the  
98 commissioner, signed by the person performing the duties of treasurer  
99 or an authorized agent or officer of the system or service operated by  
100 such person, which return shall include information regarding the  
101 name and location within this state of such system or service and the  
102 total amount of gross earnings derived from such operations and such  
103 other facts as the commissioner may require for the purpose of making  
104 any computation required by this chapter.

105     (c) For purposes of this chapter, a holder of a certificate of cable  
106     franchise authority under section 13 of this act shall be treated as a  
107     person operating a community antenna television system under  
108     chapter 289.

109     Sec. 503. Section 12-258 of the general statutes is repealed and the  
110     following is substituted in lieu thereof (*Effective July 1, 2007*):

111     (a) Each person included in section 12-256, as amended by this act,  
112     shall be taxed upon the amount of the gross earnings in each quarterly  
113     period from the lines, facilities, apparatus and auxiliary equipment  
114     operated by it in this state, or from the transmission of video  
115     programming by satellite or by a certified competitive video service  
116     provider to subscribers in this state, as the case may be, at the rates  
117     provided in this section.

118     (b) Gross earnings for any quarterly period, for the purposes of  
119     assessment and taxation, shall be as follows: In the case of a person  
120     carrying on the business wholly within the limits of this state, the  
121     entire amount of the gross earnings subject to the tax imposed under  
122     section 12-256, as amended by this act; in the case of a person also  
123     carrying on the business outside of this state, a portion of the entire  
124     amount of the gross earnings subject to the tax imposed under section  
125     12-256, as amended by this act, apportioned to this state as follows: (1)  
126     In the case of a person operating a community antenna television  
127     system, such portion of the total gross earnings from the lines,  
128     facilities, apparatus and auxiliary equipment operated by it as is  
129     represented by the total number of miles of lines operated by such  
130     person within this state on the first day and on the last day of such  
131     quarterly period to the total number of miles of lines operated by such  
132     person both within and without the state on said dates; [and] (2) in the  
133     case of a person operating a business that provides one-way  
134     transmission to subscribers of video programming by satellite, such  
135     portion of the total gross earnings from the transmission to subscribers  
136     in this state as is represented by the total number of subscribers served  
137     by such person within this state on the first day and on the last day of

138 such quarterly period to the total number of subscribers served by  
139 such person both within and without the state on said dates; and (3) in  
140 the case of a person providing certified competitive video service, such  
141 portion of the total gross earnings from the transmission to subscribers  
142 in this state as is represented by the total number of subscribers served  
143 by such person within this state on the first and the last days of such  
144 quarterly period to the average of the total number of subscribers  
145 served by such person both within and without the state on said dates.

146 (c) The rates of tax on the gross earnings as determined in this  
147 section shall be as follows: (1) Persons operating a community antenna  
148 television system or a certified competitive video service, five per cent  
149 of such gross earnings, reduced by any assessments made pursuant to  
150 section 16-49 which are attributable to the year in which such tax is  
151 assessed; and (2) persons operating a business that provides one-way  
152 transmission to subscribers of video programming by satellite, five per  
153 cent of such gross earnings.

154 Sec. 504. Section 12-80b of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective October 1, 2007*):

156 (a) (1) Each taxpayer described in subsection (a) of section 12-80a  
157 that owns tangible personal property used both to render  
158 telecommunications service subject to tax under chapter 219 and to  
159 render community antenna television service or a certified competitive  
160 video service subject to tax under said chapter 219, shall have part of  
161 such property taxed as provided in said section 12-80a and part of such  
162 property exempt from property tax in accordance with section 12-268j.

163 (2) The portion of such property to be taxed as provided in section  
164 12-80a and the portion exempt under section 12-268j shall be  
165 computed, as provided in regulations adopted by the Commissioner of  
166 Revenue Services in accordance with the provisions of chapter 54 on  
167 the basis of the taxpayer's gross receipts from rendering  
168 telecommunications service or a certified competitive video service, as  
169 defined in chapter 219, and from rendering community antenna

170 television service, as defined in said chapter 219, or on some other  
171 basis permitted under such regulations.

172 (b) (1) Each taxpayer not described in subsection (a) of section 12-  
173 80a that owns tangible personal property used both to render  
174 telecommunications service subject to tax under chapter 219 and to  
175 render community antenna television service or a certified competitive  
176 video service subject to tax under said chapter 219 shall have part of  
177 such property taxed as provided in this chapter, without regard to said  
178 section 12-80a, and part of such property exempt from property tax in  
179 accordance with section 12-268j.

180 (2) The portion of such property to be taxed as provided in this  
181 chapter, without regard to section 12-80a and the portion exempt  
182 under section 12-268j shall be computed, as provided in regulations  
183 adopted by the Commissioner of Revenue Services in accordance with  
184 the provisions of chapter 54, on the basis of the taxpayer's gross  
185 receipts from rendering telecommunications service, as defined in  
186 chapter 219, and from rendering community antenna television service  
187 or a certified competitive video service, as defined in said chapter 219,  
188 or on some other basis permitted under such regulations.

189 (c) For purposes of this section, "assessment year" means the  
190 assessment year under this chapter.

191 (d) For purposes of this section, "community antenna television  
192 service" shall include service provided by a holder of a certificate of  
193 cable franchise authority pursuant to section 13 of this act.

194 Sec. 505. Section 12-268j of the general statutes is repealed and the  
195 following is substituted in lieu thereof (*Effective October 1, 2007*):

196 (a) The taxation provided for in chapter 211 upon gross earnings in  
197 any year shall be in lieu of all taxes with respect to such year on (1)  
198 tangible personal property used solely and exclusively in a business so  
199 specified by a company included in section 12-256, as amended by this  
200 act, and (2) for assessment years commencing on October 1, 2007,

201 October 1, 2008, and October 1, 2009, all tangible personal property  
202 acquired on or after October 1, 2007, and on or before September 30,  
203 2010, to upgrade an existing telecommunications network, even if the  
204 tangible personal property is used solely or in part in the provision of  
205 competitive video programming service, in a business so specified by a  
206 company included in section 12-256, as amended by this act.

207 (b) The taxation provided for in chapter 211 upon gross earnings in  
208 any year shall be in lieu of all taxes with respect to such year on part of  
209 the tangible personal property that is used both to render  
210 telecommunications service subject to tax under chapter 219 and to  
211 render community antenna television service or a certified competitive  
212 video service subject to tax under chapter 219. The portion of such  
213 property in lieu of which taxation is provided for in chapter 211 and  
214 which is exempt from property tax is determined as provided in  
215 section 12-80b, except as provided in subsection (a) of this section.

216 Sec. 506. Subsection (a) of section 12-407 of the general statutes is  
217 amended by adding subdivisions (38) to (40), inclusive, as follows  
218 (*Effective October 1, 2007*):

219 (NEW) (38) "Certified competitive video service" means video  
220 programming service provided through wireline facilities, a portion of  
221 which are located in the public right-of-way, without regard to  
222 delivery technology, including Internet protocol technology. "Certified  
223 competitive video service" does not include any video programming  
224 provided by a commercial mobile service provider, as defined in 47  
225 USC 332(d); any video programming provided as part of community  
226 antenna television service; any video programming provided as part  
227 of, and via, a service that enables users to access content, information,  
228 electronic mail or other services over the Internet.

229 (NEW) (39) "Directory assistance" means an ancillary service of  
230 providing telephone number information or address information.

231 (NEW) (40) "Vertical service" means an ancillary service that is  
232 offered in connection with one or more telecommunications services,

233 offering advanced calling features that allow customers to identify  
234 callers and to manage multiple calls and call connections, including  
235 conference bridging services.

236 Sec. 507. Subparagraph (L) of subdivision (2) of subsection (a) of  
237 section 12-407 of the general statutes is repealed and the following is  
238 substituted in lieu thereof (*Effective October 1, 2007*):

239 (L) (i) The rendering of community antenna television service, as  
240 defined in subdivision (27) of this subsection, for a consideration on or  
241 after January 1, 1990, exclusive of any such service rendered by an  
242 employee for the employer of such employee. For purposes of this  
243 chapter, "community antenna television service" shall include service  
244 provided by a holder of a certificate of cable franchise authority  
245 pursuant to section 13 of this act.

246 (ii) The rendering of certified competitive video service, as defined  
247 in subdivision (38) of this subsection, as amended by this act, for  
248 consideration on or after October 1, 2007, exclusive of any such service  
249 rendered by an employee for the employer of such employee.

250 Sec. 508. Subdivision (26) of subsection (a) of section 12-407 of the  
251 general statutes is repealed and the following is substituted in lieu  
252 thereof (*Effective October 1, 2007*):

253 (26) (A) "Telecommunications service" means the electronic  
254 transmission, conveyance or routing of [any interactive  
255 electromagnetic communications including but not limited to] voice,  
256 image, data [and] audio, video or any other information [, by means of  
257 but not limited to wire, cable, including fiber optical cable, microwave,  
258 radio wave or any combinations of such media, and the leasing of any  
259 such service. "Telecommunications service" includes, but is not limited  
260 to, basic telephone service, including any facility or service provided in  
261 connection with such basic telephone service, toll telephone service  
262 and teletypewriter or computer exchange service, including but not  
263 limited to residential and business service, directory assistance, two-  
264 way cable television service, cellular mobile telephone or

265 telecommunication service, specialized mobile radio and pagers and  
266 paging service, including any form of mobile two-way  
267 communication] or signals to a point or between or among points.  
268 "Telecommunications service" includes such transmission, conveyance  
269 or routing in which computer processing applications are used to act  
270 on the form, code or protocol of the content for purposes of  
271 transmission, conveyance or routing without regard to whether such  
272 service is referred to as a voice over Internet protocol service or is  
273 classified by the Federal Communications Commission as enhanced or  
274 value added. "Telecommunications service" does not include (i) value-  
275 added nonvoice data services, [in which computer processing  
276 applications are used to act on the information to be transmitted, (ii)  
277 any one-way radio or television broadcasting transmission] (ii) radio  
278 and television audio and video programming services, regardless of  
279 the medium, including the furnishing of transmission, conveyance or  
280 routing of such services by the programming service provider. Radio  
281 and television audio and video programming services shall include,  
282 but not be limited to, cable service as defined in 47 USC 522(6), audio  
283 and video programming services delivered by commercial mobile  
284 radio service providers, as defined in 47 CFR 20, and video  
285 programming service by certified competitive video service providers,  
286 (iii) any telecommunications service (I) rendered by a company in  
287 control of such service when rendered for private use within its  
288 organization, or (II) used, allocated or distributed by a company within  
289 its organization, including in such organization affiliates, as defined in  
290 section 33-840, for the purpose of conducting business transactions of  
291 the organization if such service is purchased or leased from a company  
292 rendering telecommunications service and such purchase or lease is  
293 subject to tax under this chapter, [and] (iv) access or interconnection  
294 service purchased by a provider of telecommunications service from  
295 another provider of such service for purposes of rendering such  
296 service, provided the purchaser submits to the seller a certificate  
297 attesting to the applicability of this exclusion, upon receipt of which  
298 the seller is relieved of any tax liability for such sale so long as the  
299 certificate is taken in good faith by the seller, (v) data processing and

300 information services that allow data to be generated, acquired, stored,  
301 processed or retrieved and delivered by an electronic transmission to a  
302 purchaser where such purchaser's primary purpose for the underlying  
303 transaction is the processed data or information, (vi) installation or  
304 maintenance of wiring equipment on a customer's premises, (vii)  
305 tangible personal property, (viii) advertising, including, but not  
306 limited to, directory advertising, (ix) billing and collection services  
307 provided to third parties, (x) Internet access service, (xi) ancillary  
308 services, and (xii) digital products delivered electronically, including,  
309 but not limited to, software, music, video, reading materials or ring  
310 tones.

311 (B) For purposes of the tax imposed under this chapter (i) gross  
312 receipts from the rendering of telecommunications service shall  
313 include any subscriber line charge or charges as required by the  
314 Federal Communications Commission and any charges for access  
315 service collected by any person rendering such service unless  
316 otherwise excluded from such gross receipts under this chapter, and  
317 such gross receipts from the rendering of telecommunications service  
318 shall only include any charges for vertical service, for the installation  
319 or maintenance of wiring equipment on a customer's premises, and for  
320 directory assistance service; (ii) gross receipts from the rendering of  
321 telecommunications service shall not include any local charge for calls  
322 from public or semipublic telephones; and (iii) gross receipts from the  
323 rendering of telecommunications service shall not include any charge  
324 for calls purchased using a prepaid telephone calling service, as  
325 defined in subdivision (34) of this subsection.

326 Sec. 509. (NEW) (*Effective July 1, 2007*) (a) There is established an  
327 account to be known as the "public, educational and governmental  
328 programming and education technology investment account", which  
329 shall be a separate, nonlapsing account within the General Fund. The  
330 account shall contain any moneys required by law to be deposited in  
331 the account.

332 (b) The moneys in said account shall be expended by the

333 Department of Public Utility Control as follows: (1) Fifty per cent of  
334 said moneys shall be available to local community antenna television  
335 and video advisory councils; state-wide community antenna television  
336 and video advisory councils; public, educational and governmental  
337 programmers and public, educational and governmental studio  
338 operators to subsidize capital and equipment costs related to  
339 producing and procuring such programming, and (2) fifty per cent of  
340 said moneys shall be available to boards of education and other  
341 education entities for education technology initiatives.

342 (c) The account shall be supported solely through a tax equal to one-  
343 half of one per cent of the gross earnings from rendering community  
344 antenna television service, video programming service by satellite and  
345 certified competitive video service in this state beginning October 1,  
346 2007, and before October 1, 2009, and a tax equal to one-quarter of one  
347 per cent of the gross earnings from rendering community antenna  
348 television service, video programming service by satellite and certified  
349 competitive video service in this state on or after October 1, 2009, by  
350 each person operating a community antenna television system under  
351 chapter 289 of the general statutes or a certified competitive video  
352 service pursuant to sections 2 to 13, inclusive, of this act and each  
353 person operating a business that provides one-way transmission to  
354 subscribers of video programming by satellite. Such tax for the fiscal  
355 year shall be remitted to the Department of Revenue Services on a  
356 form prescribed by the Commissioner of Revenue Service by August  
357 thirtieth following the close of the fiscal year. For purposes of this  
358 section, gross receipts in this state shall be determined in a manner  
359 consistent with chapter 211 of the general statutes.

360 (d) On or before October 1, 2007, the Department of Public Utility  
361 Control shall initiate a contested case proceeding to establish eligibility  
362 requirements and procedures for applying for allocations from the  
363 account. On or before April 1, 2008, the department shall issue a final  
364 decision in the contested case proceeding. Such decision shall include  
365 any recommendations to the Governor and the General Assembly that  
366 the department deems necessary with regard to the ongoing operation

367 of the account.

368 (e) For purposes of this section, a holder of a certificate of cable  
369 franchise authority pursuant to section 13 of this act shall be treated as  
370 a person operating a community antenna television system pursuant to  
371 chapter 289 of the general statutes and community antenna television  
372 service shall include service provided by a holder of a certificate of  
373 cable franchise authority pursuant to section 13 of this act.

374 Sec. 510. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any  
375 provision of the general statutes, any regulation or any decision of the  
376 Department of Public Utility Control, any municipal electric utility,  
377 including its affiliate or subsidiary, which on July 1, 2007, is the holder  
378 of a second franchise to provide community antenna television service  
379 in a defined franchise area in the state shall be eligible to be a certified  
380 competitive video service provider for all purposes, regardless of the  
381 technology or technologies used to provide video programming, and  
382 may file an application to the department for a certificate of video  
383 franchise authority pursuant to section 2 of this act. Such certificate, if  
384 granted, shall (1) replace the certificate of public convenience and  
385 necessity to provide community antenna television service previously  
386 issued to such municipal electric utility, its affiliate or subsidiary,  
387 which shall thereafter be subject to the provisions of sections 2 to 12,  
388 inclusive, of this act, (2) not limit the services in addition to video  
389 programming that said certified video service provider may offer  
390 subscribers within its service area footprint, and (3) be expressly  
391 limited to the service area footprint in which the franchise holder is  
392 authorized to provide community antenna television service as of July  
393 1, 2007. The requirements of sections 16-331 to 16-333p, inclusive, of  
394 the general statutes and of any regulations adopted pursuant to said  
395 sections shall not apply unless specifically made applicable to certified  
396 competitive video service providers.

397 (b) Notwithstanding any provision of the general statutes, any  
398 regulation or any decision of the Department of Public Utility Control,  
399 any municipal electric utility, including its affiliate or subsidiary, may

400 apply to the department to become a certified competitive video  
401 service provider for all purposes, outside of its existing community  
402 antenna television company franchise area as of July 1, 2007, if  
403 applicable, pursuant to section 2 of this act, regardless of the  
404 technology or technologies used to provide video programming. Such  
405 certificate, if granted, shall not limit the services in addition to video  
406 programming that said certified competitive video service provider  
407 may offer subscribers within its service area footprint. The  
408 requirements of sections 16-331 to 16-333p, inclusive, of the general  
409 statutes and of any regulations adopted pursuant to said sections shall  
410 not apply unless specifically made applicable to certified competitive  
411 video service providers.

412 Sec. 511. (NEW) (*Effective October 1, 2007*) There is established a  
413 state-wide community antenna television advisory council to assist  
414 local community antenna television advisory councils in the  
415 performance of their functions and disseminate information to local  
416 advisory councils that is relevant to the interests of customers of  
417 community antenna television companies. The state-wide advisory  
418 council shall consist of the following members: (1) Three appointed by  
419 the Governor; (2) two appointed by the speaker of the House of  
420 Representatives; (3) two appointed by the president pro tempore of the  
421 Senate; (4) one appointed by the majority leader of the House of  
422 Representatives; (5) one appointed by the majority leader of the Senate;  
423 (6) two appointed by the minority leader of the House of  
424 Representatives; and (7) two appointed by the minority leader of the  
425 Senate. The term of each member of the state-wide advisory council  
426 shall be coterminous with the term of the appointing authority for said  
427 member. Not later than January 1, 2008, and annually thereafter, the  
428 members shall elect a chairperson of said council from among the  
429 members of the council.

430 Sec. 512. Subsection (d) of section 16-331 of the general statutes is  
431 amended by adding subdivision (7) as follows (*Effective October 1,*  
432 *2007*):

433 (NEW) (7) Notwithstanding the provisions of this subsection, if at  
434 any time after the grant of an initial or renewal term of a franchise, the  
435 community antenna television company and the third-party nonprofit  
436 community access provider reach an agreement that the community  
437 antenna television company will provide a capital contribution to such  
438 provider in a mutually agreeable amount solely for the purpose of the  
439 upgrade or replacement of capital equipment, the Department of  
440 Public Utility Control shall grant a two-year extension of such  
441 franchise term, provided the community antenna television company  
442 commits to not pass through said capital contribution in subscriber  
443 rates or community access fees. In a franchise area with more than one  
444 community access provider, an agreement shall be deemed to be  
445 reached when two-thirds or more of the community access providers  
446 within that franchise independently reach agreement with the  
447 community antenna television company. Only those community access  
448 providers reaching agreement shall receive the funding mutually  
449 agreed upon pursuant to this subdivision. Such extension shall not be  
450 a contested case proceeding and shall be applicable to no more than  
451 one time per franchise term.

452 Sec. 513. Subsection (f) of section 16-331 of the general statutes is  
453 repealed and the following is substituted in lieu thereof (*Effective*  
454 *October 1, 2007*):

455 (f) Each applicant for a certificate shall finance the reasonable costs  
456 of a community needs assessment, conducted by an independent  
457 consultant and developed jointly by the department, the Office of  
458 Consumer Counsel, the local advisory council and the applicant,  
459 which assessment shall analyze a community's future cable-related  
460 needs and, if applicable, shall provide the department with assistance  
461 in analyzing an operator's past performance, as defined in subsection  
462 (d) of [section 16-333/] this section. The department shall supervise the  
463 assessment and provide the independent consultant with the date  
464 upon which the assessment shall be completed and filed with the  
465 department. Such community needs assessment shall be conducted in  
466 lieu of the requirement in subdivision (12) of subsection (c) of section

467 16-333-39 of the regulations of Connecticut state agencies. In its final  
468 decision on the application for a certificate, the department shall state  
469 the reasons for not implementing any key recommendations made in  
470 any such needs assessment. The provisions of this subsection shall not  
471 apply to a franchise area which is subject to effective competition, as  
472 defined in 47 USC 543, as from time to time amended, at the time the  
473 application is received by the department.

474 Sec. 514. Subsection (g) of section 16-331 of the general statutes is  
475 repealed and the following is substituted in lieu thereof (*Effective*  
476 *October 1, 2007*):

477 (g) Each certificate of public convenience and necessity for a  
478 franchise issued pursuant to this section shall be nonexclusive, and  
479 each such certificate issued for a franchise in any area of the state  
480 where an existing franchise is currently operating shall not contain  
481 more favorable terms or conditions than those imposed on the existing  
482 franchise. This subsection shall not apply to the length of the term of  
483 such certification as may be determined pursuant to subsection (d) of  
484 this section. A certificate may require a franchise to enter into good  
485 faith negotiations to facilitate community access television  
486 interconnection with an existing or potential competitor franchise.

487 Sec. 515. Subsection (d) of section 16-331a of the general statutes is  
488 repealed and the following is substituted in lieu thereof (*Effective*  
489 *October 1, 2007*):

490 (d) Each company or organization shall conduct outreach programs  
491 and promote its community access services. Such outreach and  
492 promotion may include, but not be limited to (1) broadcasting cross-  
493 channel video announcements, (2) distributing information throughout  
494 the franchise area and not solely to its subscribers, (3) including  
495 community access information in its regular marketing publications,  
496 (4) broadcasting character-generated text messages or video  
497 announcements on barker or access channels, (5) making speaking  
498 engagements, [and] (6) holding open receptions at its community

499 access facilities, and (7) in multitown franchise areas, encouraging the  
500 formation and development of local community access studios  
501 operated by volunteers or nonprofit operating groups.

502 Sec. 516. Subsection (h) of section 16-331a of the general statutes is  
503 repealed and the following is substituted in lieu thereof (*Effective*  
504 *October 1, 2007*):

505 (h) Upon the request of the Office of Consumer Counsel or the  
506 franchise's advisory council, and for good cause shown the department  
507 shall require an organization responsible for community access  
508 operations to have an independent audit conducted at the expense of  
509 the organization. For purposes of this subsection, "good cause" may  
510 include, but not be limited to, the failure or refusal of such  
511 organization (1) to account for and reimburse the community access  
512 programming budget for its commercial use of community access  
513 programming facilities, equipment or staff, or for the allocation of such  
514 facilities, equipment or staff to functions not directly related to the  
515 community access operations of the franchise, (2) to carry over  
516 unexpended community access programming budget accounts at the  
517 end of each fiscal year, (3) to properly maintain community access  
518 programming facilities or equipment in good repair, or (4) to plan for  
519 the replacement of community access programming equipment made  
520 obsolete by technological advances. In response to any such request,  
521 the department shall state, in writing, the reasons for its determination.

522 Sec. 517. Section 16-331a of the general statutes is amended by  
523 adding subsection (o) as follows (*Effective October 1, 2007*):

524 (NEW) (o) Each company or organization shall consult with its  
525 advisory council in the formation of a community access programming  
526 policy, the adoption of the community access programming budget  
527 and the allocation of capital equipment and community access  
528 programming resources.

529 Sec. 518. Section 16-331c of the general statutes is repealed and the  
530 following is substituted in lieu thereof (*Effective October 1, 2007*):

531 Each community antenna television company, as defined in section  
532 16-1, shall annually contribute to the advisory council in its franchise  
533 area an amount not less than two thousand dollars [ . An] and to the  
534 state-wide community antenna television advisory council an amount  
535 not less than two hundred dollars. A local advisory council may at its  
536 option receive any or all of its funding through in-kind services of the  
537 community antenna television company. [Each] The state-wide  
538 community antenna television advisory council and each local  
539 advisory council shall annually, on January thirty-first, provide the  
540 Department of Public Utility Control with an accounting of any  
541 funding or services received.

542 Sec. 519. (*Effective October 1, 2007*) The Comptroller shall deposit into  
543 the public, educational and governmental programming and education  
544 technology investment account, established pursuant to section 509 of  
545 this act, the total of the tax imposed on community antenna television  
546 service, video programming service by satellite and certified  
547 competitive video service pursuant to section 509 of this act.

548 Sec. 520. (*Effective October 1, 2007*) The joint standing committee of  
549 the General Assembly having cognizance of matters relating to finance,  
550 revenue and bonding shall conduct a review and analysis of the state  
551 and local taxes applicable to telecommunications services, community  
552 antenna television services, video programming services by satellite  
553 and certified competitive video service providers for consideration by  
554 the committee during the 2008 regular session of the General  
555 Assembly."