



General Assembly

January Session, 2007

Amendment

LCO No. 9599

SB0132909599SD0

Offered by:

SEN. FONFARA, 1st Dist.

SEN. DUFF, 25th Dist.

To: Subst. Senate Bill No. 1329

File No. 867

Cal. No. 201

"AN ACT CONCERNING BIODIESEL."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22a-135 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2007*):

5 (a) The Department of Environmental Protection shall: (1) Review
6 the plans for and operation of safety programs at nuclear plants; (2)
7 make recommendations to the Nuclear Regulatory Commission
8 concerning third-party inspection of components and construction of
9 nuclear plants for the purpose of improving quality assurance plans
10 and programs; (3) require the immediate reporting to the
11 Commissioner of Environmental Protection or his designee, which
12 may be another state agency, by licensees of the United States Nuclear
13 Regulatory Commission which operate nuclear power generating
14 facilities in this state as soon as the licensee has knowledge or, in the
15 exercise of reasonable care should have had knowledge of (A) any

16 release of radiation which is unplanned, unmonitored or which
17 exceeds design standards and specifications established by the Nuclear
18 Regulatory Commission, and (B) any occurrence, incident or other
19 abnormal circumstance, unless it is immediately evident that such
20 occurrence, incident or circumstance is not required to be reported
21 within twenty-four hours or sooner to the Nuclear Regulatory
22 Commission; (4) monitor radiation originating from nuclear plants and
23 perform tests to detect any buildup of radioactivity in the soil, water,
24 plants or animals of the state; (5) review the training and education of
25 workers at nuclear plants to insure awareness of the possible risks of
26 cancer and future genetic effects; (6) represent the interests of the state
27 in federal and state regulatory hearings and other administrative
28 actions concerning nuclear plants which affect the state; (7) intervene
29 in federal proceedings and petition federal agencies for revision of
30 existing regulations where appropriate; (8) conduct periodic on-site
31 evaluations of the effectiveness and enforcement of federal regulations
32 for the packaging and transportation of radioactive material; (9) study
33 plans for, and hazards inherent in the decommissioning of Connecticut
34 nuclear plants including the possible future use of land now in use by
35 a nuclear power facility; (10) study the storage problems posed by high
36 level wastes; (11) study and, in cooperation with the state police,
37 monitor the security of nuclear plants to assure that the dangers from
38 sabotage and terrorism are minimized; (12) monitor sources of ionizing
39 radiation, microwave radiation and radioactive materials within the
40 state; (13) review the state emergency plan for radiation safety; and
41 (14) investigate out-of-state potential radiological hazards which may
42 have a significant adverse effect upon the health or safety of the people
43 of the state. The commissioner shall charge each of the four nuclear-
44 powered commercial electric power generating plants an annual fee of
45 sixty thousand dollars for monitoring radiation released from such
46 plants. Nuclear fuels radiation facilities shall pay an annual fee of
47 fifteen thousand dollars for monitoring such plants.

48 (b) In addition to the reporting required of a licensee pursuant to the
49 provisions of subdivision (3) of subsection (a) of this section, the

50 department may require the reporting immediately or within such
51 time period as the department may designate of any additional
52 occurrence, incident or other abnormal circumstance which is not
53 required to be reported within twenty-four hours or sooner to the
54 Nuclear Regulatory Commission. The department shall adopt
55 regulations, in accordance with chapter 54, to carry out the provisions
56 of this subsection.

57 (c) Licensees shall post on their web sites all plans for routine and
58 continuous releases of radiation to the atmosphere, including dates,
59 times and fissile materials, as soon as such releases are scheduled.

60 Sec. 2. Subsection (b) of section 121 of house bill 7432 of the current
61 session, as amended by house amendment schedule A, is repealed and
62 the following is substituted in lieu thereof (*Effective July 1, 2007*):

63 The proceeds of the sale of said bonds, to the extent of the amount
64 stated in subsection (a) of this section, shall be used by Connecticut
65 Innovations, Incorporated, for the purpose of funding the net project
66 costs, or the balance of any projects after applying any public or
67 private financial incentives available, for any renewable energy or
68 combined heat and power projects in state buildings. The funds shall
69 be made available through the Renewable Energy Investment Fund,
70 established pursuant to section 16-245n of the general statutes, as
71 amended by this act. Eligible state buildings shall be Leadership in
72 Energy and Environmental Design (LEED) certified or in the process of
73 becoming LEED certified or in the process of becoming LEED silver
74 rating certified or receive two-globe rating in the Green Globes USA
75 design program or in the process of receiving a two-globe rating in the
76 Green Globes USA design program.

77 Sec. 3. Section 107 of house bill 7432 of the current session, as
78 amended by house amendment schedule A, is repealed and the
79 following is substituted in lieu thereof (*Effective from passage*):

80 In any rate case initiated on and after the effective date of this
81 section, the Department of Public Utility Control shall order the state's

82 gas and electric distribution companies to decouple distribution
83 revenues from the volume of natural gas or electricity sales through
84 any of the following strategies, singly or in combination: (1) A
85 mechanism that adjusts actual distribution revenues to allowed
86 distribution revenues, (2) rate design changes that increase the amount
87 of revenue recovered through fixed distribution charges, or (3) a sales
88 adjustment clause. [, rate design changes that increase the amount of
89 revenue recovered through fixed distribution charges, or both. In
90 making its determination on this matter, the department shall consider
91 the impact of decoupling on the gas or electric distribution company's
92 return on equity and make necessary adjustments thereto.]

93 Sec. 4. Subsection (a) of section 16-47 of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective from*
95 *passage*):

96 (a) As used in this section [,] and section 3 of this act, (1) "holding
97 company" means any corporation, association, partnership, trust or
98 similar organization, or person which, either alone or in conjunction
99 and pursuant to an arrangement or understanding with one or more
100 other corporations, associations, partnerships, trusts or similar
101 organizations, or persons, directly or indirectly, controls a gas, electric,
102 electric distribution, water, telephone or community antenna television
103 company. [, As used in this section,] and (2) "control" means the
104 possession of the power to direct or cause the direction of the
105 management and policies of a gas, electric, electric distribution, water,
106 telephone or community antenna television company or a holding
107 company, whether through the ownership of its voting securities, the
108 ability to effect a change in the composition of its board of directors or
109 otherwise, provided, control shall not be deemed to arise solely from a
110 revocable proxy or consent given to a person in response to a public
111 proxy or consent solicitation made pursuant to and in accordance with
112 the applicable rules and regulations of the Securities Exchange Act of
113 1934 unless a participant in said solicitation has announced an
114 intention to effect a merger or consolidation with, reorganization, or
115 other business combination or extraordinary transaction involving the

116 gas, electric, electric distribution, water, telephone or community
117 antenna television company or the holding company. Control shall be
118 presumed to exist if a person directly or indirectly owns ten per cent or
119 more of the voting securities of a gas, electric, electric distribution,
120 water, telephone or community antenna television company or a
121 holding company, provided the department may determine, after
122 conducting a hearing, that said presumption of control has been
123 rebutted by a showing that such ownership does not in fact confer
124 control.

125 Sec. 5. (NEW) (*Effective from passage*) (a) As used in this section,
126 "affiliate" means a person, as defined in section 16-1 of the general
127 statutes, as amended by this act, or class of persons that, with a gas
128 company, as defined in section 16-1 of the general statutes, as amended
129 by this act, is under the control of the same holding company, or a
130 person or class of persons that the Department of Public Utility
131 Control determines to stand in such relation to a gas company that
132 there is liable to be an absence of arm's length bargaining in
133 transactions between them as to make it necessary to protect
134 ratepayers.

135 (b) The Department of Public Utility Control shall establish a code
136 of conduct that sets minimum standards for gas company transactions
137 with affiliates to achieve, at a minimum, the following goals:

138 (1) Provide rules for when the purchases or sales of goods or
139 services between a gas company and an affiliate should be by written
140 contract based on such factors as the nature, value and term of the
141 purchase or sale;

142 (2) Provide rules with respect to sharing or giving access to certain
143 types of customer identifying or commercially sensitive information to
144 affiliates that may differ between regulated and unregulated affiliates;

145 (3) Provide for a system of records and reporting for transactions
146 between a gas company and its affiliates;

147 (4) Establish standards to ensure that any payment by a gas
148 company to any affiliate or from any affiliate to a gas company is
149 appropriate and reasonable;

150 (5) Provide a standard for avoidance of conflict of interest between a
151 gas company and affiliates;

152 (6) Ensure that any such transactions shall not have an improper
153 and adverse impact on the costs or revenues of the gas company, on
154 the rates and charges paid by gas company customers or on the quality
155 of service provided by the gas company;

156 (7) Ensure that gas company ratepayers do not subsidize affiliate
157 operations;

158 (8) Ensure fair, appropriate and equitable standards for purchases,
159 sales, leases, asset transfers and cost or profit-sharing transactions or
160 any type of financing or encumbrance involving a gas company and its
161 affiliates; and

162 (9) Ensure that gas supply and distribution services are provided by
163 a gas company in an appropriate manner to affiliates and nonaffiliates
164 alike.

165 (c) In addition to the powers granted to the department in section
166 16-8c of the general statutes, during a rate proceeding under 16-19 of
167 the general statutes, as amended by this act, the department may
168 summon witnesses from an affiliate with which a gas company has
169 had direct or indirect transactions, examine the affiliate under oath and
170 order production, inspection and audit of its books, records or other
171 information relevant to any transaction that the department has reason
172 to believe has or will have an adverse impact on the costs and revenues
173 of the affiliated gas company. Proprietary commercial and proprietary
174 financial information of an affiliate provided pursuant to this section
175 shall be confidential and protected by the department, subject to the
176 provisions of section 1-210 of the general statutes.

177 (d) Each gas company shall submit to the department records and
178 such information as the department may require, at intervals
179 determined by the department and in such form as the department
180 may order regarding affiliate transactions.

181 (e) The department may, upon its own motion, investigate a gas
182 company's compliance with the code of conduct, and any such
183 investigation shall be a contested case, as defined in section 4-166 of
184 the general statutes.

185 (f) The department may make orders to enforce the code of conduct,
186 including, but not limited to, cease and desist orders and may levy
187 civil penalties pursuant to section 16-41 of the general statutes against
188 entities subject to the code of conduct.

189 (g) The code of conduct shall not prohibit communications
190 necessary to restore gas company service or to prevent or respond to
191 emergency conditions.

192 (h) On or before November 1, 2008, the department shall adopt
193 regulations, in accordance with the provisions of chapter 54 of the
194 general statutes, to establish the code of conduct in accordance with
195 subsection (b) of this section, related accounting and reporting
196 requirements and procedures for gas company and affiliate
197 compliance with this section.

198 (i) Any methodology for the allocation of costs between a gas
199 company and other companies under the control of the same holding
200 company currently approved by, or under current orders issued by,
201 the Securities and Exchange Commission under the Public Utility
202 Holding Company Act of 1935 or the Federal Energy Regulatory
203 Commission under the Public Utility Holding Company Act of 2005,
204 shall be entitled to a rebuttable presumption of reasonableness.
205 Charges rendered to a gas company by an affiliate that is a traditional
206 centralized service company shall be at cost and entitled to a rebuttable
207 presumption of reasonableness.

208 Sec. 6. Subsection (h) of section 16-19b of the general statutes is
209 repealed and the following is substituted in lieu thereof (*Effective from*
210 *passage*):

211 (h) The Department of Public Utility Control shall continually
212 monitor and oversee the application of the purchased gas adjustment
213 clause, the energy adjustment clause, and the transmission rate
214 adjustment clause. [The] For the energy adjustment and transmission
215 adjustment clauses, the department shall hold a public hearing thereon
216 whenever the department deems it necessary or upon application of
217 the Office of Consumer Counsel, but no less frequently than once
218 every six months. [, and] For the purchase gas adjustment clause, the
219 department shall hold a public hearing thereon whenever the
220 department deems it necessary or upon application of the Office of
221 Consumer Counsel, but no less frequently than annually. The
222 department shall undertake such other proceeding thereon to
223 determine whether charges or credits made under such clauses reflect
224 the actual prices paid for purchased gas or energy and the actual
225 transmission costs and are computed in accordance with the applicable
226 clause. If the department finds that such charges or credits do not
227 reflect the actual prices paid for purchased gas or energy, and the
228 actual transmission costs or are not computed in accordance with the
229 applicable clause, it shall recompute such charges or credits and shall
230 direct the company to take such action as may be required to insure
231 that such charges or credits properly reflect the actual prices paid for
232 purchased gas or energy and the actual transmission costs and are
233 computed in accordance with the applicable clause for the applicable
234 period.

235 Sec. 7. Subsection (a) of section 16-19 of the general statutes is
236 repealed and the following is substituted in lieu thereof (*Effective from*
237 *passage*):

238 (a) No public service company may charge rates in excess of those
239 previously approved by the authority or the Department of Public
240 Utility Control except that any rate approved by the Public Utilities

241 Commission or the authority shall be permitted until amended by the
242 authority or the department, that rates not approved by the authority
243 or the department may be charged pursuant to subsection (b) of this
244 section, and that the hearing requirements with respect to adjustment
245 clauses are as set forth in section 16-19b, as amended by this act. Each
246 public service company shall file any proposed amendment of its
247 existing rates with the department in such form and in accordance
248 with such reasonable regulations as the department may prescribe.
249 Each electric, electric distribution, gas or telephone company filing a
250 proposed amendment shall also file with the department an estimate
251 of the effects of the amendment, for various levels of consumption, on
252 the household budgets of high and moderate income customers and
253 customers having household incomes not more than one hundred fifty
254 per cent of the federal poverty level. Each electric and electric
255 distribution company shall also file such an estimate for space heating
256 customers. Each water company, except a water company that
257 provides water to its customers less than six consecutive months in a
258 calendar year, filing a proposed amendment, shall also file with the
259 department a plan for promoting water conservation by customers in
260 such form and in accordance with a memorandum of understanding
261 entered into by the department pursuant to section 4-67e. Each public
262 service company shall notify each customer who would be affected by
263 the proposed amendment, by mail, at least one week prior to the
264 public hearing thereon but no earlier than four weeks prior to the start
265 of the public hearing, that an amendment has been or will be
266 requested. Such notice shall also indicate (1) [the Department of Public
267 Utility Control] the date or dates, time or times and location or
268 locations of the scheduled public hearing, (2) a statement that
269 customers may provide comments regarding the proposed rate request
270 by writing to the Department of Public Utility Control or by appearing
271 in person at one of the scheduled public hearings, (3) the department's
272 telephone number for obtaining information concerning the schedule
273 for public hearings on the proposed amendment, and [(2)] (4) whether
274 the proposed amendment would, in the company's best estimate,
275 increase any rate or charge by twenty per cent or more, and, if so,

276 describe in general terms any such rate or charge and the amount of
277 the proposed increase, provided no such company shall be required to
278 provide more than one form of the notice to each class of its customers.
279 In the case of a proposed amendment to the rates of any public service
280 company, the department shall hold a public hearing thereon, except
281 as permitted with respect to interim rate amendments by subsection
282 (d) and subsection (g) of this section, and shall make such investigation
283 of such proposed amendment of rates as is necessary to determine
284 whether such rates conform to the principles and guidelines set forth
285 in section 16-19e, or are unreasonably discriminatory or more or less
286 than just, reasonable and adequate, or that the service furnished by
287 such company is inadequate to or in excess of public necessity and
288 convenience. The department, if in its opinion such action appears
289 necessary or suitable in the public interest may, and, upon written
290 petition or complaint of the state, under direction of the Governor,
291 shall, make the aforesaid investigation of any such proposed
292 amendment which does not involve an alteration in rates. If the
293 department finds any proposed amendment of rates to not conform to
294 the principles and guidelines set forth in section 16-19e, or to be
295 unreasonably discriminatory or more or less than just, reasonable and
296 adequate to enable such company to provide properly for the public
297 convenience, necessity and welfare, or the service to be inadequate or
298 excessive, it shall determine and prescribe, as appropriate, an adequate
299 service to be furnished or just and reasonable maximum rates and
300 charges to be made by such company. In the case of a proposed
301 amendment filed by an electric, electric distribution, gas or telephone
302 company, the department shall also adjust the estimate filed under this
303 subsection of the effects of the amendment on the household budgets
304 of the company's customers, in accordance with the rates and charges
305 approved by the department. The department shall issue a final
306 decision on each rate filing within one hundred fifty days from the
307 proposed effective date thereof, provided it may, before the end of
308 such period and upon notifying all parties and intervenors to the
309 proceedings, extend the period by thirty days.

310 Sec. 8. Subsection (c) of section 98 of house bill 7432 of the current
311 session, as amended by house amendment schedule A, is repealed and
312 the following is substituted in lieu thereof (*Effective from passage*):

313 (c) The cost of the advanced metering system, including, but not
314 limited to, the meters, the network to support the meters, software and
315 vendor costs to obtain the required information from the metering
316 system and administrative, installation, operation maintenance costs,
317 shall be borne by the electric distribution company and shall be
318 recoverable in rates. Notwithstanding any provisions of the general
319 statutes, the Department of Public Utility Control may consider and
320 may authorize the electric distribution company to file in advance for
321 the recovery of and on its investment in the advanced metering system
322 authorized pursuant to this section, including, but not limited to, the
323 meters and the network to support the meters before the time that such
324 system is deemed to be used and useful. Any unrecovered cost of the
325 current metering system shall continue to be reflected in rates.

326 Sec. 9. Section 16-6a of the general statutes is repealed and the
327 following is substituted in lieu thereof (*Effective July 1, 2007*):

328 (a) The Department of Public Utility Control and the Office of
329 Consumer Counsel are authorized to participate in proceedings before
330 agencies of the federal government and the federal courts on matters
331 affecting utility services rendered or to be rendered in this state.

332 (b) For any proceeding before the Federal Energy Regulatory
333 Commission, the United States Department of Energy or the United
334 States Nuclear Regulatory Commission, or appeal thereof, the
335 Attorney General, upon request of the department, may retain outside
336 legal counsel in accordance with section 3-125 to participate in such
337 proceedings on behalf of the department. All reasonable and proper
338 expenses of such outside legal counsel shall be borne by the public
339 service companies, certified telecommunications providers, electric
340 suppliers or gas registrants that are affected by the decisions of such
341 proceedings and shall be paid at such times and in such manner as the

342 department directs, provided such expenses shall be apportioned in
343 proportion to the revenues of each affected entity as reported to the
344 department for purposes of section 16-49 for the most recent period,
345 and provided further such expenses shall not exceed two hundred fifty
346 thousand dollars per proceeding, including any appeals thereof, in any
347 calendar year unless the department finds good cause for exceeding
348 the limit and the affected entities have an opportunity, after reasonable
349 notice, to comment on the proposed overage. All such legal expenses
350 shall be recognized by the department as proper business expenses of
351 the affected entities for rate-making purposes, as provided in section
352 16-19e, if applicable.

353 (c) For any proceeding before the Federal Energy Regulatory
354 Commission, the United States Department of Energy, the United
355 States Nuclear Regulatory Commission, the Securities and Exchange
356 Commission, the Federal Trade Commission, the United States
357 Department of Justice or the Federal Communications Commission, or
358 appeal thereof, the Attorney General, upon request of the Office of
359 Consumer Counsel, may retain outside legal counsel in accordance
360 with section 3-125 to participate in such proceedings on behalf of the
361 office, provided the work performed on behalf of the office shall not
362 include lobbying activities, as defined in 2 USC 1602. All reasonable
363 and proper expenses of such outside legal counsel shall be borne by
364 the public service companies, certified telecommunications providers,
365 electric suppliers or gas registrants that are affected by the decisions of
366 such proceedings and shall be paid at such times and in such manner
367 as the office directs, provided such expenses shall be apportioned in
368 proportion to the revenues of each affected entity as reported to the
369 department for purposes of section 16-49 for the most recent period,
370 and provided further such expenses shall not exceed two hundred fifty
371 thousand dollars, including any appeals thereof, in any calendar year.
372 The Department of Public Utility Control shall recognize all such legal
373 expenses as proper business expenses of the affected entities for rate-
374 making purposes, as provided in section 16-19e, if applicable.

375 (d) For any proceeding before the Federal Energy Regulatory

376 Commission, the United States Department of Energy, the United
377 States Nuclear Regulatory Commission, the United States Securities
378 and Exchange Commission, the Federal Trade Commission, the United
379 States Department of Justice or the Federal Communications
380 Commission, the Department of Public Utility Control and the Office
381 of Consumer Counsel may retain consultants to assist their respective
382 staffs in such proceedings by providing expertise in areas in which
383 staff expertise does not currently exist or when necessary to
384 supplement staff expertise, provided the work performed shall not
385 include lobbying activities, as defined in 2 USC 1602. All reasonable
386 and proper expenses of such expert consultants shall be borne by the
387 public service companies, certified telecommunications providers,
388 electric suppliers or gas registrants that are affected by the decisions of
389 such proceedings and shall be paid at such times and in such manner
390 as the department directs, provided such expenses (1) shall be
391 apportioned in proportion to the revenues of each affected entity as
392 reported to the department for purposes of section 16-49 for the most
393 recent period, and (2) shall not exceed two hundred fifty thousand
394 dollars per proceeding, including any appeals thereof, in any calendar
395 year unless the department finds good cause for exceeding the limit.
396 All such expenses shall be recognized by the department as proper
397 business expenses of the affected entities for rate-making purposes
398 pursuant to section 16-19e, if applicable.

399 Sec. 10. Subsection (c) of section 16-262j of the general statutes is
400 repealed and the following is substituted in lieu thereof (*Effective from*
401 *passage*):

402 (c) Each public service company, certified telecommunications
403 provider and electric supplier shall pay interest on any security
404 deposit it receives from a customer at the average rate paid, as of
405 December 30, 1992, on savings deposits by insured commercial banks
406 as published in the Federal Reserve Board bulletin and rounded to the
407 nearest one-tenth of one percentage point, except in no event shall the
408 rate be less than one and one-half per cent. On and after January 1,
409 1994, the rate for each calendar year shall be not less than the deposit

410 index as determined by the Banking Commissioner and, as defined in
411 subsection (d) of this section, for that year and rounded to the nearest
412 one-tenth of one percentage point, except in no event shall the rate be
413 less than one and one-half per cent.

414 Sec. 11. Subsection (c) of section 16-8a of the general statutes is
415 repealed and the following is substituted in lieu thereof (*Effective from*
416 *passage*):

417 (c) (1) Not more than [thirty] ninety business days after receipt of a
418 written complaint, in a form prescribed by the department, by an
419 employee alleging the employee's employer has retaliated against an
420 employee in violation of subsection (a) of this section, the department
421 shall make a preliminary finding in accordance with this subsection.

422 (2) Not more than five business days after receiving a written
423 complaint, in a form prescribed by the department, the department
424 shall notify the employer by certified mail. Such notification shall
425 include a description of the nature of the charges and the substance of
426 any relevant supporting evidence. The employer may submit a written
427 response and both the employer and the employee may present
428 rebuttal statements in the form of affidavits from witnesses and
429 supporting documents and may meet with the department informally
430 to respond verbally about the nature of the employee's charges. The
431 department shall consider in making its preliminary finding as
432 provided in subdivision (3) of this subsection any such written and
433 verbal responses, including affidavits and supporting documents,
434 received by the department not more than twenty business days after
435 the employer receives such notice. Any such response received after
436 twenty business days shall be considered by the department only upon
437 a showing of good cause and at the discretion of the department. The
438 department shall make its preliminary finding as provided in
439 subdivision (3) of this subsection based on information described in
440 this subdivision, without a public hearing.

441 (3) Unless the department finds by clear and convincing evidence

442 that the adverse employment action was taken for a reason
443 unconnected with the employee's report of substantial misfeasance,
444 malfeasance or nonfeasance, there shall be a rebuttable presumption
445 that an employee was retaliated against in violation of subsection (a) of
446 this section if the department finds that: (A) The employee had
447 reported substantial misfeasance, malfeasance or nonfeasance in the
448 management of the public service company, holding company or
449 licensee; (B) the employee was subsequently discharged, suspended,
450 demoted or otherwise penalized by having the employee's status of
451 employment changed by the employee's employer; and (C) the
452 subsequent discharge, suspension, demotion or other penalty followed
453 the employee's report closely in time.

454 (4) If such findings are made, the department shall issue an order
455 requiring the employer to immediately return the employee to the
456 employee's previous position of employment or an equivalent position
457 pending the completion of the department's full investigatory
458 proceeding pursuant to subsection (d) of this section.

459 Sec. 12. Subdivision (30) of subsection (a) of section 16-1 of the
460 general statutes is repealed and the following is substituted in lieu
461 thereof (*Effective from passage*):

462 (30) "Electric supplier" means any person [, including an electric
463 aggregator] or participating municipal electric utility that is licensed
464 by the Department of Public Utility Control in accordance with section
465 16-245, as amended by this act, [that] and provides electric generation
466 services to end use customers in the state using the transmission or
467 distribution facilities of an electric distribution company, regardless of
468 whether or not such person takes title to such generation services, but
469 does not include: (A) A municipal electric utility established under
470 chapter 101, other than a participating municipal electric utility; (B) a
471 municipal electric energy cooperative established under chapter 101a;
472 (C) an electric cooperative established under chapter 597; (D) any other
473 electric utility owned, leased, maintained, operated, managed or
474 controlled by any unit of local government under any general statute

475 or special act; or (E) an electric distribution company in its provision of
476 electric generation services in accordance with subsection (a) or, prior
477 to January 1, 2004, subsection (c) of section 16-244c.

478 Sec. 13. Subdivision (31) of subsection (a) of section 16-1 of the
479 general statutes is repealed and the following is substituted in lieu
480 thereof (*Effective from passage*):

481 (31) "Electric aggregator" means [(A) a person, municipality or
482 regional water authority that] any person, municipality, regional water
483 authority or the Connecticut Resource Recovery Authority, if such
484 entity gathers together electric customers for the purpose of
485 negotiating the purchase of electric generation services from an electric
486 supplier, [or (B) the Connecticut Resources Recovery Authority, if it
487 gathers together electric customers for the purpose of negotiating the
488 purchase of electric generation services from an electric supplier,]
489 provided such [person, municipality or authority] entity is not
490 engaged in the purchase or resale of electric generation services, and
491 provided further such customers contract for electric generation
492 services directly with an electric supplier, and may include an electric
493 cooperative established pursuant to chapter 597.

494 Sec. 14. Subsection (a) of section 16-1 of the general statutes is
495 amended by adding subdivision (46) as follows (*Effective from passage*):

496 (NEW) (46) "Electric broker" means any person acting as an agent,
497 negotiator or intermediary in the sale or purchase of electric generation
498 services between any end use customer in the state and any electric
499 supplier, if such person does not take title to any of the generation
500 services sold, provided (A) such person is not engaged in the purchase
501 and resale of electric generation services, and (B) such customer
502 contracts for electric generation services directly with an electric
503 supplier, and may include an electric cooperative established pursuant
504 to chapter 597. This subdivision shall not apply to municipalities,
505 regional water authorities or the Connecticut Resource Recovery
506 Authority or any employees, agents, negotiators or intermediaries

507 acting on their behalf in the sale or purchase of electric generation
508 services.

509 Sec. 15. Subsection (l) of section 16-245 of the general statutes is
510 repealed and the following is substituted in lieu thereof (*Effective from*
511 *passage*):

512 (l) (1) An electric aggregator or electric broker shall not be subject to
513 the provisions of subsections (a) to (k), inclusive, of this section.

514 (2) No electric aggregator or electric broker shall arrange or
515 negotiate a contract for the purchase of electric generation services
516 from an electric supplier unless such aggregator or electric broker has
517 [(A)] obtained a certificate of registration from the Department of
518 Public Utility Control in accordance with this subsection. [, or (B) in the
519 case of a municipality, regional water authority and the Connecticut
520 Resources Recovery Authority, registered in accordance with section
521 16-245b.] An electric aggregator that was licensed pursuant to this
522 section prior to July 1, 2003, shall receive a certificate of registration on
523 July 1, 2003. An entity that has been issued an electric supplier license
524 by the Department of Public Utility Control pursuant to subsections (a)
525 to (k), inclusive, of this section may act as an electric aggregator or
526 electric broker without having to obtain a certificate of registration in
527 accordance with this subsection.

528 (3) An application for a certificate of registration shall be filed with
529 the department, accompanied by a fee as determined by the
530 department. The application shall contain such information as the
531 department may deem relevant, including, but not limited to, the
532 following: (A) The address of the applicant's headquarters and the
533 articles of incorporation, if applicable, as filed with the state in which
534 the applicant is incorporated; (B) the address of the applicant's
535 principal office in the state, if any, or the address of the applicant's
536 agent for service in the state; (C) the toll-free or in-state telephone
537 number of the applicant; (D) information about the applicant's
538 corporate structure, if applicable, including [financial names and

539 financial statements, as relevant, concerning] names and background
540 information of corporate affiliates; (E) disclosure of whether the
541 applicant or any of the applicant's corporate affiliates or officers, if
542 applicable, have been or are currently under investigation for violation
543 of any consumer protection law or regulation to which it is subject,
544 either in this state or in another state. Each registered electric
545 aggregator or electric broker shall update the information contained in
546 this subdivision as necessary.

547 (4) Not more than thirty days after receiving an application for a
548 certificate of registration, the department shall notify the applicant
549 whether the application is complete or whether the applicant must
550 submit additional information. The department shall grant or deny the
551 application for a certificate of registration not more than ninety days
552 after receiving all information required of an applicant. The
553 department shall hold a public hearing on an application upon the
554 request of any interested party.

555 (5) As a condition for maintaining a certificate of registration, the
556 registered electric aggregator or electric broker shall ensure that, where
557 applicable, it complies with the National Labor Relations Act and
558 regulations, if applicable, and it complies with the Connecticut Unfair
559 Trade Practices Act and applicable regulations.

560 (6) Any registered electric aggregator or electric broker that fails to
561 comply with a registration condition or violates any provision of this
562 section shall be subject to civil penalties by the Department of Public
563 Utility Control in accordance with the procedures contained in section
564 16-41, or the suspension or revocation of such registration, or a
565 prohibition on accepting new customers following a hearing that is
566 conducted as a contested case in accordance with the provisions of
567 chapter 54.

568 Sec. 16. Section 16-245b of the general statutes is repealed and the
569 following is substituted in lieu thereof (*Effective from passage*):

570 Notwithstanding the provisions of subsection (a) of section 16-245,

571 the provisions of said section shall not apply to (1) any municipality or
572 regional water authority that aggregates or brokers the sale of electric
573 generation services, or to the Connecticut Resources Recovery
574 Authority if such authority aggregates or brokers the sale of electric
575 generation services, for end use customers located within the
576 boundaries of such municipality or regional water authority, (2) any
577 municipality that joins together with other municipalities to aggregate
578 or broker the sale of electric generation services for end use customers
579 located within the boundaries of such municipalities, or (3) any
580 municipality or regional water authority that aggregates or brokers the
581 purchase of electric generation services for municipal facilities, street
582 lighting, boards of education and other publicly-owned facilities
583 within (A) the municipality for which the municipality is financially
584 responsible, or (B) the municipalities that are within the authorized
585 service area of the regional water authority. Any municipality or
586 regional water authority that aggregates or brokers in accordance with
587 this section shall register not less than annually with the Department
588 of Public Utility Control on a form prescribed by the department.

589 Sec. 17. Subsection (b) of section 16-245p of the general statutes is
590 repealed and the following is substituted in lieu thereof (*Effective from*
591 *passage*):

592 (b) The Department of Public Utility Control shall maintain and
593 make available to customers upon request, a list of electric aggregators
594 and electric brokers and the following information about each electric
595 supplier and each electric distribution company providing standard
596 service or back-up electric generation service, pursuant to section 16-
597 244c: (1) Rates and charges; (2) applicable terms and conditions of a
598 contract for electric generation services; (3) the percentage of the total
599 electric output derived from each of the categories of energy sources
600 provided in subsection (e) of section 16-244d, the total emission rates
601 of nitrogen oxides, sulfur oxides, carbon dioxide, carbon monoxide,
602 particulates, heavy metals and other wastes the disposal of which is
603 regulated under state or federal law at the facilities operated by or
604 under long-term contract to the electric supplier or providing electric

605 generation services to an electric distribution company providing
606 standard service or back-up electric generation service, pursuant to
607 section 16-244c, and the analysis of the environmental characteristics of
608 each such category of energy source prepared pursuant to subsection
609 (e) of [said] section 16-244d and to the extent such information is
610 unknown, the estimated percentage of the total electric output for
611 which such information is unknown, along with the word "unknown"
612 for that percentage; (4) a record of customer complaints and the
613 disposition of each complaint; and (5) any other information the
614 department determines will assist customers in making informed
615 decisions when choosing an electric supplier. The department shall
616 make available to customers the information filed pursuant to
617 subsection (a) of this section not later than thirty days after its receipt.
618 The department shall put such information in a standard format so
619 that a customer can readily understand and compare the services
620 provided by each electric supplier.

621 Sec. 18. Subdivision (19) of subsection (a) of section 22a-266 of the
622 general statutes is repealed and the following is substituted in lieu
623 thereof (*Effective from passage*):

624 (19) Act as an electric supplier, [or] an electric aggregator or an
625 electric broker pursuant to public act 98-28* provided any net revenue
626 to the authority from activities, contracts, products or processes
627 undertaken pursuant to this subdivision, after payment of principal
628 and interest on bonds and repayment of any loans or notes of the
629 authority, shall be distributed so as to reduce the costs of other
630 authority services to the users thereof on a pro rata basis proportionate
631 to costs paid by such users. In acting as an electric supplier, [or an]
632 electric aggregator or electric broker pursuant to any license granted
633 by the Department of Public Utility Control, the authority may enter
634 into contracts for the purchase and sale of electricity and electric
635 generation services, provided such contracts are solely for the
636 purposes of ensuring the provision of safe and reliable electric service
637 and protecting the position of the authority with respect to capacity
638 and price.

639 Sec. 19. Subsection (c) of section 7-148ee of the general statutes is
640 repealed and the following is substituted in lieu thereof (*Effective from*
641 *passage*):

642 (c) No corporation established pursuant to subsection (a) of this
643 section shall engage in the manufacture, distribution, purchase or sale,
644 or any combination thereof, of electricity, gas or water outside the
645 service area of such municipal electric or gas utility or within its
646 service area if it encroaches upon the service area or franchise area of
647 another water or gas utility. Nothing in this section shall be construed
648 to permit any municipal electric utility to engage in the sale, [or]
649 aggregation or brokering of electric generation services other than
650 pursuant to section 16-245, as amended by this act.

651 Sec. 20. Subsection (b) of section 33-219 of the general statutes is
652 repealed and the following is substituted in lieu thereof (*Effective from*
653 *passage*):

654 (b) Notwithstanding the provisions of subsection (a) of this section,
655 cooperative, nonprofit, membership corporations may be organized
656 under this chapter for the purpose of generating electric energy by
657 means of cogeneration technology, renewable energy resources or both
658 and supplying it to any member or supplying it to, purchasing it from
659 or exchanging it with a public service company, electric supplier, [as
660 defined in section 16-1,] municipal aggregator, [as defined in said
661 section] electric broker, municipal utility or municipal electric energy
662 cooperative, all as defined in section 16-1, as amended by this act, in
663 accordance with an agreement with the company, electric supplier,
664 electric aggregator, electric broker, municipal utility or cooperative. No
665 membership corporation under this subsection may exercise those
666 powers contained in subsection (i) or (j) of section 33-221 unless the
667 prior approval of the Department of Public Utility Control is obtained,
668 after opportunity for hearing in accordance with title 16 and chapter
669 54. Any cooperative organized on or after July 1, 1998, pursuant to this
670 subsection shall collect from its members the competitive transition
671 assessment levied pursuant to section 16-245g and the systems benefits

672 charge levied pursuant to section 16-245l in such manner and at such
673 rate as the Department of Public Utility Control prescribes, provided
674 the department shall order the collection of said assessment and said
675 charge in a manner and rate equal to that to which the members of the
676 cooperative would have been subject had the cooperative not been
677 organized.

678 Sec. 21. Section 16-247p of the general statutes is repealed and the
679 following is substituted in lieu thereof (*Effective from passage*):

680 (a) Not later than April 1, 2000, the Department of Public Utility
681 Control shall, by regulations adopted pursuant to chapter 54, establish
682 quality-of-service standards that shall apply to all telephone
683 companies and certified telecommunications providers and to all
684 telecommunications services. Such standards shall include, but not be
685 limited to, measures relating to customer trouble reports, service
686 outages, installation appointments and repeat problems as well as
687 timeliness in responding to complaints or reports. The department
688 shall include with the quality of service standards methodologies for
689 monitoring compliance with and enforcement of such standards. Such
690 monitoring shall include input from employees of telephone
691 companies and certified telecommunications providers, including
692 members of collective bargaining units.

693 (b) [Not later than April 1, 2000, the] The department shall, [by
694 regulations adopted pursuant to chapter 54] through administrative
695 proceedings, establish comprehensive performance standards and
696 performance based reporting requirements for functions provided by a
697 telephone company to a certified telecommunications provider,
698 including, but not limited to, telephone company performance relating
699 to customer ordering, preordering, provisioning, billing, maintenance
700 and repair. Such service standards shall be sufficiently comprehensive
701 to ensure that a telephone company meets its obligations under 47
702 USC 251. Such [regulations] standards may also contain provisions the
703 department deems necessary to prevent anticompetitive actions by any
704 telephone company or certified telecommunications provider.

705 (c) Notwithstanding subsection (b) of this section, the department
706 shall not adopt performance standards and performance-based
707 reporting requirements pursuant to subsection (b) of this section if a
708 telephone company offers performance standards and measures to
709 competitive local exchange carriers who obtain services pursuant to 47
710 USC 251.

711 Sec. 22. Subsection (a) of section 16-245n of the general statutes, as
712 amended by section 15 of house bill 7432 of the current session, is
713 repealed and the following is substituted in lieu thereof (*Effective from*
714 *passage*):

715 (a) For purposes of this section, "renewable energy" means solar
716 photovoltaic energy, solar thermal, geothermal energy, wind, ocean
717 thermal energy, wave or tidal energy, fuel cells, landfill gas,
718 hydropower that meets the low-impact standards of the Low-Impact
719 Hydropower Institute, hydrogen production and hydrogen conversion
720 technologies, low emission advanced biomass conversion technologies,
721 biodiesel, alternative fuels, used for electricity generation including
722 ethanol, biodiesel or other fuel produced in Connecticut and derived
723 from agricultural produce, food waste or waste vegetable oil, provided
724 the Commissioner of Environmental Protection determines that such
725 fuels provide net reductions in greenhouse gas emissions and fossil
726 fuel consumption, usable electricity from combined heat and power
727 systems with waste heat recovery systems, thermal storage systems
728 and other energy resources and emerging technologies which have
729 significant potential for commercialization and which do not involve
730 the combustion of coal, petroleum or petroleum products, municipal
731 solid waste or nuclear fission.

732 Sec. 23. (*Effective from passage*) Not later than July 1, 2007, the
733 Department of Public Utility Control shall initiate a contested case
734 proceeding, in accordance with the provisions of chapter 54 of the
735 general statutes, to evaluate residential natural gas choice. Said
736 proceeding shall include, but not be limited to, a consideration of (1)
737 customer billing and enrollment procedures, (2) purchase of customer

738 receivables, (3) assignment of capacity, and (4) operational balancing
739 rules for residential gas customers.

740 Sec. 24. (*Effective July 1, 2007*) Connecticut Innovations,
741 Incorporated, in consultation with the Department of Public Utility
742 Control, the Department of Environmental Protection and the
743 Connecticut Siting Council, shall conduct a study to identify locations
744 for hydropower in Connecticut and to identify financial and land-use
745 obstacles to developing hydropower. Said study shall also examine the
746 effect that modifying the definition of class I renewable energy source
747 in section 16-1 of the general statutes to include low-impact
748 hydropower may have on the value of class I renewable energy credits.
749 On or before February 1, 2008, Connecticut Innovations, Incorporated,
750 shall submit a report on its findings and recommendations, in
751 accordance with section 11-4a of the general statutes, to the joint
752 standing committee of the General Assembly having cognizance of
753 matters relating to energy.

754 Sec. 25. (*Effective from passage*) The district board of the Metropolitan
755 District of Hartford County, by ordinance, may undertake the study,
756 planning, development or implementation of technologies, processes,
757 facilities or operation of alternative energy generation, waste treatment
758 or related programs to serve towns and cities, whether constituent
759 municipalities or not, with such new or existing services or functions
760 over which the district has or may hereinafter have powers as
761 conferred by law or by interlocal agreements.

762 Sec. 26. (NEW) (*Effective July 1, 2007*) (a) A person seeking to
763 terminate electric, gas, telecommunications or water service to a
764 residential dwelling shall provide identification, as defined in section
765 16-49e of the general statutes, the password previously provided by
766 the customer, the customer code provided by the company or other
767 reasonable identification method established by the company to the
768 electric distribution, gas, telecommunications or water company,
769 electric supplier or municipal utility providing such service sufficient
770 to establish that the person authorizing the termination is the customer

771 of record or the customer's authorized representative. Such company,
772 supplier or utility shall not terminate service if the person does not
773 provide reasonable identification establishing that the person
774 requesting the termination is the customer of record or the customer's
775 authorized representative for the residential dwelling.

776 (b) If a person or entity other than a customer of record or the
777 customer's authorized representative seeks to terminate electric, gas,
778 water or telecommunications service to a residential dwelling, the
779 company, supplier or utility service shall not effect termination of
780 service unless, nine or more days prior to the requested termination
781 date, the company, utility or supplier sends a notification letter to the
782 customer of record at the customer's last-known address.

783 (c) Notwithstanding the requirements of this section, an electric,
784 gas, telecommunications or water company, electric supplier or
785 municipal utility may terminate service at any time (1) upon request of
786 a state or local fire or police authority, (2) upon determination by the
787 company, supplier or utility that failure to terminate the service may
788 adversely impact safety or the public health, or (3) upon the company,
789 supplier or utility's compliance with applicable statutes or Department
790 of Public Utility Control regulations governing termination of service
791 not requested by the customer.

792 Sec. 27. Section 16-262e of the general statutes is repealed and the
793 following is substituted in lieu thereof (*Effective July 1, 2007*):

794 (a) Notwithstanding the provisions of section 16-262d, wherever an
795 owner, agent, lessor or manager of a residential dwelling is billed
796 directly by an electric, electric distribution, gas, telephone or water
797 company or by a municipal utility for utility service furnished to such
798 building not occupied exclusively by such owner, agent, lessor, or
799 manager, and such company or municipal utility or the electric
800 supplier providing electric generation services has actual or
801 constructive knowledge that the occupants of such dwelling are not
802 the individuals to whom the company or municipal utility usually

803 sends its bills, such company, electric supplier or municipal utility
804 shall not terminate such service for nonpayment of a delinquent
805 account owed to such company, electric supplier or municipal utility
806 by such owner, agent, lessor or manager unless: (1) Such company,
807 electric supplier or municipal utility makes a good faith effort to notify
808 the occupants of such building of the proposed termination by the
809 means most practicable under the circumstances and best designed to
810 provide actual notice; and (2) such company, electric supplier or
811 municipal utility provides an opportunity, where practicable, for such
812 occupants to receive service in their own names without any liability
813 for the amount due while service was billed directly to the lessor,
814 owner, agent or manager and without the necessity for a security
815 deposit; provided, if it is not practicable for such occupants to receive
816 service in their own names, the company, electric supplier or
817 municipal utility shall not terminate service to such residential
818 dwelling but may pursue the remedy provided in section 16-262f.

819 (b) Whenever a company, electric supplier or municipal utility has
820 terminated service to a residential dwelling whose occupants are not
821 the individuals to whom it usually sends its bills, such company,
822 electric supplier or municipal utility shall, upon obtaining knowledge
823 of such occupancy, immediately reinstate service and thereafter not
824 effect termination unless it first complies with the provisions of
825 subsection (a) of this section.

826 (c) The owner, agent, lessor or manager of a residential dwelling
827 shall be liable for the costs of all electricity, gas, water or heating fuel
828 furnished by a public service company, electric supplier, municipal
829 utility or heating fuel dealer to the building, except for any service
830 furnished to any dwelling unit of the building on an individually
831 metered or billed basis for the exclusive use of the occupants of that
832 dwelling unit, provided, an owner, agent, lessor or manager shall be
833 liable for service provided on an individually metered or billed basis
834 pursuant to subsection (g) of this section from ten days after the date of
835 written request if the company, supplier, utility or dealer is denied
836 access to its individual meters or other facilities located on the

837 premises of the building. Said owners, agents, lessors or managers
838 shall only be liable when said owners, agents, lessors or managers
839 control access to such individual meters to which access is denied. If
840 service is not provided on an individually metered or billed basis and
841 the owner, agent, lessor or manager fails to pay for such service, any
842 occupant who receives service in his own name may deduct, in
843 accordance with the provisions of subsection (d) of this section, a
844 reasonable estimate of the cost of any portion of such service which is
845 for the use of occupants of dwelling units other than such occupant's
846 dwelling unit.

847 (d) Any payments made by the occupants of any residential
848 dwelling pursuant to subsection (a) or (c) of this section shall be
849 deemed to be in lieu of an equal amount of rent or payment for use
850 and occupancy and each occupant shall be permitted to deduct such
851 amounts from any sum of rent or payment for use and occupancy due
852 and owing or to become due and owing to the owner, agent, lessor or
853 manager.

854 (e) Wherever a company, electric supplier or municipal utility
855 provides service pursuant to subdivision (2) of subsection (a) of this
856 section, the company, electric supplier or municipal utility shall notify
857 each occupant of such building in writing that service will be provided
858 in the occupant's own name. Such writing shall contain a conspicuous
859 notice in boldface type stating,

860 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL
861 AMOUNT YOU PAY (name of company or municipal utility) FOR
862 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD
863 OR HIS AGENT."

864 (f) The owner, agent, lessor or manager shall not increase the
865 amount paid by such occupant for rent or for use and occupancy in
866 order to collect all or part of that amount lawfully deducted by the
867 occupant pursuant to this section.

868 (g) The owner, agent, lessor or manager of a residential dwelling

869 shall be responsible for providing a public service company, electrical
870 supplier or municipal utility or heating fuel dealer access to its meter
871 or other facilities located on the premises of the residential dwelling
872 promptly upon written request of the public service company,
873 electrical supplier or municipal utility or heating fuel dealer during
874 reasonable hours. If such owner, agent, lessor or manager fails to
875 provide such access upon reasonable written request, the owner,
876 agent, lessor or manager shall be liable for the costs incurred by the
877 public service company, electrical supplier or municipal utility or
878 heating fuel dealer in gaining access to the meter and facilities,
879 including costs of collection and attorney fees. If the failure to provide
880 access delays the ability of the public service company, electrical
881 supplier or municipal utility or heating fuel dealer to terminate service
882 to an individually metered or billed portion of the dwelling, the
883 owner, agent, lessor or manager failing to provide access shall also be
884 liable for the amounts billed by the public service company, electrical
885 supplier or municipal utility or heating fuel dealer for service provided
886 to the individually metered or billed portion of the dwelling for the
887 period beginning ten days after access has been requested and ending
888 when access is provided by such owner, agent, lessor or manager. Said
889 owners, agents, lessors or managers shall only be liable when said
890 owners, agents, lessors or managers control access to such individual
891 meters to which access is denied.

892 [(g)] (h) Nothing in this section shall be construed to prevent the
893 company, electric supplier, municipal utility, heating fuel dealer or
894 occupant from pursuing any other action or remedy at law or equity
895 that it may have against the owner, agent, lessor, or manager.

896 Sec. 28. (NEW) (*Effective July 1, 2007*) In any community antenna
897 television franchise area in which town-specific government access
898 programming is broadcast on one channel at least fifty per cent of the
899 time, such town-specific programmer may request and the designated
900 community access provider shall provide full-time carriage based
901 upon documentation that the programmer has (1) the support of the
902 municipality's chief local elected official, (2) the support of the local

903 cable advisory council, and (3) sufficient equipment, staffing and
904 resources to program the channel full time. Documentation for
905 subdivision (3) of this section may include evidence that the town-
906 specific programmer has for a period of not less than one calendar
907 quarter broadcast on one channel not less than fifty per cent original
908 first-run video programming native to the town, excluding character-
909 generated scroll and community calendar-type programming. If the
910 designated community access provider does not grant the request of
911 the town-specific programmer for full-time carriage, the designated
912 community access provider shall forward the programmer's request to
913 the department for its consideration. The department shall review and
914 take action on such request not later than ninety days after it is filed
915 with the department.

916 Sec. 29. (NEW) (*Effective July 1, 2007*) (a) For purposes of this section,
917 "municipal aggregation unit" means a municipality, or political
918 subdivision thereof, or group of municipalities, or political
919 subdivisions thereof, that serves as an electric aggregator for the
920 purpose of negotiating the purchase of electric generation services
921 from an electric supplier for all electric customers within the legal
922 boundaries of such municipality, or political subdivision thereof, or
923 group of municipalities, or political subdivisions thereof.

924 (b) On and after January 1, 2008, there shall be a municipal electric
925 aggregation program. Such program shall allow customers of a
926 distribution company, as defined in subdivision (29) of section 16-1 of
927 the general statutes, to opt-out of the electric service offered by the
928 municipal aggregation unit. The combined number of participants in
929 the program during 2008 shall represent not more than four hundred
930 megawatts of load in the state, as determined by the Department of
931 Public Utility Control. Each municipal aggregation unit that seeks to
932 participate in the program shall file with the department a letter of
933 intent, draft ordinance and such other documentation as the
934 department may require. Each municipal aggregation unit shall retain
935 the services of a firm having expertise in electric aggregation and
936 energy procurement to provide assistance with its participation in the

937 program, including, but not limited to, the development of its request
938 for proposal. Municipalities or political subdivisions of municipalities
939 that are served by municipal electric utilities that have declined to
940 participate in the competitive electric generation market shall not be
941 eligible to participate in this program.

942 (c) A municipality shall initiate a process to form or join a municipal
943 aggregation unit by the adoption of an ordinance.

944 (d) The municipal aggregation unit shall issue a request-for-
945 proposal to licensed electric suppliers for the provision of electric
946 generation service and select a bidder after providing a written
947 analysis that the economic benefits will be equal to or exceed the
948 current or projected economic benefits of receiving electric generation
949 services through standard service. Such bidders shall include as part of
950 their bids provisions for the implementation and deployment of smart
951 meters and related technologies. The municipal aggregation unit shall
952 not be subject to the provisions of section 16-245s of the general
953 statutes.

954 (e) On or before June 15, 2007, the Department of Public Utility
955 Control shall open a proceeding to develop a set of program
956 requirements that shall include, but not be limited to, the manner by
957 which electric customers are provided (1) notice of the initiation of the
958 aggregation program, (2) information regarding rates and
959 environmental characteristics, (3) information regarding contract terms
960 and conditions, and (4) notice regarding a customer's right to cancel
961 service. Electric customers shall be given not less than sixty days notice
962 prior to the initiation of an aggregation project.

963 Sec. 30. Subdivision (31) of subsection (a) of section 16-1 of the
964 general statutes is repealed and the following is substituted in lieu
965 thereof (*Effective from passage*):

966 (31) "Electric aggregator" means (A) a person, municipality,
967 municipal aggregation unit, as defined in subdivision (3) of subsection
968 (k) of section 16-244c, as amended by this act, or regional water

969 authority that gathers together electric customers for the purpose of
970 negotiating the purchase of electric generation services from an electric
971 supplier, or (B) the Connecticut Resources Recovery Authority, if it
972 gathers together electric customers for the purpose of negotiating the
973 purchase of electric generation services from an electric supplier,
974 provided such person, municipality or authority is not engaged in the
975 purchase or resale of electric generation services, and provided further
976 such customers contract for electric generation services directly with
977 an electric supplier or, in the case of a municipal aggregation unit, such
978 customers contract for electric generation services with an electric
979 supplier pursuant to said section 16-244c, and may include an electric
980 cooperative established pursuant to chapter 597.

981 Sec. 31. Section 16-245o of the general statutes is repealed and the
982 following is substituted in lieu thereof (*Effective from passage*):

983 (a) To protect a customer's right to privacy from unwanted
984 solicitation, each electric company or electric distribution company, as
985 the case may be, shall distribute to each customer a form approved by
986 the Department of Public Utility Control which the customer shall
987 submit to the customer's electric or electric distribution company in a
988 timely manner if the customer does not want the customer's name,
989 address, telephone number and rate class to be released to electric
990 suppliers. On and after July 1, 1999, each electric or electric distribution
991 company, as the case may be, shall make available to all electric
992 suppliers customer names, addresses, telephone numbers, if known,
993 and rate class, unless the electric company or electric distribution
994 company has received a form from a customer requesting that such
995 information not be released. Additional information about a customer
996 for marketing purposes shall not be released to any electric supplier
997 unless a customer consents to a release by one of the following: (1) An
998 independent third-party telephone verification; (2) receipt of a written
999 confirmation received in the mail from the customer after the customer
1000 has received an information package confirming any telephone
1001 agreement; (3) the customer signs a document fully explaining the
1002 nature and effect of the release; or (4) the customer's consent is

1003 obtained through electronic means, including, but not limited to, a
1004 computer transaction. Each electric distribution company shall make
1005 available to any municipal aggregator town-wide customer demand
1006 and load information upon request of such aggregator. The
1007 department shall conduct an uncontested case to determine how such
1008 aggregators shall handle such customer information to ensure the
1009 privacy of such customers and to prevent the release of individual
1010 customer information.

1011 (b) All electric suppliers except municipal aggregation units shall
1012 have equal access to customer information required to be disclosed
1013 under subsection (a) of this section. No electric supplier except a
1014 municipal aggregation unit shall have preferential access to historical
1015 distribution company customer usage data.

1016 (c) No electric or electric distribution company shall include in any
1017 bill or bill insert anything that directly or indirectly promotes a
1018 generation entity or affiliate of the electric distribution company. No
1019 electric supplier shall include a bill insert in an electric bill of an
1020 electric distribution company.

1021 (d) All marketing information provided pursuant to the provisions
1022 of this section shall be formatted electronically by the electric company
1023 or electric distribution company, as the case may be, in a form that is
1024 readily usable by standard commercial software packages. Updated
1025 lists shall be made available within a reasonable time, as determined
1026 by the department, following a request by an electric supplier. Each
1027 electric supplier seeking the information shall pay a fee to the electric
1028 company or electric distribution company, as the case may be, which
1029 reflects the incremental costs of formatting, sorting and distributing
1030 this information, together with related software changes. Customers
1031 shall be entitled to any available individual information about their
1032 loads or usage at no cost.

1033 (e) Each electric supplier shall, prior to the initiation of electric
1034 generation services, provide the potential customer with a written

1035 notice describing the rates, information on air emissions and resource
1036 mix of generation facilities operated by and under long-term contract
1037 to the supplier, terms and conditions of the service, and a notice
1038 describing the customer's right to cancel the service, as provided in this
1039 section. No electric supplier shall provide electric generation services
1040 unless the customer has signed a service contract or consents to such
1041 services by one of the following: (1) An independent third-party
1042 telephone verification; (2) receipt of a written confirmation received in
1043 the mail from the customer after the customer has received an
1044 information package confirming any telephone agreement; (3) the
1045 customer signs a document fully explaining the nature and effect of the
1046 initiation of the service; or (4) the customer's consent is obtained
1047 through electronic means, including, but not limited to, a computer
1048 transaction. A customer who has a maximum demand of five hundred
1049 kilowatts or less shall, until midnight of the third business day after
1050 the day on which the customer enters into a service agreement, have
1051 the right to cancel a contract for electric generation services entered
1052 into with an electric supplier. The provisions of this subsection shall
1053 apply to the customers of municipal aggregation units, except such
1054 customer shall, until midnight of the sixtieth business day after the day
1055 on which the customer enters into a service agreement, have the right
1056 to cancel a contract for electric generation services entered into with an
1057 electric supplier.

1058 (f) An electric supplier shall not advertise or disclose the price of
1059 electricity in such a manner as to mislead a reasonable person into
1060 believing that the electric generation services portion of the bill will be
1061 the total bill amount for the delivery of electricity to the customer's
1062 location. When advertising or disclosing the price for electricity, the
1063 electric supplier shall also disclose the electric distribution company's
1064 average current charges, including the competitive transition
1065 assessment and the systems benefits charge, for that customer class.

1066 (g) Each electric supplier shall comply with the provisions of the
1067 telemarketing regulations adopted pursuant to 15 USC 6102.

1068 (h) Any violation of this section shall be deemed an unfair or
1069 deceptive trade practice under subsection (a) of section 42-110b.

1070 Sec. 32. Section 16-1 of the general statutes is repealed and the
1071 following is substituted in lieu thereof (*Effective October 1, 2007*):

1072 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a
1073 and 245b* and in sections 33 to 55, inclusive, of this act, shall be
1074 construed as follows, unless another meaning is expressed or is clearly
1075 apparent from the language or context:

1076 (1) "Authority" means the Public Utilities Control Authority and
1077 "department" means the Department of Public Utility Control;

1078 (2) "Commissioner" means a member of said authority;

1079 (3) "Commissioner of Transportation" means the Commissioner of
1080 Transportation appointed under section 13b-3;

1081 (4) "Public service company" includes electric, electric distribution,
1082 gas, telephone, telegraph, pipeline, sewage, water and community
1083 antenna television companies and holders of a certificate of cable
1084 franchise authority, owning, leasing, maintaining, operating,
1085 managing or controlling plants or parts of plants or equipment, and all
1086 express companies having special privileges on railroads within this
1087 state, but shall not include telegraph company functions concerning
1088 intrastate money order service, towns, cities, boroughs, any municipal
1089 corporation or department thereof, whether separately incorporated or
1090 not, a private power producer, as defined in section 16-243b, or an
1091 exempt wholesale generator, as defined in 15 USC 79z-5a;

1092 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,
1093 poles, wires and other fixed or stationary construction and equipment,
1094 wherever located, used in the conduct of the business of the company;

1095 (6) "Railroad company" includes every person owning, leasing,
1096 maintaining, operating, managing or controlling any railroad, or any
1097 cars or other equipment employed thereon or in connection therewith,

1098 for public or general use within this state;

1099 (7) "Street railway company" includes every person owning, leasing,
1100 maintaining, operating, managing or controlling any street railway, or
1101 any cars or other equipment employed thereon or in connection
1102 therewith, for public or general use within this state;

1103 (8) "Electric company" includes, until an electric company has been
1104 unbundled in accordance with the provisions of section 16-244e, every
1105 person owning, leasing, maintaining, operating, managing or
1106 controlling poles, wires, conduits or other fixtures, along public
1107 highways or streets, for the transmission or distribution of electric
1108 current for sale for light, heat or power within this state, or, engaged in
1109 generating electricity to be so transmitted or distributed for such
1110 purpose, but shall not include (A) a private power producer, as
1111 defined in section 16-243b, (B) an exempt wholesale generator, as
1112 defined in 15 USC 79z-5a, (C) a municipal electric utility established
1113 under chapter 101, (D) a municipal electric energy cooperative
1114 established under chapter 101a, (E) an electric cooperative established
1115 under chapter 597, or (F) any other electric utility owned, leased,
1116 maintained, operated, managed or controlled by any unit of local
1117 government under any general statute or any public or special act;

1118 (9) "Gas company" includes every person owning, leasing,
1119 maintaining, operating, managing or controlling mains, pipes or other
1120 fixtures, in public highways or streets, for the transmission or
1121 distribution of gas for sale for heat or power within this state, or
1122 engaged in the manufacture of gas to be so transmitted or distributed
1123 for such purpose, but shall not include a person manufacturing gas
1124 through the use of a biomass gasification plant provided such person
1125 does not own, lease, maintain, operate, manage or control mains, pipes
1126 or other fixtures in public highways or streets, a municipal gas utility
1127 established under chapter 101 or any other gas utility owned, leased,
1128 maintained, operated, managed or controlled by any unit of local
1129 government under any general statute or any public or special act;

1130 (10) "Water company" includes every person owning, leasing,
1131 maintaining, operating, managing or controlling any pond, lake,
1132 reservoir, stream, well or distributing plant or system employed for
1133 the purpose of supplying water to fifty or more consumers. A water
1134 company does not include homeowners, condominium associations
1135 providing water only to their members, homeowners associations
1136 providing water to customers at least eighty per cent of whom are
1137 members of such associations, a municipal waterworks system
1138 established under chapter 102, a district, metropolitan district,
1139 municipal district or special services district established under chapter
1140 105, chapter 105a or any other general statute or any public or special
1141 act which is authorized to supply water, or any other waterworks
1142 system owned, leased, maintained, operated, managed or controlled
1143 by any unit of local government under any general statute or any
1144 public or special act;

1145 (11) "Consumer" means any private dwelling, boardinghouse,
1146 apartment, store, office building, institution, mechanical or
1147 manufacturing establishment or other place of business or industry to
1148 which water is supplied by a water company;

1149 (12) "Sewage company" includes every person owning, leasing,
1150 maintaining, operating, managing or controlling, for general use in any
1151 town, city or borough, or portion thereof, in this state, sewage disposal
1152 facilities which discharge treated effluent into any waterway of this
1153 state;

1154 (13) "Pipeline company" includes every person owning, leasing,
1155 maintaining, operating, managing or controlling mains, pipes or other
1156 fixtures through, over, across or under any public land, water,
1157 parkways, highways, parks or public grounds for the transportation,
1158 transmission or distribution of petroleum products for hire within this
1159 state;

1160 (14) "Community antenna television company" includes every
1161 person owning, leasing, maintaining, operating, managing or

1162 controlling a community antenna television system, in, under or over
1163 any public street or highway, for the purpose of providing community
1164 antenna television service for hire and shall include any municipality
1165 which owns or operates one or more plants for the manufacture or
1166 distribution of electricity pursuant to section 7-213 or any special act
1167 and seeks to obtain or obtains a certificate of public convenience and
1168 necessity to construct or operate a community antenna television
1169 system pursuant to section 16-331 or a certificate of cable franchise
1170 authority pursuant to section 45 of this act. "Community antenna
1171 television company" does not include a certified competitive video
1172 service provider;

1173 (15) "Community antenna television service" means (A) the one-way
1174 transmission to subscribers of video programming or information that
1175 a community antenna television company makes available to all
1176 subscribers generally, and subscriber interaction, if any, which is
1177 required for the selection of such video programming or information,
1178 and (B) noncable communications service. "Community antenna
1179 television service" does not include video service provided by a
1180 certified competitive video service provider;

1181 (16) "Community antenna television system" means a facility,
1182 consisting of a set of closed transmission paths and associated signal
1183 generation, reception and control equipment that is designed to
1184 provide community antenna television service which includes video
1185 programming and which is provided in, under or over any public
1186 street or highway, for hire, to multiple subscribers within a franchise,
1187 but such term does not include (A) a facility that serves only to
1188 retransmit the television signals of one or more television broadcast
1189 stations; (B) a facility that serves only subscribers in one or more
1190 multiple unit dwellings under common ownership, control or
1191 management, unless such facility is located in, under or over a public
1192 street or highway; (C) a facility of a common carrier which is subject, in
1193 whole or in part, to the provisions of Subchapter II of Chapter 5 of the
1194 Communications Act of 1934, 47 USC 201 et seq., as amended, except
1195 that such facility shall be considered a community antenna television

1196 system and the carrier shall be considered a public service company to
1197 the extent such facility is used in the transmission of video
1198 programming directly to subscribers; or (D) a facility of an electric
1199 company which is used solely for operating its electric company
1200 systems. "Community antenna television system" does not include a
1201 facility used by a certified competitive video service provider to
1202 provide video service;

1203 (17) "Video programming" means programming provided by, or
1204 generally considered comparable to programming provided by, a
1205 television broadcast station;

1206 (18) "Noncable communications service" means any
1207 telecommunications service, as defined in section 16-247a, and which is
1208 not included in the definition of "cable service" in the Communications
1209 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall
1210 be construed to affect service which is both authorized and preempted
1211 pursuant to federal law;

1212 (19) "Public service motor vehicle" includes all motor vehicles used
1213 for the transportation of passengers for hire;

1214 (20) "Motor bus" includes any public service motor vehicle operated
1215 in whole or in part upon any street or highway, by indiscriminately
1216 receiving or discharging passengers, or operated on a regular route or
1217 over any portion thereof, or operated between fixed termini, and any
1218 public service motor vehicle operated over highways within this state
1219 between points outside this state or between points within this state
1220 and points outside this state;

1221 (21) "Cogeneration technology" means the use for the generation of
1222 electricity of exhaust steam, waste steam, heat or resultant energy from
1223 an industrial, commercial or manufacturing plant or process, or the use
1224 of exhaust steam, waste steam or heat from a thermal power plant for
1225 an industrial, commercial or manufacturing plant or process, but shall
1226 not include steam or heat developed solely for electrical power
1227 generation;

1228 (22) "Renewable fuel resources" means energy sources described in
1229 subdivisions (26) and (27) of this subsection;

1230 (23) "Telephone company" means a telecommunications company
1231 that provides one or more noncompetitive or emerging competitive
1232 services, as defined in section 16-247a;

1233 (24) "Domestic telephone company" includes any telephone
1234 company which has been chartered by or organized or constituted
1235 within or under the laws of this state;

1236 (25) "Telecommunications company" means a person that provides
1237 telecommunications service, as defined in section 16-247a, within the
1238 state, but shall not mean a person that provides only (A) private
1239 telecommunications service, as defined in section 16-247a, (B) the
1240 one-way transmission of video programming or other programming
1241 services to subscribers, (C) subscriber interaction, if any, which is
1242 required for the selection of such video programming or other
1243 programming services, (D) the two-way transmission of educational or
1244 instructional programming to a public or private elementary or
1245 secondary school, or a public or independent institution of higher
1246 education, as required by the department pursuant to a community
1247 antenna television company franchise agreement, or provided
1248 pursuant to a contract with such a school or institution which contract
1249 has been filed with the department, or (E) a combination of the services
1250 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

1251 (26) "Class I renewable energy source" means (A) energy derived
1252 from solar power, wind power, a fuel cell, methane gas from landfills,
1253 ocean thermal power, wave or tidal power, low emission advanced
1254 renewable energy conversion technologies, a run-of-the-river
1255 hydropower facility provided such facility has a generating capacity of
1256 not more than five megawatts, does not cause an appreciable change in
1257 the river flow, and began operation after July 1, 2003, or a sustainable
1258 biomass facility with an average emission rate of equal to or less than
1259 .075 pounds of nitrogen oxides per million BTU of heat input for the

1260 previous calendar quarter, except that energy derived from a
1261 sustainable biomass facility with a capacity of less than five hundred
1262 kilowatts that began construction before July 1, 2003, may be
1263 considered a Class I renewable energy source, or (B) any electrical
1264 generation, including distributed generation, generated from a Class I
1265 renewable energy source;

1266 (27) "Class II renewable energy source" means energy derived from
1267 a trash-to-energy facility, a biomass facility that began operation before
1268 July 1, 1998, provided the average emission rate for such facility is
1269 equal to or less than .2 pounds of nitrogen oxides per million BTU of
1270 heat input for the previous calendar quarter, or a run-of-the-river
1271 hydropower facility provided such facility has a generating capacity of
1272 not more than five megawatts, does not cause an appreciable change in
1273 the riverflow, and began operation prior to July 1, 2003;

1274 (28) "Electric distribution services" means the owning, leasing,
1275 maintaining, operating, managing or controlling of poles, wires,
1276 conduits or other fixtures along public highways or streets for the
1277 distribution of electricity, or electric distribution-related services;

1278 (29) "Electric distribution company" or "distribution company"
1279 means any person providing electric transmission or distribution
1280 services within the state, including an electric company, subject to
1281 subparagraph (F) of this subdivision, but does not include: (A) A
1282 private power producer, as defined in section 16-243b; (B) a municipal
1283 electric utility established under chapter 101, other than a participating
1284 municipal electric utility; (C) a municipal electric energy cooperative
1285 established under chapter 101a; (D) an electric cooperative established
1286 under chapter 597; (E) any other electric utility owned, leased,
1287 maintained, operated, managed or controlled by any unit of local
1288 government under any general statute or special act; (F) after an
1289 electric company has been unbundled in accordance with the
1290 provisions of section 16-244e, a generation entity or affiliate of the
1291 former electric company; or (G) an electric supplier;

1292 (30) "Electric supplier" means any person, including an electric
1293 aggregator or participating municipal electric utility that is licensed by
1294 the Department of Public Utility Control in accordance with section
1295 16-245, that provides electric generation services to end use customers
1296 in the state using the transmission or distribution facilities of an
1297 electric distribution company, regardless of whether or not such
1298 person takes title to such generation services, but does not include: (A)
1299 A municipal electric utility established under chapter 101, other than a
1300 participating municipal electric utility; (B) a municipal electric energy
1301 cooperative established under chapter 101a; (C) an electric cooperative
1302 established under chapter 597; (D) any other electric utility owned,
1303 leased, maintained, operated, managed or controlled by any unit of
1304 local government under any general statute or special act; or (E) an
1305 electric distribution company in its provision of electric generation
1306 services in accordance with subsection (a) or, prior to January 1, 2004,
1307 subsection (c) of section 16-244c;

1308 (31) "Electric aggregator" means (A) a person, municipality or
1309 regional water authority that gathers together electric customers for
1310 the purpose of negotiating the purchase of electric generation services
1311 from an electric supplier, or (B) the Connecticut Resources Recovery
1312 Authority, if it gathers together electric customers for the purpose of
1313 negotiating the purchase of electric generation services from an electric
1314 supplier, provided such person, municipality or authority is not
1315 engaged in the purchase or resale of electric generation services, and
1316 provided further such customers contract for electric generation
1317 services directly with an electric supplier, and may include an electric
1318 cooperative established pursuant to chapter 597;

1319 (32) "Electric generation services" means electric energy, electric
1320 capacity or generation-related services;

1321 (33) "Electric transmission services" means electric transmission or
1322 transmission-related services;

1323 (34) "Generation entity or affiliate" means a corporate affiliate or, as

1324 provided in subdivision (3) of subsection (a) of section 16-244e, a
1325 separate division of an electric company after unbundling has occurred
1326 pursuant to section 16-244e, that provides electric generation services;

1327 (35) "Participating municipal electric utility" means a municipal
1328 electric utility established under chapter 101 or any other electric
1329 utility owned, leased, maintained, operated, managed or controlled by
1330 any unit of local government under any general statute or any public
1331 or special act, that is authorized by the department in accordance with
1332 section 16-245c to provide electric generation services to end use
1333 customers outside its service area, as defined in section 16-245c;

1334 (36) "Person" means an individual, business, firm, corporation,
1335 association, joint stock association, trust, partnership or limited
1336 liability company;

1337 (37) "Regional independent system operator" means the "ISO - New
1338 England, Inc.", or its successor organization as approved by the
1339 Federal Energy Regulatory Commission;

1340 (38) "Certified telecommunications provider" means a person
1341 certified by the department to provide intrastate telecommunications
1342 services, as defined in section 16-247a, pursuant to sections 16-247f to
1343 16-247h, inclusive;

1344 (39) "Gas registrant" means a person registered to sell natural gas
1345 pursuant to section 16-258a;

1346 (40) "Customer-side distributed resources" means (A) the generation
1347 of electricity from a unit with a rating of not more than sixty-five
1348 megawatts on the premises of a retail end user within the transmission
1349 and distribution system including, but not limited to, fuel cells,
1350 photovoltaic systems or small wind turbines, or (B) a reduction in the
1351 demand for electricity on the premises of a retail end user in the
1352 distribution system through methods of conservation and load
1353 management, including, but not limited to, peak reduction systems
1354 and demand response systems;

1355 (41) "Federally mandated congestion charges" means any cost
1356 approved by the Federal Energy Regulatory Commission as part of
1357 New England Standard Market Design including, but not limited to,
1358 locational marginal pricing, locational installed capacity payments, any
1359 cost approved by the Department of Public Utility Control to reduce
1360 federally mandated congestion charges in accordance with section 7-
1361 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-
1362 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n [,] and 16-
1363 245z, and section 21 of public act 05-1 of the June special session** and
1364 reliability must run contracts;

1365 (42) "Combined heat and power system" means a system that
1366 produces, from a single source, both electric power and thermal energy
1367 used in any process that results in an aggregate reduction in electricity
1368 use;

1369 (43) "Grid-side distributed resources" means the generation of
1370 electricity from a unit with a rating of not more than sixty-five
1371 megawatts that is connected to the transmission or distribution system,
1372 which units may include, but are not limited to, units used primarily to
1373 generate electricity to meet peak demand;

1374 (44) "Class III renewable energy source" means the electricity output
1375 from combined heat and power systems with an operating efficiency
1376 level of no less than fifty per cent that are part of customer-side
1377 distributed resources developed at commercial and industrial facilities
1378 in this state on or after January 1, 2006, or the electricity savings
1379 created at commercial and industrial facilities in this state from
1380 conservation and load management programs begun on or after
1381 January 1, 2006; [and]

1382 (45) "Sustainable biomass" means biomass that is cultivated and
1383 harvested in a sustainable manner. "Sustainable biomass" does not
1384 mean construction and demolition waste, as defined in section 22a-
1385 208x, finished biomass products from sawmills, paper mills or stud
1386 mills, organic refuse fuel derived separately from municipal solid

1387 waste, or biomass from old growth timber stands, except where (A)
1388 such biomass is used in a biomass gasification plant that received
1389 funding prior to May 1, 2006, from the Renewable Energy Investment
1390 Fund established pursuant to section 16-245n, or (B) the energy
1391 derived from such biomass is subject to a long-term power purchase
1392 contract pursuant to subdivision (2) of subsection (j) of section 16-244c
1393 entered into prior to May 1, 2006, or (C) prior to July 1, 2007, such
1394 biomass is used in a renewable energy facility that was approved by
1395 the department prior to October 1, 2005;

1396 (46) "Video service" means video programming services provided
1397 through wireline facilities, a portion of which are located in the public
1398 right-of-way, without regard to delivery technology, including Internet
1399 protocol technology. "Video service" does not include any video
1400 programming provided by a commercial mobile service provider, as
1401 defined in 47 USC 332(d), any video programming provided as part of
1402 community antenna television service in a franchise area as of October
1403 1, 2007, any video programming provided as part of and via a service
1404 that enables users to access content, information, electronic mail or
1405 other services over the public Internet;

1406 (47) "Certified competitive video service provider" means an entity
1407 providing video service pursuant to a certificate of video franchise
1408 authority issued by the department in accordance with section 33 of
1409 this act. "Certified competitive video service provider" does not mean
1410 an entity issued a certificate of public convenience and necessity in
1411 accordance with section 16-331 or the affiliates, successors and assigns
1412 of such entity or an entity issued a certificate of cable franchise
1413 authority in accordance with section 14 of this act or the affiliates,
1414 successors and assignees of such entity;

1415 (48) "Certificate of video franchise authority" means an
1416 authorization issued by the Department of Public Utility Control
1417 conferring the right to an entity or person to own, lease, maintain,
1418 operate, manage or control facilities in, under or over any public
1419 highway to offer video service to any subscribers in the state; and

1420 (49) "Certificate of cable franchise authority" means an authorization
1421 issued by the Department of Public Utility Control pursuant to section
1422 45 of this act conferring the right to a community antenna television
1423 company to own, lease, maintain, operate, manage or control a
1424 community antenna television system in, under or over any public
1425 highway to (A) offer community antenna television service in a
1426 community antenna television company's designated franchise area, or
1427 (B) use the public rights-of-way to offer video service in a designated
1428 franchise area. The certificate of cable franchise authority shall be
1429 issued as an alternative to a certificate of public convenience and
1430 necessity pursuant to section 16-331 and shall only be available to a
1431 community antenna television company under the terms specified in
1432 sections 45 to 55, inclusive, of this act.

1433 (b) Notwithstanding any provision of the general statutes, [to the
1434 contrary, as used in the general statutes,] the terms "utility", "public
1435 utility" and "public service company" shall be deemed to include a
1436 community antenna television company and a holder of a certificate of
1437 cable franchise authority, except (1) as otherwise provided in sections
1438 16-8, 16-27, 16-28 and 16-43, (2) that no provision of the general
1439 statutes, including but not limited to, the provisions of sections 16-6b
1440 and 16-19, shall subject a community antenna television company to
1441 regulation as a common carrier or utility by reason of providing
1442 community antenna television service, other than noncable
1443 communications service, as provided in Subchapter V-A of Chapter 5
1444 of the Communications Act of 1934, 47 USC 521 et seq., as amended,
1445 and (3) that no provision of the general statutes, including but not
1446 limited to, sections 16-6b and 16-19, shall apply to community antenna
1447 television companies to the extent any such provision is preempted
1448 pursuant to any other provision of the Communications Act of 1934, 47
1449 USC 151 et seq., as amended, any other federal act or any regulation
1450 adopted thereunder.

1451 Sec. 33. (NEW) (*Effective October 1, 2007*) (a) An entity or person,
1452 other than a community antenna television company certified to
1453 provide community antenna television service pursuant to section 16-

1454 331 of the general statutes on or before October 1, 2007, or an affiliate,
1455 successor or assign of such community antenna television company,
1456 seeking to provide video service in the state on and after October 1,
1457 2007, shall file with the Department of Public Utility Control an
1458 application for a certificate of video franchise authority, containing
1459 such information as required by this section. A community antenna
1460 television company may apply for a certificate of video franchise
1461 authority pursuant to this section for any service area in which it was
1462 not certified to provide community antenna television service
1463 pursuant to section 16-331 of the general statutes, as amended by this
1464 act, on or before October 1, 2007. The application shall be accompanied
1465 by a fee of one thousand dollars.

1466 (b) Notwithstanding subsection (a) of this section, any entity, other
1467 than a community antenna television company certified to provide
1468 community antenna television service pursuant to section 16-331 of the
1469 general statutes, as amended by this act, on or before October 1, 2007,
1470 that was offering video service in the state on or before October 1,
1471 2007, shall be required to file its application for a certificate of video
1472 franchise authority on or before October 31, 2007, and shall be allowed
1473 to continue to offer such video service while its application for a
1474 certificate of video franchise authority is pending.

1475 (c) The application shall include a completed affidavit submitted by
1476 the applicant and signed by an officer or general partner of the
1477 applicant, affirming: (1) The location of the applicant's principal place
1478 of business and the names of the applicant's principal executive
1479 officers; (2) that the applicant has filed or will timely file with the
1480 Federal Communications Commission all forms required by said
1481 commission in advance of offering video service in the state; (3) that
1482 the applicant agrees to comply with all applicable federal and state
1483 statutes and regulations and with all applicable orders of the
1484 department, including, but not limited to, those statutes, regulations
1485 and orders regarding the provision of video service by certified
1486 competitive video service providers and the use and occupation of
1487 public rights-of-way in the delivery of the video service by such

1488 providers; (4) that the applicant shall comply with the requirements of
1489 sections 35 to 43, inclusive, of this act. The affidavit shall also include a
1490 description of the service area footprint to be served within the state,
1491 and such description shall be updated by the applicant before the
1492 expansion of video service to a previously undesignated service area,
1493 and a general description of the type or types of technologies the
1494 applicant will use to provide video service in its service area footprint,
1495 which may include wire line, satellite or any other alternative
1496 technology.

1497 (d) The department shall notify the applicant whether the
1498 application is complete or incomplete on or before the fifteenth
1499 calendar day after the applicant submits the application. The
1500 department shall limit its review of the application to whether it
1501 provides the information required pursuant to subsection (c) of this
1502 section. In reviewing such application, the department shall not
1503 conduct a hearing or contested case proceeding in accordance with
1504 chapter 54 of the general statutes. The department may submit written
1505 questions to the applicant and require written answers regarding the
1506 information provided, and may accept written comments and reply
1507 comments from the applicant, the Office of Consumer Counsel, the
1508 Attorney General and other interested companies, organizations and
1509 individuals. These written comments and reply comments shall be
1510 limited solely to the issue of whether the application complies with the
1511 requirements set forth in subsection (c) of this section.

1512 (e) The department shall issue a certificate of video franchise
1513 authority not later than thirty calendar days after notifying the
1514 applicant that the application was complete. The certificate issued by
1515 the department shall provide: (1) A grant of authority to provide video
1516 service as requested in the application; (2) a grant of authority to own,
1517 lease, maintain, operate, manage or control facilities in, under or over
1518 any public highway in the delivery of such service, subject to the laws
1519 of the state; and (3) a statement that the grant of authority is subject to
1520 lawful operation of the video service by the applicant or its successor
1521 in interest.

1522 (f) If the department finds that the applicant's application is
1523 incomplete, it shall specify with particularity the items in the
1524 application that are incomplete and permit the applicant to amend the
1525 application to cure any deficiency. The department shall issue a
1526 certificate of video franchise authority on or before thirty calendar
1527 days from its receipt of the amended and completed application.

1528 (g) The failure of the department to notify the applicant of the
1529 completeness or incompleteness of the application pursuant to
1530 subsection (d) of this section shall be deemed to constitute issuance of
1531 the certificate of video franchise authority.

1532 (h) The certificate of video franchise authority issued by the
1533 department is fully transferable to any successor in interest to the
1534 applicant to which it was initially granted. A notice of transfer shall be
1535 filed with the department not later than fourteen business days after
1536 the completion of such transfer. The certificate of video franchise
1537 authority issued by the department may be terminated by the certified
1538 competitive video service provider by submitting notice to the
1539 department.

1540 Sec. 34. (NEW) (*Effective October 1, 2007*) (a) The Department of
1541 Public Utility Control shall not require a certified competitive video
1542 service provider to comply with any facility build-out requirements or
1543 to provide video service to any customer using any specific
1544 technology. The Department of Public Utility Control shall initiate a
1545 contested case proceeding, in accordance with the provisions of
1546 chapter 54 of the general statutes, three years after the issuance of the
1547 certificate of video franchise authority to such provider to investigate
1548 the availability of the certified competitive video service provider's
1549 video services and report its findings to the joint standing committee
1550 of the General Assembly having cognizance of matters relating to
1551 energy and technology.

1552 (b) The department shall not impose any provision regulating rates
1553 charged by certified competitive video service providers, or impose

1554 any other requirements or conditions, except as set forth in sections 33
1555 to 43, inclusive, of this act. The rights and responsibilities under
1556 section 16-333a of the general statutes regarding service and wiring to
1557 multiunit residential buildings shall apply to a certified competitive
1558 video service provider.

1559 Sec. 35. (NEW) (*Effective October 1, 2007*) A certified competitive
1560 video service provider shall not deny access to service to any group of
1561 potential residential subscribers based solely upon the income of the
1562 residents in the local area in which such group resides. An affected
1563 person may seek enforcement of this requirement by filing a complaint
1564 with the Department of Public Utility Control. A municipality within
1565 which the potential residential video service subscriber resides may be
1566 considered an affected person for purposes of this section.

1567 Sec. 36. (NEW) (*Effective October 1, 2007*) (a) Not later than one
1568 hundred twenty days after the certified competitive video service
1569 provider begins offering service in a designated area pursuant to its
1570 certificate of video franchise authority, such provider shall provide
1571 capacity over its video service to allow community access
1572 programming, in its basic service package, in accordance with the
1573 following: (1) The certified competitive video service provider shall
1574 provide capacity equal to the number of community access channels
1575 currently offered by the incumbent community antenna television
1576 company in the given area; (2) the certified competitive video service
1577 provider shall provide funds for community access operations, as
1578 provided in subsection (k) of section 16-331a of the general statutes; (3)
1579 the certified competitive video service provider shall provide the
1580 transmission of community access programming with connectivity up
1581 to the first two hundred feet from the competitive video service
1582 provider's activated wireline video programming distribution facility
1583 located in the provider's designated service area and shall not provide
1584 additional requirements for the creation of any content; and (4) the
1585 community access programming shall be submitted to the certified
1586 competitive video service provider in a manner or form that is
1587 compatible with the technology or protocol utilized by said

1588 competitive video service provider to deliver video services over its
1589 particular network, and is capable of being accepted and transmitted
1590 by the provider, without requirement for additional alteration or
1591 change in the content by the provider.

1592 (b) A certified competitive video service provider and a community
1593 antenna television company or nonprofit organization providing
1594 community access operations shall engage in good faith negotiation
1595 regarding interconnection of community access operations where such
1596 interconnection is technically feasible or necessary. Interconnection
1597 may be accomplished by direct cable, microwave link, satellite or other
1598 reasonable method of connection. At the request of a competitive video
1599 service provider, community antenna television company or provider
1600 of community access operations, the Department of Public Utility
1601 Control may facilitate the negotiation for such interconnection.

1602 (c) Not later than one hundred twenty days after the certified
1603 competitive video service provider begins offering service in a
1604 designated area pursuant to its certificate of video franchise authority,
1605 such provider shall provide transmission of the Connecticut Television
1606 Network to all its subscribers, including real-time transmission as
1607 technically feasible, under the same conditions as set forth in
1608 subdivisions (3) and (4) of subsection (a) of this section.

1609 Sec. 37. (NEW) (*Effective October 1, 2007*) (a) There shall be a state-
1610 wide video advisory council, whose membership is made up of one
1611 representative from each of the existing advisory councils established
1612 pursuant to section 16-331 of the general statutes, as amended by this
1613 act. A certified competitive video service provider shall biannually
1614 convene a meeting of said council. No member of the state-wide video
1615 advisory council shall be an employee of a community antenna
1616 television company or a certified competitive video service provider.
1617 For the purpose of this subsection, an employee includes any person
1618 working full time or part time or performing any subcontracting or
1619 consulting services for a community antenna television company or a
1620 certified competitive video service provider.

1621 (b) The certified competitive video service provider shall provide
1622 funding to such state-wide video advisory council in the amount of
1623 two thousand dollars per year.

1624 (c) Members of the state-wide video advisory council shall serve
1625 without compensation. For the purpose of this subsection,
1626 compensation shall include the receipt of any free or discounted video
1627 service.

1628 (d) The Department of Public Utility Control shall designate the
1629 state-wide video advisory council as an intervenor in any contested
1630 case proceeding before the department involving the certified
1631 competitive video service provider it advises. Such certified
1632 competitive video service provider shall provide to the chairperson of
1633 the state-wide video advisory council a copy of any report, notice or
1634 other such document it files with the department in any applicable
1635 proceeding.

1636 (e) A certified competitive video service provider shall, every six
1637 months, provide on bills, bill inserts or letters to subscribers, a notice
1638 indicating the name and an address of the chairperson of the state-
1639 wide video advisory council and describing the responsibilities of such
1640 advisory council. The state-wide video advisory council shall have an
1641 opportunity to review such notice prior to its distribution.

1642 Sec. 38. (NEW) (*Effective October 1, 2007*) (a) At the time of initial
1643 subscription, and annually thereafter, or upon request, each certified
1644 competitive video service provider shall provide subscribers with a
1645 description of (1) the video service offerings and current rates, (2) the
1646 provider's credit policies, including any finance charges or late
1647 payment charges, and (3) the provider's billing practices and complaint
1648 procedures.

1649 (b) Consistent with the provisions of 47 USC 551, at the time of
1650 entering into an agreement to provide video service to a subscriber, a
1651 certified competitive video service provider shall inform the subscriber
1652 of the provider's practices regarding the collection and use of

1653 personally identifiable customer information, including (1) the type of
1654 information collected, (2) the purposes for which it is used, (3) the
1655 extent and manner in which it is shared with unaffiliated third parties
1656 for purposes of enabling delivery of video service, and (4) the
1657 procedures in place to ensure the subscriber's right to privacy. A
1658 certified competitive video service provider shall not disclose
1659 personally identifiable customer information other than anonymous or
1660 aggregate data to unaffiliated third parties for their own marketing
1661 purposes without the consent of the subscriber.

1662 (c) A certified competitive video service provider shall implement
1663 an informal process for handling Department of Public Utility Control
1664 and customer inquiries, billing issues, service issues and other
1665 complaints. In the event an issue is not resolved through such informal
1666 process, a customer may request of the department a confidential,
1667 nonbinding mediation with the competitive video service provider,
1668 and a designated member of the department staff shall serve as the
1669 mediator. If the mediation is unsuccessful, the customer may file a
1670 formal complaint with the department. The department's sole
1671 jurisdiction over the complaint is to determine if the certified
1672 competitive video service provider is in compliance with sections 34 to
1673 42, inclusive, of this act. If the provider is found to be in
1674 noncompliance, the department shall order the certified competitive
1675 video service provider to cure such noncompliance within a reasonable
1676 period of time. Failure to comply may subject the certified competitive
1677 video service provider to civil penalties and revocation of the
1678 certificate, as provided in section 43 of this act.

1679 (d) A certified competitive video service provider shall comply with
1680 the customer service requirements of 47 CFR 76.309(c) for its video
1681 services. A company issued a certificate of video franchise authority
1682 shall not be subject to any other state law or regulation or department
1683 order to the extent it imposes customer service requirements in excess
1684 of or more stringent than 47 CFR 76.309(c).

1685 Sec. 39. (NEW) (*Effective October 1, 2007*) (a) Except when otherwise

1686 required by federal law, a certified competitive video service provider
1687 shall inform the Department of Public Utility Control of any planned
1688 programming or rate changes not less than thirty days before
1689 implementing such changes unless (1) such changes are required by
1690 law to be made in less than thirty days, or (2) in appropriate
1691 circumstances where such a shorter notice period is in the best interest
1692 of the company's subscribers.

1693 (b) Except when otherwise required by federal law, a certified
1694 competitive video service provider shall inform each subscriber, the
1695 chairpersons of the joint standing committee of the General Assembly
1696 having cognizance of matters relating to technology and the
1697 chairperson of the state-wide video advisory council of any planned
1698 elimination or reduction in any programming or any planned rate
1699 increases not less than thirty days before implementing such changes
1700 unless (1) such changes are required by law to be made in less than
1701 thirty days, or (2) the department prescribes a longer or shorter notice
1702 period in appropriate circumstances where such longer or shorter
1703 notice period is in the best interest of the company's subscribers. The
1704 state-wide video advisory council may hold an advisory public
1705 hearing concerning the planned changes and may then make a
1706 recommendation to the company before the planned date of
1707 implementing the change.

1708 Sec. 40. (NEW) (*Effective October 1, 2007*) If video service provided
1709 by a certified competitive video service provider to a subscriber is
1710 interrupted for more than twenty-four continuous hours, such
1711 subscriber shall receive a credit or refund from the certified
1712 competitive video service provider in an amount that represents the
1713 proportionate share of such service not received in a billing period,
1714 provided such interruption is not caused by the subscriber.

1715 Sec. 41. (NEW) (*Effective October 1, 2007*) (a) A certified competitive
1716 video service provider shall make closed captioning available when
1717 simultaneously broadcast with video signals carried by the provider.

1718 (b) A certified competitive video service provider shall offer the
1719 concurrent rebroadcast of local television broadcast channels, or utilize
1720 another economically or technically feasible process for providing an
1721 appropriate message through the provider's video service in the event
1722 of a public safety emergency issued over the emergency broadcast
1723 system.

1724 Sec. 42. (NEW) (*Effective October 1, 2007*) A certified competitive
1725 video service provider shall provide any library serving the public and
1726 any school system, college or university, located in a part of the
1727 certified competitive video service provider's franchise area where
1728 service is available, with one outlet for basic video service at no charge
1729 if such library, school system, college or university participates in
1730 educational or public access programming offered throughout the
1731 company's franchise area. The Department of Public Utility Control
1732 may exempt any provider from providing such service at no charge if
1733 it would have an adverse impact on the provider. No certified
1734 competitive video service provider shall be required to provide this
1735 free service if the library or school is receiving community antenna
1736 television service or video service from another provider.

1737 Sec. 43. (NEW) (*Effective October 1, 2007*) A certified competitive
1738 video service provider, and its officers, agents and employees, shall
1739 comply with sections 33 to 43, inclusive, of this act and each applicable
1740 order made by the Department of Public Utility Control pursuant to
1741 sections 33 to 43, inclusive, of this act. Any certified competitive video
1742 service provider which the department finds has failed to comply with
1743 sections 33 to 43, inclusive, of this act, or any applicable order made by
1744 the department, may be fined, by order of the department, not more
1745 than ten thousand dollars for each offense. Each distinct violation of
1746 any such order shall be a separate offense and, in the case of a
1747 continued violation, each day thereof shall be deemed a separate
1748 offense. The department shall impose any such civil penalty in
1749 accordance with the procedure established in section 16-41 of the
1750 general statutes and if such penalty is imposed, it shall be the sole
1751 remedy for such violation. The department shall also have the

1752 authority to revoke the certificate of video franchise authority if the
1753 certified competitive video service provider is found, after a
1754 department hearing with notice to all interested parties, to be in
1755 substantial noncompliance with the requirements of law or
1756 department orders.

1757 Sec. 44. (NEW) (*Effective October 1, 2007*) (a) Thirty days after a
1758 certified competitive video service provider offers video service in a
1759 community antenna television company's existing franchise area
1760 pursuant to a certificate of video franchise authority or thirty days
1761 after a municipal electric utility, its affiliate or subsidiary begins
1762 offering video service in a community antenna television company's
1763 existing franchise area pursuant to a certificate of video franchise
1764 authority, the community antenna television company may seek a
1765 certificate of cable franchise authority from the Department of Public
1766 Utility Control.

1767 (b) A certificate of cable franchise authority issued by the
1768 department pursuant to subsection (a) of this section shall become
1769 effective immediately upon issuance by the department.

1770 (c) A community antenna television company seeking a certificate of
1771 cable franchise authority shall file an application with the department.
1772 Such application shall include the information required in this section
1773 and shall be accompanied by a fee of one thousand dollars.

1774 (d) Said application shall include a completed affidavit submitted
1775 by the applicant and signed by an officer or general partner of the
1776 applicant, affirming: (1) The location of the applicant's principal place
1777 of business and the names of the applicant's principal executive
1778 officers; (2) that the applicant has filed or will timely file with the
1779 Federal Communications Commission all forms required by said
1780 commission in advance of offering community antenna television
1781 service or video service in such franchise area; (3) that the applicant
1782 agrees to comply with all applicable federal and state statutes and
1783 regulations and with all department orders applicable to community

1784 antenna television companies, except as exempted by sections 45 to 55,
1785 inclusive, of this act; and (4) that the applicant agrees to comply with
1786 the requirements of sections 45 to 55, inclusive, of this act. The affidavit
1787 shall also include a description of the community antenna television
1788 company's current franchise area and a general description of the type
1789 or types of technologies the community antenna television company is
1790 using and intends to use in providing community antenna television
1791 programming or video service in the franchise area, which may
1792 include wireline, satellite or any other alternative technology.

1793 (e) The department shall notify the applicant whether the
1794 applicant's application is complete or incomplete on or before the
1795 fifteenth calendar day after the applicant submits the application. The
1796 department's review of the completeness of the application is limited
1797 to whether the application complies with the requirements set forth in
1798 subsection (d) of this section. In reviewing the application, the
1799 department shall not conduct a hearing or a contested case proceeding
1800 pursuant to chapter 54 of the general statutes. The department may
1801 submit written questions to the applicant and require written answers
1802 regarding the information provided and may accept written comments
1803 and reply comments from the applicant, the Office of Consumer
1804 Counsel, the Attorney General and other interested persons.

1805 (f) The department shall issue a certificate of cable franchise
1806 authority not later than thirty calendar days from finding the
1807 application complies with the requirements of subsection (d) of this
1808 section. The certificate issued by the department shall provide: (1) A
1809 grant of authority to provide community antenna television service or
1810 video service as requested in the application; (2) a grant of authority to
1811 own, lease, maintain, operate, manage or control facilities in, under or
1812 over any public highway in the delivery of such service, subject to the
1813 laws of the state; and (3) a statement that the grant of authority is
1814 subject to lawful operation of the community antenna television
1815 service or video service by the applicant or its interest.

1816 (g) If the department finds that the applicant's application is

1817 incomplete, it shall specify with particularity the items in the
1818 application that are incomplete and permit the applicant to amend the
1819 application to cure any deficiency. The department shall issue a
1820 certificate of cable franchise authority not later than thirty calendar
1821 days from its receipt of the amended and completed application.

1822 (h) The failure of the department to notify the applicant of the
1823 completeness or incompleteness of the application within the
1824 timeframes set forth above shall be deemed to constitute issuance of
1825 the certificate of cable franchise authority.

1826 Sec. 45. (NEW) (*Effective October 1, 2007*) (a) The Department of
1827 Public Utility Control shall not require a company issued certificate of
1828 cable franchise authority to comply with any facility build-out
1829 requirements or to provide community antenna television service or
1830 video service to any customer using any specific technology.

1831 (b) The Department of Public Utility Control shall not impose any
1832 provision regulating rates charged by a community antenna television
1833 company holding a certificate of cable franchise authority, except as set
1834 forth in federal law.

1835 Sec. 46. (NEW) (*Effective October 1, 2007*) A company holding a cable
1836 franchise authority certificate shall not deny access to service to any
1837 group of potential residential subscribers based solely upon the
1838 income of the residents in the local area in which such group resides.
1839 An affected person may seek enforcement of this requirement by filing
1840 a complaint with the Department of Public Utility Control. A
1841 municipality within which the potential residential community
1842 antenna television service or video service subscriber resides may be
1843 considered an affected person for purposes of this section.

1844 Sec. 47. (NEW) (*Effective October 1, 2007*) (a) A company issued a
1845 certificate of cable franchise authority shall be subject to the
1846 community access programming and operations provisions set forth in
1847 subsections (b) to (i), inclusive, and subsections (k), (l) and (n) of
1848 section 16-331a of the general statutes and any regulations pursuant

1849 thereto, and subsection (c) of section 16-333 of the general statutes and
1850 any regulations pursuant thereto.

1851 (b) A company issued a cable franchise authority certificate shall
1852 provide transmission of the Connecticut Television Network to all its
1853 subscribers, including real-time transmission as technically feasible.

1854 Sec. 48. (NEW) (*Effective October 1, 2007*) (a) A company issued a
1855 certificate of cable franchise authority shall, twice a year, convene a
1856 meeting with the advisory council established pursuant to its previous
1857 certificate of public convenience and necessity issued pursuant to
1858 section 16-331 of the general statutes. Members shall be appointed in
1859 accordance with section 16-331d of the general statutes. No member of
1860 the advisory council shall be an employee of a company providing
1861 community antenna television service or video service. For the
1862 purposes of this subsection, an employee includes any person working
1863 full or part time or performing any subcontracting or consulting
1864 services for a company providing community antenna television
1865 service or video service.

1866 (b) A company issued a cable franchise authority certificate shall
1867 provide funding to the advisory council in the amount of two
1868 thousand dollars per year.

1869 (c) Members of the advisory council shall serve without
1870 compensation. For the purposes of this section, compensation shall
1871 include the receipt of any free or discounted community antenna
1872 television service or video service.

1873 (d) The Department of Public Utility Control shall designate the
1874 advisory council as an intervenor in any contested case proceeding
1875 before the department involving the company it advises. Such
1876 company shall provide to the chairperson of the advisory council a
1877 copy of any report, notice or other document it files with the
1878 department in any applicable proceeding.

1879 (e) Any company issued a certificate of cable franchise authority

1880 shall, every six months, provide on bills, bill inserts or letters to
1881 subscribers, a notice indicating the name and address of the
1882 chairperson of the advisory council and describing the responsibilities
1883 of such advisory council. The advisory council shall have an
1884 opportunity to review such notice prior to its distribution.

1885 Sec. 49. (NEW) (*Effective October 1, 2007*) (a) At the time of initial
1886 subscription, and annually thereafter, a company issued a certificate of
1887 cable franchise authority shall provide subscribers with a description
1888 of the community antenna television service or video service offerings
1889 and current rates, a description of the company's credit policies,
1890 including any finance charges or late payment charges and a
1891 description of the company's billing practices and complaint
1892 procedures upon request.

1893 (b) In accordance with 47 USC 551, at the time of entering into an
1894 agreement to provide community antenna television or video service
1895 to a subscriber, a company issued a certificate of cable franchise
1896 authority shall inform the subscriber of its practices regarding the
1897 collection and use of personally identifiable customer information,
1898 including (1) the type of information collected, (2) the purposes for
1899 which it is used, (3) the extent and manner in which it is shared with
1900 unaffiliated third parties for purposes of enabling delivery of the
1901 community antenna television or video service, and (4) its procedures
1902 to ensure the subscriber's right to privacy. A holder of a certificate of
1903 cable franchise authority shall not disclose personally identifiable
1904 customer information other than anonymous or aggregate data to
1905 unaffiliated third parties for their own marketing purposes without the
1906 consent of such subscriber.

1907 (c) A company issued a certificate of cable franchise authority shall
1908 implement an informal process for handling Department of Public
1909 Utility Control and customer inquiries, billing issues, service issues
1910 and other complaints. In the event an issue is not resolved through this
1911 informal process, a customer may request from the department a
1912 confidential, nonbinding mediation with the company, and a

1913 designated member of the department staff shall serve as the mediator.
1914 If the mediation is unsuccessful, the customer may file a formal
1915 complaint with the department. The department's sole jurisdiction
1916 over the complaint is to determine if the company is in compliance
1917 with sections 45 to 55, inclusive, of this act, or any other laws,
1918 regulations or orders applicable to companies holding a certificate of
1919 cable franchise authority. If the company is found to be in
1920 noncompliance, the department shall order the company to remedy
1921 such noncompliance within a reasonable period of time. Failure to
1922 comply may subject the company to civil penalties and revocation of
1923 the certificate, as provided in section 55 of this act.

1924 (d) A company issued a certificate of cable franchise authority shall
1925 comply with the customer service requirements of 47 CFR 76.309(c) for
1926 its community antenna television or video services. A company issued
1927 a certificate of cable franchise authority shall not be subject to any
1928 other state law or regulation or department order to the extent it
1929 imposes customer service requirements in excess of or more stringent
1930 than 47 CFR 76.309(c).

1931 Sec. 50. (NEW) (*Effective October 1, 2007*) (a) Except when otherwise
1932 required by federal law, a company issued a certificate of cable
1933 franchise authority shall inform the Department of Public Utility
1934 Control of any planned programming or rate changes not less than
1935 thirty days before implementing such changes unless (1) such changes
1936 are required by law to be made in less than thirty days, or (2) in
1937 appropriate circumstances where a shorter notice period is in the best
1938 interest of the company's subscribers.

1939 (b) Except when otherwise required by federal law, a company
1940 issued a certificate of cable franchise authority shall inform each of its
1941 subscribers, the chairpersons of the joint standing committee of the
1942 General Assembly having cognizance of matters relating to technology
1943 and the chairperson of the applicable advisory council of any planned
1944 elimination or reduction in programming or planned rate increases not
1945 less than thirty days before implementing such changes unless (1) such

1946 changes are required by law to be made in less than thirty days, or (2)
1947 the department prescribes a longer or shorter notice period in
1948 appropriate circumstances where such longer or shorter notice period
1949 is in the best interest of the company's subscribers. The advisory
1950 council may hold an advisory public hearing concerning the planned
1951 changes and may then make a recommendation to the company before
1952 the planned implementation date.

1953 Sec. 51. (NEW) (*Effective October 1, 2007*) If community antenna
1954 television service or video service provided to a subscriber by a
1955 company holding a certificate of cable franchise authority experiences
1956 a service outage for more than twenty-four continuous hours, such
1957 subscriber shall receive a credit or refund from such company in an
1958 amount that represents the proportionate share of such service not
1959 received in a billing period, provided such interruption is not caused
1960 by the subscriber.

1961 Sec. 52. (NEW) (*Effective October 1, 2007*) (a) A company issued a
1962 certificate of cable franchise authority shall make closed captioning
1963 available when simultaneously broadcast with video signals carried by
1964 the company.

1965 (b) A company issued a certificate of cable franchise authority shall
1966 offer the concurrent rebroadcast of local television broadcast channels,
1967 or utilize another economically and technically feasible process for
1968 providing an appropriate message through the company's community
1969 antenna television service or video service in the event of a public
1970 safety emergency issued over the emergency broadcast system.

1971 Sec. 53. (NEW) (*Effective October 1, 2007*) A company issued a
1972 certificate of cable franchise authority shall provide any library serving
1973 the public and any school system, college or university, located in a
1974 part of the company's franchise area where service is available, with
1975 one outlet for basic community antenna television service or video
1976 service at no charge if such library, school system, college or university
1977 participates in educational or public access programming offered

1978 throughout the company's franchise area. The Department of Public
1979 Utility Control may exempt any company with a certificate of cable
1980 franchise authority from providing such service at no charge if it
1981 would have an adverse impact on such company. No company issued
1982 a certificate of cable franchise authority shall be required to provide
1983 this free service if the library or school is receiving community antenna
1984 television service or video service from another provider.

1985 Sec. 54. (NEW) (*Effective October 1, 2007*) (a) Nothing in sections 45 to
1986 55, inclusive, of this act shall be construed to relieve a company issued
1987 a certificate of cable franchise authority from such company's
1988 obligations under any federal or state laws or regulations or
1989 Department of Public Utility Control orders applicable to community
1990 antenna television companies or public service companies, or from any
1991 other federal or state laws or regulations or department orders unless
1992 specified in sections 14 to 24, inclusive, of this act.

1993 (b) A company issued a certificate of cable franchise authority shall
1994 not be subject to subdivisions (1), (2), (3), (5) and (6) of subsection (d)
1995 of section 16-331 of the general statutes, subsections (f) and (h) of
1996 section 16-331 of the general statutes, and subsections (e) and (f) of
1997 section 16-333 of the general statutes or to any regulations or
1998 department orders implemented or arising from said sections.

1999 Sec. 55. (NEW) (*Effective October 1, 2007*) A holder of a certificate of
2000 cable franchise authority, and the officers, agents and employees of
2001 such cable franchise authority, shall obey, observe and comply with
2002 sections 45 to 55, inclusive, of this act and each applicable order made
2003 by the Department of Public Utility Control pursuant to sections 45 to
2004 55, inclusive, of this act. A holder of a cable franchise authority
2005 certificate that the department finds has failed to obey or comply with
2006 sections 45 to 55, inclusive, of this act or any applicable order made by
2007 the department pursuant thereto may be fined, by order of the
2008 department, not more than ten thousand dollars for each offense. Each
2009 distinct violation of any such order shall be a separate offense and, in
2010 the case of a continued violation, each day thereof shall be deemed a

2011 separate offense. The department shall impose any such civil penalty
2012 in accordance with the procedure established in section 16-41 of the
2013 general statutes. If such penalty is imposed, it shall be the sole remedy
2014 for such violation. The department shall also have the authority to
2015 revoke the certificate of cable franchise authority if the holder of the
2016 certificate is found, after a department hearing with notice to all
2017 interested parties, to be in substantial noncompliance with the
2018 requirements of law or department orders.

2019 Sec. 56. (NEW) (*Effective October 1, 2007*) (a) There is established an
2020 account to be known as the "municipal video competition trust
2021 account", which shall be a separate, nonlapsing account within the
2022 General Fund. The account shall contain any moneys required by this
2023 section to be deposited in the account and shall be distributed as
2024 property tax relief to the towns, cities and boroughs of this state
2025 pursuant to subsection (c) of this section.

2026 (b) The Comptroller shall deposit into the municipal video
2027 competition trust account, established pursuant to this section, a sum
2028 not to exceed five million dollars per fiscal year from the gross
2029 earnings tax imposed on certified competitive video service providers
2030 pursuant to section 12-256 of the general statutes, as amended by this
2031 act.

2032 (c) (1) The amount to be distributed to each town from said account
2033 shall be a proportional part of the total amount of such distribution
2034 determined with respect to each town by the following ratio: The total
2035 number of subscribers to certified competitive video service located in
2036 such town at the end of such fiscal year shall be the numerator of the
2037 fraction, and the total number of subscribers to certified competitive
2038 video service located in all towns in this state at the end of such fiscal
2039 year shall be added together, and the sum shall be the denominator of
2040 the fraction.

2041 (2) Any city or borough not consolidated with the town in which it
2042 is located and any town containing such a city or borough shall receive

2043 a portion of the amount allocated to such town under subdivision (1)
2044 of this subsection on the basis of the following ratio: The total property
2045 taxes levied in such fiscal year by such town, city or borough shall be
2046 the numerator of the fraction, and the total property taxes levied in
2047 such fiscal year by the town and all cities or boroughs located within
2048 such town shall be added together, and the sum shall be the
2049 denominator of the fraction. Any such city or borough may, by vote of
2050 its legislative body, direct the Secretary of the Office of Policy and
2051 Management to reallocate all or a portion of the share of such city or
2052 borough to the town in which it is located.

2053 (d) Not later than September 15, 2008, and annually thereafter, the
2054 Secretary of the Office of Policy and Management shall certify to the
2055 Comptroller the percentage of the amount in said account to be paid to
2056 each municipality from said account in accordance with this section
2057 and the Comptroller shall draw the Comptroller's order on the
2058 Treasurer not later than the twenty-fifth day of September in the same
2059 year. The Treasurer shall pay the respective amount to each
2060 municipality in accordance with this section on or before the thirtieth
2061 day of September in the same year.

2062 (e) Not later than July 30, 2008, and annually thereafter, each
2063 certified competitive video service provider shall file with the Office of
2064 Policy and Management the total number of subscribers to certified
2065 competitive video service in each town and the total subscribers to
2066 certified competitive video service in all towns in this state as of the
2067 last day of the immediately preceding fiscal year.

2068 Sec. 57. Section 12-256 of the general statutes is repealed and the
2069 following is substituted in lieu thereof (*Effective July 1, 2007*):

2070 (a) For purposes of this section, "quarterly period" means a period of
2071 three calendar months commencing on the first day of January, April,
2072 July or October and ending on the last day of March, June, September
2073 or December, respectively.

2074 (b) Each person operating a community antenna television system

2075 under chapter 289 or a certified competitive video service pursuant to
2076 sections 33 to 43, inclusive, of this act and each person operating a
2077 business that provides one-way transmission to subscribers of video
2078 programming by satellite shall pay a quarterly tax upon the gross
2079 earnings from (1) the lines, facilities, apparatus and auxiliary
2080 equipment in this state used for operating a community antenna
2081 television system, or (2) the transmission to subscribers in this state of
2082 video programming by satellite or by a certified competitive video
2083 service provider, as the case may be. No deduction shall be allowed
2084 from such gross earnings for operations related to commissions,
2085 rebates or other payments, except such refunds as arise from errors or
2086 overcharges. On or before the last day of the month next succeeding
2087 each quarterly period, each such person shall render to the
2088 commissioner a return on forms prescribed or furnished by the
2089 commissioner, signed by the person performing the duties of treasurer
2090 or an authorized agent or officer of the system or service operated by
2091 such person, which return shall include information regarding the
2092 name and location within this state of such system or service and the
2093 total amount of gross earnings derived from such operations and such
2094 other facts as the commissioner may require for the purpose of making
2095 any computation required by this chapter.

2096 (c) For purposes of this chapter, a holder of a certificate of cable
2097 franchise authority under section 44 of this act shall be treated as a
2098 person operating a community antenna television system under
2099 chapter 289.

2100 Sec. 58. Section 12-258 of the general statutes is repealed and the
2101 following is substituted in lieu thereof (*Effective July 1, 2007*):

2102 (a) Each person included in section 12-256, as amended by this act,
2103 shall be taxed upon the amount of the gross earnings in each quarterly
2104 period from the lines, facilities, apparatus and auxiliary equipment
2105 operated by it in this state, or from the transmission of video
2106 programming by satellite or by a certified competitive video service
2107 provider to subscribers in this state, as the case may be, at the rates

2108 provided in this section.

2109 (b) Gross earnings for any quarterly period, for the purposes of
2110 assessment and taxation, shall be as follows: In the case of a person
2111 carrying on the business wholly within the limits of this state, the
2112 entire amount of the gross earnings subject to the tax imposed under
2113 section 12-256, as amended by this act; in the case of a person also
2114 carrying on the business outside of this state, a portion of the entire
2115 amount of the gross earnings subject to the tax imposed under section
2116 12-256, as amended by this act, apportioned to this state as follows: (1)
2117 In the case of a person operating a community antenna television
2118 system, such portion of the total gross earnings from the lines,
2119 facilities, apparatus and auxiliary equipment operated by it as is
2120 represented by the total number of miles of lines operated by such
2121 person within this state on the first day and on the last day of such
2122 quarterly period to the total number of miles of lines operated by such
2123 person both within and without the state on said dates; [and] (2) in the
2124 case of a person operating a business that provides one-way
2125 transmission to subscribers of video programming by satellite, such
2126 portion of the total gross earnings from the transmission to subscribers
2127 in this state as is represented by the total number of subscribers served
2128 by such person within this state on the first day and on the last day of
2129 such quarterly period to the total number of subscribers served by
2130 such person both within and without the state on said dates; and (3) in
2131 the case of a person providing certified competitive video service, such
2132 portion of the total gross earnings from the transmission to subscribers
2133 in this state as is represented by the total number of subscribers served
2134 by such person within this state on the first and the last days of such
2135 quarterly period to the average of the total number of subscribers
2136 served by such person both within and without the state on said dates.

2137 (c) The rates of tax on the gross earnings as determined in this
2138 section shall be as follows: (1) Persons operating a community antenna
2139 television system or a certified competitive video service, five per cent
2140 of such gross earnings, reduced by any assessments made pursuant to
2141 section 16-49 which are attributable to the year in which such tax is

2142 assessed; and (2) persons operating a business that provides one-way
2143 transmission to subscribers of video programming by satellite, five per
2144 cent of such gross earnings.

2145 Sec. 59. Section 12-80b of the general statutes is repealed and the
2146 following is substituted in lieu thereof (*Effective October 1, 2007*):

2147 (a) (1) Each taxpayer described in subsection (a) of section 12-80a
2148 that owns tangible personal property used both to render
2149 telecommunications service subject to tax under chapter 219 and to
2150 render community antenna television service or a certified competitive
2151 video service subject to tax under said chapter 219, shall have part of
2152 such property taxed as provided in said section 12-80a and part of such
2153 property exempt from property tax in accordance with section 12-268j.

2154 (2) The portion of such property to be taxed as provided in section
2155 12-80a and the portion exempt under section 12-268j shall be
2156 computed, as provided in regulations adopted by the Commissioner of
2157 Revenue Services in accordance with the provisions of chapter 54 on
2158 the basis of the taxpayer's gross receipts from rendering
2159 telecommunications service or a certified competitive video service, as
2160 defined in chapter 219, and from rendering community antenna
2161 television service, as defined in said chapter 219, or on some other
2162 basis permitted under such regulations.

2163 (b) (1) Each taxpayer not described in subsection (a) of section 12-
2164 80a that owns tangible personal property used both to render
2165 telecommunications service subject to tax under chapter 219 and to
2166 render community antenna television service or a certified competitive
2167 video service subject to tax under said chapter 219 shall have part of
2168 such property taxed as provided in this chapter, without regard to said
2169 section 12-80a, and part of such property exempt from property tax in
2170 accordance with section 12-268j.

2171 (2) The portion of such property to be taxed as provided in this
2172 chapter, without regard to section 12-80a and the portion exempt
2173 under section 12-268j shall be computed, as provided in regulations

2174 adopted by the Commissioner of Revenue Services in accordance with
2175 the provisions of chapter 54, on the basis of the taxpayer's gross
2176 receipts from rendering telecommunications service, as defined in
2177 chapter 219, and from rendering community antenna television service
2178 or a certified competitive video service, as defined in said chapter 219,
2179 or on some other basis permitted under such regulations.

2180 (c) For purposes of this section, "assessment year" means the
2181 assessment year under this chapter.

2182 (d) For purposes of this section, "community antenna television
2183 service" shall include service provided by a holder of a certificate of
2184 cable franchise authority pursuant to section 44 of this act.

2185 Sec. 60. Section 12-268j of the general statutes is repealed and the
2186 following is substituted in lieu thereof (*Effective October 1, 2007*):

2187 (a) The taxation provided for in chapter 211 upon gross earnings in
2188 any year shall be in lieu of all taxes with respect to such year on (1)
2189 tangible personal property used solely and exclusively in a business so
2190 specified by a company included in section 12-256, as amended by this
2191 act, and (2) for assessment years commencing on October 1, 2007,
2192 October 1, 2008, and October 1, 2009, all tangible personal property
2193 acquired on or after October 1, 2007, and on or before September 30,
2194 2010, used to provide competitive video programming services even if
2195 the tangible personal property is used solely or in part in the provision
2196 of competitive video programming service, in a business so specified
2197 by a company included in section 12-256, as amended by this act.

2198 (b) The taxation provided for in chapter 211 upon gross earnings in
2199 any year shall be in lieu of all taxes with respect to such year on part of
2200 the tangible personal property that is used both to render
2201 telecommunications service subject to tax under chapter 219 and to
2202 render community antenna television service or a certified competitive
2203 video service subject to tax under chapter 219. The portion of such
2204 property in lieu of which taxation is provided for in chapter 211 and
2205 which is exempt from property tax is determined as provided in

2206 section 12-80b, except as provided in subsection (a) of this section.

2207 Sec. 61. Subsection (a) of section 12-407 of the general statutes is
2208 amended by adding subdivisions (38) to (40), inclusive, as follows
2209 (*Effective October 1, 2007*):

2210 (NEW) (38) "Certified competitive video service" means video
2211 programming service provided through wireline facilities, a portion of
2212 which are located in the public right-of-way, without regard to
2213 delivery technology, including Internet protocol technology. "Certified
2214 competitive video service" does not include any video programming
2215 provided by a commercial mobile service provider, as defined in 47
2216 USC 332(d); any video programming provided as part of community
2217 antenna television service; any video programming provided as part
2218 of, and via, a service that enables users to access content, information,
2219 electronic mail or other services over the Internet.

2220 (NEW) (39) "Directory assistance" means an ancillary service of
2221 providing telephone number information or address information.

2222 (NEW) (40) "Vertical service" means an ancillary service that is
2223 offered in connection with one or more telecommunications services,
2224 offering advanced calling features that allow customers to identify
2225 callers and to manage multiple calls and call connections, including
2226 conference bridging services.

2227 Sec. 62. Subparagraph (L) of subdivision (2) of subsection (a) of
2228 section 12-407 of the general statutes is repealed and the following is
2229 substituted in lieu thereof (*Effective October 1, 2007*):

2230 (L) (i) The rendering of community antenna television service, as
2231 defined in subdivision (27) of this subsection, for a consideration on or
2232 after January 1, 1990, exclusive of any such service rendered by an
2233 employee for the employer of such employee. For purposes of this
2234 chapter, "community antenna television service" shall include service
2235 provided by a holder of a certificate of cable franchise authority
2236 pursuant to section 44 of this act.

2237 (ii) The rendering of certified competitive video service, as defined
2238 in subdivision (38) of this subsection, as amended by this act, for
2239 consideration on or after October 1, 2007, exclusive of any such service
2240 rendered by an employee for the employer of such employee.

2241 Sec. 63. Subdivision (26) of subsection (a) of section 12-407 of the
2242 general statutes is repealed and the following is substituted in lieu
2243 thereof (*Effective October 1, 2007*):

2244 (26) (A) "Telecommunications service" means the electronic
2245 transmission, conveyance or routing of [any interactive
2246 electromagnetic communications including but not limited to] voice,
2247 image, data [and] audio, video or any other information [, by means of
2248 but not limited to wire, cable, including fiber optical cable, microwave,
2249 radio wave or any combinations of such media, and the leasing of any
2250 such service. "Telecommunications service" includes, but is not limited
2251 to, basic telephone service, including any facility or service provided in
2252 connection with such basic telephone service, toll telephone service
2253 and teletypewriter or computer exchange service, including but not
2254 limited to residential and business service, directory assistance, two-
2255 way cable television service, cellular mobile telephone or
2256 telecommunication service, specialized mobile radio and pagers and
2257 paging service, including any form of mobile two-way
2258 communication] or signals to a point or between or among points.
2259 "Telecommunications service" includes such transmission, conveyance
2260 or routing in which computer processing applications are used to act
2261 on the form, code or protocol of the content for purposes of
2262 transmission, conveyance or routing without regard to whether such
2263 service is referred to as a voice over Internet protocol service or is
2264 classified by the Federal Communications Commission as enhanced or
2265 value added. "Telecommunications service" does not include (i) value-
2266 added nonvoice data services, [in which computer processing
2267 applications are used to act on the information to be transmitted, (ii)
2268 any one-way radio or television broadcasting transmission] (ii) radio
2269 and television audio and video programming services, regardless of
2270 the medium, including the furnishing of transmission, conveyance or

2271 routing of such services by the programming service provider. Radio
2272 and television audio and video programming services shall include,
2273 but not be limited to, cable service as defined in 47 USC 522(6), audio
2274 and video programming services delivered by commercial mobile
2275 radio service providers, as defined in 47 CFR 20, and video
2276 programming service by certified competitive video service providers,
2277 (iii) any telecommunications service (I) rendered by a company in
2278 control of such service when rendered for private use within its
2279 organization, or (II) used, allocated or distributed by a company within
2280 its organization, including in such organization affiliates, as defined in
2281 section 33-840, for the purpose of conducting business transactions of
2282 the organization if such service is purchased or leased from a company
2283 rendering telecommunications service and such purchase or lease is
2284 subject to tax under this chapter, [and] (iv) access or interconnection
2285 service purchased by a provider of telecommunications service from
2286 another provider of such service for purposes of rendering such
2287 service, provided the purchaser submits to the seller a certificate
2288 attesting to the applicability of this exclusion, upon receipt of which
2289 the seller is relieved of any tax liability for such sale so long as the
2290 certificate is taken in good faith by the seller, (v) data processing and
2291 information services that allow data to be generated, acquired, stored,
2292 processed or retrieved and delivered by an electronic transmission to a
2293 purchaser where such purchaser's primary purpose for the underlying
2294 transaction is the processed data or information, (vi) installation or
2295 maintenance of wiring equipment on a customer's premises, (vii)
2296 tangible personal property, (viii) advertising, including, but not
2297 limited to, directory advertising, (ix) billing and collection services
2298 provided to third parties, (x) Internet access service, (xi) ancillary
2299 services, and (xii) digital products delivered electronically, including,
2300 but not limited to, software, music, video, reading materials or ring
2301 tones.

2302 (B) For purposes of the tax imposed under this chapter (i) gross
2303 receipts from the rendering of telecommunications service shall
2304 include any subscriber line charge or charges as required by the

2305 Federal Communications Commission and any charges for access
2306 service collected by any person rendering such service unless
2307 otherwise excluded from such gross receipts under this chapter, and
2308 such gross receipts from the rendering of telecommunications service
2309 shall also include any charges for vertical service, for the installation or
2310 maintenance of wiring equipment on a customer's premises, and for
2311 directory assistance service; (ii) gross receipts from the rendering of
2312 telecommunications service shall not include any local charge for calls
2313 from public or semipublic telephones; and (iii) gross receipts from the
2314 rendering of telecommunications service shall not include any charge
2315 for calls purchased using a prepaid telephone calling service, as
2316 defined in subdivision (34) of this subsection.

2317 Sec. 64. (NEW) (*Effective July 1, 2007*) (a) There is established an
2318 account to be known as the "public, educational and governmental
2319 programming and education technology investment account", which
2320 shall be a separate, nonlapsing account within the General Fund. The
2321 account shall contain any moneys required by law to be deposited in
2322 the account.

2323 (b) The moneys in said account shall be expended by the
2324 Department of Public Utility Control as follows: (1) Fifty per cent of
2325 said moneys shall be available to local community antenna television
2326 and video advisory councils; state-wide community antenna television
2327 and video advisory councils; public, educational and governmental
2328 programmers and public, educational and governmental studio
2329 operators to subsidize capital and equipment costs related to
2330 producing and procuring such programming, and (2) fifty per cent of
2331 said moneys shall be available to boards of education and other
2332 education entities for education technology initiatives.

2333 (c) The account shall be supported solely through a tax equal to one-
2334 half of one per cent of the gross earnings from rendering community
2335 antenna television service, video programming service by satellite and
2336 certified competitive video service in this state beginning October 1,
2337 2007, and before October 1, 2009, and a tax equal to one-quarter of one

2338 per cent of the gross earnings from rendering community antenna
2339 television service, video programming service by satellite and certified
2340 competitive video service in this state on or after October 1, 2009, by
2341 each person operating a community antenna television system under
2342 chapter 289 of the general statutes or a certified competitive video
2343 service pursuant to sections 33 to 44, inclusive, of this act and each
2344 person operating a business that provides one-way transmission to
2345 subscribers of video programming by satellite. Such tax for the fiscal
2346 year shall be remitted to the Department of Revenue Services on a
2347 form prescribed by the Commissioner of Revenue Service by August
2348 thirtieth following the close of the fiscal year. For purposes of this
2349 section, gross receipts in this state shall be determined in a manner
2350 consistent with chapter 211 of the general statutes.

2351 (d) On or before October 1, 2007, the Department of Public Utility
2352 Control shall initiate a contested case proceeding to establish eligibility
2353 requirements and procedures for applying for allocations from the
2354 account. On or before April 1, 2008, the department shall issue a final
2355 decision in the contested case proceeding. Such decision shall include
2356 any recommendations to the Governor and the General Assembly that
2357 the department deems necessary with regard to the ongoing operation
2358 of the account.

2359 (e) For purposes of this section, a holder of a certificate of cable
2360 franchise authority pursuant to section 44 of this act shall be treated as
2361 a person operating a community antenna television system pursuant to
2362 chapter 289 of the general statutes and community antenna television
2363 service shall include service provided by a holder of a certificate of
2364 cable franchise authority pursuant to section 44 of this act.

2365 Sec. 65. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any
2366 provision of the general statutes, any regulation or any decision of the
2367 Department of Public Utility Control, any municipal electric utility,
2368 including its affiliate or subsidiary, which on July 1, 2007, is the holder
2369 of a second franchise to provide community antenna television service
2370 in a defined franchise area in the state shall be eligible to be a certified

2371 competitive video service provider for all purposes, regardless of the
2372 technology or technologies used to provide video programming, and
2373 may file an application to the department for a certificate of video
2374 franchise authority pursuant to section 33 of this act. Such certificate, if
2375 granted, shall (1) replace the certificate of public convenience and
2376 necessity to provide community antenna television service previously
2377 issued to such municipal electric utility, its affiliate or subsidiary,
2378 which shall thereafter be subject to the provisions of sections 33 to 43,
2379 inclusive, of this act, (2) not limit the services in addition to video
2380 programming that said certified video service provider may offer
2381 subscribers within its service area footprint, and (3) be expressly
2382 limited to the service area footprint in which the franchise holder is
2383 authorized to provide community antenna television service as of July
2384 1, 2007. The requirements of sections 16-331 to 16-333p, inclusive, of
2385 the general statutes and of any regulations adopted pursuant to said
2386 sections shall not apply unless specifically made applicable to certified
2387 competitive video service providers.

2388 (b) Notwithstanding any provision of the general statutes, any
2389 regulation or any decision of the Department of Public Utility Control,
2390 any municipal electric utility, including its affiliate or subsidiary, may
2391 apply to the department to become a certified competitive video
2392 service provider for all purposes, outside of its existing community
2393 antenna television company franchise area as of July 1, 2007, if
2394 applicable, pursuant to section 33 of this act, regardless of the
2395 technology or technologies used to provide video programming. Such
2396 certificate, if granted, shall not limit the services in addition to video
2397 programming that said certified competitive video service provider
2398 may offer subscribers within its service area footprint. The
2399 requirements of sections 16-331 to 16-333p, inclusive, of the general
2400 statutes and of any regulations adopted pursuant to said sections shall
2401 not apply unless specifically made applicable to certified competitive
2402 video service providers.

2403 Sec. 66. (NEW) (*Effective October 1, 2007*) There is established a state-
2404 wide community antenna television advisory council to assist local

2405 community antenna television advisory councils in the performance of
2406 their functions and disseminate information to local advisory councils
2407 that is relevant to the interests of customers of community antenna
2408 television companies. The state-wide advisory council shall consist of
2409 the following members: (1) Three appointed by the Governor; (2) two
2410 appointed by the speaker of the House of Representatives; (3) two
2411 appointed by the president pro tempore of the Senate; (4) one
2412 appointed by the majority leader of the House of Representatives; (5)
2413 one appointed by the majority leader of the Senate; (6) two appointed
2414 by the minority leader of the House of Representatives; and (7) two
2415 appointed by the minority leader of the Senate. The term of each
2416 member of the state-wide advisory council shall be coterminous with
2417 the term of the appointing authority for said member. Not later than
2418 January 1, 2008, and annually thereafter, the members shall elect a
2419 chairperson of said council from among the members of the council.

2420 Sec. 67. Subsection (d) of section 16-331 of the general statutes is
2421 amended by adding subdivision (7) as follows (*Effective October 1,*
2422 *2007*):

2423 (NEW) (7) Notwithstanding the provisions of this subsection, if at
2424 any time after the grant of an initial or renewal term of a franchise, the
2425 community antenna television company and the third-party nonprofit
2426 community access provider reach an agreement that the community
2427 antenna television company will provide a capital contribution to such
2428 provider in a mutually agreeable amount solely for the purpose of the
2429 upgrade or replacement of capital equipment, the Department of
2430 Public Utility Control shall grant a two-year extension of such
2431 franchise term, provided the community antenna television company
2432 commits to not pass through said capital contribution in subscriber
2433 rates or community access fees. In a franchise area with more than one
2434 community access provider, an agreement shall be deemed to be
2435 reached when two-thirds or more of the community access providers
2436 within that franchise independently reach agreement with the
2437 community antenna television company. Only those community access
2438 providers reaching agreement shall receive the funding mutually

2439 agreed upon pursuant to this subdivision. Such extension shall not be
2440 a contested case proceeding and shall be applicable to no more than
2441 one time per franchise term.

2442 Sec. 68. Subsection (f) of section 16-331 of the general statutes is
2443 repealed and the following is substituted in lieu thereof (*Effective*
2444 *October 1, 2007*):

2445 (f) Each applicant for a certificate shall finance the reasonable costs
2446 of a community needs assessment, conducted by an independent
2447 consultant and developed jointly by the department, the Office of
2448 Consumer Counsel, the local advisory council and the applicant,
2449 which assessment shall analyze a community's future cable-related
2450 needs and, if applicable, shall provide the department with assistance
2451 in analyzing an operator's past performance, as defined in subsection
2452 (d) of [section 16-333/] this section. The department shall supervise the
2453 assessment and provide the independent consultant with the date
2454 upon which the assessment shall be completed and filed with the
2455 department. Such community needs assessment shall be conducted in
2456 lieu of the requirement in subdivision (12) of subsection (c) of section
2457 16-333-39 of the regulations of Connecticut state agencies. In its final
2458 decision on the application for a certificate, the department shall state
2459 the reasons for not implementing any key recommendations made in
2460 any such needs assessment. The provisions of this subsection shall not
2461 apply to a franchise area which is subject to effective competition, as
2462 defined in 47 USC 543, as from time to time amended, at the time the
2463 application is received by the department.

2464 Sec. 69. Subsection (g) of section 16-331 of the general statutes is
2465 repealed and the following is substituted in lieu thereof (*Effective*
2466 *October 1, 2007*):

2467 (g) Each certificate of public convenience and necessity for a
2468 franchise issued pursuant to this section shall be nonexclusive, and
2469 each such certificate issued for a franchise in any area of the state
2470 where an existing franchise is currently operating shall not contain

2471 more favorable terms or conditions than those imposed on the existing
2472 franchise. This subsection shall not apply to the length of the term of
2473 such certification as may be determined pursuant to subsection (d) of
2474 this section. A certificate may require a franchise to enter into good
2475 faith negotiations to facilitate community access television
2476 interconnection with an existing or potential competitor franchise.

2477 Sec. 70. Subsection (d) of section 16-331a of the general statutes is
2478 repealed and the following is substituted in lieu thereof (*Effective*
2479 *October 1, 2007*):

2480 (d) Each company or organization shall conduct outreach programs
2481 and promote its community access services. Such outreach and
2482 promotion may include, but not be limited to (1) broadcasting cross-
2483 channel video announcements, (2) distributing information throughout
2484 the franchise area and not solely to its subscribers, (3) including
2485 community access information in its regular marketing publications,
2486 (4) broadcasting character-generated text messages or video
2487 announcements on barker or access channels, (5) making speaking
2488 engagements, [and] (6) holding open receptions at its community
2489 access facilities, and (7) in multitown franchise areas, encouraging the
2490 formation and development of local community access studios
2491 operated by volunteers or nonprofit operating groups.

2492 Sec. 71. Subsection (h) of section 16-331a of the general statutes is
2493 repealed and the following is substituted in lieu thereof (*Effective*
2494 *October 1, 2007*):

2495 (h) Upon the request of the Office of Consumer Counsel or the
2496 franchise's advisory council, and for good cause shown the department
2497 shall require an organization responsible for community access
2498 operations to have an independent audit conducted at the expense of
2499 the organization. For purposes of this subsection, "good cause" may
2500 include, but not be limited to, the failure or refusal of such
2501 organization (1) to account for and reimburse the community access
2502 programming budget for its commercial use of community access

2503 programming facilities, equipment or staff, or for the allocation of such
2504 facilities, equipment or staff to functions not directly related to the
2505 community access operations of the franchise, (2) to carry over
2506 unexpended community access programming budget accounts at the
2507 end of each fiscal year, (3) to properly maintain community access
2508 programming facilities or equipment in good repair, or (4) to plan for
2509 the replacement of community access programming equipment made
2510 obsolete by technological advances. In response to any such request,
2511 the department shall state, in writing, the reasons for its determination.

2512 Sec. 72. Section 16-331a of the general statutes is amended by adding
2513 subsection (o) as follows (*Effective October 1, 2007*):

2514 (NEW) (o) Each company or organization shall consult with its
2515 advisory council in the formation of a community access programming
2516 policy, the adoption of the community access programming budget
2517 and the allocation of capital equipment and community access
2518 programming resources.

2519 Sec. 73. Section 16-331c of the general statutes is repealed and the
2520 following is substituted in lieu thereof (*Effective October 1, 2007*):

2521 Each community antenna television company, as defined in section
2522 16-1, shall annually contribute to the advisory council in its franchise
2523 area an amount not less than two thousand dollars [. An] and to the
2524 state-wide community antenna television advisory council an amount
2525 not less than two hundred dollars. A local advisory council may at its
2526 option receive any or all of its funding through in-kind services of the
2527 community antenna television company. [Each] The state-wide
2528 community antenna television advisory council and each local
2529 advisory council shall annually, on January thirty-first, provide the
2530 Department of Public Utility Control with an accounting of any
2531 funding or services received.

2532 Sec. 74. (*Effective October 1, 2007*) The Comptroller shall deposit into
2533 the public, educational and governmental programming and education
2534 technology investment account, established pursuant to section 64 of

2535 this act, the total of the tax imposed on community antenna television
2536 service, video programming service by satellite and certified
2537 competitive video service pursuant to section 64 of this act.

2538 Sec. 75. (*Effective October 1, 2007*) The joint standing committee of the
2539 General Assembly having cognizance of matters relating to finance,
2540 revenue and bonding shall conduct a review and analysis of the state
2541 and local taxes applicable to telecommunications services, community
2542 antenna television services, video programming services by satellite
2543 and certified competitive video service providers for consideration by
2544 the committee during the 2008 regular session of the General
2545 Assembly.

2546 Sec. 76. Section 16-245a of the general statutes is amended by adding
2547 subsection (g) as follows (*Effective from passage*):

2548 (NEW) (g) (1) Notwithstanding the provisions of subsections (a) to
2549 (f), inclusive, of this section and section 16-244c, for periods beginning
2550 on and after January 1, 2008, each electric distribution company shall
2551 procure renewable energy certificates from Class I, Class II and Class
2552 III renewable energy sources that represent generation in amounts
2553 equal to or greater than fifty per cent of the minimum procurement
2554 required from Class I, Class II and Class III renewable energy sources.
2555 The electric distribution companies shall enter into long-term contracts
2556 for not more than fifteen years to procure such renewable energy
2557 certificates. The electric distribution companies shall use any
2558 renewable energy certificates obtained pursuant to this section to meet
2559 their standard service and supplier of last resort renewable portfolio
2560 standard requirements and may sell any such credits in excess of their
2561 needs to meet such renewable portfolio standard requirements of
2562 electric suppliers supplying customers in such electric distribution
2563 companies' service areas, with appropriate crediting mechanisms and
2564 cost recovery mechanisms to be determined by the department
2565 pursuant to the procedures established pursuant to subdivision (2) of
2566 this subsection.

2567 (2) On or before July 1, 2007, the Department of Public Utility
 2568 Control shall initiate a contested case proceeding to establish the
 2569 procedures for the procurement of renewable energy certificates
 2570 pursuant to this subsection and the recovery of the costs of such
 2571 program for customers of the electric distribution companies. The
 2572 department's procedures shall include: (A) The method and timing of
 2573 crediting of the procurement of renewable energy certificates against
 2574 the renewable energy portfolio standard purchase obligations of the
 2575 electric distribution companies pursuant to subsection (a) of this
 2576 section; (B) the terms and conditions, including reasonable
 2577 performance assurance commitments, to be imposed on entities
 2578 seeking to supply renewable energy certificates; (C) the means by
 2579 which electric distribution companies may address any renewable
 2580 energy certificates in excess of their needs, including by sale to electric
 2581 suppliers; (D) the level of one-time compensation, not to exceed one
 2582 mill per kilowatt-hour of output and services associated with the
 2583 renewable energy certificates purchased pursuant to this section,
 2584 which may be payable to the electric distribution companies and
 2585 recovered as part of the generation services charge or through an
 2586 appropriate nonbypassable rate component on customers' bills; and (E)
 2587 the manner in which costs for such program may be recovered from
 2588 electric distribution company customers. The department shall issue
 2589 its final decision on or before February 1, 2008.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	22a-135
Sec. 2	<i>July 1, 2007</i>	HB 7432 (current session), Sec. 121SubSec. (b)
Sec. 3	<i>from passage</i>	HB 7432 (current session), Sec. 107
Sec. 4	<i>from passage</i>	16-47(a)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	16-19b(h)
Sec. 7	<i>from passage</i>	16-19(a)

Sec. 8	<i>from passage</i>	HB 7432 (current session), Sec. 98SubSec. (c)
Sec. 9	<i>July 1, 2007</i>	16-6a
Sec. 10	<i>from passage</i>	16-262j(c)
Sec. 11	<i>from passage</i>	16-8a(c)
Sec. 12	<i>from passage</i>	16-1(a)(30)
Sec. 13	<i>from passage</i>	16-1(a)(31)
Sec. 14	<i>from passage</i>	16-1(a)
Sec. 15	<i>from passage</i>	16-245(l)
Sec. 16	<i>from passage</i>	16-245b
Sec. 17	<i>from passage</i>	16-245p(b)
Sec. 18	<i>from passage</i>	22a-266(a)(19)
Sec. 19	<i>from passage</i>	7-148ee(c)
Sec. 20	<i>from passage</i>	33-219(b)
Sec. 21	<i>from passage</i>	16-247p
Sec. 22	<i>from passage</i>	16-245n(a)
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>July 1, 2007</i>	New section
Sec. 25	<i>from passage</i>	New section
Sec. 26	<i>July 1, 2007</i>	New section
Sec. 27	<i>July 1, 2007</i>	16-262e
Sec. 28	<i>July 1, 2007</i>	New section
Sec. 29	<i>July 1, 2007</i>	New section
Sec. 30	<i>from passage</i>	16-1(a)(31)
Sec. 31	<i>from passage</i>	16-245o
Sec. 32	<i>October 1, 2007</i>	16-1
Sec. 33	<i>October 1, 2007</i>	New section
Sec. 34	<i>October 1, 2007</i>	New section
Sec. 35	<i>October 1, 2007</i>	New section
Sec. 36	<i>October 1, 2007</i>	New section
Sec. 37	<i>October 1, 2007</i>	New section
Sec. 38	<i>October 1, 2007</i>	New section
Sec. 39	<i>October 1, 2007</i>	New section
Sec. 40	<i>October 1, 2007</i>	New section
Sec. 41	<i>October 1, 2007</i>	New section
Sec. 42	<i>October 1, 2007</i>	New section
Sec. 43	<i>October 1, 2007</i>	New section
Sec. 44	<i>October 1, 2007</i>	New section
Sec. 45	<i>October 1, 2007</i>	New section

Sec. 46	<i>October 1, 2007</i>	New section
Sec. 47	<i>October 1, 2007</i>	New section
Sec. 48	<i>October 1, 2007</i>	New section
Sec. 49	<i>October 1, 2007</i>	New section
Sec. 50	<i>October 1, 2007</i>	New section
Sec. 51	<i>October 1, 2007</i>	New section
Sec. 52	<i>October 1, 2007</i>	New section
Sec. 53	<i>October 1, 2007</i>	New section
Sec. 54	<i>October 1, 2007</i>	New section
Sec. 55	<i>October 1, 2007</i>	New section
Sec. 56	<i>October 1, 2007</i>	New section
Sec. 57	<i>July 1, 2007</i>	12-256
Sec. 58	<i>July 1, 2007</i>	12-258
Sec. 59	<i>October 1, 2007</i>	12-80b
Sec. 60	<i>October 1, 2007</i>	12-268j
Sec. 61	<i>October 1, 2007</i>	12-407(a)
Sec. 62	<i>October 1, 2007</i>	12-407(a)(2)(L)
Sec. 63	<i>October 1, 2007</i>	12-407(a)(26)
Sec. 64	<i>July 1, 2007</i>	New section
Sec. 65	<i>October 1, 2007</i>	New section
Sec. 66	<i>October 1, 2007</i>	New section
Sec. 67	<i>October 1, 2007</i>	16-331(d)
Sec. 68	<i>October 1, 2007</i>	16-331(f)
Sec. 69	<i>October 1, 2007</i>	16-331(g)
Sec. 70	<i>October 1, 2007</i>	16-331a(d)
Sec. 71	<i>October 1, 2007</i>	16-331a(h)
Sec. 72	<i>October 1, 2007</i>	16-331a
Sec. 73	<i>October 1, 2007</i>	16-331c
Sec. 74	<i>October 1, 2007</i>	New section
Sec. 75	<i>October 1, 2007</i>	New section
Sec. 76	<i>from passage</i>	16-245a