



General Assembly

Amendment

February Session, 2008

LCO No. 4373

HB0581404373HDO

Offered by:

REP. MAZUREK, 80th Dist.

REP. BERGER, 73rd Dist.

REP. STONE, 9th Dist.

To: Subst. House Bill No. 5814

File No. 323

Cal. No. 190

"AN ACT CONCERNING COMMUNITY ACCESS TELEVISION."

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

3 "Sec. 501. (NEW) (*Effective July 1, 2008*) (a) On or before sixty days
4 prior to October 1, 2008, and on or before sixty days prior to October
5 first every five years thereafter, any community-based nonprofit
6 organization may petition the Department of Public Utility Control to
7 assume responsibility for community access within a defined service
8 area. Upon receipt of any such petition, the department shall conduct a
9 contested case proceeding to determine whether to assign such
10 responsibility to a qualified community-based nonprofit organization,
11 certified competitive video service provider, holder of a certificate of
12 cable franchise authority or community access television company
13 based on the following criteria: (1) The recommendations of the
14 community television advisory council and of the municipalities in the

15 service area, (2) a review of the current organization's or the current
16 company's performance in providing community access programming,
17 (3) the operation plan submitted by the organization and the company
18 for providing community access programming, (4) the organization's
19 experience in community access programming, (5) the organization's
20 and the company's proposed budget, including expenses for salaries,
21 consultants, attorneys and other professionals, (6) the quality and
22 quantity of the programming to be created, promoted or facilitated by
23 the organization or the company, (7) a review of the organization's
24 procedures to ensure compliance with federal and state law, including
25 the regulations of state agencies, and (8) any other criteria determined
26 to be relevant by the department.

27 (b) On or before sixty days prior to April 1, 2009, and on or before
28 sixty days prior to April first of every five years thereafter, the
29 department may, on its own initiative, review and evaluate a
30 company's or organization's provision of community access
31 programming. The department shall conduct such review or
32 evaluation if the Consumer Counsel or any interested party petitions
33 the department for such a review during the period commencing
34 October 1, 2008, and ending April 1, 2009, and each corresponding
35 period every five years thereafter. Such review shall include
36 consideration of the factors set forth in subsection (a) of this section."