



General Assembly

February Session, 2008

Amendment

LCO No. 6150

HB0581406150HDO

Offered by:
REP. FONTANA, 87th Dist.

To: Subst. House Bill No. 5814 File No. 323 Cal. No. 190

"AN ACT CONCERNING COMMUNITY ACCESS TELEVISION."

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

3 "Section 1. (NEW) (*Effective from passage*) (a) Any third-party
4 nonprofit community access provider serving six municipalities, one of
5 which has a population of more than one hundred thirty thousand,
6 shall, upon request from any town organization, authority, body or
7 official within its service territory, provide written consent, pursuant
8 to its service provider agreements, for said town organization,
9 authority, body or official to (1) operate education and government
10 public access channels in that town, and (2) engage freely and directly
11 the community antenna television company providing services in that
12 town to use their headend equipment for dissemination of town-
13 specific community access programming on such channels. Said third-
14 party nonprofit community access provider must grant such written
15 consent to said requesting town organization, authority, body or
16 official within three business days. Written consent not provided

17 within three business days shall be deemed granted.

18 (b) If a third-party nonprofit provider fails to provide written
19 consent within three days, pursuant to subsection (a) of this section,
20 the Department of Public Utility and Control shall, upon a request
21 from a town organization, authority, body or official within the service
22 territory of that third-party nonprofit community access provider
23 serving six municipalities, one of which has a population of more than
24 one hundred thirty thousand, (1) terminate, revoke or rescind such
25 third party nonprofit provider's service agreement to provide public
26 access programming within one hundred eighty days, and (2) reopen
27 the application process to secure a community access provider for each
28 of the towns within the affected service territory.

29 Sec. 2. (NEW) (*Effective from passage*) (a) A community antenna
30 television company, a certified competitive video service provider that
31 was providing service as a community antenna television company
32 pursuant to section 16-331 of the 2008 supplement to the general
33 statutes on October 1, 2007, or a holder of a certificate of cable
34 franchise authority that provides services within a service territory of a
35 third-party nonprofit community access provider that serves six
36 municipalities, one of which has a population of more than one
37 hundred thirty thousand, shall direct the sum of one hundred
38 thousand dollars per year from the funds collected from subscribers in
39 said service territory that it provides to the existing third-party
40 nonprofit community access provider serving six municipalities, one of
41 which has a population of more than one hundred thirty thousand,
42 directly to the service territory's community antenna television
43 advisory council for developing town-specific education and
44 government community access programming.

45 (b) A community antenna television advisory council that receives
46 funds pursuant to subsection (a) of this section shall distribute said
47 funds in their entirety to a town organization, authority, body or
48 official in the service territory of a third-party nonprofit community
49 access provider serving six municipalities, one of which has a

50 population of more than one hundred thirty thousand, to support the
51 development of production and programming capabilities for town-
52 specific education and government public access programming,
53 pursuant to grant procedures and processes established by said
54 council.

55 (c) Any community antenna television advisory council that
56 receives funds pursuant to subsection (a) of this section shall report
57 annually to the Department of Public Utility Control all completed or
58 planned disbursements of funds and certify that said funds were spent
59 in their entirety and used for the public good in the creation of town-
60 specific education and government public access programming for at
61 least one of the towns in its service territory.

62 Sec. 3. (NEW) (*Effective from passage*) (a) Local community antenna
63 television advisory councils shall mediate customer inquiries or
64 complaints regarding public access television within their service
65 areas. Inquiries or complaints may involve public access service, public
66 access funding allocation, access to production studios, quality of
67 programming, availability of town-specific programming and other
68 public access television issues.

69 (b) If any party is unsatisfied with such council's proposed
70 resolution of such inquiry or complaint, such party may bring the
71 party's issue to the Department of Public Utility Control. The
72 department shall adopt regulations in accordance with chapter 54 of
73 the general statutes to set forth the manner in which the department
74 shall handle such issues.

75 (c) Not later than January 1, 2009, each community access provider
76 shall notify residents in its service area regarding contact information
77 for the local cable access advisory council.

78 Sec. 4. Subsection (c) of section 16-333 of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective from*
80 *passage*):

81 (c) The Department of Public Utility Control shall adopt regulations
82 in accordance with chapter 54 requiring each community antenna
83 television company or holder of a certificate of cable franchise
84 authority to [maintain] provide to all of its subscribers at least [one] the
85 number of specially designated, noncommercial community access
86 [channel] channels, including all town-specific channels, that its
87 predecessor community antenna television company or its affiliate
88 provided or made available to [the public] all of its subscribers in a
89 given area as of January 1, 2008, and establishing minimum standards
90 for the equipment supplied by such company for the community
91 access programming and requirements concerning the availability and
92 operation of such [channel] channels. The regulations adopted
93 pursuant to this section shall not require a community antenna
94 television company or holder of a certificate of cable franchise
95 authority to employ a specific transmission technology or protocol, nor
96 specify the use of digital, analog or other carriage, provided a
97 community antenna television company or holder of a certificate of
98 cable franchise authority shall not discriminate in the signal quality,
99 functionality or accessibility that it provides on the basis of the
100 commercial or noncommercial status of a channel.

101 Sec. 5. Section 16-331d of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective from passage*):

103 (a) The chief elected official from the town in which a vacant seat
104 exists on a community antenna television advisory council shall
105 appoint a member to fill such vacancy if any other appointing
106 authority fails to make an appointment within six months of the time
107 in which a vacancy occurs.

108 (b) No member of a community antenna television advisory council
109 appointed by the chief elected official of a municipality, the board of
110 education or the public libraries shall be an employee of a community
111 antenna television company but any member of a community antenna
112 television advisory council may be an employee of a community access
113 provider. For the purposes of this subsection, an employee includes

114 any person working full or part time or performing any subcontracting
115 or consulting services for the company or community access provider.

116 Sec. 6. Section 16-331t of the 2008 supplement to the general statutes
117 is repealed and the following is substituted in lieu thereof (*Effective*
118 *from passage*):

119 (a) A company issued a certificate of cable franchise authority shall,
120 twice a year, convene a meeting with the advisory council established
121 pursuant to its previous certificate of public convenience and necessity
122 issued pursuant to section 16-331 of the 2008 supplement to the general
123 statutes. Members shall be appointed in accordance with section 16-
124 331d. No member of the advisory council shall be an employee of a
125 company providing community antenna television service or video
126 service but any member of a community antenna television advisory
127 council may be an employee of a community access provider. For the
128 purposes of this subsection, an employee includes any person working
129 full or part time or performing any subcontracting or consulting
130 services for a company providing community antenna television
131 service or video service or community access provider.

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

135 (c) Members of the advisory council shall serve without
136 compensation. For the purposes of this section, compensation shall
137 include the receipt of any free or discounted community antenna
138 television service or video service.

139 (d) The Department of Public Utility Control shall designate the
140 advisory council as an intervenor in any contested case proceeding
141 before the department involving the company it advises. Such
142 company shall provide to the chairperson of the advisory council a
143 copy of any report, notice or other document it files with the
144 department in any applicable proceeding.

145 (e) Any company issued a certificate of cable franchise authority
146 shall, every six months, provide on bills, bill inserts or letters to
147 subscribers, a notice indicating the name and address of the
148 chairperson of the advisory council and describing the responsibilities
149 of such advisory council. The advisory council shall have an
150 opportunity to review such notice prior to its distribution.

151 Sec. 7. Section 16-331h of the 2008 supplement to the general statutes
152 is repealed and the following is substituted in lieu thereof (*Effective*
153 *October 1, 2008*):

154 (a) Not later than one hundred twenty days after the certified
155 competitive video service provider begins offering service in a
156 designated area pursuant to its certificate of video franchise authority,
157 such provider shall provide capacity over its video service to allow
158 community access programming, in its basic service package, in
159 accordance with the following: (1) The certified competitive video
160 service provider shall provide capacity equal to the number of
161 community access channels currently offered by the incumbent
162 community antenna television company in the given area; (2) the
163 certified competitive video service provider shall provide funds for
164 community access operations, as provided in subsection (k) of section
165 16-331a of the 2008 supplement to the general statutes; (3) the certified
166 competitive video service provider shall provide the transmission of
167 community access programming with connectivity up to the first two
168 hundred feet from the competitive video service provider's activated
169 wireline video programming distribution facility located in the
170 provider's designated service area and shall not provide additional
171 requirements for the creation of any content; and (4) the community
172 access programming shall be submitted to the certified competitive
173 video service provider in a manner or form that is compatible with the
174 technology or protocol utilized by said competitive video service
175 provider to deliver video services over its particular network, and is
176 capable of being accepted and transmitted by the provider, without
177 requirement for additional alteration or change in the content by the
178 provider.

179 (b) A certified competitive video service provider and a community
180 antenna television company or nonprofit organization providing
181 community access operations shall engage in good faith negotiation
182 regarding interconnection of community access operations where such
183 interconnection is technically feasible or necessary. Interconnection
184 may be accomplished by direct cable, microwave link, satellite or other
185 reasonable method of connection. At the request of a competitive video
186 service provider, community antenna television company or provider
187 of community access operations, the Department of Public Utility
188 Control may facilitate the negotiation for such interconnection.

189 [(c) Not later than one hundred twenty days after the certified
190 competitive video service provider begins offering service in a
191 designated area pursuant to its certificate of video franchise authority,
192 such provider shall provide transmission of the Connecticut Television
193 Network to all its subscribers, including real-time transmission as
194 technically feasible, under the same conditions as set forth in
195 subdivisions (3) and (4) of subsection (a) of this section.]

196 (c) On or after March 1, 2009, but before April 1, 2009, the
197 Department of Public Utility Control shall initiate a contested case
198 proceeding to evaluate the video and audio quality, and length of time
199 necessary to access and view town-specific public, education and
200 government community access programming and content that
201 certified competitive video service providers and holders of a
202 certificate of cable franchise authority provide to their subscribers.

203 Sec. 8. (NEW) (*Effective from passage*) (a) No company or its affiliate,
204 except for a company or affiliate owned by a municipal electric utility,
205 shall qualify, be certified or provide video service as a competitive
206 video service provider in any area where it or an affiliate was
207 providing service as a community antenna television company
208 pursuant to section 16-331 of the 2008 supplement to the general
209 statutes on October 1, 2007.

210 (b) Any company or its affiliate, except for a company or affiliate

211 owned by a municipal electric utility, offering video service as a
212 competitive video service provider in any area where it was providing
213 service as a community antenna television company pursuant to said
214 section 16-331 on October 1, 2007, shall be subject to sections 14 to 24,
215 inclusive, of public act 07-253 in their entirety.

216 (c) No company or its affiliate shall qualify, be certified or hold a
217 certificate of cable franchise authority in any franchise area of the state
218 where it was providing community antenna television service
219 pursuant to said section 16-331 on October 1, 2007, unless a certified
220 competitive video service provider or a municipal electric utility or its
221 affiliate or subsidiary has been offering video service as defined in
222 public act 07-253 to at least one customer in that franchise area for a
223 period of thirty days.

224 (d) Nothing in this section shall affect or otherwise limit or restrict
225 the eligibility of a municipal electric utility, its affiliates or subsidiaries,
226 to be certified as a competitive video service provider pursuant to
227 section 16-331dd of the 2008 supplement to the general statutes, as
228 amended by this act.

229 Sec. 9. (NEW) (*Effective from passage*) Any community antenna
230 television company or third-party, nonprofit organization, designated
231 a community access provider prior to October 1, 2007, that supplied
232 equipment, technical assistance or funding to autonomous, locally run
233 nonprofit operations producing town-specific community access
234 programming shall continue to provide such equipment, technical
235 assistance or funding to such operations in the manner and
236 proportions established prior to October 1, 2007.

237 Sec. 10. Section 16-331s of the 2008 supplement to the general
238 statutes is repealed and the following is substituted in lieu thereof
239 (*Effective from passage*):

240 [(a)] A company issued a certificate of cable franchise authority shall
241 be subject to the community access programming and operations
242 provisions set forth in subsections (b) to [(i), inclusive, and subsections

243 (k)] (l), inclusive, and (n) of section 16-331a of the 2008 supplement to
 244 the general statutes, and any regulations pursuant thereto, and
 245 subsection (c) of section 16-333, as amended by this act, and any
 246 regulations pursuant thereto.

247 [(b) A company issued a cable franchise authority certificate shall
 248 provide transmission of the Connecticut Television Network to all its
 249 subscribers, including real-time transmission as technically feasible.]"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	16-333(c)
Sec. 5	<i>from passage</i>	16-331d
Sec. 6	<i>from passage</i>	16-331t
Sec. 7	<i>October 1, 2008</i>	16-331h
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	16-331s