



# State of Connecticut

## Office of Consumer Counsel

**Mary J. Healey**  
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**The Energy and Technology Committee**  
**March 5, 2009**

**H.B. 6604 AAC Public Access Television Channels**  
**Testimony of Mary J. Healey, Consumer Counsel**  
**Presented by William L. Vallée Jr., Principal Attorney**

The Office of Consumer Counsel (OCC) has carefully reviewed H.B. 6604 *AAC Public Access Television Channels*, a bill that would attempt to improve community access television in the state. Rather than promote a revamping of many provisions of Title 16 of the Connecticut General Statutes, however, the OCC supports merely passing Section 10 of the proposed bill into law which will allow for a performance review of all video providers by the DPUC on a biennial basis, with the participation of all interested parties in that review.

Unlike the other sections of this bill, Section 10 does not change the substantive legal framework for the regulation of video services or specifically the interests of the PEG community, but merely once again provides the DPUC and interested parties with periodic opportunities to verify that existing statutes and regulations are being followed by all video providers. In this way, the PEG community may be assured of a voice at the DPUC in the relationship between themselves and the video providers.

The Section 10 Biennial Review Docket requires the DPUC to conduct a performance review of all certified video providers, including the telephone and cable companies, a process that was removed from the DPUC's statutory authority by P.A. 07-253 which stripped away the franchise reviews that had served to provide opportunities for the DPUC to fully examine the service provided by the cable operators every 5-10 years.

Thus, at present, the DPUC is severely limited in its ability to open a proceeding of this nature. This means that there is in fact no place for the various communities served by the video providers, PEG providers, or consumers themselves, to be heard. P.A. 07-253 attempted to advance competition in this market, but by eliminating the franchise renewal process, it also dispensed with an invaluable opportunity for the DPUC and interested parties to develop a substantive record on a biennial basis and thus to create a benchmark for continued proper compliance by all video providers.

P.A. 07-253 attempted to level the playing field among all video providers and to further open the market to competitive pressures. The provisions of that statute are now largely completed and form the foundation for the market as it exists today. The addition of Section 10 of this proposal will correct the loss of regular examinations by all interested parties into the

operations of the video providers, examinations that have historically led to pressure upon them to better serve the communities in which they provide service.

Further, Section 10 will provide a reasonable platform for all interested parties to obtain discovery responses and file comments on the performance of the entire array of market participants on a regular basis before the DPUC. This performance review process will be the only examination of whether the video providers are following the rules of the road, the minimum standards of performance and service quality. An open and equitable examination of that status every other year can only be seen to be valuable, especially in light of the complaints and turmoil lately seen among consumers of video services.

History has shown that regular examinations of the video providers, strenuous discovery of facts, transparent and in the public record, for all interested parties to examine at any time, provides a check on problem behavior and poor service, unequaled by competitive pressures alone. In this way, market participants will receive a public report card, and of course, the DPUC will be able to implement remedial changes to the operations of providers failing to meet the existing statutory and regulatory standards.

All interested parties, including PEG advisory councils and all members of the public access community, the AG, the OCC, and of course, constituent customers of the video providers, will have the opportunity to present evidence and cross examine the providers every other year in these performance reviews. The scope of these reviews is detailed in the statutory language and includes, as a minimum, issues concerning customer service, community access support, management of outages, service to handicapped and low-income customers and cooperation with the DPUC. An essential element of this process will be the full authority in the DPUC to take administrative notice of all complaints filed and can act upon them individually and by class of complaint.

While the OCC is a statutory party to all matters before the DPUC, the statute specifically authorizes the Attorney General and the applicable advisory council to full participation as parties, also providing all parties the right to appeal any determination of the department pursuant to section 16-35 of the general statutes.

Surely no party can object to such a proposal since if each is fulfilling their statutory and regulatory requirements, then they will receive only high marks and the process will inevitably lead to improved relations between the providers and their franchise communities. Accordingly, the OCC fully supports passage of Section 10 of H.B. 6604.