



House of Representatives

General Assembly

File No. 518

January Session, 2009

Substitute House Bill No. 6604

House of Representatives, April 6, 2009

The Committee on Energy and Technology reported through REP. NARDELLO of the 89th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC ACCESS TELEVISION CHANNELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Any community antenna
2 television company or nonprofit organization providing community
3 access operations that supplied original programming from locally run
4 operations and provided funding to town-specific programming on
5 January 1, 2008, shall continue to fund town-specific programming in
6 such proportions to funding for original programming from locally
7 run operations as of January 1, 2008.

8 Sec. 2. Section 16-331s of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective from passage*):

10 (a) A company issued a certificate of cable franchise authority shall
11 be subject to the community access programming and operations
12 provisions set forth in subsections (b) to [(i), inclusive, and subsections
13 (k),] (l), inclusive, and (n) of section 16-331a and any regulations

14 pursuant thereto, and subsection (c) of section 16-333, as amended by
15 this act, and any regulations pursuant thereto.

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

19 Sec. 3. Subsection (b) of section 16-331cc of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective from*
21 *passage*):

22 (b) The moneys in said account shall be expended by the
23 Department of Public Utility Control as follows: (1) Fifty per cent of
24 said moneys shall be available to local [community antenna television
25 and video advisory councils; state-wide community antenna television
26 and video advisory councils; public, educational and governmental
27 programmers and] public, educational and governmental studio
28 operators [to subsidize] whom the Department of Public Utility
29 Control requires to file annual community access provider reports, for
30 subsidizing capital and equipment costs related to producing and
31 procuring such programming, and (2) fifty per cent of said moneys
32 shall be available to boards of education and other education entities
33 for education technology initiatives.

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

37 (c) The Department of Public Utility Control shall adopt regulations
38 in accordance with chapter 54 requiring each community antenna
39 television company or holder of a certificate of cable franchise
40 authority to [maintain] provide to all of its subscribers at least [one] the
41 number of specially designated, noncommercial community access
42 [channel] channels, including all town-specific channels, that its
43 predecessor community antenna television company or its affiliate
44 provided or made available to [the public] all of its subscribers in a
45 given area as of January 1, 2008, and establishing minimum standards

46 for the equipment supplied by such company for the community
 47 access programming and requirements concerning the availability and
 48 operation of such [channel] channels. The regulations adopted
 49 pursuant to this section shall not require a community antenna
 50 television company or holder of a certificate of cable franchise
 51 authority to employ a specific transmission technology or protocol and
 52 shall not specify the use of digital, analog or other carriage, provided a
 53 community antenna television company or holder of a certificate of
 54 cable franchise authority shall not discriminate in the signal quality,
 55 functionality or accessibility that it provides on the basis of the
 56 commercial or noncommercial status of a channel.

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>	16-331s
Sec. 3	<i>from passage</i>	16-331cc(b)
Sec. 4	<i>from passage</i>	16-333(c)

Statement of Legislative Commissioners:

In section 1, the first reference to "January 1, 2008" was added for clarity.

ET *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill eliminates the eligibility of local community antenna television and video advisory councils; state-wide community antenna television and video advisory councils; public, education and governmental programmers to apply for funding from the public, education, and governmental programming and education technology investment account. There is no anticipated fiscal impact associated with this bill.

The Out Years

None

OLR Bill Analysis

sHB 6604

AN ACT CONCERNING PUBLIC ACCESS TELEVISION CHANNELS.

SUMMARY:

This bill expands requirements on cable TV companies and related entities with regard to town-specific community access. Community access consists of public, educational, and governmental (PEG) access.

The bill narrows the types of entities that are eligible for funding from the public, educational, and governmental programming and educational technology investment account (PEGPETIA).

The bill requires the advisory council for a company with a certificate of cable franchise authority to review all community access programming in the franchise area that has been the subject of a complaint. The certificate is a form of authorization for cable TV companies that was created by PA 07-253; the complaint review requirement already applied to cable TV company advisory councils.

EFFECTIVE DATE: Upon passage

COMMUNITY ACCESS REQUIREMENTS

Under current law, the Department of Public Utility Control (DPUC) must adopt regulations requiring each cable TV company to maintain at least one community access channel available to the public. The bill explicitly applies this requirement to companies that hold certificates of cable franchise authority. It requires both types of companies to provide to all of their subscribers at least the number of community access channels, including town-specific channels, that its predecessor cable TV company or its affiliate provided or made available to the subscribers in a given area as of January 1, 2008. The

bill specifies that the regulations may not (1) require these companies to use a specific transmission technology or protocol or (2) specify the use of digital, analog, or other types of carriage. But the company may not discriminate between commercial and noncommercial channels with regard to their signal quality, functionality, or accessibility. The bill's provisions do not apply to companies operating under a certificate of video franchise authority (e.g., AT&T).

The law imposes a number of requirements on cable TV companies with regard to community access, including supporting community access operations. By law, a nonprofit organization can petition DPUC to assume responsibility for these operations, with continued funding from the company.

The bill restores funding for town-specific access programming. Specifically, it requires that if the company or organization that operates community access (1) supplied original programming from a locally-run operation and (2) funded town-specific programming, it must continue to fund town-specific funding in the same proportion to funding for original programming from locally-run operations as it did as of January 1, 2008. Thus if half of a company's 2008 budget for local programming was spent on town-specific programming, it would be required to spend half of its future local programming budgets for town-specific programming.

PEGPETIA FUNDING ELIGIBILITY

Under current law, DPUC must allocate half of the money in PEGPETIA to local and state cable TV advisory councils, PEG programmers, and PEG studio operators. The bill limits funding to local PEG studio operators who DPUC require to file annual community access provider reports. By law, unaffected by the bill, DPUC must allocate the other half of the account to school boards and other educational entities for education technology initiatives. The account is funded by a tax on cable TV companies and related companies.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 20 Nay 1 (03/19/2009)