



General Assembly

January Session, 2009

Proposed Bill No. 5051

LCO No. 63

Referred to Committee on Energy and Technology

Introduced by:

REP. BERGER, 73rd Dist.

REP. MAZUREK, 80th Dist.

**AN ACT CONCERNING THE DEPARTMENT OF PUBLIC UTILITY
CONTROL'S OVERSIGHT OF AND RESPONSIBILITY FOR
COMMUNITY ACCESS TELEVISION.**

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

1 That the general statutes be amended to allow the Department of
2 Public Utility Control to assume responsibility for community access
3 and review and evaluate a company's or organization's provision of
4 community access programming, as follows: (a) On or before sixty
5 days prior to October 1, 2009, and on or before sixty days prior to
6 October first every five years thereafter, any community-based
7 nonprofit organization may petition the Department of Public Utility
8 Control to assume responsibility for community access within a
9 defined service area. Upon receipt of any such petition, the department
10 shall conduct a contested case proceeding to determine whether to
11 assign such responsibility to that community-based nonprofit
12 organization, any other nonprofit organization or community access
13 television company based on the following criteria: (1) The
14 recommendations of the community antenna television advisory

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

28 (b) On or before sixty days prior to April 1, 2010, and on or before
29 sixty days prior to April first of every five years thereafter, the
30 department may, on its own initiative, review and evaluate a
31 company's or organization's provision of community access
32 programming. The department shall conduct such review or
33 evaluation if the Consumer Counsel or any interested party petitions
34 the department for such a review during the period commencing
35 October 1, 2009, and ending April 1, 2010, and each corresponding
36 period every five years thereafter. Such review shall include
37 consideration of the factors set forth in subsection (a) of this section.

Statement of Purpose:

To allow the Department of Public Utility Control to take over responsibility for certain community access and to review and evaluate a company's or organization's provision of community access programming.