



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

Anthony J. Palermino

Commissioner

THE ENERGY & TECHNOLOGY COMMITTEE

House Bill 6604: AAC PUBLIC ACCESS TELEVISION CHANNELS

March 5, 2009

TESTIMONY OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL

The Department of Public Utility Control (Department) would like to comment on House Bill No. 6604. House Bill No. 6604 attempts to improve community access in the state. The Department notes that P.A. 07-253 attempted to level the playing field among all video providers and to further open the market to competitive pressures. However, as many are now coming to realize, the provisions of that statute are now largely complete and leave much to be desired. Clearly, this bill is an attempt to correct some of the holes left by removing all aspects of the franchising process and the paucity of the Department's authority to review and address issues stemming from the operations of the traditional and new providers of "video service".

If the Department were to receive the authority to commence proceedings and negotiate agreements between affected parties, as delineated in the proposed bill, the Department would request that this bill also include sufficient power for it to order specific remedies that would resolve any such petitions and proceedings. Without sufficient teeth to order the appropriate relief, the Department would still be left with out authority to settle disputes or to correct violations of the law.

Should this bill become law, the Department has the following suggestions for further clarifications:

Section 1(a). The term 'public access' is used, not 'community access.' These terms are not substitutes for one another. The term 'public access' can refer to the public access channel as opposed to the governmental access channel or educational access channel. To avoid this confusion, the terms describing access were changed many years ago pursuant to PA 95-150 in favor of the term "Community Access".

Section 1(b). The Department currently has authority to hear these complaints. Regulations are not needed since the Department has procedures to hear complaints.

Section 1(c). In many communities the community access provider is not privy to subscriber information and for those studios that are mainly staffed by volunteers, the task of notifying all residents regarding contact information of the advisory council would be costly and overly burdensome for them to complete. This responsibility should continue to rest with the entity in charge of the underlying service.

Section 2(c). Current advisory council appointment regulations (RCSA 16-333-35) restrict the percentage of advisory council seats that may be filled by board of directors members of nonprofit access providers. Section 2(c) of the bill may be considered somewhat inconsistent with the above-noted regulation inasmuch as the regulation restricts community access membership on an advisory council, while Section 2(c) says any advisory council member can be an employee of an access provider. In the past, the Department has received complaints that there is an inherent conflict of interest with advisory council members who are also involved in access-related matters as producers or otherwise.

Section 4. The Department is concerned that this provision is discriminatory in its application and does not allow for a level playing field with regards to the funding of community access.

Section 7(c). In the Department's opinion, regulations are unnecessary to implement the requirements of this section.

Section 10. Section 10 would make an advisory council a party and give the council the right of appeal. The Department does not object to designating advisory councils as intervenors in a case before the Department. However, granting advisory councils a right to appeal when they already have a voice through the Office of Consumer Counsel and the Attorney General's Office is redundant and has not been favorably accepted by the Connecticut Courts.

In conclusion, the Department agrees that more can be done to ensure that customers are receiving reliable, quality service from its providers and that at present; it is severely limited in its authority to act on complaints in this field.