



General Assembly

Amendment

January Session, 2009

LCO No. 5661

HB0630305661HDO

Offered by:

REP. BERGER, 73rd Dist.

REP. MAZUREK, 80th Dist.

To: Subst. House Bill No. 6303

File No. 275

Cal. No. 214

**"AN ACT CONCERNING COMPENSATION OF UTILITY OFFICERS,
DIRECTORS AND EMPLOYEES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2009*) (a) Not later than sixty days
4 prior to October 1, 2009, and not later than sixty days prior to October
5 first every five years thereafter, any community-based nonprofit
6 organization may petition the Department of Public Utility Control to
7 assume responsibility for community access within a defined service
8 area. Upon receipt of any such petition, the department shall conduct a
9 contested case proceeding to determine whether to assign such
10 responsibility to the community-based nonprofit organization
11 submitting the petition or to any other nonprofit organization or
12 community access television company. The department shall base such
13 determination on the following criteria: (1) The recommendations of
14 the state-wide Community Antenna Television Advisory Council and
15 of the chief elected officials of the municipalities in the service area, (2)

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

28 (b) Not later than sixty days prior to April 1, 2010, and not later than
29 sixty days prior to April first every five years thereafter, the
30 department may, on its own initiative, review and evaluate the
31 provision of community access programming by the organization or
32 company. The department shall conduct such review or evaluation if
33 the Consumer Counsel or any interested party petitions the
34 department for such a review during the period commencing October
35 1, 2009, and ending April 1, 2010, and each corresponding period every
36 five years thereafter. Such review shall include consideration of the
37 factors set forth in subsection (a) of this section."