



General Assembly

Amendment

January Session, 2009

LCO No. 8086

HB0642608086SD0

Offered by:
SEN. FONFARA, 1st Dist.

To: Subst. House Bill No. 6426 File No. 960 Cal. No. 653

"AN ACT IMPROVING BROADBAND ACCESS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2009*) (a) A certified
4 telecommunications provider, as defined in section 16-1 of the general
5 statutes, or any company, except commercial mobile radio service
6 providers, using telephone numbers from the North American
7 Number Planning Administration shall arrange for the publication of
8 such provider's or company's subscriber list information in a local
9 telephone directory. Such provider or company shall not publish such
10 subscriber list information for any subscriber who has specifically
11 requested such information not be published.

12 (b) Such provider or subscriber shall furnish its subscriber list
13 information (1) on a nondiscriminatory basis to any requesting
14 directory publisher at a price not to exceed levels established by the
15 Federal Communications Commission, (2) as base file extracts and files

16 of listing updates, and (3) no less frequently than once a month.

17 Sec. 2. Section 16-32 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective October 1, 2009*):

19 Each public service company, except telegraph companies and
20 express companies subject to the jurisdiction of the Interstate
21 Commerce Commission or its successor agency and companies owned,
22 directly or indirectly, by a parent company, the accounts and
23 operations of which are required to be audited annually in accordance
24 with federal law, shall have an annual comprehensive audit and report
25 made of its accounts and operations by independent public
26 accountants satisfactory to the Department of Public Utility Control. A
27 copy of such annual audit report shall be filed with the department,
28 together with the company's annual report. In the absence of such an
29 audit report, or if the department, after notice and opportunity for a
30 hearing, determines that such audit report is insufficient or
31 unsatisfactory, the department shall cause such an audit to be made at
32 the expense of the company either by independent public accountants
33 satisfactory to the department or by any staff of the department
34 engaged in the activities contemplated by subsection (b) of section 16-
35 8. The department may waive the compliance with the provisions of
36 this section by any public service company whose annual gross income
37 is less than one hundred thousand dollars.

38 Sec. 3. (NEW) (*Effective July 1, 2009*) (a) As used in this section,
39 "broadband" means a high-speed Internet service whose minimum
40 speed is the speed as defined by the Federal Communications
41 Commission, and "priority areas" means those parts of the state the
42 Department of Public Utility Control determines to be unserved in
43 terms of access to broadband.

44 (b) The Department of Public Utility Control shall, in consultation
45 with the Governor's Broadband Working Group, the Office of
46 Consumer Counsel and the Broadband Internet Coordinating Council,
47 established pursuant to section 4d-100 of the general statutes, develop

48 a state-wide technology initiative program with funds received by the
49 state from the American Recovery and Reinvestment Act of 2009 for
50 the purpose of expanding broadband services. Nothing in this section
51 shall give the Department of Public Utility Control or any other entity
52 any additional authority, regulatory or otherwise, over providers of
53 telecommunications and information technology. The initiative
54 program established pursuant to this act shall include, but not be
55 limited to, the following components:

56 (1) Expanding and deploying broadband infrastructure in priority
57 areas and increasing broadband adoption. The initiative program shall
58 include a detailed financial incentives component to award incentives
59 first to private providers and then to public-private partnerships that
60 deploy additional broadband infrastructure to such priority areas. No
61 such incentive shall be available to support any deployment in areas
62 where broadband, via wireline or wireless technologies but not
63 satellite technology, is already available.

64 (2) In partnership with the private sector, establishing a digital
65 technology access and education program to provide information,
66 computers and other technology to access broadband and
67 communications technology to local communities in priority areas.
68 Such program may include, but not be limited to, education and skill-
69 building opportunities, hardware and software, Internet connectivity
70 and development of locally relevant content and delivery of vital
71 services through technology.

72 (3) Providing organizational and capacity building support to
73 groups throughout the state, including, but not limited to,
74 municipalities, the community-technical colleges, school districts,
75 libraries and senior centers, and identifying and facilitating the
76 availability of other public and private funding sources to enhance the
77 purposes of the state-wide technology initiative established pursuant
78 to this subsection.

79 (4) Establishing a competitive grant program to provide grants to

80 private sector providers or public-private partnerships. Grants shall be
81 used to provide training and skill-building opportunities; provide
82 access to hardware and software; provide Internet connectivity; adopt
83 information and communication technologies in priority areas and
84 develop locally relevant content and delivery of vital services through
85 technology. The department shall develop criteria for awarding grants
86 pursuant to this subdivision, which may include, but not be limited to,
87 eligibility requirements and funding sources.

88 (c) The department, in consultation with telecommunications and
89 Internet service providers, shall contract with a third-party
90 organization to create and regularly update a detailed, geographic
91 information system (GIS) map, at the census tract level, displaying
92 levels of broadband service by connection speed and type of
93 technology used and integrating the maps with demographic
94 information to produce a comprehensive state-wide inventory and
95 mapping of existing broadband service and capability. The resulting
96 maps shall clearly convey the following information:

97 (1) Areas unserved by any broadband provider;

98 (2) Areas served by a single broadband provider;

99 (3) The location of towers used to transmit and receive broadband
100 signals;

101 (4) Average upstream and downstream transmission speeds at the
102 census tract group level of detail;

103 (5) Areas served by multiple broadband providers; and

104 (6) The types of technology used to provide broadband service.

105 (d) The data used to produce the maps shall be capable of being
106 integrated with demographic data from other sources, including, but
107 not limited to, population density and household income to allow for
108 the production of maps that measure, down to the census tract level of
109 detail, various characteristics of residents in areas receiving different

110 levels of broadband services and using different technologies.

111 (e) Any broadband provider supplying data to the department for
112 the purposes of developing the state-wide technology initiative
113 program and the geographic information system map pursuant to this
114 section may request, before supplying such data, that the department
115 treat such data as trade secrets or proprietary commercial or financial
116 information pursuant to subparagraphs (A) and (B) of subdivision (5)
117 of subsection (b) of section 1-210 of the general statutes. If the
118 department determines that such data does not constitute a trade
119 secret or proprietary commercial or financial information pursuant to
120 subparagraphs (A) and (B) of subdivision (5) of subsection (b) of
121 section 1-210 of the general statutes, nothing in this subsection shall be
122 construed to require such provider to supply such data to the
123 department.

124 (f) On or before January 1, 2010, and annually thereafter for five
125 years, the department shall submit a report, in accordance with the
126 provisions of section 11-4a of the general statutes, on the development
127 of the state-wide technology initiative program and the geographic
128 information system map prepared pursuant to this section to the joint
129 standing committee of the General Assembly having cognizance of
130 matters relating to energy.

131 Sec. 4. Section 12-258 of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective July 1, 2009, and*
133 *applicable to sales years commencing on and after January 1, 2009*):

134 (a) Each person included in section 12-256 shall be taxed upon the
135 amount of the gross earnings in each quarterly period from the lines,
136 facilities, apparatus and auxiliary equipment operated by it in this
137 state, or from the transmission of video programming by satellite or by
138 a certified competitive video service provider to subscribers in this
139 state, as the case may be, at the rates provided in this section.

140 (b) Gross earnings for any quarterly period, for the purposes of
141 assessment and taxation, shall be as follows: In the case of a person

142 carrying on the business wholly within the limits of this state, the
143 entire amount of the gross earnings subject to the tax imposed under
144 section 12-256; in the case of a person also carrying on the business
145 outside of this state, a portion of the entire amount of the gross
146 earnings subject to the tax imposed under section 12-256 apportioned
147 to this state as follows: (1) In the case of a person operating a
148 community antenna television system, such portion of the total gross
149 earnings from the lines, facilities, apparatus and auxiliary equipment
150 operated by it as is represented by the total number of miles of lines
151 operated by such person within this state on the first day and on the
152 last day of such quarterly period to the total number of miles of lines
153 operated by such person both within and without the state on said
154 dates; (2) in the case of a person operating a business that provides
155 one-way transmission to subscribers of video programming by
156 satellite, such portion of the total gross earnings from the transmission
157 to subscribers in this state as is represented by the total number of
158 subscribers served by such person within this state on the first day and
159 on the last day of such quarterly period to the total number of
160 subscribers served by such person both within and without the state
161 on said dates; and (3) in the case of a person providing certified
162 competitive video service, such portion of the total gross earnings from
163 the transmission to subscribers in this state as is represented by the
164 total number of subscribers served by such person within this state on
165 the first and the last days of such quarterly period to the average of the
166 total number of subscribers served by such person both within and
167 without the state on said dates.

168 (c) The rates of tax on the gross earnings as determined in this
169 section shall be as follows: (1) Persons operating a community antenna
170 television system or a certified competitive video service, five per cent
171 of such gross earnings, reduced by any assessments made pursuant to
172 section 16-49 which are attributable to the year in which such tax is
173 assessed; and (2) persons operating a business that provides one-way
174 transmission to subscribers of video programming by satellite, five per
175 cent of such gross earnings, except that if the business does not

176 provide transmission of the Connecticut Television Network or its
 177 successor to all subscribers, the rate of tax shall be six per cent of such
 178 gross earnings."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	16-32
Sec. 3	<i>July 1, 2009</i>	New section
Sec. 4	<i>July 1, 2009, and applicable to sales years commencing on and after January 1, 2009</i>	12-258