



General Assembly

January Session, 2009

Amendment

LCO No. 9300

HB0651309300HDO

Offered by:

REP. NARDELLO, 89th Dist.
REP. FONTANA, 87th Dist.
REP. NAFIS, 27th Dist.

REP. GUERRERA, 29th Dist.
REP. BERGER, 73rd Dist.
REP. MAZUREK, 80th Dist.

To: House Bill No. 6513

File No. 163

Cal. No. 163

"AN ACT CONCERNING SPOOFING."

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

3 "Section 1. (NEW) (*Effective from passage*) Any community antenna
4 television company or nonprofit organization providing community
5 access operations that supplied original programming from locally run
6 operations and provided funding to town-specific programming on
7 January 1, 2008, shall continue to fund town-specific programming
8 through December 31, 2012, in such proportions to funding for original
9 programming from locally run operations as of January 1, 2008.

10 Sec. 2. Subsection (c) of section 16-331a of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective from*
12 *passage*):

13 (c) If a community-based nonprofit organization in a franchise area

14 desires to assume responsibility for community access operations, it
15 shall [, upon timely petition to the department, be granted intervenor
16 status in a franchise proceeding held pursuant to this section] apply to
17 the department to assume such responsibility, in a manner designed
18 by the department. The department shall assign this responsibility to
19 the most qualified community-based nonprofit organization or the
20 company based on the following criteria: (1) The recommendations of
21 the advisory council and of the municipalities in the franchise area; (2)
22 a review of the organization's or the company's performance in
23 providing community access programming; (3) the operating plan
24 submitted by the organization and the company for providing
25 community access programming; (4) the experience in community
26 access programming of the organization; (5) the organization's and the
27 company's proposed budget, including expenses for salaries,
28 consultants, attorneys, and other professionals; (6) the quality and
29 quantity of the programming to be created, promoted or facilitated by
30 the organization or the company; (7) a review of the organization's
31 procedures to ensure compliance with federal and state law, including
32 the regulations of Connecticut state agencies; and (8) any other criteria
33 determined to be relevant by the department. If the department selects
34 an organization to provide community access operations, the company
35 shall provide financial and technical support to the organization in an
36 amount to be determined by the department. On petition of the Office
37 of Consumer Counsel or the franchise's advisory council or on its own
38 motion, the department shall hold a hearing, with notice, on the ability
39 of the organization to continue its responsibility for community access
40 operations. In its decision following such a hearing, the department
41 may reassign the responsibility for community access operations to
42 another organization or the company in accordance with the
43 provisions of this subsection.

44 Sec. 3. (NEW) (*Effective July 1, 2009*) (a) Not later than sixty days
45 prior to October 1, 2009, and not later than sixty days prior to October
46 first every five years thereafter, any community-based nonprofit
47 organization may petition the Department of Public Utility Control to

48 assume responsibility for community access within a defined service
49 area in which community access is being provided by an organization
50 with an annual operating budget of at least one hundred thousand
51 dollars. Upon receipt of any such petition, the department shall
52 conduct a contested case proceeding to determine whether to assign
53 such responsibility to the community-based nonprofit organization
54 submitting the petition or to any other nonprofit organization or
55 community access television company. The department shall base such
56 determination on the following criteria: (1) The recommendations of
57 the State-wide Community Antenna Television Advisory Council, the
58 applicable local advisory council and of the chief elected officials of the
59 municipalities in the service area, (2) a review of the performance of
60 the organization or company providing community access
61 programming on the date the petition is filed, (3) the operation plan
62 submitted by an organization or a company for providing community
63 access programming, (4) the experience of the organization or
64 company in community access programming, (5) the proposed budget
65 of the organization or company, including expenses for salaries,
66 consultants, attorneys and other professionals, (6) the quality and
67 quantity of the programming to be created, promoted or facilitated by
68 the organization or the company, (7) a review of the organization's or
69 company's procedures to ensure compliance with federal and state
70 law, including the regulations of state agencies, and (8) any other
71 criteria determined to be relevant by the department.

72 (b) Not later than sixty days prior to April 1, 2010, and not later than
73 sixty days prior to April first every five years thereafter, the
74 department may, on its own initiative, review and evaluate the
75 provision of community access programming by the organization or
76 company. The department shall conduct such review or evaluation if
77 the Consumer Counsel petitions the department for such a review
78 during the period commencing October 1, 2009, and ending April 1,
79 2010, and each corresponding period every five years thereafter. Such
80 review shall include consideration of the factors set forth in subsection
81 (a) of this section.

82 (c) If the Department of Public Utility Control reassigns
83 responsibility for community access television in a franchise area
84 consisting of four towns, one of which has a population of not less than
85 one hundred thousand and not more than one hundred fifteen
86 thousand to another community-based nonprofit organization, any
87 other nonprofit organization or a community access television
88 company as a result of a review conducted pursuant to this section,
89 such organization or company shall provide an interview for
90 employment and a two-year no-layoff agreement to any
91 nonmanagement employee of the existing provider of community
92 access television who has been an employee of such provider for at
93 least five years.

94 Sec. 4. (NEW) (*Effective from passage*) (a) Public access television
95 customers shall make any inquiries or complaints regarding public
96 access television to the board of directors of the organization providing
97 such public access television. Inquiries or complaints may involve
98 public access service, public access funding allocation, access to
99 production studios, quality of programming, availability of town-
100 specific programming and other public access television issues. Within
101 ninety days of receiving such inquiry or complaint, the board shall
102 issue a resolution.

103 (b) If any party is unsatisfied with such board's resolution of such
104 inquiry or complaint, such party may bring the party's issue to the
105 local cable access advisory council for mediation.

106 (c) If any party is unsatisfied with the result of such council's
107 mediation, such party may bring the party's issue to the Department of
108 Public Utility Control. The department shall adopt regulations, in
109 accordance with chapter 54 of the general statutes, to set forth the
110 manner in which the department shall handle such issues.

111 (d) Not later than January 1, 2010, each community access provider
112 shall notify residents in its service area regarding contact information
113 for the local cable access advisory council.

114 Sec. 5. Section 16-331t of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective from passage*):

116 (a) A company issued a certificate of cable franchise authority shall,
117 twice a year, convene a meeting with the advisory council established
118 pursuant to its previous certificate of public convenience and necessity
119 issued pursuant to section 16-331. Members shall be appointed in
120 accordance with section 16-331d. No member of the advisory council
121 [shall] may be an employee of a company providing community
122 antenna television service or video service. For the purposes of this
123 subsection, an employee includes any person working full or part time
124 or performing any subcontracting or consulting services for a company
125 providing community antenna television service or video service.

126 (b) A company issued a cable franchise authority certificate shall
127 provide funding to the advisory council in the amount of two
128 thousand dollars per year.

129 (c) Members of the advisory council shall serve without
130 compensation. For the purposes of this section, compensation shall
131 include the receipt of any free or discounted community antenna
132 television service or video service.

133 (d) The Department of Public Utility Control shall designate the
134 advisory council as an intervenor in any contested case proceeding
135 before the department involving the company it advises. Such
136 company shall provide to the chairperson of the advisory council a
137 copy of any report, notice or other document it files with the
138 department in any applicable proceeding.

139 (e) Any company issued a certificate of cable franchise authority
140 shall, every six months, provide on bills, bill inserts or letters to
141 subscribers, a notice indicating the name and address of the
142 chairperson of the advisory council and describing the responsibilities
143 of such advisory council. The advisory council shall have an
144 opportunity to review such notice prior to its distribution.

145 (f) Any member of the advisory council serving a franchise area of
146 seven towns, one of which has a population of no less than twenty
147 thousand residents and no more than twenty-six thousand residents
148 with a town meeting form of government, may be an employee of a
149 community access provider. For the purposes of this subsection, an
150 employee includes any person working full or part time or performing
151 any subcontracting or consulting services for the provider.

152 Sec. 6. Section 16-331h of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective from passage*):

154 (a) Not later than one hundred twenty days after the certified
155 competitive video service provider begins offering service in a
156 designated area pursuant to its certificate of video franchise authority,
157 such provider shall provide capacity over its video service to allow
158 community access programming, in its basic service package, in
159 accordance with the following: (1) The certified competitive video
160 service provider shall provide capacity equal to the number of
161 community access channels currently offered by the incumbent
162 community antenna television company in the given area; (2) the
163 certified competitive video service provider shall provide funds for
164 community access operations, as provided in subsection (k) of section
165 16-331a, as amended by this act; (3) the certified competitive video
166 service provider shall provide the transmission of community access
167 programming with connectivity up to the first two hundred feet from
168 the competitive video service provider's activated wireline video
169 programming distribution facility located in the provider's designated
170 service area and shall not provide additional requirements for the
171 creation of any content; and (4) the community access programming
172 shall be submitted to the certified competitive video service provider
173 in a manner or form that is compatible with the technology or protocol
174 utilized by said competitive video service provider to deliver video
175 services over its particular network, and is capable of being accepted
176 and transmitted by the provider, without requirement for additional
177 alteration or change in the content by the provider.

178 (b) A certified competitive video service provider and a community
 179 antenna television company or nonprofit organization providing
 180 community access operations shall engage in good faith negotiation
 181 regarding interconnection of community access operations where such
 182 interconnection is technically feasible or necessary. Interconnection
 183 may be accomplished by direct cable, microwave link, satellite or other
 184 reasonable method of connection. At the request of a competitive video
 185 service provider, community antenna television company or provider
 186 of community access operations, the Department of Public Utility
 187 Control may facilitate the negotiation for such interconnection.

188 [(c) Not later than one hundred twenty days after the certified
 189 competitive video service provider begins offering service in a
 190 designated area pursuant to its certificate of video franchise authority,
 191 such provider shall provide transmission of the Connecticut Television
 192 Network to all its subscribers, including real-time transmission as
 193 technically feasible, under the same conditions as set forth in
 194 subdivisions (3) and (4) of subsection (a) of this section.]"

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>	16-331a(c)
Sec. 3	<i>July 1, 2009</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	16-331t
Sec. 6	<i>from passage</i>	16-331h