



The Energy & Technology Committee

March 16, 2010

**Raised Bill No. 5509**

**An Act Concerning Public Access Television and the Definition of Public Service Companies**

West Hartford Community Television writes in support of Section 1 (with one proposed change) and Section 2, and we respectfully provide the following comments.

**SECTION 1.**

Section one will require all holders of a Certificate of Cable Franchise authority to carry at least the number of community access channels in a given area as of January 1, 2008. This language applies to Comcast and other regional providers who hold the CFA certificate. AT&T and Cablevision currently hold a CVFA so this section does not apply to them. Although Comcast pledged to maintain the status quo, in the Hartford area Channels 19 and 21 were relocated to 95 and 96 in December 2008. This move has marginalized these channels, and although the state does not have jurisdiction over channel location, current law does require that the community channels be placed on the basic service tier. Our concern is that in this competitive environment, towns and schools could discover that their channels are no longer provided and that legally there is no recourse because the current law requires only carriage of "at least one" channel.

Also, depending on how the PA-07-253 is interpreted there is concern that without this change community television channels could lose their town specific channels and be forced into a regional model. West Hartford Community Television manages three cable channels serving over 20,000 subscribers. We know we can best serve our community of just over 60,000 people by operating by and for the people of West Hartford.

Section One is also critical because without this change, Comcast and other regional companies that hold a Certificate of Cable Franchise Authority will no longer be required by the state to carry community access channels.

We recommend eliminating or changing the language by either placing a period in line 22 after the word "provides" or to read "between commercial and noncommercial channels." The

current language could be misinterpreted as focusing more on intent than the effect. We are not concerned with the specific protocols but the effect of how the channel is delivered.

This anti-discrimination language is important to protect the development of community access television. For example, the cable companies could maintain community access television as an analog channel in an HD world or offer us in a manner that is different from the other channels on their system. Considering the events since the passage of PA-07-253, and particularly that other providers are offering community television as an Internet application and not a channel, there is cause for concern.

## SECTION 2

West Hartford Community Television supports proposed Section 2 as compromise language put forward by AT&T. (specifically "same or better access and video quality.")

It is important to note this is compromise language. WHC-TV advocated in 2008 and 2009 for a clearly defined standard of video quality, accessibility and functionality to clarify obligations of new video providers as they enter the market. This provision requires "same or better" instead of same and refers only to "video quality," removing "functionality and accessibility."

We recommend eliminating or changing the language by either placing a period in line 39 after the word "provides" or to read "between commercial and noncommercial channels." The current language could be misinterpreted as focusing more on intent than the effect. We are not concerned with the specific protocols but the effect of how the channel is delivered.

The language WHC-TV proposed mirrors language that currently existing in Illinois law where AT&T and U-verse operates under the protections that the Illinois language provides. Although AT&T operates and complies with that law through U-verse, AT&T has rejected our attempts to include this language in Connecticut.

Illinois law states:

(5) The holder shall provide to subscribers public, education and government access channel capacity at equivalent visual and audio quality and equivalent functionality, from the viewing perspective of the subscriber, to that of commercial channels carried on the holder's basic cable or video service offerings or tiers without the need for any equipment other than the equipment necessary to receive the holder's basic cable or video service offerings or tiers.

See page 11 of 51 at :

<http://www.ilga.gov/legislation/publicacts/95/095-0009.htm>

Although WHC-TV continues to believe the Illinois standard is a better standard, we are willing to accept the compromise proposed by AT&T which is included in HB 5509. However, if the compromise language

is not supported by AT&T, we urge the legislature to enact the language that is already in effect in Illinois.

WHC-TV still has serious concerns about AT&T's delivery system. AT&T still delivers community access television not as network channels but using outdated T-1 lines and our signals are encoded at below NAB recommended levels. Although, AT&T has improved the load times of their software that channel, it still can take as long as 30 – 60 seconds to get to a community access channel. There are also lip synch issues and people cannot record programs to watch later and sometimes channels that are supposed to be available have messages that say "signals not available."

### Section #3

WHC-TV is not certain how reclassifying a company holding a certificate of cable franchise authority so that they are no longer a public service utility will affect subscribers. We ask that before adopting this provision, all ramifications be fully considered, including with respect to public rights of ways, community television and consumer protections, and that such ramifications be explained to the public with a further ability to comment.

Thank you for the opportunity to comment on these important issues.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Jennifer Evans", written in a cursive style.

Jennifer Evans  
Executive Director, West Hartford Community Television