TESTIMONY

OF

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My name is Bill Durand. I am the Executive Vice President and Chief Counsel of the New England Cable & Telecommunications Association, Inc. (NECTA). NECTA respectfully submits this testimony on Raised Bill 5509. The cable television industry in Connecticut has a good story to tell on public access. We provide numerous high quality public access channels in all franchise areas. I offer the following specific comments on various sections.

Section 1 directs the Department of Public Utility Control to adopt regulations in accordance with chapter 54 requiring each community antenna television company or holder of a certificate of cable franchise authority to provide to all of its subscribers at least the number of specially designated, noncommercial community access channels, including all town-specific channels, that its predecessor community antenna television company or its affiliate provided or made available to all of its subscribers in a given area as of January 1, 2008. Section 1 is yet another example of the unlevel playing field being tilted even further in favor of our competitors. Satellite providers offer no access channels and AT&T offers only one. Yet this section attempts to lock cable companies with traditional franchises or certificates of cable franchise into the same number of channels offered as of January 1, 2008. Passage of this section would create a significant competitive disadvantage to companies that have provided high quality public access for decades.

Section 2 NECTA opposes this section. Cable providers are committed to PEG, as demonstrated by the millions of dollars invested in advanced technology and equipment, studios, and extensive technical support. We have committed significant resources and personnel to provide high quality PEG channels and programming in our footprint and view PEG as an important component of our service line-up.
In an intensely competitive telecommunications market, where technology is constantly evolving to offer better and faster quality services, a law that memorializes practices and technology that could easily be outdated in months or years, or that no longer has any relevance, is not good public policy.
To continue to provide relevant and high quality PEG programming, we need the flexibility to adapt to new technology and new circumstances. As used in the bill, the terms "signal quality, functionality, or accessibility" are vague and establish a subjective standard, with no guideposts or meaning, that could make it very difficult for video providers to launch new services, channels or functionality because of concerns that such activity or investment could run afoul of the law.
If the committee does move forward with a bill, language should be added (as in section 1) that nothing in this section 2 "requires a competitive video service provider to employ a specific transmission technology or protocol and shall not specify the use of digital, analog or other carriage."

Section 3 removes holders of certificates of cable franchise authority from the definition of public service company to avoid operators being inadvertently included in legislation intended for the state's traditionally rate regulated utilities.
NECTA supports this section and appreciates the Committee's willingness to work with the industry on this change.

A cable company may only receive certificate of cable franchise authority status if it is operating in an environment facing direct competition in Connecticut.

Conclusion:

Passage of Public Act 07-253 was a seminal time in the history of cable and telecommunications in Connecticut. It was carefully crafted to create a level playing field. While it did not succeed on all accounts, it was better executed than most of the franchise bills passed by other states.