

AN ACT CONCERNING THE OPERATION OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL
(H.B. 6592)

AT&T, Sprint, T-Mobile, and Verizon Wireless thank you for the opportunity to express our concerns regarding House Bill 6592, An Act Concerning the Operation of the Department of Public Utility Control. In particular, the Companies wish to convey concerns regarding the provisions beginning with the portion of the bill beginning on Section 17, which would grant the Department of Public Utility Control (DPUC's) expanded investigatory and enforcement authority.

Specifically, in Section 17, the definition section, proposes to amend section 16-1 of the general statutes by including cellular mobile telephone carrier, as described in section 16-250b" within the definition of "covered entity. Once so defined, wireless carriers would be subject to the Department's right to investigate, take testimony, cause depositions to be taken, order production of books, papers and documents and issue subpoenas, and subject to fines for failure to comply. The bill proposes to expand the definition to include providers other than "public service companies" under state law, and companies licensed or certified by the DPUC, such as new providers of energy services. The language of the proposal goes beyond oversight of regulated entities and would seek to newly regulate the operations and services of Connecticut's wireless industry.

This proposed expansion of the DPUC's authority is neither appropriate, nor necessary. Wireless carriers are not "certificated" or "authorized" by the DPUC. The wireless carriers are licensed by the FCC and subject to its jurisdiction and regulation. State regulation of market entry and rates is expressly prohibited by Federal law. The DPUC, itself, has acknowledged this prohibition.

The wireless industry is one of the most highly robust and competitive sectors of the American economy today: consumers are getting more, paying less, and being provided with a level of customer service that is better than ever. Indeed, in 2005, the legislature passed Public Act 05-241, which required the DPUC to undertake a two year review of wireless complaints. As was expected by the wireless industry, the results revealed a high level of customer satisfaction and a small, yet diminishing number of customer complaints.

Today's regulatory construct, which depends on the absence of differing state regulatory requirements, is working to the benefit of consumers. The Companies respectfully suggest that you look to surrounding states of Rhode Island, Massachusetts, and New York, all of which exercise virtually no regulatory oversight over wireless service, for evidence that consumers benefit from an unencumbered regulatory framework. The introduction of additional state regulation over the industry in Connecticut unnecessarily risks undermining these results.

The Governor has stated that he wants "to send a message "that our state is open for business, with a goal of increasing economic development." The Companies submit that subjecting national competitive carriers to the increased requirements contemplated by

HB 6592 is contrary to this goal. Accordingly, we ask that if you give favorable consideration to the DPUC's Enforcement Powers proposal, it be amended to remove any reference to cellular carriers.