



House of Representatives

General Assembly

File No. 490

January Session, 2011

Substitute House Bill No. 6460

House of Representatives, April 7, 2011

The Committee on Energy and Technology reported through REP. NARDELLO of the 89th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC ACCESS CHANNELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-331ff of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Any third-party nonprofit community access provider serving
4 ~~[six]~~ five or more municipalities, one of which has a population of
5 more than one hundred ~~[thirty]~~ thousand, shall, upon request from
6 any town organization, authority, body or official within its service
7 territory, provide written consent, pursuant to its service provider
8 agreements, for said town organization, authority, body or official to
9 (1) operate education and government public access channels in that
10 town, and (2) engage freely and directly ~~[the community antenna~~
11 ~~television]~~ any company ~~[providing]~~ licensed to provide services in
12 that town to use their headend equipment for dissemination of town-
13 specific community access programming on such channels. ~~[Said]~~ Such
14 third-party nonprofit community access provider ~~[must]~~ shall grant

15 such written consent to said requesting town organization, authority,
16 body or official within three business days. Written consent not
17 provided within three business days shall be deemed granted.

18 (b) If a third-party nonprofit provider fails to provide written
19 consent within three days, pursuant to subsection (a) of this section,
20 the Department of Public Utility Control shall, upon a request from a
21 town organization, authority, body or official within the service
22 territory of [that third-party nonprofit community access] such
23 provider, [serving six municipalities, one of which has a population of
24 more than one hundred thirty thousand,] (1) terminate, revoke or
25 rescind such [third party] third-party nonprofit provider's service
26 agreement to provide public access programming within one hundred
27 eighty days, and (2) reopen the application process to secure a
28 community access provider for each of the towns within the affected
29 service territory.

30 Sec. 2. Section 16-331gg of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective July 1, 2011, and*
32 *applicable to calendar years commencing on and after January 1, 2012*):

33 (a) A community antenna television company, a certified
34 competitive video service provider that was providing service as a
35 community antenna television company pursuant to section 16-331 on
36 October 1, 2007, or a holder of a certificate of cable franchise authority
37 that provides services within a service territory of a third-party
38 nonprofit community access provider that serves six municipalities,
39 one of which has a population of more than one hundred thirty
40 thousand, shall direct the sum of [one] two hundred thousand dollars
41 per year from the funds collected from subscribers in [said] such
42 service territory that it provides to [the existing third-party nonprofit
43 community access] such provider [serving six municipalities, one of
44 which has a population of more than one hundred thirty thousand,]
45 directly to the service territory's community antenna television
46 advisory council for developing town-specific education and
47 government community access programming. Such sum shall be

48 directed annually in two equal disbursements, one of which shall be on
49 or before March first and one of which shall be on or before June first.

50 (b) A community antenna television advisory council that receives
51 funds pursuant to subsection (a) of this section shall distribute [said]
52 such funds in their entirety to a town organization, authority, body or
53 official in the service territory of [a third-party nonprofit community
54 access provider serving six municipalities, one of which has a
55 population of more than one hundred thirty thousand] such provider,
56 to support the development of production and programming
57 capabilities for town-specific education and government public access
58 programming, pursuant to grant procedures and processes established
59 by said council.

60 (c) Any community antenna television advisory council that
61 receives funds pursuant to subsection (a) of this section shall report
62 annually to the Department of Public Utility Control all completed or
63 planned disbursements of funds and certify that [said] such funds
64 were spent in their entirety and used for the public good in the
65 creation, production and development of town-specific education and
66 government public access programming for at least one of the towns in
67 its service territory.

68 Sec. 3. (NEW) (*Effective from passage*) Any community antenna
69 television company or nonprofit organization providing community
70 access operations that supplied original programming from locally run
71 operations and provided funding to town-specific programming on
72 January 1, 2008, shall continue to fund town-specific programming in
73 such proportions to funding for original programming from locally
74 run operations as of January 1, 2008.

75 Sec. 4. (NEW) (*Effective July 1, 2011*) Any company or nonprofit
76 organization responsible for community access operations that
77 receives funds pursuant to subsection (k) of section 16-331a of the
78 general statutes may use such funds for the creation and development,
79 including, but not limited to, labor and staff expenses, of town-specific
80 community access programming.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	16-331ff
Sec. 2	<i>July 1, 2011, and applicable to calendar years commencing on and after January 1, 2012</i>	16-331gg
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2011</i>	New section

ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to community access operations and does not result in a fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6460

AN ACT CONCERNING PUBLIC ACCESS CHANNELS.

SUMMARY:

This bill allows any cable T.V. company or a nonprofit organization responsible for community (public, educational, and governmental) access operations that receives subscriber funds for community access to use the money to create and develop town-specific community access programming, including for labor and staff expenses.

The bill requires any cable TV company or nonprofit organization that (1) is responsible for community access operations and (2) supplied both original programming from locally run operations and funding to town-specific programming on January 1, 2008, to continue to fund town-specific programming in the same proportions as it did as of that date.

The bill expands the scope of a law that requires certain nonprofit entities that provide community access TV to transfer responsibility for educational and governmental access to town bodies or officials. In one franchise area, it increases from \$100,000 to \$200,000 per year, the amount that must be transferred from the provider to the cable advisory council. By law, the council must use the money for town-specific educational and governmental access programming.

The bill requires the nonprofit organization that provides community access in the Bridgeport area to (1) annually transfer \$200,000, rather than \$100,000, of the money it receives from the local cable company to the advisory council for that area and (2) transfer the money in two annual disbursements.

EFFECTIVE DATE: Upon passage for the requirement that funding

for town-specific programming be maintained at 2008 levels, and July 1, 2011 for the remaining provision, with the transfer and disbursement provision applying to 2012 and subsequent calendar years

RESPONSIBILITY FOR GOVERNMENT ACCESS PROGRAMMING

By law, a nonprofit organization can, with Department of Public Utility Control (DPUC) authorization, assume responsibility for community access operations.

Under current law, upon request from any town organization, authority, body, or official within its service territory, one third-party nonprofit community access provider must consent to a town organization, authority, body, or official to (1) operate educational and governmental public access channels in that town and (2) engage the cable TV company serving to use its equipment to disseminate town-specific community access programming on its channels. The nonprofit access provider must grant the written consent within three business days. If it does not, DPUC can (1) terminate, revoke, or rescind the provider's service agreement to provide public access programming and (2) reopen the application process to secure a community access provider for each of the towns within the affected service territory.

Under current law, these provisions only apply to an access provider that serves six municipalities, one of which has a population of more than 130,000 (i.e., the provider serving the Bridgeport franchise area). The bill expands these provisions to apply to franchises with five or more municipalities, one of which has a population of 100,000 or more. It also expands the provisions to apply when cable TV service is provided by a company other than a cable TV company. (In addition to Bridgeport, the Hartford, Stamford, and Waterbury area franchises appear to meet the expanded criteria)

Under current law, the cable provider for the Bridgeport area must direct \$100,000 per year from the funds collected from subscribers that

it provides to the access provider directly to the service territory's community antenna television advisory council. The council must use this money to develop town-specific educational and governmental community access programming. The bill increases the amount to \$200,000 and requires that the money be sent in two equal disbursements, one by March 1 and one by June 1.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 14 Nay 8 (03/22/2011)