



General Assembly

January Session, 2011

Raised Bill No. 6460

LCO No. 3923

03923_____ET_

Referred to Committee on Energy and Technology

Introduced by:
(ET)

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 Section 16-331ff of the general statutes is repealed and the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 or more municipalities, one of which has a population of more than
5 one hundred [thirty] thousand, shall, upon request from any town
6 organization, authority, body or official within its service territory,
7 provide written consent, pursuant to its service provider agreements,
8 for said town organization, authority, body or official to (1) operate
9 education and government public access channels in that town, and (2)
10 engage freely and directly the community antenna television company
11 providing services in that town to use their headend equipment for
12 dissemination of town-specific community access programming on
13 such channels. [Said] Such third-party nonprofit community access
14 provider [must] shall grant such written consent to said requesting
15 town organization, authority, body or official within three business
16 days. Written consent not provided within three business days shall be

17 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 Section 16-331gg of the general statutes is repealed and the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 not less than six
39 municipalities, one of which has a population of more than one
40 hundred [thirty] thousand, shall direct the sum of [one] two hundred
41 thousand dollars per year from the funds collected from subscribers in
42 [said] such service territory that it provides to [the existing third-party
43 nonprofit community access] such provider [serving six municipalities,
44 one of which has a population of more than one hundred thirty
45 thousand,] directly to the service territory's community antenna
46 television 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 of town-specific education and government public access
66 programming for at least one of the towns in its service territory.

67 Sec. 3. Section 16-331h of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective July 1, 2011*):

69 (a) Not later than one hundred twenty days after the certified
70 competitive video service provider begins offering service in a
71 designated area pursuant to its certificate of video franchise authority,
72 such provider shall provide capacity over its video service to allow
73 community access programming, in its basic service package, in
74 accordance with the following: (1) The certified competitive video
75 service provider shall provide capacity equal to the number of
76 community access channels currently offered by the incumbent
77 community antenna television company in the given area; (2) the
78 certified competitive video service provider shall provide funds for
79 community access operations, as provided in subsection (k) of section
80 16-331a, provided a certified competitive video service provider shall

81 not collect from its subscribers the amount required pursuant to
82 subsection (k) of section 16-331a until such provider has an
83 interconnection agreement with the incumbent community antenna
84 television company; (3) the certified competitive video service
85 provider shall provide the transmission of community access
86 programming with connectivity up to the first two hundred feet from
87 the competitive video service provider's activated wireline video
88 programming distribution facility located in the provider's designated
89 service area and shall not provide additional requirements for the
90 creation of any content; and (4) the community access programming
91 shall be submitted to the certified competitive video service provider
92 in a manner or form that is compatible with the technology or protocol
93 utilized by said competitive video service provider to deliver video
94 services over its particular network, and is capable of being accepted
95 and transmitted by the provider, without requirement for additional
96 alteration or change in the content by the provider.

97 (b) A certified competitive video service provider and a community
98 antenna television company or nonprofit organization providing
99 community access operations shall engage in good faith negotiation
100 regarding interconnection of community access operations where such
101 interconnection is technically feasible or necessary. Interconnection
102 may be accomplished by direct cable, microwave link, satellite or other
103 reasonable method of connection. At the request of a competitive video
104 service provider, community antenna television company or provider
105 of community access operations, the Department of Public Utility
106 Control may facilitate the negotiation for such interconnection.

107 Sec. 4. Subsection (b) of section 16-331cc of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective July*
109 *1, 2011*):

110 (b) The moneys in said account shall be expended by the
111 Department of Public Utility Control as follows: (1) Fifty per cent of
112 said moneys shall be available to local community antenna television

113 and video advisory councils; state-wide community antenna television
 114 and video advisory councils; public, educational and governmental
 115 programmers and public, educational and governmental studio
 116 operators to subsidize capital and equipment, labor and staff costs
 117 related to producing and procuring such programming, and (2) fifty
 118 per cent of said moneys shall be available to boards of education and
 119 other education entities for education technology initiatives.

120 Sec. 5. (NEW) (*Effective July 1, 2011*) A third-party nonprofit
 121 community access provider that serves six or more municipalities, one
 122 of which has a population of more than one hundred thousand, shall
 123 provide training and certification for and access to all of such
 124 provider's studio facility and equipment to any representative of each
 125 of the service territory's community antenna television advisory
 126 councils.

127 Sec. 6. (NEW) (*Effective from passage*) Any community antenna
 128 television company or nonprofit organization providing community
 129 access operations that supplied original programming from locally run
 130 operations and provided funding to town-specific programming on
 131 January 1, 2008, shall continue to fund town-specific programming in
 132 such proportions to funding for original programming from locally
 133 run operations as of January 1, 2008.

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>July 1, 2011</i>	16-331h
Sec. 4	<i>July 1, 2011</i>	16-331cc(b)
Sec. 5	<i>July 1, 2011</i>	New section
Sec. 6	<i>from passage</i>	New section

Statement of Purpose:

To increase certain public access grant amounts and set forth a disbursement schedule, to allow public, educational and governmental fees to be used for labor and staff, to prevent video service providers from collecting public access fees unless they have reached an interconnection agreement with the relevant community antenna television company, and to require certain third-party nonprofit community access providers to provide training and certification for use of their public access studios.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]