

March 3, 2011

Senator John Fonfara

Representative Vickie Nardello

Co-Chairs, Energy and Technology Committee

Room 3900, Legislative Office Building

Hartford, CT 06106

Re: H.B. 6460 (Raised), LCO No. 3923, An Act Concerning Public Access Channels

Dear Committee Members,

As Manager of Government Access Television for the Town of Wallingford (Town), I wish to express my appreciation to the Committee and its staff for allowing me to represent the Town and our facility in this legislative proceeding.

The Town believes that specific provisions proposed in Sections 1 and 2 of Raised Bill No. 6460 may provide some localized relief for town-based municipal and educational programmers. Unfortunately, many other communities will remain frustrated by the inability to utilize some of the funds collected from subscribers for Public, Educational and Governmental access (PEG), but are awarded elsewhere – often to a regional community access provider. The patchwork nature of PEG in Connecticut – a bewildering mix of company-run, multiple-town nonprofit, single-town nonprofit, and independent municipal or school programmers – has confounded the efforts of the Department of Public Utility Control (DPUC) to render uniformly beneficial decisions in dockets regarding the funding of PEG operations. The Town observes that the root of this dichotomy is the insufficient per subscriber allocation [CGS Sec. 16-331a (k)]. Simply put, a modest increase in the benchmark amount – from \$0.42 per subscriber per month to \$0.83 – would permit wider distribution of funds to stimulate a greater diversity of programming from a greater diversity of sources.

Regarding competitive video service provider (CVSP) collection of subscriber-generated PEG funds, the Town cannot support relief in cases where an interconnection agreement has not been secured. We strongly believe that a CVSP's PEG obligation begins when it activates its first subscriber connection and benefits financially from its use of the public rights-of-way. A CVSP should work diligently on

behalf of its customers to expedite interconnection in order to provide valued local programming. Any exemption from the collection of funds will diminish the CVSP's incentive to advance interconnection deliberations and will create a competitive advantage for the CVSP over the legacy provider. The Town observes that CGS Section 16-3331h, subsection (b) already contains a provision for the Department of Public Utility Control (DPUC) to facilitate the negotiations for such interconnection. As a more benign solution to stalled interconnection negotiations, we ask the committee to consider language that would establish a time frame for the process and mediation to resolve any impasse.

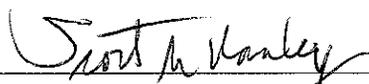
In Section 4 of Raised Bill No. 6460, proposed changes seek to expand the potential uses of funds collected and distributed under the Public, Educational and Governmental Programming and Education Technology Investment Account (PEGPETIA) grant program. The Town suggests that to permit the use of grant funds for staff or labor costs may be problematic, especially in instances where individual producers – identified as “public” in statutory language – request support for independent projects. The intent here may be to allow public, educational and governmental programmers and studio operators to secure operational funds, but existing language would not restrict PEGPETIA grant awards to such facilities.

As the operator of a government access facility that programs a channel without the use of subscriber-generated PEG, the Town suggests that staff and labor costs may already be satisfied by funds collected from subscribers or through modest allocations from municipal budgets. The PEGPETIA grant should not be diluted and should remain as a source to subsidize capital and equipment costs related to producing and procuring programming.

Thank you for your consideration of my comments.

Respectfully submitted,

TOWN OF WALLINGFORD

By:   
\_\_\_\_\_  
Scott A. Hanley, Manager  
Division of Government/Access Television