



**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
PUBLIC UTILITIES REGULATORY AUTHORITY**

Public Hearing – March 15, 2012
Energy & Technology Committee
Testimony Submitted by Chairman Kevin DelGobbo

House Bill No. 5473 - AN ACT CONCERNING PUBLIC ACCESS OPERATIONS AND THE PERIODIC REVIEW OF VIDEO PROVIDERS

Thank you for the opportunity to submit testimony regarding House Bill No. 5473 - An Act Concerning Public Access Operations And The Periodic Review Of Video Providers. The Department of Energy and Environmental Protection's (DEEP) Public Utilities Regulatory Authority (PURA) welcomes the opportunity to offer the following testimony on specific sections enumerated below.

Section 1 of HB 5473 would require PURA to conduct a contested proceeding to provide a regular review of each person, entity or company holding a certificate of public convenience and necessity (CPCN) to provide community antenna television service, a certificate of cable franchise authority (CCFA) or a certificate of video franchise authority (CVFA). As in years past, PURA does not object to the performance review created by HB 5473. However, PURA seeks clarification as to whether the proposed language of this bill contemplates a singular proceeding to review all the entities involved or if PURA is expected to review all 25 companies providing video and cable services in their own separate proceedings. If the latter is what is envisioned by the proponents of this bill PURA is concerned that it lacks sufficient staff and that separate proceedings would become difficult and burdensome for it to administer. Moreover, as it has previously mentioned in regards to similar bills, PURA believes that the bill also lacks sufficient power for it to order specific remedies that would resolve any concerns that it may find during its review of each company holding a CPCN, CCFA or CVFA. Absent sufficient authority to order the appropriate relief, PURA would not have the ability to order remedies to resolve the issues found during the performance review proceeding.

Section 2 of the bill requires any company, nonprofit organization (including a town or municipality responsible for community access operations) that receives funds from the subscriber charge that supports community access may use this money to create and develop town-specific community access programming, including labor and staff expenses. PURA believes the designated community access providers already operate pursuant to this standard. Therefore, this section would only apply to the Area 2 Council which receives its funding not per Con. Gen. Stat. 16-331a(k) but pursuant to a special statute passed in the 2008 legislative session, codified at Con. Gen. Stat. 16-331gg.

Section 3 of HB 5473 requires that cable company or nonprofit organization providing community access operations that supplied original programming from locally run operations and provided funding to town-specific programming on January 1, 2008, to continue to fund town-specific programming in such proportions to funding for original programming from locally run operations as of January 1, 2008. Again here PURA believes this is applicable only to Area 2 community access providers. PURA would ask the Committee to consider amending this section to pertain to issues concerning funding of advisory councils to ensure their greater stability and functioning rather than maintaining the status quo of funding levels for community access providers which should fluctuate from time to time depending on services provided and usage.

Lastly, Section 5 of HB 5473 re-establishes the Broadband Internet Coordinating Council. The PURA supports the need to continue the work of the Broadband Internet Coordinating Council. During its past existence, PURA believes this Council provided value to the state on issues pertaining to broadband expansion and commends the Committee for its inclusion in this proposed bill.

PURA welcomes the opportunity to work further with the Committee on this bill to further address the concerns raised herein.

Thank you for the opportunity to submit testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 424-3401 or Robert.LaFrance@ct.gov

