



# House of Representatives

General Assembly

**File No. 398**

February Session, 2012

Substitute House Bill No. 5473

*House of Representatives, April 12, 2012*

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 OPERATIONS AND THE PERIODIC REVIEW OF VIDEO PROVIDERS.***

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

1 Section 1. (NEW) (*Effective July 1, 2012*) The Public Utilities  
2 Regulatory Authority shall initiate a docket to conduct a performance  
3 review of every person, entity or company holding a certificate of  
4 public convenience and necessity to provide community antenna  
5 television service, a certificate of cable franchise authority or a  
6 certificate of video franchise authority, as such terms are defined in  
7 section 16-1 of the general statutes, to review the state of the industry  
8 and to ensure compliance with the terms and conditions of each such  
9 certificate as applicable. The performance review may include, but not  
10 be limited to, issues concerning customer service, management of  
11 outages, service to handicapped and low-income customers,  
12 cooperation with the authority and such person's, entity's or  
13 company's funding and budget. After the initial review required  
14 pursuant to this section, the authority shall conduct subsequent

15 reviews every five years. Said docket shall not be a contested case. The  
 16 Attorney General and the Office of Consumer Counsel may participate  
 17 in said docket. On or before January 1, 2014, the authority shall submit  
 18 a report, in accordance with the provisions of section 11-4a of the  
 19 general statutes, to the joint standing committee of the General  
 20 Assembly having cognizance of matters relating to energy and  
 21 technology, of the findings of said docket, including any  
 22 recommended legislative changes. The authority may issue any  
 23 applicable order to ensure compliance with the terms and conditions  
 24 of each such certificate.

25       Sec. 2. (NEW) (*Effective July 1, 2012*) Any company or nonprofit  
 26 organization, including any municipality, responsible for community  
 27 access operations that receives funds pursuant to subsection (k) of  
 28 section 16-331a of the general statutes, may use such funds for the  
 29 creation and development, including, but not limited to, labor and staff  
 30 expenses, of town-specific community access programming.

31       Sec. 3. (NEW) (*Effective from passage*) Any community antenna  
 32 television company or nonprofit organization providing community  
 33 access operations that supplied original programming from locally run  
 34 operations and provided funding for town-specific programming on  
 35 January 1, 2008, shall continue to fund town-specific programming in  
 36 such proportions to funding for original programming from locally  
 37 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, 2012</i> | New section |
| Sec. 2  | <i>July 1, 2012</i> | New section |
| Sec. 3  | <i>from passage</i> | New section |

**Statement of Legislative Commissioners:**

In section 3, "provided funding to" was changed to "provided funding for" for clarity and proper grammar.

*ET*      *Joint Favorable Subst.*

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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.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill (1) requires the Public Utilities Regulatory Authority to initiate a docket to conduct certain performance reviews; (2) allows for community access television grants to be used towards labor and staff expenses; and (3) requires certain cable TV companies and nonprofit organizations to continue funding town-specific programming. These provisions have no fiscal impact on the state or municipalities.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 5473*****AN ACT CONCERNING PUBLIC ACCESS OPERATIONS AND THE PERIODIC REVIEW OF VIDEO PROVIDERS.*****SUMMARY:**

This bill requires the Public Utilities Regulatory Authority (PURA) to initiate a docket to conduct a performance review of every certified cable TV service provider to (1) review the state of the industry and (2) ensure compliance with the applicable terms and conditions of each provider's certification. It allows PURA to issue orders to ensure that a provider complies with the terms of its certification. The review can address customer service issues, service outage management, service to handicapped and low-income customers, cooperation with PURA, and the entity's funding and budget. PURA must conduct subsequent reviews every five years.

Under the bill, PURA must conduct the performance review as an uncontested case under the Uniform Administrative Procedure Act with the attorney general and the Office of Consumer Counsel allowed to participate. It must submit a report on its findings and any recommended legislation to the Energy and Technology Committee by January 1, 2014.

The bill allows any cable TV company, nonprofit organization, or municipality responsible for community access operations that receives subscriber funds for community access to use the money to create and develop town-specific community access programming. The money may be used for labor and staff expenses.

Lastly, 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 to other original programming as it did on that date.

EFFECTIVE DATE: July 1, 2012, except for the provision regarding public access funding provided in 2008, which is effective upon passage.

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/28/2012)