



Senate

General Assembly

File No. 431

February Session, 2012

Substitute Senate Bill No. 447

Senate, April 16, 2012

The Committee on Energy and Technology reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT MODERNIZING THE STATE'S TELECOMMUNICATIONS LAWS.

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

1 Section 1. Section 16-247f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) The authority shall regulate the provision of telecommunications
4 services in the state in a manner designed to foster competition and
5 protect the public interest.

6 (b) Notwithstanding the provisions of section 16-19, the following
7 telecommunications services shall be deemed competitive services: (1)
8 A telecommunications service offered on or before July 1, 1994, by a
9 certified telecommunications provider and a wide area telephone
10 service, "800" service, centrex service or digital centrex service offered
11 by a telephone company, (2) a telecommunications service offered to
12 business customers by a telephone company, (3) a home office service

13 offered by a telephone company, and (4) a telecommunications service
14 provided by a telephone company to a residential customer who
15 subscribes to two or more telephone company services, including basic
16 local exchange service, any vertical feature or interstate toll provided
17 by a telephone company affiliate. Unless reclassified pursuant to this
18 section, any other service offered by a telephone company on or before
19 July 1, 1994, shall be deemed a noncompetitive service, provided such
20 initial classification shall not be a factual finding that such service is
21 noncompetitive. [Notwithstanding subdivision (3) of subsection (c) of
22 section 16-247b, prior to January 1, 2010, a telephone company shall
23 not obtain a waiver from the authority of the pricing standard set forth
24 in subdivision (1) of subsection (c) of section 16-247b for any service
25 reclassified as competitive pursuant to subdivision (2), (3) or (4) of this
26 subsection.]

27 (c) On petition [] or on its own motion, [or in conjunction with a
28 tariff investigation conducted pursuant to subsection (f) of this
29 section,] after notice and hearing, and within ninety days of receipt of a
30 petition or its motion or within the time period set forth in subsection
31 (f) of this section, as applicable, the authority may reclassify a
32 telecommunications service as competitive, emerging competitive or
33 noncompetitive, in accordance with the degree of competition which
34 exists for that service in the marketplace, provided (1) a competitive
35 service shall not be reclassified as an emerging competitive service,
36 and (2) the authority may extend the period (A) before the end of the
37 ninety-day period and upon notifying all parties to the proceedings by
38 thirty days, or (B) in accordance with the provisions of subsection (f) of
39 this section, as applicable.

40 (d) In determining whether to reclassify a telecommunications
41 service, the authority shall consider:

42 (1) The number, size and geographic distribution of certified
43 telecommunications providers of the service, provided the authority
44 shall not reclassify any service as competitive if such service is
45 available only from a telephone company or an affiliate of a telephone

46 company that is a certified telecommunications provider;

47 (2) The availability of functionally equivalent services in the
48 relevant geographic area at competitive rates, terms and conditions,
49 including, but not limited to, services offered by certified
50 telecommunications providers, providers of commercial mobile radio
51 services, as defined in 47 CFR 20.3, voice over Internet protocol
52 providers and other services provided by means of alternative
53 technologies;

54 (3) The existence of barriers to entry into, or exit from, the relevant
55 market;

56 (4) Other factors that may affect competition; and

57 (5) Other factors that may affect the public interest.

58 (e) On and after July 1, 2012, any certified telecommunications
59 provider or telephone company may, upon written notice to the
60 authority, elect to be exempt from any requirement to file or maintain
61 with the authority any tariff for competitive or emerging competitive
62 intrastate telecommunications services offered or provided to
63 residential or business retail end-user customers and, instead, shall
64 make the terms and conditions for those services available to
65 customers in a customer service guide or in such other manner
66 determined by such provider or company providing such services.
67 Such provider or company shall annually file a copy of the customer
68 service guide or other listing of terms and conditions with the
69 authority. The tariff requirements for noncompetitive services,
70 including for residential basic local exchange service in effect on the
71 effective date of this section, shall remain in effect.

72 [(e) Each] (f) Unless a certified telecommunications provider or
73 telephone company elects to be exempt from filing or maintaining
74 tariffs for a competitive or emerging competitive intrastate service
75 pursuant to subsection (e) of this section, each certified
76 telecommunications provider and each telephone company shall file

77 with the authority a new or amended tariff for each competitive or
78 emerging competitive intrastate telecommunications service
79 authorized pursuant to section 16-247c. A tariff for a competitive
80 service shall be effective on five days' written notice to the authority. A
81 tariff for an emerging competitive service shall be effective on
82 twenty-one days' written notice to the authority. A tariff filing for a
83 competitive or emerging competitive service shall include (1) rates and
84 charges which may consist of a maximum rate and a minimum rate, (2)
85 applicable terms and conditions, (3) a statement of how the tariff will
86 benefit the public interest, and (4) any additional information required
87 by the authority. A telephone company filing a tariff pursuant to this
88 section shall include in said tariff filing the information set forth in
89 subdivisions (1) to (4), inclusive, of this subsection, a complete
90 explanation of how the company is complying with the provisions of
91 section 16-247b, as amended by this act, and, in a tariff filing which
92 declares a new service to be competitive or emerging competitive, a
93 statement addressing the considerations set forth in subsection (d) of
94 this section. If the authority approves a tariff which consists of a
95 minimum rate and a maximum rate, the certified telecommunications
96 provider or telephone company may amend its rates upon five days'
97 written notice to the authority and any notice to customers which the
98 authority may require, provided the amended rates are not greater
99 than the approved maximum rate and not less than the approved
100 minimum rate. A promotional offering for a previously approved
101 competitive or emerging competitive tariffed service or a service
102 deemed competitive pursuant to this section shall be effective on three
103 business days' written notice to the authority.

104 ~~[(f)]~~ (g) On petition or its own motion, the authority may investigate
105 a tariff or any portion of a tariff, which investigation may include a
106 hearing. The authority may suspend a tariff or any portion of a tariff
107 during such investigation. The investigation may include, but is not
108 limited to, an inquiry to determine whether the tariff is predatory,
109 deceptive [,] or anticompetitive, [or violates the pricing standard set
110 forth in subdivision (1) of subsection (c) of section 16-247b.] Not later
111 than seventy-five days after the effective date of the tariff, unless the

112 party filing the tariff, all statutory parties to the proceeding and the
113 authority agree to a specific extension of time, the authority shall issue
114 its decision, including whether to approve, modify or deny the tariff. If
115 the authority determines that a tariff filed as a new service is, in fact, a
116 reclassification of an existing service, the authority shall review the
117 tariff filing as a petition for reclassification in accordance with the
118 provisions of subsection (c) of this section.

119 [(g) The provisions of this section shall not prohibit the authority
120 from ordering different tariff filing procedures or effective dates for an
121 emerging competitive service, pursuant to a plan for an alternative
122 form of regulation of a telephone company approved by the authority
123 in accordance with the provisions of section 16-247k.]

124 Sec. 2. (NEW) (*Effective July 1, 2012*) The date and time of filing of
125 each document with the Public Utilities Regulatory Authority shall be
126 the date and time by which the authority first receives a complete
127 electronic or paper version of the document, provided such electronic
128 version or paper version is filed in accordance with section 16-1-14 of
129 the regulations of Connecticut state agencies. If payment of a fee is
130 required, a document shall not be deemed filed until the fee is received
131 by the authority. If a document is electronically submitted when the
132 offices of the authority are not open, such electronic document shall be
133 deemed filed at the time the offices next open. Paper versions of an
134 electronic filing shall not be required to be filed except (1) three paper
135 copies of each document shall be filed with the authority for any
136 electronic filing which is made and such paper copies may be sent to
137 the authority via regular United States Postal Service, (2) any party or
138 intervenor in a specific docket may specifically request of the authority
139 to receive a paper copy from any other party or intervenor of any
140 filings related to that docket if they do not have computer access, and
141 (3) the Office of Consumer Counsel may request up to three paper
142 copies and such paper copies may be sent to the Office of Consumer
143 Counsel by United States mail.

144 Sec. 3. Section 16-32 of the general statutes is repealed and the

145 following is substituted in lieu thereof (*Effective July 1, 2012*):

146 Each public service company, except telegraph companies and
147 express companies subject to the jurisdiction of the Interstate
148 Commerce Commission or its successor agency and telephone
149 companies, community antenna television companies, certified
150 competitive video service providers, and holders of a certificate of
151 cable franchise authority, owned, directly or indirectly, by a parent
152 company, the accounts and operations of which are required to be
153 audited annually in accordance with federal law, shall have an annual
154 comprehensive audit and report made of its accounts and operations
155 by independent public accountants satisfactory to the Public Utilities
156 Regulatory Authority. A copy of such annual audit report shall be filed
157 with the authority, together with the company's annual report. In the
158 absence of such an audit report, or if the authority, after notice and
159 opportunity for a hearing, determines that such audit report is
160 insufficient or unsatisfactory, the authority shall cause such an audit to
161 be made at the expense of the company either by independent public
162 accountants satisfactory to the authority or by any staff of the authority
163 engaged in the activities contemplated by subsection (b) of section 16-
164 8. The authority may require additional information regarding the
165 accounts and operations of a telephone company, community antenna
166 television company, certified competitive video service provider or
167 holder of a certificate of cable franchise authority otherwise exempt
168 from the audit required pursuant to this section, which the authority
169 has determined is necessary to carry out the authority's obligations.
170 The authority may waive the compliance with the provisions of this
171 section by any public service company whose annual gross income is
172 less than one hundred thousand dollars. Nothing in this section shall
173 modify or limit the power of the authority to conduct a management
174 audit or otherwise exercise its authority under section 16-8.

175 Sec. 4. Section 16-247b of the general statutes is repealed and the
176 following is substituted in lieu thereof (*Effective July 1, 2012*):

177 (a) On petition or its own motion, the authority shall initiate a

178 proceeding to unbundle a telephone company's network, services and
179 functions that are used to provide telecommunications services and
180 which the authority determines, after notice and hearing, are in the
181 public interest, are consistent with federal law and are technically
182 feasible of being tariffed and offered separately or in combinations.
183 Any telecommunications services, functions and unbundled network
184 elements and any combination thereof shall be offered under tariff at
185 rates, terms and conditions that do not unreasonably discriminate
186 among actual and potential users and actual and potential providers of
187 such local network services.

188 (b) Each telephone company shall provide reasonable
189 nondiscriminatory access and pricing to all telecommunications
190 services, functions and unbundled network elements and any
191 combination thereof necessary to provide telecommunications services
192 to customers. The authority shall determine the rates that a telephone
193 company charges for telecommunications services, functions and
194 unbundled network elements and any combination thereof, that are
195 necessary for the provision of telecommunications services. The rates
196 for interconnection and unbundled network elements and any
197 combination thereof shall be based on their respective forward looking
198 long-run incremental costs, and shall be consistent with the provisions
199 of 47 USC 252(d).

200 [(c) (1) The rate that a telephone company charges for a competitive
201 or emerging competitive telecommunications service shall not be less
202 than the sum of (A) the rate charged to another telecommunications
203 company for a noncompetitive or emerging competitive local network
204 service function used by that company to provide a competing
205 telecommunications service, and (B) the applicable incremental costs of
206 the telephone company.

207 (2) On and after the date the authority certifies a telephone
208 company's operations support systems interface pursuant to section
209 16-247n, the authority shall, upon petition, conduct a contested case
210 proceeding to consider whether modification or removal of the pricing

211 standard set forth in subdivision (1) of this subsection for a
212 telecommunications service deemed competitive pursuant to section
213 16-247f is appropriate. Notwithstanding the provisions of subdivision
214 (1) of this subsection, if the authority determines that such a
215 modification or removal is appropriate and is consistent with the goals
216 set forth in section 16-247a, the authority shall so modify or remove
217 said pricing standard for such telecommunications service.

218 (3) Prior to the date that the authority certifies a telephone
219 company's operations support systems interface pursuant to section
220 16-247n, the authority may, upon petition, conduct a contested case
221 proceeding to consider whether modification or removal of the pricing
222 standard set forth in subdivision (1) of this subsection for a
223 telecommunications service deemed competitive pursuant to section
224 16-247f is appropriate. Any petition filed pursuant to this subdivision
225 shall specify the geographic area in which the applicant proposes to
226 modify or remove such pricing standard. Notwithstanding the
227 provisions of subdivision (1) of this subsection, if the authority
228 determines that such modification or removal is appropriate, is
229 consistent with the goals set forth in section 16-247a and facilities-
230 based competition exists in the relevant geographic area, the authority
231 shall so modify or remove said pricing standard for such
232 telecommunications service. In determining whether facilities-based
233 competition exists in the relevant geographic area, the authority shall
234 consider:

235 (A) The number, size and geographic distribution of other providers
236 of service;

237 (B) The availability of functionally equivalent services in the
238 relevant geographic area at competitive rates, terms and conditions;

239 (C) The financial viability of each company providing functionally
240 equivalent services in the relevant geographic market;

241 (D) The existence of barriers to entry into, or exit from, the relevant
242 geographic market;

243 (E) Other indicators of market power that the authority deems
244 relevant, which may include, but not be limited to, market penetration
245 and the extent to which the applicant can sustain the price for the
246 service above the cost to the company of providing the service in the
247 relevant geographic area;

248 (F) The extent to which other telecommunications companies must
249 rely upon the noncompetitive services of the applicant to provide their
250 telecommunications services and carrier access rates charged by the
251 applicant;

252 (G) Other factors that may affect competition; and

253 (H) Other factors that may affect the public interest.]

254 [(d)] (c) A telephone company shall not use the revenues, expenses,
255 costs, assets, liabilities or other resources derived from or associated
256 with providing a noncompetitive service to subsidize the provision of
257 competitive, emerging competitive or unregulated telecommunications
258 services by such telephone company or any affiliate that is a certified
259 telecommunications provider.

260 Sec. 5. Section 16-247m of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective July 1, 2012*):

262 [(a)] On and after July 1, [2001] 2012, a telephone company may
263 [apply to the Public Utilities Regulatory Authority to] withdraw from
264 the retail provision of a telecommunications service, upon thirty days'
265 notice to the Public Utilities Regulatory Authority, provided such
266 telecommunications service has been deemed competitive pursuant to
267 section 16-247f, as amended by this act, prior to the date such
268 [application] notice is submitted. Any such [application] notice shall
269 specify (1) the service that the telephone company no longer wishes to
270 provide, and (2) the geographic area or areas in which the telephone
271 company proposes to no longer provide the service, [, and (3) the
272 number of customers of the telephone company that will be affected by
273 the proposed withdrawal and a discussion of ways to mitigate such

274 impact.]

275 [(b) In considering any application by a telephone company
276 pursuant to subsection (a) of this section, the authority shall consider
277 (1) the impact the proposed withdrawal will have on the goals set forth
278 in section 16-247a, (2) the impact the proposed withdrawal will have
279 on the financial, managerial and technical ability of the telephone
280 company to provide other retail and wholesale telecommunications
281 services and the quality of such services, (3) the impact the proposed
282 withdrawal will have on the rates paid by retail customers for the
283 service that the telephone company no longer wishes to provide at
284 retail, (4) the impact the proposed withdrawal will have on the retail
285 availability of such service, and (5) the impact the proposed
286 withdrawal will have on the ability of certified telecommunications
287 providers to provide a functionally equivalent service at retail. The
288 authority shall not approve any such application for withdrawal
289 unless it finds that such withdrawal (A) is consistent with the goals set
290 forth in section 16-247a, and (B) is not contrary to the public interest.
291 The authority shall not approve any such application or authorize the
292 withdrawal of a telephone company from the provision of a
293 telecommunications service at retail unless the service that the
294 telephone company no longer wishes to provide has been deemed
295 competitive pursuant to section 16-247f. The authority, in approving
296 any such application, shall develop a method to allow customers
297 receiving such service from the telephone company to choose a new
298 provider of such service, provided the authority shall not order the
299 allocation or assignment of any customer.

300 (c) Any proceeding conducted pursuant to this section shall be
301 considered a contested case, as defined in section 4-166.

302 (d) The provisions of this section shall not (1) preclude the
303 withdrawal of a competitive or an emerging competitive tariff
304 pursuant to section 16-247f, (2) preclude a telephone company from
305 withdrawing a noncompetitive service in the normal course of
306 business, or (3) apply to any certified telecommunications provider or

307 any telephone company serving fewer than seventy-five thousand
308 customers.]

309 Sec. 6. Section 16-256k of the general statutes is repealed and the
310 following is substituted in lieu thereof (*Effective July 1, 2012*):

311 Each telephone company, as defined in section 16-1, and each
312 certified telecommunications provider, as defined in said section 16-1,
313 shall clearly and conspicuously disclose, in writing, to customers, upon
314 subscription and annually thereafter, (1) whether the removal or
315 change in any telecommunications service will result in the loss of a
316 discount or other change in the rate charged for any
317 telecommunications service subscribed to or used by the customer; and
318 (2) for any promotional offering filed on and after October 1, 2002,
319 with the Public Utilities Regulatory Authority pursuant to subsection
320 [(e)] (f) of section 16-247f, as amended by this act, that the offering is a
321 promotion and will be in effect for a limited period of time.

322 Sec. 7. (NEW) (*Effective July 1, 2012*) (a) For the purposes of chapter
323 283 of the general statutes, "interconnected voice over Internet protocol
324 service" or "interconnected VoIP service" means any service that: (1)
325 Enables real-time, two-way voice communications that originate or
326 terminate from the user's location using Internet protocol or a
327 successor protocol; (2) uses a broadband connection from the user's
328 location; and (3) permits users generally to receive calls that originate
329 on the public-switched telephone network and to terminate calls to the
330 public-switched telephone network.

331 (b) Except as set forth in subsections (c) to (e), inclusive, of this
332 section, and notwithstanding any provision of the general statutes or
333 any special act, no department, authority, agency, commission or
334 political subdivision of the state shall enact, adopt or enforce, either
335 directly or indirectly, any law, rule, regulation, ordinance, standard,
336 order or other provision having the force or effect of law that regulates
337 or has the effect of regulating, the entry, rates, terms or conditions of
338 interconnected VoIP service.

339 (c) Subsection (b) of this section shall not be construed to affect the
340 authority of the Attorney General to apply and enforce the Connecticut
341 Unfair Trade Practices Act, sections 42-110a to 42-110q, inclusive, of
342 the general statutes, or other consumer protection laws of general
343 applicability.

344 (d) Subsection (b) of this section shall not be construed to affect,
345 mandate or prohibit the assessment of enhanced 9-1-1 fees,
346 telecommunications relay service fees or lifeline service fees, and
347 nothing in subsection (b) of this section shall affect the authority of the
348 Public Utilities Regulatory Authority pursuant to subsection (a) of
349 section 16-247e of the general statutes.

350 (e) Subsection (b) of this section shall not be construed to (1) modify
351 or affect the rights, obligations or authority of any entity, including,
352 but not limited to, the authority, to act pursuant to, or enforce the
353 provisions of 47 USC 251, 47 USC 252, any applicable tariff, or any
354 state law, rule, regulation or order related to wholesale rights, duties
355 and obligations, including the rights, duties, and obligations of local
356 exchange carriers to interconnect and exchange voice traffic; (2) modify
357 or affect the power of the authority to implement, carry out, and
358 enforce such provisions, rights, duties, obligations or tariff through
359 arbitration proceedings or other available mechanisms and
360 procedures; or (3) affect the payment of switched network access rates
361 or other intercarrier compensation rates, as applicable.

362 Sec. 8. Section 16-262d of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective July 1, 2012*):

364 (a) No electric, electric distribution, gas, telephone or water
365 company, no electric supplier and no municipal utility furnishing
366 electric, gas or water service may terminate such service to a
367 residential dwelling on account of nonpayment of a delinquent
368 account unless such company, electric supplier or municipal utility
369 first gives notice of such delinquency and impending termination by
370 first class mail addressed to the customer to which such service is
371 billed or by electronic mail to the electronic mail address of such

372 customer, provided such customer authorizes such company, electric
373 supplier or municipal utility to send termination notices to such
374 electronic mail address and such company, electric supplier or
375 municipal utility allows such customer to withdraw such authorization
376 at any time, at least thirteen calendar days prior to the proposed
377 termination, except that if an electric, electric distribution or gas
378 company, electric supplier or municipal utility furnishing electric or
379 gas service has issued a notice under this subsection but has not
380 terminated service prior to issuing a new bill to the customer, such
381 company, electric supplier or municipal utility may terminate such
382 service only after [mailing] sending the customer an additional notice
383 of the impending termination, addressed to the customer to which
384 such service is billed either (1) by first class mail or electronic mail at
385 least thirteen calendar days prior to the proposed termination, or (2) by
386 certified mail, at least seven calendar days prior to the proposed
387 termination. In the event that multiple dates of proposed termination
388 are provided to a customer, no such company, electric supplier or
389 municipal utility shall terminate service prior to the latest of such
390 dates. For purposes of this subsection, the thirteen-day periods and
391 seven-day period shall commence on the date such notice is [mailed]
392 sent. If such company, electric supplier or municipal utility does not
393 terminate service within one hundred twenty days after [mailing]
394 sending the initial notice of termination, such company, electric
395 supplier or municipal utility shall give the customer a new notice at
396 least thirteen days prior to termination. Every termination notice
397 issued by a public service company, electric supplier or municipal
398 utility shall contain or be accompanied by an explanation of the rights
399 of the customer provided in subsection (c) of this section.

400 (b) No such company, electric supplier or municipal utility shall
401 effect termination of service for nonpayment during such time as any
402 resident of a dwelling to which such service is furnished is seriously ill,
403 if the fact of such serious illness is certified to such company, electric
404 supplier or municipal utility by a registered physician within such
405 period of time after the [mailing] sending of a termination notice
406 pursuant to subsection (a) of this section as the Public Utilities

407 Regulatory Authority may by regulation establish, provided the
408 customer agrees to amortize the unpaid balance of his account over a
409 reasonable period of time and keeps current his account for utility
410 service as charges accrue in each subsequent billing period.

411 (c) No such company, electric supplier or municipal utility shall
412 effect termination of service to a residential dwelling for nonpayment
413 during the pendency of any complaint, investigation, hearing or
414 appeal, initiated by a customer within such period of time after the
415 [mailing] sending of a termination notice pursuant to subsection (a) of
416 this section as the Public Utilities Regulatory Authority may by
417 regulation establish; provided, any telephone company during the
418 pendency of any complaint, investigation, hearing or appeal may
419 terminate telephone service if the amount of charges accruing and
420 outstanding subsequent to the initiation of any complaint,
421 investigation, hearing or appeal exceeds on a monthly basis the
422 average monthly bill for the previous three months or if the customer
423 fails to keep current his telephone account for all undisputed charges
424 or fails to comply with any amortization agreement as hereafter
425 provided.

426 (d) Any customer who has initiated a complaint or investigation
427 under subsection (c) of this section shall be given an opportunity for
428 review of such complaint or investigation by a review officer of the
429 company, electric supplier or municipal utility other than a member of
430 such company's, electric supplier's or municipal utility's credit
431 authority, provided the Public Utilities Regulatory Authority may
432 waive this requirement for any company, electric supplier or
433 municipal utility employing fewer than twenty-five full-time
434 employees, which review shall include consideration of whether the
435 customer should be permitted to amortize the unpaid balance of his
436 account over a reasonable period of time. No termination shall be
437 effected for any customer complying with any such amortization
438 agreement, provided such customer also keeps current his account for
439 utility service as charges accrue in each subsequent billing period.

440 (e) Any customer whose complaint or request for an investigation
441 has resulted in a determination by a company, electric supplier or
442 municipal utility which is adverse to him may appeal such
443 determination to the Public Utilities Regulatory Authority or a hearing
444 officer appointed by the authority.

445 (f) If, following the receipt of a termination notice or the entering
446 into of an amortization agreement, the customer makes a payment or
447 payments amounting to twenty per cent of the balance due, the public
448 service company or electric supplier shall not terminate service
449 without giving notice to the customer, in accordance with the
450 provisions of this section, of the conditions the customer must meet to
451 avoid termination, but such subsequent notice shall not entitle such
452 customer to further investigation, review or appeal by the company,
453 electric supplier, municipal utility or authority.

454 (g) No electric distribution, gas, telephone or water company,
455 certified telecommunications provider, gas registrant or municipal
456 utility furnishing electric, gas or water service shall submit to a credit
457 rating agency, as defined in section 36a-695, any information about a
458 residential customer's nonpayment for electric, gas, telephone,
459 telecommunications or water service unless the customer is more than
460 sixty days delinquent in paying for such service. In no event shall such
461 a company, certified telecommunications provider, gas registrant or
462 municipal utility submit to a credit rating agency any information
463 about a residential customer's nonpayment for such service if the
464 customer has initiated a complaint, investigation hearing or appeal
465 with regard to such service under subsection (c) of this section that is
466 pending before the authority. If such a company, certified
467 telecommunications provider, gas registrant or municipal utility
468 intends to submit to a credit rating agency information about a
469 customer's nonpayment for service, it shall, at least thirty days before
470 submitting such information, send the customer by first class mail
471 notification that includes the statement, "AS AUTHORIZED BY LAW,
472 FOR RESIDENTIAL ACCOUNTS, WE SUPPLY PAYMENT
473 INFORMATION TO CREDIT RATING AGENCIES. IF YOUR

474 ACCOUNT IS MORE THAN SIXTY DAYS DELINQUENT, THE
475 DELINQUENCY REPORT COULD HARM YOUR CREDIT RATING.".

476 Sec. 9. (NEW) (*Effective July 1, 2012*) The Public Utilities Regulatory
477 Authority shall conduct a performance review of every person, entity
478 or company holding a certificate of public convenience and necessity
479 to provide community antenna television service, a certificate of cable
480 franchise authority or a certificate of video franchise authority, as such
481 terms are defined in section 16-1 of the general statutes, to ensure
482 compliance with the terms and conditions of each such certificate as
483 applicable. The performance review may include, but not be limited to,
484 issues concerning customer service, community access providers,
485 management of outages, service to handicapped and low-income
486 customers and cooperation with the authority. Each performance
487 review shall be limited to a review of conditions or requirements
488 specifically set forth in statute. After the initial review required
489 pursuant to this section, the authority shall conduct subsequent
490 reviews every five years. Each performance review pursuant to this
491 section shall be conducted as an uncontested case and include an
492 opportunity for a hearing in accordance with chapter 54 of the general
493 statutes. The Attorney General and the Office of Consumer Counsel
494 shall be parties to any such contested case. The authority shall
495 designate the applicable advisory council as an intervenor in any such
496 contested case.

497 Sec. 10. (NEW) (*Effective July 1, 2012*) Any company or nonprofit
498 organization, including any municipality, responsible for community
499 access operations that receives funds pursuant to subsection (k) of
500 section 16-331a of the general statutes, may use such funds for the
501 creation and development, including, but not limited to, labor and staff
502 expenses, of town-specific community access programming.

503 Sec. 11. (NEW) (*Effective from passage*) Any community antenna
504 television company or nonprofit organization providing community
505 access operations that supplied original programming from locally run
506 operations and provided funding to town-specific programming on

507 January 1, 2008, shall continue to fund town-specific programming in
508 such proportions to funding for original programming from locally
509 run operations as of January 1, 2008.

510 Sec. 12. Section 20-340b of the general statutes is repealed and the
511 following is substituted in lieu thereof (*Effective July 1, 2012*):

512 (a) As used in this section:

513 (1) "Telecommunications electrical work" means work permitted to
514 be performed by holders of a limited electrical contractor's license (T-1)
515 as provided by regulation adopted under this chapter.

516 (2) "Public service technician" means an employee of a public service
517 company or certified telecommunications provider, as defined in
518 section 16-1, or any affiliate of any such company or provider, who is
519 engaged in telecommunications electrical work and who is not
520 otherwise exempt from licensing pursuant to section 20-340.

521 (3) "Out-of-state public service technician" means any person whose
522 principal place of operations is outside the state who is hired by a
523 public service company or certified telecommunications provider, as
524 defined in section 16-1, or any affiliate of any such company or
525 provider, and who is engaged in telecommunications electric work.

526 (4) "Declared disaster emergency" means a disaster or emergency
527 event for which the Governor has proclaimed that a state of civil
528 preparedness emergency exists, pursuant to section 28-9, or for which
529 a presidential declaration of a federal major disaster or emergency has
530 been issued.

531 (5) "Disaster or emergency period" means a period that begins not
532 later than ten days after a declared disaster emergency and ends not
533 later than sixty days after a declared disaster emergency.

534 (b) Notwithstanding any provision of this chapter to the contrary, a
535 public service technician may be issued a certificate of registration by
536 the Department of Consumer Protection, upon authorization of the

537 Electrical Work Board, in lieu of any license which otherwise might be
538 required under this chapter, which shall entitle the holder of such
539 certificate to perform telecommunications electrical work only as
540 provided in this section, provided the public service company,
541 certified telecommunications provider or affiliate which employs the
542 public service technician certifies to the Electrical Work Board that the
543 employee has obtained such training and experience deemed
544 necessary by the public service company, certified telecommunications
545 provider or affiliate to perform telecommunications electrical work
546 included in such employee's job functions.

547 (c) The content and duration of the training and experience
548 programs provided by the public service company, certified
549 telecommunications provider or affiliate must be relevant to the duties
550 of the employee and must be approved biennially by the Labor
551 Department. In reviewing the programs and training provided by a
552 public service company, certified telecommunications provider or
553 affiliate, the Labor Department shall consider the specialization of the
554 employees of the company or provider, the employee's previous
555 company or provider training, the service record of the company or
556 provider, the experience of the company or provider in training
557 employees to perform telecommunications electrical work, and the
558 quality assurance measures used by the company or provider.

559 (d) An employee enrolled in the training programs of the public
560 service company or certified telecommunications provider shall be
561 issued a trainee's certificate by such company or provider, valid for the
562 duration of the training program, and may perform
563 telecommunications electrical work only under the supervision of an
564 employee of the public service company, certified telecommunications
565 provider or affiliate who is a registered public service technician or
566 holds a journeyman's license.

567 (e) A public service company or certified telecommunications
568 provider employing a public service technician shall inform the
569 Electrical Work Board upon the change in job description or

570 termination of any registered public service technician previously
571 certified to the board pursuant to subsection (b) of this section and
572 upon the issuance or termination of a trainee's certificate provided to
573 an employee pursuant to subsection (d) of this section.

574 (f) A registered public service technician or employee of a public
575 service company, certified telecommunications provider or affiliate
576 issued a trainee's certificate by such company or provider may only
577 perform such work on behalf of such public service company, certified
578 telecommunications provider or affiliate and only while in the direct
579 employment of such public service company, certified
580 telecommunications provider or affiliate. Such registration or trainee's
581 certificate will be immediately relinquished upon termination of
582 employment from such public service company, certified
583 telecommunications provider or affiliate.

584 (g) A registered public service technician may not supervise any
585 duly registered apprentice performing work under a permit issued
586 pursuant to subdivision (4) of subsection (a) of section 20-334a.

587 (h) The public service technician's registration shall expire annually.
588 The fee for registration as a public service technician shall be the same
589 fee as that charged for a journeyman's license under section 20-335.

590 (i) Registered public service technicians shall be subject to the same
591 disciplinary actions as journeymen, including, but not limited to,
592 actions authorized under sections 20-334, 20-341 and 21a-9.

593 (j) Supervisory personnel of a public service company, certified
594 telecommunications provider or affiliate authorized to employ
595 registered public service technicians pursuant to this section may act as
596 an agent of such company or provider for the purpose of taking out a
597 permit pursuant to section 20-332-16(b) of the regulations of
598 Connecticut state agencies.

599 (k) In lieu of displaying a contractor's license number pursuant to
600 section 20-334, each public service company, certified

601 telecommunications provider or affiliate authorized pursuant to this
602 section to employ registered public service technicians shall display its
603 name, logo or other trademark which clearly identifies the company or
604 provider on all commercial vehicles used in its business and in a
605 conspicuous manner on all printed advertisements, bid proposals,
606 contracts and invoices and on all stationery used in its business.

607 (1) (1) Notwithstanding the provisions of this section, during any
608 disaster or emergency period, any out-of-state public service
609 technician may perform telecommunications electrical work without
610 first obtaining a certificate of registration from the Department of
611 Consumer Protection, provided the public service company, certified
612 telecommunications provider or affiliate of such company or provider
613 that hires such out-of-state public service technician certifies, in
614 accordance with subdivision (2) of this subsection, to the Electrical
615 Work Board that such out-of-state public service technician has
616 obtained training and experience deemed necessary by such company,
617 provider or affiliate to perform such electrical work.

618 (2) Any public service company, certified telecommunications
619 provider or affiliate of such company or provider that hires any out-of-
620 state public service technician pursuant to this section shall notify the
621 Department of Consumer Protection as soon as practicable that such
622 company, provider or affiliate has hired such technician to perform
623 electric work during any disaster or emergency period. Such
624 notification shall identify the name, state of domicile, business address
625 and contact information of such technician, and the dates such
626 technician performed electrical work in the state and shall include
627 certification by such company, provider or affiliate that such technician
628 has obtained training and experience deemed necessary by such
629 company, provider or affiliate to perform such electrical work. No
630 electric work performed by such out-of-state public service technician
631 during such disaster or emergency period shall be deemed to have
632 established such technician's residency in the state.

633 Sec. 13. Section 16-50p of the general statutes is repealed and the

634 following is substituted in lieu thereof (*Effective July 1, 2012*):

635 (a) (1) In a certification proceeding, the council shall render a
636 decision upon the record either granting or denying the application as
637 filed, or granting it upon such terms, conditions, limitations or
638 modifications of the construction or operation of the facility as the
639 council may deem appropriate.

640 (2) The council's decision shall be rendered in accordance with the
641 following:

642 (A) Not later than twelve months after the deadline for filing an
643 application following the request for proposal process for a facility
644 described in subdivision (1) or (2) of subsection (a) of section 16-50i or
645 subdivision (4) of said subsection (a) if the application was
646 incorporated in an application concerning a facility described in
647 subdivision (1) of said subsection (a);

648 (B) Not later than one hundred eighty days after the deadline for
649 filing an application following the request for proposal process for a
650 facility described in subdivision (4) of said subsection (a), and an
651 application concerning a facility described in subdivision (3) of said
652 subsection (a), provided such time periods may be extended by the
653 council by not more than one hundred eighty days with the consent of
654 the applicant; and

655 (C) Not later than one hundred eighty days after the filing of an
656 application for a facility described in subdivision (5) [or] of said
657 subsection (a) and not later than one hundred fifty days after the filing
658 of an application for a facility described in subdivision (6) of said
659 subsection (a), provided such time period may be extended by the
660 council by not more than one hundred eighty days with the consent of
661 the applicant.

662 (3) The council shall file, with its order, an opinion stating in full its
663 reasons for the decision. The council shall not grant a certificate, either
664 as proposed or as modified by the council, unless it shall find and

665 determine:

666 (A) Except as provided in subsection (b) or (c) of this section, a
667 public need for the facility and the basis of the need;

668 (B) The nature of the probable environmental impact of the facility
669 alone and cumulatively with other existing facilities, including a
670 specification of every significant adverse effect, including, but not
671 limited to, electromagnetic fields that, whether alone or cumulatively
672 with other effects, on, and conflict with the policies of the state
673 concerning, the natural environment, ecological balance, public health
674 and safety, scenic, historic and recreational values, forests and parks,
675 air and water purity and fish, aquaculture and wildlife;

676 (C) Why the adverse effects or conflicts referred to in subparagraph
677 (B) of this subdivision are not sufficient reason to deny the application;

678 (D) In the case of an electric transmission line, (i) what part, if any,
679 of the facility shall be located overhead, (ii) that the facility conforms to
680 a long-range plan for expansion of the electric power grid of the
681 electric systems serving the state and interconnected utility systems
682 and will serve the interests of electric system economy and reliability,
683 and (iii) that the overhead portions, if any, of the facility are cost
684 effective and the most appropriate alternative based on a life-cycle cost
685 analysis of the facility and underground alternatives to such facility,
686 are consistent with the purposes of this chapter, with such regulations
687 or standards as the council may adopt pursuant to section 16-50t,
688 including, but limited to, the council's best management practices for
689 electric and magnetic fields for electric transmission lines and with the
690 Federal Power Commission "Guidelines for the Protection of Natural
691 Historic Scenic and Recreational Values in the Design and Location of
692 Rights-of-Way and Transmission Facilities" or any successor guidelines
693 and any other applicable federal guidelines and are to be contained
694 within an area that provides a buffer zone that protects the public
695 health and safety, as determined by the council. In establishing such
696 buffer zone, the council shall take into consideration, among other
697 things, residential areas, private or public schools, licensed child day

698 care facilities, licensed youth camps or public playgrounds adjacent to
699 the proposed route of the overhead portions and the level of the
700 voltage of the overhead portions and any existing overhead
701 transmission lines on the proposed route. At a minimum, the existing
702 right-of-way shall serve as the buffer zone;

703 (E) In the case of an electric or fuel transmission line, that the
704 location of the line will not pose an undue hazard to persons or
705 property along the area traversed by the line;

706 (F) In the case of an application that was heard under a consolidated
707 hearing process with other applications that were common to a request
708 for proposal, that the facility proposed in the subject application
709 represents the most appropriate alternative among such applications
710 based on the findings and determinations pursuant to this subsection;
711 and

712 (G) In the case of a facility described in subdivision (6) of subsection
713 (a) of section 16-50i that is proposed to be installed on land under
714 agricultural restriction, as provided in section 22-26cc, that the facility
715 will not result in a material decrease of acreage and productivity of the
716 arable land.

717 (b) (1) Prior to granting an applicant's certificate for a facility
718 described in subdivision (5) or (6) of section 16-50i, the council shall
719 examine, in addition to its consideration of subdivisions (1) to (5),
720 inclusive, of subsection (a) of this section: (A) The feasibility of
721 requiring an applicant to share an existing facility, as defined in
722 subsection (b) of section 16-50aa, within a technically derived search
723 area of the site of the proposed facility, provided such shared use is
724 technically, legally, environmentally and economically feasible and
725 meets public safety concerns, (B) whether such facility, if constructed,
726 may be shared with any public or private entity which provides
727 telecommunications or community antenna television service to the
728 public, provided such shared use is technically, legally,
729 environmentally and economically feasible at fair market rates, meets
730 public safety concerns, and the parties' interests have been considered,

731 and (C) whether the proposed facility would be located in an area of
732 the state which the council, in consultation with the Department of
733 Energy and Environmental Protection and any affected municipalities,
734 finds to be a relatively undisturbed area that possesses scenic quality
735 of local, regional or state-wide significance. The council may deny an
736 application for a certificate if it determines that (i) shared use under the
737 provisions of subparagraph (A) of this subdivision is feasible, (ii) the
738 applicant would not cooperate relative to the future shared use of the
739 proposed facility, [or] (iii) the proposed facility would substantially
740 affect the scenic quality of its location, [and] or (iv) no public safety
741 concerns require that [the] any proposed state facility be constructed in
742 such a location. In evaluating the public need for any cellular facility
743 described in subdivision (6) of subsection (a) of section 16-50i, there is
744 a presumption of public need for such facility and the council shall be
745 limited to consideration of a specific need for any proposed facility to
746 be used to provide personal wireless service to the public.

747 (2) When issuing a certificate for a facility described in subdivision
748 (5) or (6) of subsection (a) of section 16-50i, the council may impose
749 such reasonable conditions as it deems necessary to promote
750 immediate and future shared use of such facilities and avoid the
751 unnecessary proliferation of such facilities in the state. The council
752 shall, prior to issuing a certificate, provide notice of the proposed
753 facility to the municipality in which the facility is to be located. Upon
754 motion of the council, written request by a public or private entity
755 which provides telecommunications or community antenna television
756 service to the public or upon written request by an interested party, the
757 council may conduct a preliminary investigation to determine whether
758 the holder of a certificate for such a facility is in compliance with the
759 certificate. Following its investigation, the council may initiate a
760 certificate review proceeding, which shall include a hearing, to
761 determine whether the holder of a certificate for such a facility is in
762 compliance with the certificate. In such proceeding, the council shall
763 render a decision and may issue orders which it deems necessary to
764 compel compliance with the certificate, which orders may include, but
765 not be limited to, revocation of the certificate. Such orders may be

766 enforced in accordance with the provisions of section 16-50u.

767 (c) (1) The council shall not grant a certificate for a facility described
768 in subdivision (3) of subsection (a) of section 16-50i, either as proposed
769 or as modified by the council, unless it finds and determines a public
770 benefit for the facility.

771 (2) The council shall not grant a certificate for a facility described in
772 subdivision (1) of subsection (a) of section 16-50i which is substantially
773 underground or underwater except where such facilities interconnect
774 with existing overhead facilities, either as proposed or as modified by
775 the council, unless it finds and determines a public benefit for the
776 facility, in the case of such facility that is substantially underground,
777 and a public need for such facility, in the case of such facility that is
778 substantially underwater.

779 (3) For purposes of subparagraph (A) of this subdivision, a public
780 benefit exists if such a facility is necessary for the reliability of the
781 electric power supply of the state or for the development of a
782 competitive market for electricity and a public need exists if such
783 facility is necessary for the reliability of the electric power supply of
784 the state.

785 (4) Any application for an electric transmission line with a capacity
786 of three hundred forty-five kilovolts or more that is filed on or after
787 May 1, 2003, and that proposes the underground burial of such line in
788 all residential areas and overhead installation of such line in industrial
789 and open space areas affected by such proposal shall have a rebuttable
790 presumption of meeting a public benefit for such facility if the facility
791 is substantially underground, and meeting a public need for such
792 facility if the facility is substantially above ground. Such presumption
793 may be overcome by evidence submitted by a party or intervenor to
794 the satisfaction of the council.

795 (d) If the council determines that the location of all or a part of the
796 proposed facility should be modified, it may condition the certificate
797 upon such modification, provided the municipalities, and persons

798 residing or located in such municipalities, affected by the modification
799 shall have had notice of the application as provided in subsection (b) of
800 section 16-50l.

801 (e) In an amendment proceeding, the council shall render a decision
802 within ninety days of the filing of the application or adoption of the
803 resolution initiating the proceeding. The council shall file an opinion
804 with its order stating its reasons for the decision. The council's decision
805 shall include the findings and determinations enumerated in
806 subsection (a) of this section which are relevant to the proposed
807 amendment.

808 (f) A copy of the order and opinion issued therewith shall be served
809 upon each party and a notice of the issuance of the order and opinion
810 shall be published in such newspapers as will serve substantially to
811 inform the public of the issuance of such order and opinion. The name
812 and address of each party shall be set forth in the order.

813 (g) In making its decision as to whether or not to issue a certificate,
814 the council shall in no way be limited by the fact that the applicant
815 may already have acquired land or an interest therein for the purpose
816 of constructing the facility which is the subject of its application.

817 (h) For purposes of this section, a public need exists for an energy
818 facility if such facility is necessary for the reliability of the electric
819 power supply of the state.

820 (i) For a facility described in subdivision (1) of subsection (a) of
821 section 16-50i, with a capacity of three hundred forty-five kilovolts or
822 greater, there shall be a presumption that a proposal to place the
823 overhead portions, if any, of such facility adjacent to residential areas,
824 private or public schools, licensed child day care facilities, licensed
825 youth camps or public playgrounds is inconsistent with the purposes
826 of this chapter. An applicant may rebut this presumption by
827 demonstrating to the council that it will be technologically infeasible to
828 bury the facility. In determining such infeasibility, the council shall
829 consider the effect of burying the facility on the reliability of the

830 electric transmission system of the state and whether the cost of any
831 contemplated technology or design configuration may result in an
832 unreasonable economic burden on the ratepayers of the state.

833 Sec. 14. Section 23-11 of the general statutes is repealed and the
834 following is substituted in lieu thereof (*Effective July 1, 2012*):

835 (a) The Commissioner of Energy and Environmental Protection may
836 grant revocable licenses for public purposes to any person for the use
837 of any portion of any state forest or state park if said commissioner
838 finds that such purposes are not in conflict with park or forest
839 purposes.

840 (b) The construction of any telecommunications tower, or any other
841 telecommunications equipment, owned or operated by the state, any
842 public service company or any certified telecommunications provider,
843 or used in a cellular system, as defined in the Code of Federal
844 Regulations Title 47, Part 22, as amended, is deemed to be a public
845 purpose and not in conflict with park or forest purposes.

846 Sec. 15. Section 23-14 of the general statutes is repealed and the
847 following is substituted in lieu thereof (*Effective July 1, 2012*):

848 (a) The Commissioner of Energy and Environmental Protection may
849 grant rights-of-way or other easements on or with respect to any state
850 park or state forest, if said commissioner finds that such purposes are
851 not in conflict with park or forest purposes with respect to such lands.

852 (b) The construction of any telecommunications tower, or any other
853 telecommunications equipment, owned or operated by the state, any
854 public service company or any certified telecommunications provider,
855 or used in a cellular system, as defined in the Code of Federal
856 Regulations Title 47, Part 22, as amended, is deemed to be a public
857 purpose and not in conflict with park or forest purposes.

858 Sec. 16. Section 23-25 of the general statutes is repealed and the
859 following is substituted in lieu thereof (*Effective July 1, 2012*):

860 (a) The Commissioner of Energy and Environmental Protection
861 may, with the approval of the Governor, grant leases for public
862 purposes to any public authority for any portion of any state forest or
863 state park if said commissioner finds that such purposes are not in
864 conflict with park or forest purposes. The commissioner may, with the
865 approval of the Governor, grant leases to any public authority or any
866 other entity for the construction of any telecommunications tower, or
867 any other telecommunications equipment.

868 (b) The construction of any telecommunications tower, or any other
869 telecommunications equipment, owned or operated by the state, any
870 public service company or any certified telecommunications provider,
871 or used in a cellular system, as defined in the Code of Federal
872 Regulations Title 47, Part 22, as amended, is deemed to be a public
873 purpose and not in conflict with park or forest purposes.

874 Sec. 17. Subsection (f) of section 25-32 of the 2012 supplement to the
875 general statutes is repealed and the following is substituted in lieu
876 thereof (*Effective July 1, 2012*):

877 (f) Nothing in this section shall prevent the lease or change in use of
878 water company land to allow for recreational purposes that do not
879 require intense development or improvements for water supply
880 purposes, for leases of existing structures, or for radio towers,
881 telecommunications towers, or any other telecommunications
882 equipment, owned or operated by the state, any public service
883 company or any certified telecommunications provider, or used in a
884 cellular system, as defined in the Code of Federal Regulations Title 47,
885 Part 22, as amended, or telecommunications antennas on existing
886 structures. For purposes of this subsection, intense development
887 includes golf courses, driving ranges, tennis courts, ballfields,
888 swimming pools and uses by motorized vehicles, provided trails or
889 pathways for pedestrians, motorized wheelchairs or nonmotorized
890 vehicles shall not be considered intense development.

891 Sec. 18. Section 26-3b of the general statutes is amended by adding
892 subsection (d) as follows (*Effective July 1, 2012*):

893 (NEW) (d) The construction of any telecommunications tower, or
 894 any other telecommunications equipment, owned or operated by the
 895 state, any public service company or any certified telecommunications
 896 provider, or used in a cellular system, as defined in the Code of
 897 Federal Regulations Title 47, Part 22, as amended, is deemed to be in
 898 the interest of the state.

899 Sec. 19. (NEW) (*Effective July 1, 2012*) Not later than February 1,
 900 2013, the Governor or his designee shall prescribe procedures by
 901 which each state department and agency shall make available, on a
 902 fair, reasonable and nondiscriminatory basis, any property, rights-of-
 903 way and easement under the control of such department or agency for
 904 the placement of new wireless facilities that are dependant, in whole or
 905 in part, upon the utilization of federal spectrum rights for the
 906 transmission or reception of personal wireless services, as defined in 47
 907 USC 332(c)(7), as amended from time to time. Such procedures will
 908 establish a presumption that any request for the use of such property,
 909 rights-of-way or easements for construction of any wireless facility
 910 should be granted, provided the construction of such facility does not
 911 directly conflict with such department's or agency's current or planned
 912 use for such property, rights-of-way and easements. The state may
 913 charge any reasonable fee for the use of such property, rights-of-way
 914 and easements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	16-247f
Sec. 2	<i>July 1, 2012</i>	New section
Sec. 3	<i>July 1, 2012</i>	16-32
Sec. 4	<i>July 1, 2012</i>	16-247b
Sec. 5	<i>July 1, 2012</i>	16-247m
Sec. 6	<i>July 1, 2012</i>	16-256k
Sec. 7	<i>July 1, 2012</i>	New section
Sec. 8	<i>July 1, 2012</i>	16-262d
Sec. 9	<i>July 1, 2012</i>	New section
Sec. 10	<i>July 1, 2012</i>	New section
Sec. 11	<i>from passage</i>	New section

Sec. 12	July 1, 2012	20-340b
Sec. 13	July 1, 2012	16-50p
Sec. 14	July 1, 2012	23-11
Sec. 15	July 1, 2012	23-14
Sec. 16	July 1, 2012	23-25
Sec. 17	July 1, 2012	25-32(f)
Sec. 18	July 1, 2012	26-3b
Sec. 19	July 1, 2012	New section

Statement of Legislative Commissioners:

The last sentence of section 1(b), which contained references to provisions of subsection (c) of section 16-247b of the general statutes, was bracketed for statutory consistency to reflect that said provisions were bracketed in section 4; and in section 1(g), "or violates the pricing standard set forth in subdivision (1) of subsection (c) of section 16-247b" was bracketed for statutory consistency to reflect that subdivision (1) of subsection (c) of section 16-247b was bracketed in section 4.

ET *Joint Favorable Subst.-LCO*

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:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Consumer Protection, Dept.	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential minimal revenue loss to the Department of Consumer Protection (DCP). The bill would conditionally exempt out-of-state public service technicians from having to obtain a certificate of registration with the DCP during disaster or emergency periods. Such periods are not a yearly occurrence and the number of such technicians utilized in such periods is few. Therefore any revenue loss would be minimal and infrequent.

The bill also makes a number of changes to the regulations of the telecommunication industry. This has no fiscal impact on the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 447*****AN ACT MODERNIZING THE STATE'S TELECOMMUNICATIONS LAWS.*****SUMMARY:**

This bill reduces, from 180 to 150 days, the period the Siting Council has to act on application for a certificate for a cell phone tower. It facilitates the siting of telecommunication towers in state parks and forests, and on other state property and watershed land.

The bill allows a telephone company to withdraw from providing a competitive telecommunications service by providing notice to, rather than getting approval from, the Public Utilities Regulatory Authority (PURA). There are two telephone companies in the state, Verizon, which serves part of Greenwich, and AT&T, which serves the rest of the state. By law, telecommunications services are classified as competitive, emerging competitive, or noncompetitive.

The bill also:

1. eliminates a floor on certain telephone company charges;
2. starting July 1, 2012, allows telecommunications companies to exempt themselves from any requirement to file or maintain tariffs with PURA for intrastate competitive or emerging competitive services offered or provided to retail customers;
3. reduces auditing requirements for certain telecommunications (including cable television) companies;
4. with several exceptions, exempts voice-over Internet protocol (VOIP) service from state and local regulation; and

5. exempts certain out-of-state telecommunications technicians from state registration requirements during an emergency.

With regard to cable t.v. companies, the bill:

1. requires PURA to conduct a performance review of such companies and
2. establishes funding requirements and options regarding town-specific access programming.

The bill allows electric, gas, and water companies and municipal utilities, electric suppliers, and telephone companies to terminate service by providing the notice required by law by e-mail rather than first class mail if the customer authorizes this and can withdraw the authorization at any time (§8).

Finally, the bill specifies when documents submitted to PURA are considered to be filed and limits the number of paper copies that must be filed. It also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage for the provisions dealing with funding for town-specific cable t.v. access programming and July 1, 2012 for the remaining provisions.

TELECOMMUNICATIONS TOWERS

Siting Council (§ 13)

By law, a Siting Council certificate is required to build a wide range of energy and telecommunications facilities. Generally, the council can grant a certificate only if it finds that there is a public need for the facility and that this need outweighs the environmental harm the facility may cause.

The bill establishes a presumption, in the case of cell phone tower certificate applications, that there is a public need for the tower and limits the council's consideration of need to the specific need for the proposed tower to provide personal wireless services. It also reduces the period the council has to review such applications from 180 to 150

days.

By law, when the council is reviewing an application for a cell phone or cable TV tower, it must consider, among other things, whether the tower is proposed to be built in a relatively undisturbed area with scenic quality. Under current law, the council can deny an application if it finds that the proposed tower will substantially affect the area's scenic quality and public safety concerns do not require that it be built there. The bill modifies this provision, allowing the council to deny an application if (1) the proposed tower will substantially affect the area's scenic quality or (2) no public safety concerns require that a tower owned or operated by a state agency be built there. (By law, the council has siting jurisdiction over state agency towers.)

State Parks and Forests (§§ 14-16)

By law the commissioner of Energy and Environmental Protection (DEEP) may grant:

1. revocable licenses for public purposes to any person for the use of any portion of any state forest or state park,
2. rights-of-way or other easements on or with respect to any state park or state forest; and
3. leases for public purposes to any public authority for any portion of any state forest or state park.

In each case, doing so requires that the commissioner find that these actions are not in conflict with park or forest purposes.

The bill deems that construction of any telecommunications tower, or any other telecommunications equipment, owned or operated by the state, a utility company or a certified telecommunications provider, or used in a cellular system to be a public purpose that does not conflict with park or forest purposes. The bill also allows the DEEP commissioner, with the governor's approval, to grant leases to any public authority or any other entity for the construction of any

telecommunications tower or other telecommunications equipment.

Other DEEP Land (§ 18)

By law, the DEEP commissioner may rent buildings or property in the department's custody or control to any person if he considers it in the state's interest. The bill specifies that the construction of any telecommunications tower or other telecommunications equipment, owned or operated by the state, a utility company, or a certified telecommunications provider, or used in a cellular system is in the state's interest.

Leasing State Land for Telecommunications Towers (§ 19)

By February 1, 2013, the bill requires the governor or his designee prescribe procedures by which each state agency makes available on a fair, reasonable, and nondiscriminatory basis, any property (including rights-of-way and easements) under its control to place new wireless facilities that depend, in whole or in part, on using federal spectrum (radio wave) rights to transmit or receive personal wireless services (e.g., cell phone service). The procedures will establish a presumption that any request to use the property to build these facilities should be granted, if the facility's construction does not directly conflict with the agency's current or planned use for the property. The bill allows the state to charge any reasonable fee for the use of the property.

Watershed Lands (§ 17)

By law, a Department of Public Health permit is required for a private, municipal, or regional water utility to sell or lease its watershed lands or change their use. Current law prohibits most sales, leases, and changes of use of class I land (that located closest to wells or other water supply sources) and only allows such transactions for class II land (on a watershed but more distant from a water supply source) under limited circumstances. Less restrictive provisions apply to class III land.

The law provides that these restrictions do not preclude leasing watershed land for radio towers. The bill extends this provision to

telecommunications towers or other telecommunications equipment that is (1) owned or operated by the state, a utility company, or certified telecommunications provider or (2) used in a cellular telephone system.

TELECOMMUNICATIONS COMPANIES

Withdrawal from a Telecommunications Service (§ 5)

Under current law, a telephone company with 75,000 or more customers can apply to PURA to stop providing a retail telecommunications service that is considered competitive. The application must specify (1) the service that the company wishes to drop, (2) the area or areas where it proposes to no longer provide the service, and (3) the number of its customers who will be affected. The application must also include a discussion of ways to mitigate the impact. Current law specifies the factors PURA must consider in making its decision whether to approve the application. If PURA approves the application, it must develop a method to allow customers receiving the service from the telephone company to choose a new service provider of the service, although it may not order the allocation or assignment of any customer. PURA must act on the application in a contested case. These provisions do not apply to a telephone company serving fewer than 75,000 customers.

The bill instead allows all telephone companies, starting July 1, 2012, to withdraw such services after providing 30 days' notice to PURA. The notice must describe the service and the area or areas where the company proposes to cease providing the service. The bill eliminates the requirement that the applicant develop a method to address existing customers of the service.

Floor on Telephone Company Charges (§ 4)

The bill repeals a provision requiring the rate a telephone company charges for a competitive or emerging competitive telecommunications service to be no less than the sum of (1) the rate the telephone company charges another telecommunications company for a noncompetitive or emerging competitive local network service

function used by that company to provide a competing telecommunications service and (2) the telephone company's applicable incremental costs.

Tariffs (§ 1)

Under current law, certified telecommunications providers and telephone companies must file a new or amended tariff with PURA for each new competitive or emerging competitive intrastate telecommunications service. In this context, a tariff is a detailed description of the service's rates, terms, and conditions. The tariffs are effective within five and 21 days, respectively, after filing. PURA can investigate the tariff and suspend it during the investigation.

Starting July 1, 2012, the bill allows a provider or company to exempt itself from any requirement to file or maintain tariffs with PURA for intrastate competitive or emerging competitive services offered or provided to residential or business retail customers. The provider or company must (1) notify PURA in writing of its action and (2) give its customers information on rates, terms, and conditions for the service in a customer service guide or other way as it determines. The provider or company must annually file a copy of the guide or other document listing the rates, terms, and conditions for the affected service with PURA. The bill requires that tariff requirements for noncompetitive services, including the residential basic local exchange service as of July 1, 2012, remain in effect.

The bill eliminates PURA's ability to order different tariff filing procedures or effective dates for an emerging competitive service under a PURA-approved alternative regulation. It also eliminates PURA's ability to reclassify a service in conjunction with its investigation of a tariff.

Audits (§ 3)

Under current law, all utility companies (other than those regulated by the Interstate Commerce Commission) must have an annual comprehensive audit and report of their accounts and operations by

independent public accountants satisfactory to PURA. The bill additionally exempts telephone and cable TV companies, directly or indirectly owned, by a parent company whose accounts and operations must be audited annually under federal law. PURA can order a company to provide additional information in order to perform its duties. The bill does not affect PURA's ability to conduct management audits.

Regulation of VOIP Services (§ .7)

The bill generally bars state agencies and political subdivisions from enacting, adopting, or enforcing any law or other provision having the force of law that regulates, or has the effect of regulating, the entry, rates, terms, or conditions of VOIP service.

Under the bill, a VOIP service is one that (1) enables real-time, two-way voice communications that originate or terminate from the user's location using an Internet protocol or a successor protocol; (2) uses a broadband connection from the user's location; and (3) permits users to receive calls that originate on the public telephone network and to terminate calls on this network. VOIP service providers include companies such as Skype and Vonage. In addition, AT&T provides its U-Verse service using VOIP.

This prohibition does not:

1. affect the attorney general's authority to enforce the Connecticut Unfair Trade Practices Act and other consumer protection laws of general applicability;
2. affect, mandate, or prohibit the assessment of enhanced 9-1-1 fees, telecommunications relay service fees, or lifeline service fees or PURA's ability to establish a universal service program;
or
3. modify or affect PURA's rights, obligations, or authority to act under, or enforce the provisions of, relevant federal law regarding any applicable tariff, or any state law related to

wholesale rights and obligations, including the PURA's authority.

The last item includes PURA's right to (1) enforce the rights, duties, and obligations of local exchange carriers (e.g., telephone companies) to interconnect and exchange voice traffic, including VOIP traffic; (2) enforce the above rights or obligations or any tariff through arbitration proceedings or other available mechanisms and procedures; or (3) require the payment of switched network access rates or other intercarrier compensation rates, as applicable.

Telecommunications Technicians (§ 12)

By law, individuals performing electrical work generally need a license from the Department of Consumer Protection (DCP). But DCP, upon authorization of the Electrical Work Board, may issue a registration certificate to public service technicians employed by a utility company, telecommunications provider, or their affiliates. This certificate allows the worker to perform telecommunications electrical work, that is work that may be performed by holders of a limited electrical contractor's (T-1) license. The company, provider, or affiliate that employs the technician must certify to the board that the employee has obtained the training and experience the company, provider or affiliate considers necessary to perform telecommunications electrical work included in his or her job functions. The Department of Labor must biennially certify the content and duration of the training and experience programs.

During any disaster or emergency period, the bill alternatively allows any out-of-state public service technician to perform telecommunications electrical work without first obtaining the registration certificate. In order for the out of state technician to do such work, the company, provider, or affiliate that hires him or her must certify to the board that the technician has obtained the training and experience the company, provider, or affiliate considers necessary to perform the work. These technicians may perform the work (1) starting no later than 10 days after the governor declares that a state of

civil preparedness emergency exists or the president declares a federal major disaster or emergency and (2) ending no later than 60 days after the emergency declaration.

The bill requires the company, provider, or affiliate that hires these technicians to notify DCP of such as soon as practicable. The notification must identify each technician's name, state of domicile, business address, and contact information, and the dates he or she performed electrical work in the state. The notice must also certify that the technician has obtained the necessary training and experience. No electric work performed by these technicians during the disaster or emergency counts as establishing the technician's residency in the state.

CABLE TV COMPANIES

Performance Reviews (§ 9)

The bill requires PURA to conduct a performance review proceeding on all of the certified entities that provide cable TV service (i.e., holders of community antenna television, cable franchise authority, and video franchise authority certificates). PURA must do this to ensure compliance with the terms and conditions of the company's certificate. The review may cover issues relating to customer service, community access providers, outage management, service to handicapped and low-income customers, and cooperation with PURA. (Community access includes public, educational, and governmental access programming.) After the initial review, PURA must conduct reviews every five years.

Each review is an uncontested case that includes the opportunity for a public hearing. The attorney general and the Office of Consumer Counsel (OCC) must be parties and PURA must designate the applicable advisory council as intervenors in such proceedings.

Town-Specific Cable Programming (§§. 10 + 11)

By law, (1) companies providing cable service must financially support community access using subscriber fees and (2) a nonprofit

organization can petition PURA to take responsibility for administering community access operations using these fees.

The bill allows any company or nonprofit organization that receives these fees, including municipalities, to use the revenue to create and develop town-specific access programming, including for labor and staff expenses.

The bill requires a nonprofit organization that (1) funded town-specific programming and supplied original programming from locally run operations on January 1, 2008 and (2) is currently responsible for community access operations to continue to fund town-specific programming in the same proportion of its funding for original programming as it did on January 1, 2008. Thus, if one-third of an organization's budget for original programming went to town-specific programming on January 1, 2008, it must spend one-third of its current programming for town-specific funding in the future.

Under the bill, this requirement also applies to any "community antenna television company." However, all of the companies that previously held certificates as community antenna television companies have replaced them, as permitted by law, with cable franchise authority or video franchise authority certificates.

PURA FILINGS (§ 2)

Under the bill, each document submitted to PURA is considered filed on the date and at the time PURA first receives a complete electronic or paper version of it, so long as it is filed in accordance with relevant PURA regulations. If a fee must accompany the document, PURA may not consider a document filed until it receives the fee. If a document is electronically submitted outside of PURA's normal business hours, PURA must consider the document to be filed when its offices next open.

Under the bill, PURA may not require the filing of paper versions of electronic filings, other than (1) three paper copies sent by regular mail to PURA; (2) at its request, one paper copy mailed to a party or

intervenor in a specific PURA docket who does not have computer access; and (3) up to three paper copies mailed to OCC at its request.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 20 Nay 1 (03/28/2012)