



General Assembly

February Session, 2012

Raised Bill No. 228

LCO No. 269

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Referred to Committee on Energy and Technology

Introduced by:

(ET)

AN ACT CONCERNING TECHNICAL REVISIONS TO ENERGY AND TECHNOLOGY STATUTES.

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

1 Section 1. Section 16-19p of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) If the [department] authority approves a decommissioning
4 financing plan under section 16-19o, it shall, at least every five years
5 until the facility's closing and at least annually after the closing, review
6 the financing plan to assess its adequacy. If changed circumstances
7 make a more frequent review desirable or if the licensee requests it, the
8 [department] authority may review the plan after a shorter time
9 interval. The review shall include, but not be limited to, the following
10 considerations: (1) The estimated date of closing the nuclear power
11 generating facility; (2) the estimated cost of decommissioning; (3) the
12 reasonableness of the method selected for cost estimate purposes; and
13 (4) the adequacy of plans for financing the decommissioning and any
14 shortfall resulting from a premature closing.

15 (b) The [department] authority, after conducting a review under

16 subsection (a) of this section, may, after a hearing, order such changes
17 in the decommissioning financing plan as it deems necessary to make
18 the plan comply with the provisions of subsection (b) of section 16-19o.

19 Sec. 2. Section 16-19v of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) Construction costs of the Seabrook 1 nuclear power generating
22 facility in excess of the sum of the following amounts shall not be
23 made part of the rate base or otherwise included in the rates approved
24 by the [department] authority and charged by a public service
25 company, as defined in section 16-1:

26 (1) Four billion seven hundred million dollars;

27 (2) Any increase in the costs of labor and materials to the extent
28 such increase is due to inflation which exceeds ten per cent per year;

29 (3) Any increase in financing costs to the extent such increase is due
30 to an increase in the weighted average rate for the allowance for funds
31 used during construction above ten and one-quarter per cent per year
32 for the years following calendar year 1983;

33 (4) Any costs directly attributable to new regulations adopted by the
34 Nuclear Regulatory Commission after July 1, 1984; [,] and

35 (5) Any costs due to unforeseeable and unavoidable labor
36 stoppages.

37 (b) Nothing in this section shall be construed to limit the
38 [department's authority] authority's power under section 16-19e to
39 review all construction costs of such facility up to the sum of such
40 amounts and to disallow any such costs which are not prudently
41 incurred.

42 Sec. 3. Section 16-19hh of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective from passage*):

44 (a) In order to encourage economic development and maintain the
45 state's manufacturing base, the [department] authority shall: (1)
46 Continue to implement flexible pricing when it determines that such
47 pricing is appropriate; (2) require each water and gas company, as
48 defined in section 16-1, which serves manufacturing customers and
49 has not yet done so, to propose, in its first application for an
50 amendment of rates filed pursuant to section 16-19 on or after October
51 1, 1993, flexible and innovative rates which promote manufacturing,
52 which rates may include, but not be limited to, economic development,
53 business retention, competitive energy, interruptible, conservation and
54 time of use rates; and (3) require each water and gas company, as
55 defined in said section 16-1, to support and promote the Connecticut
56 manufacturing program for energy technology.

57 (b) Notwithstanding the provisions of subsection (a) of this section,
58 an electric company or electric distribution company that (1)
59 renegotiates, extends or renews any special contract for electric service
60 that is in effect on July 1, 2000, and has a term that expires prior to July
61 1, 2000, for a term that extends beyond June 30, 2000, or (2) enters into
62 any new special contracts for electric service, shall provide in any such
63 renegotiated, extended, renewed or new contract for the collection of
64 the assessment required under section 16-245g as provided in said
65 section 16-245g and for the collection of the charge required in section
66 16-245l as provided in said section 16-245l provided no such contract
67 shall shift costs to other ratepayers.

68 (c) Notwithstanding the provisions of subsections (a) and (b) of this
69 section, a customer that is (1) an existing or proposed manufacturing
70 plant that will add or create one hundred or more jobs and that will
71 demand at least fifty kilowatts of additional load through the
72 construction or expansion of manufacturing facilities, or (2) an existing
73 manufacturing plant located in a distressed municipality, as defined in
74 section 32-9p, that is located in an enterprise corridor and employing
75 not less than two hundred persons may be exempted from payment of
76 the competitive transition assessment required under section 16-245g.

77 A customer meeting the requirements of subdivision (1) of this
78 subsection may apply to the [department] authority for an exemption
79 from the payment of the competitive transition assessment that relate
80 to the new or incremental load created by such construction or
81 expansion. A customer meeting the requirements of subdivision (2) of
82 this subsection may apply to the [department] authority for an
83 exemption from the payment of the competitive transition assessment.
84 The [department] authority shall hold a hearing on any such
85 application, and if approved, direct the electric distribution company
86 to refrain from collecting a specific portion of the competitive
87 transition assessment from such customer. The [department] authority
88 may adopt regulations pursuant to chapter 54 to implement the
89 provisions of this section.

90 Sec. 4. Section 16-243e of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective from passage*):

92 (a) Except as provided in subsection (b) of this section, any electric
93 company, as defined in section 16-1, that, prior to July 6, 2007,
94 purchased electricity generated by a resources recovery facility, as
95 defined in section 22a-260, owned by, or operated by or for the benefit
96 of, a municipality or municipalities, pursuant to a contract with the
97 owner of such facility requiring the electric company to purchase all of
98 the electricity generated at such facility from waste that originated in
99 the franchise area of the electric company, for a period beginning on
100 the date that the facility began generating electricity and having a
101 duration of not less than twenty years, at the same rate that the electric
102 company charges the municipality or municipalities for electricity,
103 shall pay the rate set forth in the contract or, for contracts entered into
104 and approved during calendar year 1999, the rate established by the
105 [department] authority, for the remaining period of the contract. No
106 electric company or electric distribution company shall be required to
107 enter into such a contract on or after July 6, 2007.

108 (b) Not later than October 1, 2000, and annually thereafter, the

109 [department] authority shall calculate the difference between the
110 amount paid by the successor electric distribution company pursuant
111 to each such contract in effect during the preceding fiscal year for
112 electricity generated at the facility from waste that originated within
113 such franchise area and the amount that would have been paid had the
114 company been obligated to pay the rate in effect during calendar year
115 1999, as determined by the [department] authority. The difference, if
116 positive, shall be recovered through the systems benefits charge
117 established under section 16-245l and remitted to the regional resource
118 recovery authority acting on behalf of member municipalities.

119 Sec. 5. Section 16-243l of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective from passage*):

121 On or before January 1, 2006, each electric distribution company
122 shall institute a program to rebate to its customers with projects that
123 use natural gas, which projects are customer-side distributed
124 resources, as defined in section 16-1, an amount equivalent to the
125 customer's retail delivery charge for transporting natural gas from the
126 customer's local gas company to such customer's project of customer-
127 side distributed resources. Costs of such a rebate shall be recoverable
128 by the electric distribution company from the federally mandated
129 congestion charges, as defined in section 16-1. The [department]
130 authority may adopt regulations, in accordance with chapter 54, to
131 implement the provisions of this section.

132 Sec. 6. Subdivision (20) of subsection (a) of section 16-245e of the
133 general statutes is repealed and the following is substituted in lieu
134 thereof (*Effective from passage*):

135 (20) "Economic recovery revenue bonds" means rate reduction
136 bonds issued to fund the economic recovery transfer, the costs of
137 issuance, credit enhancements, operating expenses and such other
138 costs as the finance authority deems necessary or advisable, and which
139 shall be payable from competitive transition assessment charges that
140 replace the competitive transition assessment charges funding

141 stranded costs, [and that are offset in part by decreases to the charges
142 funding the Energy Conservation and Load Management Fund, as
143 provided in subdivision (3) of subsection (a) of section 16-245m.]

144 Sec. 7. Subsection (b) of section 16-245f of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective from*
146 *passage*):

147 (b) Prior to September 1, 2010, each electric distribution company
148 shall submit to the authority an application for a financing order with
149 respect to funding the economic recovery transfer through the issuance
150 of economic recovery revenue bonds. The authority shall hold a
151 hearing for each such electric distribution company to determine the
152 amount necessary to fund the economic recovery transfer, the payment
153 of economic recovery revenue bonds, costs of issuance, credit
154 enhancements and operating expenses for the economic recovery
155 revenue bonds. Such amount as determined by the authority shall
156 constitute transition property. The authority shall allocate the
157 responsibility for the funding of the economic recovery transfer and
158 the expenses of the economic recovery revenue bonds equitably
159 between the electric distribution companies. Such allocation may
160 provide that the respective charges payable by the customers of each
161 electric distribution company may commence on different dates and
162 that such rates may vary over the period the economic recovery
163 revenue bonds and the related operating expenses are being paid,
164 provided (1) such charges are equitably allocated to the customers of
165 each electric distribution company, and (2) the authority determines
166 that, over such period, and taking into account the timing of charges,
167 the charges on a kilowatt hour basis assessed to the customers of the
168 respective electric distribution companies have substantially the same
169 present value after consultation with the finance authority as to the
170 discount rate to be used in determining such present value. Any
171 hearing with respect to a financing order in respect to the economic
172 recovery transfer and the issuance of economic recovery revenue
173 bonds shall not be a contested case, as defined in section 4-166. The

174 authority shall issue a financing order in respect to the economic
175 recovery revenue bonds for each electric distribution company on or
176 before October 1, 2010. In such financing order, the authority shall
177 determine the competitive transition assessment in respect of the
178 economic recovery revenue bonds, which shall not be assessed prior to
179 June 30, 2011, unless the authority sets an earlier date in the financing
180 order. [A component of the competitive transition assessment in
181 respect of the economic recovery revenue bonds shall be equal to the
182 decreases to the charges provided in subdivision (3) of subsection (a)
183 of section 16-245m funding the Energy Conservation and Load
184 Management Fund. The portion of the competitive transition
185 assessment in respect to the economic recovery revenue bonds equal to
186 such decreases shall be assessed and collected from the date such
187 charges are reduced pursuant to the financing order.] The authority
188 may provide in such financing order that money from other sources,
189 including proceeds of charges assessed customers of municipal electric
190 companies, transferred to the trustee under the indenture and
191 intended to be used to pay debt service on the bonds shall be taken
192 into account in making adjustments to the competitive transition
193 assessment pursuant to subdivision (2) of subsection (b) of section 16-
194 245i if such payment is not made from General Fund revenues and
195 would not adversely affect the tax status or credit rating of economic
196 recovery revenue bonds.

197 Sec. 8. Section 16-247a of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective from passage*):

199 (a) Due to the following: Affordable, high quality
200 telecommunications services that meet the needs of individuals and
201 businesses in the state are necessary and vital to the welfare and
202 development of our society; the efficient provision of modern
203 telecommunications services by multiple providers will promote
204 economic development in the state; expanded employment
205 opportunities for residents of the state in the provision of
206 telecommunications services benefit the society and economy of the

207 state; and advanced telecommunications services enhance the delivery
208 of services by public and not-for-profit institutions, it is, therefore, the
209 goal of the state to (1) ensure the universal availability and accessibility
210 of high quality, affordable telecommunications services to all residents
211 and businesses in the state, (2) promote the development of effective
212 competition as a means of providing customers with the widest
213 possible choice of services, (3) utilize forms of regulation
214 commensurate with the level of competition in the relevant
215 telecommunications service market, (4) facilitate the efficient
216 development and deployment of an advanced telecommunications
217 infrastructure, including open networks with maximum
218 interoperability and interconnectivity, (5) encourage shared use of
219 existing facilities and cooperative development of new facilities where
220 legally possible, and technically and economically feasible, and (6)
221 ensure that providers of telecommunications services in the state
222 provide high quality customer service and high quality technical
223 service. The [department] authority shall implement the provisions of
224 this section, sections 16-1, 16-18a, 16-19, 16-19e, 16-22, 16-247b, 16-247c,
225 16-247e to 16-247i, inclusive, and 16-247k and subsection (e) of section
226 16-331 in accordance with these goals.

227 (b) As used in sections 16-247a to 16-247c, inclusive, 16-247e to
228 16-247i, inclusive, 16-247k, and sections 16-247m to 16-247r, inclusive:

229 (1) "Affiliate" means a person, firm or corporation which, with
230 another person, firm or corporation, is under the common control of
231 the same parent firm or corporation.

232 (2) "Competitive service" means (A) a telecommunications service
233 deemed competitive in accordance with the provisions of section
234 16-247f, (B) a telecommunications service reclassified by the
235 [department] authority as competitive in accordance with the
236 provisions of section 16-247f, or (C) a new telecommunications service
237 provided under a competitive service tariff accepted by the
238 [department] authority, in accordance with the provisions of section

239 16-247f, provided the [department] authority has not subsequently
240 reclassified the service set forth in subparagraph (A), (B) or (C) of this
241 subdivision as noncompetitive pursuant to section 16-247f.

242 (3) "Emerging competitive service" means (A) a telecommunications
243 service reclassified as emerging competitive in accordance with the
244 provisions of section 16-247f, or (B) a new telecommunications service
245 provided under an emerging competitive service tariff accepted by the
246 [department] authority, in accordance with the provisions of section
247 16-247f, or of a plan for an alternative form of regulation approved
248 pursuant to section 16-247k, provided the [department] authority has
249 not subsequently reclassified the service set forth in subparagraph (A)
250 or (B) of this subdivision as competitive or noncompetitive pursuant to
251 section 16-247f.

252 (4) "Noncompetitive service" means (A) a telecommunications
253 service deemed noncompetitive in accordance with the provisions of
254 section 16-247f, (B) a telecommunications service reclassified by the
255 [department] authority as noncompetitive in accordance with the
256 provisions of section 16-247f, or (C) a new telecommunications service
257 provided under a noncompetitive service tariff accepted by the
258 [department] authority, in accordance with the provisions of section
259 16-19, and any applicable regulations, or of a plan for an alternative
260 form of regulation approved pursuant to section 16-247k, provided the
261 [department] authority has not subsequently reclassified the service set
262 forth in subparagraph (A), (B) or (C) of this subdivision as competitive
263 or emerging competitive pursuant to section 16-247f.

264 (5) "Private telecommunications service" means any
265 telecommunications service which is not provided for public hire as a
266 common carrier service and is utilized solely for the
267 telecommunications needs of the person that controls such service and
268 any subsidiary or affiliate thereof, except for telecommunications
269 service which enables two entities other than such person, subsidiary
270 or affiliate to communicate with each other.

271 (6) "Telecommunications service" means any transmission in one or
272 more geographic areas (A) between or among points specified by the
273 user, (B) of information of the user's choosing, (C) without change in
274 the form or content of the information as sent and received, (D) by
275 means of electromagnetic transmission, including but not limited to,
276 fiber optics, microwave and satellite, (E) with or without benefit of any
277 closed transmission medium and (F) including all instrumentalities,
278 facilities, apparatus and services, except customer premises
279 equipment, which are used for the collection, storage, forwarding,
280 switching and delivery of such information and are essential to the
281 transmission.

282 (7) "Network elements" means "network elements", as defined in 47
283 USC 153(a)(29).

284 Sec. 9. Section 16-247i of the general statutes is repealed and the
285 following is substituted in lieu thereof (*Effective from passage*):

286 (a) Not later than January 1, 2007, and annually thereafter, the
287 [department] authority shall submit a report to the joint standing
288 committee of the General Assembly having cognizance of matters
289 relating to energy and technology on the status of telecommunications
290 service and regulation in the state of Connecticut. Such report shall
291 include: (1) An analysis of universal service and any changes therein;
292 (2) an analysis of the impact, if any, of competition in
293 telecommunications markets on the work force of the state and
294 employment opportunities in the telecommunications industry in the
295 state; (3) an analysis of the level of regulation which the public interest
296 requires; (4) the status of implementing the provisions of sections 16-
297 247a to 16-247c, inclusive, 16-247e to 16-247h, inclusive, 16-247k and
298 this section, including achieving each of the objectives of the goals set
299 forth in section 16-247a; (5) the status of the development of
300 competition for all telecommunications services; (6) the status of the
301 deployment of telecommunications infrastructure in the state; and (7)
302 the status of the implementation of sections 16-247f and 16-247i and

303 section 3 of public act 06-144.

304 (b) In compiling the information for this report, the [department]
305 authority shall require, among other things, each telephone company
306 to provide to the [department] authority annually: (1) Its aggregate
307 number of telephone access lines in service, not including resold lines
308 or other wholesale lines; (2) the annual change in such telephone
309 company's access lines over the preceding five years; (3) the number of
310 active wholesale customers served by the telephone company; (4) the
311 nature of the wholesale services provided; (5) the number of wholesale
312 service requests; (6) the impact of competition on the work force of the
313 telephone company; (7) a general discussion of the state of the
314 industry, industry trends, and competitive alternatives available in the
315 market, including, but not limited to, technological changes affecting
316 the market; (8) the number of competitive local exchange carriers; and
317 (9) how long it takes the company to respond to a wholesale service
318 request.

319 Sec. 10. Section 16-247k of the general statutes is repealed and the
320 following is substituted in lieu thereof (*Effective from passage*):

321 (a) The [department] authority may, and is encouraged to,
322 implement an alternative form of regulation, including, but not limited
323 to, price indexing, price regulation, cost indexing or price benchmarks,
324 for noncompetitive and emerging competitive services provided by a
325 telephone company. Any such alternative form of regulation shall be
326 developed for, and tailored to, the individual company. A plan for
327 such an alternative form of regulation may be filed by a telephone
328 company or developed at the initiative of the [department] authority.
329 Prior to approval by the [department] authority of any such plan, the
330 noncompetitive and emerging competitive services provided by a
331 telephone company shall continue to be regulated in accordance with
332 the provisions of sections 16-19 and 16-19e. Upon approval by the
333 [department] authority of any such plan, the services to which the plan
334 applies shall be regulated in accordance with the provisions of the

335 plan, and the provisions of sections 16-19 and 16-19e shall not apply to
336 such services.

337 (b) Upon the filing of a proposed plan for alternative regulation by a
338 telephone company, the [department] authority shall, after notice and
339 hearing, issue a decision in which it approves, modifies or denies the
340 proposed plan. The [department] authority shall approve the proposed
341 or modified plan only if it finds that such plan (1) includes a pricing
342 methodology that reasonably ensures that customers and other
343 telecommunications companies have access to the noncompetitive
344 services of the telephone company at just and reasonable rates which
345 reflect prudent and efficient management, and that such access is
346 available on nondiscriminatory terms and conditions, (2) is designed to
347 streamline, minimize the costs of and maximize the effectiveness of
348 regulation for the telephone company, (3) encourages prudent
349 infrastructure investment and improvements in productivity and
350 service quality for noncompetitive services, (4) does not impede the
351 continued development of competition for the noncompetitive services
352 or disadvantage the provision of emerging competitive or competitive
353 services by the telephone company, (5) ensures that the investment
354 risk associated with the provision of competitive and emerging
355 competitive services by the telephone company shall not be borne by
356 customers of noncompetitive services, (6) notwithstanding the
357 provisions of sections 16-19, 16-19e and 16-22 and subsection (a) of this
358 section, includes a mechanism by which the [department] authority
359 may monitor the earnings of the affected company over a monitoring
360 period, (7) is in the public interest, and (8) is consistent with the goals
361 set forth in section 16-247a.

362 (c) During the monitoring period of an approved plan for an
363 alternative form of regulation, the telephone company shall use any
364 earnings in excess of a ceiling approved by the [department] authority
365 to offset the depreciation reserve deficiency of the company.

366 (d) Following the monitoring period, an approved plan for

367 alternative regulation of a telephone company shall continue unless or
368 until the [department] authority (1) changes the form of regulation
369 pursuant to an application filed by the company, or (2) determines that
370 the plan does not continue to meet the criteria set forth in subsection
371 (b) of this section. Upon such change or determination, the
372 [department] authority may order a different form of alternative
373 regulation consistent with the criteria set forth in subsection (b) of this
374 section. If the [department] authority finds that competition has not
375 developed or will not develop for certain services, the [department]
376 authority may apply traditional cost-based rate of return regulation to
377 those noncompetitive services.

378 (e) The [department] authority may modify a plan for an alternative
379 form of regulation which it approved pursuant to this section and
380 which is in effect if the [department] authority determines such
381 modification is required due to previously unforeseen circumstances,
382 including, but not limited to, allowing the company to recover the
383 reasonable costs of security of assets, facilities and equipment, both
384 existing and foreseeable, that are incurred solely for the purpose of
385 responding to security needs associated with the terrorist attacks on
386 September 11, 2001, and the continuing war on terrorism.

387 Sec. 11. Subsection (e) of section 16-256i of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective from*
389 *passage*):

390 (e) The [department] authority shall adopt regulations in accordance
391 with the provisions of chapter 54 to implement the provisions in this
392 section.

393 Sec. 12. Subsection (f) of section 16-256i of the general statutes is
394 repealed and the following is substituted in lieu thereof (*Effective from*
395 *passage*):

396 (f) A telecommunications company, or its affiliate or authorized
397 representative using telemarketing to initiate the sale of

398 telecommunications services, which the [department] authority
399 determines, after notice and opportunity for a hearing as provided in
400 section 16-41, has failed to comply with the provisions of this section or
401 section 16-256j shall pay to the state a civil penalty of not more than ten
402 thousand dollars per violation.

403 Sec. 13. Section 16-280c of the general statutes is repealed and the
404 following is substituted in lieu thereof (*Effective from passage*):

405 Each federal safety standard applicable to pipeline facilities and the
406 transportation of gas established under the provisions of the federal
407 act, as the same are, from time to time, made effective, or any
408 regulation adopted by the [department] authority pursuant to
409 subsection (b) or (c) of section 16-280b shall be the standards of the
410 state.

411 Sec. 14. Section 16-331a of the general statutes is repealed and the
412 following is substituted in lieu thereof (*Effective from passage*):

413 (a) As used in this section, "multichannel video programming
414 distributor" means a multichannel video programming distributor, as
415 defined in 47 CFR 76.1300, as from time to time amended, and includes
416 an owner of an open video system, as defined in 47 CFR 76.1500, as
417 from time to time amended.

418 (b) Each company or organization selected pursuant to subsection
419 (c) of this section, in consultation with the franchise's advisory council,
420 shall provide facilities, equipment, and technical and managerial
421 support to enable the production of meaningful community access
422 programming within its franchise area. Each company shall include all
423 its community access channels in its basic service package. Each
424 company or organization shall annually review its rules, regulations,
425 policies and procedures governing the provision of community access
426 programming. Such review shall include a period for public comment,
427 a public meeting and consultation with the franchise's advisory
428 council.

429 (c) If a community-based nonprofit organization in a franchise area
430 desires to assume responsibility for community access operations, it
431 shall, upon timely petition to the [department] authority, be granted
432 intervenor status in a franchise proceeding held pursuant to this
433 section. The [department] authority shall assign this responsibility to
434 the most qualified community-based nonprofit organization or the
435 company based on the following criteria: (1) The recommendations of
436 the advisory council and of the municipalities in the franchise area; (2)
437 a review of the organization's or the company's performance in
438 providing community access programming; (3) the operating plan
439 submitted by the organization and the company for providing
440 community access programming; (4) the experience in community
441 access programming of the organization; (5) the organization's and the
442 company's proposed budget, including expenses for salaries,
443 consultants, attorneys, and other professionals; (6) the quality and
444 quantity of the programming to be created, promoted or facilitated by
445 the organization or the company; (7) a review of the organization's
446 procedures to ensure compliance with federal and state law, including
447 the regulations of Connecticut state agencies; and (8) any other criteria
448 determined to be relevant by the [department] authority. If the
449 [department] authority selects an organization to provide community
450 access operations, the company shall provide financial and technical
451 support to the organization in an amount to be determined by the
452 [department] authority. On petition of the Office of Consumer Counsel
453 or the franchise's advisory council or on its own motion, the
454 [department] authority shall hold a hearing, with notice, on the ability
455 of the organization to continue its responsibility for community access
456 operations. In its decision following such a hearing, the [department]
457 authority may reassign the responsibility for community access
458 operations to another organization or the company in accordance with
459 the provisions of this subsection.

460 (d) Each company or organization shall conduct outreach programs
461 and promote its community access services. Such outreach and
462 promotion may include, but not be limited to (1) broadcasting cross-

463 channel video announcements, (2) distributing information throughout
464 the franchise area and not solely to its subscribers, (3) including
465 community access information in its regular marketing publications,
466 (4) broadcasting character-generated text messages or video
467 announcements on barker or access channels, (5) making speaking
468 engagements, (6) holding open receptions at its community access
469 facilities, and (7) in multitown franchise areas, encouraging the
470 formation and development of local community access studios
471 operated by volunteers or nonprofit operating groups.

472 (e) Each company or organization shall adopt for its community
473 access programming a scheduling policy which encourages
474 programming diversity. Said scheduling policy shall include (1)
475 limiting a program, except instructional access and governmental
476 access programming, to thirteen weeks in any one time slot when a
477 producer of another program requests the same time slot, (2)
478 procedures for resolving program scheduling conflicts, and (3) other
479 measures which the company or organization deems appropriate. A
480 company or organization may consider the availability of a
481 substantially similar time slot when making community access
482 programming scheduling decisions.

483 (f) In the case of any initial, transfer or renewal franchise proceeding
484 held on or after October 1, 1990, the [department] authority may, on its
485 own initiative, in the first six months of the second, fifth, eighth and
486 eleventh years of the franchise term, review and evaluate the
487 company's or the organization's provision of community access
488 programming. The [department] authority shall conduct such review
489 or evaluation in any such proceeding held on or after October 1, 1990,
490 if the Consumer Counsel or any interested party petitions the
491 [department] authority for such a review during the first six months of
492 the review year. During any such review year, if an organization
493 desires to provide community access operations it shall petition the
494 [department] authority and the [department] authority shall follow the
495 procedures and standards described in subsection (c) of this section in

496 determining whether to assign to the organization the responsibility to
497 provide such operations. No community access programming
498 produced using the facilities or staff of an organization or company
499 providing community access operations shall be utilized for
500 commercial purposes without express prior written agreement
501 between the producer of such programming and the organization or
502 company providing community access operations the facilities or staff
503 of which were used in the production of the programming. Such an
504 agreement may include, without limitation, a provision regarding the
505 producer and the company or organization sharing any profit realized
506 from such programming so utilized. An organization providing
507 community access operations shall consult with the company in the
508 franchise area prior to making such an agreement.

509 (g) No organization or company providing community access
510 operations shall exercise editorial control over such programming,
511 except as to programming that is obscene and except as otherwise
512 allowed by applicable state and federal law. This subsection shall not
513 be construed to prohibit such organization or company from limiting
514 the hours during which adult programs may be aired. Such
515 organization or company may consult with the advisory council in
516 determining what constitutes an adult program for purposes of this
517 subsection.

518 (h) Upon the request of the Office of Consumer Counsel or the
519 franchise's advisory council, and for good cause shown the
520 [department] authority shall require an organization responsible for
521 community access operations to have an independent audit conducted
522 at the expense of the organization. For purposes of this subsection,
523 "good cause" may include, but not be limited to, the failure or refusal
524 of such organization (1) to account for and reimburse the community
525 access programming budget for its commercial use of community
526 access programming facilities, equipment or staff, or for the allocation
527 of such facilities, equipment or staff to functions not directly related to
528 the community access operations of the franchise, (2) to carry over

529 unexpended community access programming budget accounts at the
530 end of each fiscal year, (3) to properly maintain community access
531 programming facilities or equipment in good repair, or (4) to plan for
532 the replacement of community access programming equipment made
533 obsolete by technological advances. In response to any such request,
534 the [department] authority shall state, in writing, the reasons for its
535 determination.

536 (i) Each company and nonprofit organization providing community
537 access operations shall report annually to the [department] authority
538 on or before February fifteenth. The [department] authority shall adopt
539 regulations, in accordance with the provisions of chapter 54, to specify
540 the information which shall be required in such report. Such
541 information shall be necessary for the [department] authority to carry
542 out the provisions of this section.

543 (j) The advisory council shall review all community access
544 programming of a company or organization within the franchise area
545 which programming has been the subject of a complaint.

546 (k) The [department] authority shall establish the amount that the
547 company or organization responsible for community access operations
548 shall receive for such operations from subscribers and from
549 multichannel video programming distributors. The amount shall be
550 five dollars per subscriber per year, adjusted annually by a percentage
551 reflecting the increase or decrease of the consumer price index for the
552 preceding calendar year, provided the [department] authority may
553 increase or decrease the amount by not more than forty per cent of said
554 amount for the subscribers and all multichannel video programming
555 distributors within a franchise area after considering (1) the criteria set
556 forth in subsection (c) of this section, (2) the level of public interest in
557 community access operations in the franchise area, (3) the level of
558 community need for educational access programming, (4) the level and
559 breadth of participation in community access operations, (5) the
560 adequacy of existing facilities, equipment and training programs to

561 meet the current and future needs of the franchise area, and (6) any
562 other factors determined to be relevant by the [department] authority.
563 Prior to increasing or decreasing said amount, the [department]
564 authority shall give notice and opportunity for a hearing to the
565 company or multichannel video programming distributor and, where
566 applicable, the organization responsible for community access
567 programming. The amount shall be assessed once each year for each
568 end user premises connected to an open video system, irrespective of
569 the number of multichannel video programming distributors
570 providing programming over the open video system. When the
571 [department] authority issues, transfers or renews a certificate of
572 public convenience and necessity to operate a community antenna
573 television system, the [department] authority shall include in the
574 franchise agreement the amount that the company or organization
575 responsible for community access operations shall receive for such
576 operations from subscribers. The [department] authority shall conduct
577 a proceeding to establish the amount that the company or organization
578 responsible for community access operations shall receive for such
579 operations from multichannel video programming distributors and the
580 method of payment of said amount. The [department] authority shall
581 adopt regulations in accordance with chapter 54 to implement the
582 provisions of this subsection.

583 (l) An organization assigned responsibility for community access
584 operations which organization ceases to provide such operations shall
585 transfer its assets to the successor organization assigned such
586 responsibility or, if no successor organization is assigned such
587 responsibility, to another nonprofit organization within the franchise
588 area selected by the [department] authority.

589 (m) On petition or its own motion, the [department] authority shall
590 determine whether a franchise area is subject to effective competition,
591 as defined in 47 USC 543, as from time to time amended. Upon a
592 determination that a franchise area is subject to effective competition,
593 the provisions of this section shall apply to multichannel video

594 programming distributors operating in the franchise area, provided (1)
595 where multichannel video programming distributors provide
596 programming over a single open video system, the provisions of this
597 section shall apply jointly and not separately to all such distributors
598 providing programming on the same open video system, and (2) the
599 provisions of subsection (k) of this section shall apply to multichannel
600 video programming distributors whether or not such distributors
601 operate in a franchise area subject to such effective competition.

602 (n) No community antenna television company or nonprofit
603 organization providing community access operations shall refuse to
604 engage in good faith negotiation regarding interconnection of such
605 operations with other community antenna television companies
606 serving the same area. No school or facility owned or leased by a
607 municipal government that possesses community access operations
608 equipment shall unreasonably deny interconnection with or the use of
609 such equipment to any such company or nonprofit organization. At
610 the request of such a company or nonprofit organization providing
611 community access operations, the [department] authority may
612 facilitate the negotiation between such company or organization and
613 any other community antenna television company regarding
614 interconnection of community access operations.

615 (o) Each company or organization shall consult with its advisory
616 council in the formation of a community access programming policy,
617 the adoption of the community access programming budget and the
618 allocation of capital equipment and community access programming
619 resources.

620 Sec. 15. Section 16-333k of the general statutes is repealed and the
621 following is substituted in lieu thereof (*Effective from passage*):

622 Each community antenna television system shall: (1) Operate a
623 business office in the franchise area or in an immediately adjacent
624 franchise area if approved by the [department] authority that shall be
625 open during normal business hours, (2) operate sufficient telephone

626 lines, including a toll-free number or any other free calling option, as
627 approved by the [department] authority, staffed by a company
628 customer service representative during normal business hours for any
629 community antenna television system, having less than thirty
630 thousand customers, and from 9 a.m. until 11 p.m. Monday through
631 Friday, and from 9 a.m. until 1 p.m. Saturday for any community
632 antenna television system, having more than thirty thousand
633 customers, to receive subscriber inquiries, complaints, repair requests,
634 requests for billing adjustments and other service-related requests, (3)
635 connect each such call to a company customer service representative
636 within two minutes during normal business hours, unless there is an
637 emergency in which case the customer should receive a recorded
638 message describing the problem and offering assistance, (4) provide
639 for an answering service to receive such inquiries, complaints, and
640 requests during such times when the company is not required to staff a
641 toll-free number or any other free calling option, as approved by the
642 [department] authority, (5) have sufficient personnel on duty as
643 required by subdivision (2) of this section to receive subscriber
644 inquiries, complaints, repair requests, requests for billing adjustments
645 and other service-related requests and to respond to all such inquiries,
646 complaints and requests not later than the close of the next business
647 day after receipt thereof, except as provided by section 16-333i, (6)
648 keep adequate records of all complaints and their final disposition,
649 which shall be in such form as the [department] authority prescribes,
650 and (7) follow the written procedures for resolving subscriber
651 complaints and billing disputes, in accordance with subsection (d) of
652 section 16-333l and such additional requirements as the [department]
653 authority shall prescribe, and provide a copy of such procedures to
654 each subscriber at the time of the initial subscription and at least
655 annually thereafter.

656 Sec. 16. Section 16-350 of the general statutes is repealed and the
657 following is substituted in lieu thereof (*Effective from passage*):

658 Any permit issued by a public agency for excavation, demolition or

659 discharge of explosives shall require compliance with this chapter. No
660 such permit shall be issued by any public agency unless such public
661 agency receives satisfactory evidence from the person, public agency
662 or public utility seeking such permit that the requirements of this
663 chapter have been met. Such evidence shall be obtained from the
664 central clearinghouse and shall be in such form as the [department]
665 authority may prescribe by regulations pursuant to section 16-357.

666 Sec. 17. Section 16-354 of the general statutes is repealed and the
667 following is substituted in lieu thereof (*Effective from passage*):

668 A person, public agency or public utility responsible for excavating,
669 discharging explosives or demolition shall exercise reasonable care
670 when working in proximity to the underground facilities of any public
671 utility and shall comply with such safety standards and other
672 requirements as the [department] authority shall prescribe by
673 regulation pursuant to section 16-357. If the facilities are likely to be
674 exposed, such support shall be provided as may be reasonably
675 necessary for protection of the facilities. If gas facilities are likely to be
676 exposed, only hand digging shall be employed.

677 Sec. 18. Subsection (c) of section 16a-46e of the 2012 supplement to
678 the general statutes is repealed and the following is substituted in lieu
679 thereof (*Effective from passage*):

680 (c) No person shall receive a rebate pursuant to this section for a
681 furnace or boiler replacement if such person has received a monetary
682 grant for the same furnace or boiler replacement under [any program
683 administered by] any other state or federal grant program that pays
684 the full cost of furnace or boiler replacement. A person using a state or
685 federal low interest loan program to pay for the cost of furnace or
686 boiler replacement may be eligible for a rebate pursuant to this section.
687 In no event shall a rebate exceed the total expenditures for such
688 furnace or boiler replacement.

689 Sec. 19. Section 22-11e of the general statutes is repealed and the

690 following is substituted in lieu thereof (*Effective from passage*):

691 (a) There shall be an Interagency Aquaculture Coordinating
 692 Committee comprised of the Departments of Agriculture, Energy and
 693 Environmental Protection, and Economic and Community
 694 Development to provide for the development and enhancement of
 695 aquaculture in this state. The Commissioner of Agriculture shall serve
 696 as chairperson of said committee and shall convene the committee as
 697 often as he deems necessary.

698 (b) On or before October 1, 1995, the Interagency Aquaculture
 699 Coordinating Committee shall develop a comprehensive strategy for
 700 the development of aquaculture in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-19p
Sec. 2	<i>from passage</i>	16-19v
Sec. 3	<i>from passage</i>	16-19hh
Sec. 4	<i>from passage</i>	16-243e
Sec. 5	<i>from passage</i>	16-243l
Sec. 6	<i>from passage</i>	16-245e(a)(20)
Sec. 7	<i>from passage</i>	16-245f(b)
Sec. 8	<i>from passage</i>	16-247a
Sec. 9	<i>from passage</i>	16-247i
Sec. 10	<i>from passage</i>	16-247k
Sec. 11	<i>from passage</i>	16-256i(e)
Sec. 12	<i>from passage</i>	16-256i(f)
Sec. 13	<i>from passage</i>	16-280c
Sec. 14	<i>from passage</i>	16-331a
Sec. 15	<i>from passage</i>	16-333k
Sec. 16	<i>from passage</i>	16-350
Sec. 17	<i>from passage</i>	16-354
Sec. 18	<i>from passage</i>	16a-46e(c)
Sec. 19	<i>from passage</i>	22-11e

Statement of Purpose:

To implement technical revisions to various Energy and Technology statutes.

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