



General Assembly

**Substitute Bill No. 447**

February Session, 2012

\* \_\_\_\_\_SB00447ET\_\_\_\_\_032812\_\_\_\_\_\*

**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 Section 16-247f of the general statutes is repealed and the  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	<i>July 1, 2012</i>	20-340b
Sec. 13	<i>July 1, 2012</i>	16-50p
Sec. 14	<i>July 1, 2012</i>	23-11
Sec. 15	<i>July 1, 2012</i>	23-14
Sec. 16	<i>July 1, 2012</i>	23-25

Sec. 17	<i>July 1, 2012</i>	25-32(f)
Sec. 18	<i>July 1, 2012</i>	26-3b
Sec. 19	<i>July 1, 2012</i>	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*