



General Assembly

Amendment

February Session, 2012

LCO No. 3436

SB0044703436SD0

Offered by:

SEN. FONFARA, 1st Dist.

SEN. WITKOS, 8th Dist.

To: Subst. Senate Bill No. 447

File No. 431

Cal. No. 306

"AN ACT MODERNIZING THE STATE'S TELECOMMUNICATIONS LAWS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 16-247f of the general statutes is repealed and the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

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

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

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

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

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

44 (1) The number, size and geographic distribution of certified
45 telecommunications providers of the service, provided the authority
46 shall not reclassify any service as competitive if such service is

47 available only from a telephone company or an affiliate of a telephone
48 company that is a certified telecommunications provider;

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

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

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

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

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

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

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

106 ~~[(f)]~~ (g) On petition or its own motion, the authority may investigate
107 a tariff or any portion of a tariff, which investigation may include a
108 hearing. The authority may suspend a tariff or any portion of a tariff
109 during such investigation. The investigation may include, but is not
110 limited to, an inquiry to determine whether the tariff is predatory,
111 deceptive [,] or anticompetitive. [or violates the pricing standard set

112 forth in subdivision (1) of subsection (c) of section 16-247b.] Not later
113 than seventy-five days after the effective date of the tariff, unless the
114 party filing the tariff, all statutory parties to the proceeding and the
115 authority agree to a specific extension of time, the authority shall issue
116 its decision, including whether to approve, modify or deny the tariff. If
117 the authority determines that a tariff filed as a new service is, in fact, a
118 reclassification of an existing service, the authority shall review the
119 tariff filing as a petition for reclassification in accordance with the
120 provisions of subsection (c) of this section.

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

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

146 Sec. 3. Section 16-32 of the general statutes is repealed and the
147 following is substituted in lieu thereof (*Effective July 1, 2012*):

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

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

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

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

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

209 (2) On and after the date the authority certifies a telephone
210 company's operations support systems interface pursuant to section
211 16-247n, the authority shall, upon petition, conduct a contested case

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

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

237 (A) The number, size and geographic distribution of other providers
238 of service;

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

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

243 (D) The existence of barriers to entry into, or exit from, the relevant

244 geographic market;

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

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

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

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

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

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

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

274 number of customers of the telephone company that will be affected by
275 the proposed withdrawal and a discussion of ways to mitigate such
276 impact.]

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

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

304 (d) The provisions of this section shall not (1) preclude the
305 withdrawal of a competitive or an emerging competitive tariff
306 pursuant to section 16-247f, (2) preclude a telephone company from

307 withdrawing a noncompetitive service in the normal course of
308 business, or (3) apply to any certified telecommunications provider or
309 any telephone company serving fewer than seventy-five thousand
310 customers.]

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

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

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

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

339 or has the effect of regulating, the entry, rates, terms or conditions of
340 interconnected VoIP service.

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

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

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

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

366 (a) No electric, electric distribution, gas, telephone or water
367 company, no electric supplier and no municipal utility furnishing
368 electric, gas or water service may terminate such service to a
369 residential dwelling on account of nonpayment of a delinquent
370 account unless such company, electric supplier or municipal utility

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

402 (b) No such company, electric supplier or municipal utility shall
403 effect termination of service for nonpayment during such time as any
404 resident of a dwelling to which such service is furnished is seriously ill,

405 if the fact of such serious illness is certified to such company, electric
406 supplier or municipal utility by a registered physician within such
407 period of time after the [mailing] sending of a termination notice
408 pursuant to subsection (a) of this section as the Public Utilities
409 Regulatory Authority may by regulation establish, provided the
410 customer agrees to amortize the unpaid balance of his account over a
411 reasonable period of time and keeps current his account for utility
412 service as charges accrue in each subsequent billing period.

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

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

439 effected for any customer complying with any such amortization
440 agreement, provided such customer also keeps current his account for
441 utility service as charges accrue in each subsequent billing period.

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

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

456 (g) No electric distribution, gas, telephone or water company,
457 certified telecommunications provider, gas registrant or municipal
458 utility furnishing electric, gas or water service shall submit to a credit
459 rating agency, as defined in section 36a-695, any information about a
460 residential customer's nonpayment for electric, gas, telephone,
461 telecommunications or water service unless the customer is more than
462 sixty days delinquent in paying for such service. In no event shall such
463 a company, certified telecommunications provider, gas registrant or
464 municipal utility submit to a credit rating agency any information
465 about a residential customer's nonpayment for such service if the
466 customer has initiated a complaint, investigation hearing or appeal
467 with regard to such service under subsection (c) of this section that is
468 pending before the authority. If such a company, certified
469 telecommunications provider, gas registrant or municipal utility
470 intends to submit to a credit rating agency information about a
471 customer's nonpayment for service, it shall, at least thirty days before

472 submitting such information, send the customer by first class mail
473 notification that includes the statement, "AS AUTHORIZED BY LAW,
474 FOR RESIDENTIAL ACCOUNTS, WE SUPPLY PAYMENT
475 INFORMATION TO CREDIT RATING AGENCIES. IF YOUR
476 ACCOUNT IS MORE THAN SIXTY DAYS DELINQUENT, THE
477 DELINQUENCY REPORT COULD HARM YOUR CREDIT RATING."

478 Sec. 9. (NEW) (*Effective July 1, 2012*) The Public Utilities Regulatory
479 Authority shall conduct a performance review proceeding that
480 includes all persons, entities or companies holding a certificate of
481 public convenience and necessity to provide community antenna
482 television service, a certificate of cable franchise authority or a
483 certificate of video franchise authority, as such terms are defined in
484 section 16-1 of the general statutes, to ensure compliance with the
485 terms and conditions of any such certificate, and to review as
486 applicable pursuant to any such certificate issues relating to customer
487 service, community access support, management of outages, service to
488 handicapped and low-income customers and cooperation with the
489 authority. After the initial review required pursuant to this section, the
490 authority may conduct subsequent reviews at intervals of five years
491 thereafter. Any performance review shall be limited to a review of
492 those conditions or requirements specifically set forth in state statute.
493 Each performance review conducted pursuant to this section shall be
494 an uncontested case and shall include an opportunity for a public
495 hearing. The Attorney General, the Office of Consumer Counsel and
496 cable and certified video provider advisory councils shall be
497 designated as participants to any such proceeding.

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

504 Sec. 11. (NEW) (*Effective from passage*) Any community antenna

505 television company or nonprofit organization providing community
 506 access operations that supplied original programming from locally run
 507 operations and provided funding to town-specific programming on
 508 January 1, 2008, shall continue to fund town-specific programming in
 509 such proportions to funding for original programming from locally
 510 run operations as of January 1, 2008."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	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