



General Assembly

January Session, 2013

Raised Bill No. 6402

LCO No. 3117



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

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 Section 16-32 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Each public service company, except (1) telegraph companies and
4 express companies subject to the jurisdiction of the Interstate
5 Commerce Commission or its successor agency, and (2) telephone
6 companies, community antenna television companies, certified
7 competitive video service providers and holders of a certificate of cable
8 franchise authority owned, directly or indirectly, by a parent company,
9 the accounts and operations of which are required to be audited
10 annually in accordance with federal law, shall have an annual
11 comprehensive audit and report made of its accounts and operations
12 by independent public accountants satisfactory to the Public Utilities
13 Regulatory Authority. A copy of such annual audit report shall be filed
14 with the authority, together with the company's annual report. In the
15 absence of such an audit report, or if the authority, after notice and

16 opportunity for a hearing, determines that such audit report is
17 insufficient or unsatisfactory, the authority shall cause such an audit to
18 be made at the expense of the company either by independent public
19 accountants satisfactory to the authority or by any staff of the authority
20 engaged in the activities contemplated by subsection (b) of section 16-
21 8. The authority may require additional information regarding the
22 accounts and operations of a telephone company, community antenna
23 television company, certified competitive video service provider or
24 holder of a certificate of cable franchise authority, which is otherwise
25 exempt from the audit required pursuant to this section, that the
26 authority has determined is necessary to carry out the authority's
27 obligations. The authority may waive the compliance with the
28 provisions of this section by any public service company whose annual
29 gross income is less than one hundred thousand dollars. Nothing in
30 this section shall modify or limit the authority's power to conduct a
31 management audit or otherwise exercise its authority under section 16-
32 8.

33 Sec. 2. Section 16-247a of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective from passage*):

35 (a) Due to the following: Affordable, high quality
36 telecommunications services that meet the needs of individuals and
37 businesses in the state are necessary and vital to the welfare and
38 development of our society; the efficient provision of modern
39 telecommunications services by multiple providers will promote
40 economic development in the state; expanded employment
41 opportunities for residents of the state in the provision of
42 telecommunications services benefit the society and economy of the
43 state; and advanced telecommunications services enhance the delivery
44 of services by public and not-for-profit institutions, it is, therefore, the
45 goal of the state to (1) ensure the universal availability and accessibility
46 of high quality, affordable telecommunications services to all residents
47 and businesses in the state, (2) promote the development of effective
48 competition as a means of providing customers with the widest

49 possible choice of services, (3) utilize forms of regulation
50 commensurate with the level of competition in the relevant
51 telecommunications service market, (4) facilitate the efficient
52 development and deployment of an advanced telecommunications
53 infrastructure, including open networks with maximum
54 interoperability and interconnectivity, (5) encourage shared use of
55 existing facilities and cooperative development of new facilities where
56 legally possible, and technically and economically feasible, and (6)
57 ensure that providers of telecommunications services in the state
58 provide high quality customer service and high quality technical
59 service. The department shall implement the provisions of this section,
60 sections 16-1, 16-18a, as amended by this act, 16-19, 16-19e, 16-22,
61 16-247b, as amended by this act, 16-247c, 16-247e to [16-247i] 16-247h,
62 inclusive, and 16-247k and subsection (e) of section 16-331 in
63 accordance with these goals.

64 (b) As used in sections 16-247a to 16-247c, inclusive, as amended by
65 this act, 16-247e to [16-247i] 16-247h, inclusive, 16-247k, and sections
66 16-247m to 16-247r, inclusive, as amended by this act:

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

70 (2) "Competitive service" means (A) a telecommunications service
71 deemed competitive in accordance with the provisions of section
72 16-247f, as amended by this act, (B) a telecommunications service
73 reclassified by the department as competitive in accordance with the
74 provisions of section 16-247f, as amended by this act, or (C) a new
75 telecommunications service provided under a competitive service
76 tariff accepted by the department, in accordance with the provisions of
77 section 16-247f, as amended by this act. [, provided the department has
78 not subsequently reclassified the service set forth in subparagraph (A),
79 (B) or (C) of this subdivision as noncompetitive pursuant to section
80 16-247f.]

81 (3) "Emerging competitive service" means (A) a telecommunications
82 service reclassified as emerging competitive in accordance with the
83 provisions of section 16-247f, as amended by this act, or (B) a new
84 telecommunications service provided under an emerging competitive
85 service tariff accepted by the department, in accordance with the
86 provisions of section 16-247f, as amended by this act, or of a plan for
87 an alternative form of regulation approved pursuant to section
88 16-247k, provided the department has not subsequently reclassified the
89 service set forth in subparagraph (A) or (B) of this subdivision as
90 competitive or noncompetitive pursuant to section 16-247f, as
91 amended by this act.

92 (4) "Noncompetitive service" means (A) a telecommunications
93 service deemed noncompetitive in accordance with the provisions of
94 section 16-247f, as amended by this act, [(B) a telecommunications
95 service reclassified by the department as noncompetitive in accordance
96 with the provisions of section 16-247f,] or [(C)] (B) a new
97 telecommunications service provided under a noncompetitive service
98 tariff accepted by the department, in accordance with the provisions of
99 section 16-19, and any applicable regulations, or of a plan for an
100 alternative form of regulation approved pursuant to section 16-247k,
101 provided the department has not subsequently reclassified the service
102 set forth in subparagraph (A) [,] or (B) [or (C)] of this subdivision as
103 competitive or emerging competitive pursuant to section 16-247f, as
104 amended by this act.

105 (5) "Private telecommunications service" means any
106 telecommunications service which is not provided for public hire as a
107 common carrier service and is utilized solely for the
108 telecommunications needs of the person that controls such service and
109 any subsidiary or affiliate thereof, except for telecommunications
110 service which enables two entities other than such person, subsidiary
111 or affiliate to communicate with each other.

112 (6) "Telecommunications service" means any transmission in one or

113 more geographic areas (A) between or among points specified by the
114 user, (B) of information of the user's choosing, (C) without change in
115 the form or content of the information as sent and received, (D) by
116 means of electromagnetic transmission, including but not limited to,
117 fiber optics, microwave and satellite, (E) with or without benefit of any
118 closed transmission medium and (F) including all instrumentalities,
119 facilities, apparatus and services, except customer premises
120 equipment, which are used for the collection, storage, forwarding,
121 switching and delivery of such information and are essential to the
122 transmission.

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

125 Sec. 3. Section 16-247b of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective from passage*):

127 (a) On petition or its own motion, the authority shall initiate a
128 proceeding to unbundle a telephone company's network, services and
129 functions that are used to provide telecommunications services and
130 which the authority determines, after notice and hearing, are in the
131 public interest, are consistent with federal law and are technically
132 feasible of being tariffed and offered separately or in combinations.
133 Any telecommunications services, functions and unbundled network
134 elements and any combination thereof shall be offered under tariff at
135 rates, terms and conditions that do not unreasonably discriminate
136 among actual and potential users and actual and potential providers of
137 such local network services.

138 (b) Each telephone company shall provide reasonable
139 nondiscriminatory access and pricing to all telecommunications
140 services, functions and unbundled network elements and any
141 combination thereof necessary to provide telecommunications services
142 to customers. The authority shall determine the rates that a telephone
143 company charges for telecommunications services, functions and

144 unbundled network elements and any combination thereof, that are
145 necessary for the provision of telecommunications services. The rates
146 for interconnection and unbundled network elements and any
147 combination thereof shall be based on their respective forward looking
148 long-run incremental costs, and shall be consistent with the provisions
149 of 47 USC 252(d).

150 [(c) (1) The rate that a telephone company charges for a competitive
151 or emerging competitive telecommunications service shall not be less
152 than the sum of (A) the rate charged to another telecommunications
153 company for a noncompetitive or emerging competitive local network
154 service function used by that company to provide a competing
155 telecommunications service, and (B) the applicable incremental costs of
156 the telephone company.

157 (2) On and after the date the authority certifies a telephone
158 company's operations support systems interface pursuant to section
159 16-247n, the authority shall, upon petition, conduct a contested case
160 proceeding to consider whether modification or removal of the pricing
161 standard set forth in subdivision (1) of this subsection for a
162 telecommunications service deemed competitive pursuant to section
163 16-247f is appropriate. Notwithstanding the provisions of subdivision
164 (1) of this subsection, if the authority determines that such a
165 modification or removal is appropriate and is consistent with the goals
166 set forth in section 16-247a, the authority shall so modify or remove
167 said pricing standard for such telecommunications service.

168 (3) Prior to the date that the authority certifies a telephone
169 company's operations support systems interface pursuant to section
170 16-247n, the authority may, upon petition, conduct a contested case
171 proceeding to consider whether modification or removal of the pricing
172 standard set forth in subdivision (1) of this subsection for a
173 telecommunications service deemed competitive pursuant to section
174 16-247f is appropriate. Any petition filed pursuant to this subdivision
175 shall specify the geographic area in which the applicant proposes to

176 modify or remove such pricing standard. Notwithstanding the
177 provisions of subdivision (1) of this subsection, if the authority
178 determines that such modification or removal is appropriate, is
179 consistent with the goals set forth in section 16-247a and facilities-
180 based competition exists in the relevant geographic area, the authority
181 shall so modify or remove said pricing standard for such
182 telecommunications service. In determining whether facilities-based
183 competition exists in the relevant geographic area, the authority shall
184 consider:

185 (A) The number, size and geographic distribution of other providers
186 of service;

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

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

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

193 (E) Other indicators of market power that the authority deems
194 relevant, which may include, but not be limited to, market penetration
195 and the extent to which the applicant can sustain the price for the
196 service above the cost to the company of providing the service in the
197 relevant geographic area;

198 (F) The extent to which other telecommunications companies must
199 rely upon the noncompetitive services of the applicant to provide their
200 telecommunications services and carrier access rates charged by the
201 applicant;

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

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

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

210 Sec. 4. Section 16-247f of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective from passage*):

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

215 (b) Notwithstanding the provisions of section 16-19, the following
216 telecommunications services shall be deemed competitive services: (1)
217 A telecommunications service offered on or before July 1, 1994, by a
218 certified telecommunications provider and a wide area telephone
219 service, "800" service, centrex service or digital centrex service offered
220 by a telephone company, (2) a telecommunications service offered to
221 business customers by a telephone company, (3) a home office service
222 offered by a telephone company, and (4) a telecommunications service
223 provided by a telephone company to a residential customer who
224 subscribes to two or more [telephone company] services, including
225 basic local exchange service, broadband services, any vertical feature
226 or interstate toll provided by a telephone company affiliate, or toll
227 services provided by another carrier. Unless reclassified pursuant to
228 this section, any other service offered by a telephone company on or
229 before July 1, 1994, shall be deemed a noncompetitive service,
230 provided such initial classification shall not be a factual finding that
231 such service is noncompetitive. [Notwithstanding subdivision (3) of
232 subsection (c) of section 16-247b, prior to January 1, 2010, a telephone
233 company shall not obtain a waiver from the authority of the pricing
234 standard set forth in subdivision (1) of subsection (c) of section 16-247b
235 for any service reclassified as competitive pursuant to subdivision (2),

236 (3) or (4) of this subsection.]

237 (c) On petition [,] or on its own motion, [or in conjunction with a
238 tariff investigation conducted pursuant to subsection (f) of this
239 section,] after notice and hearing, and within ninety days of receipt of a
240 petition or its motion or within the time period set forth in subsection
241 (f) of this section, as applicable, the authority may reclassify a
242 telecommunications service as competitive [,] or emerging competitive,
243 [or noncompetitive,] in accordance with the degree of competition
244 which exists for that service in the marketplace, provided (1) a
245 competitive service shall not be reclassified as an emerging
246 competitive service, and (2) the authority may extend the period (A)
247 before the end of the ninety-day period and upon notifying all parties
248 to the proceedings by thirty days, or (B) in accordance with the
249 provisions of subsection (f) of this section, as applicable.

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

252 (1) The number, size and geographic distribution of certified
253 telecommunications providers of the service, provided the authority
254 shall not reclassify any service as competitive if such service is
255 available only from a telephone company or an affiliate of a telephone
256 company that is a certified telecommunications provider;

257 (2) The availability of functionally equivalent services in the
258 relevant geographic area at competitive rates, terms and conditions,
259 including, but not limited to, services offered by certified
260 telecommunications providers, providers of commercial mobile radio
261 services, as defined in 47 CFR 20.3, voice over Internet protocol
262 providers and other services provided by means of alternative
263 technologies;

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

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

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

268 (e) On or after July 1, 2013, any certified telecommunications
269 provider or telephone company may, upon written notice to the
270 authority, elect to be exempt from any requirement to file or maintain
271 with the authority any tariff for competitive or emerging competitive
272 intrastate telecommunications services offered or provided to
273 residential or business retail end-users and, instead, shall make the
274 terms and conditions for those services available to such end-users in a
275 customer service guide or in such other manner determined by such
276 provider or company providing such services. A copy of the customer
277 service guide or other listing of terms and conditions shall be filed
278 annually with the authority. The tariff requirements for
279 noncompetitive services, including for noncompetitive residential
280 basic local exchange service, shall remain in effect.

281 ~~[(e) Each]~~ (f) Except for a certified telecommunications provider or
282 telephone company that elects to be exempt from filing or maintaining
283 tariffs for a competitive or emerging competitive intrastate service
284 pursuant to subsection (e) of this section, each certified
285 telecommunications provider and each telephone company shall file
286 with the authority a new or amended tariff for each competitive or
287 emerging competitive intrastate telecommunications service
288 authorized pursuant to section 16-247c. A tariff for a competitive
289 service shall be effective on five days' written notice to the authority. A
290 tariff for an emerging competitive service shall be effective on
291 twenty-one days' written notice to the authority. A tariff filing for a
292 competitive or emerging competitive service shall include (1) rates and
293 charges which may consist of a maximum rate and a minimum rate, (2)
294 applicable terms and conditions, (3) a statement of how the tariff will
295 benefit the public interest, and (4) any additional information required
296 by the authority. A telephone company filing a tariff pursuant to this
297 section shall include in said tariff filing the information set forth in

298 subdivisions (1) to (4), inclusive, of this subsection, a complete
299 explanation of how the company is complying with the provisions of
300 section 16-247b, as amended by this act, and, in a tariff filing which
301 declares a new service to be competitive or emerging competitive, a
302 statement addressing the considerations set forth in subsection (d) of
303 this section. If the authority approves a tariff which consists of a
304 minimum rate and a maximum rate, the certified telecommunications
305 provider or telephone company may amend its rates upon five days'
306 written notice to the authority and any notice to customers which the
307 authority may require, provided the amended rates are not greater
308 than the approved maximum rate and not less than the approved
309 minimum rate. A promotional offering for a previously approved
310 competitive or emerging competitive tariffed service or a service
311 deemed competitive pursuant to this section shall be effective on three
312 business days' written notice to the authority.

313 ~~[(f)]~~ (g) On petition or its own motion, the authority may investigate
314 a tariff or any portion of a tariff, which investigation may include a
315 hearing. The authority may suspend a tariff or any portion of a tariff
316 during such investigation. The investigation may include, but is not
317 limited to, an inquiry to determine whether the tariff is predatory,
318 deceptive, anticompetitive or violates the pricing standard set forth in
319 subdivision (1) of subsection (c) of section 16-247b, as amended by this
320 act. Not later than seventy-five days after the effective date of the tariff,
321 unless the party filing the tariff, all statutory parties to the proceeding
322 and the authority agree to a specific extension of time, the authority
323 shall issue its decision, including whether to approve, modify or deny
324 the tariff. If the authority determines that a tariff filed as a new service
325 is, in fact, a reclassification of an existing service, the authority shall
326 review the tariff filing as a petition for reclassification in accordance
327 with the provisions of subsection (c) of this section.

328 (g) The provisions of this section shall not prohibit the authority
329 from ordering different tariff filing procedures or effective dates for an
330 emerging competitive service, pursuant to a plan for an alternative

331 form of regulation of a telephone company approved by the authority
332 in accordance with the provisions of section 16-247k.]

333 Sec. 5. Section 16-247m of the general statutes is repealed and the
334 following is substituted in lieu thereof (*Effective from passage*):

335 [(a)] On and after July 1, [2001] 2013, a telephone company may
336 [apply to the Public Utilities Regulatory Authority to] withdraw from
337 the retail provision of a telecommunications service, upon thirty days'
338 notice to the Public Utilities Regulatory Authority, provided such
339 telecommunications service [has been deemed] is a competitive
340 [pursuant to section 16-247f prior to the date such application is
341 submitted] service, as defined in subdivision (2) of subsection (b) of 16-
342 247a, as amended by this act. Any such [application] notice shall
343 specify (1) the service that the telephone company no longer wishes to
344 provide, and (2) the geographic area or areas in which the telephone
345 company proposes to no longer provide the service. [, and (3) the
346 number of customers of the telephone company that will be affected by
347 the proposed withdrawal and a discussion of ways to mitigate such
348 impact.]

349 [(b)] In considering any application by a telephone company
350 pursuant to subsection (a) of this section, the authority shall consider
351 (1) the impact the proposed withdrawal will have on the goals set forth
352 in section 16-247a, (2) the impact the proposed withdrawal will have
353 on the financial, managerial and technical ability of the telephone
354 company to provide other retail and wholesale telecommunications
355 services and the quality of such services, (3) the impact the proposed
356 withdrawal will have on the rates paid by retail customers for the
357 service that the telephone company no longer wishes to provide at
358 retail, (4) the impact the proposed withdrawal will have on the retail
359 availability of such service, and (5) the impact the proposed
360 withdrawal will have on the ability of certified telecommunications
361 providers to provide a functionally equivalent service at retail. The
362 authority shall not approve any such application for withdrawal

363 unless it finds that such withdrawal (A) is consistent with the goals set
364 forth in section 16-247a, and (B) is not contrary to the public interest.
365 The authority shall not approve any such application or authorize the
366 withdrawal of a telephone company from the provision of a
367 telecommunications service at retail unless the service that the
368 telephone company no longer wishes to provide has been deemed
369 competitive pursuant to section 16-247f. The authority, in approving
370 any such application, shall develop a method to allow customers
371 receiving such service from the telephone company to choose a new
372 provider of such service, provided the authority shall not order the
373 allocation or assignment of any customer.

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

376 (d) The provisions of this section shall not (1) preclude the
377 withdrawal of a competitive or an emerging competitive tariff
378 pursuant to section 16-247f, (2) preclude a telephone company from
379 withdrawing a noncompetitive service in the normal course of
380 business, or (3) apply to any certified telecommunications provider or
381 any telephone company serving fewer than seventy-five thousand
382 customers.]

383 Sec. 6. Section 16-247p of the general statutes is repealed and the
384 following is substituted in lieu thereof (*Effective from passage*):

385 (a) Not later than April 1, 2000, the Public Utilities Regulatory
386 Authority shall, by regulations adopted pursuant to chapter 54,
387 establish quality-of-service standards that shall apply to all
388 noncompetitive services as defined in subdivision (4) of subsection (b)
389 of section 16-247a, as amended by this act, offered by telephone
390 companies and certified telecommunications providers. [and to all
391 telecommunications services.] Such standards shall include, but not be
392 limited to, measures relating to customer trouble reports, service
393 outages, installation appointments and repeat problems as well as

394 timeliness in responding to complaints or reports. The authority shall
395 include with the quality of service standards methodologies for
396 monitoring compliance with and enforcement of such standards. Such
397 monitoring shall include input from employees of telephone
398 companies and certified telecommunications providers, including
399 members of collective bargaining units.

400 (b) Not later than April 1, 2000, the authority shall, by regulations
401 adopted pursuant to chapter 54, establish comprehensive performance
402 standards and performance based reporting requirements for functions
403 provided by a telephone company to a certified telecommunications
404 provider, including, but not limited to, telephone company
405 performance relating to customer ordering, preordering, provisioning,
406 billing, maintenance and repair. Such service standards shall be
407 sufficiently comprehensive to ensure that a telephone company meets
408 its obligations under 47 USC 251. Such regulations may also contain
409 provisions the authority deems necessary to prevent anticompetitive
410 actions by any telephone company or certified telecommunications
411 provider.

412 Sec. 7. Section 16-256k of the general statutes is repealed and the
413 following is substituted in lieu thereof (*Effective from passage*):

414 Each telephone company, as defined in section 16-1, and each
415 certified telecommunications provider, as defined in said section 16-1,
416 shall clearly and conspicuously disclose, in writing, to customers, upon
417 subscription and annually thereafter, (1) whether the removal or
418 change in any telecommunications service will result in the loss of a
419 discount or other change in the rate charged for any
420 telecommunications service subscribed to or used by the customer; and
421 (2) for any promotional offering filed on and after October 1, 2002,
422 with the Public Utilities Regulatory Authority pursuant to subsection
423 [(e)] (f) of section 16-247f, as amended by this act, that the offering is a
424 promotion and will be in effect for a limited period of time.

425 Sec. 8. Subsection (a) of section 16-18a of the general statutes is
426 repealed and the following is substituted in lieu thereof (*Effective from*
427 *passage*):

428 (a) In the performance of their duties the Public Utilities Regulatory
429 Authority and the Office of Consumer Counsel may retain consultants
430 to assist their staffs in proceedings before the authority by providing
431 expertise in areas in which staff expertise does not currently exist or
432 when necessary to supplement existing staff expertise. In any case
433 where the authority or Office of Consumer Counsel determines that
434 the services of a consultant are necessary or desirable, the authority
435 shall (1) allow opportunity for the parties and participants to the
436 proceeding for which the services of a consultant are being considered
437 to comment regarding the necessity or desirability of such services, (2)
438 upon the request of a party or participant to the proceeding for which
439 the services of a consultant are being considered, hold a hearing, and
440 (3) limit the reasonable and proper expenses for such services to not
441 more than two hundred thousand dollars for each agency per
442 proceeding involving a public service company, telecommunications
443 company, electric supplier or person seeking certification to provide
444 telecommunications services pursuant to chapter 283, with more than
445 fifteen thousand customers, and to not more than fifty thousand
446 dollars for each agency per proceeding involving such a company,
447 electric supplier or person with less than fifteen thousand customers,
448 provided the authority or the Office of Consumer Counsel may exceed
449 such limits for good cause. In the case of multiple proceedings
450 conducted to implement the provisions of this section and sections
451 16-1, 16-19, 16-19e, 16-22, 16-247a to 16-247c, inclusive, as amended by
452 this act, 16-247e to [16-247i] 16-247h, inclusive, 16-247k and subsection
453 (e) of 16-331, the authority or the Office of Consumer Counsel may
454 exceed such limits, but the total amount for all such proceedings shall
455 not exceed the aggregate amount which would be available pursuant
456 to this section. All reasonable and proper expenses, as defined in
457 subdivision (3) of this section, shall be borne by the affected company,

458 electric supplier or person and shall be paid by such company, electric
459 supplier or person at such times and in such manner as the authority
460 or the Office of Consumer Counsel directs. All reasonable and proper
461 costs and expenses, as defined in subdivision (3) of this section, shall
462 be recognized by the authority for all purposes as proper business
463 expenses of the affected company, electric supplier or person. The
464 providers of consultant services shall be selected by the authority or
465 the Office of Consumer Counsel and shall submit written findings and
466 recommendations to the authority or the Office of Consumer Counsel,
467 as the case may be, which shall be made part of the public record.

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

470 The Public Utilities Regulatory Authority shall adopt such
471 regulations, in accordance with the provisions of chapter 54, as
472 necessary to carry out the provisions of section 16-247c and sections
473 16-247f to [16-247i] 16-247h, inclusive, as amended by this act.

474 Sec. 10. Subsection (b) of section 51-164n of the general statutes is
475 repealed and the following is substituted in lieu thereof (*Effective from*
476 *passage*):

477 (b) Notwithstanding any provision of the general statutes, any
478 person who is alleged to have committed (1) a violation under the
479 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
480 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
481 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
482 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
483 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
484 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
485 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
486 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
487 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
488 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)

489 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
490 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
491 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
492 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
493 14-153 or 14-163b, a first violation as specified in subsection (f) of
494 section 14-164i, section 14-219 as specified in subsection (e) of said
495 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
496 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
497 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
498 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
499 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
500 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
501 subsection (a) of section 15-115, section 16-44, [16-256,] 16-256e, 16a-15
502 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-
503 145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or
504 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39
505 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105,
506 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,
507 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,
508 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-
509 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,
510 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,
511 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,
512 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
513 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section
514 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
515 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,
516 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
517 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
518 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-
519 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,
520 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of
521 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-
522 381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or

523 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
524 subsection (a) of section 25-43, section 25-135, 26-18, 26-19, 26-21, 26-31,
525 26-40, 26-40a, 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1)
526 of subsection (d) of section 26-61, section 26-64, subdivision (1) of
527 section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-
528 104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141,
529 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-
530 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,
531 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,
532 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),
533 (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision
534 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of
535 section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-
536 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-
537 32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52,
538 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
539 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-
540 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-
541 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of
542 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-
543 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-
544 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450,
545 or (2) a violation under the provisions of chapter 268, or (3) a violation
546 of any regulation adopted in accordance with the provisions of section
547 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
548 regulation or bylaw of any town, city or borough, except violations of
549 building codes and the health code, for which the penalty exceeds
550 ninety dollars but does not exceed two hundred fifty dollars, unless
551 such town, city or borough has established a payment and hearing
552 procedure for such violation pursuant to section 7-152c, shall follow
553 the procedures set forth in this section.

554 Sec. 11. Section 16-247i and 16-256 of the general statutes are
555 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-32
Sec. 2	<i>from passage</i>	16-247a
Sec. 3	<i>from passage</i>	16-247b
Sec. 4	<i>from passage</i>	16-247f
Sec. 5	<i>from passage</i>	16-247m
Sec. 6	<i>from passage</i>	16-247p
Sec. 7	<i>from passage</i>	16-256k
Sec. 8	<i>from passage</i>	16-18a(a)
Sec. 9	<i>from passage</i>	16-247j
Sec. 10	<i>from passage</i>	51-164n(b)
Sec. 11	<i>from passage</i>	Repealer section

Statement of Purpose:

To eliminate (1) the requirement that telecommunications and cable companies submit an annual audit to the Public Utilities Regulatory Authority, (2) the authority's power to reclassify as noncompetitive a competitive service, (3) the requirement for telecommunications service providers and telephone companies to file tariffs for competitive and emerging competitive telecommunications service, (4) the requirement that the authority approve the withdrawal by a telephone company of competitive telecommunications service, and (5) the requirement that the Department of Energy and Environmental Protection annually report to the General Assembly on the status of telecommunications service and regulation in the state.

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