



General Assembly

February Session, 2016

Raised Bill No. 5311

LCO No. 1242



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

**AN ACT CONCERNING TELECOMMUNICATIONS PROVIDER
TARIFFS FOR SERVICES OFFERED TO BUSINESS RETAIL END-
USERS AND CERTAIN TELECOMMUNICATIONS SERVICE-RELATED
REPORTS.**

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 Section 16-247f of the general statutes is repealed and the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 from passage*):

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, on its own motion, or in conjunction with a tariff
28 investigation conducted pursuant to subsection (f) of this section, after
29 notice and hearing, and within ninety days of receipt of a petition or its
30 motion or within the time period set forth in subsection (f) of this
31 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) [Each] Except for a certified telecommunications provider or a
59 telephone company that elects to be exempt from the filing or
60 maintaining of tariffs for a service offered or provided to business
61 retail end-users pursuant to subsection (h) of this section, each certified
62 telecommunications provider and each telephone company shall file
63 with the authority a new or amended tariff for each competitive or
64 emerging competitive intrastate telecommunications service
65 authorized pursuant to section 16-247c. A tariff for a competitive
66 service shall be effective on five days' written notice to the authority. A
67 tariff for an emerging competitive service shall be effective on
68 twenty-one days' written notice to the authority. A tariff filing for a
69 competitive or emerging competitive service shall include (1) rates and
70 charges which may consist of a maximum rate and a minimum rate, (2)
71 applicable terms and conditions, (3) a statement of how the tariff will
72 benefit the public interest, and (4) any additional information required
73 by the authority. A telephone company filing a tariff pursuant to this
74 section shall include in said tariff filing the information set forth in
75 subdivisions (1) to (4), inclusive, of this subsection, a complete
76 explanation of how the company is complying with the provisions of

77 section 16-247b and, in a tariff filing which declares a new service to be
78 competitive or emerging competitive, a statement addressing the
79 considerations set forth in subsection (d) of this section. If the authority
80 approves a tariff which consists of a minimum rate and a maximum
81 rate, the certified telecommunications provider or telephone company
82 may amend its rates upon five days' written notice to the authority and
83 any notice to customers which the authority may require, provided the
84 amended rates are not greater than the approved maximum rate and
85 not less than the approved minimum rate. A promotional offering for a
86 previously approved competitive or emerging competitive tariffed
87 service or a service deemed competitive pursuant to this section shall
88 be effective on three business days' written notice to the authority.

89 (f) On petition or its own motion, the authority may investigate a
90 tariff or any portion of a tariff, which investigation may include a
91 hearing. The authority may suspend a tariff or any portion of a tariff
92 during such investigation. The investigation may include, but is not
93 limited to, an inquiry to determine whether the tariff is predatory,
94 deceptive, anticompetitive or violates the pricing standard set forth in
95 subdivision (1) of subsection (c) of section 16-247b. Not later than
96 seventy-five days after the effective date of the tariff, unless the party
97 filing the tariff, all statutory parties to the proceeding and the authority
98 agree to a specific extension of time, the authority shall issue its
99 decision, including whether to approve, modify or deny the tariff. If
100 the authority determines that a tariff filed as a new service is, in fact, a
101 reclassification of an existing service, the authority shall review the
102 tariff filing as a petition for reclassification in accordance with the
103 provisions of subsection (c) of this section.

104 (g) The provisions of this section shall not prohibit the authority
105 from ordering different tariff filing procedures or effective dates for an
106 emerging competitive service, pursuant to a plan for an alternative
107 form of regulation of a telephone company approved by the authority
108 in accordance with the provisions of section 16-247k.

109 (h) On and after July 1, 2016, any certified telecommunications
110 provider or telephone company may, upon written notice to the
111 authority, elect to be exempt from any requirement to file or maintain
112 with the authority any tariff for services offered or provided to
113 business retail end-users. A certified telecommunications provider or
114 telephone company that elects to be exempt from the requirement to
115 file or maintain with the authority any tariff for services offered or
116 provided to business retail end-users shall make the rates, terms and
117 conditions for such services available to business retail end-users in a
118 customer service guide or in such other manner as determined by such
119 certified telecommunications provider or telephone company.

120 Sec. 2. Subsection (a) of section 16-18a of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective from*
122 *passage*):

123 (a) In the performance of their duties the Public Utilities Regulatory
124 Authority and the Office of Consumer Counsel may retain consultants
125 to assist their staffs in proceedings before the authority by providing
126 expertise in areas in which staff expertise does not currently exist or
127 when necessary to supplement existing staff expertise. In any case
128 where the authority or Office of Consumer Counsel determines that
129 the services of a consultant are necessary or desirable, the authority
130 shall (1) allow opportunity for the parties and participants to the
131 proceeding for which the services of a consultant are being considered
132 to comment regarding the necessity or desirability of such services, (2)
133 upon the request of a party or participant to the proceeding for which
134 the services of a consultant are being considered, hold a hearing, and
135 (3) limit the reasonable and proper expenses for such services to not
136 more than two hundred thousand dollars for each agency per
137 proceeding involving a public service company, telecommunications
138 company, electric supplier or person seeking certification to provide
139 telecommunications services pursuant to chapter 283, with more than
140 fifteen thousand customers, and to not more than fifty thousand
141 dollars for each agency per proceeding involving such a company,

142 electric supplier or person with less than fifteen thousand customers,
143 provided the authority or the Office of Consumer Counsel may exceed
144 such limits for good cause. In the case of multiple proceedings
145 conducted to implement the provisions of this section and sections
146 16-1, 16-19, 16-19e, 16-22, 16-247a to 16-247c, inclusive, 16-247e to
147 [16-247i] 16-247h, inclusive, 16-247k and subsection (e) of 16-331, the
148 authority or the Office of Consumer Counsel may exceed such limits,
149 but the total amount for all such proceedings shall not exceed the
150 aggregate amount which would be available pursuant to this section.
151 All reasonable and proper expenses, as defined in subdivision (3) of
152 this section, shall be borne by the affected company, electric supplier
153 or person and shall be paid by such company, electric supplier or
154 person at such times and in such manner as the authority or the Office
155 of Consumer Counsel directs. All reasonable and proper costs and
156 expenses, as defined in subdivision (3) of this section, shall be
157 recognized by the authority for all purposes as proper business
158 expenses of the affected company, electric supplier or person. The
159 providers of consultant services shall be selected by the authority or
160 the Office of Consumer Counsel and shall submit written findings and
161 recommendations to the authority or the Office of Consumer Counsel,
162 as the case may be, which shall be made part of the public record.

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

165 (a) Due to the following: Affordable, high quality
166 telecommunications services that meet the needs of individuals and
167 businesses in the state are necessary and vital to the welfare and
168 development of our society; the efficient provision of modern
169 telecommunications services by multiple providers will promote
170 economic development in the state; expanded employment
171 opportunities for residents of the state in the provision of
172 telecommunications services benefit the society and economy of the
173 state; and advanced telecommunications services enhance the delivery
174 of services by public and not-for-profit institutions, it is, therefore, the

175 goal of the state to (1) ensure the universal availability and accessibility
176 of high quality, affordable telecommunications services to all residents
177 and businesses in the state, (2) promote the development of effective
178 competition as a means of providing customers with the widest
179 possible choice of services, (3) utilize forms of regulation
180 commensurate with the level of competition in the relevant
181 telecommunications service market, (4) facilitate the efficient
182 development and deployment of an advanced telecommunications
183 infrastructure, including open networks with maximum
184 interoperability and interconnectivity, (5) encourage shared use of
185 existing facilities and cooperative development of new facilities where
186 legally possible, and technically and economically feasible, and (6)
187 ensure that providers of telecommunications services in the state
188 provide high quality customer service and high quality technical
189 service. The authority shall implement the provisions of this section,
190 sections 16-1, 16-18a, 16-19, 16-19e, 16-22, 16-247b, 16-247c, 16-247e to
191 [16-247i] 16-247h, inclusive, and 16-247k and subsection (e) of section
192 16-331 in accordance with these goals.

193 (b) As used in sections 16-247a to 16-247c, inclusive, 16-247e to [16-
194 247i] 16-247h, inclusive, 16-247k, and sections 16-247m to 16-247r,
195 inclusive:

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

199 (2) "Competitive service" means (A) a telecommunications service
200 deemed competitive in accordance with the provisions of section 16-
201 247f, (B) a telecommunications service reclassified by the authority as
202 competitive in accordance with the provisions of section 16-247f, or (C)
203 a new telecommunications service provided under a competitive
204 service tariff accepted by the authority, in accordance with the
205 provisions of section 16-247f, provided the authority has not
206 subsequently reclassified the service set forth in subparagraph (A), (B)

207 or (C) of this subdivision as noncompetitive pursuant to section 16-47f.

208 (3) "Emerging competitive service" means (A) a telecommunications
209 service reclassified as emerging competitive in accordance with the
210 provisions of section 16-247f, or (B) a new telecommunications service
211 provided under an emerging competitive service tariff accepted by the
212 authority, in accordance with the provisions of section 16-247f, or of a
213 plan for an alternative form of regulation approved pursuant to section
214 16-247k, provided the authority has not subsequently reclassified the
215 service set forth in subparagraph (A) or (B) of this subdivision as
216 competitive or noncompetitive pursuant to section 16-247f.

217 (4) "Noncompetitive service" means (A) a telecommunications
218 service deemed noncompetitive in accordance with the provisions of
219 section 16-247f, (B) a telecommunications service reclassified by the
220 authority as noncompetitive in accordance with the provisions of
221 section 16-247f, or (C) a new telecommunications service provided
222 under a noncompetitive service tariff accepted by the authority, in
223 accordance with the provisions of section 16-19, and any applicable
224 regulations, or of a plan for an alternative form of regulation approved
225 pursuant to section 16-247k, provided the authority has not
226 subsequently reclassified the service set forth in subparagraph (A), (B)
227 or (C) of this subdivision as competitive or emerging competitive
228 pursuant to section 16-247f.

229 (5) "Private telecommunications service" means any
230 telecommunications service which is not provided for public hire as a
231 common carrier service and is utilized solely for the
232 telecommunications needs of the person that controls such service and
233 any subsidiary or affiliate thereof, except for telecommunications
234 service which enables two entities other than such person, subsidiary
235 or affiliate to communicate with each other.

236 (6) "Telecommunications service" means any transmission in one or
237 more geographic areas (A) between or among points specified by the

238 user, (B) of information of the user's choosing, (C) without change in
 239 the form or content of the information as sent and received, (D) by
 240 means of electromagnetic transmission, including but not limited to,
 241 fiber optics, microwave and satellite, (E) with or without benefit of any
 242 closed transmission medium, and (F) including all instrumentalities,
 243 facilities, apparatus and services, except customer premises
 244 equipment, which are used for the collection, storage, forwarding,
 245 switching and delivery of such information and are essential to the
 246 transmission.

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

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

251 The Public Utilities Regulatory Authority shall adopt such
 252 regulations, in accordance with the provisions of chapter 54, as
 253 necessary to carry out the provisions of section 16-247c and sections
 254 16-247f to [16-247i] 16-247h, inclusive.

255 Sec. 5. Section 16-247i of the general statutes is repealed. (*Effective*
 256 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-247f
Sec. 2	<i>from passage</i>	16-18a(a)
Sec. 3	<i>from passage</i>	16-247a
Sec. 4	<i>from passage</i>	16-247j
Sec. 5	<i>from passage</i>	Repealer section

Statement of Purpose:

To provide telecommunications providers with the option to not file with PURA tariffs for a service offered to business retail end-users and to repeal the requirement of an annual telecommunications service status report to the General Assembly from PURA.

[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.]