



House of Representatives

General Assembly

File No. 262

January Session, 2021

Substitute House Bill No. 6442

House of Representatives, April 6, 2021

The Committee on Energy and Technology reported through REP. ARCONTI of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING EQUITABLE ACCESS TO BROADBAND.

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

1 Section 1. (NEW) (*Effective July 1, 2021*) As used in this section and
2 sections 2 to 24, inclusive, of this act:

3 (1) "Broadband Internet access service" means a mass-market retail
4 service by wire or radio that provides the capability to transmit data to
5 and receive data from all or substantially all Internet endpoints,
6 including any capabilities that are incidental to and enable the operation
7 of the communications service, but excluding dial-up Internet access
8 service;

9 (2) "Broadband Internet access service provider" means any person or
10 entity that provides broadband Internet access service through facilities
11 occupying public highways or streets authorized by the Public Utilities
12 Regulatory Authority, including through a certificate of public
13 convenience and necessity, a certificate of video franchise authority, a

14 certificate of cable franchise authority, or as a certified
15 telecommunications provider;

16 (3) "Content, applications and services" means all traffic transmitted
17 to or from end users of a broadband Internet access service; and

18 (4) "End user" means any person or entity that uses a broadband
19 Internet access service.

20 Sec. 2. (NEW) (*Effective July 1, 2021*) In carrying out the provisions of
21 this section and sections 3 to 24, inclusive, of this act, each state agency
22 shall consider the extent to which their programs or policies provide for
23 affordable, high-speed broadband Internet access service that is vital to
24 the welfare and development of our society; will promote economic
25 development in the state; will expand educational and employment
26 opportunities for residents of the state; will improve access to telehealth
27 services, as that term is defined in section 19a-906 of the general statutes;
28 and will enhance the delivery of services by public, private and not-for-
29 profit institutions and entities. Such programs and policies shall (1)
30 ensure the universal availability and accessibility of high-speed
31 broadband Internet access service to all residents and businesses in the
32 state, (2) establish an advanced standard for broadband Internet access
33 service that increases with consumer demand and technological
34 developments, (3) ensure that broadband Internet access service is
35 available and affordable on a nondiscriminatory basis for all segments
36 of the state's population, regardless of income, race, ethnicity and
37 religion, (4) study and create structures that allow partners and
38 providers to successfully build and sustain broadband Internet access
39 service infrastructure in all corners of the state, (5) ensure that state,
40 municipal and private educational institutions have continual access to
41 broadband Internet access service at all times for educational and
42 learning purposes, (6) encourage existing and new broadband Internet
43 access service providers to pilot and offer affordable services for
44 residents, businesses and state and municipal governments, (7) create a
45 regulatory environment that protects consumers and incentivizes
46 innovation, competition and robust services from broadband Internet

47 access service providers, and (8) invest in the development of a diverse
48 broadband Internet access service technology workforce by
49 encouraging strong ties to the state's educational community to grow
50 the talent pipeline.

51 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) The Office of Policy and
52 Management shall, in accordance with sections 4d-90 and 4-67p of the
53 general statutes and in consultation with the Department of Energy and
54 Environmental Protection, the Office of State Broadband, the
55 Department of Economic and Community Development and other state
56 agencies deemed appropriate by the Office of Policy and Management,
57 develop a plan and reporting requirements to produce up-to-date maps
58 of broadband availability and upload and download speeds in the state.
59 Broadband Internet access service providers shall be consulted in the
60 development of the plan and reporting requirements for producing and
61 maintaining detailed and accurate broadband maps for the state. The
62 Office of Policy and Management may employ outside consultants in
63 the development of such maps.

64 (b) The Commissioner of Economic and Community Development
65 shall make recommendations to the Office of Policy and Management,
66 for inclusion in the joint report pursuant to subsection (c) of this section,
67 concerning the needs of the business community and economic
68 development.

69 (c) On or before January 31, 2022, the Office of Policy and
70 Management, the Office of State Broadband and the Department of
71 Energy and Environmental Protection shall jointly report to the
72 Governor concerning the status of the plan described in subsection (a)
73 of this section.

74 (d) The Commission for Educational Technology, established
75 pursuant to section 4d-80 of the general statutes, shall, in consultation
76 with the Department of Education, the Office of State Broadband, the
77 Office of Policy Management, the Connecticut State Colleges and
78 Universities, the Office of Higher Education and the Department of
79 Economic and Community Development, conduct an analysis on the

80 availability of broadband Internet access service and learning devices
81 for students in prekindergarten to grade twelve, inclusive, and post-
82 secondary education, including vocational and technical opportunities,
83 in concert with and informed by state broadband mapping activities.

84 (e) On or before July 1, 2023, the Commission for Educational
85 Technology shall submit a report to the Governor and the General
86 Assembly. Such report shall provide the status of the analysis required
87 pursuant to this section.

88 Sec. 4. (NEW) (*Effective July 1, 2021*) (a) On or before January 31, 2022,
89 the Department of Energy and Environmental Protection shall, in
90 consultation with the Office of State Broadband, the Department of
91 Economic and Community Development, the Commission for
92 Educational Technology and the Office of Policy and Management,
93 establish a broadband Internet speed classification metric of (1) well
94 served, (2) adequately served, and (3) underserved communities in the
95 state to inform state policy, investment strategy and consumer
96 awareness. Such Internet speed classification metrics shall include both
97 upload and download speed metrics and other applicable standards, as
98 determined by the Department of Energy and Environmental
99 Protection, and shall be adjusted annually, as provided in subsection (c)
100 of this section, as of the following October first and each subsequent
101 October first.

102 (b) On or before January 31, 2022, and annually thereafter, the
103 Department of Energy and Environmental Protection, in consultation
104 with the Office of State Broadband, the Office of Policy and
105 Management and the Department of Economic and Community
106 Development, shall report on the broadband Internet speed
107 classification metrics, described in subsection (a) of this section, and
108 additional data sharing requirements developed in subsection (a) of
109 section 3 of this act, to the Governor and the joint standing committee of
110 the General Assembly having cognizance of matters relating to energy.

111 (c) On or before January 31, 2022, and annually thereafter, the
112 Department of Energy and Environmental Protection, in consultation

113 with the Office of State Broadband, the Office of Policy and
114 Management and the Department of Economic and Community
115 Development shall report on the status and progress made toward a
116 state-wide goal of attaining, on or before January 1, 2027, universal
117 access to (1) broadband Internet download speeds averaging one gigabit
118 per second, and (2) broadband Internet upload speeds averaging two
119 hundred megabits per second to the Governor and the joint standing
120 committee of the General Assembly having cognizance of matters
121 relating to energy, until such time as said goal is met.

122 Sec. 5. (NEW) (*Effective July 1, 2021*) (a) Each broadband Internet
123 access service provider shall maintain and make available to an Internet
124 service account holder and to the owner of the serviced property, free of
125 charge, records of the property's available broadband Internet upload
126 and download speeds for the preceding twelve months of occupation.

127 (b) For any such property, the property owner shall, at the time the
128 property is publicly listed for sale or rent, disclose, upon request, the
129 broadband Internet upload and download speeds for the preceding
130 twelve months of occupation.

131 Sec. 6. Section 16-233 of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective July 1, 2021*):

133 Each town, city, borough, or fire district [or] and the Department of
134 Transportation shall have the right to occupy and use for any purpose,
135 including, but not limited to, the provision of broadband Internet access
136 service by any town, city or borough to the public in such town, city or
137 borough, either directly or through commercial arrangements with
138 third-party entities, without payment therefor, one gain upon each
139 public utility pole or in each underground communications duct system
140 installed by a public service company within the limits of any such
141 town, city, borough or district, except if a town, city or borough sells its
142 right to occupy and use said gain to a private third-party company, such
143 company shall pay any public utility pole administration or attachment
144 fees, as applicable. The location or relocation of any such gain shall be
145 prescribed by the Public Utilities Regulatory Authority. Any such gain

146 shall be reserved for use by the town, city, borough, or fire district [or]
147 and the Department of Transportation.

148 Sec. 7. Subdivision (4) of subsection (a) of section 7-536 of the general
149 statutes is repealed and the following is substituted in lieu thereof
150 (*Effective July 1, 2021*):

151 (4) "Local capital improvement project" means a municipal capital
152 expenditure project for any of the following purposes: (A) Road
153 construction, renovation, repair or resurfacing, (B) sidewalk and
154 pavement improvements, (C) construction, renovation, enlargement or
155 repair of sewage treatment plants and sanitary or storm, water or sewer
156 lines, including separation of lines, (D) public building construction
157 other than schools, including renovation, repair, code compliance,
158 energy conservation and fire safety projects, (E) construction,
159 renovation, enlargement or repair of dams, bridges and flood control
160 projects, (F) construction, renovation, enlargement or repair of water
161 treatment or filtration plants and water mains, (G) construction,
162 renovation or enlargement of solid waste facilities, (H) improvements to
163 public parks, (I) the preparation and revision of local capital
164 improvement plans projected for a period of not less than five years and
165 so prepared as to show the general description, need and estimated cost
166 of each individual capital improvement, (J) improvements to emergency
167 communications systems and building security systems, including for
168 schools, (K) public housing projects, including renovations and
169 improvements and energy conservation and the development of
170 additional housing, (L) renovations to or construction of veterans'
171 memorial monuments, (M) thermal imaging systems, (N) bulky waste
172 and landfill projects, (O) the preparation and revision of municipal
173 plans of conservation and development adopted pursuant to section 8-
174 23, provided such plans are endorsed by the legislative body of the
175 municipality not more than one hundred eighty days after adoption by
176 the commission, (P) acquisition of automatic external defibrillators, (Q)
177 floodplain management and hazard mitigation activities, (R) on-board
178 oil refining systems consisting of a filtration canister and evaporation
179 canister that remove solid and liquid contaminants from lubricating oil,

180 (S) activities related to the planning and construction of a municipal
181 broadband network, provided the broadband Internet download speed
182 of the network shall be not less than [three hundred eighty-four
183 thousand bits per second] one gigabit per second and the broadband
184 Internet upload speed of the network shall be not less than two hundred
185 megabits per second, (T) establishment of bikeways and greenways, (U)
186 land acquisition, including for open space, and costs involved in making
187 land available for public uses, (V) acquisition of technology related to
188 implementation of the Department of Education's common core state
189 standards, (W) technology upgrades, including for improvements to
190 expand public access to government information through electronic
191 portals and kiosks, (X) for the fiscal years ending June 30, 2013, and June
192 30, 2014, acquisition of snow removal equipment, capital expenditures
193 made to improve public safety, and capital expenditures made to
194 facilitate regional cooperation, and (Y) for hazardous tree removal or
195 trimming for nonutility-related hazardous branches, limbs and trees on
196 municipal property or within a municipal right-of-way. "Local capital
197 improvement project" means only capital expenditures and includes
198 repairs incident to reconstruction and renovation but does not include
199 ordinary repairs and maintenance of an ongoing nature. As used in this
200 subdivision, "floodplain management" and "hazard mitigation" have the
201 same meanings as provided in section 25-68j;

202 Sec. 8. Section 16-11 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective July 1, 2021*):

204 The Public Utilities Regulatory Authority shall, so far as is
205 practicable, keep fully informed as to the condition of the plant,
206 equipment and manner of operation of all public service companies and
207 broadband Internet access service providers in respect to their adequacy
208 and suitability to accomplish the duties imposed upon such companies
209 by law and in respect to their relation to the safety of the public and of
210 the employees of such companies. The authority may order such
211 reasonable improvements, repairs or alterations in such plant or
212 equipment, or such changes in the manner of operation, as may be
213 reasonably necessary in the public interest. The general purposes of this

214 section and sections 16-19, 16-25, 16-43 and 16-47, as amended by this
215 act, are to assure to the state of Connecticut its full powers to regulate
216 its public service companies and broadband Internet access service
217 providers, to increase the powers of the Public Utilities Regulatory
218 Authority and to promote local control of the public service companies
219 and broadband Internet access service providers of this state, and said
220 sections shall be so construed as to effectuate these purposes.

221 Sec. 9. Section 16-12 of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective July 1, 2021*):

223 Any person or any town, city or borough may make complaint, in
224 writing, to the Public Utilities Regulatory Authority, of any defects in
225 any portion of the plant or equipment of any public service company,
226 broadband Internet access service provider or electric supplier, or of the
227 manner of operating such plant, by reason of which the public safety or
228 the health or safety of employees is endangered; and, if he or it so
229 requests, the name of the complainant shall not be divulged unless in
230 the opinion of the authority the complaint is such that publicity is
231 demanded.

232 Sec. 10. Section 16-16 of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective July 1, 2021*):

234 Each public service company, broadband Internet access service
235 provider and electric supplier subject to regulation by the Public
236 Utilities Regulatory Authority shall, in the event of any accident
237 attended with personal injury or involving public safety, which was or
238 may have been connected with or due to the operation of its or his
239 property, or caused by contact with the wires of any public service
240 company, broadband Internet access service provider or electric
241 supplier, notify the authority thereof, by telephone or otherwise, as soon
242 as may be reasonably possible after the occurrence of such accident,
243 unless such accident is a minor accident, as defined by regulations of the
244 authority. Each such person, company, broadband Internet access
245 service provider or electric supplier shall report such minor accidents to
246 the authority in writing, in summary form, once each month. If notice of

247 such accident, other than a minor accident, is given otherwise than in
248 writing, it shall be confirmed in writing within five days after the
249 occurrence of such accident. Any person, company, broadband Internet
250 access service provider or electric supplier failing to comply with the
251 provisions of this section shall be fined not more than five [hundred]
252 thousand dollars for each offense.

253 Sec. 11. Section 16-47 of the general statutes is repealed and the
254 following is substituted in lieu thereof (*Effective July 1, 2021*):

255 (a) As used in this section and section 16-47a, (1) "holding company"
256 means any corporation, association, partnership, trust or similar
257 organization, or person which, either alone or in conjunction and
258 pursuant to an arrangement or understanding with one or more other
259 corporations, associations, partnerships, trusts or similar organizations,
260 or persons, directly or indirectly, controls a gas, electric distribution,
261 water, telephone or community antenna television company, certified
262 telecommunications provider, certified competitive video service
263 provider, certified video franchise authority provider or broadband
264 Internet access service provider, and (2) "control" means the possession
265 of the power to direct or cause the direction of the management and
266 policies of a gas, electric distribution, water, telephone or community
267 antenna television company, certified telecommunications provider,
268 certified competitive video service provider, certified video franchise
269 authority provider, broadband Internet access service provider or a
270 holding company, whether through the ownership of its voting
271 securities, the ability to effect a change in the composition of its board
272 of directors or otherwise, provided, control shall not be deemed to arise
273 solely from a revocable proxy or consent given to a person in response
274 to a public proxy or consent solicitation made pursuant to and in
275 accordance with the applicable rules and regulations of the Securities
276 Exchange Act of 1934 unless a participant in said solicitation has
277 announced an intention to effect a merger or consolidation with,
278 reorganization, or other business combination or extraordinary
279 transaction involving the gas, electric distribution, water, telephone or
280 community antenna television company, certified telecommunications

281 provider, certified competitive video service provider, certified video
282 franchise authority provider, broadband Internet access service
283 provider or the holding company. Control shall be presumed to exist if
284 a person directly or indirectly owns ten per cent or more of the voting
285 securities of a gas, electric distribution, water, telephone or community
286 antenna television company, certified telecommunications provider,
287 certified competitive video service provider, certified video franchise
288 authority provider, broadband Internet access service provider or a
289 holding company, provided the authority may determine, after
290 conducting a hearing, that said presumption of control has been
291 rebutted by a showing that such ownership does not in fact confer
292 control.

293 (b) No gas, electric distribution, water, telephone or community
294 antenna television company, certified telecommunications provider,
295 certified competitive video service provider, certified video franchise
296 authority provider, broadband Internet access service provider, or
297 holding company, or any official, board or commission purporting to
298 act under any governmental authority other than that of this state or of
299 its divisions, municipal corporations or courts, shall interfere or attempt
300 to interfere with or, directly or indirectly, exercise or attempt to exercise
301 authority or control over any gas, electric distribution, water, telephone
302 or community antenna television company, certified
303 telecommunications provider, certified competitive video service
304 provider, certified video franchise authority provider or broadband
305 Internet access service provider engaged in the business of supplying
306 service within this state, or with or over any holding company doing the
307 principal part of its business within this state, without first making
308 written application to and obtaining the approval of the Public Utilities
309 Regulatory Authority, except as the United States may properly regulate
310 actual transactions in interstate commerce.

311 (c) No corporation, association, partnership, trust or similar
312 organization, or person shall take any action that causes it to become a
313 holding company with control over a gas, electric distribution, water,
314 telephone or community antenna television company, certified

315 telecommunications provider, certified competitive video service
316 provider, certified video franchise authority provider or broadband
317 Internet access service provider engaged in the business of supplying
318 service within this state, or acquire, directly or indirectly, control over
319 such a holding company, or take any action that would if successful
320 cause it to become or to acquire control over such a holding company,
321 without first making written application to and obtaining the approval
322 of the authority. Any such corporation, association, partnership, trust or
323 similar organization, or person applying to the authority for such
324 approval shall pay the reasonable expenses incurred by the authority in
325 carrying out its duties under this subsection, and accordingly, shall
326 deposit with the authority a bond, executed by a surety company
327 authorized to do business in this state, in the amount of fifty thousand
328 dollars, conditioned to indemnify the authority for such expenses.

329 (d) The Public Utilities Regulatory Authority shall investigate and
330 hold a public hearing on the question of granting its approval with
331 respect to any application made under subsection (b) or (c) of this
332 section and thereafter may approve or disapprove any such application
333 in whole or in part and upon such terms and conditions as it deems
334 necessary or appropriate. In connection with its investigation, the
335 authority may request the views of the gas, electric distribution, water,
336 telephone or community antenna television company, certified
337 telecommunications provider, certified competitive video service
338 provider, certified video franchise authority provider, broadband
339 Internet access service provider or holding company which is the subject
340 of the application with respect to the proposed acquisition. After the
341 filing of an application satisfying the requirements of such regulations
342 as the authority may adopt in accordance with the provisions of chapter
343 54, but not later than thirty business days after the filing of such
344 application, the authority shall give prompt notice of the public hearing
345 to the person required to file the application and to the subject company
346 or holding company. Such hearing shall be commenced as promptly as
347 practicable after the filing of the application, but not later than sixty
348 business days after the filing, and the authority shall make its
349 determination as soon as practicable, but not later than two hundred

350 days after the filing of the application, provided it may, before the end
351 of such period and upon notifying all parties and intervenors to the
352 proceedings, extend the period by thirty days, provided that
353 community antenna television companies, holders of a certificate of
354 cable franchise authority and holders of a certificate of video franchise
355 authority shall be determined by the authority within one hundred
356 twenty days, or unless the person required to file the application agrees
357 to an extension of time. The authority may, in its discretion, grant the
358 subject company or holding company the opportunity to participate in
359 the hearing by presenting evidence and oral and written argument. If
360 the authority fails to give notice of its determination to hold a hearing,
361 commence the hearing, or render its determination after the hearing
362 within the time limits specified in this subdivision, the proposed
363 acquisition shall be deemed approved. In each proceeding on a written
364 application submitted under said subsection (b) or (c), the authority
365 shall, in a manner which treats all parties to the proceeding on an equal
366 basis, take into consideration (1) the financial, technological and
367 managerial suitability and responsibility of the applicant, (2) the ability
368 of the gas, electric distribution, water, telephone or community antenna
369 television company, certified telecommunications provider, certified
370 competitive video service provider, certified video franchise authority
371 provider, broadband Internet access service provider or holding
372 company which is the subject of the application to provide safe,
373 adequate and reliable service to the public through the company's plant,
374 equipment and manner of operation if the application were to be
375 approved, and (3) for an application concerning a telephone company,
376 the effect of approval on the location and accessibility of management
377 and operations and on the proportion and number of state resident
378 employees. The authority shall only grant its approval of an application
379 filed on or after January 1, 2021, made under subsection (c) of this
380 section, if the holding company effects a change in the composition of
381 the board of directors to include a proportional percentage of
382 Connecticut-based directors equivalent to the percentage that
383 Connecticut service areas represent of the total service areas covered by
384 the holding company.

385 (e) During any proceeding under subsection (b) or (c) of this section,
386 the authority may order any party to such proceeding and the officers,
387 directors, employees and agents of such party to refrain for a specific
388 time period from communicating, directly or indirectly, with the record
389 and beneficial owners of securities of the gas, electric distribution,
390 water, telephone or community antenna television company, certified
391 telecommunications provider, certified competitive video service
392 provider, certified video franchise authority provider, broadband
393 Internet access service provider or holding company which is the subject
394 of such proceedings, in regard to the matters submitted to the authority
395 for its approval under said subsection (b) or (c). If the authority issues
396 such an order, it shall also order all other parties to the proceeding and
397 the officers, directors, employees and agents of such parties to refrain
398 for the same time period from communicating, directly or indirectly,
399 with such record and beneficial owners of such securities, in regard to
400 such matters. No order issued pursuant to this subsection shall prohibit
401 any party from complying with disclosure and reporting obligations
402 under any other provision of the general statutes or under federal law.

403 (f) Each holding company shall, not later than three months after the
404 close of its fiscal year, annually, file with the authority a copy of its
405 annual report to stockholders for such fiscal year. If the holding
406 company does not print such an annual report, it shall file instead, not
407 later than the same date, a comprehensive audit and report of its
408 accounts and operations prepared by an independent public accounting
409 firm approved by the authority. The provisions of this subsection shall
410 not apply to any holding company in the form of a person.

411 (g) Any action contrary to the provisions of subsections (b) or (c) of
412 this section shall be voidable on order of the authority.

413 (h) Whenever any corporation, association, partnership, trust or
414 similar organization, or person takes or engages in any action which
415 may or would violate subsection (b) or (c) of this section or any order
416 adopted pursuant to said subsection (b) or (c), the Superior Court, upon
417 application of the authority or any holding company or gas, electric

418 distribution, water, telephone or community antenna television
419 company, certified telecommunications provider, certified competitive
420 video service provider, certified video franchise authority provider or
421 broadband Internet access service provider affected by such action, may
422 enjoin any such corporation, association, partnership, trust or similar
423 organization, or person from continuing or doing any act in violation of
424 said subsection (b) or (c) or may otherwise enforce compliance with said
425 subsection (b) or (c), including but not limited to, the reinstatement of
426 authority or control over the holding company or gas, electric
427 distribution, water, telephone or community antenna television
428 company, certified telecommunications provider, certified competitive
429 video service provider, certified video franchise authority provider,
430 broadband Internet access service provider or holding company to those
431 persons who exercised authority or control over such company before
432 such action.

433 (i) The provisions of this section shall not be construed to require any
434 person to make written application to or obtain the approval of the
435 authority with respect to any telephone company or holding company
436 of a telephone company over which such person exercises authority or
437 control or operates as a holding company on June 30, 1987.

438 Sec. 12. Section 16-49 of the general statutes is repealed and the
439 following is substituted in lieu thereof (*Effective July 1, 2021*):

440 (a) As used in this section:

441 (1) "Company" means (A) any public service company other than a
442 telephone company, that had more than one hundred thousand dollars
443 of gross revenues in the state in the calendar year preceding the
444 assessment year under this section, except any such company not
445 providing service to retail customers in the state, (B) any telephone
446 company that had more than one hundred thousand dollars of gross
447 revenues in the state from telecommunications services in the calendar
448 year preceding the assessment year under this section, except any such
449 company not providing service to retail customers in the state, (C) any
450 certified telecommunications provider that had more than one hundred

451 thousand dollars of gross revenues in the state from
452 telecommunications services in the calendar year preceding the
453 assessment year under this section, except any such certified
454 telecommunications provider not providing service to retail customers
455 in the state, (D) any electric supplier that had more than one hundred
456 thousand dollars of gross revenues in the state in the calendar year
457 preceding the assessment year under this section, except any such
458 supplier not providing electric generation services to retail customers in
459 the state, [or] (E) any certified competitive video service provider issued
460 a certificate of video franchise authority by the Public Utilities
461 Regulatory Authority in accordance with section 16-331e that had more
462 than one hundred thousand dollars of gross revenues in the state in the
463 calendar year preceding the assessment year under this section, except
464 any such certified competitive video service provider not providing
465 service to retail customers in the state, or (F) any broadband Internet
466 access service provider that had more than one hundred thousand
467 dollars of gross revenues in the state from broadband Internet access
468 services in the calendar year preceding the assessment year under this
469 section;

470 (2) "Telecommunications services" means (A) in the case of
471 telecommunications services provided by a telephone company, any
472 service provided pursuant to a tariff approved by the authority other
473 than wholesale services and resold access and interconnections services,
474 and (B) in the case of telecommunications services provided by a
475 certified telecommunications provider other than a telephone company,
476 any service provided pursuant to a tariff approved by the authority and
477 pursuant to a certificate of public convenience and necessity; and

478 (3) "Fiscal year" means the period beginning July first and ending
479 June thirtieth.

480 (b) On or before July 15, 1999, and on or before May first, annually
481 thereafter, each company shall report its intrastate gross revenues of the
482 preceding calendar year to the Public Utilities Regulatory Authority,
483 which amount shall be subject to audit by the authority. For each fiscal

484 year, each company shall pay the authority the company's share of all
485 expenses of the department's Bureau of Energy and Technology, the
486 Office of Consumer Counsel, the Office of Policy and Management's
487 expenses related to the duties under sections 3 and 4 of this act, and the
488 operations of the Public Utilities Regulatory Authority for such fiscal
489 year. On or before September first, annually, the authority shall give to
490 each company a statement which shall include: (1) The amount
491 appropriated to the department's Bureau of Energy and Technology, the
492 Office of Consumer Counsel, the Office of Policy and Management's
493 expenses related to the duties under sections 3 and 4 of this act, and the
494 operations of the Public Utilities Regulatory Authority for the fiscal year
495 beginning July first of the same year; (2) the total gross revenues of all
496 companies; and (3) the proposed assessment against the company for
497 the fiscal year beginning on July first of the same year, adjusted to reflect
498 the estimated payment required under subdivision (1) of subsection (c)
499 of this section. Such proposed assessment shall be calculated by
500 multiplying the company's percentage share of the total gross revenues
501 as specified in subdivision (2) of this subsection by the total revenue
502 appropriated to the department's Bureau of Energy and Technology, the
503 Office of Consumer Counsel, the Office of Policy and Management's
504 expenses related to the duties under sections 3 and 4 of this act, and the
505 operations of the Public Utility Regulatory Authority, as specified in
506 subdivision (1) of this subsection.

507 (c) Each company shall pay the authority: (1) On or before June
508 thirtieth, annually, an estimated payment for the expenses of the
509 following year equal to twenty-five per cent of its assessment for the
510 fiscal year ending on such June thirtieth, (2) on or before September
511 thirtieth, annually, twenty-five per cent of its proposed assessment,
512 adjusted to reflect any credit or amount due under the recalculated
513 assessment for the preceding fiscal year, as determined by the authority
514 under subsection (d) of this section, provided if the company files an
515 objection in accordance with subsection (e) of this section, it may
516 withhold the amount stated in its objection, and (3) on or before the
517 following December thirty-first and March thirty-first, annually, the
518 remaining fifty per cent of its proposed assessment in two equal

519 installments.

520 (d) Immediately following the close of each fiscal year, the authority
521 shall recalculate the proposed assessment of each company, based on
522 the expenses, as determined by the Comptroller, of the department's
523 Bureau of Energy and Technology, the Office of Consumer Counsel, the
524 Office of Policy and Management's expenses related to the duties under
525 sections 3 and 4 of this act, and the operations of the Public Utilities
526 Regulatory Authority for such fiscal year. On or before September first,
527 annually, the authority shall give to each company a statement showing
528 the difference between its recalculated assessment and the amount
529 previously paid by the company.

530 (e) Any company may object to a proposed or recalculated
531 assessment by filing with the authority, not later than September
532 fifteenth of the year of said assessment, a petition stating the amount of
533 the proposed or recalculated assessment to which it objects and the
534 grounds upon which it claims such assessment is excessive, erroneous,
535 unlawful or invalid. After a company has filed a petition, the authority
536 shall hold a hearing. After reviewing the company's petition and
537 testimony, if any, the authority shall issue an order in accordance with
538 its findings. The company shall pay the authority the amount indicated
539 in the order not later than thirty days after the date of the order.

540 (f) The authority shall remit all payments received under this section
541 to the State Treasurer for deposit in the Consumer Counsel and Public
542 Utility Control Fund established under section 16-48a. Such funds shall
543 be accounted for as expenses recovered from public service companies,
544 broadband Internet access service providers and certified
545 telecommunications providers. All payments made under this section
546 shall be in addition to any taxes payable to the state under chapters 211,
547 212, 212a and 219.

548 (g) Any assessment unpaid on the due date or any portion of an
549 assessment withheld after the due date under subsection (c) of this
550 section shall be subject to interest at the rate of one and one-fourth per
551 cent per month or fraction thereof, or fifty dollars, whichever is greater.

552 (h) Any company that fails to report in accordance with this section
553 shall be subject to civil penalties in accordance with section 16-41.

554 Sec. 13. (NEW) (*Effective July 1, 2021*) (a) The Public Utilities
555 Regulatory Authority shall receive, process and record consumer and
556 business complaints for each broadband Internet access service
557 provider.

558 (b) A broadband Internet access service provider shall implement a
559 process for handling inquiries from the authority and customer
560 inquiries, billing issues, service issues and other complaints. In the event
561 an issue is not resolved through such process, a customer may request
562 of the authority a confidential, nonbinding mediation with the
563 broadband Internet access service provider, and a designated member
564 of the authority staff shall serve as the mediator. If the mediation is
565 unsuccessful, the customer may file a formal complaint with the
566 authority. If the provider is found to be in noncompliance with any
567 provision of this section, the authority shall order such provider to
568 remedy such noncompliance within a reasonable period of time. Failure
569 to comply may subject the provider to civil penalties under section 16-
570 41 of the general statutes and injunctive relief under section 16-10 of the
571 general statutes.

572 Sec. 14. (NEW) (*Effective July 1, 2021*) No broadband Internet access
573 service provider shall (1) block, restrict or interfere with an end user's
574 use of nonharmful devices, (2) interfere with an end user's ability to
575 select a broadband Internet access service provider, or (3) deny a
576 potential customer broadband Internet access service based on
577 discriminatory financial terms, credit scores or arrearage on charges for
578 other services offered by the broadband Internet access service provider.

579 Sec. 15. (NEW) (*Effective July 1, 2021*) (a) Broadband Internet access
580 service providers shall restore broadband Internet access service to such
581 provider's customers within twenty-four hours after the restoration of
582 electrical service following an electrical outage, unless the Public
583 Utilities Regulatory Authority provides an extension of time due to the
584 severity of a weather, or other catastrophic, event.

585 (b) Notwithstanding any provision of the general statutes, each
586 broadband Internet access service provider shall provide to any affected
587 customer a credit or refund, on the balance of such customer's account,
588 for any outage, continuous or intermittent, of broadband Internet access
589 service that occurs for such customer for more than twenty-four
590 consecutive hours, unless the outage was caused by such customer.

591 (c) Any broadband Internet access service provider with a service
592 outage of more than twenty-four consecutive hours, not caused by the
593 affected customer, shall file a report with the authority and the Office of
594 State Broadband within fifteen days of such service outage.

595 (d) On or before December 31, 2021, the authority shall initiate a
596 proceeding to investigate the resiliency of service and infrastructure
597 provided by wireline cable, telecommunications and broadband
598 Internet access service providers to ensure proper planning for the
599 timely restoration of broadband Internet access services following
600 electrical or other outages.

601 Sec. 16. (NEW) (*Effective July 1, 2021*) (a) At the time of initial
602 activation of broadband Internet access service, and annually thereafter
603 or upon request, each broadband Internet access service provider shall
604 provide each customer with a notice (1) listing all available options for
605 broadband Internet access service, including upload and download
606 speeds, (2) charges for each option of broadband Internet access service,
607 (3) credit policies, including any finance charges or late payment
608 charges, and (4) a description of network management practices related
609 to an end user's usage of broadband Internet access service.

610 (b) Not less than thirty days prior to implementing any changes to (1)
611 charges for broadband Internet access service or equipment use, (2)
612 upload or download speeds, and (3) network management practices
613 related to an end user's usage of broadband Internet access service, each
614 broadband Internet access service provider shall inform the Public
615 Utilities Regulatory Authority, the Department of Energy and
616 Environmental Protection, the chairpersons of the joint standing
617 committee of the General Assembly having cognizance of matters

618 relating to energy, the Office of State Broadband and each customer
619 within the affected service area.

620 Sec. 17. (NEW) (*Effective July 1, 2021*) On or before March 1, 2022, and
621 annually thereafter, each broadband Internet access service provider
622 shall file a report with the Public Utilities Regulatory Authority, the
623 Department of Energy and Environmental Protection, the chairpersons
624 of the joint standing committee of the General Assembly having
625 cognizance of matters relating to energy, the Office of State Broadband
626 and the Department of Economic and Community Development
627 concerning its operations within the state, including availability of
628 broadband Internet access service areas, broadband Internet upload and
629 download speeds in each service area, service outages and other
630 requirements as determined by the authority. Such annual report shall
631 be provided in a form designated by the authority, in consultation with
632 the Department of Energy and Environmental Protection, the
633 Department of Economic and Community Development and the Office
634 of State Broadband.

635 Sec. 18. Section 16-331f of the general statutes is repealed and the
636 following is substituted in lieu thereof (*Effective July 1, 2021*):

637 [(a) The Public Utilities Regulatory Authority shall not require a
638 certified competitive video service provider to comply with any facility
639 build-out requirements or provide video service to any customer using
640 any specific technology. The Public Utilities Regulatory Authority shall
641 initiate a contested case proceeding, in accordance with the provisions
642 of chapter 54, three years after the issuance of the certificate of video
643 franchise authority to such provider to investigate the availability of the
644 certified competitive video service provider's video services and report
645 its findings to the joint standing committee of the General Assembly
646 having cognizance of matters relating to energy and technology.]

647 (a) On or before September 30, 2022, each certified competitive video
648 service provider shall submit an affidavit to the Public Utilities
649 Regulatory Authority, the Department of Energy and Environmental
650 Protection, the chairpersons of the joint standing committee of the

651 General Assembly having cognizance of matters relating to energy, the
652 Office of State Broadband and the Department of Economic and
653 Community Development certifying that the provider has facilities in
654 the public highways, streets or other public rights-of-way, in its service
655 areas, capable of providing video service, and all other services that the
656 provider offers, to each residential, governmental and commercial
657 address. Any such provider may consider the use of existing state
658 broadband assets to comply with this section.

659 (b) The authority shall not impose any provision regulating rates
660 charged by certified competitive video service providers for video
661 service, or impose any other requirements or conditions for video
662 service, except as set forth in sections 16-331e to 16-331o, inclusive.

663 [(c) The rights and responsibilities under section 16-333a regarding
664 service and wiring to multiunit residential buildings shall apply to a
665 certified competitive video service provider.]

666 (c) No certified competitive video service provider may assess a
667 contribution in aid of construction or any other charge to any potential
668 customer for the build out of any facilities in the public highways, streets
669 or other public rights-of-way.

670 (d) Upon failure to comply with subsection (a) or (c) of this section,
671 the authority may impose civil penalties pursuant to sections 16-41 and
672 16-331o and undertake a proceeding to revoke the certificate of video
673 franchise authority for substantial noncompliance pursuant to section
674 16-331o.

675 Sec. 19. Section 16-331q of the general statutes is repealed and the
676 following is substituted in lieu thereof (*Effective July 1, 2021*):

677 [(a) The Public Utilities Regulatory Authority shall not require a
678 company issued a certificate of cable franchise authority to comply with
679 any facility build-out requirements or provide community antenna
680 television service or video service to any customer using any specific
681 technology.]

682 (a) On or before September 30, 2022, each holder of a certificate of
683 cable franchise authority shall submit an affidavit to the Public Utilities
684 Regulatory Authority, the Department of Energy and Environmental
685 Protection, the chairpersons of the joint standing committee of the
686 General Assembly having cognizance of matters relating to energy, the
687 Office of State Broadband and the Department of Economic and
688 Community Development certifying that the provider has facilities in
689 the public highways, streets or other public rights-of-way, in its service
690 areas, capable of providing video service, and all other services that the
691 provider offers, to each residential, governmental and commercial
692 address. Any such provider may consider the use of existing state
693 broadband assets to comply with this section.

694 (b) No holder of a certificate of cable franchise authority may assess
695 a contribution in aid of construction or any other charge to any potential
696 customer for the build out of any facilities in the public highways, streets
697 or other public rights-of-way.

698 (c) Upon failure to comply with subsection (a) or (b) of this section,
699 the authority may impose civil penalties pursuant to sections 16-41 and
700 16-331aa and undertake a proceeding to revoke the certificate of cable
701 franchise authority for substantial noncompliance pursuant to section
702 16-331aa.

703 [(b)] (d) The Public Utilities Regulatory Authority shall not impose
704 any provision regulating rates charged by a community antenna
705 television company holding a certificate of cable franchise authority,
706 except as set forth in federal law.

707 Sec. 20. (NEW) (*Effective July 1, 2021*) (a) As used in this section:

708 (1) "Make-ready" means the modification or replacement of a public
709 utility pole, or of the lines or equipment on the public utility pole, to
710 accommodate additional facilities on the pole; and

711 (2) "One-touch make-ready" means make-ready in which the person
712 attaching new equipment to a public utility pole performs all of the

713 make-ready work.

714 (b) On or before January 31, 2022, the Public Utilities Regulatory
715 Authority shall develop a process in an uncontested proceeding for the
716 construction of facilities in the public highways, streets or other public
717 rights-of-way to ensure timely and nondiscriminatory procedures that
718 accomplish public utility pole attachments and conduit excavations for
719 telecommunications service providers and broadband Internet access
720 service providers.

721 (c) On or before January 31, 2022, the authority shall develop a one-
722 touch make-ready process in an uncontested proceeding for
723 attachments of telecommunications service and broadband Internet
724 access service facilities on public utility poles to be implemented by the
725 owners of such public utility poles.

726 (d) On or before January 1, 2022, the authority shall submit a report
727 to the joint standing committee of the General Assembly having
728 cognizance of matters relating to energy, the Office of State Broadband,
729 the Department of Energy and Environmental Protection, the
730 Department of Economic and Community Development and the
731 Department of Transportation. Such report shall include the authority's
732 fully developed one-touch make-ready process.

733 (e) Upon application by the Internet access service providers for the
734 construction of underground facilities that will contain conduit for
735 telecommunications service providers or broadband Internet access
736 service providers, the authority shall condition any approval of such
737 application on the following conditions:

738 (1) The size of such conduit shall be consistent with industry best
739 practices and sufficient to accommodate potential demand;

740 (2) Any handholes and manholes for fiber optic cable access and
741 pulling with respect to each such practice shall be placed at intervals
742 consistent with industry best practices;

743 (3) Such conduit shall be installed with a pull tape and capabilities of

744 supporting additional fiber optic cable;

745 (4) The applicant shall notify telecommunications service providers
746 and broadband Internet access service providers of the proposed
747 excavation to reduce the potential for future street excavations in the
748 same location;

749 (5) Any requesting telecommunications service provider or
750 broadband Internet access service provider shall be able to access such
751 conduit on a competitively neutral and nondiscriminatory basis and for
752 a charge not to exceed a cost-based rate; and

753 (6) The applicant shall report to the authority upon completion of any
754 approved construction verifying that it has complied with the
755 provisions of this subsection.

756 (f) For excavations in the state highway rights-of-way, the applicant
757 shall comply with the Department of Transportation's encroachment
758 permit process, including the payment of any applicable fees. Any
759 application for construction in the public highways, streets or other
760 public rights-of-way shall require the applicant to install a conduit for
761 the benefit of the Department of Transportation, as required by section
762 16-233 of the general statutes, as amended by this act.

763 (g) The Commissioner of Transportation is authorized to lease space,
764 or enter into any other contract or agreement to permit access to such
765 space, in any conduit installed by the Department of Transportation in
766 the public highways, streets or other public rights-of-way on such terms
767 and conditions, and for any purpose, deemed to be in the public interest
768 by said commissioner.

769 (h) Nothing in this section shall be construed to limit the use of
770 conduit by the Department of Transportation on public highways,
771 streets or other public rights-of-way as otherwise permitted by law.

772 (i) Any applicant for a public utility pole attachment license made to
773 the owner or custodian of a public utility pole shall be granted a
774 temporary license within thirty days of submitting a complete license

775 application and a permanent license within ninety days of submitting a
776 complete license application.

777 (j) The authority shall establish an expedited dispute resolution
778 process to address any issues that may arise between an individual
779 attaching telecommunications service or broadband Internet access
780 service facilities on a public utility pole and the owner or custodian of
781 such pole.

782 (k) All public service companies, as defined by section 16-1 of the
783 general statutes, and other persons that are authorized by the authority
784 to install facilities in, under or over the public highways, streets or other
785 public rights-of-way shall obey, observe and comply with this section
786 and each applicable order made by the authority with respect to pole
787 attachments and underground conduit. Failure to comply with this
788 section or applicable orders of the authority may result in a fine of not
789 more than one hundred thousand dollars for a wilful violation or not
790 more than fifty thousand dollars for any other violations. The authority
791 shall impose any such civil penalty in accordance with the procedure
792 established in section 16-41 of the general statutes. Any such fines shall
793 not be recoverable costs in any rate proceeding conducted by the
794 authority.

795 Sec. 21. (NEW) (*Effective July 1, 2021*) Each broadband Internet access
796 service provider shall have the same right of access to an occupied
797 building, as defined in section 16-247l of the general statutes, as afforded
798 to certified telecommunications service providers under section 16-247l
799 of the general statutes.

800 Sec. 22. Section 16-247r of the general statutes is repealed and the
801 following is substituted in lieu thereof (*Effective July 1, 2021*):

802 No telephone company or certified telecommunications provider, as
803 defined in section 16-1, or broadband Internet access service provider
804 shall refuse to provide telecommunications services or broadband
805 Internet access services to, or refuse to negotiate to provide such services
806 to any customer because of age, race, creed, color, national origin,

807 ancestry, sex, gender identity or expression, marital status, sexual
808 orientation, lawful source of income, economic status, disability or
809 familial status. No telephone company, [or] certified
810 telecommunications provider or broadband Internet access service
811 provider shall decline to provide telecommunications services or
812 broadband Internet access services to a customer for the sole reason that
813 the customer is located in an economically distressed geographic area
814 or the customer qualifies for hardship status under section 16-262c, as
815 amended by this act, or any other provision of federal or state law. No
816 telephone company, [or] certified telecommunications provider or
817 broadband Internet access service provider shall terminate or refuse to
818 reinstate telecommunications services or broadband Internet access
819 services except in accordance with the provisions of this title. An
820 affected person may seek enforcement of this requirement by filing a
821 complaint with the Public Utilities Regulatory Authority. A
822 municipality within which the potential broadband Internet access
823 service customer resides, or the Office of State Broadband, may be
824 considered an affected person for purposes of this section.

825 Sec. 23. Subsection (a) of section 16-262c of the general statutes is
826 repealed and the following is substituted in lieu thereof (*Effective July 1,*
827 *2021*):

828 (a) Notwithstanding any other provision of the general statutes no
829 electric distribution, gas, telephone or water company, no electric
830 supplier or certified telecommunications provider, no broadband
831 Internet access service provider and no municipal utility furnishing
832 electric, gas, telephone or water service shall cause cessation of any such
833 service by reason of delinquency in payment for such service (1) on any
834 Friday, Saturday, Sunday, legal holiday or day before any legal holiday,
835 provided such a company, electric supplier, certified
836 telecommunications provider, broadband Internet access service
837 provider or municipal utility may cause cessation of such service to a
838 nonresidential account on a Friday which is not a legal holiday or the
839 day before a legal holiday when the business offices of the company,
840 electric supplier, certified telecommunications provider, broadband

841 Internet access service provider or municipal utility are open to the
 842 public the succeeding Saturday, (2) at any time during which the
 843 business offices of said company, electric supplier, certified
 844 telecommunications provider, broadband Internet access service
 845 provider or municipal utility are not open to the public, or (3) within
 846 one hour before the closing of the business offices of said company,
 847 electric supplier or municipal utility.

848 Sec. 24. (NEW) (*Effective July 1, 2021*) The State Building Inspector and
 849 the Codes and Standards Committee shall, in accordance with section
 850 29-252b of the general statutes, revise the State Building Code to include
 851 provisions requiring buildings that qualify as a new construction or a
 852 major alteration of a commercial or multifamily building to include a
 853 minimum infrastructure requirement to support broadband Internet
 854 access service. The State Building Inspector and the Codes and
 855 Standards Committee shall define such minimum infrastructure
 856 requirements in such revisions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	New section
Sec. 4	<i>July 1, 2021</i>	New section
Sec. 5	<i>July 1, 2021</i>	New section
Sec. 6	<i>July 1, 2021</i>	16-233
Sec. 7	<i>July 1, 2021</i>	7-536(a)(4)
Sec. 8	<i>July 1, 2021</i>	16-11
Sec. 9	<i>July 1, 2021</i>	16-12
Sec. 10	<i>July 1, 2021</i>	16-16
Sec. 11	<i>July 1, 2021</i>	16-47
Sec. 12	<i>July 1, 2021</i>	16-49
Sec. 13	<i>July 1, 2021</i>	New section
Sec. 14	<i>July 1, 2021</i>	New section
Sec. 15	<i>July 1, 2021</i>	New section
Sec. 16	<i>July 1, 2021</i>	New section
Sec. 17	<i>July 1, 2021</i>	New section
Sec. 18	<i>July 1, 2021</i>	16-331f

Sec. 19	July 1, 2021	16-331q
Sec. 20	July 1, 2021	New section
Sec. 21	July 1, 2021	New section
Sec. 22	July 1, 2021	16-247r
Sec. 23	July 1, 2021	16-262c(a)
Sec. 24	July 1, 2021	New section

Statement of Legislative Commissioners:

Throughout the bill, technical changes were made for clarity and conformity to standard drafting conventions and in Section 23, the word "no" was deleted for internal consistency.

ET *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Resources of the General Fund	GF - Revenue Gain	See Below	See Below
Various State Agencies	CC&PUCF - Revenue Gain	See Below	See Below
Public Utility Control, Dept.	CC&PUCF - Cost	1,589,720	1,637,400
Department of Energy and Environmental Protection	CC&PUCF - Cost	506,500	521,700
Policy & Mgmt., Off.	CC&PUCF - Cost	469,400	381,500
Consumer Counsel	CC&PUCF - Cost	352,800	363,400

Note: CC&PUCF=Consumer Counsel and Public Utility Control Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill establishes several requirements related to the regulation and development of broadband and results in a cost of approximately \$2.9 million in FY 22 and FY 23 to the Office of Policy and Management (OPM), the Public Utilities Regulatory Authority (PURA), the Department of Energy and Environmental Protection (DEEP), and the Office of Consumer Counsel (OCC). The bill also results in a corresponding revenue gain by requiring that certain broadband companies pay assessments to the Consumer Counsel and Public Utility Control Fund to offset costs.

The bill includes broadband service companies under the regulation

of the PURA. Regulating broadband companies will require PURA to hire 10 additional staff related to caseload increases, broadband research, and technical analysis. The total estimated salaries and fringe benefit costs of the additional staff is an estimated \$1,589,720 in FY 22 and \$1,637,400 in FY 23.¹

To fulfill the requirements under Section 2 of the bill, DEEP will need to hire 3 additional staff members for policy development and the creation of a service metric related to broadband at a total cost of \$506,500 in FY 22 and \$521,700 in FY 23. Similarly, it is anticipated that the Office of Consumer Counsel will need to hire 2 staff members for consumer advocacy and caseload increases for broadband related PURA proceedings.

Section 3 requires the Office of Policy and Management to develop maps of broadband availability and upload and download speeds across the state, resulting in a cost of \$469,399 in FY 22 and \$381,452 in FY 23 for consulting costs related to the development of broadband maps.

Section 7 allows municipalities to use LoCIP funding for the construction of a high-speed municipal broadband network. To the extent that municipalities use their LoCIP funding for this purpose, this at least partially offsets the cost to a municipality for the construction of such a network.

Section 12 of the bill includes broadband companies with annual gross revenue of at least \$100,000 to pay assessments to the PUC fund to defray the costs resulting from the bill. There is a corresponding equivalent revenue gain to the PUC fund, as determined by assessments levied on such companies by PURA.

¹ The fringe benefit costs for employees funded out of other appropriated funds are budgeted within the fringe benefit account of those funds, as opposed to the fringe benefit accounts within the Office of the State Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes for other appropriated fund employees is 95.57% of payroll in FY 22 and FY 23.

To the extent that the regulation of broadband companies results in civil penalties levied by PURA, there is a corresponding revenue gain to the General Fund equal to the amount in fines paid.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6442*****AN ACT CONCERNING EQUITABLE ACCESS TO BROADBAND.*****SUMMARY**

This bill contains numerous provisions related to broadband Internet access service (referred to as “broadband service” below) and broadband Internet access service providers (“broadband providers”). Among other things, it:

1. sets certain goals that state agencies must consider when implementing the bill;
2. requires the Office of Policy and Management (OPM) to develop state broadband availability maps and the Department of Energy and Environmental Protection (DEEP) to develop broadband speed metrics;
3. requires property owners to disclose, upon request, their property’s Internet speeds when they publicly list it for sale or rent;
4. allows municipalities to use grants from the Local Capital Improvement Program to build a municipal broadband network that meets certain speed requirements;
5. allows the Public Utilities Regulatory Authority (PURA) to exercise certain elements of its regulatory powers over broadband providers;
6. requires broadband providers to pay into the Public Utility Control Fund;
7. requires broadband providers to refund customers for service

-
- outages that last more the 24 hours;
8. requires PURA to develop a “one-touch make-ready” procedure for attaching additional equipment to utility poles; and
 9. limits the days and times when a broadband provider can terminate a customer’s service due to delinquent payments.

Under the bill, “broadband Internet access service” is a mass-market retail service by wire or radio that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the service’s operation, but excluding dial-up Internet access service. A “broadband Internet access service provider” is an entity that provides broadband Internet access service through facilities occupying public highways or streets authorized by PURA, including through a certificate of public convenience and necessity, a certificate of video franchise authority, a certificate of cable franchise authority, or as a certified telecommunications provider (see BACKGROUND). (Presumably, these definitions apply throughout the bill, although the bill limits their applicability to Section 1.)

EFFECTIVE DATE: July 1, 2021

§ 2 — GENERAL AGENCY DIRECTIVES

The bill requires state agencies, in carrying out the bill’s provisions, to consider the extent to which their programs or policies provide for affordable, high-speed broadband service and will (1) promote the state’s economic development; (3) expand educational and employment opportunities for state residents; (4) improve access to telehealth services; and (5) enhance service delivery by public, private, and not-for-profit institutions and entities.

Under the bill, these programs and policies must:

1. ensure the universal availability and accessibility of high-speed broadband service to all state residents and businesses;

2. establish an advanced standard for broadband service that increases with consumer demand and technological developments;
3. ensure that broadband service is available and affordable on a nondiscriminatory basis for all segments of the state's population, regardless of income, race, ethnicity, and religion;
4. study and create structures that allow partners and providers to successfully build and sustain broadband service infrastructure in all corners of the state;
5. ensure that state, municipal, and private educational institutions have continual access to broadband service at all times for educational and learning purposes;
6. encourage existing and new broadband providers to pilot and offer affordable services for residents, businesses, and state and municipal governments;
7. create a regulatory environment that protects consumers and incentivizes innovation, competition, and robust services from broadband providers; and
8. invest in developing a diverse broadband service technology workforce by encouraging strong ties to the state's educational community to grow the talent pipeline.

§ 3 — BROADBAND MAPPING

The bill requires OPM, in consultation with DEEP, the Office of State Broadband (OSB), the Department of Economic and Community Development (DECD) and other state agencies it deems appropriate, to develop a plan and reporting requirements to produce up-to-date maps of broadband availability and upload and download speeds in the state. It must do this in accordance with the state laws on geospatial information systems and the state data plan. OPM, OSB, and DEEP must jointly report on the plan's status to the governor by January 31, 2022.

The bill requires that broadband providers be consulted in developing the plan and reporting requirements for producing and maintaining detailed and accurate broadband maps. It allows OPM to employ outside consultants to develop the maps. It also requires the DECD commissioner to make recommendations about the needs of the business community and economic development, which OPM must include in the joint report.

The bill requires the Commission for Educational Technology (CET) to analyze the availability of broadband service and learning devices for students in pre-K to grade twelve and post-secondary education, including vocational and technical opportunities. It must do so in concert with, and informed by, the state broadband mapping activities, and in consultation with the Department of Education (DOE), OSB, OPM, the Connecticut State Colleges and Universities, the Office of Higher Education, and DECD. CET must report the status of its analysis to the governor and legislature by July 1, 2023.

§ 4 — BROADBAND SPEED METRICS

The bill requires DEEP, by January 31, 2022, to establish a broadband Internet speed classification metric of (1) well served, (2) adequately served, and (3) underserved communities in the state, to inform state policy, investment strategy and consumer awareness. It must do so in consultation with OSB, DECD, CET, and OPM. The metrics must include both upload and download speed metrics and other applicable standards, as DEEP determines.

By January 31, 2022, DEEP, in consultation with OSB, OPM, and DECD, must begin annually reporting on the metrics to the governor and the Energy and Technology Committee. The report must also include additional data sharing requirements developed in the plan and reporting requirements to produce broadband maps (see § 3).

Also, by January 31, 2022, DEEP, in consultation with OSB, OPM, and DECD, must begin annually reporting on the status and progress made towards a state-wide goal of attaining, by January 1, 2027, universal

access to (1) broadband Internet download speeds averaging one gigabit per second, and (2) broadband Internet upload speeds averaging two hundred megabits per second. DEEP must submit the annual report to the governor and Energy and Technology Committee until the goal has been met. The bill requires the broadband Internet speed classifications be adjusted each October 1, based on this report.

§ 5 — DISCLOSURE OF A PROPERTY'S INTERNET SPEEDS

The bill requires each broadband provider to (1) maintain records of a property's available broadband Internet upload and download speeds for the preceding twelve months of occupation and (2) make them available to the property's Internet service account holder and to the serviced property's owner for free.

It also requires a property owner to disclose the property's upload and download speeds for the preceding twelve months of occupation, upon request, when the property is publicly listed for sale or rent.

§§ 6-7 — MUNICIPAL BROADBAND

The Municipal Gain (§ 6)

The law gives each municipality (town, city, borough, or fire district) and the Department of Transportation (DOT), a right to occupy, for free, one position ("gain") on any utility pole or underground communications duct within the municipality for any purpose. The bill specifies that this may include providing broadband Internet access service to the public in the municipality, either directly or through commercial arrangements with third parties. But if a municipality sells its right to occupy and use the gain to a third-party company, the company must pay any applicable public utility pole administration or attachment fees.

Local Capital Improvement Funds (§ 7)

Current law allows Local Capital Improvement Program (LoCIP) grants to fund activities related to planning a municipal broadband network with a speed of at least 384 megabits per second (Mbps). The bill allows the grants to also be used for constructing the network but

raises the network's required speed to one gigabit per second for Internet downloads and 200 Mbps for Internet uploads.

Under the LoCIP, municipalities must apply to OPM for formula-based entitlement grants that may be used for various specified capital projects, including improvements to roads and sidewalks, building security systems, and technology upgrades (CGS § 7-535 et seq.).

§§ 8-10 & 12 — PURA JURISDICTION OVER PROVIDERS

General Authority (§ 8)

Current law generally requires PURA to keep fully informed about the condition of a regulated utility company's facilities and equipment with respect to (1) their ability to meet their legal duties and (2) the safety of their employees and the public. The bill extends PURA's responsibility for this to also cover broadband providers.

In doing so, it allows PURA to order reasonable improvements, repairs, or alterations to the providers' facilities and equipment, and changes in a provider's way of operating, as may be reasonably needed in the public interest. The bill also specifies that the general purpose of this provision and the provision on holding companies (see below) is to (1) assure that the state has its full powers to regulate broadband Internet access service providers, (2) increase PURA's powers, and (3) promote local control of broadband providers, and that they must be construed to effectuate these purposes.

Complaints (§ 9)

The bill allows individuals and municipalities to make a written complaint to PURA about any defects in a broadband provider's facilities or equipment, or how it is being operated, if it is endangering public safety or the health and safety of employees. Current law allows this for the facilities and equipment of regulated utility companies. As under the current law, if the complainant requests it, PURA must not disclose the complainant's name except under certain limited circumstances.

Accident Notification (§ 10)

The bill extends current laws' requirements for regulated utility company accident reporting to cover broadband providers. Among other things, this requires a provider to notify PURA about any accident involving a personal injury or public safety that was or may have been connected with or due to the operation of its property or caused by contact with its wires. The provider must notify PURA as soon as reasonably possible after the accident occurs, unless it is a minor accident, as defined in PURA's regulations.

Fines. The bill also increases, from \$500 to \$5,000, the maximum fine that may be imposed on any person, regulated utility company, broadband provider, or electric supplier that fails to comply with law's accident notification requirements.

General Enforcement Powers (§ 12)

By subjecting broadband providers that have more than \$100,000 in annual gross revenues to the Public Utility Control Fund assessment (see § 12 below), the bill also brings these providers under PURA's general enforcement powers for public service companies. Thus, the broadband providers must obey, observe, and comply with all applicable provisions of the laws and regulations on public service companies. And if PURA finds that they failed to do so, it must fine them as required by the applicable law, or if no penalty is prescribed, up to \$10,000 for each offense, or up to \$40,000 for failure to comply with an order from PURA. Under the bill, the same notice and procedural requirements that apply to public service companies for these penalties also apply to the covered broadband providers.

§ 11 — PURA REVIEW OF HOLDING COMPANIES

Current law requires PURA's review and approval when:

1. a utility company, holding company, or out-of-state agency (a) interferes with, (b) seeks to interfere with, or (c) exercises or seeks to exercise control over a Connecticut utility company, cable-TV company, or holding company; or
2. any entity (a) takes actions that make it a holding company that

controls a Connecticut utility or cable-TV company; (b) acquires control over such a holding company; or (c) takes any action that, if successful, would make it a holding company or give it control over a holding company.

The bill expands this provision to also require PURA's review and approval when these actions involve a certified telecommunications provider, certified competitive video service provider (e.g., Frontier-TV), certified video franchise authority provider, or broadband provider (referred to as "service providers" below). (By law, a certified competitive video service provider operates under a certificate of video franchise authority, thus the difference between a certified competitive video service provider and a certified video franchise authority provider is unclear.)

This expansion generally subjects the service providers to the same requirements, criteria, and procedures applicable to other entities when PURA reviews these holding company actions. Among other things, it:

1. allows PURA to request the views of the providers as part of its investigation;
2. requires PURA to consider factors such as the applicant for approval's financial, technological, and managerial suitability;
3. allows PURA to order a party in the proceeding to refrain from communicating with certain entities; and
4. allows the service providers to seek a court injunction under certain circumstances.

Decision Deadline

Current law generally requires PURA to issue its decision within 200 days after the application for review and approval was filed. The bill however, requires PURA to issue its decision within 120 days when these actions involve a cable TV company (which is currently subject to the 200-day deadline), holders of a certificate of cable franchise

authority (see BACKGROUND), and holders of a certificate of video franchise authority. Unlike current law for the 200-day deadline, which allows PURA to extend the deadline by 30 days after notifying the parties and intervenors, the bill does not allow PURA to extend the 120-day deadline unless the entity seeking approval agrees.

§ 12 — PUBLIC UTILITY CONTROL FUND

Under current law, the administrative costs of PURA, the Office of Consumer Council (OCC), and DEEP's Bureau of Energy and Technology are funded through assessments on public service companies, telephone companies, certified telecommunications providers, retail electric suppliers, and certified competitive video service providers that had more than \$100,000 in gross revenues in the state in the preceding calendar year. PURA annually assesses each company for its share of expenses for OCC, DEEP's energy bureau, and PURA.

The bill also subjects to this assessment broadband providers that had more than \$100,000 in gross revenues in the state in the preceding calendar year. In addition, it expands the assessment to also cover OPM's expenses related to developing broadband mapping and speed metrics as required under the bill.

§ 13 — COMPLAINTS AND PURA MEDIATION

The bill requires PURA to receive, process, and record consumer and business complaints for each broadband provider. And it requires them to each implement a process for handling inquiries from PURA and customer inquiries, billing issues, service issues and other complaints.

If an issue is not resolved through this process, the bill allows a customer to ask PURA for a confidential, nonbinding mediation with the broadband provider, and a designated member of PURA's staff must serve as the mediator. If the mediation is unsuccessful, the customer may file a formal complaint with PURA. If it finds the provider noncompliant with these provisions on complaints and

mediation, PURA must order the provider to remedy the noncompliance within a reasonable period of time. A provider's failure to comply may subject it to civil penalties of up to \$40,000 for a failure to comply with an order, and injunctive relief.

§ 14 — BROADBAND PROVIDER LIMITATIONS

The bill prohibits broadband providers from (1) blocking, restricting, or interfering with an end user's use of nonharmful devices, (2) interfering with an end user's ability to select a broadband provider, or (3) denying a potential customer broadband service based on discriminatory financial terms, credit scores, or arrearage on charges for other services that the provider offers.

§ 15 — SERVICE OUTAGES

The bill requires broadband providers, after a power outage, to restore service to their customers within 24 hours after power has been restored, unless PURA extends the deadline due to the severity of a weather, or other catastrophic, event.

It also requires each provider to give an affected customer an account credit or refund for any outage, continuous or intermittent, of broadband service that occurs for the customer for more than 24 consecutive hours, unless the customer caused the outage. Under the bill, anytime a provider has such an outage it must file a report with PURA and OSB within 15 days after the outage (the bill does not specify if it is 15 days from the beginning or end of the outage).

The bill requires PURA, by December 31, 2021, to begin a proceeding to investigate the resiliency of service and infrastructure provided by wireline cable, telecommunications, and broadband providers to ensure proper planning for the timely restoration of broadband services after electrical or other outages.

§ 16 — NOTICE REQUIREMENTS

The bill requires broadband providers, when they initially activate a customer's service and then annually or upon request, to provide a customer with a notice of (1) all available options for broadband service,

including upload and download speeds; (2) the charges for each option; (3) its credit policies, including any finance charges or late payment charges; and (4) its network management practices related to an end user's Internet use.

The bill also requires broadband providers to inform PURA, DEEP, the Energy and Technology Committee's chairpersons, OSB, and each customer within the affected service area about any changes to their (1) charges for Internet service or equipment use, (2) upload or download speeds, and (3) network management practices related to an end user's Internet use. The providers must do this at least 30 days before implementing the change.

§ 17 — ANNUAL REPORTS BY BROADBAND PROVIDERS

The bill requires each broadband provider, starting by March 1, 2022, to annually file a report with PURA, DEEP, the Energy and Technology Committee's chairpersons, OSB, and DECD. The report must be on the provider's operations within the state, including availability of its broadband service areas, upload and download speeds in each service area, service outages, and other requirements set by PURA. The report must be provided in a form designated by PURA, in consultation with DEEP, DECD, and OSB.

§§ 18-19 — VIDEO & CABLE-TV PROVIDERS

Current law prohibits PURA from requiring certified competitive video service providers (e.g., Frontier-TV) and companies that have a certificate of cable franchise authority (i.e., cable-TV providers) to comply with facility build-out requirements or to provide their services to a customer through any specific technology. The bill removes this prohibition. It keeps the law's prohibition on PURA imposing any rate regulation on these types of video providers, but for certified competitive video service providers, it specifies that the prohibition is limited to regulating rates for video services.

The bill requires each certified competitive video service provider and cable-TV provider to submit an affidavit certifying that it has

facilities in the public highways, streets, or other public rights-of-way in its service areas that are capable of providing video service and all other services that it offers to each residential, governmental, and commercial address. They must submit their affidavits by September 30, 2022, to PURA, DEEP, the Energy and Technology Committee's chairpersons, OSB, and DECD. The bill allows the providers to consider using existing state broadband assets to comply with this requirement.

The bill prohibits certified competitive video service providers and cable-TV providers from assessing a contribution in aid of construction or any other charge to a potential customer for the build-out of any facilities in the public highways, streets, or other public rights-of-way.

Under the bill, if either type of provider fails to comply with the affidavit requirement or assesses a prohibited build-out charge, PURA may impose civil penalties of up to \$10,000 per offense and open a proceeding to revoke the provider's certification.

§ 20 — UTILITY POLE ATTACHMENTS AND UNDERGROUND CONDUIT

Make-Ready Requirements

The bill requires PURA, in an uncontested proceeding and by January 31, 2022, to develop a process for constructing facilities in the public highways, streets, or other public rights-of-way that ensures timely and nondiscriminatory procedures for utility pole attachments and conduit excavations for telecommunications service providers and broadband providers.

It also requires PURA, by that same date and in an uncontested proceeding, to develop a "one-touch make-ready" process for attaching telecommunications service and broadband service facilities on utility poles, to be implemented by the poles' owners. Under the bill, a "one-touch make-ready" is modifying or replacing a utility pole, or the lines or equipment on it, to accommodate additional facilities on the pole, and the person attaching the new equipment performs all of the modification or replacement work.

Under the bill, PURA must submit a report, by January 1, 2022, that includes its fully developed one-touch make-ready process to the Energy and Technology Committee, OSB, DEEP, DECD, and DOT. (The bill requires PURA to submit this report before its deadline to develop the process.)

Pole Attachments

The bill requires that an applicant for a utility pole attachment license made to the pole's owner or custodian, be granted a (1) temporary license within 30 days after submitting a complete application and (2) permanent license within 90 days after submitting a complete application. It requires PURA to establish an expedited dispute resolution process to address any issues that may arise between an individual attaching telecommunications service or broadband service facilities on a utility pole and the pole's owner or custodian.

Requirements for Underground Facilities

The bill requires PURA to impose certain requirements on Internet access service providers when they apply to build underground facilities that will contain conduit for telecommunications service providers or broadband providers (it is unclear when or why the providers must apply to PURA to do this). Under the bill, PURA must condition its approval on the following requirements:

1. the size of the conduit must be consistent with industry best practices and sufficient to accommodate potential demand;
2. handholes and manholes for fiber optic cable access and pulling, respectively, must be placed at intervals consistent with industry best practices;
3. the conduit must be installed with a pull tape and capable of supporting additional fiber optic cable;
4. the applicant must notify telecommunications service providers and broadband providers about the proposed excavation to reduce the potential for future street excavations in the same

location;

5. a telecommunications service provider or broadband provider, upon request, must be able to access the conduit on a competitively neutral and nondiscriminatory basis, and for a charge that does not exceed a cost-based rate; and
6. the applicant must report to PURA upon completion to verify that it has complied with the above requirements.

Excavations in State Highway Rights-of-Way

For excavations in the state highway rights-of-way, the bill requires the applicant to comply with DOT's encroachment permit process, including paying any applicable fees. Any application for construction in the public highways, streets, or other public rights-of-way must require the applicant to install a conduit for DOT's benefit, as required by the municipal gain law (see § 6 above).

The bill authorizes the DOT commissioner to lease space or enter into a contract or agreement to permit access to space, in any conduit installed by DOT in the public highways, streets, or other public rights-of-way. The lease or contract may be on the terms and conditions, and for any purpose, deemed to be in the public interest by the commissioner. The bill specifies that it does not limit DOT's use of conduits on public highways, streets, or other public rights-of-way as otherwise permitted by law.

Provision Coverage & Penalties

Under the bill, all PURA-regulated utility companies and other persons that PURA authorizes to install facilities in, under, or over the public highways, streets, or other public rights-of-way must obey, observe, and comply with these provisions on pole attachments and underground conduit and PURA's applicable orders about them. Failure to comply may result in a fine of up to \$100,000 for a willful violation or up to \$50,000 for other violations. PURA must impose the civil penalty under its statutory procedure for doing so.

Under the bill, these fines cannot be recovered in any rate proceeding conducted by PURA.

§ 21 — ACCESS TO OCCUPIED BUILDINGS

The bill gives each broadband provider the same right of access to an “occupied building” as telecommunications service providers have under current law. Under the bill, an “occupied building” is a building or a part of a building that is rented, leased, hired out, arranged or designed to be occupied, or is occupied (1) as the home or residence of at least three families living independently of each other; (2) as the place of business of at least three businesses conducting business independently of each other, or (3) by any combination of at least three independent families and businesses. It includes trailer parks, mobile manufactured home parks, nursing homes, hospitals, and condominium associations.

In effect this requires, among other things, an occupied building’s owner to allow wiring to provide broadband service in the building if: (1) a tenant requests services from the broadband provider; (2) the entire cost of the wiring is assumed by the provider; and (3) the provider indemnifies and holds the owner harmless for any damages caused by the wiring.

The bill also eliminates a provision in current law that gives certified competitive video service providers similar rights and responsibilities for service and wiring to multi-unit residential buildings (§ 18). (Presumably, these providers would, in practice, also be covered by the provision of § 21 in the bill.)

§ 22 — ANTI-DISCRIMINATION

Current law prohibits telephone companies and certified telecommunications providers from (1) refusing to provide, or negotiate to provide, their services to any customer because of age, race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, sexual orientation, lawful source of income, disability or familial status; or (2) declining to provide service to a customer solely

because the customer is in an economically distressed area or qualifies for hardship status.

The bill expands these prohibitions to include broadband providers and their services and adds economic status to the list of protected characteristics. It similarly covers broadband providers under the current law's prohibition against telephone companies and certified telecommunications providers terminating or refusing to reinstate service except as allowed under the public utility laws.

The bill allows an affected person, including a municipality where a potential broadband service customer resides, or OSB, to seek enforcement of these requirements by filing a complaint with PURA.

§ 23 — SERVICE TERMINATIONS FOR DELINQUENT PAYMENTS

The bill prohibits broadband providers from terminating service because of delinquent payments:

1. on a Friday, Saturday, Sunday, legal holiday, or day before a legal holiday (unless it is for a nonresidential account on a Friday that is not a holiday or day before a holiday and the provider is open the next day);
2. when the provider's business office is closed to the public; or
3. less than one hour before the provider's business office closes to the public.

Current law prohibits other utility companies from stopping service because of delinquent payments during the same times.

§ 24 — STATE BUILDING CODE

The bill requires the state building inspector and the Codes and Standards Committee to revise the State Building Code so that it requires buildings that qualify as a new construction or a major alteration of a commercial or multi-family building to include a minimum infrastructure requirement to support broadband service. The inspector and committee must define these requirements in the

revisions. The bill does not establish a deadline for this revision.

BACKGROUND

Certified Competitive Video Service Provider

By law, a certified competitive video service provider is an entity providing video service under a PURA-issued certificate of video franchise authority (e.g., AT&T’s U-Verse service) (CGS § 16-1(a)(41)). A certificate of video franchise authority grants the right to own, lease, maintain, operate, manage, or control facilities in, under or over any public highway to offer video service to any subscribers in the state (CGS § 16-1(a)(42)).

Certificate of Cable Franchise Authority

By law, a certificate of cable franchise authority is a PURA-issued authorization giving a cable-TV company the right to own, lease, maintain, operate, manage or control a cable-TV system in, under or over any public highway to (a) offer cable-TV service in its designated franchise area, or (b) use the public rights-of-way to offer video service in a designated franchise area (CGS § 16-1(a)(43)).

Certified Telecommunications Provider

By law, a certified telecommunications provider is an entity certified by PURA to provide intrastate telecommunications services (CGS § 16-1(a)(32)).

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 19 Nay 7 (03/18/2021)