



General Assembly

January Session, 2021

Substitute Bill No. 6442



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