



General Assembly

Amendment

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LCO No. **9750**



Offered by:

REP. ARCONTI, 109th Dist.
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To: Subst. House Bill No. **6442**

File No. 262

Cal. No. 216

"AN ACT CONCERNING EQUITABLE ACCESS TO BROADBAND."

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

3 "Section 1. (NEW) (*Effective July 1, 2021*) As used in this section and
4 sections 2 to 8, inclusive, of this act:

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

10 (2) "Broadband Internet access service provider" means any person or

11 entity that provides broadband Internet access service through facilities
12 occupying public highways or streets authorized by the Public Utilities
13 Regulatory Authority, including through a certificate of public
14 convenience and necessity, a certificate of video franchise authority, a
15 certificate of cable franchise authority, or as a certified
16 telecommunications provider;

17 (3) "Digital equity" means a condition in which all individuals and
18 communities have the information technology capacity needed for
19 participation in society, democracy and the economy of the state;

20 (4) "Digital literacy" means the ability to use information and
21 communication technologies to find, evaluate, create and communicate
22 information, requiring both cognitive and technical skills;

23 (5) "Distressed municipality" has the same meaning as provided in
24 section 32-9p of the general statutes;

25 (6) "Shapefile" means a digital storage format containing geospatial
26 or location-based data and attribute information (A) regarding the
27 availability of broadband Internet access service, and (B) that can be
28 viewed, edited, and mapped in geographic information system
29 software; and

30 (7) "Unserved area" means an area, not larger than a United States
31 census block, as determined in accordance with the most recent United
32 States census, identified on the broadband map developed pursuant to
33 section 2 of this act, where broadband Internet access service with
34 download speeds of at least twenty-five megabits per second and
35 upload speeds of at least three megabits per second is not available from
36 at least one broadband Internet access service provider.

37 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) The Office of Policy and
38 Management shall, in accordance with sections 4d-90 and 4-67p of the
39 general statutes and in consultation with other state agencies deemed
40 appropriate by the Secretary of the Office of Policy and Management,
41 develop and maintain an up-to-date broadband map, with

42 accompanying data, showing the availability and adoption of
43 broadband Internet access service, including broadband Internet
44 download and upload speeds, in the state. The Office of Policy and
45 Management may rely on credible and relevant data, as determined by
46 the Secretary of the Office of Policy and Management, provided by
47 broadband Internet access service providers, state agencies, political
48 subdivisions of the state and other third parties, including, but not
49 limited to, broadband Internet access service consumers, in the
50 development and maintenance of said map. The Secretary of the Office
51 of Policy and Management may employ outside consultants in the
52 development and maintenance of said map.

53 (b) On or before December 1, 2022, and each year thereafter, the
54 Secretary of the Office of Policy and Management shall publish said up-
55 to-date broadband map on the Office of Policy and Management's
56 Internet web site.

57 (c) (1) Each broadband Internet access service provider shall provide
58 the Office of Policy and Management, in a form and manner prescribed
59 by the Secretary of the Office of Policy and Management, with
60 information required to develop and maintain an up-to-date broadband
61 map showing the availability of broadband Internet access service and
62 subscription data by broadband Internet speed offered by such
63 provider.

64 (A) Such information may be submitted in the form of a labeled
65 shapefile that shall include (i) for each address or structure in the state
66 at which service is available from the broadband Internet access service
67 provider, the maximum advertised downstream bandwidth, maximum
68 advertised upstream bandwidth and transmission technology, and (ii)
69 for each area served by the broadband Internet access service provider,
70 provided such area is not larger than a census block group, for each
71 combination of advertised downstream and upstream bandwidth of the
72 service as sold and transmission technology, the total number of
73 connections and total number of consumer connections.

74 (B) In prescribing the form and manner of the information submitted
75 pursuant to this subsection, the Secretary of the Office of Policy and
76 Management shall make reasonable efforts to conform with the
77 Broadband Deployment Accuracy and Technological Availability Act,
78 47 USC 641 et seq., as amended from time to time, the Federal
79 Communications Commission rules adopted thereunder and the
80 Federal Communications Commission's Form 477 filing process.

81 (2) Any information provided by a broadband Internet access service
82 provider pursuant to this subsection shall be deemed a trade secret and
83 exempt from public disclosure pursuant to section 1-210 of the general
84 statutes. Pursuant to a data sharing agreement, the Office of Policy and
85 Management may provide such information to the Department of
86 Energy and Environmental Protection, the Office of State Broadband
87 and the Commission for Educational Technology for the purposes of
88 administering the grant program and preparing the reports required
89 under section 3 of this act, and shall not disclose such information to any
90 nongovernmental individual or entity, other than an outside consultant
91 employed pursuant to subsection (a) of this section or section 3 of this
92 act, except: (A) In an aggregated form necessary to develop and
93 maintain the map and data pursuant to subsection (a) of this section, or
94 (B) with the permission of the broadband Internet access service
95 provider. Any contract or data-sharing agreement entered into by the
96 Office of Policy and Management with other governmental entities or
97 outside consultants shall include a confidentiality agreement
98 concerning the trade secret information obtained pursuant to this
99 subsection.

100 (d) Each state agency and political subdivision of the state shall
101 provide all information requested by the Office of Policy and
102 Management for the purpose of developing and maintaining an up-to-
103 date broadband map.

104 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) On or before January 1, 2022,
105 the Commissioner of Energy and Environmental Protection shall
106 establish and administer a grant program, subject to the availability of

107 federal funding, to support the deployment of broadband Internet
108 access service. The commissioner shall establish criteria consistent with
109 any requirement of federal law for the grants, including, but not limited
110 to, (1) application requirements, (2) applicant eligibility, (3) addressing
111 unserved areas in distressed municipalities, (4) broadband Internet
112 access service speed, and (5) an applicant's commitment to pay at least
113 twenty per cent of the costs for any project entered into pursuant to this
114 section with such applicant's own funding, provided such funding does
115 not derive from government grants, loans or subsidies to said applicant.
116 In awarding such grants, the commissioner may give priority to
117 applicants based on the percentage of said applicant's commitment to
118 cost sharing. The commissioner may deny applications from broadband
119 Internet access service providers that do not provide information to the
120 Office of Policy and Management pursuant to subsection (c) of section 2
121 of this act or to the Department of Energy and Environmental Protection
122 pursuant to subsection (b) of section 4 of this act. The commissioner may
123 employ outside consultants in developing and implementing said grant
124 program.

125 (b) On or before January 1, 2023, and every year thereafter for a
126 period of five years after receiving a grant pursuant to this section, the
127 recipient of such grant shall submit a report to the Commissioner of
128 Energy and Environmental Protection concerning the status of such
129 recipient's broadband Internet access service deployment and other
130 information deemed relevant by the commissioner.

131 (c) On or before December 1, 2022, and every two years thereafter, the
132 Department of Energy and Environmental Protection, in consultation
133 with the Office of Policy and Management, the Office of State
134 Broadband, the Commission for Educational Technology and other state
135 agencies deemed appropriate by the Commissioner of Energy and
136 Environmental Protection, shall report to the Governor concerning (1)
137 the grants awarded pursuant to this section, (2) the status and progress
138 made toward a state-wide goal of attaining universal access to (A)
139 broadband Internet download speeds of one gigabit per second; and (B)
140 broadband Internet upload speeds of one hundred megabits per second,

141 and (3) broadband Internet access service adoption rates, the price and
142 nonprice barriers to broadband adoption and digital equity. Such report
143 shall include recommendations to overcome any such barriers,
144 including, but not limited to, addressing issues of digital literacy and
145 affordability.

146 Sec. 4. (NEW) (*Effective July 1, 2021*) (a) The Department of Energy
147 and Environmental Protection shall maintain, on the department's
148 Internet web site, a public listing of federal funding opportunities to
149 facilitate the deployment of broadband Internet access service in the
150 state.

151 (b) Not later than ninety days after each such opportunity is listed,
152 each broadband Internet access service provider shall notify the
153 Department of Energy and Environmental Protection, in a form and
154 manner prescribed by the department, to the extent permissible under
155 applicable federal law, rules or guidelines, whether such provider
156 applied or intends to apply for such opportunity.

157 (1) If such provider applied or intends to apply for such opportunity,
158 such provider shall notify the Department of Energy and Environmental
159 Protection, in a form and manner prescribed by the department, of the
160 municipalities where broadband deployment would be facilitated. Each
161 broadband Internet access service provider that applies for such
162 funding shall, to the extent permissible under federal law, rules or
163 guidelines, provide the department with a copy of the application. Any
164 application provided by such provider pursuant to this subparagraph
165 shall be deemed a trade secret and exempt from public disclosure
166 pursuant to section 1-210 of the general statutes.

167 (2) If such provider did not apply or does not intend to apply for such
168 opportunity, such provider shall notify the Department of Energy and
169 Environmental Protection, in a form and manner prescribed by the
170 department, of the reasons for such determination to the extent
171 permissible under applicable federal law, rules or guidelines.

172 Sec. 5. (NEW) (*Effective July 1, 2021*) (a) On or before January 1, 2022,

173 the Public Utilities Regulatory Authority shall initiate an uncontested
174 proceeding to develop a process for the construction of facilities in the
175 public highways, streets or other public rights-of-way to ensure timely
176 and nondiscriminatory procedures that accomplish conduit excavations
177 for telecommunications service providers and broadband Internet
178 access service providers. Upon application by the broadband Internet
179 access service providers for the construction of underground facilities
180 that will contain conduit for telecommunications service providers or
181 broadband Internet access service providers, the Public Utilities
182 Regulatory Authority shall condition any approval of such application
183 on the following:

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

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

189 (3) Such conduit shall be installed with a pull tape and capabilities of
190 supporting additional fiber optic cable;

191 (4) The applicant shall notify telecommunications service providers
192 and broadband Internet access service providers of the proposed
193 excavation to reduce the potential for future street excavations in the
194 same location;

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

199 (6) The applicant shall report to the authority upon completion of any
200 approved construction verifying that it has complied with the
201 provisions of this subsection; and

202 (7) Any other condition deemed prudent and reasonable by the

203 authority.

204 (b) For excavations in the state highway rights-of-way, the applicant
205 shall comply with the Department of Transportation's encroachment
206 permit process, including the payment of any applicable fees. Any
207 application for construction in the public highways, streets or other
208 public rights-of-way shall require the applicant to install a conduit for
209 the benefit of the Department of Transportation, as required by section
210 16-233 of the general statutes, as amended by this act.

211 (c) The Commissioner of Transportation is authorized to lease space,
212 or enter into any other contract or agreement to permit access to such
213 space, in any conduit installed by the Department of Transportation in
214 the public highways, streets or other public rights-of-way on such terms
215 and conditions, and for any purpose, deemed to be in the public interest
216 by said commissioner.

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

220 (e) All telecommunications service providers and broadband Internet
221 access service providers that are authorized by the authority to install
222 facilities in, under or over the public highways, streets or other public
223 rights-of-way shall obey, observe and comply with this section and each
224 applicable order made by the authority with respect to underground
225 conduit. Failure to comply with this section or applicable orders of the
226 authority may result in a civil penalty levied by the authority in
227 accordance with section 16-41 of the general statutes. Any such fines
228 shall not be recoverable costs in any rate proceeding conducted by the
229 authority.

230 Sec. 6. (NEW) (*Effective July 1, 2021*) Each broadband Internet access
231 service provider shall have the same right of access to an occupied
232 building, as defined in section 16-247l of the general statutes, as afforded
233 to certified telecommunications service providers under section 16-247l
234 of the general statutes.

235 Sec. 7. (NEW) (*Effective July 1, 2021*) The State Building Inspector and
236 the Codes and Standards Committee shall, in accordance with section
237 29-252b of the general statutes, revise the State Building Code to include
238 provisions requiring buildings that qualify as a new construction or a
239 major alteration of a commercial or multifamily building to include a
240 minimum infrastructure requirement to support broadband Internet
241 access service. The State Building Inspector and the Codes and
242 Standards Committee shall define such minimum infrastructure
243 requirements in such revisions.

244 Sec. 8. Section 16-49 of the general statutes is repealed and the
245 following is substituted in lieu thereof (*Effective July 1, 2021*):

246 (a) As used in this section:

247 (1) "Company" means (A) any public service company other than a
248 telephone company, that had more than one hundred thousand dollars
249 of gross revenues in the state in the calendar year preceding the
250 assessment year under this section, except any such company not
251 providing service to retail customers in the state, (B) any telephone
252 company that had more than one hundred thousand dollars of gross
253 revenues in the state from telecommunications services in the calendar
254 year preceding the assessment year under this section, except any such
255 company not providing service to retail customers in the state, (C) any
256 certified telecommunications provider that had more than one hundred
257 thousand dollars of gross revenues in the state from
258 telecommunications services in the calendar year preceding the
259 assessment year under this section, except any such certified
260 telecommunications provider not providing service to retail customers
261 in the state, (D) any electric supplier that had more than one hundred
262 thousand dollars of gross revenues in the state in the calendar year
263 preceding the assessment year under this section, except any such
264 supplier not providing electric generation services to retail customers in
265 the state, or (E) any certified competitive video service provider issued
266 a certificate of video franchise authority by the Public Utilities
267 Regulatory Authority in accordance with section 16-331e that had more

268 than one hundred thousand dollars of gross revenues in the state in the
269 calendar year preceding the assessment year under this section, except
270 any such certified competitive video service provider not providing
271 service to retail customers in the state;

272 (2) "Telecommunications services" means (A) in the case of
273 telecommunications services provided by a telephone company, any
274 service provided pursuant to a tariff approved by the authority other
275 than wholesale services and resold access and interconnections services,
276 and (B) in the case of telecommunications services provided by a
277 certified telecommunications provider other than a telephone company,
278 any service provided pursuant to a tariff approved by the authority and
279 pursuant to a certificate of public convenience and necessity; and

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

282 (b) On or before July 15, 1999, and on or before May first, annually
283 thereafter, each company shall report its intrastate gross revenues of the
284 preceding calendar year to the Public Utilities Regulatory Authority,
285 which amount shall be subject to audit by the authority. For each fiscal
286 year, each company shall pay the authority the company's share of all
287 expenses of the department's Bureau of Energy and Technology, the
288 Office of Consumer Counsel, the Office of Policy and Management's
289 expenses related to the duties under sections 2 and 3 of this act and the
290 operations of the Public Utilities Regulatory Authority for such fiscal
291 year. On or before September first, annually, the authority shall give to
292 each company a statement which shall include: (1) The amount
293 appropriated to the department's Bureau of Energy and Technology, the
294 Office of Consumer Counsel, the Office of Policy and Management's
295 expenses related to the duties under sections 2 and 3 of this act and the
296 operations of the Public Utilities Regulatory Authority for the fiscal year
297 beginning July first of the same year; (2) the total gross revenues of all
298 companies; and (3) the proposed assessment against the company for
299 the fiscal year beginning on July first of the same year, adjusted to reflect
300 the estimated payment required under subdivision (1) of subsection (c)

301 of this section. Such proposed assessment shall be calculated by
302 multiplying the company's percentage share of the total gross revenues
303 as specified in subdivision (2) of this subsection by the total revenue
304 appropriated to the department's Bureau of Energy and Technology, the
305 Office of Consumer Counsel, the Office of Policy and Management's
306 expenses related to the duties under sections 2 and 3 of this act and the
307 operations of the Public Utility Regulatory Authority, as specified in
308 subdivision (1) of this subsection.

309 (c) Each company shall pay the authority: (1) On or before June
310 thirtieth, annually, an estimated payment for the expenses of the
311 following year equal to twenty-five per cent of its assessment for the
312 fiscal year ending on such June thirtieth, (2) on or before September
313 thirtieth, annually, twenty-five per cent of its proposed assessment,
314 adjusted to reflect any credit or amount due under the recalculated
315 assessment for the preceding fiscal year, as determined by the authority
316 under subsection (d) of this section, provided if the company files an
317 objection in accordance with subsection (e) of this section, it may
318 withhold the amount stated in its objection, and (3) on or before the
319 following December thirty-first and March thirty-first, annually, the
320 remaining fifty per cent of its proposed assessment in two equal
321 installments.

322 (d) Immediately following the close of each fiscal year, the authority
323 shall recalculate the proposed assessment of each company, based on
324 the expenses, as determined by the Comptroller, of the department's
325 Bureau of Energy and Technology, the Office of Consumer Counsel, the
326 Office of Policy and Management's expenses related to the duties under
327 sections 2 and 3 of this act and the operations of the Public Utilities
328 Regulatory Authority for such fiscal year. On or before September first,
329 annually, the authority shall give to each company a statement showing
330 the difference between its recalculated assessment and the amount
331 previously paid by the company.

332 (e) Any company may object to a proposed or recalculated
333 assessment by filing with the authority, not later than September

334 fifteenth of the year of said assessment, a petition stating the amount of
 335 the proposed or recalculated assessment to which it objects and the
 336 grounds upon which it claims such assessment is excessive, erroneous,
 337 unlawful or invalid. After a company has filed a petition, the authority
 338 shall hold a hearing. After reviewing the company's petition and
 339 testimony, if any, the authority shall issue an order in accordance with
 340 its findings. The company shall pay the authority the amount indicated
 341 in the order not later than thirty days after the date of the order.

342 (f) The authority shall remit all payments received under this section
 343 to the State Treasurer for deposit in the Consumer Counsel and Public
 344 Utility Control Fund established under section 16-48a. Such funds shall
 345 be accounted for as expenses recovered from public service companies
 346 and certified telecommunications providers. All payments made under
 347 this section shall be in addition to any taxes payable to the state under
 348 chapters 211, 212, 212a and 219.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	New section
Sec. 2	July 1, 2021	New section
Sec. 3	July 1, 2021	New section
Sec. 4	July 1, 2021	New section
Sec. 5	July 1, 2021	New section
Sec. 6	July 1, 2021	New section
Sec. 7	July 1, 2021	New section
Sec. 8	July 1, 2021	16-49