

File No. 630

(Reprint of File No. 88)

Substitute House Bill No. 5605
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
April 29, 1998

AN ACT CONCERNING COMMUNITY ANTENNA TELEVISION
COMPANIES.

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

1 Section 1. Section 16-32a of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 The Department of Public Utility Control
5 shall by regulation require public service
6 companies to file statements of their procurement
7 policies and practices WHENEVER THERE IS A
8 MATERIAL CHANGE TO SUCH POLICIES OR PRACTICES.
9 Where, after investigation, the department
10 determines that competitive bidding seems likely
11 to reduce procurement costs without impairing
12 quality, continuity or dependability of service or
13 the ability to respond to emergencies, the
14 department may, after notice and public hearing,
15 establish such regulations as it deems necessary
16 to provide for competitive bidding in appropriate
17 cases, but only if the contract price exceeds
18 fifty thousand dollars in each such case.

19 Sec. 2. Subdivision (1) of subsection (c) of
20 section 16-331 of the general statutes is repealed
21 and the following is substituted in lieu thereof:

22 (c) (1) [An officer] A REPRESENTATIVE of a
23 community antenna television company issued a
24 certificate of public convenience and necessity in
25 accordance with this section shall, twice a year,
26 arrange for and hold a meeting with the advisory
27 council established, in accordance with
28 regulations adopted by the department in
29 accordance with chapter 54, for the franchise area
30 served by such company.

31 Sec. 3. Subdivision (6) of subsection (d) of
32 section 16-331 of the general statutes is repealed
33 and the following is substituted in lieu thereof:

34 (6) Any community antenna television company
35 which applies to the department for the renewal of
36 a franchise shall: (A) Make available for public
37 inspection a copy of the company's proposal for
38 renewal at the town hall, each public library and
39 the primary senior center, as determined by the
40 [franchise's advisory council, within] CHIEF
41 EXECUTIVE OFFICIAL OF each municipality of its
42 franchise area and at the company's primary
43 customer service center and community access
44 facility, and (B) notify each subscriber of any
45 public hearing for a franchise renewal, which
46 notices shall be mailed BY FIRST CLASS MAIL to
47 each subscriber not less than fourteen days in
48 advance of any public hearing and shall state in
49 plain language the time, place, date, address and
50 subject matter of the hearing, and in boldface
51 print shall state that public participation is
52 encouraged. The notice shall also provide
53 information concerning the locations where the
54 company's proposal for renewal may be reviewed,
55 and shall not contain any billing, promotional or
56 extraneous information.

57 Sec. 4. Section 16-331a of the general
58 statutes is repealed and the following is
59 substituted in lieu thereof:

60 (a) As used in this section, "multichannel
61 video programming distributor" means a
62 multichannel video programming distributor, as
63 defined in 47 CFR 76.1300, as from time to time
64 amended, and includes an owner of [a video
65 dialtone platform, as defined in order 94-269 of
66 the Federal Communications Commission] AN OPEN
67 VIDEO SYSTEM, AS DEFINED IN 47 CFR 76.1500, AS
68 FROM TIME TO TIME AMENDED.

69 (b) Each company or organization selected
70 pursuant to subsection (c) of this section, in
71 consultation with the franchise's advisory
72 council, shall provide facilities, equipment, and
73 technical and managerial support to enable the
74 production of meaningful community access
75 programming within its franchise area. EACH
76 COMPANY SHALL INCLUDE ALL ITS COMMUNITY ACCESS
77 CHANNELS IN ITS BASIC SERVICE PACKAGE. Each
78 company or organization shall annually review its
79 rules, regulations, policies and procedures
80 governing the provision of community access
81 programming. Such review shall include a period
82 for public comment, a public meeting and
83 consultation with the franchise's advisory
84 council.

85 (c) If a community-based nonprofit
86 organization in a franchise area desires to assume
87 responsibility for community access operations, it
88 shall, upon timely petition to the department, be
89 granted intervenor status in a franchise
90 proceeding held pursuant to this section. The
91 department shall assign this responsibility to the
92 most qualified community-based nonprofit
93 organization or the company based on the following
94 criteria: (1) The recommendations of the advisory
95 council and of the municipalities in the franchise
96 area; (2) a review of the organization's or the
97 company's performance in providing community
98 access programming; (3) the operating plan
99 submitted by the organization and the company for
100 providing community access programming; (4) the
101 experience in community access programming of the
102 organization; (5) the organization's and the
103 company's proposed budget, including expenses for
104 salaries, consultants, attorneys, and other
105 professionals; (6) the quality and quantity of the
106 programming to be created, promoted or facilitated
107 by the organization or the company; (7) a review
108 of the organization's procedures to ensure
109 compliance with federal and state law, including
110 the regulations of Connecticut state agencies; and
111 (8) any other criteria determined to be relevant
112 by the department. If the department selects an
113 organization to provide community access
114 operations, the company shall provide financial
115 and technical support to the organization in an
116 amount to be determined by the department. On

117 petition of the Office of Consumer Counsel or the
118 franchise's advisory council or on its own motion,
119 the department shall hold a hearing, with notice,
120 on the ability of the organization to continue its
121 responsibility for community access operations. In
122 its decision following such a hearing, the
123 department may reassign the responsibility for
124 community access operations to another
125 organization or the company in accordance with the
126 provisions of this subsection.

127 (d) Each company or organization shall
128 conduct outreach programs and promote its
129 community access services. Such outreach and
130 promotion may include, but not be limited to (1)
131 broadcasting cross-channel video announcements,
132 (2) distributing information throughout the
133 franchise area and not solely to its subscribers,
134 (3) including community access information in its
135 regular marketing publications, (4) broadcasting
136 character-generated text messages or video
137 announcements on barker or access channels, (5)
138 making speaking engagements, and (6) holding open
139 receptions at its community access facilities.

140 (e) Each company or organization shall adopt
141 for its community access programming a scheduling
142 policy which encourages programming diversity.
143 Said scheduling policy shall include (1) limiting
144 a program, except instructional access and
145 governmental access programming, to thirteen weeks
146 in any one time slot when a producer of another
147 program requests the same time slot, (2)
148 procedures for resolving program scheduling
149 conflicts, and (3) other measures which the
150 company or organization deems appropriate. A
151 company or organization may consider the
152 availability of a substantially similar time slot
153 when making community access programming
154 scheduling decisions.

155 (f) In the case of any initial, transfer or
156 renewal franchise proceeding held on or after
157 October 1, 1990, the department may, on its own
158 initiative, in the first six months of the second,
159 fifth, [and] eighth AND ELEVENTH years of the
160 franchise term, review and evaluate the company's
161 or the organization's provision of community
162 access programming. The department shall conduct
163 such review or evaluation in any such proceeding
164 held on or after October 1, 1990, if the Consumer

165 Counsel or any interested party petitions the
166 department for such a review during the first six
167 months of the review year. During any such review
168 year, if an organization desires to provide
169 community access operations it shall petition the
170 department and the department shall follow the
171 procedures and standards described in subsection
172 (c) of this section in determining whether to
173 assign to the organization the responsibility to
174 provide such operations. No community access
175 programming produced using the facilities or staff
176 of an organization or company providing community
177 access operations shall be utilized for commercial
178 purposes without express prior written agreement
179 between the producer of such programming and the
180 organization or company providing community access
181 operations the facilities or staff of which were
182 used in the production of the programming. Such an
183 agreement may include, without limitation, a
184 provision regarding the producer and the company
185 or organization sharing any profit realized from
186 such programming so utilized. An organization
187 providing community access operations shall
188 consult with the company in the franchise area
189 prior to making such an agreement.

190 (g) No organization or company providing
191 community access operations shall exercise
192 editorial control over such programming, except as
193 to programming that is obscene and except as
194 otherwise allowed by applicable state and federal
195 law. This subsection shall not be construed to
196 prohibit such organization or company from
197 limiting the hours during which adult programs may
198 be aired. Such organization or company may consult
199 with the advisory council in determining what
200 constitutes an adult program for purposes of this
201 subsection.

202 (h) Upon the request of the Office of
203 Consumer Counsel or the franchise's advisory
204 council, and for good cause shown the department
205 shall require an organization responsible for
206 community access operations to have an independent
207 audit conducted at the expense of the
208 organization.

209 (i) Each company and nonprofit organization
210 providing community access operations shall report
211 annually to the department on or before February
212 fifteenth. [Such report shall include expenditures

213 on community access programming; outreach efforts
214 to involve the community in such programming; the
215 involvement of the franchise's advisory council in
216 such programming; the proposed and actual budgets
217 for the preceding year; the proposed budget for
218 the upcoming year; the number of channels
219 available for community access purposes during the
220 preceding year, their channel designations, and
221 other uses; a list of studio and portable
222 equipment available during the preceding year, its
223 age and condition; a list of equipment purchased
224 during the preceding year, its intended use, and
225 the basic specifications for each item; records of
226 any repair and maintenance of the equipment; a
227 list of training workshops held during the
228 preceding year, a description of the workshops
229 including dates, times, locations, and number of
230 users attending each workshop; cablecast logs for
231 community access channels, including the program
232 and the producer's name, date and time of
233 cablecast; studio and portable equipment use logs,
234 including user name, dates of use, purpose of use
235 and name of resulting program; records of
236 donations to the community access provider,
237 including moneys collected through the check-off
238 provision on subscriber bills; records of all
239 promotions undertaken regarding community access,
240 including print advertisements, public service
241 announcements and full-length programs produced
242 and cablecast on cable channels; public service
243 announcements broadcast on radio stations; bill
244 inserts or brochures mailed to subscribers and a
245 list of speaking engagements undertaken by
246 community access personnel, and such other matters
247 as may be determined by the department.] THE
248 DEPARTMENT SHALL ADOPT REGULATIONS, IN ACCORDANCE
249 WITH THE PROVISIONS OF CHAPTER 54, TO SPECIFY THE
250 INFORMATION WHICH SHALL BE REQUIRED IN SUCH
251 REPORT. SUCH INFORMATION SHALL BE NECESSARY FOR
252 THE DEPARTMENT TO CARRY OUT THE PROVISIONS OF THIS
253 SECTION.

254 (j) The advisory council shall review all
255 community access programming of a company or
256 organization within the franchise area which
257 programming has been the subject of a complaint.

258 (k) The department shall establish the amount
259 that the company or organization responsible for
260 community access operations shall receive for such

261 operations from subscribers and from multichannel
262 video programming distributors. The amount shall
263 be five dollars per subscriber per year, adjusted
264 annually by a percentage reflecting the increase
265 or decrease of the consumer price index for the
266 preceding calendar year, provided the department
267 may increase or decrease the amount by not more
268 than forty per cent of said amount for the
269 subscribers and all multichannel video programming
270 distributors within a franchise area after
271 considering (1) the criteria set forth in
272 subsection (c) of this section, (2) the level of
273 public interest in community access operations in
274 the franchise area, (3) the level of community
275 need for educational access programming, (4) the
276 level and breadth of participation in community
277 access operations, (5) the adequacy of existing
278 facilities, equipment and training programs to
279 meet the current and future needs of the franchise
280 area, and (6) any other factors determined to be
281 relevant by the department. Prior to increasing or
282 decreasing said amount, the department shall give
283 notice and opportunity for a hearing to the
284 company or multichannel video programming
285 distributor and, where applicable, the
286 organization responsible for community access
287 programming. The amount shall be assessed once
288 each year for each end user premises connected to
289 [a video dialtone network or platform] AN OPEN
290 VIDEO SYSTEM, irrespective of the number of
291 multichannel video programming distributors
292 providing programming over the [video dialtone
293 network] OPEN VIDEO SYSTEM. When the department
294 issues, transfers or renews a certificate of
295 public convenience and necessity to operate a
296 community antenna television system, the
297 department shall include in the franchise
298 agreement the amount that the company or
299 organization responsible for community access
300 operations shall receive for such operations from
301 subscribers. The department shall conduct a
302 proceeding to establish the amount that the
303 company or organization responsible for community
304 access operations shall receive for such
305 operations from multichannel video programming
306 distributors and the method of payment of said
307 amount. The department shall adopt regulations in

308 accordance with chapter 54 to implement the
309 provisions of this subsection.

310 (l) An organization assigned responsibility
311 for community access operations which organization
312 ceases to provide such operations shall transfer
313 its assets to the successor organization assigned
314 such responsibility or, if no successor
315 organization is assigned such responsibility, to
316 another nonprofit organization within the
317 franchise area selected by the department.

318 (m) On petition or its own motion, the
319 department shall determine whether a franchise
320 area is subject to effective competition, as
321 defined in 47 USC 543, as from time to time
322 amended. Upon a determination that a franchise
323 area is subject to effective competition, the
324 provisions of this section shall apply to
325 multichannel video programming distributors
326 operating in the franchise area, provided (1)
327 where multichannel video programming distributors
328 provide programming over a single [video dialtone
329 network or platform] OPEN VIDEO SYSTEM, the
330 provisions of this section shall apply jointly and
331 not separately to all such distributors providing
332 programming on the same [video dialtone network]
333 OPEN VIDEO SYSTEM, and (2) the provisions of
334 subsection (k) of this section shall apply to
335 multichannel video programming distributors
336 whether or not such distributors operate in a
337 franchise area subject to such effective
338 competition.

339 (n) NO COMMUNITY ANTENNA TELEVISION COMPANY OR
340 NONPROFIT ORGANIZATION PROVIDING COMMUNITY ACCESS
341 OPERATIONS SHALL REFUSE TO ENGAGE IN GOOD FAITH
342 NEGOTIATION REGARDING INTERCONNECTION OF SUCH
343 OPERATIONS WITH OTHER COMMUNITY ANTENNA TELEVISION
344 COMPANIES SERVING THE SAME AREA. NO SCHOOL OR
345 FACILITY OWNED OR LEASED BY A MUNICIPAL GOVERNMENT
346 THAT POSSESSES COMMUNITY ACCESS OPERATIONS
347 EQUIPMENT SHALL UNREASONABLY DENY INTERCONNECTION
348 WITH OR THE USE OF SUCH EQUIPMENT TO ANY SUCH
349 COMPANY OR NONPROFIT ORGANIZATION. AT THE REQUEST
350 OF SUCH A COMPANY OR NONPROFIT ORGANIZATION
351 PROVIDING COMMUNITY ACCESS OPERATIONS, THE
352 DEPARTMENT MAY FACILITATE THE NEGOTIATION BETWEEN
353 SUCH COMPANY OR ORGANIZATION AND ANY OTHER
354 COMMUNITY ANTENNA TELEVISION COMPANY REGARDING
355 INTERCONNECTION OF COMMUNITY ACCESS OPERATIONS.

356 Sec. 5. Subsection (g) of section 16-333 of
357 the general statutes is repealed and the following
358 is substituted in lieu thereof:

359 (g) The standards and procedures adopted
360 pursuant to this section, subsection (d) of
361 section 16-331, [subsection (b) of section
362 16-333d,] section 16-333f, subsection (a) of
363 section 16-333i and sections 16-333k to 16-333m,
364 inclusive, AS AMENDED BY THIS ACT, shall be
365 minimum standards of performance for community
366 antenna television companies and the Department of
367 Public Utility Control may adopt regulations in
368 accordance with chapter 54 establishing higher
369 standards of performance.

370 Sec. 6. Section 16-333c of the general
371 statutes is repealed and the following is
372 substituted in lieu thereof:

373 [(a) No person, association or corporation
374 which owns or operates a community antenna
375 television system in the state shall, as part of,
376 or in connection with, its operation of such
377 system, sell, lease or repair receiving equipment,
378 as defined in section 20-342, except community
379 antenna receiving equipment and directly
380 associated equipment other than television sets,
381 in the state.

382 (b)] Each community antenna television
383 company shall make available at cost, by a rental,
384 sales or instalment sales agreement, to each
385 subscriber who is deaf or hearing impaired,
386 equipment which receives and decodes closed
387 captions which are simultaneously broadcast with
388 video signals carried by the company.

389 Sec. 7. Section 16-333d of the general
390 statutes is repealed and the following is
391 substituted in lieu thereof:

392 [(a) The Department of Public Utility Control
393 shall give final approval or disapproval, in whole
394 or in part, to an interim rate increase granted to
395 a community antenna television company subject to
396 rate regulation not later than the expiration date
397 of the period of (1) sixty days after the
398 effective date of an interim rate increase granted
399 in accordance with the provisions of subsection
400 (d) of section 16-19, or (2) one hundred fifty
401 days, or one hundred eighty days if the period is
402 extended by the department, after the filing of
403 such company's rate application in accordance with

404 the provisions of subsection (a) of said section
405 16-19, whichever is earlier.

406 (b) Each community antenna television company
407 shall notify the department and each subscriber of
408 any planned increase in premium or basic service
409 rates not less than forty-five days before the
410 increase becomes effective.

411 (c)] The department may prohibit any
412 community antenna television company from
413 unreasonably discriminating among subscribers of
414 community antenna television service.

415 Sec. 8. Section 16-333e of the general
416 statutes is repealed and the following is
417 substituted in lieu thereof:

418 (a) As used in this section:

419 (1) "Basic service" means all signals of
420 domestic television broadcast stations provided to
421 any subscriber, except a signal secondarily
422 transmitted by satellite carrier beyond the local
423 service area of such station, regardless of how
424 such signal is ultimately received by the cable
425 system, any public, educational, and governmental
426 programming [required by the franchise to be
427 carried on the basic tier] and any additional
428 video programming signals or service added to the
429 basic tier by the cable operator;

430 (2) "Cable programming service" means any
431 video programming provided over a cable system,
432 regardless of service tier, including installation
433 or rental of equipment used for the receipt of
434 such video programming, other than (A) video
435 programming carried on the basic service tier as
436 defined in this section, (B) video programming
437 offered on a pay-per-channel or pay-per-program
438 basis, or (C) a combination of multiple channels
439 of pay-per-channel or pay-per-program video
440 programming offered on a multiplexed or
441 time-shifted basis so long as the combined service
442 (i) consists of commonly-identified video
443 programming, and (ii) is not bundled with any
444 regulated tier of service;

445 (3) "Premium service" means pay-per-channel
446 or pay-per-program services for which a subscriber
447 pays a fee in addition to the fees for basic
448 service and cable programming service; and

449 (4) "Video programming" means programming
450 provided by, or generally considered comparable to

451 programming provided by, a television broadcast
452 station.

453 (b) If premium, cable programming or basic
454 service to a subscriber is interrupted for more
455 than twenty-four continuous hours, such subscriber
456 shall receive a credit or refund from the
457 community antenna television company in an amount
458 that represents the proportionate share of such
459 service not received in a billing period, provided
460 such interruption is not caused by the subscriber.

461 (c) The Department of Public Utility Control
462 [, not later than January 1, 1985,] shall adopt
463 regulations in accordance with the provisions of
464 chapter 54, establishing a viewing time
465 reliability standard for community antenna
466 television companies and requiring such companies
467 to file with the department information on
468 premium, cable programming and basic service
469 interruptions not caused by subscribers. The
470 department shall approve a service interruption
471 adjustment clause to be superimposed on the
472 existing rate schedules of such companies. Such a
473 clause shall provide for a credit or refund from a
474 company to its subscribers if the level of service
475 during a month falls below the company's
476 reliability standard due to interruptions of
477 twenty-four hours or less.

478 [(d) Each community antenna television company
479 shall submit an annual report to the Department of
480 Public Utility Control setting forth the number of
481 customers of the company who subscribe to a
482 premium service which is made available directly
483 or indirectly by the company to its customers and
484 the amount of revenues derived by the company from
485 such premium service.]

486 Sec. 9. Subsection (a) of section 16-333f of
487 the general statutes is repealed and the following
488 is substituted in lieu thereof:

489 (a) Each community antenna television company
490 shall inform the Department of Public Utility
491 Control, each subscriber, the chairpersons of the
492 joint standing committee on energy and public
493 utilities and the chairperson of the company's
494 advisory council of any planned programming or
495 rate changes not less than [sixty] THIRTY days
496 unless otherwise required by federal law prior to
497 implementing such changes unless (1) such changes
498 are required by law to be made in less than

499 [sixty] THIRTY days or (2) the department
500 prescribes a longer or shorter notice period in
501 appropriate circumstances where such longer or
502 shorter notice period is in the best interest of
503 the company's subscribers. The company's advisory
504 council may hold an advisory public hearing
505 concerning the planned changes and may then make a
506 recommendation to the company prior to the planned
507 implementation date. The department shall adopt
508 regulations in accordance with chapter 54 to carry
509 out the purposes of this subsection.

510 Sec. 10. Section 16-333h of the general
511 statutes is repealed and the following is
512 substituted in lieu thereof:

513 (a) Each community antenna television
514 company, as defined in section 16-1, shall, not
515 later than the date it extends energized trunk and
516 feeder to all areas within its franchise territory
517 in which there are at least twenty-five
518 prospective subscribers per aerial plant mile of
519 extension and fifty prospective subscribers per
520 underground plant mile of extension, extend such
521 trunk and feeder to public and private elementary
522 and secondary schools in such franchise areas and
523 offer one instructional television channel as part
524 of its basic service. Each such company may
525 utilize such instructional television channel for
526 noninstructional television programming during any
527 time when the channel is not needed for
528 instructional programming. No such company shall
529 be required to offer the instructional television
530 channel on or after July 1, 1995, unless the joint
531 committee on educational technology, established
532 under section 10-4e, certifies to the Department
533 of Public Utility Control that educational
534 agencies in the company's franchise area have
535 utilized the instructional television channel to
536 provide, during the school year, an average of not
537 less than twenty hours per week of credit and
538 noncredit instructional programming, programming
539 supporting school curricula and programming for
540 professional development.

541 (b) The joint committee on educational
542 technology shall be responsible for the
543 utilization of instructional television channels
544 provided in whole or in part by community antenna
545 television companies.

546 [(c) Each community antenna television
547 company shall, on or before September 1, 1992, and
548 September first annually thereafter, notify each
549 superintendent of schools and the chief executive
550 officer of each public and private institution of
551 higher education within its franchise area of the
552 availability of the company's instructional and
553 public access channels. Such notice shall contain
554 a telephone number whereby such superintendent or
555 chief executive officer may obtain additional
556 information concerning the instructional and
557 public access channels.]

558 Sec. 11. Subsections (b) and (c) of section
559 16-3331 of the general statutes are repealed and
560 the following is substituted in lieu thereof:

561 (b) Each such company shall provide each
562 subscriber with a description of the company's
563 billing practices at the time of the initial
564 subscription and at least annually thereafter.
565 Such description shall include billing period and
566 frequency, security deposit requirements, late
567 payment charges, returned check charges, credits
568 for service outages, pay-per-view billing
569 procedures, charges and billing procedures for the
570 use of addressable converters, traps or other
571 devices or services which enable subscribers to
572 voluntarily block transmission of specific
573 programming to their homes or places of business
574 and such other items as the Department of Public
575 Utility Control may require. Each company shall
576 file a copy of its billing practices with the
577 department and shall give notice to the department
578 and each subscriber not less than forty-five days
579 prior to implementing any changes in such
580 practices. Every bill to subscribers of a
581 community antenna television service shall contain
582 (1) the date on which any individually chargeable
583 service is rendered, (2) each rate or charge
584 levied, (3) the amount due for the current billing
585 period separate from any prior balance due, (4)
586 the specific date by which payment is due, (5)
587 such other items as the department may require,
588 (6) the company's telephone numbers, including any
589 toll-free numbers, (7) the Department of Public
590 Utility Control's consumer assistance telephone
591 number and (8) the mailing address of the
592 company's advisory council. Each company shall
593 provide each subscriber, quarterly, with a summary

594 of the procedures for resolving subscriber
595 complaints and for providing refund or credit for
596 service interruptions, pursuant to section
597 16-333e, and a notice indicating that, pursuant to
598 subsection (b) of section 16-333i, the company is
599 required to restore interrupted service not later
600 than twenty-four hours after being notified by a
601 subscriber that service has been interrupted. Each
602 bill insert or letter to subscribers, other than
603 promotional material, shall contain the company's
604 telephone numbers, including any toll-free numbers
605 or any other free calling option, as approved by
606 the department and the Department of Public
607 Utility Control's consumer assistance telephone
608 number. [Each company shall publish quarterly in a
609 newspaper, having a general circulation within
610 each municipality in the franchise area, the
611 mailing address of the company's advisory council,
612 the names of the company's advisory council's
613 members, a list of any vacancies on the advisory
614 council and a schedule of the advisory council's
615 meeting for the next quarter] EACH ADVISORY
616 COUNCIL, IN CONJUNCTION WITH THE COMPANY, SHALL
617 NOTIFY SUBSCRIBERS OF THE TIME AND PLACE OF ANY
618 UPCOMING ADVISORY COUNCIL MEETING, OF ANY
619 VACANCIES THAT MAY EXIST ON THE ADVISORY COUNCIL
620 AND OF THE NAME OF THE COUNCIL CHAIRPERSON AND
621 ADDRESS OF THE ADVISORY COUNCIL. THE NOTIFICATION
622 MAY BE PROVIDED VIA THE COMMUNITY ANTENNA
623 TELEVISION SYSTEM AT A SUFFICIENT FREQUENCY THAT
624 SUBSCRIBERS MAY REASONABLY BE EXPECTED TO BECOME
625 AWARE OF THE MEETING OR BY PUBLISHING ON A
626 QUARTERLY BASIS THE INFORMATION IN A NEWSPAPER
627 HAVING GENERAL CIRCULATION WITHIN EACH
628 MUNICIPALITY IN THE FRANCHISE AREA.

629 (c) No community antenna television company
630 shall issue a bill which contains a statement that
631 payment is due upon receipt. The payment due date
632 of any subscriber's bill shall be no earlier than
633 twenty-five days after the issue date of such
634 bill. No community antenna television subscriber's
635 account shall be considered delinquent until at
636 least twenty-five days have elapsed from the
637 billing date contained in the subscriber's bill.
638 No community antenna television company may impose
639 a late charge or terminate service on account of
640 nonpayment of a delinquent account less than
641 forty-five days from the original billing date. In

642 order to [impose a late charge or] terminate
643 service, a company shall first give notice of such
644 delinquency and impending [late charge or]
645 termination at least fifteen days prior to the
646 imposition of the proposed late charge or the
647 termination, by first class mail addressed to the
648 subscriber. The fifteen-day period shall commence
649 from the date the notice is mailed, provided no
650 notice may be mailed until at least thirty days
651 have elapsed from the billing date contained in
652 the subscriber's bill. No such company may impose
653 a late charge greater than eight per cent per
654 annum of the balance due or any such rate as
655 determined by the department. Any returned check
656 charge imposed by such company shall be reasonably
657 related to the company's actual cost of processing
658 returned checks.

659 Sec. 12. Section 16-333m of the general
660 statutes is repealed and the following is
661 substituted in lieu thereof:

662 [(a) Each community antenna television
663 company shall notify the Department of Public
664 Utility Control and each subscriber of any planned
665 increase in any charge imposed by the company for
666 installation or upgrade of service, reconnection,
667 additional outlets, service visits, equipment
668 rental, purchase and replacement, or any other
669 service-related charge not less than forty-five
670 days before the increase becomes effective.

671 (b)] No charge may be imposed by any such
672 company in any case where a subscriber requests a
673 total disconnection [or a downgrade] of service.
674 NO CHARGE THAT EXCEEDS THE COST TO THE COMPANY MAY
675 BE IMPOSED BY ANY SUCH COMPANY IN ANY CASE IN
676 WHICH THE SUBSCRIBER REQUESTS A DOWNGRADE OF
677 SERVICE. The subscriber, after the date of his
678 request for disconnection or downgrade, shall not
679 be required to pay for any service in the case of
680 a total disconnection or any service option
681 requested to be eliminated, unless the subscriber
682 prevents the company from disconnecting service
683 within a reasonable time.

684 Sec. 13. Section 16-333n of the general
685 statutes is repealed and the following is
686 substituted in lieu thereof:

687 If a community antenna television company, as
688 defined in section 16-1, reduces the programming
689 selection of a basic or premium service package,

690 without providing notice to the Department of
691 Public Utility Control, as required in [sections
692 16-333d and] SECTION 16-333f, AS AMENDED BY THIS
693 ACT, it shall provide customers with a credit for
694 failing to provide the cable programming package
695 or selection as advertised or represented to the
696 customer. Such credit shall be equal to the pro
697 rata cost to the subscriber of the programming
698 removed from the basic or premium package and the
699 amount of such credit shall be submitted to and
700 approved by the Department of Public Utility
701 Control and shall continue until such time as the
702 company complies with statutory notice
703 requirements.
704 Sec. 14. Section 16-333j of the general
705 statutes is repealed.

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5605

STATE IMPACT	None, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Public Utility Control

EXPLANATION OF ESTIMATES:

It is anticipated that there will be no fiscal impact to the Department of Public Utility Control (DPUC) related to modifying or eliminating certain reporting requirements on cable TV companies to the department. Additionally, there is no fiscal impact to the DPUC in assisting, upon request, multiple cable companies in a single service area cooperate in their coverage of public access programming.

House "A" retains the current maximum interest rate (8%) that can be charged on delinquent accounts and requires the Department of Public Utility Control (DPUC) to adopt regulations specifying the filing requirements for public access reports. These changes have no fiscal impact.

House "B" makes minor changes which have no fiscal impact.

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OLR AMENDED BILL ANALYSIS

SHB 5605 (as amended by House "A" and "B")*

AN ACT CONCERNING COMMUNITY ANTENNA TELEVISION COMPANIES

SUMMARY: This bill eliminates the requirements that cable TV companies provide notices about late charges and increases in rates and charges. It also reduces the amount of notice they must give under other provisions governing rates and charges.

It requires entities providing public access programming (including educational and government access programming) in the same area to cooperate with each other. It makes many other changes concerning public access and advisory councils, eliminates obsolete provisions, and makes minor related changes.

*House Amendment "A" (1) retains the current maximum interest rate (8%) that can be charged on delinquent accounts rather than raising this rate to 12% and (2) requires DPUC to adopt regulations specifying the filing requirements for public access to reports.

*House Amendment "B" makes minor changes.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Rates, Charges, and Programming Changes**

The bill eliminates a requirement that a cable TV company notify the Department of Public Utility Control (DPUC) and each subscriber at least 45 days before increasing its rates or charges. It reduces, from 60 to 30 days, the notice regarding other rate and programming changes that a company must give to DPUC, each subscriber, the chairpersons of the Energy and Technology Committee, and the chairperson of the company's advisory council. It eliminates a ban on charges for service downgrades, and instead limits such charges to their costs.

The bill eliminates a requirement that the company notify a customer at least 15 days before imposing a

late charge. By law, a cable company cannot impose a late charge until a bill is at least 45 days delinquent.

Public Access

The bill requires cable TV companies and nonprofit organizations providing public access programming in the same area to negotiate in good faith with each other, regarding the interconnection of their operations. No school or municipal facility with public access equipment can unreasonably deny interconnection or use of the equipment to the other companies or organizations. DPUC can facilitate negotiations regarding interconnections between the entity providing public access programming and the other cable TV company at the request of the former.

The bill also:

1. allows DPUC to review the provision of public access programming during the first six months of the 11th year of a company's franchise, in addition to the other periods the law specifies;
2. requires each cable TV company to include all of its public access channels in its basic service package, rather than allowing this issue to be determined by the company's franchise;
3. eliminates detailed reporting requirements regarding public access TV, and instead requires DPUC to adopt regulations specifying the information to be provided in the report, which must include information DPUC needs to carry out its responsibilities;
4. eliminates a requirement that companies notify educational officials annually of the availability of their public access and instructional channels.

Advisory Councils

Under current law, each cable TV company must publish a

newspaper notice each quarter indicating its advisory council's membership, address, meeting schedule for the next quarter, and vacancies. The bill instead requires each council, in conjunction with the company, to notify subscribers of the time and place of upcoming meetings, the name of the council chairperson, the council's address and any vacancies on the council. It allows the notice to be provided on air as an alternative to the newspaper notice.

The bill also:

1. requires that a representative, rather than an officer, of a cable company meet with the council at least twice a year; and
2. allows the chief executive official of each municipality in the franchise area, rather than the council, to determine at which senior center the company's franchise renewal application must be deposited.

Minor Changes

The bill:

1. allows cable companies to sell, lease, or repair all types of TV and radio equipment, rather than just TV sets; and
2. eliminates a requirement that companies report to DPUC annually regarding premium service subscribership and revenues.

Under current law, cable TV companies and other utilities must file their procurement policies and practices with DPUC. The bill requires filings whenever they make a material change to these policies and practices.

BACKGROUND

Legislative History

On April 1 the House referred the original version of this bill (File 88) to the Planning and Development Committee, which reported it unchanged on April 3.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute
Yea 16 Nay 0

Planning and Development Committee

Joint Favorable Report
Yea 16 Nay 0