

House of Representatives, March 19, 1998. The Committee on Energy and Technology reported through REP. EBERLE, 15th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ADMINISTRATIVE ASSESSMENT FOR COMMUNICATIONS SERVICES BY THE CONNECTICUT SITING COUNCIL.

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

1 Subsection (b) of section 16-50v of the
2 general statutes, as amended by section 61 of
3 public act 97-11 of the June 18 special session,
4 is repealed and the following is substituted in
5 lieu thereof:

6 (b) (1) Before December thirty-first of each
7 year, the council shall review the anticipated
8 amount of expenses attributable to energy
9 facilities for the next fiscal year, excluding
10 expenses under subsection (c), (d), (e), (g) or
11 (h) of this section at a public meeting, notice of
12 which shall be given to each person subject to
13 assessment under this subsection, and at which
14 interested persons shall be heard. After the
15 meeting, the council shall determine the
16 anticipated amount of such expenses and submit its
17 determination to the joint standing committee of
18 the General Assembly having cognizance of
19 appropriations and the budgets of state agencies.
20 After the committee completes its review, the
21 council shall apportion and assess the anticipated

22 amount of expenses among those persons having
23 gross revenue from the sale of electric power at
24 retail in the state in excess of one hundred
25 thousand dollars during the preceding calendar
26 year, in the proportion which the gross revenue of
27 each such person bears to the aggregate gross
28 revenues of all such persons. Each such person
29 shall pay the assessment in three equal
30 instalments on or before July thirty-first,
31 October thirty-first, and January thirty-first of
32 the fiscal year. During the fiscal year the
33 council may further apportion and assess the
34 additional amount of such expenses as could not
35 reasonably have been anticipated prior to the
36 fiscal year, apportioned in the same manner after
37 notice and hearing in the same manner. The total
38 of such assessments for any fiscal year shall not
39 exceed one million dollars. No proceeds from any
40 assessment under this subsection may be used by
41 the council after June 30, 1984, for any
42 proceedings concerning hazardous waste facilities.

43 (2) As used in this subdivision,
44 "communications services" means services involving
45 transmitting or receiving signals in the
46 electromagnetic spectrum for a public or
47 commercial purpose [pursuant to a Federal
48 Communications Commission license] BY A PERSON
49 THAT (A) (i) PROVIDES COMMUNITY ANTENNA TELEVISION
50 SERVICE, (ii) IS A PUBLIC SERVICE COMPANY, (iii)
51 IS CERTIFIED BY THE DEPARTMENT OF PUBLIC UTILITY
52 CONTROL TO PROVIDE INTRASTATE TELECOMMUNICATIONS
53 SERVICE PURSUANT TO SECTION 16-247f TO 16-247h,
54 INCLUSIVE, OR (iv) PROVIDES PERSONAL WIRELESS
55 SERVICES, AS DEFINED IN 47 USC 332 (c)(7), AND (B)
56 HAS IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS OF
57 GROSS REVENUES FROM THE SALE OF SUCH SERVICES IN
58 THE STATE DURING THE PRECEDING CALENDAR YEAR.
59 Before December thirty-first of each year, the
60 council shall review the anticipated amount of
61 administrative expenses attributable to facilities
62 used for providing communications services for the
63 next fiscal year, excluding expenses under
64 subsection (c), (d), (e), (g) or (h) of this
65 section, at a public meeting, notice of which
66 shall be given to each person subject to
67 assessment under this subsection, and at which
68 interested persons shall be heard. After the
69 meeting, the council shall determine the

70 anticipated amount of such expenses and submit its
71 determination to the joint standing committee of
72 the General Assembly having cognizance of matters
73 relating to appropriations and the budgets of
74 state agencies. [Upon notification of the council,
75 the Commissioner of Revenue Services] THE COUNCIL
76 shall apportion and assess the anticipated amount
77 of expenses [equitably in proportion to the
78 frequency of appearance, the degree of regulation
79 required and the percentage of the council's
80 workload, among those persons which provide
81 communications services and have come before the
82 council in the preceding calendar year] TO EACH
83 PERSON THAT PROVIDES COMMUNICATIONS SERVICES IN
84 PROPORTION TO THE GROSS REVENUES EACH SUCH PERSON
85 BEARS COMPARED TO THE AGGREGATE GROSS REVENUES OF
86 ALL SUCH PERSONS IN THE STATE. Each such person
87 shall pay the assessment and submit a return [, on
88 a form prescribed by the commissioner, to the
89 Commissioner of Revenue Services] TO THE COUNCIL
90 in four equal instalments, on or before July 1,
91 1994, and July thirty-first of each year
92 thereafter, October 31, 1994, and October
93 thirty-first of each year thereafter, January 31,
94 1995, and January thirty-first of each year
95 thereafter, and April 30, 1995, and April
96 thirtieth of each year thereafter. The
97 [commissioner] COUNCIL shall transfer all payments
98 received pursuant to this section to the Treasurer
99 who shall credit such payments to the Siting
100 Council Fund. Such payments shall be considered
101 administrative expenses recovered from
102 communications services providers.

103 ET COMMITTEE VOTE: YEA 16 NAY 0 JF

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"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 HB 5438

STATE IMPACT	Minimal Workload Increase, Minimal Workload Decrease, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Connecticut Siting Council, Department of Revenue Services

EXPLANATION OF ESTIMATES:

Passage of this bill will change the way in which assessments for the Connecticut Siting Council are made, but will not alter the amounts collected. Currently, only telecommunications companies which require Connecticut Siting Council (Council) services within the preceding calendar year are assessed for the expenses of the Council. This bill will require all telecommunications companies under the jurisdiction of the Council to pay a portion of the assessment based on the gross revenue of each company. Presently, the Department of Revenue Services (DRS) collects the assessments for the Council, however the bill makes the Council the collector of such assessments, which will result in a minimal workload decrease to DRS and a minimal workload increase to the Council.

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OLR BILL ANALYSIS

HB 5438

AN ACT CONCERNING THE ADMINISTRATIVE ASSESSMENT FOR COMMUNICATIONS SERVICES BY THE CONNECTICUT SITING COUNCIL

SUMMARY: This bill changes (1) which entities are assessed to cover the Connecticut Siting Council's administrative expenses attributable to communications services and (2) the basis of the assessment.

Under current law, the Department of Revenue Services administers the assessment and transfers the money to the Siting Council Fund. The bill empowers the council to impose the assessment.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Siting Council Assessment**

The assessment covers those council expenses for communications services which are not covered by application fees and other revenues. Under current law, the assessment applies to entities that send or receive signals for public or commercial purposes under a Federal Communications Commission (FCC) license. The bill eliminates the FCC licensure provision and instead subjects specified types of companies to the assessment if they earn more than \$100,000 in gross revenues in the state in the preceding year. The companies are: cable TV companies, utilities, companies certified by the Department of Public Utilities Control to provide intrastate telecommunications services (e.g. long-distance carriers), and companies that provide personal wireless services (e.g. cellular telephone companies).

Under current law, the assessment is made against those companies who appeared before the council in the previous year. The assessment is based proportionately on each company's frequency of appearance, the degree of regulation required, and the percentage of the council's workload it comprises. Under the bill, each company's assessment is based solely on its proportion to all companies' gross revenues, regardless of whether

the company appeared before the council in the previous year.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Report
Yea 16 Nay 0