



General Assembly

January Session, 2021

Governor's Bill No.

LCO No. 3274



Referred to Committee on

Introduced by:

Request of the Governor Pursuant
to Joint Rule 9

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:

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

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

14 telecommunications provider;

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

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

19 Sec. 2. (NEW) (*Effective July 1, 2021*) In carrying out the provisions of
20 this act, the state agencies shall consider the extent to which their
21 programs or policies provide for affordable, high-speed broadband
22 Internet access service that is vital to the welfare and development of
23 our society; will promote economic development in the state; will
24 expand educational and employment opportunities for residents of the
25 state; will improve access to telehealth services, as that term is defined
26 in section 19a-906 of the general statutes; and will enhance the delivery
27 of services by public, private and not-for-profit institutions and entities.
28 Such programs and policies shall (1) ensure the universal availability
29 and accessibility of high-speed broadband Internet access service to all
30 residents and businesses in the state, (2) establish an advanced standard
31 for broadband Internet access service that increases with consumer
32 demand and technological developments, (3) ensure that broadband
33 Internet access service is available and affordable on a
34 nondiscriminatory basis for all segments of the state's population,
35 regardless of income, race, ethnicity and religion, (4) study and create
36 structures that allow partners and providers to successfully build and
37 sustain broadband Internet access service infrastructure in all corners of
38 the state, (5) ensure that state, municipal and private educational
39 institutions have continual access to broadband Internet access service
40 at all times for educational and learning purposes, (6) encourage
41 existing and new broadband Internet access service providers to pilot
42 and offer affordable services for residents, businesses and state and
43 municipal governments, (7) create a regulatory environment that
44 protects consumers and incentivizes innovation, competition and robust
45 services from broadband Internet access service providers, and (8)
46 invest in the development of a diverse broadband Internet access service

47 technology workforce by encouraging strong ties to the state's
48 educational community to grow the talent pipeline.

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

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

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

72 (d) The Commission for Educational Technology shall, in
73 consultation with the Department of Education, the Office of State
74 Broadband, the Office of Policy Management, the Connecticut State
75 Colleges and Universities, the Office of Higher Education and the
76 Department of Economic and Community Development, conduct an
77 analysis on the availability of broadband Internet access service and
78 learning devices for students in prekindergarten to grade twelve,

79 inclusive, and post-secondary education, including vocational and
80 technical opportunities, in concert with and informed by state
81 broadband mapping activities.

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

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

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

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

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

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

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

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

131 Each town, city, borough, or fire district [or] and the Department of
132 Transportation shall have the right to occupy and use for any purpose,
133 including, but not limited to, the provision of broadband Internet access
134 service by any town, city or borough to the public in such town, city or
135 borough, either directly or through commercial arrangements with
136 third-party entities, without payment therefor, one gain upon each
137 public utility pole or in each underground communications duct system
138 installed by a public service company within the limits of any such
139 town, city, borough or district, provided, if a town, city or borough sells
140 its right to occupy and use said gain to a private third-party company,
141 such company shall pay any public utility pole administration or
142 attachment fees applicable, notwithstanding the provisions of this

143 section. The location or relocation of any such gain shall be prescribed
144 by the Public Utilities Regulatory Authority. Any such gain shall be
145 reserved for use by the town, city, borough, or fire district [or] and the
146 Department of Transportation.

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

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

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

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

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

211 equipment, or such changes in the manner of operation, as may be
212 reasonably necessary in the public interest. The general purposes of this
213 section and sections 16-19, 16-25, 16-43 and 16-47, as amended by this
214 act, are to assure to the state of Connecticut its full powers to regulate
215 its public service companies and broadband Internet access service
216 providers, to increase the powers of the Public Utilities Regulatory
217 Authority and to promote local control of the public service companies
218 and broadband Internet access service providers of this state, and said
219 sections shall be so construed as to effectuate these purposes.

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

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

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

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

243 authority. Each such person, company, broadband Internet access
244 service provider or electric supplier shall report such minor accidents to
245 the authority in writing, in summary form, once each month. If notice of
246 such accident, other than a minor accident, is given otherwise than in
247 writing, it shall be confirmed in writing within five days after the
248 occurrence of such accident. Any person, company, broadband Internet
249 access service provider or electric supplier failing to comply with the
250 provisions of this section shall be fined not more than five [hundred]
251 thousand dollars for each offense.

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

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

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

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

310 (c) No corporation, association, partnership, trust or similar

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

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

345 or holding company. Such hearing shall be commenced as promptly as
346 practicable after the filing of the application, but not later than sixty
347 business days after the filing, and the authority shall make its
348 determination as soon as practicable, but not later than two hundred
349 days after the filing of the application, provided it may, before the end
350 of such period and upon notifying all parties and intervenors to the
351 proceedings, extend the period by thirty days, provided that
352 community antenna television companies, holders of a certificate of
353 cable franchise authority and holders of a certificate of video franchise
354 authority shall be determined by the authority within one hundred
355 twenty days, or unless the person required to file the application agrees
356 to an extension of time. The authority may, in its discretion, grant the
357 subject company or holding company the opportunity to participate in
358 the hearing by presenting evidence and oral and written argument. If
359 the authority fails to give notice of its determination to hold a hearing,
360 commence the hearing, or render its determination after the hearing
361 within the time limits specified in this subdivision, the proposed
362 acquisition shall be deemed approved. In each proceeding on a written
363 application submitted under said subsection (b) or (c), the authority
364 shall, in a manner which treats all parties to the proceeding on an equal
365 basis, take into consideration (1) the financial, technological and
366 managerial suitability and responsibility of the applicant, (2) the ability
367 of the gas, electric distribution, water, telephone or community antenna
368 television company, certified telecommunications provider, certified
369 competitive video service provider, certified video franchise authority
370 provider, broadband Internet access service provider or holding
371 company which is the subject of the application to provide safe,
372 adequate and reliable service to the public through the company's plant,
373 equipment and manner of operation if the application were to be
374 approved, and (3) for an application concerning a telephone company,
375 the effect of approval on the location and accessibility of management
376 and operations and on the proportion and number of state resident
377 employees. The authority shall only grant its approval of an application
378 filed on or after January 1, 2021, made under subsection (c) of this
379 section, if the holding company effects a change in the composition of

380 the board of directors to include a proportional percentage of
381 Connecticut-based directors equivalent to the percentage that
382 Connecticut service areas represent of the total service areas covered by
383 the holding company.

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

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

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

412 (h) Whenever any corporation, association, partnership, trust or
413 similar organization, or person takes or engages in any action which
414 may or would violate subsection (b) or (c) of this section or any order
415 adopted pursuant to said subsection (b) or (c), the Superior Court, upon
416 application of the authority or any holding company or gas, electric
417 distribution, water, telephone or community antenna television
418 company, certified telecommunications provider, certified competitive
419 video service provider, certified video franchise authority provider or
420 broadband Internet access service provider affected by such action, may
421 enjoin any such corporation, association, partnership, trust or similar
422 organization, or person from continuing or doing any act in violation of
423 said subsection (b) or (c) or may otherwise enforce compliance with said
424 subsection (b) or (c), including but not limited to, the reinstatement of
425 authority or control over the holding company or gas, electric
426 distribution, water, telephone or community antenna television
427 company, certified telecommunications provider, certified competitive
428 video service provider, certified video franchise authority provider,
429 broadband Internet access service provider or holding company to those
430 persons who exercised authority or control over such company before
431 such action.

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

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

439 (a) As used in this section:

440 (1) "Company" means (A) any public service company other than a
441 telephone company, that had more than one hundred thousand dollars
442 of gross revenues in the state in the calendar year preceding the
443 assessment year under this section, except any such company not

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

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

477 (3) "Fiscal year" means the period beginning July first and ending

478 June thirtieth.

479 (b) On or before July 15, 1999, and on or before May first, annually
480 thereafter, each company shall report its intrastate gross revenues of the
481 preceding calendar year to the Public Utilities Regulatory Authority,
482 which amount shall be subject to audit by the authority. For each fiscal
483 year, each company shall pay the authority the company's share of all
484 expenses of the department's Bureau of Energy and Technology, the
485 Office of Consumer Counsel, the Office of Policy and Management's
486 expenses related to the duties under sections 3 and 4 of this act, and the
487 operations of the Public Utilities Regulatory Authority for such fiscal
488 year. On or before September first, annually, the authority shall give to
489 each company a statement which shall include: (1) The amount
490 appropriated to the department's Bureau of Energy and Technology, the
491 Office of Consumer Counsel, the Office of Policy and Management's
492 expenses related to the duties under sections 3 and 4 of this act, and the
493 operations of the Public Utilities Regulatory Authority for the fiscal year
494 beginning July first of the same year; (2) the total gross revenues of all
495 companies; and (3) the proposed assessment against the company for
496 the fiscal year beginning on July first of the same year, adjusted to reflect
497 the estimated payment required under subdivision (1) of subsection (c)
498 of this section. Such proposed assessment shall be calculated by
499 multiplying the company's percentage share of the total gross revenues
500 as specified in subdivision (2) of this subsection by the total revenue
501 appropriated to the department's Bureau of Energy and Technology, the
502 Office of Consumer Counsel, the Office of Policy and Management's
503 expenses related to the duties under sections 3 and 4 of this act, and the
504 operations of the Public Utility Regulatory Authority, as specified in
505 subdivision (1) of this subsection.

506 (c) Each company shall pay the authority: (1) On or before June
507 thirtieth, annually, an estimated payment for the expenses of the
508 following year equal to twenty-five per cent of its assessment for the
509 fiscal year ending on such June thirtieth, (2) on or before September
510 thirtieth, annually, twenty-five per cent of its proposed assessment,
511 adjusted to reflect any credit or amount due under the recalculated

512 assessment for the preceding fiscal year, as determined by the authority
513 under subsection (d) of this section, provided if the company files an
514 objection in accordance with subsection (e) of this section, it may
515 withhold the amount stated in its objection, and (3) on or before the
516 following December thirty-first and March thirty-first, annually, the
517 remaining fifty per cent of its proposed assessment in two equal
518 installments.

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

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

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

545 shall be in addition to any taxes payable to the state under chapters 211,
546 212, 212a and 219.

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

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

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

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

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

577 other services offered by the broadband Internet access service provider.

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

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

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

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

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

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

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

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

636 [(a) The Public Utilities Regulatory Authority shall not require a
637 certified competitive video service provider to comply with any facility
638 build-out requirements or provide video service to any customer using
639 any specific technology. The Public Utilities Regulatory Authority shall
640 initiate a contested case proceeding, in accordance with the provisions
641 of chapter 54, three years after the issuance of the certificate of video

642 franchise authority to such provider to investigate the availability of the
643 certified competitive video service provider's video services and report
644 its findings to the joint standing committee of the General Assembly
645 having cognizance of matters relating to energy and technology.]

646 (a) On or before September 30, 2022, each certified competitive video
647 service provider shall submit an affidavit to the Public Utilities
648 Regulatory Authority, the Department of Energy and Environmental
649 Protection, the chairpersons of the joint standing committee of the
650 General Assembly having cognizance of matters relating to energy, the
651 Office of State Broadband and the Department of Economic and
652 Community Development certifying that the provider has facilities in
653 the public highways, streets or other public rights-of-way, in its service
654 areas, capable of providing video service, and all other services that the
655 provider offers, to each residential, governmental and commercial
656 address. Any such provider may consider the use of existing state
657 broadband assets to comply with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

767 by said commissioner.

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

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

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

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

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

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

800 No telephone company or certified telecommunications provider, as
801 defined in section 16-1, or broadband Internet access service provider
802 shall refuse to provide telecommunications services or broadband
803 Internet access services to, or refuse to negotiate to provide such services
804 to any customer because of age, race, creed, color, national origin,
805 ancestry, sex, gender identity or expression, marital status, sexual
806 orientation, lawful source of income, economic status, disability or
807 familial status. No telephone company, [or] certified
808 telecommunications provider or broadband Internet access service
809 provider shall decline to provide telecommunications services or
810 broadband Internet access services to a customer for the sole reason that
811 the customer is located in an economically distressed geographic area
812 or the customer qualifies for hardship status under section 16-262c, as
813 amended by this act, or any other provision of federal or state law. No
814 telephone company, [or] certified telecommunications provider or
815 broadband Internet access service provider shall terminate or refuse to
816 reinstate telecommunications services or broadband Internet access
817 services except in accordance with the provisions of this title. An
818 affected person may seek enforcement of this requirement by filing a
819 complaint with the Public Utilities Regulatory Authority. A
820 municipality within which the potential broadband Internet access
821 service customer resides, or the Office of State Broadband, may be
822 considered an affected person for purposes of this section.

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

826 (a) Notwithstanding any other provision of the general statutes no
827 electric distribution, gas, telephone or water company, no electric
828 supplier or certified telecommunications provider, no broadband
829 Internet access service provider and no municipal utility furnishing
830 electric, gas, telephone or water service shall cause cessation of any such

831 service by reason of delinquency in payment for such service (1) on any
 832 Friday, Saturday, Sunday, legal holiday or day before any legal holiday,
 833 provided such a company, electric supplier, certified
 834 telecommunications provider, no broadband Internet access service
 835 provider or municipal utility may cause cessation of such service to a
 836 nonresidential account on a Friday which is not a legal holiday or the
 837 day before a legal holiday when the business offices of the company,
 838 electric supplier, certified telecommunications provider, no broadband
 839 Internet access service provider or municipal utility are open to the
 840 public the succeeding Saturday, (2) at any time during which the
 841 business offices of said company, electric supplier, certified
 842 telecommunications provider, no broadband Internet access service
 843 provider or municipal utility are not open to the public, or (3) within
 844 one hour before the closing of the business offices of said company,
 845 electric supplier or municipal utility.

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

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]