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Construction and Maintenance Standards and Terms and Conditions of Operation of Community Antenna Television Systems

(Effective June 9, 1964)

Part I

Definitions

Sec. 16-333-1. Definitions

As used in sections 16-333-1 to 16-333-54, inclusive, of the regulations of Connecticut state agencies:

(1) "CATV" means any system operated in, under or over any street or highway for the purpose of providing community antenna television service for hire pursuant to a certificate of public convenience and necessity issued by the Department;

(2) "Department" means the Department of Public Utility Control or its successor;

(3) "Municipality" means a town, city or borough, or any municipal corporation or department thereof, owning, leasing, maintaining, operating, managing or controlling any utility plant within the state;

(4) "Franchising Authority" means the Department of Public Utility Control or its successor;

(5) "Community Antenna Television System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide community antenna television service which includes video programming and which is provided in, under or over any public street or highway, for hire, to multiple subscribers within a franchise area, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility is located in, under or over a public street or highway; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of title II of the Communications Act of 1934, as amended, except that such facility shall be considered a Community Antenna Television System and the carrier shall be considered a public service company to the extent such facility is used in the transmission of video programming directly to subscribers; or (D) a facility of an electric distribution company which is used solely for operating its electric distribution company systems;

(6) "Community antenna television company" includes every corporation, company, association, joint stock association, partnership or person, or lessee thereof, owning, leasing, maintaining, operating, managing or controlling any community antenna television system, in, under or over any street or highway, for the purpose of providing community antenna television service for hire;

(7) "Franchise" means an initial authorization or renewal thereof issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise which authorizes the construction or operation of a community antenna television system;

(8) "Franchise holder" means the holder of a certificate of public convenience and necessity to construct or operate a community antenna television system issued by the Public Utility Control Authority;

(9) "Billing date" for the purpose of these regulations shall be the processing date of the bill;

(10) "Termination" for the purposes of these regulations shall be the intentional discontinuance by the community antenna television company of premium or basic service due to non payment of amounts due or other issues involving the subscriber;

(11) "Owner" means one or more persons, jointly or severally in whom is vested (A) all or part of the legal title to property; (B) all or part of the beneficial ownership and a right to present use and enjoyment of the premises and including a mortgagee in possession; or (C) in the case of any multiunit residential building that is a condominium, co-operative, or other form of common ownership, any association of unit owners;

(12) "Multiunit residential building" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards. For the purpose of these regulations, multiunit residential building shall include trailer parks, mobile home parks, condominiums and any other common ownership dwellings;

(13) "Instructional programming" means programming carried over the instructional channel as required pursuant to subsection (a) of section 16-333h of the Connecticut General Statutes; and

(14) "Educational programming" means programming generally considered to be educational in scope and in content, or provided by private independent educational programming producers, and any educational programming transmitted over public access channel provided by the franchise holder.

(Effective April 27, 1993; amended August 23, 2000)

Part II

Application and Territory

Sec. 16-333-2. Applications

Each application to the commission for a CATV certificate of public convenience and necessity shall be accompanied by the statutory fee and shall set forth, by town, or designated portion thereof, the territory that the applicant proposes to serve.

(See 1963 Supp. § 16-331 (a).)

Sec. 16-333-3. Territory served

CATV service shall be limited to territory exclusively authorized in the certificate issued by the commission. No cable or other connections shall be constructed to points outside territory authorized in the certificate of said CATV without prior approval of the commission.

Part III

Attachments Rights

Sec. 16-333-4. Right of occupancy of public service facilities

Prior to attachment of CATV equipment on facilities of public service companies or municipalities, contracts defining the rights of the parties with respect to the authority of the CATV certificate holder to occupy space on poles shall be filed with the commission.

(See 1963 Supp. § 16-332.)

Part IV

Safety

Sec. 16-333-5. Safety manuals

Each CATV certificate holder shall adopt comprehensive instructions prescribing safety of employees. Construction of a CATV shall not be initiated until after the commission has approved said instructions. Each employee assigned to electrical work shall be furnished a copy of said safety instructions.

Sec. 16-333-6. Accident prevention

Each CATV certificate holder shall use every effort to warn and protect the public from danger and shall exercise all reasonable care to reduce hazards to employees, public service company facilities, patrons and members of the public.

Part V

Reports and Records

Sec. 16-333-7. Accident reports

Every accident attended with personal injury, or involving public safety, which occurs in the operation of any CATV, shall be promptly reported in writing to the commission. Sufficient information shall be furnished to enable the commission to investigate each such accident.

Sec. 16-333-8. Records

(a) Each CATV company shall keep records relating to operations and shall assist the department in examining into any matter under investigation by the department.

(b) Each CATV company shall keep a record of all subscriber complaints, on a form to be prescribed by the department, having to do with service, including outages and interruptions, service calls, installations, disconnections, terminations, billing disputes, inadequate level of signal quality, workmanship, or employee attitude in serving the public. Such record shall show the name and address of the complainant, the date and nature of the complaint and the date and description of response thereto. Records of all such complaints shall be kept for a period of not less than three years.

(c) Each CATV company shall timely submit to the department any report, record, or data reasonably requested by the department in its regulation of CATV companies, including without limitation, any information the department requests concerning a CATV company's operations, services, facilities and equipment.

(Effective February 24, 1989)

Part VI

Customer Relations

Sec. 16-333-9. Information

(a) Upon request, each CATV company shall provide its subscribers reasonable information on home operation in order that safe and proper service may be furnished.

(b) Each CATV company shall have personnel on duty at all times to respond in a prompt and reasonable manner to all inquiries, complaints and other service requests made to it, either by person, telephone or in writing. The definition of "personnel" may include an answering service outside of normal business hours.

(c) Each CATV company shall, every three months, provide on bills, bill inserts or letters to subscribers the following information:

(1) the company's telephone number(s);

(2) the department of Public Utility Control's consumer assistance toll-free telephone numbers;

(3) A summary of the company's procedures for providing refunds or credits for service interruptions pursuant to section 16-333e (a) of the Connecticut General Statutes; and

(4) A notice indicating that the company is required to restore interrupted service pursuant to section 16-333i (b) of the Connecticut General Statutes not later than twenty-four hours after notification by a subscriber that service has been interrupted.

(d) Each CATV company shall be subject to a civil penalty where:

(1) the department has received subscriber complaints having to do with service outages or interruptions, installations, disconnections, terminations, service calls, billing disputes, inadequate level of signal quality, workmanship or employee attitude in serving the public, the source of which are from factors within the operator's control, and

(2) such complaints have not been resolved or satisfactorily explained to the department within one week after receipt of notice from the department, and

(3) such complaints, on a monthly basis, equal or exceed a total number of sixty, or the ratio of complaints to subscribers equals one-half of one percent on a monthly basis, whichever is less, during any two months in a rolling six month period.

(e) Any CATV company, which, upon reasonable belief and after notice and opportunity to be heard, is found to have exceeded the number of complaints or the ratio of complaints to subscribers as specified in section 16-333-9 (d) (3) of these regulations, shall be fined by order of this department, not more than five thousand dollars for each offense. Each separate occurrence in which the company exceeds the number of complaints or ratio of complaints to subscribers as specified in section 16-333-9 (d) (3) of these regulations shall be considered a separate offense. The complaints received in any one month shall not be used more than one time by the department in any proceeding for the assessment of a civil penalty brought pursuant to section 16-333-9 (f) of these regulations. Where the department has reason to believe that a company has exceeded the number of complaints or ratio of complaints to subscribers as specified in Section 16-333-9 (d) (3) of these regulations, the procedures for notice, hearing, orders and appeal shall be in accordance with section 16-41 of the Connecticut General Statutes.

(f) Each CATV company, which, upon reasonable belief and after notice and opportunity to be heard, is found by the department to have exceeded the number of complaints or ratio of complaints to subscribers as defined by section 16-333-9 (d) (3) of these regulations and has been found to have committed three (3) offenses within any eighteen month period pursuant to section 16-333-9 (e), shall be subject to additional fines pursuant to section 16-333-9 (e) or to franchise revocation, as determined by the department pursuant to public hearing. The procedures for notice, hearing, orders and appeal shall be in accordance with section 16-41 of the Connecticut General Statutes, however where a CATV company may be subject to a franchise revocation, such remedy may be made only after public hearing.

(g) If the department has reason to believe that a violation has occurred for which a CATV company may be subject to a civil penalty or franchise revocation, pursuant to sections 16-333-9 (d), 16-333-9 (e) or 16-333-9 (f) of these regulations, it shall

send to the violator by certified mail, return receipt requested, or by personal service, a notice which shall include:

- (1) A reference to the section of the statute, regulation or order involved;
- (2) A short and plain statement of the matters asserted or charged;
- (3) A statement of the amount of the civil penalty proposed to be imposed after notice and opportunity for a hearing; and
- (4) A statement of the party's right to a hearing and if franchise revocation is involved, notice of the time and place for a hearing.

(h) The CATV company to whom the notice of civil penalty is addressed, may, within twenty days from the date of receipt of notice, deliver to the department written application for a hearing. If a hearing is requested then, after a hearing, and upon a finding that a violation has occurred, the authority may issue a final order assessing a civil penalty under this section which is not greater than the penalty stated in the notice. If such a hearing is not so requested, or if such a request is later withdrawn, then the notice shall, on the first day after the expiration of such twenty day period or on the first day after withdrawal of such request for hearing whichever is later, become a final order of the authority and the matters asserted or charged in the notice shall be deemed admitted.

(i) All hearings under this section shall be conducted pursuant to section 4-177 to 4-184 inclusive of the Connecticut General Statutes. The final order of the department assessing a civil penalty or franchise revocation shall be subject to appeal under section 4-183 of the Connecticut General Statutes. Any civil penalty authorized by this section shall become due and payable upon the final decision of the authority becoming a final order pursuant to section 16-333-9 (h) of these regulations.

(Effective February 24, 1989)

Sec. 16-333-9a. Description of services

Each CATV company shall provide a description of all service offerings and all rates and charges to each subscriber, at the time of initial subscription and at least annually thereafter, and to the advisory council and the department, at least annually.

(Effective June 27, 1989; amended July 27, 1999)

Sec. 16-333-9b. Credit policies/late charges

Each CATV company shall provide each subscriber with a description of the company's customer credit policies, including any finance charges or late payment charges at the time of initial subscription and at least annually thereafter.

(Effective June 27, 1989)

Sec. 16-333-9c. Billing practices

Each CATV company shall provide each subscriber with a description of the company's billing practices at the time of initial subscription and at least annually thereafter. Such description shall include information on the following: (1) billing period and frequency, (2) security deposit requirements, (3) late payment charges, (4) returned check charges, (5) credits for service outages, (6) pay per view billing procedures, and (7) such other items as required by the Department.

(Effective June 27, 1989; amended July 27, 1999)

Sec. 16-333-9d. Notice to the department and subscribers of changes in billing

Each CATV company shall file a copy of its billing practices with the department and its advisory council and shall give notice to the department, its advisory council, and each subscriber not less than forty-five days prior to implementing any changes in said practices as filed pursuant to § 16-333-9c of these Regulations.

(Effective June 27, 1989)

Sec. 16-333-9e. Information on bills

Every bill to subscribers of CATV service shall contain the following: (1) the date on which any individually chargeable service is rendered; (2) each rate or charge levied; (3) the amount due for the current billing period, identified separately from any prior balance due; (4) the billing date, as defined in section 16-333-1 (i) of these Regulations, for the current billing period; (5) the specific date by which payment is due; (6) the company's telephone numbers, including any toll-free numbers; (7) the Department of Public Utility Control's consumer assistance telephone number, including its toll-free number; and (8) such other items as the Department may require.

(Effective June 27, 1989)

Sec. 16-333-9f. Subscriber complaint information

Each company shall provide each subscriber, at the time of initial subscription and quarterly thereafter, with a summary of the procedures for resolving subscriber complaints including notice of the subscriber's right to appeal, to the Department, the company's response to the contested disposition of the complaint pursuant to section 16-333-9o of these regulations as well as all provisions contained in sections 16-333-9l through 16-333-9o, and for providing refund or credit for service interruptions, pursuant to subsection (a) of section 16-333e of the General Statutes, and a notice indicating that, pursuant to the General Statutes, the company is required to restore interrupted service not later than twenty-four hours after being notified by a subscriber that service has been interrupted. Each bill insert or letter to subscribers, other than promotional material, shall contain the company's telephone numbers, including any toll-free numbers or any other free calling option, and the Department of Public Utility Control's consumer assistance toll-free number.

(Effective June 27, 1989)

Sec. 16-333-9g. Bill payment due date

No CATV company shall issue a bill which contains a statement that payment is due upon receipt. The payment due date of any subscriber's bills shall be no

earlier than twenty-five days after the billing date, as defined in section 16-333-1 (i) of these Regulations, of such bill.

(Effective June 27, 1989)

Sec. 16-333-9h. Determination of delinquency

No CATV subscriber's account shall be considered delinquent prior to twenty five days after the billing date, as defined in section 16-333-1 (i) of these Regulations, contained on the subscriber's bill.

(Effective June 27, 1989)

Sec. 16-333-9i. Late charge/termination notice period

No CATV company may impose a late charge or terminate service on account of non-payment of a delinquent account fewer than forty-five days from the original billing date, as defined in section 16-333-1 (i) of these Regulations. To impose a late charge or terminate service, a company shall first give notice of such delinquency and impending late charge or termination at least fifteen days prior to the imposition of the proposed late charge or the termination. Said notification must be served by first class mail addressed to the subscriber. The fifteen day period shall commence from the date the notice is mailed, provided no notice may be mailed until at least thirty days have elapsed from the billing date contained in the subscriber's bill.

(Effective June 27, 1989)

Sec. 16-333-9j. Maximum late charge penalty

No late charge imposed by a CATV company shall exceed eight percent per annum of the balance due.

(Effective June 27, 1989)

Sec. 16-333-9k. Return check charge

Any return check charge imposed by a CATV company shall be reasonably related to the company's actual cost of processing returned checks.

(Effective June 27, 1989)

Sec. 16-333-9l. Customer complaint procedure

Any CATV subscriber shall have forty-five days from the billing date contained on the subscriber's bill in which to register a complaint with a CATV company with respect to any alleged billing error or dispute. A billing complaint may be registered in person at the company's business office, by telephone or by mail.

(Effective June 27, 1989)

Sec. 16-333-9m. Company response to customer complaints

The CATV company shall provide an initial response, oral or in writing, to the subscriber not later than three days after receipt of said complaint. The company shall then provide a written proposal of the disposition of the complaint to the subscriber not later than fifteen business days following the company's receipt of the complaint.

(Effective June 27, 1989)

Sec. 16-333-9n. Procedures to contest disposition of complaint

The subscriber shall have ten days, from the receipt of the company's proposed disposition of the complaint, to contest the disposition. The notification by the customer that he is contesting the proposed disposition may be submitted in writing, in person at the company's business office, mailed to the company's business office

or made by telephone to the company's business office. The subscriber may present the company with additional information concerning the complaint. If additional information is presented by the customer to the company, the company shall review the information.

(Effective June 27, 1989)

Sec. 16-333-9o. Company response to contested disposition of complaint

When a customer has contested a company's proposed disposition of a complaint, as described in 16-333-9n above, the company shall review any additional information provided and notify the subscriber by first class mail of the company's final disposition within fifteen days of the date the subscriber contested the company's written proposal of disposition. Notice of the subscriber's right to appeal to the Department and the Department's address shall be included in the company's final disposition. Service to the customer shall *not* be terminated pending the outcome of the Department's review provided the subscriber shall pay current and undisputed bill amounts during the pendency of the complaint. No further notice of termination is required.

(Effective June 27, 1989)

Sec. 16-333-10. Termination for non-payment

No CATV company shall disconnect service to a subscriber for non-payment of a disputed bill during the pendency of any billing complaint, provided the subscriber shall pay current and undisputed bill amounts during the pendency of the complaint. Any action taken under this section shall be in accordance with the procedures contained in section 16-333-9i of the Regulations of Connecticut State Agencies.

(Effective June 27, 1989)

Sec. 16-333-10a. Department of public utility control review

The Department of Public Utility Control, upon written request of the subscriber, shall review the company's disposition of a billing complaint. The Department may review the procedures the company followed and the issues involved in the complaint and may prescribe and make such orders as the Department deems reasonable and necessary to resolve the complaint.

(Effective June 27, 1989)

Part VII

Rates and Accounting

Sec. 16-333-11.

Repealed, June 27, 1989.

Sec. 16-333-12. Accounting reports

Each CATV certificate holder shall keep account of its financial condition in accordance with a system of accounts to be prescribed by the commission. Each CATV certificate holder shall report to the commission, annually, on or before April first, its financial condition as of the thirty-first day of the preceding December, and the result of its operations, on forms furnished by the commission. Each CATV certificate holder shall make available such books, records, vouchers, memoranda, documents, letters, contracts or other papers relating to its operations and financial affairs as the commission may request.

Sec. 16-333-12a. CATV cost accounting requirements for municipalities

(a) Any municipality constructing, purchasing or operating a community antenna television company shall develop rules and maintain accounting records in accordance with the Cost Accounting Standards Board Part 9904 — Cost Accounting Standards, Allocation of Home Office Expenses to Segments, 57 Fed. Reg. 14,185 (1992) (to be codified at 48 C.F.R. § 9904.403), in order to fairly allocate costs and expenses between the operations of the CATV system and other operations of the municipality.

(b) The allocation rules developed shall be submitted to the Department of Public Utility Control for approval. Once an allocation method has been approved, it shall not be modified without the consent of the Department of Public Utility Control.

(Effective September 24, 1993)

Part VIII**Construction****Sec. 16-333-13. Minimum construction and extension requirements****(a) Definitions:**

(1) Franchise holder as used in this section means any CATV operator authorized to do business by the Public Utilities Control Authority.

(2) Primary franchise area used in this section means a single, contiguous area within the franchised territory, the outer limits of which shall be as near as possible to 80 residential dwelling units per mile of street or highway, and which shall have been selected by the franchise holder and approved by the DPUC.

(3) Residential dwelling unit (R.D.U.) as used in this section means any habitation used by a person or family unit as a primary place of abode on a year-round basis.

(4) Prospective subscriber as used in this section means any owner or occupier of a residential dwelling unit or commercial establishment who has agreed to purchase CATV service in accordance with the franchise holder's filed and approved tariffs.

(5) Aerial plan as used in this section means CATV cable and equipment other than individual service cable placed above ground on public service company poles or other supporting structures, aerial plant miles shall include any direct line distance spanned by microwave.

(6) Underground plant as used in this section means CATV cable and equipment other than individual service cable, placed in trenches.

(b) Mandatory construction:

(1) Each franchise holder shall, within six months of award of a certificate of public convenience and necessity (franchise) or within six months of the effective date of these regulations, whichever is later, commence construction of the CATV system unless a longer period of time is deemed reasonable by the DPUC.

(2) Each franchise holder shall, within one year of commencing construction, complete construction of energized trunk and feeder throughout the primary franchise area, without regard to aerial or underground plant.

(c) Obligation to extend:

(1) Each franchise holder shall, within one year of completion of the required construction in the primary franchise area, complete construction of energized trunk and feeder to all areas where there are at least 70 R.D.U.'s per aerial plant mile of extension, at no charge to subscribers.

(2) Each franchise holder shall, upon completion of the construction required in c. 1. above, extend energized trunk and feeder, at no charge, to all areas within the franchise territory where there are at least: 1) 25 prospective subscribers per aerial plant mile extension or 2) 50 prospective subscribers per underground plant mile of extension. The construction required by this section shall be completed at a rate specified in the company's tariffs, filed pursuant to subsection (d) of these regulations and approved by the DPUC.

(d) Tariffs:

(1) Each franchise holder shall, within 30 days of the effective date of these regulations, or within 30 days of award of a certificate of public convenience and necessity, whichever is later, file proposed tariffs or tariff revisions which shall specify the obligation of the franchise holder regarding service to all areas where such service is not provided for in these regulations.

(2) All tariffs and tariff revisions are subject to approval by the DPUC.

(3) These revised regulations shall not affect any application for a CATV franchise currently filed before the DPUC as of the effective date of these regulations, but shall apply to any certificate subsequently awarded.

(Effective September 4, 1980)

Sec. 16-333-13a. Application

These construction standards apply to community antenna television systems when the franchised CATV company enters into a pole attachment agreement with the established public utility providing electric or telephone facilities in the area.

(Effective November 25, 1969)

Sec. 16-333-13b. Minimum requirements

Construction specifications not covered by these regulations or specific orders of the commission shall be governed by requirements of sections 16-11-100 to 16-11-152, inclusive, and the National Electrical Safety Code (NESC), 1984 edition, as may be from time to time amended.

(Effective April 22, 1986)

Sec. 16-333-14. Petition and supporting data

No CATV cable or extensions shall be constructed without prior commission approval. Petition for such approval shall be submitted to the commission at least thirty days prior to the proposed date of construction and shall furnish the following information:

- (a) The location of the proposed construction;
- (b) the names of all public service companies and municipalities involved;
- (c) a map showing routes of the television cable;
- (d) the location of amplifiers, power supplies, television tower and all other major components of the television cable system.

(Effective November 25, 1969)

Part IX

Attachment of CATV Systems to Poles

Sec. 16-333-15. Clearances

(a) Vertical runs of CATV cables or wire shall be arranged to avoid interference with safe use of existing pole steps.

(b) Vertical and horizontal runs of CATV cables or wire on poles shall provide a minimum separation of two inches from vertical and horizontal runs of power conductors.

Sec. 16-333-16.

Repealed, November 25, 1969.

Sec. 16-333-16a. Separation at the pole

(a) CATV equipment located above or within four feet of the highest telephone cable or multiple line wire shall be mounted on extension arms placed perpendicular to the run of the cable. When such CATV equipment is mounted on an extension fixture, it shall be located on the side of the extension fixture away from the pole with a minimum horizontal separation of thirty inches from the pole surface.

(b) CATV equipment located below and at a distance greater than four feet from the highest telephone cable or multiple line wire may be mounted on the pole surface or on an extension arm placed perpendicular to or parallel to the run of cable. Such equipment shall be located outside of the climbing space.

(c) Amplifiers and associated equipment such as couplers, splitters, combiners, equalizers, taps and bridging terminals, etc., may be strand mounted above telephone facilities. A minimum of four inches of clearance shall be maintained between the lowest point of the CATV equipment and the telephone cable, multiple line wire or equipment.

(d) CATV attachments shall have a minimum separation of four inches from telephone attachments except as follows: CATV cable shall be located above and at a minimum distance of twelve inches from the highest telephone cable or multiple line wire. When the CATV cable is attached to an extension arm fixture, such cable may be located at the same level as the highest telephone cable.

(e) CATV drip loops shall have a minimum separation of four inches from telephone cable, multiple line wire or equipment.

(f) CATV pole-to-building cables and drop wires, where they leave the pole surface, shall be at least four inches above the highest telephone cable or multiple line wire attachment.

(g) No through bolt shall be installed with less than four inch separation from a parallel through bolt at the pole. Perpendicular through bolts may be installed with two inch minimum separation.

(h) CATV cables attached to poles supporting telephone facilities shall have a distinctive, readily visible means of identification attached to the CATV cable at each pole.

(i) When it is proposed to place CATV attachments on a pole which supports power attachments only, for the purposes of this docket, said CATV attachments shall be located on the pole with the same clearances that would otherwise be required if a telephone cable were attached to the pole at a distance of four and one-half feet below the lowest power attachment.

(Effective November 25, 1969)

Sec. 16-333-17.

Repealed, November 25, 1969.

Sec. 16-333-17a. Separation in the span

(a) These clearances apply under the following conditions: Temperature of 60°F, no wind, with the cable or wire at its final unloaded sag.

(b) For the purpose of this section, the span shall be considered as starting four feet from the surface of the pole.

(c) In pole to pole spans, CATV cables, equipment and associated drip loops shall be at least twelve inches from telephone cable or multiple drop wire.

(d) Pole to pole or pole to building span crossings involving CATV and telephone facilities on different supports are required to have a minimum clearance of two feet.

(e) In pole to building spans, CATV cable or drop wire shall be at least twelve inches from telephone cable, multiple line wire or drop wire except where within four feet of the surface of the pole the clearance may be reduced to four inches.

(f) In span tap to building spans, CATV cable or drop wire shall be at least twelve inches from telephone cable, multiple line wire or drop wire where the CATV and telephone cable or wire are attached to the same supports.

(Effective November 25, 1969)

Sec. 16-333-18. Attachment to buildings

(a) The minimum separation between the first point of CATV attachment and the first point of telephone attachment shall be six inches.

(b) The minimum separation between the first point of CATV attachment and the first point of power company attachment shall be twelve inches.

(c) The minimum separation between CATV wires and telephone and/or power wires running along building walls shall be four inches.

(d) The company shall make reasonable efforts to consult with the property owner or his or her agent to determine the point of attachment and the routing of both interior and exterior cable. If prior agreement with the property owner or his or her agent has not been made, the point of attachment shall be located so as to minimize the length of cable required on or within the building, taking into consideration aesthetics, technical requirements and maintenance.

(e) The building hook which attaches the CATV service drop to the building shall be designed in such a manner and screwed into the building solidly enough so that the hook will fail before it pulls out of the building.

(f) External CATV building wiring shall be arranged as neatly and unobtrusively as is reasonably possible. Cable shall be hidden by placing it next to chimneys and under eaves whenever possible. If cable cannot be hidden it should be run parallel to the architectural features of the building. For aluminum or vinyl siding, specially-designed clips, which do not puncture the siding, shall be used to attach cable. Clips shall be spaced at close enough intervals to prevent the cable from sagging between clips. Cable shall not be placed inside gutters or downspouts.

(g) The company shall determine where sets are to be located prior to making entrance to any building. The company shall exercise reasonable care during the drilling of entrance holes to prevent damage to siding and inner walls, and to avoid drilling into wires and pipes. Clearance holes shall be drilled through asbestos shingles for the nails to attach cable clips. Entrance holes shall be sealed around the cable with RTV silicone sealing compound, or its equivalent, and a "drip loop" of not less than 4 inches shall be maintained.

(h) Inside wire shall not be installed under carpet or rugs or at a location or in such a manner as to constitute a hazardous condition. Reasonable efforts shall be made to secure long runs of interior cable to baseboards or woodwork with clips or other means which minimize permanent damage to the dwelling unit. Where wiring exists inside a dwelling in a finished wall, a wall plate shall be employed and, where practical, shall be positioned at the same height above the floor as

electrical outlets. In all installations, 6 to 8 feet of unsecured cable shall be left to permit moving of the set without disconnecting it from the cable.

(i) The company shall complete installations, making reasonable efforts to leave buildings and grounds in the same condition they were in prior to the installation. Any damage to the building and surrounding grounds shall be repaired. This shall include the careful replacement of material that was removed for trenching, the patching of driveways, and the seeding and landscaping of property where damage has occurred as a result of the installation.

(Effective September 17, 1986)

Sec. 16-333-19. Climbing space

(a) Climbing space consisting of a horizontal area of thirty inches square extending vertically not less than forty inches above and below cables, conductors, crossarms or other communication attachments shall be provided on all poles.

(b) The climbing space shall be a continuation of the existing climbing space through telephone facilities.

Sec. 16-333-20. Electrical equipment requirements

(a) A fused disconnecting means or a circuit breaker device of the lowest current rating consistent with the load requirements of the ****power supply* shall be provided for power service to the ****power supply*. This device may be included within the ****power supply* housing or it may be in a separate weatherproof enclosure. such enclosure shall be acceptable to the power company.

(b) Where the power service protective device is in an enclosure which is external to and not part of the ****power supply* case, this enclosure and the ****power supply* case shall be made electrically continuous by a means other than the power service neutral conductor.

(c) Properly identified line and neutral terminals for connecting electrical service conductors shall be provided. All power service connections at the CATV ****power supply* shall be such as to preclude the possibility of a reversal in polarity.

(d) CATV *power supply* equipment shall be designed so as to provide a *separate, permanent* electrical interconnection between the service neutral conductor *terminal*, metallic enclosure ***and the CATV cable strand.

(Effective November 25, 1969)

Sec. 16-333-21. Bonding and grounding

CATV cable strand shall be bonded to the telephone cable strand or the multiple line wire support strand at the first and last joint pole, and at every amplifier and *power supply* location, with the distance between the bond points not to exceed ten sections. Where there are no telephone facilities present and the power system is multi-grounded neutral, the CATV cable *strand* shall be bonded to a vertical grounding conductor of the power system multi-grounded neutral at approximately one quarter mile intervals.

(b) The outer conductor of the CATV coaxial service drop shall be grounded at the subscriber's location in accordance with requirements as specified by the National Electrical Code. Where a ground rod is used for grounding, an interconnection shall be made between the CATV ground rod and the existing power system ground.

(c) Where a supporting strand is required for the CATV service drop, such strand shall be bonded to the CATV cable strand.

(Effective November 25, 1969)

Sec. 16-333-22. Strength requirements

(a) The supporting strand for CATV cable shall be adequate to support the load to which it may be subjected, and to maintain the required ground clearance or mid span separation from telephone cables or wires. The strand shall have a minimum breaking strength of six thousand pounds and shall not be stressed to more than sixty per cent of rated breaking strength under the maximum load to which it may be subjected, including heavy storm loading.

(b) The supporting wire or strand for CATV service drop, or self-supporting CATV service cable, shall have adequate strength to withstand the stresses imposed under heavy storm loading conditions.

(Effective November 25, 1969)

Sec. 16-333-23. Diagrams for pole attachments

The attached nine diagrams, designated as Appendix Aa, are furnished for illustrative purposes.

APPENDIX A

ATTACHMENT OF CATV SYSTEMS TO POLES

Repealed. (Effective November 25, 1969)

APPENDIX Aa

ATTACHMENT OF CATV SYSTEMS TO POLES

The attached pole head diagrams are intended to illustrate mounting arrangements of CATV facilities to poles. They should not be construed as being wiring arrangements.

INDEX TO PLATES

- Plate 1 CATV and telephone cable on same side of pole.
- Plate 2 CATV and telephone cables on opposite sides of pole.
- Plate 3 CATV cable with strand mounted equipment on same side of pole as telephone cable.
- Plate 4 CATV and telephone cables on opposite sides of pole with strand mounted CATV amplifier.
- Plate 5 CATV and telephone cables on same side of pole with extension arm mounted amplifier or power supply above telephone cable.
- Plate 6 CATV and telephone cables on opposite sides of pole with crossarm mounted amplifier or power supply less than four feet below telephone cable.
- Plate 7 CATV cable mounted on extension arm above telephone cable.
- Plate 8 Top views showing climbing space.
- Plate 9 Top view showing climbing space.

(Effective November 25, 1969)

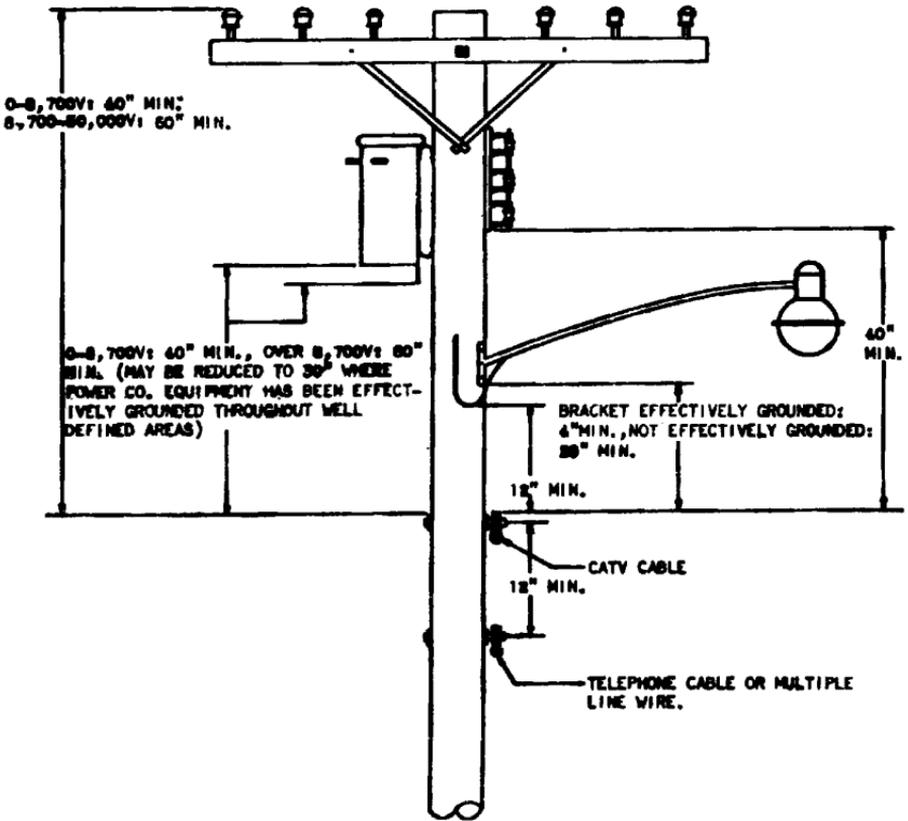


Plate 1

CATV and Telephone Cable on Same Side of Pole

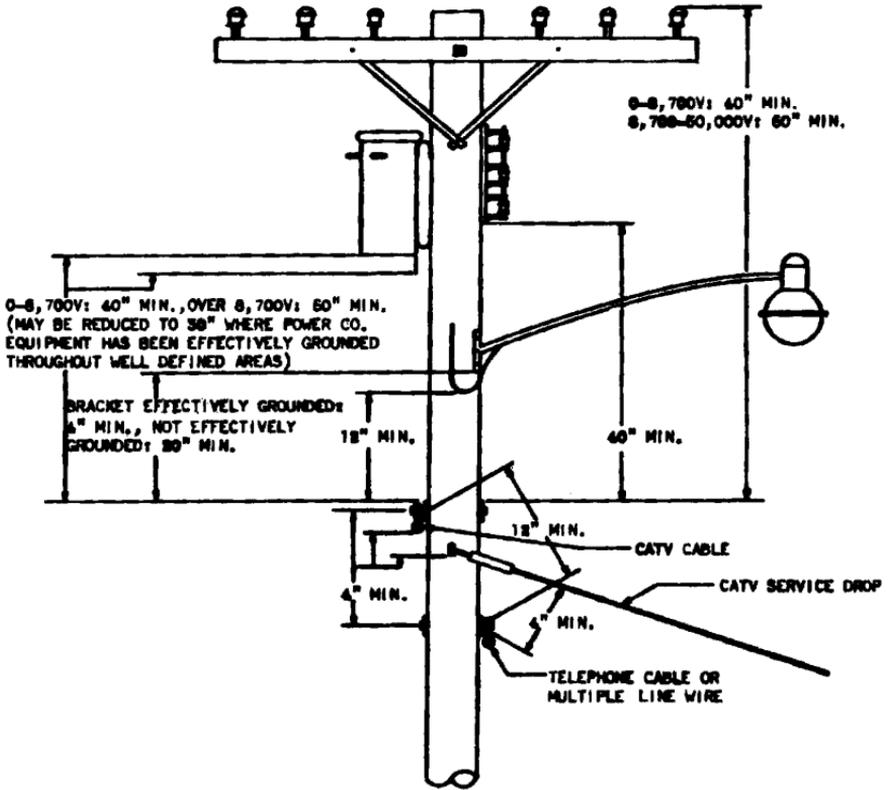


Plate 2

CATV and Telephone Cables on Opposite Sides of Pole

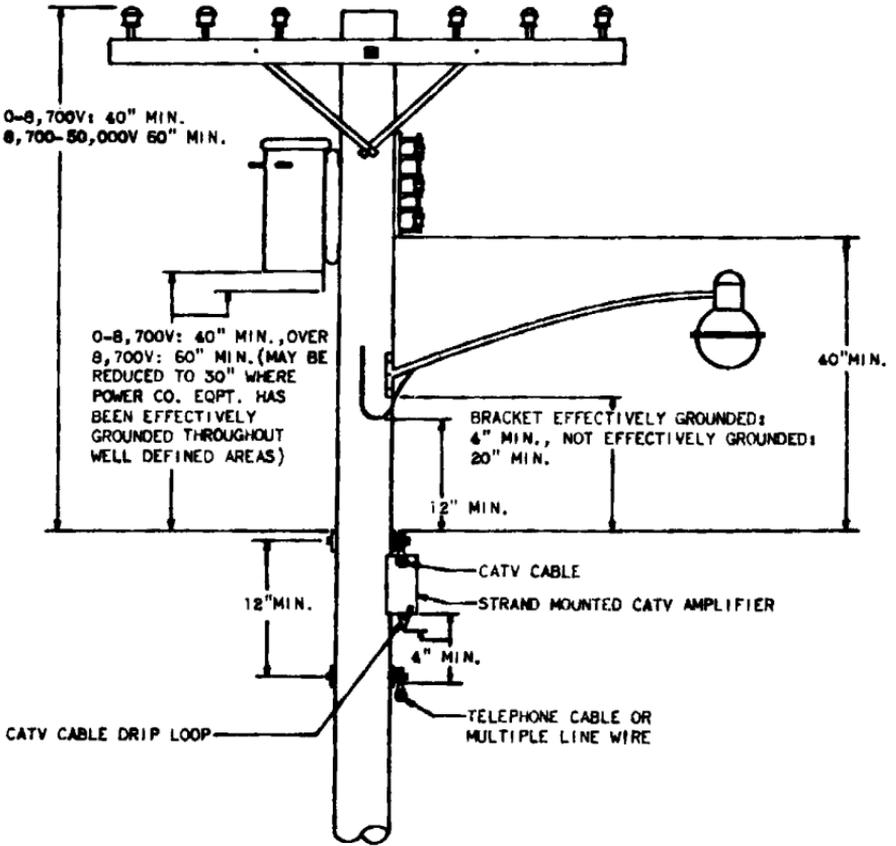


Plate 3

CATV Cable with Strand Mounted Equipment on Same Side of Pole as Telephone Cable

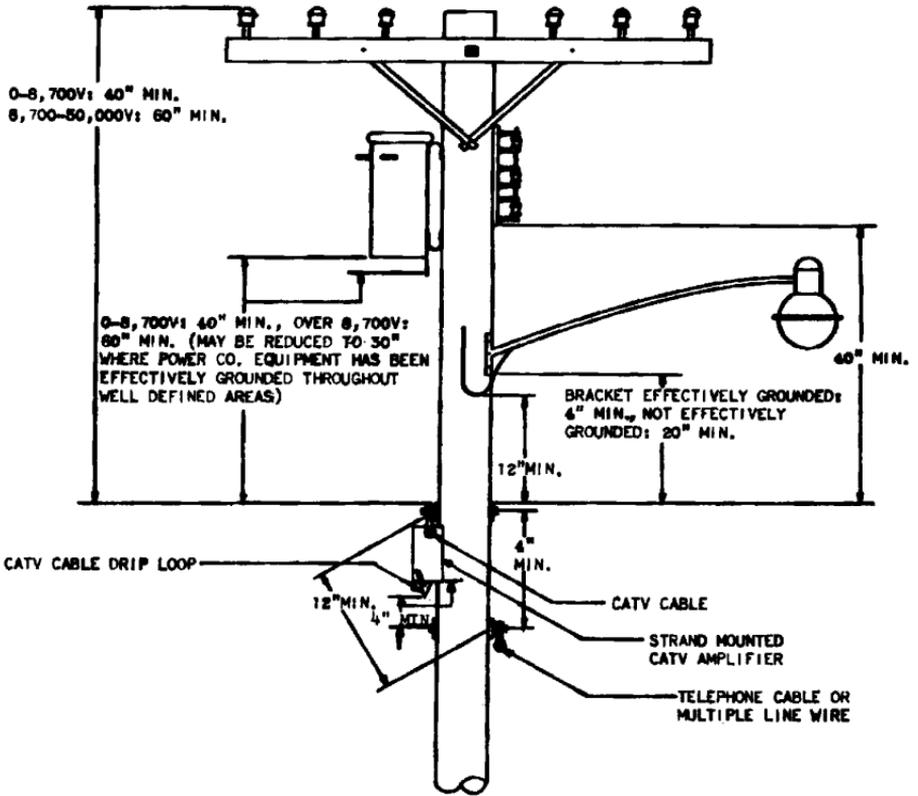


Plate 4

CATV and Telephone Cables on Opposite Sides of Pole with Strand Mounted CATV Equipment

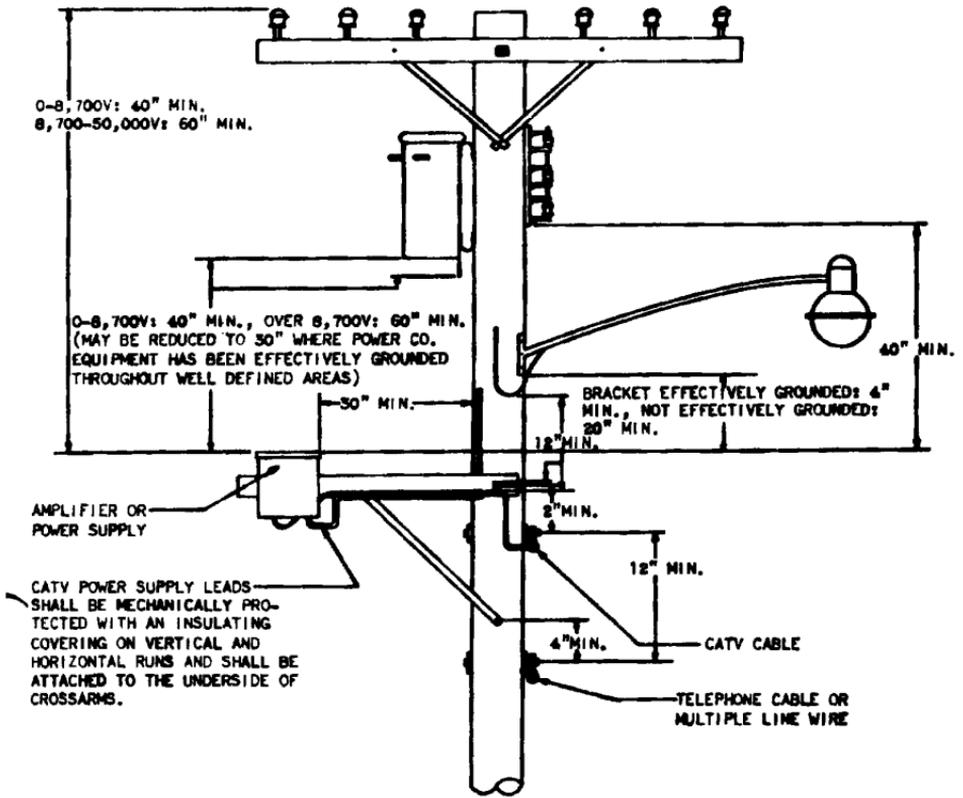


Plate 5

CATV and Telephone Cables on Same Side of Pole with Crossarm Mounted Amplifier and/or Power Supply above Telephone Cable

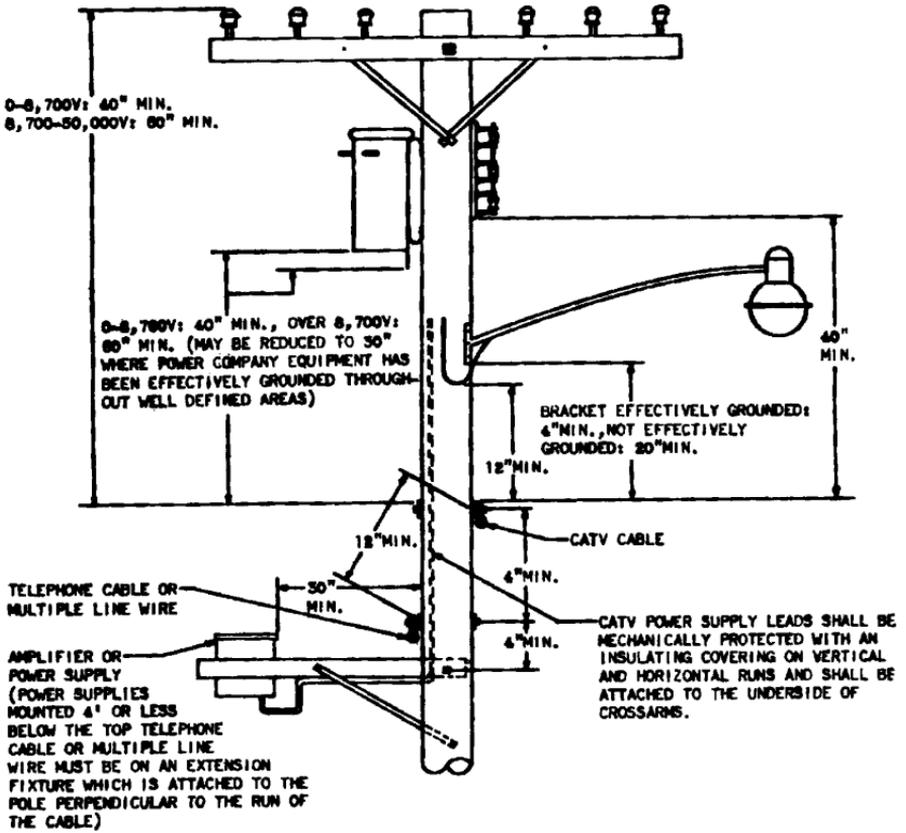


Plate 6

CATV and Telephone Cables on Opposite Sides of Pole with Crossarm Mounted Amplifier and Power Supply Less Than 4' Below Telephone Cable

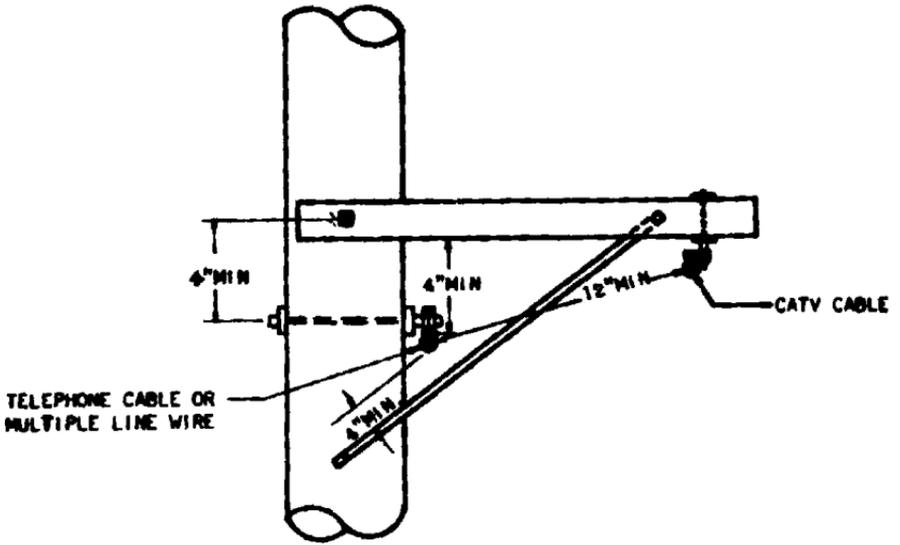


Plate 7

CATV Cable Mounted on Extension Arm
Above Telephone Cable

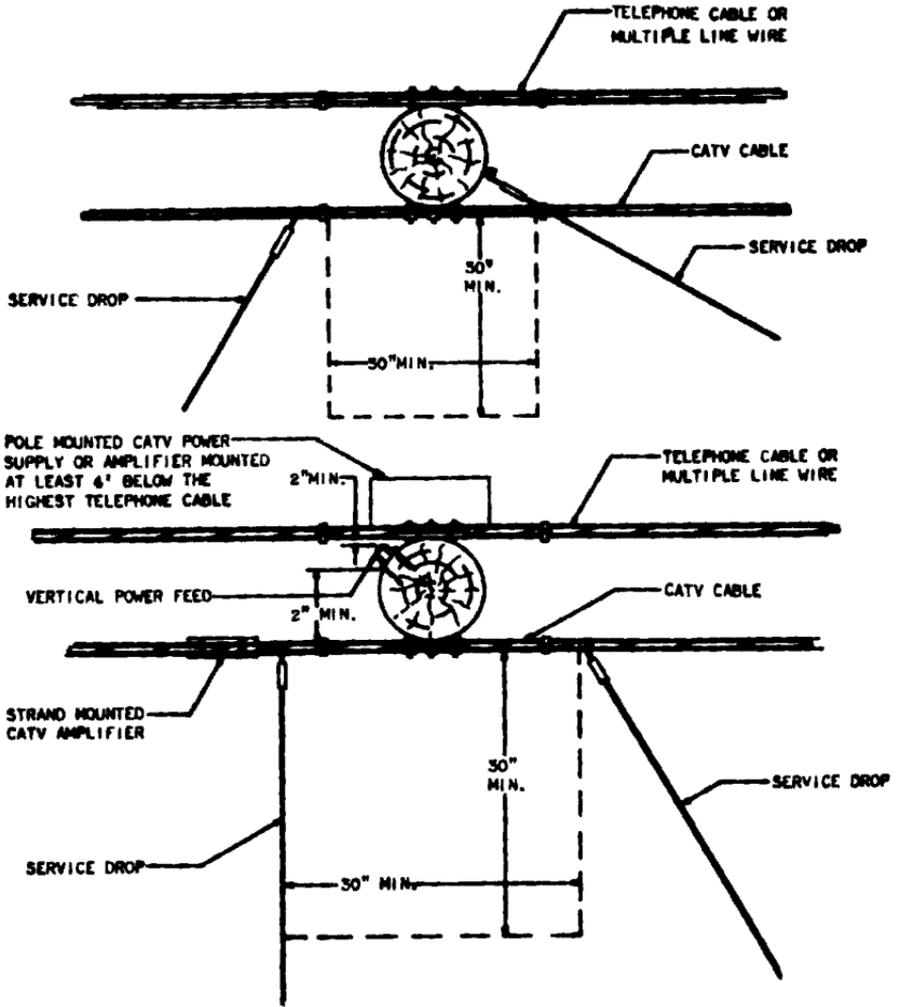


Plate 8

Top Views Showing Climbing Space

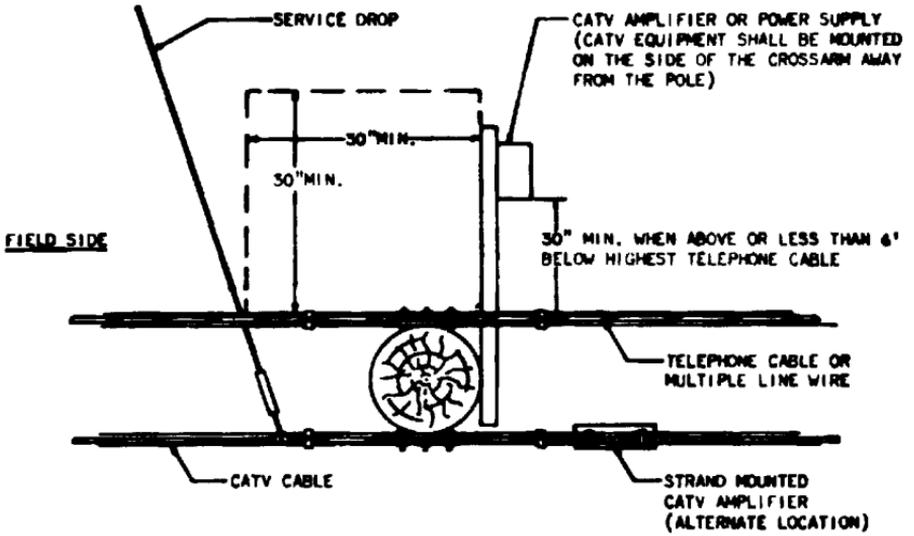


Plate 9

Top View Showing Climbing Space

ESTABLISHMENT OF ADVISORY COUNCILS FOR CABLE TELEVISION FRANCHISE AREAS

Sec. 16-333-24. Establishment of cable television advisory council

There shall be established a cable television advisory council, hereinafter referred to as advisory council, consisting of representatives of the towns in each area where the Public Utilities Commission has granted a certificate of public convenience and necessity to a cable television company as franchise holder under authority of Chapter 289 of the General Statutes.

(Effective April 23, 1974)

Sec. 16-333-25. Appointment of advisory council members

The members of each advisory council shall be appointed as follows:

(a) The chief elected official of each town in the franchise area shall appoint one or more members who are residents of said town in accordance with the population of said town as determined by the most recent United States census in the following manner:

(1) In towns having a population of less than 5,000 - one member.

(2) In towns having a population of at least 5,000 but less than 20,000 - two members.

(3) In towns having a population of at least 20,000 but less than 50,000 - three members.

(4) In towns having a population of 50,000 or more - four members.

Insofar as is possible said appointments should reflect and be representative of the cultural, educational, ethnic and economic makeup of the population inhabiting said towns.

(b) The board of education in each town in the franchise area shall appoint one member of the advisory council. Such member shall reside in said town or be a member of said board of education, or be employed by said board of education.

(c) One member shall be appointed to the advisory council in each franchise area to represent all of the libraries of general public use located in the towns within that franchise. In the town in the franchise area having the largest population therein, as determined by the most recent United States census, the public library board charged with oversight and management of the town's public library as defined by Section 11-24a(b) of the General Statutes shall appoint the advisory council member. In the event there is no public library board in charge of the public library in that town, or if the library of general public use in that town, is a private eleemosynary library, or if no library in either category is located in that town, then said advisory council member shall be appointed by the chief elected official of said town. The advisory council member appointed hereunder shall be either a library board member of a professional library staff employee of a public library or a private eleemosynary library of general public use in a town within the franchise area.

(d) The franchisee shall appoint one member, who shall possess some expertise in the field of cable television and who shall serve without vote on the advisory council.

(e) Appointment of advisory council members pursuant to subsections (a) through (d), of this section, shall be subject to the following limitations:

(1) No paid employee of a nonprofit organization providing community access operations may serve on an advisory council.

(2) No employee of a CATV company, its subsidiaries or affiliates may serve on an advisory council except in the position of franchise representative serving without vote.

(3) At least one seat, but no more than 25 percent of the total seats to which appointments may be made to an advisory council may be filled by persons who also are members of a board of directors of a nonprofit organization providing community access operations.

(4) Advisory council members who also serve as a member of a board of directors of a nonprofit organization providing community access operations shall recuse themselves from voting on any financial matters related to their access organization.

(Effective April 23, 1974; amended March 31, 1999)

Sec. 16-333-26. Term of advisory council members

Each member of the advisory council shall serve for a term of two (2) years from the first day of July in the year in which such member is appointed. If an advisory council member has three consecutive unexcused absences or does not attend 50 percent of meetings duly noticed and held within a 12 month period, then the member will be deemed to have resigned from the council.

(Effective April 23, 1974; amended March 31, 1999)

Sec. 16-333-27. Vacancies of advisory council members

Any vacancies for an unexpired term may be filled by the respective appointing authority in each instance to complete and serve out the remainder of the current term for which the vacating member was appointed.

(Effective April 23, 1974)

Sec. 16-333-28. Compensation

Members of the advisory council shall serve without compensation.

(Effective April 23, 1974)

Sec. 16-333-29. Election of officials and meetings

Each advisory council shall elect its own chairman, vice-chairman and secretary. The council shall meet regularly at least bi-monthly. Special meetings may be called by the chairman or by the majority of the members upon due notice to all members of the advisory council.

(Effective April 23, 1974)

Sec. 16-333-30. Function of council

Each advisory council may give advice to the management of the cable television company upon such matters affecting the public as it deems necessary. Each advisory council shall annually on a date not later than the thirty-first day of January, file a written report with the Department of Public Utility Control concerning its activities for the preceding twelve month period ending December 31.

(Effective April 23, 1974; amended March 31, 1999, October 7, 2004)

Cable Television Public Access Channels

Sec. 16-333-31. Definitions

As used in Secs. 16-331a-2—16-331a-5, inclusive:

(1) “Franchise Holder” means the holder of a certificate of public convenience and necessity to construct and operate a CATV system, under the provisions of section 16-31 of the General Statutes.

(2) Public access refers to the use of a cable television channel for non-commercial programming by any person.

(3) "Person" means any individual, corporation, joint venture, public benefit corporation, political subdivision, governmental agency or authority, municipality, partnership, association, trust or estate and any other entity, public or private, however organized.

(4) "Educational access" means the use of a community access channel for non-commercial educational programming.

(5) "Governmental access" means the use of a community access channel for non-commercial governmental programming.

(6) "Community access" includes public access, educational access and governmental access, as defined in subsections (b), (d) and (e) of this section.

(7) "Access user," "access channel user" and "user of access channel" means any person other than a franchise holder's employee or paid consultant, who is involved in the development, production, showing, promotion or support of community access programming.

(8) "Equipped studio" for the purposes of Section 16-331a-11, shall mean the following:

(1) (A) a production room with ceiling height adequate to mount lighting equipment necessary for good quality production of video programming;

(B) two cameras having a minimum 350 lines of horizontal resolution and equipped with studio view finder, external synchronization capability and remote lens control;

(C) lighting equipment, microphones, intercom system, tripods, and microphone mixers sufficient for good quality production of video programming;

(2) (A) a control room, separate from the production room with adequate sound insulation and space and cable casting equipment sufficient to enable the good quality production and effective showing of video programming, including, but not limited to, the following equipment: three color capable video tape recorders, with video output jack, minimum 60 minute recording time, minimum 240 lines of resolution, and minimum of two audio tracks, at least two of which must be capable of forming an editing system with a controller, and capable of assemble and insert edit;

(B) two monitors with a minimum of nine inch screens; switching equipment and a sixteen-page character generator;

(C) an editing room, separate from the production and control rooms, unless the room is of sufficient size to provide for the editing and control functions to occur simultaneously in the same room without adverse impact to either function, with space and equipment sufficient to enable the effective editing of programming.

(Effective May 19, 1982; amended September 26, 1996)

Sec. 16-333-32.

Transferred to § 16-331a-2.

(Effective September 26, 1996)

Sec. 16-333-33. Equipment and technical assistance

Each franchise holder, upon reaching a minimum of 3,500 subscribers, shall make available to the users of the access channels the following:

(a) Studio facilities necessary for good quality production of live programming.

(b) Technical assistance as required.

(c) At a minimum, a character generator, a portable color camera and a video tape recorder to program the access channel(s) as required. The department may require more than the minimum level of equipment (see section 16-331a-4.)

(Effective May 19, 1982; amended September 26, 1996)

Community Access Support

Sec. 16-333-33a. Community access support definitions

(a) "Access user" for the purposes of section 16-331a-11 and 16-331a-12 shall mean any person, other than a company's employee or paid consultant, who is involved in the production, showing, promotion, or support of community access programming.

(b) "Community access" for the purposes of sections 16-331a-11 and 16-331a-12, shall mean the same as public access as defined in section 16-333-31, including the conception, production, editing, and showing of programming by an access user. No company shall exert editorial control over the content of such programming.

(c) "Equipped studio" for the purposes of section 16-331a-11, shall mean the following: (1) (A) a production room with ceiling height adequate to mount lighting equipment necessary for good quality production of video programming; (B) two cameras having a minimum 350 lines of horizontal resolution and equipped with studio view finder, external synchronization capability and remote lens control; (C) lighting equipment, microphones, intercom system, tripods, and microphone mixers sufficient for good quality production of video programming; (2) (A) a control room, separate from the production room with adequate sound insulation and space and cablecasting equipment sufficient to enable the good quality production and effective showing of video programming, including, but not limited to, the following equipment: three color capable video tape recorders, with video output jack, minimum 60 minute recording time, minimum 240 lines of resolution, and minimum of two audio tracks, at least two of which must be capable of forming an editing system with a controller, and capable of assemble and insert edit; (B) two monitors with a minimum of nine inch screens; switching equipment and a sixteen-page character generator; (C) an editing room, separate from the production and control rooms, unless the room is of sufficient size to provide for the editing and control functions to occur simultaneously in the same room without adverse impact to either function, with space and equipment sufficient to enable the effective editing of programming.

(Effective July 2, 1987; amended September 26, 1996)

Sec. 16-333-33b.

Transferred to § 16-331a-11.

(Effective September 26, 1996)

Sec. 16-333-33c.

Transferred to § 16-331a-12.

(Effective September 26, 1996)

Sec. 16-333-34.

Transferred to § 16-331a-3.

(Effective September 26, 1996)

Sec. 16-333-35.

Transferred to § 16-331a-4.

(Effective September 26, 1996)

Sec. 16-333-36.

Transferred to § 16-331a-5.

(Effective September 26, 1996)

CATV Basic/Premium Allocation Provisions

Sec. 16-333-37.

Repealed, September 24, 1993.

Sec. 16-333-38. Informal renewals

(a) A franchise holder may submit an application to the Public Utilities Control Authority for approval of a proposal for the renewal, extension, or transfer of a certificate, pursuant to Connecticut General Statutes section 16-331, at any time. A proposal for renewal, extension or transfer of a certificate submitted under this section of the regulations shall not be complete unless it contains information as required by section 16-333-40 (b) of these regulations. Such information shall be provided either in the statement of application or as exhibits annexed thereto and accompanying the application.

(b) Upon submission of the proposal for renewal, extension or transfer of a certificate by a franchise holder pursuant to this section of the regulations, the department may, after holding a public hearing and consulting with the Advisory Council, grant or deny such proposal at any time, including after proceedings pursuant to section 16-333-39 of these regulations have commenced.

(c) The denial of a renewal, extension, or transfer of a certificate proposal submitted under this section shall not affect action on any proposal that is submitted in accordance with section 16-333-39 of these regulations.

(Effective June 27, 1989)

Sec. 16-333-39. Formal renewal proceedings, initial procedures

(a) During the 6-month period which begins with the 36th month before and ends with the 30th month prior to the expiration of the franchise, the department may on its own initiative, and shall upon request of the franchise holder, commence proceedings for renewal of a franchise.

(b) Upon the request of the franchise holder or upon its own motion pursuant to the provisions of section 16-333-39 (a) of these regulations, the department shall commence a proceeding, after affording the public in the franchise area appropriate notice, after holding a public hearing and in consultation with the affected local Cable Advisory Council, for the purpose of:

- (1) identifying the future cable-related community needs and interests; and
- (2) reviewing the performance of the franchise holder during the then current franchise term.

(c) Upon the request by the franchise holder or upon order from the department to commence a proceeding for a renewal, extension or transfer of a certificate pursuant to this section, the franchise holder shall file the following information with the department:

- (1) a copy of the current safety manual in use by the company;
- (2) copies of proof-of-performance tests performed during the preceding three years;
- (3) a copy of the franchise holder's Federal income tax returns for the previous three years;
- (4) a copy of the State of Connecticut corporation business tax returns for the previous three years;
- (5) information regarding State of Connecticut Gross Receipts tax for the previous three years;

(6) information regarding the amount of municipal or local property taxes paid for each of the previous three years;

(7) the annual reports of the franchise holder, and holding company which controls the franchise holder if applicable, for each of the previous three years;

(8) a statement of the financial condition of the franchise holder and holding company which controls the franchise, holder, if applicable;

(9) current system maintenance practices;

(10) information as to current customer service and protection practices and procedures, including information as to the franchise holder's practices and procedures for responding to customer inquiries and complaints including a summary of subscriber complaints, by category for the previous three years; penalties imposed for interrupted service, if any, during the course of the franchise term; disconnection practices, rebates, credits, repair and response deadlines; billing information; and procedures to ensure subscriber's right to privacy;

(11) current means to monitor performance and compliance with franchise terms;

(12) results of a subscriber satisfaction survey conducted within the 12 months prior to commencement of the renewal process;

(13) statement of number of dwelling units in franchise area, the number of dwelling units connected for service, and the number of dwelling units passed;

(14) summary of all significant service interruptions and reasons therefore for the last three years;

(15) current services provided for Public, Educational and Governmental programming including the funds expended for such services, the equipment provided, and training programs conducted for the public;

(16) current services provided for the handicapped;

(17) current equal opportunity and affirmative action policies;

(18) insurance coverage currently in effect and the renewal dates for said coverage; and

(19) such other information as the Department may deem as appropriate.

(d) The department shall complete the proceeding initiated under this section in the case of a renewal application, no later than the 4th month prior to the franchise expiration date.

(Effective June 27, 1989)

Sec. 16-333-40. Proposal for renewal-submission

(a) Upon completion of the proceeding under section 16-333-39 of the Regulations of Connecticut State Agencies, the franchise holder may on its own initiative and upon request of the department submit a Proposal for Renewal.

(b) The proposal for franchise renewal, extension, or transfer shall include, but not be limited to information as to how the franchise holder intends to adequately meet the cable-related community needs and interests, including information as to:

(1) proposed system upgrades for greater channel capacity and advanced technological improvements and anticipated effect on subscriber basic rates for the next three years;

(2) proposed construction financing arrangements;

(3) proposed construction timetable and practices including proposed line extension throughout the franchise area;

(4) proposed facilities and equipment including system capabilities, design, and technical performance standards;

(5) proposed mix, quality, and level of services;

(6) proposed channel capacity for Public, Educational and Governmental use, including access channels, facilities, support services, staff for the access studio and training of the public in use of equipment;

(7) proposed system maintenance practices;

(8) proposed means to monitor performance and enforce compliance with franchise terms for the renewed franchise;

(9) proposed provisions for services for the handicapped;

(10) a statement confirming that the franchise holder has the financial ability to comply with provisions of its proposal for renewal;

(11) proposed term of franchise and service area;

(12) proposed equal opportunity and affirmative action policies;

(13) proposed insurance coverage;

(14) such other information as the department, after completion of the proceeding pursuant to section 16-333-39, may deem appropriate; and

(15) any information available to the franchise holder, relevant to the departments determination of the appropriate community access support amount.

(c) Upon submission of the cable operator's proposal the department shall:

(1) promptly provide notice to the public that the proposal has been submitted for consideration;

(2) commence evaluation of the proposal and, within four months of the completion of the proceeding under section 16-333-39 of these regulations, the department shall either issue a decision to renew, extend or transfer the certificate or issue a preliminary finding that the application for the renewal, extension or transfer shall be denied; and

(3) conduct a hearing, as defined in section 16-1-2(d) of the Regulations of Connecticut State Agencies to establish the amount that the franchise holder or organization responsible for community access shall receive for such operation from each mypd within a franchise area.

(d) If a preliminary decision not to renew has been issued, the department shall commence a further review proceeding as provided in section 16-333-41 of these regulations.

(Effective June 27, 1989; amended September 26, 1996)

Sec. 16-333-41. Administrative proceeding for renewal criteria and procedure

(a) If the department, after evaluation of a franchise holder's proposal pursuant to section 16-333-40 (c) (2) of these regulations, makes a finding that the franchise should not be renewed, a hearing shall be scheduled where the qualifications of the franchise holder shall be evaluated in accordance with the following criteria:

(1) whether the franchise holder has been in substantial compliance with the material terms of the franchise and applicable law;

(2) whether the quality of the cable service is reasonable in light of the community needs;

(3) whether the franchise holder has the financial, legal, and technical qualifications to deliver on its renewal proposal;

(4) whether the renewal proposal is reasonable to meet the future community needs and interests considering the costs.

(b) The hearing under this section of the regulations must commence within the four month period after conclusion of the initial assessment proceeding pursuant to section 16-333-39 of these regulations. Prompt notice must be issued to the public although participation is limited to the franchising authority and the franchise holder.

(c) During the review proceeding the franchising authority and the franchise holder have the right to full participation including the right to introduce evidence, conduct discovery, issue subpoenas, cross-examine witnesses, and request a transcript.

(d) Upon completion of the hearing under this section, the department must issue a written decision based on the record and setting forth the reasons for the granting or denial of the renewal, and transmit said decision to the franchise holder. Any decision of denial shall be based on an adverse finding on at least one of four criteria as stated in section 16-333-41 (a) (1) through 16-333-41 (a) (4) of these regulations, provided that if the adverse finding is of substantial failure to comply with a material franchise term or service quality, prior notice and opportunity to cure must have been given to the franchise holder. Any adverse finding shall be deemed void if the franchising authority waived its right to object to the infraction or acquiesced in the commission of the infraction.

(e) The final decision to grant or deny the renewal must be rendered prior to the expiration date of the franchise.

(Effective June 27, 1989)

Sec. 16-333-42. Quality standards for instructional and educational channels

The department, in evaluating educational and/or instructional programming, shall consider the following, without limitation:

(1) the technical quality and reliability of the instructional channel required pursuant to subsection (a) of Section 16-333h of the General Statutes of Connecticut and any other public, educational or governmental access channel available for educational programming provided by the franchise holder pursuant to its franchise agreement or other federal or state law or regulation which includes educational programming, and billing services available to all subscribers and services of a closed system;

(2) the quality and availability of community access training and technical assistance provided to educators, educational institutions and educational agencies in the franchise area, and amount of time of access to production facilities;

(3) the condition of the outside plant to be used in any instructional network or interactive distance learning project in the operator's franchise area;

(4) the franchise holder's proposals, including the use of surveys to identify the needs of the local educational communities, to increase the participation and involvement of educators and educational agencies in distance learning projects, instructional networks, or other instructional uses of cable television, including but not limited to open broadcast and nonbroadcast modes;

(5) the amount of support both direct and indirect, the franchise holder plans to provide and make available, to enhance and promote advanced educational programming;

(6) other forms of advanced capabilities for advanced educational programming to be provided by the operator including but not limited to: (1) the provision of educational and instructional channels with bi-directional full-motion video, (2) the availability of educational channels via return lines for the entire franchise community, (3) non-traditional uses such as information retrieval systems, (4) digitized video conferencing, (5) school-home data transmission, and (6) the availability of interconnection across franchise boundaries.

(Effective April 27, 1993; amended October 24, 1995)

Sec. 16-333-43. Appeal of decision

The denial of renewal or the failure to follow the statutory procedure may be appealed within 120 days of the final decision to a U.S. District Court or the Superior Court for Hartford/New Britain. A decision is considered final only after state administrative review has been exhausted.

(Effective June 27, 1989)

Sec. 16-333-44. Termination of franchise

If a decision is made to terminate a franchise, the franchise shall continue in operation until replaced, or upon order of the Authority.

(Effective June 27, 1989)

Sec. 16-333-45. Notice of renewal application to subscribers

(a) Any CATV company which applies to the Department of Public Utility Control for renewal, extension or transfer of its certificate pursuant to Connecticut General Statutes section 16-331 shall inform its subscribers of such application in the next billing statement sent to the subscribers. A CATV company shall issue a notice to its subscribers and each member of the advisory council containing the dates, times and locations of any hearings set by the department pursuant to the CATV renewal proceeding. Said notice shall also inform the subscribers and each member of the advisory council of the subject matter of the hearing, locations where the proposal for renewal may be reviewed, a statement in boldface print stating that public participation and comment relating to the proposal for renewal and the company's request for renewal of the franchise is encouraged, and the Department's toll-free customer service number. Such notice shall be mailed directly to the subscribers and each member of the advisory council not fewer than fourteen days before the date of the first public hearing.

(b) The notice described in subsection (a) above shall be a separate mailing and shall not include any billing, promotional material or any information unrelated to the franchise renewal hearings.

(Effective May 22, 1992)

Sec. 16-333-45a.

Repealed, October 24, 1995.

Compensation to Owners of Multiunit Residential Buildings

Sec. 16-333-46. Rights of owners to just compensation

The owners of multiunit residential buildings may apply to the Department of Public Utility Control for compensation for any taking of property associated with the installation of wiring and ancillary facilities by a CATV company for the provision of community antenna television services to the multiunit residential building, in accordance with the criteria outlined in Section 16-333-52.

(Effective May 18, 1990)

Sec. 16-333-47. Notice to owners regarding intent to install CATV facilities

The CATV company seeking permission to install facilities in a multiunit residential building shall notify the owner of the building not fewer than thirty days before the proposed date on which installation is to commence. The CATV company shall include in this notice its proposed plan of installation for the CATV service. Said notice shall be sent by certified mail, return receipt requested.

(Effective May 18, 1990)

Sec. 16-333-48. Notice to department, CATV company and OCC regarding intent to seek compensation

Any owner of a multiunit residential building who wishes to petition for compensation shall file an application with the Department no later than thirty days following receipt of the Notice of intent to install cable, required under section 16-333-47. The owner also shall send a copy of said application to the CATV company seeking to install facilities and to the Office of Consumer Counsel. This application shall include the amount of compensation being sought and the basis for such claim. Failure of the owner to petition the Department within the time limit specified under this section shall be deemed a waiver by the owner of the right to seek compensation for said installation.

(Effective May 18, 1990)

Sec. 16-333-49. Application fee

Any application submitted under Section 16-333-48 shall be accompanied by an application fee of \$50.00.

(Effective May 18, 1990)

Sec. 16-333-50. Authorization for negotiations

Upon the filing of the application authorized under Section 16-333-48, the owner of a multiunit residential building and the CATV company shall attempt to reach a mutually acceptable agreement regarding the amount of reasonable compensation due the owner as a result of the installation of CATV facilities in the multiunit residential building. Upon request of either the owner or the CATV company, the Office of Consumer Counsel may participate in such negotiations.

(Effective May 18, 1990)

Sec. 16-333-51. Department proceedings

(a) Any proposed agreement between the owner of a multiunit residential building and the CATV Company shall be submitted to the Department within sixty days of the date of the application submitted under Section 16-333-48 for approval by the Department. Such agreement shall contain the criteria considered, as outlined in Section 16-333-52, upon which the amount of compensation was calculated. The Department shall render a final decision either approving or denying said proposed agreement within ninety days of the receipt of the agreement by the Department. The Department may hold a public hearing on the proposed agreement before rendering its decision.

(b) If the owner and the CATV Company are unable to reach an agreement within the sixty days provided under Section 16-333-51 (a), or if the Department has denied the agreement submitted by the owner and the CATV Company, the Department shall commence proceedings for a hearing to determine the appropriate compensation. The CATV Company, the owner and the OCC shall be designated as parties to such proceeding. The Department shall complete such investigation and render a decision not later than ninety days after initiation of the proceeding.

(c) Nothing in these regulations shall be deemed to impair or delay the right of the CATV operator to install, maintain or remove CATV system facilities, or to provide service to an individual unit in the subject premises, during the pendency of these proceedings.

(Effective May 18, 1990)

Sec. 16-333-52. Criteria

In its determination of an appropriate award of compensation due the owner, the Department shall consider the following:

- (1) The location and amount of space occupied by the installation;
 - (2) Any evidence that the owner has a specific alternative use for any space which would be occupied by the CATV facilities, the loss of which will result in a specific quantifiable loss to the owner;
 - (3) The value of the applicant's property before the installation of cable television facilities, and the value of the property subsequent to the installation of cable television facilities and the method or methods used to determine such values;
 - (4) Whether the installation of the CATV facilities will interfere with the use and occupancy of the building, which interference would cause a decrease in the rental or resale value of the building; and
 - (5) Any actual costs incurred by the property owner directly related to the installation of the CATV facilities.
- (Effective May 18, 1990)

Sec. 16-333-53. Appeal

Any determination made by the Department under Section 16-333-51 of these regulations may be appealed by an aggrieved party in accordance with the provision contained in Section 4-183 of the General Statutes of Connecticut.

(Effective May 18, 1990)

Sec. 16-333-53a. Contracts for access and wiring between community antenna television companies and owners of multiunit residential buildings

(a) In contracts pertaining to access and wiring between community antenna television companies and owners of multiunit residential buildings, the following terms shall not be included:

- (1) Any term that unreasonably restricts the ability of a community antenna television company to enter a multiunit residential building to restore service to a tenant in the event of a service interruption.
- (2) Any term that interferes with the ability of the owner of a multiunit residential building to guarantee building safety and security.
- (3) Any term that grants an exclusive license to any community antenna television company.
- (4) Any term that precludes any community antenna television company from negotiating with the owner of a multiunit residential building at a tenant's request pursuant to Subsection 16-333a (b) of the General Statutes of Connecticut.
- (5) Any term that has the effect, directly or indirectly, of diminishing or interfering with the right of tenants to use or receive community antenna television service from other providers.
- (6) Any term that discriminates in favor of any one community antenna television service provider with respect to the provision of access or compensation requested.

(b) In contracts pertaining to access and wiring between community antenna television companies and owners of multiunit residential buildings, the following terms may be included:

- (1) Any term that requires a community antenna television company to follow reasonable procedures before entering a multiunit residential building to restore service in the case of a service interruption, such as contacting the occupied building's security officer prior to entering the multiunit residential building.
- (2) Any term that reasonably limits the ability of a community antenna television company to enter a multiunit residential building to install or upgrade service, so long as such limitation(s) are related to building safety and security.

(3) Any term that establishes liquidated damages in the event that a community antenna television company fails to complete an installation and, after an opportunity to cure, the community antenna television company fails to remove any and all wiring installed by the provider or otherwise fails to restore the multiunit residential building to its preinstallation condition.

(4) Any term that limits the application or operation of indemnification provisions in situations of gross negligence or willful misconduct on the part of the owner of a multiunit residential building.

(5) Any term that requires the community antenna television company to supply the owner of a multiunit residential building with detailed plans and specifications for all wiring, equipment and construction work for approval by owner. The terms of approval shall specify that such approval shall not be unreasonably withheld.

(6) Any term that requires the owner of a multiunit residential building to provide, if reasonably available, building and riser conduit or cabling for the use of the community antenna television company, at a rate of compensation agreed to by the parties and in compliance with the provisions of Subsection 16-333a (e) of the General Statutes of Connecticut and Section 16-333-52 of Regulations of Connecticut State Agencies.

(7) Any term that requires the community antenna television company, at a cost agreed to by the parties, to construct additional building and riser conduit, provided that the entire cost of such wiring is assumed by the community antenna television company pursuant to Subsection 16-333a (b) of the General Statutes of Connecticut.

(Effective October 26, 1995)

CATV Rate Regulation

Sec. 16-333-54. CATV rate regulation

The Department of Public Utility Control shall regulate basic cable service and associated equipment rates pursuant to Federal Communications Commission regulations implementing Section 623 of the Communications Act of 1934, as amended by Section 3 of the Cable Television Consumer Protection and Competition Act, Pub. L. No. 102-385, 106 Stat. 1460 (1992), including but not limited to those regulations adopted in the Report and Order and Further Notice of Proposed Rule-making in Docket MM 92-266, released May 3, 1993, as hereafter amended. A copy of all applicable Federal Communications Commission regulations shall be available for public inspection at the Office of the Executive Secretary, Department of Public Utility Control, 1 Central Park Plaza, New Britain, CT 06051.

(Effective September 24, 1993)