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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

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Federal Communications Commission
Office of the Secretary
January 21, 1985

ENFORCEMENT DIVISION

Margaret Wood, Esquire
Federal Communications Commission
Room 6206
1919 M Street, N.W.
Washington, D.C. 20554

Dear Attorney Wood:

In response to James Mullins' letter of January 2, 1985, I hereby certify that Connecticut's Department of Public Utility Control continues to regulate pole attachments, pursuant to the applicable General Statutes of Connecticut ("General Statutes") and Regulations of Connecticut State Agencies ("Regulations"). These Statutes and Regulations comply with the Cable Communications Policy Act of 1984, which amends section 224(c) of the Communications Act of 1934, 47 U.S.C. Attached are copies of the controlling Statutes and Regulations, all of which are now in effect. In addition, I have enclosed copies of the Department's most recent decisions on tariffs for pole attachments, copies of tariffs which we have on file, and sample agreements for pole attachments.

This Department avails petitioners in individual matters to complain of pole attachments' rates, terms, and conditions, pursuant to General Statutes section 16-11, and in accordance with Regulations section 16-1-102 et seq. Copies of these provisions are attached. The Department will take final action on a complaint within 180 days after it has been filed with the Department, according to the Department's internal procedures. Following these procedures, the Department's recordkeeping and scheduling offices identify complaints on pole attachments, note the 180-day deadline on the scheduling form for these cases, and schedule all appropriate notices, review, hearings, and deliberations to be completed by the deadline. In addition, the Department will continue to invite individuals' complaints and comments on such matters as pole attachments as part of telephone and electric companies' rate proceedings, under General Statutes section 16-19.

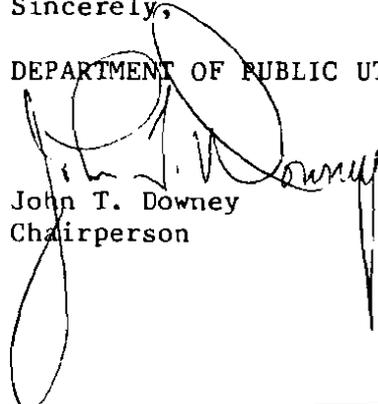
The Department determines the validity of such comments and complaints in the Department's rate decisions, which are rendered within either 150 or 180 days of the rate filing's effective date, pursuant to section 16-19. Therefore, these complaints, which are submitted after the rate application, are also handled within the federal Act's 180-day deadline.

Finally, I note that although this Department maintains that we fully comply with section 4 of the Cable Communications Policy Act of 1984, the Department is proposing legislation and promulgating regulations on pole attachments. These proposals are intended to accomplish the following: 1) to modify existing language to extend the privilege of attaching wires to utility poles specifically to CATV operators, in addition to public service companies and municipalities; 2) to clarify the Department's procedures for hearing individual complaints on pole attachments by specifying the 180-day deadline for taking final action.

I trust that this information suffices to answer your questions. However, if you have further inquiries, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL


John T. Downey
Chairperson



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

February 26, 1985

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ENFORCEMENT DIVISION

Margaret Wood, Esquire
Federal Communications Commission
Room 6206
1919 M Street, N.W.
Washington, D.C. 20554

Dear Attorney Wood:

Please find attached a copy of Connecticut General Statutes Section 16-332 which was erroneously omitted from the package on pole attachments sent to you in response to James Mullins' letter of January 2, 1985. In addition, I have included a copy of another sample pole attachment agreement. I would appreciate it if you would add these documents to Connecticut's file on pole attachments. Thank you for your assistance.

Very truly yours,

John T. Downey
by Susan R. Carlson

John T. Downey
Chairperson

Enc.

160, 348; P.A. 81-393, S. 1; 81-472, S. 157; P.A. 82-221, S. 2, 3; P.A. 83-49; 83-149; 83-584, S. 2.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 79-533 provided that certificate grants franchise for unlimited time unless revoked or reassigned in Subsec. (a) and added Subsec. (c); P.A. 80-482 made division of public utility control an independent department and deleted reference to abolished department of business regulation; P.A. 81-393, in Subsec. (a) deleted provision that a certificate grants a franchise for an unlimited period and authorized department to amend certificates to include nonfranchised municipalities, in Subsec. (b) added provisions requiring department to consider concentration of ownership and owners resident in service area and in Subsec. (c) required officer of company to arrange for meeting with advisory council, department to designate advisory council as intervenor and company to provide advisory council with copies of department filings; P.A. 81-472 made technical changes; P.A. 82-221 applied criteria for granting certificate to transfer of existing certificate; P.A. 83-49 amended Subsec. (c) to authorize petition department re service deficiencies; P.A. 83-149 added Subsec. (d), limiting the duration of franchise certificates to fifteen years and providing for renewal procedure; P.A. 83-584 amended Subsec. (b) to require department, in reviewing application filed on or after January 1, 1983, for transfer of existing certificate, to consult with advisory council and consider adequacy of service by applicant in other franchise areas and amended Subsec. (d) to allow transferee of certificate issued for initial franchise term to have full fifteen year term.

The circumstance of common ownership is a proper consideration in determining the suitability of the applicant by the commission. Other things being equal, the public interest would best be served by the grant of franchises to independent CATV operators rather than to those financially affiliated with broadcasters. 159 C. 317, 332, 333. Cited. 192 C. 506, 508.

Sec. 16-332. Leases by public service companies of facilities for community antenna purposes. Any public service company may lease facilities to persons or corporations operating community antenna television systems for the purpose of making television and audio signals available for reception by the customers of such persons or corporations. Rates for such leasing shall be filed with the department of public utility control pursuant to section 16-19.

(1963, P.A. 425, S. 4; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 161, 348.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced public utilities control authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division an independent department and deleted reference to abolished department of business regulation.

Sec. 16-333. Orders and regulations. Construction and extension requirements. Performance standards. Public access channel. Personal privacy protections. Carriage of television broadcast signals. Subscriber inquiries and complaints. Notices. (a) The department of public utility control may issue orders and regulations governing safety of operations of community antenna television systems.

(b) The department of public utility control shall adopt regulations in accordance with chapter 54 to: (1) Establish minimum construction and extension requirements for underground community antenna television facilities in areas where underground facilities of other public utilities already exist; (2) establish technical standards of performance for the installation of community antenna television systems, including standards for the drilling of holes and the location of such holes in buildings to be served.

(c) The department of public utility control shall adopt regulations in accordance with chapter 54 requiring each community antenna television company to maintain at least one specially designated, noncommercial public access channel available to the public and establishing minimum standards for the equipment supplied by such company for the public access programming and requirements concerning the availability and operation of such channel.

(d) The department shall, not later than March 1, 1984, adopt regulations in accordance with chapter 54 (1) establishing personal privacy protections for community antenna television subscribers, including, but not limited to, standards for the types of individually identifiable data that a community antenna television company may collect

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future. Such record shall be open to public inspection at the office of the department and a copy thereof shall be mailed to the company affected thereby.

(1949 Rev., S. 5407; 1971, P.A. 221; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 53, 348; P.A. 82-150, S. 3.)

History: 1971 act required that record of accident be made within three months rather than one month, P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced the authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of public utility control an independent department and deleted reference to abolished department of business regulation; P.A. 82-150 made technical grammatical change.

Cited 162 C. 53.

Sec. 16-18. Bowers concerning poles and wires. The department of public utility control shall have power, after notice to the companies interested and public hearing, to require any public service company maintaining a line or lines of poles and wires in this state to change the location of such poles and wires in the public highways whenever public convenience or necessity requires such change and, if two or more companies are using or maintaining lines of poles or wires in the same street, to require the wires of such companies to be strung upon one or more lines of poles to be owned and maintained by the companies using the same as said department determines.

(1949 Rev., S. 5408; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 54, 348.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced public utilities control authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division an independent department and deleted reference to abolished department of business regulation.

Cited 103 C. 205. Cited 162 C. 93.

Sec. 16-19. Amendment of rate schedule; investigations and findings by department; hearings; deferral of municipal rate increases; refunds; notice of application for rate amendment, interim rate amendment and reopening of rate proceeding. (a) No public service company may charge rates in excess of those previously approved by the authority or the department of public utility control except that any rate approved by the public utilities commission or the authority shall be permitted until amended by the authority or the department, that rates not approved by the authority or the department may be charged pursuant to subsection (b) of this section, and that the hearing requirements with respect to adjustment clauses are as set forth in section 16-19b. Each public service company shall file any proposed amendment of its existing rates with the department in such form and in accordance with such reasonable regulations as the department may prescribe. Each electric, gas or telephone company filing a proposed amendment shall also file with the department an estimate of the effects of the amendment, for various levels of consumption, on the household budgets of high and moderate income customers and customers having household incomes not more than one hundred fifty per cent of the federal poverty level. Each electric company shall also file such an estimate for space heating customers. Each public service company shall notify each customer who would be affected by the proposed amendment, by mail, at least one week prior to the public hearing thereon, that an amendment has been or will be requested. Such notice shall also indicate whether the proposed amendment would, in the company's best estimate, increase any rate or charge by twenty per cent or more, and, if so, describe in general terms any such rate or charge and the amount of the proposed increase, provided no such company shall be required to provide more than one form of the notice to each class of its customers. In the case of a proposed amendment to the rates of any public service company, the department shall hold a public hearing thereon, except as permitted with respect to interim rate amendments by subsection (d) of this

section, and necessary to forth in sec reasonable a or in excess action appe or complain investigation rates. If the principles a discriminate to provide p inadequate c service to be such compa telephone c subsection c customers,) department from the pr and upon ne thirty days.

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principles and guidelines set forth in section 16-19e, provided the department shall first hold a special public hearing on the need for such interim rate increase and the company, at least one week prior to such hearing, notifies each customer who would be affected by the interim rate increase that such an increase is being requested. The company shall include the notice in a mailing of customer bills, unless such a mailing would not provide timely notice, in which case the department shall authorize an alternative manner of providing such notice. Any such interim rate increase shall only be permitted if the public service company submits an assurance satisfactory to the department, which may include a bond with surety, of the company's ability and willingness to refund to its customers with interest such amounts as the company may collect from such interim rates in excess of the rates approved by the department in accordance with subsection (a) of this section. The department shall order a refund in an amount equal to the excess, if any, of the amount collected pursuant to the interim rates over the amount which would have been collected pursuant to the rates finally approved by the department in accordance with subsection (a) of this section or fixed at the conclusion of any appeal taken as a result of any finding by the department. Such refund ordered by the department shall be paid by the company to its customers in such amounts and by such procedure as ordered by the department.

(e) If the department finds that the imposition of any increase in rates would create a hardship for a municipality, because such increase is not reflected in its then current budget, or cannot be included in the budget of its fiscal year which begins less than five months after the effective date of such increase, the department may defer the applicability of such increase with respect to services furnished to such municipality until the fiscal year of such municipality beginning not less than five months following the effective date of such increase; provided the revenues lost to the public service company through such deferral shall be paid to the public service company by the municipality in its first fiscal year following the period of such deferral.

(f) Any public service company, as defined in section 16-1, filing an application with the department of public utility control to reopen a rate proceeding under this section, which application proposes to increase the company's revenues or any rate or charge of the company by five per cent or more, shall, not later than one week prior to the hearing under the reopened proceeding, notify each customer who would be affected thereby that such an application is being filed. Such notice shall indicate the rate increases proposed in the application. The company shall include the notice in a mailing of customer bills, unless such a mailing would not provide timely notice to customers of the reopening of the proceeding, in which case the department shall authorize an alternative manner of providing such notice.

(1949 Rev., S. 5409; 1969, P.A. 217; 1972, P.A. 192, S. 1; P.A. 74-216, S. 2, 8; P.A. 75-486, S. 8, 69; P.A. 77-121; 77-614, S. 162, 587, 610; P.A. 78-303, S. 85, 136; P.A. 80-482, S. 55, 348; P.A. 83-190, S. 1-3; P.A. 84-113, S. 1, 2, 4; 84-342, S. 9, 13; 84-546, S. 49, 173.)

History: 1969 act allowed suspension of effective date of increase for one hundred fifty days rather than one hundred twenty days; 1972 act added provisions re deferment of increase to municipalities if increase would cause budget difficulties; P.A. 74-216 added special provisions re rate increases for gas and electric companies; P.A. 75-486 replaced public utilities commission with public utilities control authority, clarified and rearranged provisions, allowed company to charge rates higher than those previously approved under certain circumstances and made interim rate provisions applicable to all public service companies rather than to gas and electric companies only; P.A. 77-121 required that companies notify customers of rate amendment request by mail before public hearing in Subsec. (a); P.A. 77-614 and P.A. 78-303 replaced authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division an independent department and deleted reference to abolished department of business regulation; P.A. 83-190 amended Subsec. (a) to require notice of proposed amendment one week prior to hearing and indication whether amendment would increase any rate or charge by at least twenty per cent, amended Subsec. (d) to establish notice requirement for proposed interim rate amendments and added Subsec. (f) to establish notice requirement for any application to reopen a rate proceeding, which application proposes to increase company's revenues or any rate or charge by at least five per cent; P.A. 84-113 amended

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section, and shall make such investigation of such proposed amendment of rates as is necessary to determine whether such rates conform to the principles and guidelines set forth in section 16-19e, or are unreasonably discriminatory or more or less than just, reasonable and adequate, or that the service furnished by such company is inadequate to or in excess of public necessity and convenience. The department, if in its opinion such action appears necessary or suitable in the public interest may, and, upon written petition or complaint of the state, under direction of the governor, shall, make the aforesaid investigation of any such proposed amendment which does not involve an alteration in rates. If the department finds any proposed amendment of rates to not conform to the principles and guidelines set forth in section 16-19e, or to be unreasonably discriminatory or more or less than just, reasonable and adequate to enable such company to provide properly for the public convenience, necessity and welfare, or the service to be inadequate or excessive, it shall determine and prescribe, as appropriate, an adequate service to be furnished or just and reasonable maximum rates and charges to be made by such company. In the case of a proposed amendment filed by an electric, gas or telephone company, the department shall also adjust the estimate filed under this subsection of the effects of the amendment on the household budgets of the company's customers, in accordance with the rates and charges approved by the department. The department shall issue a final decision on each rate filing within one hundred fifty days from the proposed effective date thereof, provided it may, before the end of such period and upon notifying all parties and intervenors to the proceedings, extend the period by thirty days.

(b) If the department has not made its finding respecting an amendment of any rate within one hundred fifty days from the proposed effective date of such amendment thereof, or within one hundred eighty days if the department extends the period in accordance with the provisions of subsection (a) of this section, such amendment may become effective pending the department's finding with respect to such amendment upon the filing by the company with the department of assurance satisfactory to the department, which may include a bond with surety, of the company's ability and willingness to refund to its customers with interest such amounts as the company may collect from them in excess of the rates fixed by the department in its finding or fixed at the conclusion of any appeal taken as a result of a finding by the department.

(c) Upon conclusion of its investigation of the reasonableness of any proposed increase of rates, the department shall order the company to refund to its customers with interest any amounts the company may have collected from them during the period that any amendment permitted by subsection (b) of this section was in force, which amounts the department may find to have been in excess of the rates fixed by the department in its finding or fixed at the conclusion of any appeal taken as a result of a finding by the department. Any such refund ordered by the department shall be paid by the company, under direction of the department, to its customers in such amounts as are determined by the department.

(d) Nothing in this section shall be construed to prevent the department from approving an interim rate increase, if the department finds that such an interim rate increase is necessary to prevent substantial and material deterioration of the financial condition of a public service company, to prevent substantial deterioration of the adequacy and reliability of service to its customers or to conform to the applicable