

Sec. 16-333. Regulations: Safety of operations, facility construction, system installation, community access channel,...

(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 community access channel** available to the public and establishing minimum standards for the equipment supplied by such company for the community access programming and requirements concerning the availability and operation of such channel.

Sec. 16-331. Certificate of public convenience and necessity. Advisory councils. Franchise terms. Regulations. Community needs assessment....

(3) In evaluating the quality of community access programming the department shall consider, without limitation, (A) compliance with federal laws governing **noncommercial educational broadcast stations and public broadcast stations**, and state laws governing community access, including, but not limited to, sections 16-333-31 to 16-333-36, inclusive, of the regulations of Connecticut state agencies; (B) compliance with the terms of the franchise certificate, which apply to community access; and (C) compliance with requirements involving community access contained in any order of the department which applies to the community antenna television system.

Sec. 16-331a. Community access programming and operations

(f) In the case of any initial, transfer or renewal franchise proceeding held on or after October 1, 1990, the department may, on its own initiative, in the first six months of the second, fifth, eighth and eleventh years of the franchise term, review and evaluate the company's or the organization's provision of community access programming. The department shall conduct such review or evaluation in any such proceeding held on or after October 1, 1990, if the Consumer Counsel or any interested party petitions the department for such a review during the first six months of the review year. During any such review year, if an organization desires to provide community access operations it shall petition the department and the department shall follow the procedures and standards described in subsection (c) of this section in determining whether to assign to the organization the responsibility to provide such operations. No community access programming produced using the facilities or staff of an organization or company providing community access operations **shall be utilized for commercial purposes without express prior written agreement between the producer of such programming and the organization or company providing community access operations the facilities or staff of which were used in the production of the programming**. Such an agreement may include, without limitation, a provision regarding the producer and the company or organization sharing any profit realized from such programming so utilized. An organization providing community access operations shall consult with the company in the franchise area prior to making such an agreement.

(h) Upon the request of the Office of Consumer Counsel or the franchise's advisory council, and for good cause shown the department shall require an organization responsible for community access operations to have an independent audit conducted at the expense of the organization. For purposes of this subsection, "good cause" may include, but not be limited to, the failure or refusal of such organization (1) to account for and reimburse **the community access programming budget for its commercial use of community access programming facilities, equipment or staff, or for the allocation of such facilities, equipment or staff to functions not directly related to the community access operations of the franchise**, (2) to carry over unexpended community access programming budget accounts at the end of each fiscal year, (3) to properly maintain community access programming facilities or equipment in good repair, or (4) to plan for the replacement of community access programming equipment made obsolete by

technological advances. In response to any such request, the department shall state, in writing, the reasons for its determination.

By law, the cable company or nonprofit organization that operates community access cannot exercise editorial control over the programming, except with regard to obscenity or as allowed by state or federal law. The cable company's advisory council must review all community access programming that has been the subject of a complaint. The act does not extend these provisions to programming carried by providers.

Commercial

ACM Policy Platform: Guaranteed diverse **non-commercial** local programming - Local communities must be able to produce and transmit media that reflects local experiences

Access programming opportunities are also endorsed and protected by the U.S. Congress in the Cable Communications Policy Act of 1984

[<http://www.publicaccess.org/cableact.html>] and the Cable Consumer Protection and Competition Act of 1992.

THE CABLE COMMUNICATIONS ACT OF 1984 PUBLIC LAW 98-549 - October 30, 1984

"Part II - Use of Cable Channels and Cable Ownership Restrictions

CABLE CHANNELS FOR PUBLIC, EDUCATIONAL, OR GOVERNMENTAL USE" 47.U.S.C 531

"SEC.611.(a)

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Source of some of the confusion can be traced to this Amendment.

From STATE OF CONNECTICUT

AMENDMENT

LCO No. 7139

General Assembly

January Session, A.D., 1995

Offered by REP. FONFARA, 6th DIST.

SEN. SOMMA, 16th DIST.

To Senate Bill No. 360

File No. 165

Cal. No. 228

Entitled "AN ACT CONCERNING OVERSIGHT AND AUDITING OF COMMUNITY ACCESS OPERATIONS."

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