

Sound View Community Media, Inc.

211 State Street,
Bridgeport, CT 06604
Tel: (203) 345-0100
Fax: (203) 345-0105
www.soundviewtv.org

February 12, 2013

Ms. Kimberley J. Santopietro
Executive Secretary
State of Connecticut
Public Utility Regulatory Authority (PURA)
10 Franklin Square
New Britain, CT 06051

Dear Ms. Santopietro:

Subject: 2012 Annual Community Access Provider Report

Enclosed please find subject document as required. The audited financials are currently underway and will be submitted when completed, around May 1st. An electronic version was also filed with the Department today. Please do not hesitate to contact me if you have any questions.

Thank you.

Sincerely,

Thomas J. Castelot
President

Enclosure

C: Jennifer Young, Cablevision of Litchfield
Office of Consumer Counsel

2012

ANNUAL COMMUNITY ACCESS PROVIDER REPORT

Cable Franchise Operator

Name of Cable Operator: Cablevision of Southern Connecticut
28 Cross Street, Norwalk, Ct 06851
Address: (203) 750-5613
AT&T U-verse
Telephone: 430 John Street, Bridgeport, Ct 06604
(203) 382-6101
Towns Served: Bridgeport, Fairfield, Milford, Orange, Stratford, and
Woodbridge
Contact Person: Jennifer Young, Cablevision
Kelly Wade Bettuchi, AT&T U-Verse

Access Provider

Name of Access Provider: Sound View Community Media, Inc.
Address: 211 State Street, Suite 405
Bridgeport, CT 06604
Telephone: (203) 345-0100
Towns Served: Bridgeport, Fairfield, Milford, Orange, Stratford, and
Woodbridge
Access Contact Person: Thomas Castelot Telephone: (203) 345-0100
Extension 111

Person responsible for filing this Community Access Report: Thomas Castelot

Period covered by this report: January 1, 2012 thru December 31, 2012

An annual community access report is required for each access facility. List each facility and identify the entity responsible for managing its operations (facility includes access operations with studio(s), edit suite(s), etc.):

<u>Name of Facility</u>	<u>Location (Town)</u>	<u>Contact Person/Tel. No.</u>
Sound View Community Media, Inc.	Bridgeport, CT	Thomas Castelot (203) 345-0100, ext. 111

Description of access facility (include square footage, attach a simple facility diagram):

Approximately 6,000 square feet consisting of a 650sf main studio, wall-mounted digital camera studio, control room, headend/cablecast room, field equipment/repair shop, 5 edit suites, green room, reception area, dressing/makeup room, prop storage, and five administrative offices.

List the weekday and weekend access facility hours of operation (access hours available to public):

Business Hours: Monday thru Friday, 9AM to 5PM
Facility Reservation Hours: Monday thru Friday, 9AM to 10PM
Weekend Reservation Hours: By Reservation only
Closed weekends and holidays, however we cablecast 24/7; 365 days/year

Is facility handicap accessible? YES Soundproofed? YES Approx. studio ceiling height 18 FEET

Does the access facility utilize a mobile production van? NO If yes, explain how often the van is used for access (% of time) and the type of programming generated.

NOTE: costs associated with the mobile van must be detailed on p. 5

Attach a copy of the Company's/Organization's current operating policies, rules and procedures clearly indicating the effective date.

Attach an organizational chart for the access facility covered by this report.

PUBLIC ACCESS CHANNEL(S)

Channel #: 77 & 88 Point of origination: Sound View

Average hours tape/live programming per week:	94
Average hours of character generated per week:	72
Total number of programs produced annually at this facility:	1300
Total number of programs broadcast, but produced elsewhere	3640
Approximate percentage of repeat programs:	100%

EDUCATIONAL ACCESS CHANNEL(S)

Channel #: 78 Point of origination: Sound View

Average hours tape/live programming per week:	168*
Average hours of character generated per week:	0
Total number of programs produced annually at this facility:	728
Total number of programs broadcast, but produced elsewhere:	104
Approximate percentage of repeat programs:	100%

*SATELLITE PROGRAMS SEE BELOW

GOVERNMENTAL ACCESS CHANNEL(S)

Channel #: 79 Point of origination: Sound View

Average hours tape/live programming per week:	168
Average hours of character generated per week:	7-Stratford
Total number of programs produced annually at this facility:	832
Total number of programs broadcast, but produced elsewhere:	260
Approximate percentage of repeat programs:	100%

List and describe each town-specific channel covered by this report:

Orange- Government programs tape and live

Woodbridge – Educational and Government programs tape and live

Milford – Educational and Government programs tape and live

Fairfield – Educational and Government programs tape

List and describe all other types of programming broadcast on each access channel:

*Education Channel 78 – Satellite programming: Classical Arts

NOTE: Records of cablecast logs must be maintained by access operator and kept on hand for a minimum of 3 years. Do not include copies of said logs with this report; the Department will request copies if deemed necessary.

Number of full-time employees dedicated to access 6*

Title	Annual Wages allocated to community access	Years of Experience
President	100%	16
Director of Technology	100%	23
Program Manager	100%	18resigned 10/1/12
Training Manager	100%	05resigned 7/1/12
Station Supervisor	100%	12
Production Technician	100%	06

Number of part-time employees dedicated to access 1 10/1/12 – 11/30/12

Title	Annual Wages allocated to community access	Years of Experience
Program Technician	\$6,029	18

List below all other employee salaries allocated to access 0

Title	Annual Wages allocated to access	Years of Experience	Allocation Method
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*Pursuant to Sec. 31-128f of the Connecticut General Statutes, each employee's consent is required for disclosure of individually identifiable information contained in the personnel file of any employee. Disclosure of specific salaries as requested above will only be provided under protective order. Wages paid for community access operations for the year were \$314,041 (subject to audit).

UN AUDITED

Statement of Revenue and Expense					
Sound View Community Media	Unrestricted	Temporarily Restricted	Total		
	12 mos ended	12 mos ended	12 mos ended	FY 2012	YTD %
Revenue	31-Dec-12	31-Dec-12	31-Dec-12	Budget	of Annual
Subscriber Fees-CV (net of tfr to Council)	581,587	-	581,587	665,950	87%
Subscriber Fees-ATT	102,287	-	102,287	84,120	122%
Interest Income on Bank Accounts & CDs	-	-	-	-	-
Contributions - Individuals	-	-	-	-	-
Contributions - Corporations	-	-	-	-	-
In Kind Contributions	-	-	-	-	-
Grants	-	-	-	-	-
Miscellaneous	-	-	-	-	-
Revenue before Releases	683,874	-	683,874	750,070	91%
	-	-	-	-	-
Total Revenue	683,874	-	683,874	750,070	91%
Expense					
Personnel:					
Salaries	314,041	-	314,041	286,467	110%
Wages - Hourly	6,029	-	6,029	-	-
Payroll Taxes and Other Benefits	105,630	-	105,630	133,768	79%
Payroll and Related	425,701	-	425,701	420,235	101%
Travel and Education	72	-	72	600	12%
Consultants	-	-	-	3,000	0%
Rent	98,670	-	98,670	98,670	100%
Electricity	16,038	-	16,038	24,000	67%
Voice & IP Communication (phone)	22,372	-	22,372	24,000	93%
Insurance (Liability, Property, Auto, D&O)	5,841	-	5,841	6,000	97%
Accounting	26,400	-	26,400	26,400	100%
Audit & 990	8,500	-	8,500	8,500	100%
Legal	17,181	-	17,181	15,000	115%
Lobbying	20,421	-	20,421	15,000	136%
Office Supplies, Banking & Meetings	3,621	-	3,621	2,400	151%
Postage	209	-	209	500	42%
Promotional & Outreach	6,444	-	6,444	15,000	43%
Videographers	29,600	-	29,600	60,000	49%
Leased Equipment	3,416	-	3,416	3,600	95%
Office Equipment & Repairs	574	-	574	500	115%
Prof Subsc, Memb Dues, Subscriptions	1,120	-	1,120	1,000	112%
Maintenance & Janitorial	3,900	-	3,900	5,000	78%
Security and Alarm System	477	-	477	400	119%
Miscellaneous	-	-	-	1,000	0%
Technical & Program Supplies	698	-	698	2,000	35%
Technical Equip Maintenance & Engineering	12,840	-	12,840	6,000	214%
Equipment Purchases	-	-	-	10,000	0%
Depreciation	42,312	-	42,312	50,316	84%
Amortization	5,979	-	5,979	5,975	100%
Total Expense	752,386	-	752,386	805,096	93%
Net Profit (Loss)	(68,513)	-	(68,513)	(55,026)	125%

Subscriber Check-Off System:

No. of Donors: 0
Total \$/year: 0

Monetary Contributions: (attach list of details)

No. of Donors: 0
Total \$/year: 0

In-Kind Contributions: (attach list of details)

No. of Donors: 0
Estimated \$/year: 0

Grants: (attach list of details)

No. of Grants: 0
Estimated \$/year: 0

Promotion & Outreach

Number

COMMENTS

Speaking Engagements	10	Municipalities, non-profit organizations, religious groups, business organizations
Video Promotions	8	American Red Cross (2), SVTV, Bridgeport Mayor, Bridgeport Board of Education, Stratford Mayor
Print Material:		
Newspapers	2	CT Post, Hometown Publications
Program Guide	2	Sound View website and channel lineup
Brochures	0	
Bill Inserts	4	Cablevision bill insert
Radio Announcements	0	
Open Houses	2+	2 formal; several informal with schools, hospitals, and non-profit organizations
Tours	15+	Schools, libraries, municipalities, non-profits, business groups, community groups, individuals

Other:

1

website: www.soundviewtv.org

Training

How often is training offered? Briefly describe the training program:

Studio Production: An introductory course that provides students with basic studio production knowledge. Upon completion the students are able to operate a three remote camera studio production. Students must produce four programs for cablecast before advancing to Digital Editing training.

Digital Editing: An introductory course that provides students with basic understanding of video camera operation and the digital editing process. Completion of the Studio Production course, including producing four programs for cablecast required prior to beginning the Digital Editing training.

Major Studio Production: An introductory course that provides a nine member crew with basic operation of a multi-camera studio and control room, including audio, teleprompter, lighting, crew roles, roll-in, scripting.

Computer skills required for all training courses. A written examination and 4 taped programs required for certification.

<u>Date Start/End</u>	<u>Total Hours</u>	<u># of Participants</u>	<u>Location</u>
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*Training Manager on maternity leave January 1, 2012 thru March 8, 2012
No training classes held during January and February.

Mar. 14,21,28,4/25, 5/2, 9	12 (Mini-Studio)	2	Sound View
Mar. 17,24,31,4/21,28,5/5	12 (Mini-Studio)	2	Sound View
May 16,23,30, 6/6,13,20	12 (Mini-Studio)	2	Sound View
May 19,26,6/2, 9,16,23	12 (Mini-Studio)	4	Sound View
July 11,18,25, 8/1,8,15	12 (Mini-Studio)	2	Sound View
Aug. 22,29,9/5, 12,19,26	12 (Mini-Studio)	4	Sound View
June 17,24,7/1,8,21,5,22	12 (Mini-Studio)	2	Sound View
Oct. 3,10,17, 24,11/7,14	12 (Mini-Studio)	3	Sound View
Oct. 21, 28 12/5,12,19,26	12 (Mini-Studio)	1	Sound View
September Individual	12 (Digital Editing)	2	Sound View
October Individual	12 (Digital Editing)	2	Sound View
November Individual	12 (Digital Editing)	2	Sound View
Ongoing advanced editing training for producers one-on-one			Sound View

Name and qualifications of the instructor(s):

Jennifer Poteau, Training Mgr, 5 yrs. experience

John Ecay, Dir. Technology, 23 yrs. experience

Ricky Mestre, Stn. Supv., 12 yrs. experience

Manyulla Young, Program Mgr., 18 yrs. experience

Bunmi Asaolu, Production Tech., 6 yrs. experience

Describe all procedures used to solicit feedback on the training program (attach any letter/survey mailed to trainees): A course evaluation form completed at last class session. Attached

How many users completed training workshops during this reporting period?	28
Approximate number of regular studio users/yearly:	24
Approximate number of regular edit suite users/yearly:	90
Approximate number of other users/yearly (describe): Field Producers & Sponsors	112

[illegible]

NOTE: Records of Production Equipment Usage must be maintained by the access operator (studio and portable logs must be kept on hand for a minimum of 3 years). Do not include copies of said logs with this report; the Department will request copies if deemed necessary.

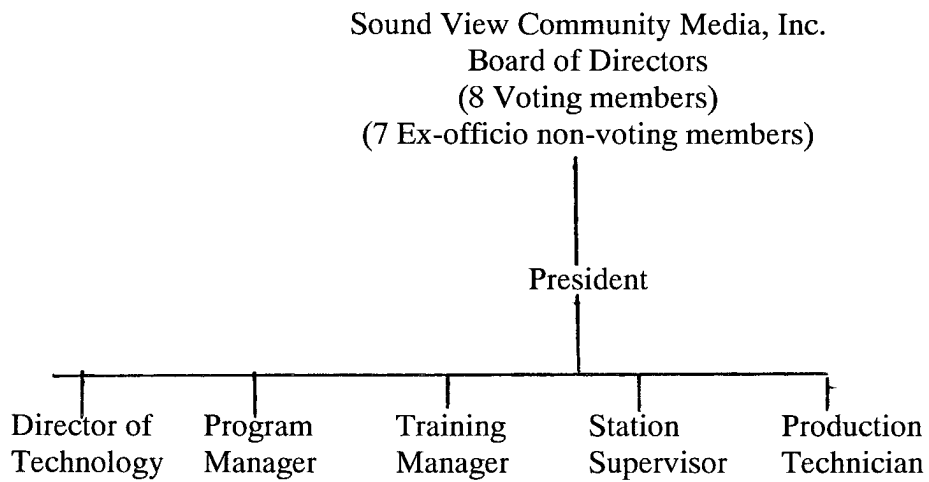
ATTACHMENTS: (Items must be enclosed and numbered as indicated below, and indicated if not applicable)

1. Diagram of access facility (p. 2)
2. Current operating rules, policies and procedures (p. 2)
3. Organizational chart (p. 2)
4. Worksheets supporting cable operator accounting for access allocations (p. 5)
5. Not-For-Profit's most recent Form 990 or Form 990-EZ (p. 5)
6. Detailed description of loans, including repayment terms
7. List detailing grants and contributions (pp. 5 & 6)
8. Additional training workshop descriptions (if needed) (p. 7)

SOUND VIEW COMMUNITY MEDIA, INC.

Organization Chart

2012



UPDATED 1/10/2011

CATV & VIDEO FRANCHISES IN CONNECTICUT
LOCAL NAMES, ADDRESSES & TELEPHONE NUMBERS

1. *d/b/a name* **CABLEVISION OF CONNECTICUT, LP**
 Certificate Holder: **same**
 Company Address: 28 Cross Street, Norwalk, CT 06851
 Key Contact: Jennifer Young, Government Affairs Manager
 Towns Franchised: Darien, Easton^o, Greenwich, New Canaan, Norwalk*, Redding^{oo}, Stamford,
 Weston*, Westport*, Wilton*
 Telephone Nos.: (203) 847-6666*, (203) 452-0097^o, (203) 438-7783^{oo}, (203) 348-9211
 Fax No.: (203) 870-7045

2. *d/b/a name* **CABLEVISION OF LITCHFIELD, INC.**
 Certificate Holder: **A-R Cable Investments, Inc.**
 Company Address: 622 Torrington Road, Litchfield, CT 06759
 Key Contact: Jennifer Young, Government Affairs Manager
 Towns Franchised: Cornwall, Goshen, Litchfield, Morris, Thomaston, Torrington, Warren,
 Watertown
 Telephone No.: (860) 567-3103
 Fax No.: (203) 870-7045

3. *d/b/a name* **CABLEVISION SYSTEMS OF SOUTHERN CONNECTICUT, LP**
 Certificate Holder: **same**
 Company Address: 122 River Street, Bridgeport, CT 06604
 Key Contact: Jennifer Young, Government Affairs Manager
 Towns Franchised: Bridgeport, Fairfield, Milford, Orange*, Stratford, Woodbridge*
 Telephone Nos.: (203) 336-2225, (203) 562-4955
 Fax No.: (203) 870-7045

4. *d/b/a name* **CHARTER COMMUNICATIONS OF NORTHEASTERN CONNECTICUT**
 Certificate Holder: **Charter Communications Entertainment I, LLC**
 Company Address: 9 Commerce Road, Newtown, CT 06470
 Key Contact: Thomas P. Cohan, Dir. Govt. Relations
 Towns Franchised: Ashford, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford,
 Hampton, Lebanon, Mansfield, Pomfret, Scotland, Thompson, Willington,
 Windham, Woodstock
 Telephone Nos.: (800) 827-8288
 Fax No.: (203) 304-8713

5. *d/b/a name* **CHARTER COMMUNICATIONS OF WESTERN CONNECTICUT**
Certificate Holder: **Charter Communications Entertainment I, LLC**
Company Address: 9 Commerce Road, Newtown, CT 06470
Key Contact: Thomas P. Cohan, Dir. Govt. Relations
Towns Franchised: Bethlehem, Bridgewater, Brookfield, Monroe, Washington, Kent, New Milford, Southbury, New Fairfield, Roxbury, Sherman, Trumbull, Woodbury, Newtown/Barkhamsted, Colebrook, Harwinton, New Hartford, Warren, Winsted, Winchester, West Hartland (partial)
Telephone Nos.: (800) 827-8288
Fax No.: (203) 304-8713

6. *d/b/a name* **COMCAST/BRANFORD**
Certificate Holder: **Comcast of Connecticut, LLC**
Company Address: 222 New Park Drive, Berlin, CT 06037
Key Contact: John Bairos, Manager. Govt. & Community Relations
Towns Franchised: Branford, E. Haven, Guilford, Madison, No. Branford, No. Haven, Wallingford
Telephone Nos.: (860) 505-3349
Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 44 North Branford Road, Branford, CT 06405

7. *d/b/a name* **COMCAST/CLINTON**
Certificate Holder: **Comcast of Clinton CT, Inc.**
Company Address: 222 New Park Drive, Berlin, CT 06037
Key Contact: John Bairos, Manager, Govt. & Community Relations
Towns Franchised: Chester, Clinton, Deep River, Durham, Essex, Haddam, Killingworth, Old Saybrook, Westbrook
Telephone Nos.: (860) 505-3349
Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 21 East Main Street, Clinton, CT 06413

8. *d/b/a name* **COMCAST/DANBURY**
Certificate Holder: **Comcast of Danbury, Inc.**
Company Address: 222 New Park Drive, Berlin, CT 06037
Key Contact: Sharon Codeanne, Manager Govt. & Community Relations
Towns Franchised: Bethel, Danbury, Ridgefield
Telephone No.: (860) 505-3356
Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 5 Shelter Rock Road, Danbury, CT 06810

9. *d/b/a name* **COMCAST/GROTON**
 Certificate Holder: **Comcast of Groton, Inc.**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: Sharon Codeanne, Manager, Govt. & Community Relations
 Towns Franchised: Groton, Ledyard, North Stonington, Stonington, Voluntown, Sub Base
 Telephone Nos.: (860) 505-3356
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 401 Gold Star Highway, Groton, CT 06340

10. *d/b/a name* **COMCAST/HARTFORD**
 Certificate Holder: **Comcast of Connecticut, Inc.**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: John Bairos, Manager, Govt. & Community Relations
 Towns Franchised: Bloomfield, East Hartford, Hartford, Simsbury, West Hartford, Windsor
 Telephone No.: (860) 505-3349
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 38 Tunxis Avenue, Bloomfield, CT 06110

11. *d/b/a name* **COMCAST/LAKEVILLE**
 Certificate Holder: **Comcast of California/Connecticut/Michigan**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: John Bairos, Manager Govt. & Community Relations
 Towns Franchised: Canaan, Norfolk, North Canaan, Salisbury, Sharon
 Telephone No.: (860) 505-3349
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 10 Gandolfo Drive, Canaan, CT 06018

12. *d/b/a name* **COMCAST/OLD LYME**
 Certificate Holder: **Comcast of CT/GA/MA/NH/NY/NC/VA/VT, LLC**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: John Bairos, Manager, Govt. & Community Relations
 Towns Franchised: East Haddam, Haddam (east of CT River), Lyme, Old Lyme, Salem
 Telephone Nos.: (860) 505-3349
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 78 Halls Road, Old Lyme, CT 06371

13. *d/b/a name* **COMCAST/MIDDLETOWN**
 Certificate Holder: **Comcast of Middletown, Inc.**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: John Bairos, Manager, Govt. & Community Relations
 Towns Franchised: Cromwell, East Hampton, Middlefield, Middletown, Portland
 Telephone No.: (860) 505-3349
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 19 Tuttle Place, Middletown, CT 06457
Towns Franchised: Cromwell, East Hampton, Middlefield, Middletown, Portland

14. *d/b/a name* **COMCAST/NEW HAVEN**
 Certificate Holder: **Comcast of New Haven, Inc.**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: Sharon Codeanne, Manager, Govt. & Community Relations
 Towns Franchised: Hamden, New Haven, West Haven
 Telephone No.: (860) 505-3356
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 630 Chapel Street, New Haven, CT 06511

15. *d/b/a name* **COMCAST/NORWICH**
 Certificate Holder: **Comcast of CT/GA/MA/NH/NY/NC/VA/VT, LLC**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: John Bairos, Manager, Govt. & Community Relations
 Towns Franchised: Bozrah, Colchester, Franklin, Lisbon, Norwich, Preston, Sprague
 Telephone No.: (860) 505-3349
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): One Hilltop Road, Norwich, CT 06360

16. *d/b/a name* **COMCAST PLAINVILLE**
 Certificate Holder: **Comcast of Connecticut, Inc.**
 Company Address: 222 New Park Drive, Berlin CT 06037
 Key Contact: John Bairos, Manager, Govt. & Community Relations
 Towns Franchised: Avon, Berlin, Bristol, Burlington, Canton, Farmington, New Britain, Plainville
 Telephone No.: (860) 505-3349
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 275 New Britain Avenue, Plainville, CT 06062

17. *d/b/a name* **COMCAST/SEYMOUR**
 Certificate Holder: **Comcast of CT/GA/MA/NH/NY/NC/VA/VT, LLC**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: Sharon Codeanne, Manager, Govt. & Community Relations
 Towns Franchised: Ansonia, Beacon Falls, Bethany, Derby, Oxford, Naugatuck, Seymour, Shelton
 Telephone Nos.: (860) 505-3356
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 80 Great Hill Road, Seymour, CT 06483-2299

18. *d/b/a name* **COMCAST VERNON**
 Certificate Holder: **Comcast of Eastern Connecticut, Inc.**
 Company Address: 222 New Park Drive, Berlin CT 06037
 Key Contact: John Bairos, Manager, Govt. & Community Relations
 Towns Franchised: Andover, Bolton, Ellington, Hebron, Marlborough, Tolland, Vernon
 Telephone Nos.: (860) 505-3349
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 200 Boston Turnpike, Bolton, CT 06043

19. *d/b/a name* **COMCAST/WATERBURY**
 Certificate Holder: **Comcast of CT/GA/MA/NH/NY/NC/VA/VT, LLC**
 Company Address: 222 New Park Drive, Berlin, CT 06037
 Key Contact: Sharon Codeanne, Manager, Govt. & Community Relations
 Towns Franchised: Middlebury, Plymouth, Prospect, Waterbury, Wolcott
 Telephone Nos.: (860) 505-3356
 Fax No.: (860) 505-3558

Local Office Address
(non-mailing address): 695 Huntingdon Avenue, Waterbury, CT 06708

20. *d/b/a name* **COX COMMUNICATIONS NEW ENGLAND/ENFIELD**
 Certificate Holder: **CoxCom, Inc.**
 Company Address: 5 Niblick Road, Enfield, CT 06082
 Key Contact: John L. Wolfe, V.P. Govt. and Public Affairs
 Towns Franchised: East Granby, East Windsor, Enfield, Granby, Hartland, Somers, Stafford, Suffield, Union, Windsor Locks
 Telephone Nos.: (800) 955-9515
 Fax No.: (860) 741-6249

21. *d/b/a name* **COX COMMUNICATIONS NEW ENGLAND/MANCHESTER**
 Certificate Holder: **CoxCom, Inc.**
 Company Address: 170 Utopia Road, Manchester, CT 06040
 Key Contact: John L. Wolfe, V.P. Govt. and Public Affairs
 Towns Franchised: Glastonbury, Manchester, Newington, Rocky Hill, So. Windsor, Wethersfield
 Telephone No.: (800) 955-9515 (860) 436-4269
 Fax No.: (860) 512-5115

22. *d/b/a name* **COX COMMUNICATIONS NEW ENGLAND/MERIDEN**
 Certificate Holder: **CoxCom, Inc.**
 Company Address: 683 East Main St., Meriden, CT 06450
 Key Contact: John L. Wolfe, V. P. Govt. and Public Affairs
 Towns Franchised: Cheshire*, Meriden*, Southington**
 Telephone No.: (800) 955-9515 (203) 439-4269* (860) 436-4269**
 Fax No.: (203) 514-6037

23. *d/b/a name* **METROCAST COMMUNICATIONS OF CT, LLC**
 Certificate Holder: **same**
 Company Address: 61 Myrock Avenue, P.O. Box 6008, Waterford, CT 06385
 Key Contact: Edward L. Merrill, Regional General Manager
 Towns Franchised: Montville, New London, Waterford, East Lyme, Griswold*, Killingly*,
 Plainfield*, Sterling*, Putnam**
 Telephone Nos.: (860) 442-8525, *(860) 564-1967, **(860) 928-3866
 Fax No.: (860) 443-6031

24. *d/b/a name* **THAMES VALLEY COMMUNICATIONS, INC.**
 Certificate Holder: **Groton Utilities, Inc.**
 Company Address: 295 Meridian Street, Groton, CT 06340
 Key Contact: Robert Jasminski, Vice President of Operations
 Towns Franchised: Groton, Stonington, North Stonington, Ledyard, Voluntown
 Telephone Nos.: (860) 446-4035
 Fax No.: (860) 446-4098

25. *d/b/a name* **AT&T**
 Certificate Holder: **AT&T Connecticut**
 Company Address: 310 Orange Street, 8th Floor, New Haven, CT 06510
 Key Contact: Customer Care Center
 Towns Franchised: Statewide
 Telephone Nos.: (800) 288-2020
 :



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL
TEN FRANKLIN SQUARE
NEW BRITAIN, CT 06051

**DOCKET NO. 05-04-09 APPLICATION OF CABLEVISION OF SOUTHERN
CONNECTICUT, L.P. FOR FRANCHISE RENEWAL**

November 22, 2006

By the following Commissioners:

Anthony J. Palermino
Anne C. George
Jack R. Goldberg

DECISION

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DECISION

I. INTRODUCTION

A. SUMMARY

In this Decision, the Department of Public Utility Control renews the franchise of Cablevision of Southern Connecticut, L.P. for an 11-year term, if Cablevision revises its Proposal for Renewal as indicated herein.

B. BACKGROUND OF THE PROCEEDING

By letter filed April 25, 2005, pursuant to 47 U.S.C. § 546 and § 16-331(d)(1) of the General Statutes of Connecticut (Conn. Gen. Stat.), Cablevision of Southern Connecticut, L.P. (Cablevision or Company) requested approval from the Department of Public Utility Control (Department) to renew its franchise. The Company's current franchise expires on October 31, 2007. The final report of the consultant, Moss & Barnett (M&B or Needs Assessor), hired to conduct the needs assessment required pursuant to Conn. Gen. Stat. § 16-331(f), was provided to the Department, parties and intervenors on April 19, 2006. On June 5, 2006, Cablevision filed a Proposal for Renewal (PFR), requesting that its franchise be renewed for a term of 15 years.

Cablevision provides community antenna television (CATV or cable) service in the Cities of Bridgeport, Fairfield, Milford and Stratford and the Towns of Orange and Woodbridge. The franchise has approximately 1,310 miles of outside plant, approximately 98,000 subscribers and has reached a penetration rate of 74%. Cablevision of Southern Connecticut July 2006 CATV Statistics.

C. CONDUCT OF THE PROCEEDING

Pursuant to a Notice of Hearing dated May 1, 2006, the Department held an evening hearing at the Milford City Hall Auditorium on June 7, 2006, for public comment only. The hearing was continued at the Department's New Britain offices on June 19, June 21, June 22, and August 14, 2006. By Notice of Close of Hearing dated August 30, 2006, the hearing was closed. Parties and intervenors were given the opportunity to provide written exceptions and to present oral arguments on a draft Decision that was issued on October 20, 2006.

D. PARTIES AND INTERVENORS

Cablevision of Southern Connecticut, L.P., 28 Cross Street, Norwalk, Connecticut 06851 and the Office of Consumer Counsel (OCC), Ten Franklin Square, New Britain, Connecticut 06051 were designated parties to the proceeding. The Towns of Orange and Woodbridge and the City of Milford requested and were granted intervenor status. The Office of the Attorney General (AG) requested and was granted intervenor status. Sound View Community Media, Inc., (Sound View) the non-profit organization that manages community access in the franchise was designated an intervenor. Pursuant to Conn. Gen. Stat. § 16-331(c)(2), the Cablevision of Southern

Connecticut Advisory Council, a/k/a the Area 2 Advisory Council (Advisory Council) was also designated an intervenor.

E. PUBLIC COMMENT

Approximately 75 persons attended the evening public comment hearing held June 7, 2006, at the Milford City Hall, and 37 of those attendees offered testimony on Cablevision's request for franchise renewal. State Senator Gayle S. Slossberg (14th) commented on the issue of town specific community access programming.¹ According to the Senator, it is absurd that the local residents in the franchise area have to battle with Sound View for the right to have town-specific programming. Tr. 6/7/06, p. 46. Senator Slossberg also expressed concern regarding Sound View's ability to ensure that local municipalities receive town-specific programming. *Id.*, pp. 47-50. Also commenting on the Company's request for renewal was State Representative Paul Davis (117th). Representative Davis stated that while he was extremely satisfied with the quality of service, programming and price provided by Cablevision, he had two significant concerns: the requested 15-year renewal term and Sound View as the third-party provider of access programming. Representative Davis believed that a franchise term of ten years would be fair to both Cablevision and the public it serves. Tr. 6/7/06, pp. 34 and 35. Representative Davis also stated that he believed Sound View would continue its region-wide approach to access programming as opposed to a more beneficial town-specific approach. Due to this, Representative Davis believed that the Department should reject Sound View as a third-party provider if it insisted on blocking town-specific government access programming. *Id.*, pp. 35-38.

Milford Mayor James Richetelli also provided comment on Cablevision's renewal request. Mayor Richetelli was primarily concerned with the provision of town-specific access programming. According to Mayor Richetelli, Milford is the only municipality in the franchise area that has been deprived of town-specific programming. Mayor Richetelli believes that Sound View should be immediately required to cease obstruction of town-specific programming to Milford residents. Tr. 6/7/06, pp. 11-15. Other local elected officials from the communities of Amity, Milford, Orange and Woodbridge provided testimony. These comments reinforced other comments regarding the value of town-specific programming and concerns regarding Sound View's region-wide approach to access programming. Considerable praise was given for the access programming and efforts provided by Orange Governmental Access Television (OGAT), including nearly 1,200 letters of support signed by local residents.

A number of local residents and customers of Cablevision were also present to provide comment on the Company's request for franchise renewal. These speakers were generally not in favor of Cablevision's request for a 15-year franchise renewal term. In addition, some customers expressed concern regarding Cablevision's price for service and disappointment regarding the programming offered by the Company.

¹ As used in this Decision, the term "community access" includes three types of access programming: public access programming, educational access programming and governmental access programming.

The Department received 86 other letters regarding the Company's request for franchise renewal, including a letter from Speaker of the House James A. Amann (118th). Representative Amann was concerned that Milford customers were not getting town-specific access programming and suggested that Sound View be ordered to cease any activities that would obstruct such programming. State Senator Bill Finch (22nd) commended Cablevision's efforts in support of local community access programming, including its education component and donation of thousands of dollars worth of free public service announcements. The Department received many letters reinforcing the comments from the June 7, 2006 public comment hearing supporting town-specific access programming. The letters addressed Sound View's continued suitability as third-party community access manager and expressed support for implementation of town-specific access programming in each franchise area town.

Customers also wrote expressing concerns including the price of service and programming options. Most believed that the price for service has been excessive, especially with recent rate increases. Regarding programming, customers were looking for more options such as more specific sports or religious programming.

Letters in support of Cablevision were focused primarily on the Company's support of community access programming. Several writers commented that the Company provides a wonderful service and commended Cablevision for its support of community access and for its dedication as a corporate citizen.

II. DEPARTMENT ANALYSIS

A. LEGAL REQUIREMENTS

Franchise renewal proceedings are governed by state and federal law, and by state regulations that mirror 47 U.S.C. 546(a), the franchise renewal provisions included in the 1984 Cable Act. The requirements governing informal renewals, which are conducted in a one-phase process, are specified in 47 U.S.C. 546(h) and the Regulations of Connecticut State Agencies (Conn. Agencies Regs.) § 16-333-38. The same provisions allow a cable operator to file for renewal at any time. Conn. Agencies Regs. § 16-333-38 allows for a streamlined renewal process, while affording the franchisee, its subscribers and other constituencies full and fair opportunity to participate in the renewal process.

Conn. Gen. Stat. § 16-331(f) requires that a community needs assessment be conducted by an independent consultant selected by the Department to analyze and report upon the community's past performance as defined in Conn. Gen. Stat. § 16-331(d). Subsequent to the completion of the needs assessment, the Company's filing of a PFR and responses to interrogatories, public hearings are held to review the operator's past performance and to determine if the PFR addresses the future cable-related needs and interests of the franchise area. The Department renders a final decision based upon the record evidence.

B. CABLE PLANT CONDITION AND TECHNICAL PERFORMANCE**1. Present System Configuration**

The Company's hub is located in Bridgeport and is supported by the Norwalk headend and by sites in New York. The system has a bandwidth of 750 MHz and is capable of video, digital voice and data services. Analog and digital signals are received, combined and modulated at the Norwalk headend. Response to Interrogatory CATV-64. The system is comprised of approximately 1,310 miles of outside plant, with approximately 90% of the outside plant being overhead. Needs Assessment, p. 42. Customers of Cablevision of Connecticut's neighboring franchise are served by a cable network separate from customers of the instant franchise. Tr. 6/19/06, p. 256. The Company testified that there are only three or four Cablevision systems nationwide whose bandwidth exceeds 750 MHz. Id., p. 259. The system is 100% built. June 5, 2006 PFR.

There are approximately 110 miles of fiber optic cable in the system, deployed since 1996. The longest cascade in the franchise is two amplifiers. The system is supported by uninterruptible power supplies and generators. Responses to Interrogatories CATV-65, CATV-66 and CATV-67. In compliance with its current Franchise Agreement (FA), the system was upgraded from 350 MHz to 750 MHz between 1995 and September of 1998. Response to Interrogatory CATV-1. Eighty-four six-MHz channels are used for analog programming and 26 six-MHz channels are used for digital programming, which was introduced in 2003. Responses to Interrogatories CATV-2 and CATV-3. Since completing the upgrade, premium channels were moved from analog to digital. Response to Interrogatory CATV-5.

Cablevision believes that the system is state-of-the-art and provides all services that subscribers expect from a modern cable system. Tr. 6/19/06, pp. 233 and 259. The Needs Assessor testified that, while the Company's 750 MHz system is not state-of-the-art, its plan to continue to operate the system at that bandwidth is consistent with other CATV operator proposals offered elsewhere. Tr. 6/19/06, p. 163. M&B indicated that cable systems today rely less on bandwidth and more on the deployment of Internet Protocol (IP) transmission techniques. Late Filed Exhibit No. 5. M&B stated that Cablevision's network is capable of delivering new, advanced digital services. Needs Assessment, p. 50. Finally, the Needs Assessor testified that the headend, central office and network operations center were in excellent physical condition and meet or exceed National Electric Code (NEC) requirements. Id.

2. Plant Inspection Results

M&B drove approximately 150 road miles of Cablevision's system, or approximately 11.5% of the total mileage in the franchise. Needs Assessment, p. 42. As a result of its inspection, M&B concluded that, overall, the fiber-overlay plant construction appeared to be in good condition. However, M&B also testified that it had some construction and maintenance concerns that are divided into two categories: (1) plant concerns and (2) subscriber drop-related concerns. Id., p. 43.

The plant concerns expressed by the Needs Assessor were related to the maintenance of cables and supporting structures on telephone poles or in underground conduit systems. In particular, M&B found instances of incomplete pole transfers, lack of down-guy and pole line loading, abandoned power supplies, improper or lack of power supply grounding and improper mid-span clearances. The subscriber drop-related concerns include legacy drops that were not grounded to applicable code, wiring and general workmanship concerns and deficiencies regarding cable drop clearances from telephone and power lines. Needs Assessment, pp. 43 and 44; Tr. 6/19/06, pp. 159 and 160. The major issue regarding the plant concerns, according to M&B, revolves around the ongoing construction and reconstruction of the pole system that supports Cablevision's system. Tr. 6/19/06, p. 161.

Based on its inspection, the Needs Assessor concluded that Cablevision fails to comply with National Electric Safety Code (NESC) requirements and that the number of code violations in the system may exceed 5,000. In addition, M&B testified that the system marginally complies with NEC requirements. Needs Assessment, p. 44. Notwithstanding his conclusions regarding alleged safety violations, the Needs Assessor testified that the number of code violations is fewer than what he would have expected to have found given the size of the system. Tr. 6/19/06, p. 162.

The only other infraction noted by M&B during its system inspection was that there were missing covers on power modules. The Needs Assessor stated that replacement of the panels would restore proper safety. Needs Assessment, p. 50.

M&B recommends that the Department direct the Company to make its entire outside cable plant compliant with all applicable safety codes, including the NESC and NEC, and that Cablevision be required to prepare a plan of action to address the infractions detected. Finally, the Needs Assessor testified that the Department should require Cablevision to provide written documentation of its progress in correcting the safety problems noted in the Needs Assessment. Needs Assessment, pp. 44 and 45.

Cablevision stated that it has an aggressive preventive maintenance program for addressing issues related to plant, including circumstances outside its control. The Company disputes many of the findings and recommendations of the Needs Assessor, as detailed below. Cablevision Pre-Filed Testimony, pp. 12 and 13.

Cablevision testified that there are only 15 pole transfers pending, not numerous pending transfers as M&B suggested. Regarding M&B's concerns about lack of down-guys and pole line loading, Cablevision stated that guying and anchoring are the responsibility of the pole owner and that it owns no poles in the franchise, but is the lessee of pole space. Cablevision Pre-Filed Testimony, p. 14; Tr. 6/19/06, p. 239. Cablevision claimed that in most cases, clearance issues are created by work completed by other pole licensees after its construction was completed, claiming that other license holders have added multiple attachments moving into Cablevision's pole space. Cablevision Pre-Filed Testimony, p. 14.

The Company stated that, although the abandoned power supplies do not represent a safety hazard, it would schedule their removal, as M&B recommended. *Id.*; Tr. 6/19/06, p. 242. Cablevision strongly disagreed with the Needs Assessor's finding

that proper subscriber drop grounding techniques are not being used in the franchise, noting that its service technicians are required to check the grounding on existing and legacy installations. In addition, new installations and service calls are checked via quality control inspections. Subscriber drops are also checked whenever a service technician is dispatched to a subscriber's residence. Tr. 6/19/06, p. 238. Nonetheless, Cablevision stated that it would review the Needs Assessment's findings and take appropriate action as necessary. Cablevision Pre-Filed Testimony, p. 15.

Cablevision testified that it follows Society of Cable Telecommunications Engineers guidelines for construction, in addition to NEC and NESC codes and claims that in many instances, the examples of improper clearances cited in the Needs Assessment are the result of pole installation activity that occurred after its plant had been constructed. Id.

Finally, Cablevision believes that an audit of the entire system is unnecessary, is unlikely to resolve problems that are not within Cablevision's control and is not reasonable in light of what the costs of an inspection of the entire system would be. Id.

The AG believes that the Department should require that the Company comply with all relevant safety codes, that Cablevision's work be examined by a third-party expert, and that Cablevision file a plan regarding how it intends to correct any outstanding violations. In addition, the AG believes that the Department should impose fines on Cablevision for failure to resolve any code violations, refunding any amounts fined to subscribers. AG Brief, pp. 7 and 8.

The OCC recommends that an independent and comprehensive evaluation of the entire Cablevision system be conducted to be made a part of the record in the instant proceeding or in another docket. A plan should then be filed by the Company regarding its plans to make all cable plant safe and compliant with applicable codes. OCC Brief, p. 7. The OCC also believes that regularly scheduled interim inspections should be conducted. The OCC recommends that the Department order a training program for all Cablevision field employees. Id., pp. 8 and 9.

In response to the Company's claim that an audit of the system is not necessary, M&B stated that system auditing and recordkeeping is already required of the Company by the NESC. In particular, the Needs Assessor cites Sections 214 and 313 of the NESC code regarding inspection and testing of lines and equipment. Late Filed Exhibit No. 5. M&B also note that the NESC code is not based on who caused the violation and that, at a minimum, Cablevision should bring any plant-related matter to the attention of the Department if it is unable to secure code compliance from the party it believes is responsible. Id.

3. FCC Technical Performance

As part of the Needs Assessment, M&B evaluated signal quality requirements pursuant to 47 C.F.R. 76 Subpart K. Picture quality was evaluated at 24 test points throughout the system that were not identified to Cablevision in advance of the testing. At each test point, picture quality was evaluated on each activated analog channel. Needs Assessment, p. 45. A summary of the Needs Assessor's findings follows.

M&B measured carrier-to-noise ratio. A television picture that suffers from poor carrier-to-noise results in “snow” in the picture background and is a byproduct of signal amplification. Cablevision’s system demonstrated 100% compliance and is indicative of a system that rarely exhibits visible snow. Needs Assessment, p. 47.

Hum or low frequency distortion is usually the result of improper power supply operation or other equipment failure related to cable system powering. M&B found that Cablevision demonstrated compliance with the FCC’s rules that limit low frequency distortion. Id., p. 48.

High frequency distortions are usually seen in television pictures as wavy or diagonal lines as the byproduct of defective or misadjusted amplifiers. M&B’s inspection at Cablevision’s headend and test points indicated that Cablevision is in full compliance with these FCC requirements. Id. p. 49.

The FCC has established visual carrier signal level standards that cable operators must meet. If the signal levels are too low, pictures may be snowy. If the signals are too high, the visual distortion may be seen as a fine herringbone pattern in the picture background. The Needs Assessor saw no evidence of excessive high or low signal levels in the pictures viewed. Additionally, at all test points, Cablevision demonstrated compliance with the requirement that it maintain all channel video carrier levels within a preset decibel range of any other channel on the system. Id., pp. 48 and 49.

FCC rules also address the relationship between the level of video and audio carrier levels on a channel. The rule is to minimize interference between the carriers. If interference is present, wavy lines appear in portions of the upper adjacent channel. The Needs Assessor concluded that Cablevision was in compliance with the requirement at all test locations and on all channels. Id., p. 49.

M&B observed picture quality on basic, satellite and premium channels at each test point, as displayed via a test converter connected to a television set. Picture quality was observed at the headend to determine if there are picture problems that cannot be attributed to the system operation. All analog pictures were evaluated and the Needs Assessor found no noticeable impairments on any channel. M&B characterized this finding as exceptional. In addition, M&B found that picture quality at sites throughout the system was also excellent, without noticeable degradation. Id., pp. 49 and 50.

The survey conducted by M&B found that 95% of respondents said that they were “very satisfied” or “somewhat satisfied” with both picture quality and sound quality. Needs Assessment, p. 26.

4. Department Analysis of Plant and Technical Performance

The Department has reviewed the record regarding plant and technical performance, including the results of the Needs Assessment. The record clearly indicates that the technical performance of the Cablevision’s system is excellent. The system meets or exceeds FCC technical standards and picture quality, by all objective

measures, is first-rate. The Needs Assessor indicated that the absence of any notable degradation of off-air or satellite channels is indicative of the quality of engineering, design and construction of the system. Needs Assessment, p. 50.

The Department is concerned regarding the finding that the number of safety code violations in the system may exceed 5,000, even though the Needs Assessor testified that he would have expected to find more violations, given the size of the system. To address this concern, the Department finds that it is appropriate for Cablevision to file a report with the Department, the OCC, the Advisory Council and the AG no later than six months from the effective date of a renewed term. As indicated by the Needs Assessor, NESC rules require cable operators to routinely inspect their systems and to keep records of those portions of the plant not in compliance with applicable code. Late Filed Exhibit No. 5. The report to be filed by the Company shall include the data and information required of cable operators pursuant to Sections 214 and 313 of the NESC. *Id.* The report shall also include the time period over which the inspections took place, the total number of lines and equipment inspected, the number and nature of the defects detected and what percentage of the defects have been corrected. In those instances where Cablevision believes that another party, such as the owner of the pole or another lessee, is responsible for a defect, the report shall indicate the number and nature of such defects, when the Company notified the alleged offending party of the existence of said defect and, if known, when the defect was corrected. Because of Cablevision's ongoing obligation to routinely inspect its cable plant and to keep accurate records regarding the results of the inspections, requiring the filing of such a report should not be unduly burdensome. The Department will determine if Cablevision will be required to continue to regularly provide the report on safety violations or if additional corrective action is needed after reviewing the first report.

C. SYSTEM CHARACTERISTICS

1. Company Proposal

In a renewed term Cablevision commits to continue to operate its present 750 MHz system, including substantial use of two-way and fiberoptic technology. The Company plans to introduce new technology and new services as they become technologically, commercially and economically available and for which there is customer demand. Cablevision states that the system will meet applicable standards contained in the FCC's rules and that construction specifications not detailed elsewhere will be governed by the NESC and NEC. June 5, 2006 PFR.

2. Department Analysis of Company Proposal

The Department finds that Cablevision's plan to continue to operate the system as a 750 MHz system, introducing new technology and new services, taking into account technological capability, cost and customer demand is satisfactory. The Department finds that the system, if operated and maintained in compliance with applicable federal and state standards as Cablevision commits in its PFR, should adequately serve subscribers in a new term. Accordingly, the proposals regarding the technical operation of the cable system are acceptable.

D. PROGRAMMING

Cablevision testified that it makes decisions regarding programming and programming packages based on customer interest and business decisions, in addition to regulatory and legal requirements. Response to Interrogatory CATV-69. The Company's digital service offers over 200 channels in various tiers and packages, in addition to offering over 20 channels of high definition television, movies and shows on demand, commercial-free digital music, on demand video services and a variety of sports packages. Cablevision Pre-Filed Testimony, p. 8. Prior to the rebuild of the system, only 47 channels were offered. *Id.*, p. 5. Since completing the upgrade to 750 MHz in 1998, Cablevision has made numerous channel additions and changes. Response to Interrogatory CATV-48.

Cablevision offers two different channel line-ups in the franchise which reflect historical, system-related and legal differences among towns in the franchise. Towns in the Cablevision of Southern Connecticut franchise lie in two Designated Market Areas (DMA) resulting in different must-carry requirements for the two DMAs. Nonetheless, the Company intends to standardize the channel line-up throughout the franchise as much as possible. Response to Interrogatory CATV-68; Tr. 6/19/06, p. 392.

Cablevision currently offers three African-American channels and four Hispanic channels. Response to Interrogatory CATV-70. The African-American and Hispanic programming was added from before 1996 through the present. Late Filed Exhibit No. 21. The Company also offers the Connecticut Television Network. Cablevision Pre-Filed Testimony, p. 8; Response to Interrogatory CATV-21. Cablevision also offers News 12 Connecticut, a separately funded news operation available to all subscribers. Response to Interrogatory CATV-108.

The survey conducted by the Needs Assessor indicated that 72% of respondents were either "very satisfied" or "somewhat satisfied" with the variety of cable packages offered by the Company. In addition, 81% of respondents were either "very satisfied" or "somewhat satisfied" with the diversity of cable channels offered by Cablevision. At the same time, 15% of respondents stated that there were additional types of programming they would like to see added to the channel line-up, including sports and movies. Needs Assessment, pp. 26 and 32.

The Department finds that Cablevision's programming performance has been very good. It is clear that the number of programming choices have increased significantly, particularly since the completion of the system rebuild from 350 MHz to 750 MHz in 1998, and the introduction of digital programming. A clear majority of subscribers are satisfied with the programming offered by Cablevision, according to the Needs Assessment.

The Company commits to offer a diversity of programming choices to its customers, taking into account customer preferences and cost. June 5, 2006 PFR, Section 6.1. The Department finds that this commitment is acceptable.

E. CUSTOMER SERVICE

Cablevision maintains a full service, handicapped accessible business office at 3710 Main Street in Bridgeport. The hours of operation are 8:30 a.m. to 6 p.m. weekdays and 8 a.m. to 5 p.m. Saturdays. Response to Interrogatory CATV-72. Additionally, customers have 11 other locations to make bill payments, each of which is within ten miles of the Bridgeport office. Response to Interrogatory CATV-73. Customers are apprised of the other payment locations on the back of Cablevision's monthly bills. Tr. 6/19/06, p. 260. The Needs Assessment review of Cablevision's Bridgeport office stated that the Company maintained adequate staffing levels to handle the volume of walk-in traffic. Needs Assessment, p. 13. In its PFR, Cablevision commits to maintain a business office in the franchise area to be open and adequately staffed during normal business hours in compliance with Conn. Gen. Stat. § 16-333k(1). June 5, 2006 PFR, Section 5.1.

Telephone calls from Cablevision's franchise area customers are handled by a number of call centers located in the tri-State area as the Company utilizes a "virtual" call center format in place of geographically based call centers. For example, the Company's Stratford, Connecticut call center and its New Jersey call center mainly handle billing questions while the New York City and Long Island call centers mainly handle service and repair issues. Tr. 6/19/06, pp. 269 and 270. According to the Company, the call centers are mutually supporting. A customer call that originates from Connecticut will be routed to the first available customer service representative (CSR) regardless of physical location. Cablevision believes that this approach minimizes customer wait-times and provides its customers with superior service. Response to Interrogatory CATV-79. Cablevision states that these four calling centers employ a total of 1,713 CSRs, of which 259 are employed in Connecticut. Late Filed Exhibit No. 9. Cablevision stated that the existing Connecticut call center is served by 138 inbound trunks while for the four call centers in aggregate have a total of 3,580 trunks available. Response to Interrogatory CATV-74, Attachment; Tr. 6/19/06, p. 388. Cablevision's call centers are open 24-hours per day, every day of the year. In addition, Cablevision states that it does not utilize third-party providers to answer customer service calls. Response to Interrogatory CATV-77.

In the Needs Assessment, M&B was assigned to evaluate Cablevision's compliance with the telephone response time requirements of Conn. Gen. Stat. § 16-333k(3).² According to M&B, its review indicated that in certain instances the wait time for customers to be connected to a Company customer service representative appeared very high in relationship to the two-minute requirement of Conn. Gen. Stat. § 16-333k(3). M&B further noted a wait time on hold as long as one hour, and an average speed of answer in excess of ten minutes. Needs Assessment, p. 13. M&B's subscriber survey done for the Needs Assessment indicated that 12% of those calling Cablevision reported receiving a busy signal before getting through and 35% reported that their call was not answered within two minutes. Id. M&B further noted that

² Conn. Gen. Stat. § 16-333k(3) requires, in part, that each cable operator connect each customer call to a company customer service representative within two minutes during normal business hours, unless there is an emergency in which case the customer should receive a recorded message describing the problem and offering assistance.

Cablevision's difficulties in meeting the two minute requirement did not appear to be limited to any particular day of the week or time of the month. The conclusion that M&B reached from its review of Cablevision's telephone answering responsiveness was that the Company required additional CSRs and that its staffing does not match incoming call levels. Needs Assessment, pp. 13 and 14.

Noting the findings of the Needs Assessor, the OCC expressed concern regarding Cablevision's telephone answering responsiveness. The OCC recommended that the Department order Cablevision to comply with the applicable statutes as well as file ongoing compliance reports. OCC Brief, pp. 12 and 13. This opinion was shared by the AG who was also very concerned with Cablevision's ability to meet the requirements of Conn. Gen. Stat. § 16-333k(3). The AG believed that the Department should take specific and firm steps including oversight of the Company's hiring practices to ensure Cablevision's compliance with applicable regulations. AG Brief, pp. 4-6.

The telephone answering responsiveness statistics submitted by Cablevision indicate that the Company has had some success with meeting the requirements of Conn. Gen. Stat. § 16-333k(3). However, the statistics do not indicate that Cablevision is fully meeting the statutory telephone answering requirements. For example, for the first six months of 2006, the percentage of calls answered within two minutes has ranged from 69% to 99.2%. A review of the telephone statistics for calendar years 2003, 2004 and 2005 also points to the Company's partial compliance with the telephone answering requirements. In 2005, the percentage of calls answered within two minutes ranged from 80% to 96.8%; in 2004 that range was from 83% to 96.4%; and in 2003, that range was from 56% to 96%. Late Filed Exhibit No. 35. Not only were there deficiencies in meeting the two-minute requirement, Cablevision also experienced some difficulties with its abandoned call rate. On two occasions during 2003, the abandoned call rate exceeded 20%. From January 2005 through June 2006, the abandoned call rate has fluctuated from a low of 1.7% in September of 2005 to a high of 14.2% in January of 2006. Id.

In its defense, Cablevision stated that it always seeks to comply with the statutory telephone answering requirements but recognizes that the requirements are sometimes difficult to meet. Response to Interrogatory CATV-76. According to Cablevision, it tracks its telephone call volume by 15-minute increments every day. The information that is tracked includes how long the call is on hold and how long the call takes with the CSR. Tr. 6/19/06, pp. 248 and 249. Further, Cablevision determines its call center staffing by call trends, based upon three-year call center history as well as taking into account current conditions such as marketing campaigns and large pay-per-view events. Cablevision's objective is to have its CSRs handling a telephone call 70% of the time, while the other 30% of the time the CSR is preparing to handle the next call. Tr. 6/19/06, p. 249. Cablevision also states that it would not be cost effective to its customers to staff its call centers to always meet its peak telephone volume, nor is it possible to predict the proper staffing for uncontrollable events such as weather or storms. Id., pp. 251 and 358. As an example, Cablevision testified regarding a situation during the summer months of 2005. According to the Company, an anomaly in its telephone switch rendered certain customer telephone calls unanswerable, thus negatively impacting hold times. Id., p. 250. Cablevision states that this problem has

not occurred since 2005 and that it monitors the situation on an ongoing basis. Id., pp. 265 and 266.

The Company also intends to construct an additional call center in Shelton, Connecticut to further improve its customer service and telephone response time abilities. Response to Interrogatory CATV-76. At the time of the hearings, Cablevision believed that this new call center would be staffed and capable of taking customer telephone calls by September of 2006. While at the time of the hearing Cablevision was not able to specify how many CSRs would staff the new Connecticut call center, the new center would be capable of housing an additional 300 employees. Tr. 6/19/06, pp. 266 and 267.

The Department recognizes the value of an additional call center that services Cablevision's incoming customer telephone calls. However, Cablevision is statutorily required to meet and comply with specific telephone answering obligations. It is clear that this situation requires monitoring by the Department. The AG has requested that the Department require from Cablevision a plan that details the steps it will take to meet the statutory telephone answering requirements, including financial penalties for any failure to meet the requirements. AG Reply Brief, pp. 3 and 4.

Before considering imposition of fines, the Department finds that ongoing monitoring of the Company's efforts should be implemented. Accordingly, Cablevision will be ordered to file quarterly telephone statistics that include information such as the average speed of answer, percent of calls abandoned, percent of calls answered within two minutes, the longest time on hold for the month and the total number of employees available to directly handle incoming calls. These filings will be submitted until three consecutive quarters indicate that Cablevision has been able to meet the statutory telephone answering response time provisions, as determined by the Department.

Cablevision defines a complaint as any written or oral contact by a customer in which that customer expresses dissatisfaction with an act, omission, product or service. Response to Interrogatory CATV-81. Cablevision's customer database is able to segregate customer complaint records by franchise area. Response to Interrogatory CATV-83. Under Cablevision's policies and procedures for handling customer complaints, all complaints are initially handled by a Company CSR. Should the customer not be satisfied at this level, Cablevision has an escalation policy to pass the complaint on to supervisors, or if specialized expertise is required, to the Company's Shared Service Department. Response to Interrogatory CATV-82. Cablevision formed its Shared Service Department in 2002 to assist its call centers with specialized support in areas such as processing electronic payments over the telephone, billing research, and responding to customer e-mail inquiries. According to Cablevision, these initial tasks have now grown to include an additional 70 other specialized functions. Id.

Cablevision has satisfactorily demonstrated its compliance with applicable statutes and regulations concerning customer notification procedures, billing practices, billing information, subscriber complaint information and termination procedures. Responses to Interrogatories CATV-87, CATV-88, CATV-89, CATV-92, CATV-93 and CATV-94.

In the Bridgeport franchise, Cablevision employs a total of 60 technicians who are responsible for the installation and repair of all Company services as well as for the servicing and maintenance of system integrity. In addition, Cablevision has 36 other contractors that perform installation for all of the Company's services. Late Filed Exhibit No. 9. For weekday evenings and weekend days Cablevision has four on-call service technicians available. The Company also has the ability to call in an additional 19 technicians if needed. Id. Cablevision utilizes three-hour appointment windows that are available seven days a week. Response to Interrogatory CATV-98. The Company's appointment windows are typically between 9 a.m. and 6 p.m. On certain occasions, the Company will offer appointment windows prior to 9 a.m., as well as extend the appointment window during summer months to 8 p.m. Tr. 6/19/06, pp. 285 and 286. Cablevision offers its customers a \$20 On-Time Guarantee Credit in the event the Company is unable to keep a scheduled appointment. Furthermore, when Cablevision is unable to keep a scheduled appointment, it will contact the customer to notify them of the problem as well as to offer the opportunity to reschedule the appointment to the customer's earliest convenience. Response to Interrogatory CATV-96. Cablevision states that installation and relocation appointments are resolved within 14 days of a customer's request. Disconnection requests may be performed after the requested date provided by the customer, however Cablevision assures that customers are not responsible for any charges past that requested disconnection date. Late Filed Exhibit No. 10.

In the last four years, Cablevision has not been required to issue refunds or credits to customers as a result of customers experiencing outages of a duration of 24 or more consecutive hours pursuant to Conn. Gen. Stat. § 16-333e(b). Response to Interrogatory CATV-17. In addition, according to Cablevision, over the last four years on a month-to-month basis, the Company has not fallen below the minimum required reliability rate of 99.975%. Response to Interrogatory CATV-16. Cablevision states that it utilizes a comprehensive set of procedures to ensure prompt restoration of service when the Company is made aware of a service outage. Response to Interrogatory CATV-101.

In a renewed franchise term, Cablevision commits, absent extraordinary circumstances, to restore service from planned or unplanned interruptions within 24 hours. PFR, Section 5.5. Cablevision also plans to employ a service and repair force of competent technicians capable of maintaining the system in accordance with the technical performance and customer service standards mandated by the PFR and applicable statutes and regulations. June 5, 2006 PFR, Section 5.6.

In a renewed franchise term, Cablevision will make available at cost, by rental, sales or installment sales agreement, equipment which receives and decodes closed captions to each subscriber who is deaf or hearing impaired. June 5, 2006 PFR, Section 5.9. Cablevision has made closed caption equipment available to its subscribers but has not any requests by customers for such equipment. Response to Interrogatory CATV-105.

The Department notes that Cablevision's proposed franchise agreement does not include any language regarding parental control devices or other means to block objectionable programming. The Department recommends that Cablevision revise PFR

Section 5.9 to include a commitment to make available, at cost and upon request, parental control devices to its customers.

The Department also notes that Cablevision's proposed franchise agreement does not include any language regarding discounts for any class of customers, such as senior citizens. According to Cablevision, it does not presently offer any type of discounted rate to any class of subscriber. Response to Interrogatory CATV-104. Further, the Company has never offered a senior citizen discount nor were there plans to introduce a discounted rate. According to Cablevision, it does not receive many requests for a senior discounted rate. Tr. 6/19/06, pp. 291 and 292.

On balance, the Department finds that Cablevision has provided good customer service to its subscribers throughout the franchise area. Cablevision's customer service policies, procedures and PFR commitments are in the public interest and can be reasonably expected to meet the community's foreseeable needs. However, as noted in this section, the Company's telephone answering responsiveness must be effectively addressed to insure that Cablevision is providing the best possible service to its customers.

F. COMMUNITY ACCESS

1. Background and Overview

Conn. Gen. Stat. § 16-331a provides for "meaningful community access" as a component of CATV service. Community access is defined as non-commercial programming produced or sponsored by members of the community and made available to all subscribers in a cable operator's basic service tier. Community access encompasses public, educational and governmental access. Cable operators are required to provide technical, managerial and financial support, channels specifically allocated to access, production facilities and equipment and training and promotion efforts that meet or exceed the specifications under Conn. Agencies Regs. § 16-331a-11.

In the Cablevision of Southern Connecticut franchise, community access has been managed by a third party non-profit organization, Sound View Community Media, Inc. (Sound View), since November 1999, pursuant to the Department's November 25, 1998 Decision in Docket No. 97-09-09, Application of Sound View Media for Designation as Area 2 Community Access Provider. Sound View does not manage community access operations in any other franchise area, but has requested that the Department designate it as the community access operator as part of its Decision in the pending Cablevision of Connecticut franchise renewal proceeding, Docket No. 05-04-10, Application of Cablevision of Connecticut, L.P. for Franchise Renewal.

Sound View, a qualified charitable organization under Section 501(c)(3) of the Internal Revenue Code, is run by a Board of Directors, which is made up of 13 voting members and seven ex-officio, non-voting members. Response to Interrogatory CATV-144, Exhibit 144-A; 2005 Annual Community Access Provider Report, (unnumbered) p. 11. In 2005, Sound View received approximately 96% of its revenues from Cablevision subscribers, with the remainder coming from interest on bank accounts and corporate

contributions. 2005 Annual Community Access Provider Report, (unnumbered) p. 5. Sound View testified that in the last three years, it has not applied for any grants because subscriber revenues were sufficient to provide meaningful community access in the franchise. Response to Interrogatory CATV-156. Sound View receives its funding from Cablevision on a quarterly basis and stated that the process whereby access funds flow to it from Cablevision subscribers works satisfactorily. Response to Interrogatory CATV-150.

2. Facilities and Operations

Sound View operates a 4,500 square foot community access facility on State Street in Bridgeport, Connecticut, consisting of a 650 square foot main studio, a control room, a headend/cablecast room, a field equipment shop and seven edit suites. The facility also includes a green room and reception area, a make-up room and administrative suites. 2005 Annual Community Access Provider Report, (unnumbered) p. 2. In 2005, 32 public access programs, eight educational access programs and six governmental access programs were produced at the facility. Id., (unnumbered) p. 3.

The business hours of the facility are weekdays, from 9 a.m. to 5 p.m. The facility can be reserved Monday through Friday, from 9 a.m. through 10 p.m., and Saturday, from 9 a.m. through 4 p.m. The facility is handicapped accessible and soundproofed. The approximate studio ceiling height is 18 feet. Id., p. 2. Sound View's 2005 Annual Community Access Provider Report includes an exhibit listing the community access equipment inventory. 2005 Annual Community Access Provider Report, Attachment to Access Equipment Inventory. Sound View testified that the equipment is shared and that the rule of thumb on who gets to use it is first come, first served. Sound View does not dedicate specific equipment for public access purposes, educational access purposes or governmental access purposes. The equipment and the facility can be used for any type of access production. Tr. 6/21/06, p. 611. The current lease on the facility expires in July 2013. Response to Interrogatory CATV-153.

Sound View testified that the facility has no shortcomings or deficiencies and that no major modifications or renovations are needed. Sound View recently installed server-based playback and archiving capabilities. Tr. 6/21/06, pp. 651 and 652. An elevator was replaced in the building in 2005. Response to Interrogatory CATV-153. Additional changes and enhancements planned by Sound View involve the further transition from analog technology to digital technology, the integration of Internet technology, high speed program on demand, live video streaming and eventually high definition technology. Sound View has not identified the exact equipment it will purchase, but is considering acquiring three digital studio cameras, a digital switcher, two or three digital VCRs and associated microphones, monitors and cables. Sound View believes that the current facility and control room are in excellent working condition. Responses to Interrogatories CATV-143 and CATV-147.

The Needs Assessor testified that, given the current usage of the studio and edit facilities, no studio expansion is needed. Needs Assessment, p. 40. M&B was impressed with the quality of the access facility. Tr. 6/19/06, p. 198. M&B confirmed that the facility is available for public, educational and governmental access productions. Tr. 6/19/06, p. 213; Tr. 6/21/06, p. 606.

The Department finds that the access facility and associated equipment have met the community access needs in the franchise. Further, the Department finds that the current facility, if properly maintained, should continue to meet the needs of the franchise in a renewed franchise term. The Department expects Sound View to consider and implement access-related technological improvements as they may become available and economically feasible. No evidence was presented suggesting that the facility or equipment is not sufficient to produce meaningful community access programming in the franchise.

3. Personnel and Training

Sound View's staff comprises a President, Director of Technology, Training Manager and Program Manager and two part-time technicians. In 2005, payroll and related expenses totaled \$286,812, or approximately 52% of expenses and 47% of revenues. Paid staff has 70 years of experience in access or cable-related employment. 2005 Annual Community Access Provider Report, (unnumbered) pp. 5 and 4. Sound View testified that it will need one or two additional technical production positions as a result of an anticipated increase in government programming and the integration of its website with the digital server and archiving technology. Sound View stated that the new positions could be full- or part-time or filled with interns. Response to Interrogatory CATV-146.

A basic digital field production course, consisting of 12 hours of instruction, is offered twice monthly, except in July, August and December. A 21-hour basic TV studio production course is offered when a minimum of six students request training. In 2005, Sound View trained 106 people at its facility. Training is provided by five Sound View staff persons. Persons trained complete a course evaluation form at the last class session. A written examination is required for certification. 2005 Annual Community Access Provider Report, (unnumbered) p. 7. Sound View testified that it occasionally conducts training at locations other than the Bridgeport facility. Tr. 6/21/06, p. 610.

In 2005, the approximate number of regular studio users was 45, the approximate number of regular edit suite users was 100 and the approximate number of field producers and sponsors was 100. Id.

The Needs Assessor concluded that Sound View's training classes and forms appear to be sufficient and that no modifications are recommended. Needs Assessment, p. 40.

The Department finds that Sound View's staffing is reasonable. Given the size of the franchise, the number of subscribers and the complexity of operating and managing its activities, Sound View's staffing level is justified. Personnel costs of approximately 52% of expenses fall within the parameters cited by the Alliance for Nonprofit Management, which indicates that personnel costs typically account for between 60% and 70% of a nonprofit's expense budget. Late Filed Exhibit No. 30. The Department expects Sound View to attempt to keep its personnel costs (as a percentage of expenses) at or close to the current level in the future. The Department also finds that Sound View's past and planned training efforts are satisfactory.

4. Outreach and Promotion

Sound View conducts a wide variety of promotional and outreach activities to increase interest in community access in the franchise. In 2005, Sound View personnel conducted 21 speaking engagements before municipalities, non-profit and religious groups and business organizations. Sound View also created three video promotions and devised a brochure and a Cablevision bill insert describing community access. Organizations in the franchise were given more than 20 tours of the access facility and two formal open houses were held. An in-house newsletter is also produced. Sound View also has its own website. 2005 Annual Community Access Provider Report, (unnumbered) p. 6. Sound View testified that it has visited schools and school superintendents in the franchise. Tr. 8/14/06, p. 996.

Sound View also participates in events sponsored by local nonprofit organizations such as the United Way, City of Bridgeport Lighthouse After School Program and the Jimmy Fund, and sponsors a user recognition awards event, the Tommy Awards. In 2005, Sound View produced a weekly magazine program on the educational access channel with access producers. Response to Interrogatory CATV-145.

The survey conducted as part of the Needs Assessment indicated that 64% of respondents were aware of the community access channels and that access programming is viewed by 43% of subscribers on a regular basis. M&B testified that those figures indicate a significant level of viewership. Needs Assessment, pp. 32 and 33.

If Sound View continues to have the responsibility of managing and operating community access in a renewed Cablevision franchise term, Sound View does not propose any changes to the manner in which it performs promotion and outreach activities. Response to Interrogatory CATV-143.

Milford and Orange claim that Sound View's outreach initiatives have not been successful and cite the Needs Assessment to support their position. Milford and Orange note the Needs Assessment finding that 78% of survey respondents were unaware that Sound View operates community access and provides training. Joint Brief of Orange and Milford, p. 7.

The Department finds that Sound View has done an adequate job in the area of promotion and outreach, but there is a demonstrated need for improvement. After seven years of managing community access in the franchise, the Department believes that more than 22% of residents should be aware that Sound View is the community access manager in the franchise, as the Needs Assessment indicated. The Department notes that Sound View's proposed budget for 2007 shows that it intends to devote considerable resources (\$44,000) to outreach and promotional efforts in the first year of a renewed term. Late Filed Exhibit No. 28. The Department also expects that Sound View will intensify its outreach efforts to the municipalities, informing them of the services it has available and providing advice on how towns can increase their own

access programming efforts. The Department will require Sound View to file a semi-annual report of its outreach and promotion efforts in the format described below.

5. Public Access

Channel 77 is designated as the public access channel. In 2005, a weekly average of 84 hours of taped or live programming and 84 hours of character generated programming was broadcast. While 32 public access programs are produced annually at Sound View's Bridgeport facility, 72 programs are broadcast weekly that are not produced in the franchise. The average percentage of repeat programming per week is 23%. 2005 Annual Community Access Provider Report, (unnumbered) p. 3.

6. Educational Access

Channel 78 is designated as the educational access channel. In 2005, there was an average of 168 hours of live and taped programming, including seven hours of character generated programming, per week. Eight educational access programs per week were produced at the access facility in 2005, while five programs are broadcast weekly on channel 78 that are not produced in the franchise. Satellite programming cablecast on channel 78 includes NASA and Classic Arts. Id.

Sound View provided a list of organizations that either utilized the access facility or had programming cablecast on channel 78, including the Milford Alternative Education Program, Fairfield and Milford middle schools and Garfield School in Bridgeport. Tr. 6/21/06, pp. 607 and 608; Sound View Brief, p. 5.

Sound View testified that it does not have enough local programming to fill the educational and governmental access channels and admitted that the programming on channels 78 and 79 is weak. Tr. 6/22/06, p. 715; Tr. 6/21/06, pp. 613 and 643.

7. Governmental Access

Channel 79 is designated as the governmental access channel. In 2005, there was an average of 168 hours of live and taped programming, including seven hours of character generated programming, per week. Six governmental access programs per week were produced at the access facility in 2005. Five programs were cablecast weekly on channel 79 that were not produced in the franchise. 2005 Annual Community Access Provider Report, (unnumbered) p. 3.

8. Institutional Network and Return Lines

In accordance with FA Section 7.8(a), Cablevision constructed a separate coaxial cable-fiber optic Institutional Network (I-Net). I-Net construction began in 1994 and was completed in 1996. Tr. 6/21/06, p. 604. I-Net programming can be seen by any municipality or educational institution that is connected to the system as a "receive" site. The I-Net is typically used by schools for distance learning, teacher training and other projects. Response to Interrogatory CATV-27. There are 60 transmit/receive sites in the Cablevision of Southern Connecticut franchise and 60 transmit/receive sites in the neighboring Cablevision of Connecticut franchise. The Advisory Councils in the two

franchises determine which institutions in each franchise are designated as transmit/receive sites. The municipalities are responsible for purchasing and maintaining their own equipment. While the I-Net includes both fiber optic cable and coaxial cable, it is primarily coaxial cable. Tr. 6/19/06, p. 381.

Cablevision maintains I-Net-related facilities not located within the participating institutions and local schools, while the municipalities themselves determine the programming that is transmitted over the I-Net. Response to Interrogatory CATV-54. The schools and municipalities provide programming logs to Cablevision annually. Response to Interrogatory CATV-55; Late Filed Exhibit No. 19. The I-Net is a two-way system and allows the participants to move data and video. Programming distributed over the I-Net can be transmitted to Cablevision's headend, and then distributed to an individual site or town. Tr. 6/19/06, pp. 384, 504 and 505.

Cablevision considers the municipalities, schools, libraries and other organizations that are I-Net receive and transmit sites to be locations of return lines. The Company provided an exhibit that showed that there are 37 active sites on the I-Net from which organizations can send and or receive programming. Late Filed Exhibit No. 25.

Although it believes that the I-Net is "somewhat obsolete" because of the availability of broadband Internet technology, in a new term Cablevision will continue to maintain, but not expand the I-Net. June 5, 2006 PFR, Section 7.6; Tr. 6/19/06, p. 479. The Company also testified that the I-Net has a specific function that should be maintained, even though broadband technology can deliver high levels of data, voice and video streaming. Tr. 6/21/06, p. 483.

Cablevision also commits to continue to provide and maintain existing return lines. Additional return lines will be provided based on usage and interest and in conjunction with the requesting town and Advisory Council. The Company indicates that any costs associated with additional return lines would be borne by the municipalities. June 5, 2006 PFR, Section 7.5.

The Department finds that Cablevision has done a very good job in constructing and maintaining the I-Net and making it available to participating institutions in the franchise. Additionally, the Department finds Cablevision's I-Net and return line-related plans included in the PFR to be acceptable.

9. Town-Specific v. Franchise-Wide Programming Distribution

The most contentious issue during the proceeding concerned the relative merits of town-specific community access program distribution versus franchise-wide community access program distribution and whether Sound View's performance in facilitating town-specific programming and responding to the needs and interests of the municipalities has been in the public interest. Sound View testified that, even before it became the community access provider in the franchise, its philosophy has favored system-wide programming distribution and that it made that philosophy clear to municipalities when it became the community access manager in 1999. Tr. 6/22/06, pp. 721 and 722. However, Sound View also testified that, while it has not been a strong

proponent of town-specific community access program distribution, it does believe there are occasions where it is in the best interests of subscribers that community access programming specific to one municipality is cablecast only in that municipality. Sound View's major concern about town-specific distribution is that the municipality may not produce enough programming to adequately fill an access channel on its own which may result in excessive repeats or a blank channel, neither of which is in subscribers' best interests. Tr. 8/14/06, pp. 1000 and 1001; Tr. 6/22/06, p. 724. One of the reasons Sound View cablecasts free satellite programming such as NASA and the Pentagon Channel is because Sound View itself does not have enough locally produced programming to fill the educational and governmental access channels. Sound View acknowledged that the system-wide educational and governmental access programming on channels 78 and 79 is weak, with numerous repeats. Tr. 6/22/06, p. 715; Tr. 6/21/06, pp. 613 and 643.

In support of its preference for franchise-wide access programming distribution, Sound View cites Section 1.5 of its agreement with Cablevision, which states that Sound View must provide prior written approval before Cablevision allows any educational institution, governmental body or related official to use the educational or governmental access channels for town-specific access purposes. Response to Interrogatory CATV-163.

Sound View's philosophy is that no one "owns" a community access channel but that they exist for the benefit of all cable subscribers who pay a subscriber fee to support community access. In an effort to increase the amount of programming that a municipality could produce, in 2002, Sound View created and offered an Incentive program to all the towns in the franchise. The program provided production equipment, with Sound View installing and maintaining the equipment. As part of the program, Sound View offered to train town personnel and to coordinate a designated time slot to cablecast the programming produced. A condition of the program was that all programming was to be disseminated system-wide on the governmental access channel. Sound View's promotion of system-wide distribution represents its long-held belief that open and free access to all public, educational and governmental access programming by all subscribers should be the rule. Sound View April 3, 2006 Letter. Stratford, Milford and the Bridgeport Public Library have taken advantage of the Incentive program. Tr. 8/14/06, p. 995. Sound View also testified that it has not created an incentive program in which the programming produced was to be cablecast on a town-specific basis. Sound View has not established a threshold number of original programming hours that would justify a town-specific channel. Additionally, Sound View testified that it never promised any municipality that it would be granted a town-specific governmental access channel based upon the ability of the municipality to produce enough programs to adequately fill a single channel. Tr. 6/22/06, p. 743.

In support of its position that municipalities may not be able to produce enough programming to justify a town-specific channel, Sound View cites information provided by the Town of Orange, which testified that it produced 187 shows in 2005. Sound View estimated that the number equates to approximately 16 original programs per month, and assuming the average program length would be about three hours. Those figures yield approximately 48 hours of Orange-specific programming per month, which, according to Sound View, would require very frequent repeats of each program. Tr.

6/22/06, p. 716. Sound View also notes that Milford testified that from May 2005 through May 2006, Milford Government Access Television (MGAT) produced only 43 programs, or fewer than eight hours of original programming per month. Sound View Brief, p. 3, fn. 2; Late Filed Exhibit No. 14.

An example of an instance in which Sound View believes it would be appropriate for a program to be cablecast town-specific is if a specific municipality has a live town meeting scheduled during the same time that another program is scheduled to be telecast on the governmental access channel. In such a case, Sound View believes that the live program should be cablecast to subscribers residing in the town in which the programming originates. Tr. 6/22/06, p. 723. Sound View testified that it would approve town-specific status if the town maintained detailed programming logs and made those logs available to it as far in advance as possible. In addition, Sound View indicated that, for a channel to have town-specific status, the municipality should not be allowed to accept any programming that is not clearly town-specific. Sound View also testified that the number of hours of original programming being produced by a town, the technical quality of the productions, and whether the programs are in compliance with applicable rules regarding prohibited content, such as advertising, should be the only factors to consider when determining if a program should be cablecast on a town-specific basis. Tr. 6/22/06, p. 724. Sound View stated that if a town no longer wanted to provide programming on a town-specific governmental access channel, or if it wants to receive from Sound View for dissemination to town subscribers any satellite or other programming for limited periods of time, it may request that system-wide programming be supplied. Late Filed Exhibit No. 34. Sound View also stated that it believes that there is the possibility that a model could be created whereby a municipality that wanted to program educational and governmental access programming on a town-specific basis could do so, but when no town-specific programming was scheduled, Sound View-provided programming could be used as a back-up or default programming. Tr. 6/22/06, pp. 739 and 740. Finally, Sound View testified that a scheduling policy could be devised between it and a municipality that would reduce the likelihood that a town-specific channel would have numerous repeats or blank screens, citing a scheduling policy it had with the Town of Stratford as an example. Tr. 8/14/06, pp. 1001 and 1002.

Milford testified that MGAT was formed in 2002 to explore how to initiate local government programming. Prior to that time, channel 79 was a "community calendar," providing information to Milford residents about events and happenings in the City. In 2002, Milford and Sound View entered into an Agreement (Agreement). Milford contends that it entered into the Agreement on two conditions. The first condition was that the Agreement would be temporary and the second condition was that Milford would return to town-specific status when its governmental access program capability had matured. It is Milford's position that Sound View agreed to the condition that channel 79 would return to town-specific status at some time in the future. Milford Pre-Filed Testimony, p. 2. Milford was not able to cite specific language in the Agreement to support its contention that Sound View promised to return channel 79 to town-specific status when Milford could produce enough programming on its own. However, Milford maintains that Sound View agreed to that condition on numerous occasions at meetings. Tr. 6/19/06, p. 332.

Milford further claims that Sound View forced its philosophy of system-wide access programming distribution by cablecasting meetings of other towns on channel 79 in Milford. In 2005, MGAT provided a budget to the City of Milford for new video equipment and planned to increase the number of town meetings taped. Milford also claims that there was strong support for MGAT from Milford residents. Id., p. 3. The Agreement between Milford and Sound View was terminated in July 2005; Milford began cablecasting town-specific programming on channel 79 in January 2006. According to Milford, when Sound View learned that Milford was cablecasting town-specific programming to its residents, it ordered Cablevision to disconnect the "Milford channel 79." Milford Pre-Filed Testimony, p. 3. In April 2006, Milford asked the Department to grant it relief to allow for the return of town-specific cable programming. Id. By its August 4, 2006 Letter, the Department granted Milford's request for interim relief, subject to certain conditions.

Milford testified that its residents have stated a clear preference to see local government programs on channel 79 and not those of other franchise towns whose actions are unlikely to affect them. Milford stated that under rare circumstances, there may be community access programming of a regional nature that its residents may want to see on channel 79. Tr. 6/19/06, pp. 329 and 330. Milford also claims that, since March of 2006, no access programming from Milford has been cablecast on channel 79. Milford Pre-Filed Testimony, p. 4; Tr. 6/19/06, p. 348. Milford testified that, when it asked for more time on channel 79 for its programs to be cablecast, Sound View refused. Sound View replied that it has never refused to air Milford programming on channel 78 or 79. Tr. 6/19/06, pp. 322 and 323. Milford believes that it should control channel 79 and estimates that it could currently produce approximately 16 hours of original, first-run programming in a typical two-week period. Id., p. 347.

Milford additionally claims that Sound View, as part of the Incentive program, provided inadequate equipment to produce professional programming, forcing Milford to buy additional equipment. Further, the system created by Sound View to cablecast Milford programming was cumbersome and unpredictable, according to Milford. Finally, Milford testified that Sound View did not prioritize Milford programming. Milford Pre-Filed Testimony, p. 2.

Orange testified that it feared that Sound View's intent is to change the town-specific content currently being aired in the town. Orange wants a renewed franchise to include a mandate that all towns have access to educational and governmental access channels for town-specific purposes. James Zeoli Pre-Filed Testimony, p. 1. In 1998, the Town of Orange formed the Orange Government Access Television Committee (OGAT) to provide town residents with real time local government access through live broadcasting of Board of Selectmen meetings, as well as taped broadcast of other boards and commissions and events such as parades, fairs and cultural events. Sol Silverstein Pre-Filed Testimony, p. 1. OGAT, which has its own bylaws, is a commission of volunteers appointed by the first selectman. Tr. 6/21/06, pp. 432 and 431. Since 2001, OGAT has operated as an independent, permanent committee of the Town of Orange and its budget has increased from \$3,000 in budget year 1999/2000 to \$65,730 for budget year 2006/2007. OGAT's first live telecast was in 1999. Id., p. 3; Tr. 6/19/06, p. 411. OGAT testified that currently it could produce approximately 15 programs a month. Id., p. 410.

OGAT also testified that it has been receiving positive feedback from residents since it began cablecasting on the government channel. OGAT states that Sound View's attempt to paint town-specific community access as a "Balkanization" of educational and governmental access is incorrect. OGAT cites Section 7.1 of Cablevision's Franchise Agreement with the Department which states, in part, "[t]he system will be configured to allow each channel to be sent to specific municipalities only or system-wide at the choice of the access user." Orange states that, because it is the access user and it wants channel 79 to be town-specific, it should be made so, in accordance with the FA. Orange Pre-Filed Testimony, p. 8. OGAT also testified that it would like to cablecast its own educational programs on channel 78. Tr. 6/19/06, pp. 408 and 411. In further support of its position, OGAT submitted approximately 1,200 petitions signed by residents of Orange, supporting the continuation of town-specific governmental access programming. Tr. 6/7/06, p. 68.

The Needs Assessor testified that, while the Cablevision system is capable of narrowcasting programming to individual towns, only Orange and Woodbridge are doing so. M&B stated that, in response to letters it sent to the municipalities in the franchise, Milford, Orange and Woodbridge all want to utilize the community access channels to provide town-specific governmental access programming and stated that their relationships with Sound View are strained and difficult. In addition, Fairfield expressed a desire to promote town-specific educational access channel and to control the subscriber fees paid to Cablevision that support community access in the franchise. The Needs Assessor concluded that there is a strong interest in the franchise among the towns and the Advisory Council to commit resources to support town-specific programming and that the objective of narrowcasting can be achieved easily because the system is already configured to allow such narrowcasting. Needs Assessment, pp. 39 and 40. M&B testified that Cablevision was largely noncommittal on the issue of public, educational and governmental access operations. Id., p. 39.

M&B recommends that towns in the franchise that want to cablecast on a town-specific basis be allowed to do so using the I-Net. During those times of the day in which there is no town-specific programming, the channel can default to a standard government access feed provided by Sound View. The Needs Assessor also recommends that the I-Net be used by the towns to narrowcast educational access programming on a town-by-town basis. Id., p. 40; Tr. 6/19/06, p. 179. Finally, M&B states that allowing the towns to narrowcast educational and governmental access programming on channels 78 and 79 would warrant a partial reallocation of Sound View's budget. The Needs Assessor suggests that between 25% and 33% of future financial support should be directed to educational and governmental access programming, with the balance dedicated to public access programming-related activities. Id., p. 41.

The OCC agrees with the Needs Assessment recommendation that the towns should control the educational and governmental access channels if they believe they are capable of supporting such operations. The OCC recommends that the Department determine and order general policy and standards for permitting a transition from franchise-wide community access programming distribution to town-specific community access programming distribution. Finally, the OCC recommends that the Department

determine how much funding should be reallocated to assist the towns' efforts to provide more educational and governmental access programming. OCC Brief, pp. 22 and 23.

The AG believes that the Department should require that any municipality that desires town-specific educational and governmental access, and can demonstrate the basic competence to provide such programming, should be allowed to do so with a minimum of administrative burdens. In addition, the AG recommends that if Sound View is unwilling or unable to allow town-specific educational and governmental access programming, the Department should either return the responsibility for community access operations to the Company or seek another third-party provider. The AG states that the result of Sound View's philosophy has been that access viewers in towns that desire town-specific programming have lost out. AG Brief, pp. 2 and 8. The AG believes that the record is clear that Sound View is not meeting the community access needs of the residents and that the relationship between Sound View, certain towns and the Advisory Council have been severely strained. Id., p. 8.

The AG also believes that the Department should implement a funding mechanism to ensure that sufficient community access funds are available to support town-specific operations. The AG suggests that the Department institute a mediation process to work out the details of such an arrangement. Id., p. 18.

Cablevision testified that it supports town-specific programming. Cablevision believes that Section 7.1 of the FA is still in effect, and that accordingly, governmental access programming should be cablecast on a town-specific basis, if a town so desires. Tr. 6/21/06, p. 490. The Company's proposed solution to the town-specific versus franchise-wide programming distribution issue is to change the manner in which community access is administered and managed in the franchise. Cablevision proposes that in a new term, Sound View continue to manage and administer public access only, and Cablevision, with the assistance of the Advisory Council, would administer educational and governmental access. Cablevision Pre-Filed Testimony, p. 23. Based on the responses and comments provided by the municipalities in the franchise and the results of the Needs Assessment, Cablevision concludes that franchise towns have not been adequately served by Sound View. In addition, the Company testified that it has become aware through its attendance at Advisory Council meetings that towns in the franchise that do not have town-specific governmental access channels would like to have such programming capability. Tr. 6/21/06, pp. 487 and 488. The Company expressed its belief that the educational and governmental access channels belong to the educational and governmental constituencies in the franchise. Cablevision testified that the Advisory Council is the appropriate entity to determine how the funds dedicated to educational and governmental access should be distributed to the towns. Tr. 8/14/06, p. 931. The Company also testified that it already has staff qualified to perform the administrative functions involved in managing educational and governmental access. Tr. 6/21/06, p. 500; Tr. 8/14/06, p. 932.

Under its proposal, Cablevision would keep the configuration of the system as is, which would allow town-specific governmental and educational access programming to be cablecast by returning the programming originating in each town to Cablevision's headend via the I-Net. The programming would then be switched to the governmental

or educational access channel on the customer network to be shown in the originating community. Cablevision Pre-Filed Testimony, p. 23. The specific programming that would be cablecast to subscribers in each town would be determined by the communities. The Company testified that in its New York franchise, access is managed successfully in this manner. Tr. 6/21/06, p. 496. Cablevision sees no operational reason why educational and governmental access cannot be separated from public access. Id., p. 537.

Additionally, the Company contends that its primary responsibility under its proposal would be to make sure that the connections to the municipalities' facilities are working properly so that the programming is transmitted. Training would be provided to the municipalities and schools on an ad hoc basis, upon request. Id., p. 546. Cablevision's only interest is to ensure that the production quality and transmission quality are as good as possible. Id., pp. 547 and 548. The Company further testified that, although the towns and municipalities are good at promoting their own services in their own communities, it would assist the towns in creating promotional materials. Id., pp. 562 and 563. Moreover, Cablevision commits to utilize at least three methods to improve awareness and use of educational and governmental access; public service announcements, print advertising and meeting with groups. June 5, 2006 PFR, Section 7.4.

Cablevision stated that it would use the rules, regulations and policies that it currently employs in the Cablevision of Connecticut franchise. Tr. 6/21/06, p. 500; Late Filed Exhibit No. 22. Cablevision also testified that it had training materials to use and that it would offer training at the request of the municipality on site or at the Company. Id., p. 502. The choice of whether its programming would be distributed franchise-wide or town-specific would be left to the community or would be controlled jointly between the municipalities and the franchisee, if so desired. Tr. 6/21/06, p. 504; Cablevision Pre-Filed Testimony, p. 23.

10. Department Analysis of Town-Specific v. Franchise-Wide Programming Distribution

The Department has reviewed the record regarding the issue of town-specific community access programming distribution versus franchise-wide community access programming distribution and Sound View's performance in responding to the needs of the municipalities and residents related to it. Some of the testimony from participants is contradictory and cannot be reconciled objectively. For example, Milford testified that Sound View promised that, when Milford could produce enough programming, Milford subscribers would see town-specific only programming, instead of community access programming produced from all the towns in the franchise, plus imported or satellite programming. Sound View testified that it did not make that promise. The Department is disinclined to make a finding where the evidence is comprised of competing representations from participants, without sufficient documentary verification from any of them. However, the evidence from the proceeding clearly shows that communication between Sound View and the municipalities, particularly the City of Milford, has been strained for some time which has, in large part, prevented the participants from reaching a mutually satisfactory resolution to the issue of town-specific community access program distribution versus franchise-wide distribution. The Department remains

confident that the parties can put aside their differences and historical disagreements and move forward for their mutual benefit and for the benefit of subscribers, who ultimately pay for the programming.

In this franchise, the evidence supports the finding that it is in the public interest that subscribers have an opportunity to view community access programming that is town-specific, if the towns so desire, in addition to community access programming that is either of a regional nature or programming that may be enjoyable or beneficial to viewers generally. The Department does not believe that any one type of community access programming is inherently superior or preferable to any other type. Neither does the Department believe that it can or should rank the relative importance or desirability of any one type of community access programming compared to any other type of community access programming. For example, the Department makes no judgement that community access programming that has a scientific context is preferable to community access programming that is related to the arts or to sports or to religion or any other subject area. The Department believes that, other things being equal, the greater the variety of community access programming that can be made available to subscribers, the better served subscribers are, as long as there is available space on the access channels to showcase that variety of programming.

The Department finds that Sound View's claim that allowing each franchise town to have a town-specific channel would "balkanize" the municipalities is excessive. Sound View Letter, April 3, 2006, p. 7. On the other hand, while it is clear that residents of particular franchise towns may prefer to view town meetings and events of their own town, restricting community access programming in a municipality to town-specific meetings and events to the total or near exclusion of other access programming, whether regional or general in nature, is not in the best interests of subscribers. This is especially true in the instant case, where there are ample time slots - especially the educational and governmental access channels - to accommodate town-specific programming, a reasonable percentage of repeats of town-specific programming and regional or general interest community access programming.

Additionally, it is clear from the record evidence that Cablevision's system is configured in such a way that there is considerable flexibility regarding what type of programming can be distributed throughout the franchise. As noted above, the three community access channels (77, 78 and 79) can cablecast programming to the entire franchise or can be used to cablecast programming to specific municipalities. In addition, the I-Net can carry programming from a "send" site to the headend, from which the programming can be distributed over the general subscriber network. Accordingly, there appears to be no technological impediment preventing a solution to the town-specific programming distribution versus franchise-wide programming distribution conundrum.

The record also supports the finding that the possibility exists that scheduling policies can be crafted that address Sound View's legitimate concerns about excessive repeats of town-specific programming (and the subscriber dissatisfaction that often comes with numerous repeats) and the municipalities' legitimate desire that residents of individual towns have the opportunity to view town meetings and events specific to those individual towns and that such programming should be cablecast more than one

time to accommodate subscribers' disparate viewing habits. Thus, while mutually agreeable scheduling policies that satisfactorily address the concerns of both Sound View and the municipalities are not currently in place, the Department believes that reasonable persons on all sides can create such scheduling policies, with or without the Department's assistance or the aid of other public parties to the proceeding. Tr. 6/22/06, pp. 739-741; 8/14/06, pp. 1000 and 1001.

Finally, as noted above, the record evidence supports the finding that the community access channels, particularly the educational and governmental access channels (78 and 79), are not so heavily programmed that there is insufficient space or time slots to cablecast both town-specific programming and programming of regional or general interest. Inadequate channel capacity is not preventing the town-specific distribution versus system-wide distribution issue from being resolved.

Although the Department appreciates the strong feelings expressed by the participants during the proceeding, it believes that it was often counterproductive for some of them to argue about what community access programs should or should not be cablecast over the entire system or over part of the system when the record is clear that: (1) there are ample available time slots on the access channels to accommodate the existing programming and a considerable amount of additional programming, whether or not the programming is town-specific, regional or general; (2) there are or could be program scheduling policies created that satisfactorily address the legitimate concerns of both Sound View and the municipalities; and (3) the cable plant serving the franchise is configured in such a way that there is considerable flexibility in how and what programming can be distributed to subscribers throughout the franchise. In short, the Department finds that the only condition currently absent which is preventing the programming issue from being resolved is the willingness of the participants to negotiate in good faith and to compromise, where necessary, for the good of subscribers.

Sound View's current reluctance to provide a municipality with a town-specific channel 100% of the time is justified because of excessive repeats. The Department commends the municipalities for the investment made in personnel, tax dollars, equipment and training to support their video efforts. However, notwithstanding these efforts, the Department does not believe that having a town-specific channel 100% of the time is an efficient use of that channel, particularly if a significant percentage of the programming cablecast on a town-specific channel is repeat programming, if the screen is blank or if other community access programming that may be of interest to subscribers does not have an opportunity to be cablecast. The record is clear that, although towns in the franchise, especially Milford and Orange, are producing a variety of programs, the number of original programs being produced does not justify the granting of educational and governmental access channels that are town-specific all the time.

In another proceeding, the Department acknowledged that there is value to repeating community access programs so producers' work can be seen by a larger percentage of subscribers, and for the convenience of residents' viewing and work schedules. The Department concluded that it would not unilaterally set forth a blanket weighing scheme to determine how much repeat programming is too much. Such

determinations should be appropriately made on a case-by-case basis.³ In the instant case, the Department believes Sound View and the municipalities should devise their own integrated scheduling policies. Sound View and the municipalities could agree to one scheduling policy for the entire franchise or could craft programming scheduling policies for each town, at the participants' discretion. In addition, if the parties believe that the Department could be of value serving in the role of mediator, it would entertain such a request. Because Cablevision has a long history of managing community access in other jurisdictions and may have access to scheduling policies that have been utilized elsewhere, it may be able to provide assistance to Sound View and the municipalities as they seek to create mutually agreeable programming schedules. Other public parties to the proceeding, the OCC, the AG and the Advisory Council may participate in the discussions at the joint discretion of Sound View and the affected municipalities.

Based on the record, the Department finds that it is in the public interest for Sound View and the municipalities to attempt to resolve the town-specific versus franchise-wide distribution issue through negotiation and compromise. Because resolving this issue is a key factor in improving community access in the franchise in the future, the Department will require that Sound View file a report by January 31, 2007, indicating if the negotiations between it and the affected municipalities regarding programming scheduling policies have been successful. If negotiations between Sound View and one or more than one municipality have not resulted in mutually acceptable programming scheduling policies by that date, Sound View and the municipalities will be subject to mandatory alternative dispute resolution (ADR) and the Department will attempt to resolve the issue by ADR mechanisms, pursuant to Conn. Gen. Stat. § 16-19jj.

11. Funding

Pursuant to Conn. Gen. Stat. § 16-331a(k), the Department establishes the amount that the company or organization responsible for community access operations shall receive for such operations from subscribers. Conn. Gen. Stat. § 16-331a(k) also specifies that the community access support amount shall be \$5.00 per subscriber per year, adjusted annually by a percentage reflecting the increase or decrease of the consumer price index (CPI)⁴ for the preceding calendar year. Based on certain criteria, the Department may set the community access support amount within a range of 40% above or below the \$5.00⁵ statutory benchmark.⁶

Conn. Agencies Regs., §§ 16-331a-1 through 16-331a-12 include provisions implementing the community access support requirements of Conn. Gen. Stat. § 16-

³ See the Department's February 22, 2006, Decision in Docket No. 05-09-07, DPUC Review of Regulations Regarding the Required Number of Community Access Channels, p. 14.

⁴ Conn. Agencies Regs. § 16-331a-1(2) defines the consumer price index as the United States Department of Labor Consumer Price Index, Urban, Northeast Region, published by the Bureau of Labor Statistics.

⁵ Along with the statutory benchmark rate of \$5.00, the 40% variance is also adjusted for the CPI-measured rate of inflation on a going-forward basis.

⁶ See the April 26, 2006 Decision, in Docket No. 06-01-04, DPUC Annual Community Access Support Review.

331a(k). Conn. Agencies Regs. § 16-331a-6 provides that the new support requirements apply to community antenna television franchise holders that seek a new, renewed or transferred Certificate of Public Convenience and Necessity (CPCN) to operate a CATV system after October 1, 1995. Based on a 2005 inflation rate of 3.52%, the applicable level of community access support for new, renewed or transferred cable franchises issued during 2006 ranges from \$3.93 to \$9.17 per subscriber per year or a statutory midpoint at \$6.55 per subscriber per year.

Sound View's 2005 calendar year PEG access revenues totaled \$606,998. Sound View received approximately 97% of its funding from approximately 97,900 Cablevision subscribers in 2005, or approximately \$6.02 per subscriber. Sound View's revenue sources also include funds from contributions and interest earned. Sound View's 2005 calendar year community access expenses totaled \$547,908. Response to Interrogatory CATV-144. Sound View's current funding level equates to \$6.23 per subscriber per year, subject to annual inflation adjustments. Sound View's total operating revenues for the calendar year 2006 were budgeted at \$613,540 and its total operating expenses were budgeted at \$597,001. Late Filed Exhibit No. 28.

In a renewed franchise term, Sound View proposes to continue to manage community access operations over the three channels at an amount equal to \$6.23 per subscriber per year, subject to annual inflation adjustments. Sound View referenced its 2004 and 2005 Community Access Reports and proposed budgets to support its funding request. Response to Interrogatory CATV-152; Sound View Brief, p. 14. Sound View provided an itemization of revenues and expenses projected for the calendar year 2006 and forecasts for the years 2007-2010. Response to Interrogatory CATV-149; Late Filed Exhibit No. 28. Sound View's preliminary budget for the first three years of a renewed franchise term includes an itemization of personnel costs, office expenses, technical expenses, depreciation, planned community access equipment purchases and other proposed expenses. Sound View plans to upgrade its analog studio and control center to digital technology over the course of the first three years of the renewed franchise term with \$10,000 capital equipment purchases in 2007, and \$20,000 for each of the years 2008, 2009 and 2010. Response to Interrogatory CATV-147.

As described in detail above, Cablevision proposed to administer educational and governmental access in a renewed term, while Sound View would continue to manage public access operations. Cablevision proposed to maintain three channels devoted to access and to provide per subscriber funding for community access purposes. The proposed system would be configured to allow each channel to be sent to specific municipalities only (town-specific) or system-wide, at the choice of the access user. The funding would be set at a level of \$5.00 per subscriber per year in the first year of a new franchise term, subject to annual inflation adjustments. Cablevision testified that \$5.00 per subscriber per year in the first year of a renewed term is sufficient to meet all community access needs for the following reasons. First, the Company contends that the cost of digital cameras, editing and related equipment has declined since the franchise was renewed in 1997. Second, Cablevision testified that the rise of the Internet and the ability of an individual or organization to create a website provides an alternative to cable television in creating an outlet for the dissemination of ideas and information. Third, the Company states that other market entrants may provide additional support for community access, reducing the need for all community

access support to come from Cablevision. Cablevision Pre-Filed Testimony, pp. 23 and 24. Finally, Cablevision testified that its proposed community access funding level is sufficient based on the fact that Sound View has had a budget surplus every year of the franchise. Tr. 6/22/06, pp. 687 and 688; Cablevision Brief, p. 14.

Cablevision provided a funding proposal that included a three-year line item budget for educational and governmental access operations and showing the amount available each year for public access operations to be provided by Sound View. Cablevision's three-year funding proposal provides \$490,000 in year one, increasing to \$526,260 in year three based on \$5.00 per subscriber per year in year one, with 3.6% annual increases.⁷ Additionally, Cablevision proposed to use \$25,000 from Sound View's prior reserves to purchase equipment in year one to support and assistance for educational and governmental access users. The equipment would be maintained by Cablevision. Cablevision also proposes to utilize \$60,000 (\$20,000 per year) from Sound View's 2005 budget surplus to further support educational and governmental access programming initiatives. Lastly, Cablevision proposes to provide funding directly to the Advisory Council, which, with input from the municipalities and schools in the franchise, would determine how best to distribute the funds.⁸ Late Filed Exhibit No. 24.

M&B recommends that the present model for the provision of community access in the franchise area be modified to permit local town control of the educational and governmental channels, to the extent desired by each town. Sound View does not dedicate personnel to the towns or schools to cablecast and town meetings or events, and therefore, the overall budget for Sound View's operation appears high, according to the Needs Assessor. M&B testified that for the towns to program the governmental and/or educational access channels on a town-specific basis, a minimum level of funding of between 25% and 33% of the existing funds available for community access should be dedicated to educational and governmental access operations. Lastly, M&B states that funds dedicated to educational and governmental access purposes could be given directly to the Advisory Council, which would allocate it among the six towns. The balance of the community access funding would go directly to Sound View to support public access operations. Needs Assessment, pp. 5, 40 and 41.

The OCC states that the most delicate problem in M&B's suggested plan would be apportioning the funding for the operations of Sound View that has a centrally-located public access studio and programming for regional purposes, and apportioning funds to support town-specific educational and governmental programming.

The AG states that its two major concerns with Sound View's performance as access provider are the dispute over town-specific programming and Sound View's budget management. The AG also states that Sound View's budgetary practices should concern the Department because Sound View retains a significant amount in reserve each year. The AG believes that while it may be appropriate to hold some portion of the access budget in reserve, the cash amount maintained by Sound View is

⁷ Based on a subscriber count of 98,000 in years one through three.

⁸ Cablevision's proposal provides for E and G funding of \$95,000 in year one, \$72,000 in year two, and \$78,000 in year three. It further provides for public access funding of \$440,000 in year one, \$455,640 in year two, and \$468,260 in year three for Sound View's operations.

excessive. The AG further states that the Department would likely have to implement a funding mechanism to ensure that enough of the community access funds are dedicated to town-specific access operations. Therefore, the AG suggests that the Department give the Advisory Council authority to allocate the funds to the municipalities. AG Brief, pp. 10-18.

The Town of Orange and City of Milford recommend that the Department remove Sound View as the designated third-party access provider in the franchise area. They also support Cablevision's proposal to assume the administration of the public access channels. The Town of Orange states that since December 1998, it has spent approximately \$340,000 to operate its OGAT channel to narrowcast town meetings and events. The Town of Orange also states that Sound View has not fostered town-specific programming. The City of Milford claims that its Milford Government Access Television has developed as a mature public access system that has been successful despite opposition and lack of support from Sound View. Orange and Milford Brief, pp. 1, 2 and 9.

The Advisory Council agrees with the Needs Assessor that Sound View's staff devotes most of its time to the public access channel, and questions what part of the overall budget, if any, is used for the educational and governmental access channels. Response to Interrogatory CATV-136.

In determining the appropriate level of community access funding for this franchise area, the Department has taken into consideration the criteria of Conn. Gen. Stat. § 16-331a(k). These include the level of public interest in community access operations in the franchise area, the recommendations of the local Advisory Council and municipalities; review of the company's experience and performance in providing community access programming; review of the company's community access budget; the quality and quantity of the programming to be created, promoted or facilitated by the company or organization; the adequacy of existing community access facilities, equipment and training programs; and any other factors determined to be relevant by the Department.

The Department has examined Sound View's 2005 Community Access Report, its 2005 Audit Report and its proposed budget forecast for the years 2007 through 2010, assuming a first year per subscriber rate of \$6.23. Responses to Interrogatories CATV-144 and CATV-149; Late Filed Exhibits No. 27 and 28. The Department finds that there are inconsistencies in Sound View's proposed budget, particularly, the Sound View's 2005 calendar year community access revenues and line item expenses. The Department believes Sound View's projected total revenue amount of \$614,540 for 2007 is understated. A review of Sound View's 2005 Community Access Report and Audit Report indicated that revenues from contributions and interest totaled approximately \$17,000. For these same two line items, in 2007 Sound View forecast a total of only \$4,000 in interest revenues under the assumption that this amount was conservative. Sound View subsequently acknowledged the forecast amount was conservative and interest earned on certificate of deposit investments would likely be more than originally estimated. Tr. 6/22/06, pp. 699 and 700.

Sound View submitted two proposed budgets. One of the 2007 proposed budgets show total projected operating expenses of \$599,393, with \$15,147 of net cash remaining. Response to Interrogatory CATV-149. However, in Late Filed Exhibit No. 28, the 2007 proposed budget indicates total projected operating expenses of \$614,540 with zero net cash remaining. Sound View stated that it has accumulated \$215,068 in reserve funds of which \$50,000 is associated with legal costs of this franchise renewal and \$50,000 for its participation in a separate Departmental franchise proceeding. Response to Interrogatory CATV-151. The Department shares the concern of the AG and Cablevision regarding the amount of Sound View's reserve. AG Brief, pp. 10 and 11; Cablevision Brief, p. 14. The Department believes that Sound View has accumulated unappropriated reserve funds and will consider these funds to be available at the end of the 2006 calendar year.

Further, examination of the two proposed budgets submitted by Sound View identifies increases in the promotional, outreach, development and depreciation line items totaling approximately \$9,000, with no underlying assumptions. Sound View budgeted \$40,000 for depreciation in 2007, but this amount appears to contradict Sound View's response to an interrogatory which indicated that due to the durability of community access equipment, depreciation of the anticipated technology investment can be stretched over the franchise renewal term, as opposed to the generally accepted five-year depreciation life of equipment. Response to Interrogatory CATV-159.

Sound View was given an opportunity to reconsider its access plans to balance the expressed desires and recommendation of participants in this proceeding. The Department requested that Sound View consult with the Advisory Council and Cablevision, and then jointly provide the Department with three hypothetical budget scenarios including line items for educational and governmental access funding at a 5%, a 10% and a 15% model. The Department encouraged Sound View to consider that M&B recommended that 25%-33% of the existing financial support available for community access in the franchise area be dedicated to educational and governmental programming. Tr. 6/22/06, pp. 695-702. Sound View testified that it would attempt to do so. Tr. 6/22/06, pp. 703 and 704. However, Sound View subsequently testified that it was unable to produce such an exhibit because it would not continue to operate in the franchise if it were only managing public access operations, and not public, educational and governmental access operations. Late Filed Exhibit No. 28.

The Department does not believe the Incentive program is structured to benefit towns who desired to narrowcast town-specific programming because it was contrary to Sound View's desire to cablecast system-wide PEG access programming. The Department believes the incentive program should have been structured with incentives to benefit all the towns in the franchise area who may have the desire to narrowcast town-specific programming.

Sound View testified that expenses under the Incentive program would have been categorized under the Promotional and Outreach line item in 2005, and 2006 to date. Sound View further stated that it has funds available in the 2006 budget for municipalities who request to participate in the Incentive program. Tr. 6/22/06, pp. 676 and 677. The record indicates that Sound View has \$40,000 for Promotional and Outreach in its current 2006 budget, but may have already spent and/or appropriated

these line item funds. Late Filed Exhibit No. 28. Sound View explained how the Promotional and Outreach expenses are comprised and categorized along with the participation of various organizations. Tr. 6/22/06, pp. 677-682; Response to Interrogatory CATV-145.

The Department finds that the appropriate level of community access funding for the first year of a renewed term should remain at the 2006 level of \$6.23 per subscriber per year, which is only 4.9% less than the statutory midpoint of \$6.55 per subscriber per year, as determined in its April 26, 2006 Decision in Docket No. 06-01-04, DPUC Annual Community Access Support Review. With approximately 98,000 subscribers, a \$6.23 per subscriber funding amount will provide Sound View with approximately \$610,000 in the first year of a new term,⁹ before adding any corporate contributions or bank account interest. In determining that the community access assessment should remain \$6.23 per subscriber per year in the first year of a renewed term, the Department has also taken into account Sound View's reserve fund, which at the time of the hearing, exceeded \$200,000. While it is appropriate for Sound View to retain some amount in reserve, the Department finds \$200,000 excessive. In addition, although Sound View is planning to continue the transition from analog to digital technology and is considering purchasing new cameras and other equipment, the consensus was that the access facility is satisfactory and that significant outlays of funds for capital improvements are not necessary. Sound View also testified that it is not planning any significant changes in how it manages and operates community access, leading the Department to conclude that increasing the community access funding level above the current level is not necessary at this time. With careful management of subscriber funds, which will continue to provide Sound View with a constant and fairly predictable source of money, and the prudent drawing down of the reserve fund, the Department believes that meaningful community access can be provided at a first year per subscriber fee of \$6.23 per year.

The Department also notes Sound View's testimony that it has not applied for grants because subscriber-generated fees have been sufficient to provide meaningful community access in the franchise. Response to Interrogatory CATV-156. The Department recommends that Sound View consider applying for outside grants, as some other community access operators do, to supplement the subscriber funds, if the need arises.

Cablevision's proposed reduction in the per subscriber assessment from its current level of \$6.23 to \$5.00 is excessive. It may be true that in other franchise areas Cablevision's support (or its subscribers' support) for community access operations is considerably less than the \$5.00 per subscriber per year level being recommended by Cablevision. June 5, 2006 PFR, Section 7.2. However, no independent research or evidence was presented that proved or purported to prove that Cablevision's less well-funded community access operations elsewhere were successful in providing meaningful community access or that subscribers were satisfied with the level of community access services received. The Department also notes that the history of community access, the regulatory scheme and laws and regulations regarding a cable operator's community access obligations are different in Connecticut than in other

⁹ Subject to CPI adjustments pursuant to Conn. Gen. Stat. § 16-331a(k).

jurisdictions in which Cablevision operates, making funding comparisons in other franchises difficult to objectively evaluate. Nor did the Company provide documentary evidence that proved or purported to prove that the franchise areas where access is supported at levels significantly less than \$5.00 per subscriber per year were either identical to or substantially similar to the Cablevision of Southern Connecticut franchise (for example, in terms of number of subscribers, other demographic characteristics, the level of subscriber interest in community access, adequacy of facilities, equipment and training, etc.), thereby making it difficult for the Department to determine what weight to assign those figures. Similarly, no evidence was presented by the Company to document its claim that the cost of digital cameras, editing and related equipment has diminished significantly in recent years, justifying, in part, a per subscriber assessment that is approximately 20% less than the current level.

While it is no doubt true that the rise of the Internet and the availability of websites and "blogs" have provided an alternative to cable television in creating outlets for the dissemination of information and ideas, as Cablevision claims, the Department is not obligated to consider those factors when determining the appropriate level of community access funding a cable operator is required to provide. Additionally, no evidence or research was presented during the proceeding that provided the Department with any guidance on how: (1) it should objectively measure the effect of the Internet on creating outlets for the dissemination of information and ideas in the Cablevision franchise; and, (2) how the Department, after measuring the effect of the Internet on the dissemination of information and ideas, should determine how much, if at all, community access funding from Cablevisions' subscribers should be reduced as a result of these relatively new ways to disseminate information and ideas.

As noted above, Cablevision also believes that its funding proposal of \$5.00 per subscriber per year is appropriate because other market entrants may also provide support for community access operations, reducing the need for all the support to come from Cablevision. The Department notes that, if and when other market entrants begin to provide CATV service in Cablevision's franchise area and begin providing support for community access operations, the Company can request a modification of its Franchise Agreement, if it believes a modification is warranted, pursuant to applicable state and federal law. However, the Department finds that it would be improper for it to determine the appropriate community access funding level required of Cablevision based in part on something that may occur at some unknown time in the future.

The evidence supports the finding that, to facilitate and increase the amount of educational and governmental access programming in the franchise, Sound View should institute a grant program for the municipalities, similar to the one proposed by Cablevision in Late Filed Exhibit No. 24. As noted in Section F.7., Governmental Access, Sound View conceded that the programming is weak with numerous repeats on channels 78 and 79 and also testified that it cablecasts free satellite programming on those channels because there is not enough original educational and governmental access programming being produced.

The Department finds that Sound View should set aside \$60,000 in the first year of a new term and create a grant program to distribute those funds to municipalities. The goal of the grant program is to increase the amount of programming being

produced by municipalities and, accordingly, to increase the percentage of programming cablecast on channels 78 and 79 that is locally produced. The Department believes that Sound View has the required expertise to determine how to distribute the funds to the municipalities. In requiring that \$60,000 be set aside for municipal grants in the first year of a new term, the Department is not mandating that Sound View award each town a portion of the funding. Towns may, at their sole discretion, decide whether or not to apply for the grants. In addition, Sound View may conclude, based on its evaluation of the applications, that a town's application does not warrant the awarding of a grant.

The Department will also require that Sound View devise and submit to the Department for its approval a grant application form to be used in the municipal grant program. The purpose of the application form is to ensure that grant funds that municipalities are applying for have a legitimate access-related purpose and to recognize that Sound View and the grant recipients must account for all funds disbursed. The application must also include a provision which gives a municipality the right to appeal to the Department a grant application that has been denied. An important part of this grant program will be follow-up. Municipalities receiving grant funds must be able to document that the funds are expended in accordance with the grant award. Municipalities receiving the grant funds should also be prepared to document that, as a result of the funds, there is an increase in the quantity or technical quality of the access programs produced. Finally, the Department expects that Sound View will solicit the input and advice of the Advisory Council in administering this program.

The Department will order Cablevision to hold the \$60,000 allocated to the municipal grant program in escrow until all programming scheduling policies have been finalized, either through successful negotiations between Sound View and the affected municipalities or as a result of settlements produced by the Department's alternative dispute resolution mechanisms, as described in Section F. 10, above. At that time, the Department will inform Cablevision that the \$60,000 for the grant program can be transferred to Sound View and the grant application process started.

Requiring that \$60,000 be set aside for a town grant program means that there will be approximately \$550,000 to fund the other components of community access in the franchise in the first year of a new term, not including the funds being held in reserve. The Department finds that this should adequately support Sound View's responsibilities. The Department will not, at this time, require Sound View to continue this grant program during Cablevision's entire renewed term. The Department will review the results of the grant program after the first year before determining if it should continue as described herein, be modified or be discontinued. To ensure that the Department can adequately evaluate the grant program, Sound View and the municipalities are hereby put on notice that they must keep accurate records regarding their participation in the grant program.

12. Department Analysis of Community Access

The Department has reviewed the voluminous record regarding community access. The record supports the finding that Sound View continue to be the community

access manager, responsible for public access, educational access and governmental access operations. It is clear there have been differences of opinion among Sound View, the municipalities and the Advisory Council, and that these differences of opinion have hindered community access. The Department also finds that Sound View and the municipalities each share the responsibility for their often strained relationship. However, the Department believes that the parties should be able to resolve the outstanding issues, which primarily concern program scheduling, through open communication and compromise. The record evidence does not support the drastic step of either relieving Sound View entirely of its responsibility as the manager of public, educational and governmental access or limiting its responsibility to public access operations only. For the Department to make either of those rulings, the substantial weight of the evidence would have to prove that Sound View's performance in most or all of the community access-related areas for which it is responsible had been seriously deficient. That is not the case.

The Department appreciates Cablevision's proposed solution to resolving the programming distribution issue by recommending that it assume responsibility for educational and governmental access operations. However, for the reasons stated above, the Department finds that Sound View deserves to continue to manage community access in a new term. In addition, the Department concludes that, under its proposal, Cablevision would only be peripherally managing educational and governmental access operations. Cablevision's primary role would be to provide funding to the Advisory Council, which would determine how to distribute access funds to educational and governmental entities in the franchise and to maintain the I-Net and facilities that transmit educational and governmental access programming. The Department finds that other components of Cablevision's plan, particularly regarding outreach and promotion and staffing and training, are not sufficiently detailed or specific.

G. RELATIONSHIP WITH ADVISORY COUNCIL

Cablevision testified that it informs subscribers of the existence of the Advisory Council through annual bill inserts. The Company also testified that it has a good working relationship with the Council. Responses to Interrogatories CATV-111 and CATV-112.

The Advisory Council stated that the Company is accessible, but not always responsive to questions, particularly those regarding rates and the Council's desire for senior discount rates. Response to Interrogatory CATV-131. The Advisory Council also testified that Cablevision does not respond to written complaints it receives from the Council in a timely fashion. The Advisory Council contends that Cablevision could track complaints more efficiently and that non-technical questions posed by the Advisory Council often are addressed by Cablevision's corporate, not local, personnel. Response to Interrogatory CATV-132.

Company representatives regularly attend Advisory Council meetings. *Id.*; Response to Interrogatory CATV-38. Since the existing FA has been in effect, Cablevision has provided \$2,000 per year to the Advisory Council or in-kind administrative support, in compliance with Conn. Gen Stat. § 16-331c, and Section 8.1 of the FA. Response to Interrogatory CATV-37.

In a new term, Cablevision commits to continue to provide the Advisory Council with either \$2,000 or in-kind administrative support equal to \$2,000, at the option of the Advisory Council. The Company also indicates that a representative will make every attempt to attend all Council meetings and to communicate on an as-needed basis with Advisory Council members. Cablevision testified that it would inform the Advisory Council about decisions affecting subscribers, such as programming, community access, billing procedures and other customer service issues and would receive advice from council members about such matters. June 6, 2006 PFR, Section 8.1.

The Department finds that the relationship between Cablevision and the Advisory Council is adequate, but could be improved. In particular, the Department finds that Cablevision should respond to questions posed by the Advisory Council in a more timely manner. Where responses to questions cannot be answered expeditiously or if the queries require a response from Cablevision personnel at a level other than the local level, Cablevision personnel attending Advisory Council meetings or communicating with the Advisory Council should so inform the Advisory Council of that fact as soon as possible. The Advisory Council's recommendation that Company responses to its questions should be tracked more accurately has merit. The Department expects Cablevision to expeditiously implement a complaint tracking system, as suggested by the Advisory Council.

The Department also finds that the commitments regarding the Advisory Council made by the Company in the PFR are acceptable and in compliance with applicable law and regulation.

However, the Department finds that Cablevision is not in compliance with the provisions of Conn. Gen. Stat. § 16-331(c)(3), which require that every six months, a cable operator provide on bills, bill inserts or letters to subscribers, and to prominently post in the company's subscriber service area and access facility, a notice indicating the name and address of the chairperson of the Advisory Council and a description of the responsibilities of the Advisory Council. Cablevision testified that it informed subscribers of the existence of the Advisory Council through annual, not semi-annual, bill inserts. In addition, the Company did not indicate that a notice regarding the Advisory Council is posted at its main business office and the access facility in Bridgeport. The Department hereby orders the Company to achieve compliance with Conn. Gen. Stat. § 16-331(c)(3) no later than June 30, 2007.

H. FINANCIAL CONSIDERATIONS

Cablevision filed a copy of its parent company's 2004 Form 10-K, pursuant to Conn. Agencies Regs. § 16-333-39(c). Cablevision Systems Corporation (CSC) is a Delaware corporation which was organized in 1997, and owns all of the common stock of CSC Holdings. CSC Holdings is one of the largest cable operators in the United States, based on the number of subscribers. At the end of 2004, CSC Holdings served approximately 2.96 million subscribers nationwide making it the sixth largest Multiple System Operator (MSO) in the United States. 2004 Form 10-K, p. 1.

CSC Holdings, through a wholly-owned subsidiary, also owns interests in programming networks, Madison Square Garden and entertainment business and cable television advertising sales companies. Cablevision Lightpath, another wholly-owned subsidiary, provides telephone service and high-speed Internet access to the business market. Id. Cable television revenues from CSC Holding cable franchises are derived principally from subscriber revenues. CSC Holdings' net revenues for 2004 totaled approximately \$4.9 billion, with average monthly revenue per subscriber being \$87.17. In 2004, CSC Holdings showed total assets of approximately \$11.3 billion. Id., pp. 3, 41 and 42.

Cablevision has never lost a franchise for an area in which it operates. Id., p. 8. Additionally, Section 8.4 of the PFR states that all terms and conditions of the Franchise are financially practicable. June 5, 2006 PFR.

The Department has reviewed the financial information included in its Form 10-K and finds that Cablevision has the financial resources to continue to operate the franchise and to fulfill the obligations of the PFR.

I. OTHER FRANCHISE AGREEMENT COMPLIANCE ISSUES

As part of its review of past performance, the Department evaluated the extent to which Cablevision is in compliance with specific obligations included in its existing FA. A number of those obligations involved requirements related to the upgrade of the system from 350 MHz to 750 MHz. The Department finds that the system includes a redundant, digital video network to system hubs, with fiber optic cable configured in short runs. The Department also finds that the system that was constructed resulted in a cascade of no more than four active RF amplifiers. Accordingly, the Company is in compliance with Section 3.1(d) of the FA. Responses to Interrogatories CATV-6 and CATV-7.

The Department finds that Cablevision is in substantial compliance with Section 3.2(b) of the FA, which required that, while the rebuild of the system was occurring, aerial construction proceed at approximately 55 miles per month and underground and multiple dwelling unit construction occur at a pace of approximately four miles per month. Responses to Interrogatories CATV-10 and CATV-11. The Department also finds that Cablevision is in compliance with Section 7.1 of the FA, which required that the rebuilt system be configured in such a way so that each community access channel can be sent to specific municipalities or system-wide. Response to Interrogatory CATV-24.

Cablevision testified that it regularly provides technical assistance to the schools in the franchise, upon their request. Accordingly, the Department finds the Company to be in compliance with Section 7.8(c) of the FA. Response to Interrogatory CATV-30. Cablevision provides free monthly family basic service to all schools in the franchise, in compliance with Section 7.10 of the FA. Response to Interrogatory CATV-32. The Company did not charge the schools for any of the installations, including non-standard installations. Response to Interrogatory CATV-33; Tr. 6/21/06, p. 481.

Cablevision has provided one leased access channel from the time the existing FA went into effect and filed a copy of the leased access rates with the Department. Cablevision also testified that its leased access rates are available at its main business office. Therefore, the Department finds that Cablevision is in compliance with Section 7.11 of the FA. Responses to Interrogatories CATV-34, CATV-35 and CATV-36.

Section 8.2 of the FA requires the Company to conduct a customer survey on a biennial basis and that the Advisory Council will either contribute two questions to the biennial survey or include the Council's survey questions on a separate postcard. The Company testified that it performs a survey at the request of the Advisory Council and that, other than a survey conducted in November of 2004, it found no record of any other customer surveys. Response to Interrogatory CATV-39; Late Filed Exhibit No. 20. Based on the above, the Department finds that Cablevision is not in compliance with Section 8.2 of the FA regarding biennial surveys.

J. FRANCHISE TERM

1. Statutory Criteria

Conn. Gen. Stat. § 16-331 sets forth the criteria that the Department must consider in determining a franchise term. The criteria in place at the time the instant proceeding was established first govern franchise terms of between five and ten years. Subsection (d)(1) of Conn. Gen. Stat. § 16-331 says, in pertinent part:

An initial, renewal or transfer certificate issued on or after June 1, 1998, shall grant a franchise for a term of not less than five years and not more than ten years. Except under special circumstances, as described in subdivision (2), a franchise may be granted for a term of more than ten years but not more than fifteen years. The department shall have the discretion to determine the appropriate length of a franchise term, initial, renewal or transfer, and in making its decision shall consider the following without limitation: (A) The operator's past performance in terms of meeting the needs of the cable-related community; (B) the operator's past performance in terms of complying with the material terms of the existing franchise; (C) the operator's compliance with department regulations and the general statutes; (D) the ability of the operator's management to properly operate the franchise; (E) the operator's effectiveness in dealing with consumer requests, complaints and billing questions or disputes; (F) the operator's effectiveness in dealing with the advisory council; (G) the quality of the operator's programming; (H) the quality of the operator's community access programming, including public access, educational access and government access programming, in accordance with the provision of subdivision (3) of this subsection; (I) the quality of the operator's equipment and facilities; (J) the operator's proposals for future extensions and upgrading to technologically advanced equipment, facilities and systems; (K) the operator's past performance in terms of meeting the needs of the cable-related community by providing African-American and Hispanic programming; (L) the operator's good faith efforts as determined by the department, to provide service when practicable, to

all customers within the service area; (M) the operators' past performance in making available addressable converters, traps or other devices or services which enable subscribers to voluntarily block transmission of specific programming to their homes or places of business; and (N) the applicant's provision of innovative services, including audio services, information services, electronic publishing and information concerning the proceedings of the General Assembly and legislative committees.

Subsection (d)(2) of Conn. Gen. Stat. provides for special circumstances under which the Department may, in its discretion, approve a franchise term of up to 15 years. Specific terms include a franchise agreement commitment by the franchisee to provide technologically advanced equipment, facilities and systems, as determined by the Department.

In 2003, Conn. Gen. Stat. § 16-331 was amended to state that the Department shall not renew a franchise term for more than five years if the cable operator has failed to: (1) deal effectively with consumer requests, complaints and billing or service questions; (2) provide quality and diversity of programming; (3) maintain fair and reasonable rates for basic and extended basic service and associated equipment, taking into account the quality of service and programming provided; (4) provide quality community access programming, including public access, educational access, governmental access and the Connecticut Television Network or its successor; or (5) meet commitments for service extension to customers within the franchise area.

2. Department Analysis

a. Past Performance

Most of the criteria that the Department must review in determining the length of a franchise renewal term involve an assessment of a cable operator's past performance. The Department has reviewed Cablevision's past performance in providing CATV services in the franchise and finds, that, overall, it has been very strong. The record is clear that the Company's physical plant, rebuilt to 750 MHz bandwidth between 1995 and 1998, can provide the services that cable subscribers expect. System reliability and picture quality are excellent, as determined by the Needs Assessor and objective measures of performance that are part of the record.

The Company's performance in providing a wide variety of programming and programming packages is also excellent, as the number of channels offered has increased from 47 prior to the rebuild, to over 200 today. A large majority of subscribers is satisfied with the programming that Cablevision provides, which includes African-American and Hispanic programming, in addition to the Connecticut Television Network.

Except for some problems with telephone answering performance, Cablevision's customer service policies and performance is in compliance with applicable state law and regulation and there are no noteworthy deficiencies that need to be corrected. The Company's relationship with the Advisory Council is satisfactory, although the Council's endorsement of Cablevision was not unequivocal.

Cablevision's role in the administration of community access since Sound View was designated as the community access provider in 1999 has, for the most part, been limited to passing through the community access assessment to Sound View. However, Cablevision did, in compliance with its current FA, construct the I-Net and has continued to maintain it for the benefit of participating institutions.

With the exceptions noted above, regarding biennial customer surveys and posting the name of the Advisory Council chairperson at the main business office and the community access facility, the Company is in compliance with the specific requirements of its current FA.

Based on the evidence, the Department finds that Cablevision's past performance in providing CATV service has been very good.

b. Proposal for Renewal

The Department has reviewed the Company's PFR and finds that, with the following exceptions, it is in the public interest. As described in Section F.12, above, the Department finds that Sound View should continue to be the community access manager in a new term. Accordingly, the Department advises Cablevision to modify Section 7 of its PFR to state that Sound View will continue to have responsibility for community access operations unless and until the Department designates another third party or the Company as the community access operator, in accordance with applicable law. Other subsections of Section 7 should be modified to reflect the Department ruling that community access should continue to be managed and operated by Sound View.

The Department has reviewed Cablevision's PFR regarding system design and construction and technical standards (Section 3) and finds that it is in the public interest and is accepted. Similarly, the Company's commitments regarding programming (Section 6), customer service (Section 5) are reasonable. As discussed below, other Sections of the PFR, with the exception of Section 8.8 Level Playing Field, are in the public interest.

c. Level Playing Field

Cablevision's witness Harold Furchtgott-Roth presented testimony related to the economic context for the franchise in light of the current regulatory and competitive market. First, Mr. Furchtgott-Roth states that regulatory intervention is only justified when market forces fail to protect consumers or sustain important policy initiatives. Mr. Furchtgott-Roth distinguishes economic regulation, used to ensure consumer welfare when competition fails to control the potential exercise of market power and social regulation, the promotion of desirable social or policy goals. Economic regulation should be maintained only when a firm can exercise market power to the detriment of consumers. Since the video services market has alternatives and is thus competitive, the regulator should eliminate economic regulation. Additionally, regulators should ensure that the remaining social regulations do not distort the market or harm consumer welfare. Pre-Filed Testimony of Furchtgott-Roth, pp. 5 and 6. Mr. Furchtgott-Roth believes that the Department should use this opportunity to reduce economic regulation and let the companies respond to market conditions. Id.

Mr. Furchtgott-Roth's second point is that regulatory agencies should regulate similar services and businesses in a similar manner. Mr. Furchtgott-Roth asserts that asymmetric regulation unless required by law, is indistinguishable from favoritism which ultimately reduces agency credibility. Asymmetric regulation also affects choices of technology and cost structures of firms. Since the asymmetric regulation raises costs for some firms and not for the "favored" firms, customers will migrate toward the firms favored by the regulators. Additionally, Mr. Furchtgott-Roth states that consumers pay a large cost for asymmetric regulation. Higher regulatory costs result in higher prices. Also, if there is asymmetric regulation, promising technologies may not succeed. Id., pp. 7 and 8.

Furthermore, Mr. Furchtgott-Roth argues that if government substantially reduces the regulation for one firm or service, regulation for similar firms or services should also be reduced. If not, then the firm that is regulated must take time, money and resources away from the consumer. This scenerio would lead to harms to competition and to the consumer. Similarly, if the Department has social or policy goals that are required of the incumbent, all market entrants should be required to adhere to those goals as well. Id., pp. 9 and 10.

Finally, Mr. Furchtgott-Roth argues that regulators must adhere to the statutory requirements of the legislatures that created them. Any deviations from the statutory authority would be harmful to investors, businesses and to the consumers. However, he is doubtful that the prevailing law would support asymmetric regulation. Id., p. 11.

While Mr. Furchtgott-Roth's testimony does not directly address the terms and conditions of the instant proceeding, the purpose of his testimony is to support Cablevision's request for inclusion of a "level playing field" provision in its PFR. Specifically, Cablevision proposes in Section 8.8 that:

[t]o the extent that the Department authorizes or otherwise sanctions the entry of any subsequent provider of video programming with facilities in the public right of way, including any local exchange carrier ("LEC") or LEC affiliate, on more favorable or less burdensome terms than those in this Franchise, those terms identified by the Franchisee (via written notice to the Department) shall apply and supercede the terms of this Franchise, effective immediately. PFR, Section 8.8.

The AG objects to this provision and argues that the terms and conditions of Cablevision's franchise should be set in this case and not based on other decisions unrelated to this franchise renewal. AG Brief, pp. 19 and 20. Likewise the OCC objects to inclusion of this provision in the franchise agreement. Specifically, the OCC argues that the Department has certain statutory obligations to provide cable operators with an opportunity to have a profitable business while at the same time assuring a certain level of service for customers. OCC Reply Brief, p. 4.

In response to cross-examination, Mr. Furchtgott-Roth reiterated his position that a level playing field is very important consideration in regulation and the only way to have a sustainable form of regulation is to have a level playing field. Tr. 8/14/06, pp.

909 and 910. He also stated that he hoped that the Connecticut statutes allowed for flexibility to prevent discrimination among different entities in the market. Id., p. 913.

Additionally, in response to the concerns of the AG and the OCC, Cablevision offered revised language for Section 8.8 of its PFR:

At any time during the course of this Agreement, Franchisee may petition for amendments that relieve the Franchisee of terms or conditions in this Agreement that create a competitive or regulatory disadvantage to the Franchisee vis-à-vis other franchised or unfranchised video competitors. Such petition shall state the basis of the claim of disadvantage and identify the provisions of this Agreement to be amended or repealed in order to address the disadvantage. The Department shall act timely on such petition and grant relief from such terms or conditions except to the extent that such terms or conditions are necessary in the public interest or law.

Cablevision requests that the Department permit inclusion of the revised Section 8.8 in the Franchise Agreement. Cablevision Reply Brief, p. 20.

The applicable statutes and regulations cited above provide the framework within which the Department may consider the terms of a franchise agreement. (See Conn. Gen. Stat. Section 16-331). In granting a renewal of franchise the Department must consider, inter alia, the company's effectiveness in dealing with consumer issues, the ability to provide service, the quality of equipment, the provision of innovative services and company proposals for further extensions or upgrades. The Department agrees with the OCC that the Department must balance these criteria with the needs of the Company to have an opportunity to run a profitable business. However, absent legislative changes, the Department can not alter the criteria for franchise renewal, nor can the Department permit the Company, through Section 8.8, to nullify the franchise agreement and commence operation under alternate terms and conditions. This concern is still applicable to the revised Section 8.8 as well.

Additionally, the Department has previously denied a similar provision proffered by Cox Communications New England/Enfield (Cox). (See Docket No. 03-06-13 Application of CoxCom, Inc. d/b/a Cox Communications New England/Enfield for Franchise Renewal, Franchise Agreement 8.10). By letter dated December 12, 2005, the Department determined, inter alia, that the Cox franchise agreement contained Sections 1.2 Applicable Law and 8.4 Modifications which provided for sufficient opportunity for Cox to seek modification of its franchise agreement. Likewise, Cablevision's PFR contains Sections 1.2 Applicable Law and 8.3 Modifications, provisions similar to those contained in the Cox Franchise Agreement. The Department finds that these provisions contain sufficient avenues for the Company to seek modification of its franchise agreement should the need arise. Therefore, inclusion of either the original Section 8.8 or the revised version is unwarranted.

The Department is sensitive to Cablevision's concerns regarding the level playing field. However, the Department must act within its statutory authority. The Department

also finds that Sections 8.3 and 1.2 contain adequate opportunity for Cablevision to seek modification of its franchise agreement. Therefore, the revised Section 8.8 is unnecessary. Accordingly and for the reasons outlined above, the Department directs Cablevision to delete Section 8.8 from its proposed franchise agreement.

d. Determination of Franchise Term

Cablevision believes that a 15-year franchise renewal term is warranted. June 5, 2006 PFR, Section 2.3. The Company believes that it has demonstrated to the Department that it has met all the criteria to warrant a franchise term on favorable terms. The Company contends that it has substantially complied with the material terms of the existing FA and that its investment in the network, its customer service operations and local programming meet the cable-related needs of the community. Further, Cablevision believes that it has complied with the provisions of Connecticut law to be granted a 15-year renewal term and that its PFR is designed to provide flexibility for the Company to serve customers in a competitive marketplace. Cablevision Pre-Filed Testimony, pp. 3-20. The Company also believes that the PFR is reasonable in light of the current competitive, legal and regulatory landscape. Id., pp. 24 and 25.

The AG believes that Cablevision has failed to show that it is entitled to the requested 15-year franchise term. In particular, the AG believes that the record shows that the Company has not fully met the needs of the cable-related community, has failed to comply with Department regulations and the general statutes and been ineffective in dealing with consumer requests, complaints and billing questions. The AG further maintains that the quality of Cablevision's equipment and facilities has been inadequate. The AG contends that Cablevision has failed to present convincing evidence that it has satisfied the special circumstances that warrant a franchise term of 15 years. The AG also claims that the proposed Level Playing Field provision in its PFR indicates Cablevision's desire to be relieved of whatever conditions that the Department may impose on it as early as possible. Accordingly, the AG believes that a shorter, rather than longer, franchise term is appropriate. AG Brief, pp. 20-22.

The OCC states that, although Cablevision has earned the right to continue to provide service in the franchise, a longer franchise term is not justified. The OCC claims that the numerous safety violations and its lack of responsibility in correcting them, the low level of customer service, comparatively high rates and the unconcerned attitude at the corporate level about improving certain problems argues against a longer franchise term. OCC Brief, p. 24. Based on its review of the record, the OCC recommends that the Department grant Cablevision a term of eight years. Id., p. 28.

The Department has reviewed the record and finds that, taken together, the Company's past performance and the quality of the PFR warrant a renewal of its CATV franchise. The Department finds that the provisions of Conn. Gen. Stat. § 16-331(i) have been met. The record revealed no significant deficiencies in customer service performance, the provision of programming or commitments for service extension within the franchise. Inasmuch as Cablevision has not been responsible for the administration of community access since early in the current franchise term (1999), a ruling regarding its performance in providing public, educational and governmental access programming need not be made. The basic service and associated equipment rates charged by

Cablevision during the current franchise term have reviewed and verified by the Department to comply with FCC regulations. Therefore, the rates approved by the Department and subsequently charged by Cablevision have been, by definition, fair and reasonable, within the narrow limits set forth by the FCC. Rates for tiers of programming services above the basic service level, such as extended or expanded basic tiers, were deregulated by the FCC in 1999, in accordance with federal rules. Therefore, since that time, cable operators have been allowed to charge whatever rates they want for expanded or extended basic tiers, based on criteria of their own choosing. Those rates do not need to be approved or evaluated by the Department or the FCC, are not subject to formal review by the FCC or the Department before or after being implemented and may be changed at the discretion of cable operators, subject to certain notice requirements. Accordingly, during the current term, because extended or expanded service rates may be modified at the discretion of Cablevision and are not subject to review and approval by the FCC or the Department, there is no objective or agreed upon standard to determine whether those rates that have been fair and balanced, taking into consideration the quality of service and programming provided, as required by Conn. Gen. Stat. § 16-331(i). It is difficult for the Department to make a finding about the reasonableness and fairness of Cablevision's extended or expanded basic tier rates in the absence of objective, agreed upon standards to accurately measure those factors. By prohibiting franchising authorities from evaluating and approving extended or expanded basic tier rates and by declining to evaluate and approve those rates itself, the FCC has deemed that cable operators and their subscribers, and not the FCC or franchising authorities, determine whether the rates they charge for higher tier programming packages are "fair and reasonable."

The Department has reviewed the record regarding the criteria specified at Conn. Gen. Stat. §§ 16-331(d)(1) and 16-331(d)(2) and finds that a franchise renewal term of at least ten years is warranted. While the record indicates that Cablevision's performance has had some deficiencies, overall it has served the franchise well in the past and its PFR, if modified as recommended above, should meet the cable-related needs and interests of residents in the future. The record does not support the OCC's recommendation that the length of the term be only eight years.

Based on the record evidence, the Department finds that, if Cablevision modifies its PFR as described herein, a franchise term of 11 years will be granted.

III. FINDINGS OF FACT

1. Cablevision's current franchise term expires on October 31, 2007.
2. Cablevision's 1,300 mile system operates at 750 MHz and is capable of providing video, voice and data services.
3. The system, which is 100% built, was upgraded from a bandwidth of 350 MHz to a bandwidth of 750 MHz between 1995 and 1998.
4. Currently, 84 six-MHz channels are used for analog purposes and 26 six-MHz channels are used for digital programming.

5. The Needs Assessor found instances of incomplete pole transfers, lack of down-guy and pole line loading, abandoned power supplies, improper supply grounding and improper mid-span clearances.
6. M&B estimates that the number of code violations in the system may exceed 5,000, which is fewer than what it would have expected given the size of the franchise.
7. Since 1997, all significant service interruptions of the system have been resolved within 24 hours.
8. In the last four years, the Company has met the requirements of the viewing time reliability regulations at Conn. Agencies Regs. § 16-333e-2.
9. The number of pending pole transfers is considerably less than the number estimated by M&B.
10. Many of the other violations alleged by M&B are the responsibility of the owners of the poles.
11. As part of the Needs Assessment, M&B evaluated signal quality requirements at 47 U.S.C. 76 Subpart B.
12. The Needs Assessor found that Cablevision was in compliance with all FCC requirements related to technical performance and picture quality.
13. Cablevision proposes to continue to operate its present 750 MHz system, utilizing a considerable amount of fiberoptic technology.
14. Cablevision offers over 200 channels in various tiers and packages, in addition to offering high definition television, movies and shows on demand.
15. As a result of towns in the franchise being in two DMAs, Cablevision is required to offer different channel line-ups, although it intends to standardize the line-up throughout the franchise to as great an extent as possible.
16. The Company offers three African-American and four Hispanic channels, which were added between 1996 and 2005.
17. The Needs Assessor found that the vast majority of subscribers surveyed are satisfied with the variety and packages of channels offered.
18. Sound view has been responsible for managing and operating all components of community access since November 1999.
19. Sound View obtains over 95% of its revenues from Cablevision subscribers, with the rest coming from interest on bank accounts and corporate contributions.

20. Sound View operates a fully equipped community access facility in Bridgeport, which is available for public, educational and governmental access programming.
21. Sound View's access facility, which is handicapped accessible, is open weekdays from 9 a.m. through 10 p.m. and on weekends from 9 a.m. through 5 p.m.
22. Enhancements Sound View plans for the future include a further transition from analog technology to digital technology, high speed program on demand video streaming and high definition television.
23. The Needs Assessor concluded that, given the current usage of the community access facility, no expansion is needed.
24. Sound View's paid staff has over 70 years of experience in access and cable-related employment.
25. In 2005, 106 residents were provided community access training by Sound View.
26. The approximate number of Sound View regular studio users is 45 and the number of regular edit users is 100.
27. Promotional and outreach activities conducted by Sound View include speaking engagements, tours of the facility, video announcements, a brochure and an in-house newsletter.
28. The survey conducted by M&B indicated that 64% of respondents are aware of the community access channels and 43% of respondents watch community access programs on a regular basis.
29. Sound View is not proposing any changes to the manner in which it performs outreach and promotion.
30. There are three community access channels on the Cablevision system, channels 77, which is primarily for public access, channel 78, the educational access channel and channel 79, the governmental access channel.
31. The Cablevision system is configured in such a way that community access channels can be cablecast to individual towns or franchise-wide.
32. The community access channels can accommodate additional programming.
33. In compliance with Section 7.8(a) of its FA, Cablevision constructed and maintains an institutional network, or I-Net, comprised of 60 transmit/receive sites.
34. The I-Net serving institutions and organizations in the Cablevision of Southern Connecticut franchise is interconnected to the I-Net operating the Cablevision of Connecticut franchise.

35. The Advisory Council determines the institutions that are receive/send sites.
36. Institutions that are part of the I-Net determine the programming and the uses of the I-Net.
37. Cablevision maintains the integrity of I-Net related facilities not located within the participating institutions, while the organizations are responsible for their own equipment and facilities.
38. Programming sent over the I-Net can be sent to Cablevision's headend, which would allow the programming to be distributed to a specific town or franchise-wide.
39. Cablevision proposes to maintain, but not expand, the I-Net in a new term.
40. Sound View created an incentive program for the towns that seeks to increase the number of community access programs produced by municipalities.
41. Sound View's overall philosophy has always favored franchise-wide distribution of community access programming over town-specific distribution of programming.
42. Milford and Orange have created organizations to produce programs in their towns.
43. In August 2006, the Department granted Milford's request for interim relief, subject to certain conditions.
44. M&B concluded that there is a strong interest among the municipalities for town-specific programming.
45. Cablevision supports town-specific community access programming distribution and proposes to assume responsibility for educational and governmental access operations in a new term.
46. Cablevision maintains a full service business office for the franchise area located at 3710 Main Street in Bridgeport.
47. Customer service inquiries and complaints are handled by the Company's call centers located in Shelton, Connecticut as well as New York and New Jersey.
48. Cablevision has not fully complied with the telephone answering provisions of Conn. Gen. Stat. § 16-333k(3).

IV. CONCLUSION AND ORDERS

A. CONCLUSION

Cablevision's performance in providing cable service during the current term has been very good in most respects and its PFR, if modified as provided above, is reasonable to meet the needs of the franchise. The evidence justifies a renewal term of 11 years, commencing January 1, 2007. The Department invites Cablevision to file a revised PFR no later than November 29, 2006.

B. ORDERS

For the following Orders, file an original and ten (10) copies, addressed to the Acting Executive Secretary, identified by Docket Number, Title and Order Number.

1. No later than January 12, 2007, Cablevision will confirm in writing that it is holding \$60,000 in escrow that will be transferred to Sound View when all programming scheduling policies are in place.
2. No later than January 31, 2007, Sound View will file report indicating if mutually acceptable programming scheduling policies with the affected municipalities have been negotiated.
3. No later than January 31, 2007, Sound View will file for the Department's approval a municipal grant application form, as described in Section F. 11, above.
4. No later than February 1, 2007, Cablevision shall update the Department regarding its new Connecticut call center in Shelton. Cablevision shall inform the Department on information such as the date the call center was placed on line, the number of employees, full and part-time, assigned to the call center, and what duties or functions the new Shelton call center is tasked to fulfill.
5. No later than May 1, 2007, and every quarter thereafter, Cablevision will submit telephone answering statistics to the Department. These statistics will include such information as the average speed of answer, the percent of calls answered within two minutes, the percent of calls abandoned, the longest time on hold for the month, and the total number of employees available to directly handle incoming calls. These statistics should be broken down on a monthly basis for the quarter that is being reported. The filing of these statistics shall continue until three consecutive quarters indicate that Cablevision has complied with the provisions of Conn. Gen. Stat. § 16-333k(3), as determined by the Department.
6. No later than June 1, 2007, Cablevision shall confirm to the Department that it is in compliance with the provisions of Conn. Gen. Stat. § 16-331(c)(3), regarding notification to subscribers about the Advisory Council and regarding the posting of notices about the Advisory Council in the subscriber service area and the community access facility.

7. No later than June 29, 2007, Cablevision shall file a copy of the semi-annual bill insert it uses to inform subscribers of the existence of the Advisory Council.
8. Beginning no later than July 11, 2007, and semi-annually thereafter, Sound View shall file with the Department a complete list of all the outreach and promotional efforts it has conducted in the previous six months.
9. No later than July 16, 2007, Cablevision shall file a report regarding its noncompliance with applicable safety code required pursuant to Sections 214 and 313 of the NESC. The report, which shall cover a six month period, shall also include the information cited in Section B. 4, above.

**DOCKET NO. 05-04-09 APPLICATION OF CABLEVISION OF SOUTHERN
CONNECTICUT, L.P. FOR FRANCHISE RENEWAL**

This Decision is adopted by the following Commissioners:

Anthony J. Palermino

Anne C. George

Jack R. Goldberg

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

Louise E. Rickard

Louise E. Rickard
Acting Executive Secretary
Department of Public Utility Control

Nov. 22, 2006

Date

Steeg & Clift, L.L.P.

Attorneys at Law
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Bristol, Connecticut 06010

Jeffrey R. Steeg
Wyland Dale Clift

Telephone (860) 583-1316
Facsimile (860) 589-0884

Of Counsel
Howard R. Steeg
Originator of the Firm 1955

Email address:
JSteeg@SteegCliftLaw.com
WClift@SteegCliftLaw.com

January 31, 2007

Dr. Louise E. Rickard, Acting Executive Secretary
Connecticut Department of Public Utility Control
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 05-04-09 – Application of Cablevision of Southern Connecticut, L.P. for
Franchise Renewal

Dear Dr. Rickard:

In accordance with Orders Numbered 2 and 3 issued by the Department in the Final Decision dated November 22, 2006 in the above-referenced Docket, Sound View Community Media, Inc. herewith files the following:

- A report indicating if mutually acceptable programming scheduling policies with the affected municipalities have been successfully negotiated (Order 2); and
- A draft municipal grant application form, as described in Section F. 11 of the above-referenced Final Decision (Order 3).

Sound View has drafted an “Incentive Award Program 2007” (Grant) policy, which has been attached to the draft application form. The proposed policy and the application form were distributed on January 19 to Sound View’s Board of Directors, the municipal leaders and the Cable Advisory Council chairman for input and suggestions, with a requested “due back” date of February 2. Sound View anticipates the incentive policy to be completed and approved by its Board of Directors on March 26, 2007.

Sound View has filed a complete electronic version of this letter and its accompanying documents on the Department's Web Filing System.

Respectfully Submitted,

SOUND VIEW COMMUNITY MEDIA, INC.

By: 

Wyland Dale Clift, of the law firm
Steege & Clift, LLP
Its Attorneys

Enclosures (2)
cc: Service List

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL**

APPLICATION OF CABLEVISION OF :	DOCKET NO. 05-04-09
SOUTHERN CONNECTICUT, L.P. :	
FOR FRANCHISE RENEWAL :	
:	
:	
:	JANUARY 31, 2007

REPORT OF SOUND VIEW COMMUNITY MEDIA, INC.
EX REL. ORDER NO. 2

In compliance with Order No. 2, Sound View Community Media, Inc. (hereinafter "Sound View") reports that it has contacted all affected municipalities in the Franchise Area, and has made progress towards negotiating mutually acceptable scheduling policies. It cannot at this time report that these negotiations have been concluded. However, Sound View anticipates mutually agreeable scheduling policies to be concluded by February 28, 2007.

The three affected municipalities are the Towns of Orange and Woodbridge, and the City of Milford. On December 11, 2006, Counsel for Orange and Sound View met to discuss how to go about proceeding with negotiations. Counsel for Sound View also contacted Milford's Counsel, who provided a contact person in the Milford Mayor's Office to whom all further communications on these matters are to be directed. In addition, the Town of Woodbridge's First Selectman appointed the Chair of the Town's Television Commission as his representative.

On January 23, 2007, Sound View's President, accompanied by Sound View's Director of Technology and its Legal Counsel, attended a public meeting of the Town of

Woodbridge Television Commission at the invitation of its Chair. In addition to scheduling, there were discussions about the incentive award that would allocate up to \$60,000 by Sound View for local governmental and educational programming development, the present and future equipment needs of the Town, various program duplication and transmission issues, and training.

The President of Sound View further has been in telephone contact with the person referred to Sound View by Counsel for Milford. At his (Milford's) request, a proposed meeting has been delayed while Milford's representatives meet first on January 31, 2007. Sound View anticipates opening discussions with Milford shortly thereafter.

The President of Sound View also reports cordial discussions with the representative of the Town of Orange who also is the Town's representative and the Vice Chairman of the Cable Advisory Council. He has been designated by the Town as the contact person to coordinate meetings and discussions pertaining to scheduling and other issues. At his request, a first meeting between Orange and Sound View to discuss scheduling and other issues is scheduled for Thursday, February 1 at 6:30 p.m. at the Town of Orange Library.

The remaining Towns and Cities – Bridgeport, Fairfield and Stratford – are utilizing Sound View's system-wide dissemination of educational and governmental programming, and are working with Sound View to either start or increase Town-originated programming.

In summary, Sound View remains optimistic that it will reach agreements with the affected municipalities that will address Sound View's legitimate concerns about excessive repeats of town-specific programming, while accommodating the

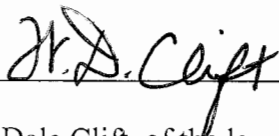
municipalities' legitimate desire that residents of individual towns have the opportunity to view town meetings and events specific to those individual towns by cablecasting them more than one time to accommodate subscribers' disparate viewing habits. Thus, while mutually agreeable scheduling policies currently are not in place, Sound View requests the Department's indulgence to allow more time to work out these agreements before being required to submit the matter to the Department's mandatory alternative dispute resolution (ADR) mechanisms. In addition to the encouraging signs received from the affected municipalities', Sound View requests that the Department note that the approximately two-month period since the Final Decision included two major holidays. These appear to have contributed to the delay and unavailability of participants to meet.

In respect whereof, Sound View requests that the Department allow additional time for the participants to continue these efforts, with another progress report to be made by Sound View on or before March 5, 2007.

Respectfully Submitted,

SOUND VIEW COMMUNITY MEDIA, INC.

By: _____



Wyland Dale Clift, of the law firm
Steeg & Clift, LLP
Its Attorneys

(First Draft January 19, 2007)

SOUND VIEW COMMUNITY MEDIA, INC.

“INCENTIVE PROGRAM 2007”

APPLICATION FORM

The goal of the Incentive Program is to increase the amount of local community access programming produced by municipalities and organizations in the franchise area, and accordingly, to increase the percentage of locally produced programming cablecast on the educational and government access channels.

Application Date: _____

Applicant Information:

Name _____

Title/Position _____

Municipality or Organization Name _____

Address _____

City, Zip Code _____

Phone _____

E-Mail address _____

Incentive Program Request: Check all that apply

Purchase of Access-Related Equipment () Equipment Maintenance ()

Equipment Repair () Equipment Replacement ()

Describe Access-related Equipment Requested. Attach itemized equipment request including make, model, cost, and purpose of equipment request. May be provided on separate page(s).

Where will equipment be located?: _____

Contact Person Responsible for equipment: _____

Note: *Must be at least 18 years of age*

Contact Person Phone Number: _____

Contact Person E-mail Address: _____

Advanced Training () Describe Training Request:

“INCENTIVE PROGRAM 2007” APPLICATION FORM – Page 2 of 2

Technical Support () Describe Technical Support Request

Compensating Personnel involved in local program production ()

Note: A Compensating Award must be matched dollar-for-dollar by the applicant.

**TOTAL DOLLAR VALUE OF INCENTIVE PROGRAM
REQUEST:**

\$ _____

How will the Incentive Program Award further a legitimate community access-related purpose or need? Describe in detail.

Month & Year applicant first began producing programs? _____

How many programs has the applicant produced in the past 12 months? _____

How many programs are currently produced for cablecast each month? _____

How many programs will be produced each month with the Incentive Program Award? _____

Note: At minimum, 3 programs are required each month. Community calendar/event announcements do not constitute or qualify as a local program production.

Request Authorization:

Approval Authorization:

Requested by: _____ Approved by: _____

Print Name: _____ Print Name: _____
Municipality/Organization SOUND VIEW COMMUNITY
MEDIA, INC.

Title: _____ Title: _____

Date: _____ Date: _____

First Draft (January 19, 2007)

SOUND VIEW COMMUNITY MEDIA, INC.

“INCENTIVE PROGRAM 2007”

Purpose: Sound View Community Media, Inc. (“Sound View”) is providing an “Incentive Program 2007” (“Incentive Program”) to eligible municipalities and organizations within the cable franchise area comprising Bridgeport, Fairfield, Milford, Orange, Stratford, and Woodbridge (“Franchise Area”).

Goal: The goal of the Incentive Program is to increase the amount of local community access programming produced by municipalities and organizations in the Franchise Area, and accordingly, to increase the percentage of locally produced programming cablecast on the educational and government access channels, whether disseminated for cablecast from a municipal location and/or disseminated for cablecast from Sound View’s facilities.

Eligibility: (1) Municipal governments in the Franchise Area.

(2) Federal and Connecticut State government.

(3) Higher Education institutions comprising universities, colleges, community colleges, and career and technical training centers in the Franchise Area.

(4) Regional, public, parochial, technical and private high schools and libraries in the Franchise Area.

(5) Community-based not-for-profit organizations in the Franchise Area including human services, health and well-being services, museums, tourist destinations, arts, Audubon and historical societies, senior and community centers.

Criteria: The Incentive Program award shall be used only for the purchase of community access-related equipment, advanced training on the proper use of the equipment (basic training on the proper use of the equipment is provided at no cost), equipment maintenance, equipment repair and replacement, and technical support. Sound View will purchase all equipment and locate it at the municipality's, organization's, or other eligible participant's designated production site. The equipment placed

with the participant must be situated in a secure location. Sound View will retain ownership of any equipment purchased with awarded funds and dedicated for the participant's use and will be responsible for equipment maintenance and repair. An Agreement memorializing the terms and conditions of the Incentive Program will be executed by Sound View and the award participant.

How to Apply: Eligible participants are not required to apply for an Incentive Program award as a precondition of having their programming disseminated over the community access channel (s) and may, at their sole discretion, decide whether or not to apply for an Incentive Program award. All applications must be submitted on a form provided by Sound View and contain an explanation of how the receipt of an award will further a legitimate community access-related purpose or need. The municipality or organization also must agree to provide Sound View with an accounting of all funds disbursed and documenting that the funds are expended only in accordance with the Incentive Program award.

Requirements: Sound View will be provided with a copy of each local program produced by the award participant simultaneous with or prior to each program's first cablecast. Sound View may, at its discretion, archive the local programs produced by the award participant on its digital server and

website, and make it available, at no cost, for repeat cablecasting and/or program-on-demand (POD) viewing for a period of one year.

Applicants receiving the Incentive Program funds must produce, at minimum, three (3) local programs each month or a total of thirty-six (36) local programs within a 12 month period. Community calendar/event announcements do not constitute or qualify as a “local” program production. Award participants receiving the Incentive Program funds must provide documentation to Sound View, in a form suitable for further transmittal to the Connecticut Department of Public Utility Control (“DPUC”) that, as a result of the Incentive Program award, there is a measurable increase in the quantity and technical quality of the local access programs produced. Sound View and the award recipients further must maintain accurate records regarding their participation in the Incentive Program.

Restrictions: An award under the Incentive Program for the purpose of compensating personnel involved in the production of local programs shall be permitted only if the funds awarded are matched dollar-for-dollar by the award recipient and it provides verification of all payments made to such personnel to Sound View for its records.

Appeals for

Denial of

Award: An applicant whose Incentive Program application is denied by Sound View has the right to appeal to the DPUC.

Agreement between
City of Milford (Milford) and
Sound View Community Media (SV)
Effective March 13, 2007

COPY

1. Dissemination of Milford Government Programming on a Town-Specific Basis

SV agrees to direct the cable operator to implement by March 15, 2007, technical switching and dissemination protocols so that cable subscribers located in Milford will view only Milford-produced programs for the following days and times:

Mondays – Noon until Midnight
Tuesdays – Noon until Midnight
Wednesdays – Noon until Midnight
Thursdays – Beginning Midnight Wednesdays – Noon Thursdays
Fridays – Beginning Midnight Thursdays – Noon Fridays
Saturdays – Beginning 6:00 a.m. – 6:00 p.m.
Sundays – 6:00 p.m. until 6:00 a.m. (Monday mornings)

The Milford-produced programs may include live, first-run recorded programs, bulletin board-type programming, and repeats of programs at intervals and times to be determined by Milford. Milford agrees to label all Milford-produced programming so that it is clearly identifiable as such by the viewer.

2. Dissemination of Milford Programming at designated shared-channel times

For all other times, SV will integrate Milford-produced programs into a programming schedule that allows Milford subscribers to view Milford-produced programs provided to SV by Milford and, in addition, to view programs not produced by Milford. Such non-Milford produced programs may include, but not be limited to programs from other local governments and officials, from federal or state officials or departments, and other government-related or community service programs. SV will make reasonable efforts to schedule Milford-produced programs at regular, predictable times during shared-channel dissemination, but it reserves the right to shift times and adjust schedules to accommodate non-Milford produced programs and special events.

3. Preemption for Milford Government Programming during designated shared-channel times.

SV agrees that upon receipt of notice from Milford that it intends to produce a live event at a time designed for shared channel use, SV will direct the cable operator to implement the technical protocols necessary to ensure that Milford viewers see that event, thereby

preempting any non-Milford produced program. Milford agrees to request such preemption at least forty-eight (48) hours in advance to allow SV to contact the cable operator and make the necessary adjustments to the SV shared-channel programming lineup. However, SV nonetheless agrees to make its best efforts to implement extremely urgent or emergency-type preemption requests if Milford is unable to anticipate the urgent need or emergency forty-eight (48) hours in advance.

4. Procedure for Provision of Milford Government Programming to SV, Maintenance and Provision of Cablecast Logs, and Provision of Duplication Equipment and Postage by SV to Milford

Milford agrees to deliver to SV one (1) copy of each Milford-produced program that Milford telecasts during its designated town-specific blocks of time so that it can be telecast by SV during shared-channel time blocks and be saved on SV's digital server in accordance with the provisions contained in paragraph 5 below. SV agrees to provide Milford with a DVD duplicator and pre-addressed, postage-prepaid mailers at no cost to Milford and without assessment to the Grant Program addressed in the DPUC Final Decision in Docket 05-04-09. Milford agrees to provide the above-referenced copies of Milford-produced programs to SV on a timely basis by submitting each copy to SV as soon as is practicable, but no later than five (5) days after Milford first disseminates the program over the cable system during a town-specific time block. Once SV receives a copy of a Milford-produced program, it will take into account its length and schedule its dissemination during a shared-channel time block, publicizing the dissemination schedule on the SV website within a week of receipt of copies from Milford.

Milford agrees to deliver to SV a written cablecast log of each month's programming it has disseminated during its Town-Specific time blocks. Milford agrees to provide each log within two months of the conclusion each calendar month except for December, when those and all remaining cablecast logs are to be provided to SV no later than January 31 to enable the data to be included in the Annual Community Access Report filed by SV as required by the CT Department of Public Utility Control.

5. Dissemination of Milford programming limited to 30 days, except for "on demand" and archival use limited to one year.

Sound View agrees it will not schedule or telecast any Milford-produced program during shared channel time blocks if the programming was produced more than 30 days prior to the telecast date. Milford Government Programming is the intellectual property of the City of Milford and as such Milford reserves the rights to its use. Milford has granted SV permission for SV to archive Milford-produced programming on its server and permit the public to view said programming upon specific request by a viewer (on-demand use) for up to one year of its production.

6. Milford's access to Grant Incentive Program.

SV agrees to award Milford a Grant Incentive Award of not less than \$10,000 from the grant program developed by SV, contingent upon (1) approval of the grant program by the CT DPUC; (2) release of the funds in the amount of \$60,000 designated for the grant program and held in escrow by the cable operator to Sound View; and (3) receipt of a grant application form from Milford with at least \$10,000 of planned expenditures dedicated for the purpose of increasing the technical quality and/or quantity of Milford-produced government access programming. A copy of the Grant Application Form is attached hereto as Exhibit A and incorporated herein by reference. The Final Decision in CT DPUC Docket 05-04-09 requires the grant program to be offered to all six municipalities to increase the percentage of programming cablecast on channel 79 that is locally produced. Acceptance of this Agreement by the CT DPUC and satisfaction of the conditions above will allow SV to make its award to Milford without Milford being required to apply for and document its plan, in advance, for increasing the quantity or technical quality of the access programs it will produce. Milford agrees to document prior to December 31, 2007 that, as a result of the funds, there is an increase in the quantity or technical quality of the access programs produced, and to account for the use of the funds as required by the Final Decision.

7. Review and Amendment of this Agreement

SV and Milford agree that this agreement is a 6-month "Pilot Program", the terms of which may be reopened on September 13, 2007 at the request of either party. Thereafter, the Parties agree that the terms may be renegotiated annually by providing notice to the other on or before September 1 of each year. If the parties fail to reach an agreement for an additional term of 60 days or longer, the Parties shall submit the issues in dispute to the DPUC for mediation. During any re-opener or mediation period, the *status quo ante* of the then existing Agreement shall remain in full force and effect.

City of Milford

By: James L. Richetelli Jr.

Date: 4/23/07

Sound View Community Media, Inc.

By: Thomas J. Castle

Date: 4/25/07

EXHIBIT A

SOUND VIEW COMMUNITY MEDIA, INC.

"GRANT INCENTIVE PROGRAM 2007"
APPLICATION FORM – Page 1 of 3

The goal of the Grant Incentive Program is to increase the amount of local community access programming produced by municipalities and organizations in the franchise area, and accordingly, to increase the percentage of locally produced programming cablecast on the educational and government access channels.

Application Date: _____

Applicant Information:

Name _____

Title/Position _____

Municipality or Organization Name _____

Address _____

City, Zip Code _____

Phone _____

E-Mail address _____

Grant Incentive Program Request: Check all that apply:

Direct Purchase of Access-Related Equipment () Equipment Maintenance ()

Sound View Purchase of Access-Related Equipment ()

Sound View Equipment Maintenance ()

Equipment Repair () Equipment Replacement ()

Advanced Training () Describe Training Request:

Technical Support () Describe Technical Support Request

Compensating Personnel involved in local program production ()

Note: A Compensating Award must be matched dollar-for-dollar by the applicant.

"GRANT INCENTIVE PROGRAM 2007" APPLICATION FORM – Page 2 of 3

TOTAL DOLLAR VALUE OF GRANT INCENTIVE PROGRAM REQUEST:

\$

How will the Incentive Program Award further a legitimate community access-related purpose or need? Describe in detail. May be provided on separate page(s).

Describe Access-related Equipment Requested. Attach itemized equipment request including make, model, cost, and purpose of equipment request. May be provided on separate page(s).

Where will equipment be located?:

Contact Person Responsible for Grant Incentive Program Award:

Note: Must be at least 18 years of age

Contact Person Phone Number:

Contact Person E-mail Address:

Month & Year applicant first began producing programs?

How many programs has the applicant produced in the past 12 months?

How many programs are currently produced for cablecast each month?

How many programs will be produced each month with the Incentive Program Award?

Note: At minimum, 3 programs are required each month. Community calendar/event announcements do not constitute or qualify as a local program production.

"GRANT INCENTIVE PROGRAM 2007" APPLICATION FORM – Page 3 of 3

Request Authorization:

Approval Authorization:

Requested by: _____ Approved by: _____

Print Name: _____
Municipality/Organization

Print Name: _____
SOUND VIEW COMMUNITY
MEDIA, INC.

Title: _____

Title: _____

Date: _____

Date: _____

"The Department finds that Sound View should set aside \$60,000 in the first year of a new term and create a grant program to distribute those funds to municipalities. The goal of the grant program is to increase the amount of programming being produced by municipalities and, accordingly, to increase the percentage of programming cablecast on channels 78 and 79 that is locally produced. . . . In requiring that the \$60,000 be set aside for municipal grants in the first year of a new term, the Department is not mandating that Sound View award each town a portion of the funding. Towns may, at their sole discretion, decide whether or not to apply for the grants. In addition, Sound View may conclude, based on its evaluation of the applications, that a town's application does not warrant the awarding of a grant. . . . Municipalities receiving the grant funds should also be prepared to document that, as a result of the funds, there is an increase in the quantity or technical quality of the access programs produced. . . . The Department will not, at this time, require Sound View to continue this grant program during Cablevision's entire renewed term. The Department will review the results of the Grant Program after the first year before determining if it should continue as described herein, be modified, or be discontinued. To ensure that the Department can adequately evaluate the grant program, Sound View and the municipalities are hereby put on notice that they must keep accurate records regarding their participation in the grant program." Final Decision in Docket 05-04-09 dated November 22, 2006, pages 34-35.

Steeg & Clift, L.L.P.

Attorneys at Law
124 Main Street
Bristol, Connecticut 06010

Jeffrey R. Steeg
Wyland Dale Clift

Of Counsel
Howard R. Steeg
Originator of the Firm 1955

Telephone (860) 583-1316

Facsimile (860) 589-0884

Email address:
JSteeg@SteegCliftLaw.com
WClift@SteegCliftLaw.com

January 15, 2008

Dr. Louise E. Rickard, Acting Executive Secretary
Connecticut Department of Public Utility Control
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 05-04-09 – APPLICATION OF CABLEVISION OF SOUTHERN
CONNECTICUT, L.P. FOR FRANCHISE RENEWAL. ORDER #2 COMPLIANCE

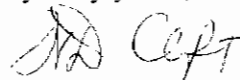
Dear Dr. Rickard:

Sound View Community Media, Inc. (Sound View) respectfully submits a copy of the signed cablecast agreement that has been reached between the Town of Woodbridge and Sound View in response to Order No. 2 in the above-captioned docket. The agreement was reached with the assistance of the mediation staff assigned by the Department in this matter.

Sound View hereby requests that the Department review and approve the Agreement as partial compliance with Order No. 2 in the subject docket.

A complete electronic version of this filing has been made on the Department's web-based filing system. Please do not hesitate to contact me if you have any questions or need any additional information.

Very truly yours,



Wyland Dale Clift
Its Attorney

cc: Service List

Nick Neeley, Director, DPUC Advocacy and Regulatory Operations

**TOWN OF WOODBRIDGE GOVERNMENT ACCESS TELEVISION
SCHEDULE AGREEMENT**

The Government Access Television Commission (the Commission) was created by ordinance of the Woodbridge Board of Selectmen for the purpose of exercising responsibility for "the general management and control of the Woodbridge Government Access Television [WGATV] channel and the property and equipment used in connection therewith."

In accordance with the duties and powers vested in the Commission to "enter into agreements in furtherance of the purposes for which the Commission was created...provided such agreements shall be subject to the prior approval of the Board of Selectmen," the Commission hereby proposes the following arrangements be made between the Town and Sound View Community Media, Inc. (SVCN) for the continued transmission of WGATV programming to Cablevision cable TV subscribers residing within the Town of Woodbridge, Connecticut:

1. As it has since its inception, the Commission shall continue to disseminate original local government programs (WGATV) via the I-Net connection located at Woodbridge Town Hall for "narrowcast" to all Cablevision cable TV subscribers in Woodbridge. It is the understanding of the Commission that it is technologically possible for this narrowcast to be seen in Woodbridge while simultaneously a regional transmission is seen by subscribers in other towns, as determined by a switching mechanism located at Cablevision of Southern Connecticut in Norwalk
2. The Commission shall make available on the Internet a complete listing of all programs it produces, within 48 hours of each production (see "WGATV Blog" link on town website, woodbridgetown.org).
3. The Town of Woodbridge shall retain the exclusive copyright to WGATV productions. No control, "resell" or other use or dissemination by SVCN or any other entity, other than dissemination on the Cablevision Government Access Television Channel, shall be allowed without prior express written consent from the Town of Woodbridge, Government Access Television Commission.
4. The following requirements shall be in effect for the presentation of WGATV programs as part of the SVCN Regional G channel:
 - a. Each program may be clearly labeled by the Commission to show WGATV origination and this shall appear on the screen at all times that the WGATV programs are seen as part of the SVCN Regional G channel.
 - b. The Town of Woodbridge shall incur no costs of any kind, including shipping or handling charges, to provide WGATV programs for dissemination as part of the SVCN Regional G channel. Town Policy shall govern any and all requests for WGATV program copies (see town website for form).
5. SVCN will arrange for switching on the following schedule:

Monday through Friday

2am to 6am	Regional	(4 hrs x5 days)	=20 hrs per week
6am to 11am	Town Specific	(5 hrs x 5)	=25 hrs per week
11am to 3pm	Regional	(4 hrs x 5 days)	=20 hrs per week
3pm to 2am	Town Specific	(11 hrs x5 days)	=55 hrs per week

Saturday and Sunday

2am to 6am	Regional	(4 hrs x2 days)	=8 hrs per week
6am to 2am	Town Specific	(20 hrs x 2 days)	=40 hrs per week

Regional = 48 hrs per week
Town Specific = 120 hrs per week

6. The following requirements shall be in effect for all Regional Programming time blocks seen in Woodbridge:


- a. SVCM shall endeavor, in good faith, to have each program clearly labeled on the screen with the town of origination at all times.
- b. The Town of Woodbridge shall incur no costs of any kind, including any shipping or handling charges, to obtain Regional Programming for dissemination in Woodbridge.
- c. The Commission shall endeavor to collect viewer comment regarding Regional Programming and will establish an agenda item for its regular monthly meetings to receive input from the public regarding same. The Commission shall provide to SVCM and the DPUC a copy of all written comments or summary of such public comment it receives pertaining to Regional Programming. Such viewer comment and input shall be discussed during negotiation of subsequent iterations of this agreement.

7. The Town of Woodbridge reserves the right to re-negotiate timing and length of the stipulated time block for Regional Programming seen in Woodbridge in subsequent iterations of this agreement.


8. The Town of Woodbridge will receive a Municipal Grant for \$10,000 for SVCM's 2007 Fiscal Year (1/1/07 through 12/31/07). A copy of the grant application is attached hereto. Such funds shall be received in full by the Town within ten (10) days of the DPUC's approval of this agreement.

9. The term of this trial agreement shall be for a period of six calendar months, beginning on the date of approval of the agreement by the Woodbridge Board of Selectmen.

WOODBIDGE GOVERNMENT ACCESS
TELEVISION COMMISSION

 date 12/11/07
By: Sheila McCreven, member
Government Access TV Commission

TOWN OF WOODBRIDGE
BOARD OF SELECTMEN

 date 12/14/07
By: Edward Maum Sheehy
First Selectman
BOS vote to approve: December 12, 2007

SOUND VIEW COMMUNITY MEDIA, INC.

 date 1-11-08
By:

MUNICIPAL GRANT APPLICATION FORM

TOTAL DOLLAR VALUE OF MUNICIPAL GRANT REQUEST:
\$ 10,000.00

MUNICIPAL GRANT APPLICATION FORM

How will the Municipal Grant Award further a legitimate community access-related purpose or need? Describe in detail.

WGATV currently records three town boards on a regular monthly basis. With additional funding, we propose to record seven additional meetings per month in the 2008 calendar year (over the 2007-08 and 2008-09 municipal fiscal years). Grant money will help fund additional personnel costs (\$4,300) and additional equipment (\$5,700) to make this possible.

Month & Year municipality ~~or organization~~ first began producing programs?
March 2001

How many programs has the municipality ~~or organization~~ produced in the past 12 months?

July 2006 – June 2007 (FY07): 57 programs were produced by WGATV.
(Three additional programs were co-produced with other town entities.)

How many programs are currently produced for cablecast each month?
Three per month.

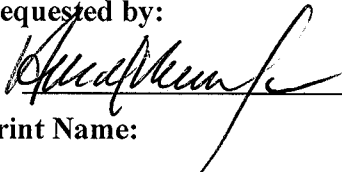
How many programs will be produced each month with the Municipal Grant Award?

Seven additional per month (*see above*).

Note: At minimum, 3 programs are required each month. Community calendar/event announcements do not constitute or qualify as a local program production.

Request Authorization:

Requested by:



Print Name:

Edward Maum Sheehy _____

Municipality: TOWN OF WOODBRIDGE

Title:

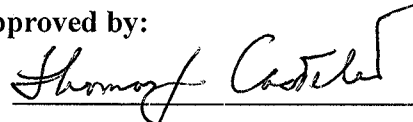
First Selectman _____

Date:

December 12, 2007 _____

Approval Authorization:

Approved by:

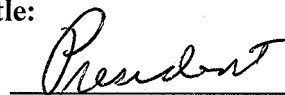


Print Name:

Thomas J. CASTELLO _____

SOUND VIEW COMMUNITY MEDIA, INC.

Title:



Date:

12-11-08 _____

MUNICIPAL GRANT APPLICATION FORM

Labor expenses

In FY07, the average cost per meeting for camera personnel was \$37.50 (2.5 hours @ \$15/hour).

Cost to transfer recordings to DVD is 1 hour of coordinator time (@ \$12.61 in FY08) per DVD. Any program over 2:10 hours in length is broken up into 2 DVDs. Estimate average \$18.92/meeting.

Per meeting, estimated labor expense: \$56.42

Per meeting, estimated use of grant: 28.21

For 7 meetings/month: 197.47

2,369.64 Jan-Dec 2008

Additional administration (half current annual wages): 1,975.00

\$ 4,344.64

Equipment to repair

Videonics/Focus Enhancements TitleMaker 3000 (cost not yet known)

Equipment for purchase (estimates from B&H Photo-Video website)

Microphone: Sony ECM-HGZ1 50.00

Camcorder: Sony DCR-VX2100 2,300.00

Video mixer: Focus Enhancements MX-4DV (kit) 3,700.00

\$ 6,050.00

Steeg & Clift, L.L.P.

Attorneys at Law
124 Main Street
Bristol, Connecticut 06010

Jeffrey R. Steeg
Wyland Dale Clift

Telephone (860) 583-1316
Facsimile (860) 589-0884

Of Counsel
Howard R. Steeg
Originator of the Firm 1955

Email address:
JSteeg@SteegCliftLaw.com
WClift@SteegCliftLaw.com

February 21, 2008

Dr. Louise E. Rickard
Acting Executive Secretary
CT Department of Public Utility Control
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 05-04-09 Application of Cablevision of Southern Connecticut, L.P.
for Franchise Renewal

(Sound View Motion Regarding Implementation of
Programming Schedule pertaining to Government access –
Town of Orange.)

Dear Dr. Rickard:

Sound View Community Media, Inc. (Sound View) hereby requests that the Department again take up our Motion filed on October 19, 2007 (Motion No. 20 in the above-referenced Docket). The purpose of Sound View's motion is to have the Department implement a programming schedule for Town of Orange government access programming that complies with the Final Decision reached on November 22, 2006. Prior to filing its motion, Sound View had met once on its own with Town of Orange

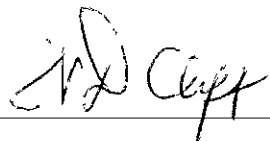
representatives, and once in mediation with the Department's ADR Unit, but these efforts failed to bring about an agreement. On November 1, 2007, the Department considered Sound View's motion, but the Town of Orange filed a response requesting another mediation session. The Department found that an additional mediation schedule with the ADR Unit should be scheduled, but it did not deny Sound View's motion.

The ADR Unit held the additional mediation session on December 4, 2007. There still is no agreement, and the parties remain far apart. It has now been over 14 months since the Final Decision.

Of the three municipalities that had town-specific government access programming issues, only the Town of Orange remains unresolved. Sound View has reached formal government access program scheduling agreements with Milford and Woodbridge. We respectfully request that the Department take up this matter, and render a decision as soon as is practicable.

A complete electronic version of this correspondence is being filed on the Department's web-based filing system.

SOUND VIEW COMMUNITY MEDIA, INC.

By: _____

Wyland Dale Clift, of the firm
Steeg & Clift, LLP
Its Attorneys

cc: Service List

Nicholas Neeley, Director, Advocacy and Regulatory Operations, DPUC

March 28, 2008
In reply, please refer to:
Dkt. No. 05-04-09:

Wyland Deale Clift, Esq.
Steeg & Clift, L.L.P.
124 Main Street
Bristol, Connecticut 06010

RE: Docket No. 05-04-09, Application of Cablevision of Southern Connecticut, L.P.
for Franchise Renewal

Dear Mr. Clift:

The Department of Public Utility Control (Department) acknowledges receipt of the February 21, 2008 filing from Sound View Community Media, Inc. (Sound View). Sound View requests that the Department determine the community access program scheduling policy for the Town of Orange (Orange) and Sound View. The Department also acknowledges receipt of the March 7, 2008 response from Orange to Sound View's request. Orange requests that the Department's Alternative Dispute Resolution (ADR) staff schedule an additional mediation session and attempt to resolve the scheduling issue.

By copy of this letter, the Department hereby directs the ADR Unit to schedule an additional mediation session as expeditiously as is practicable to mediate the program scheduling dispute between Orange and Sound View.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise E. Rickard
Acting Executive Secretary

cc: Service List
Nicholas E. Neeley, ADR Unit

Docket No.08-06-03
Motion No. 1
Page 2

August 11, 2007
In reply, please refer to:
Dkt. No. 08-06-03:
Motion No. 1:CA:TJS

Wyland Dale Clift, Esq.
Steeg & Clift, L.L.P.
124 Main Street
Bristol, Connecticut 06010

RE: Docket No. 08-06-03, DPUC Investigation of the Sound View Community Media, Inc. (SVCM)

Dear Mr. Clift:

The Department of Public Utility Control (Department) acknowledges receipt of the July 29, 2008 request for a declaratory ruling (request) from Sound View Community Media, Inc. (SVCM). On June 12, 2008, Governor M. Jodi Rell signed into law Public Act No. 08-159 An Act Concerning Third-Party Nonprofit Community Access Providers and Community Antenna Television Companies (the Act). SVCM's request is based on the implementation of the directives addressed in the Act.

SVCM requests the Department to clarify three aspects of the funding directive addressed in Section 2(a) of the Act. Specifically, SVCM questions whether Cablevision of Southern Connecticut, L.P. (Cablevision) is required to send funding directly to the Area 2 Advisory Council (Advisory Council) because: 1) Cablevision qualifies as a community antenna television company; and/or 2) Cablevision was a certified competitive video service provider that was providing service as a community antenna television company pursuant to Section 16-331 of the 2008 Supplement to the General Statutes of Connecticut on October 1, 2007; and/or 3) Cablevision meets the definition of a holder of a certificate of cable franchise authority. SVCM states that if the Department determines that Cablevision does not satisfy these criteria, that it be directed to provide funding to SVCM in the same manner as it did prior to implementation of the Act. SVCM also questioned whether the \$100,000 required to be set aside by the Act should be prorated based on its effective date of June 12, 2008. Lastly, SVCM questions whether Cablevision should be allowed to withhold \$50,000 from its July 1, 2008 and October 1, 2008 quarterly payments reserved for the Advisory Council for the calendar year 2008.

Section 2(a) of the Act states:

A community antenna television company, a certified competitive video service provider that was providing service as a community antenna television company pursuant to section 16-331 of the 2008 supplement to the general statutes on October 1, 2007, or a holder of a certificate of cable franchise authority that provides services within a service territory of a third-party nonprofit community access provider that serves six municipalities, one of which has a population of more than one hundred thirty thousand, shall direct the sum of one hundred thousand dollars per year from the funds collected from subscribers in said service territory that it provides to the existing third-party nonprofit community access provider serving six municipalities, one of which has a population of more than one hundred thirty thousand, directly to the service territory's community antenna television advisory council for developing town-specific education and government community access programming.

Cablevision has satisfied the criteria outlined above. For example, Cablevision was providing service as a community antenna television company on October 1, 2007, within a service territory of a third-party nonprofit community access provider serving six municipalities with a population of more than 130,000. Consequently, Cablevision should remit funding directly to the Advisory Council as described below.

In addressing SVCM's question as to whether the initial funding should be prorated based on the Act's effective date and whether Cablevision should be allowed to withhold funding, the Department notes that the current Community Access funding model contained in §16-331a-9 of the Regulations of Connecticut State Agencies requires that:

The average number of subscribers per MVPD within a franchise area shall be determined on a quarterly basis. For purposes of calculating the amount of community access support due on the first business day of each calendar quarter (beginning January 1, April 1, July 1, and October 1), the number of subscribers of an MVPD operating within a franchise area shall be the average number of subscribers during the preceding quarter.

In light of this requirement, funding should be collected from subscribers by Cablevision and then remitted to the Advisory Council quarterly. Since, the first full

quarter began on July 1, 2008, a payment of \$25,000 will be due to the Advisory Council on October 1, 2008, and quarterly thereafter. Concurrent with these quarterly payments to the Advisory Council, Cablevision's funding obligation to SVCM will be reduced by \$25,000 also beginning on October 1, 2008, and quarterly thereafter. Based on this funding schedule, the Advisory Council should receive the \$100,000 provided for in the Act when Cablevision makes its July 1, 2009 quarterly payment.

Finally, the Act does not permit Cablevision to withhold subscriber funding under any circumstances. Accordingly, the Department hereby directs Cablevision to provide to SVCM, no later than August 22, 2008, the \$50,000 that was previously withheld.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Nicholas E. Neeley
Acting Executive Secretary

cc: Service List



General Assembly

February Session, 2008

Raised Bill No. 5814

LCO No. 2680

02680_____ET_

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING COMMUNITY ACCESS TELEVISION.

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

1 Section 1. (NEW) (*Effective from passage*) On and after June 1, 2009,
2 any third-party nonprofit community access provider serving six
3 municipalities, one of which has a population of more than one
4 hundred thirty thousand, shall dedicate one channel of exclusive
5 town-specific programming to each of the towns represented in their
6 assigned service provider area. The Department of Public Utility
7 Control shall terminate the service agreement between a community
8 antenna television company and any such third-party nonprofit
9 community access provider that does not dedicate channels pursuant
10 to this section or amend the service agreement to require such third-
11 party provider to provide town-specific programming. If the
12 department terminates such an agreement, the department shall
13 reopen the application process to secure a third-party nonprofit
14 community access provider for each of the affected towns within the
15 service area.

16 Sec. 2. Subsection (i) of section 16-331 of the 2008 supplement to the
17 general statutes is repealed and the following is substituted in lieu

18 thereof (*Effective from passage*):

19 (i) Notwithstanding the provisions of subsections (b) and (d) of this
20 section, the department [shall] may not renew a franchise [for a term of
21 more than five years] if the department determines that the person,
22 association or corporation, during the term of the prior franchise, has
23 substantially failed to (1) deal effectively with consumer requests,
24 complaints and billing or service questions and disputes; (2) provide
25 quality and diversity of programming; (3) maintain fair and reasonable
26 rates for basic and extended basic service, and associated equipment,
27 taking into consideration the quality of service and programming
28 provided to consumers; (4) provide quality town-specific community
29 access programming, including public access, educational access,
30 governmental access programming and the Connecticut Television
31 Network or its successor; or (5) meet commitments for service
32 extension to customers within the franchise area. Nothing in this
33 subsection shall authorize the department to set specific rates for
34 service or associated equipment.

35 Sec. 3. Section 16-331a of the 2008 supplement to the general statutes
36 is repealed and the following is substituted in lieu thereof (*Effective*
37 *from passage*):

38 (a) As used in this section, "multichannel video programming
39 distributor" means a multichannel video programming distributor, as
40 defined in 47 CFR 76.1300, as from time to time amended, and includes
41 an owner of an open video system, as defined in 47 CFR 76.1500, as
42 from time to time amended.

43 (b) Each company or organization selected pursuant to subsection
44 (c) of this section, in consultation with the franchise's advisory council,
45 shall provide facilities, equipment, and technical and managerial
46 support to enable the production of meaningful community access
47 programming within its franchise area. Each company shall include all
48 its community access channels in its basic service package. Each
49 company or organization shall annually review its rules, regulations,

50 policies and procedures governing the provision of community access
51 programming. Such review shall include a period for public comment,
52 a public meeting and consultation with the franchise's advisory
53 council.

54 (c) If a community-based nonprofit organization in a franchise area
55 desires to assume responsibility for community access operations, it
56 shall, upon timely petition to the department, be granted intervenor
57 status in a franchise proceeding held pursuant to this section. The
58 department shall assign this responsibility to the most qualified
59 community-based nonprofit organization or the company based on the
60 following criteria: (1) The recommendations of the advisory council
61 and of the municipalities in the franchise area; (2) a review of the
62 organization's or the company's performance in providing town-
63 specific community access programming; (3) the operating plan
64 submitted by the organization and the company for providing
65 community access programming; (4) the experience in community
66 access programming of the organization; (5) the organization's and the
67 company's proposed budget, including expenses for salaries,
68 consultants, attorneys, and other professionals; (6) the quality and
69 quantity of the programming to be created, promoted or facilitated by
70 the organization or the company; (7) a review of the organization's
71 procedures to ensure compliance with federal and state law, including
72 the regulations of Connecticut state agencies; and (8) any other criteria
73 determined to be relevant by the department. If the department selects
74 an organization to provide community access operations, the company
75 shall provide financial and technical support to the organization in an
76 amount to be determined by the department. On petition of the Office
77 of Consumer Counsel or the franchise's advisory council or on its own
78 motion, the department shall hold a hearing, with notice, on the ability
79 of the organization to continue its responsibility for community access
80 operations. In its decision following such a hearing, the department
81 may reassign the responsibility for community access operations to
82 another organization or the company in accordance with the
83 provisions of this subsection.

84 (d) Each company or organization shall conduct outreach programs
85 and promote its community access services. Each organization shall
86 develop a community outreach plan each year detailing how it can
87 better reach and serve the communities in the organization's region.
88 Such outreach and promotion may include, but not be limited to (1)
89 broadcasting cross-channel video announcements, (2) distributing
90 information throughout the franchise area and not solely to its
91 subscribers, (3) including community access information in its regular
92 marketing publications, (4) broadcasting character-generated text
93 messages or video announcements on barker or access channels, (5)
94 making speaking engagements, (6) holding open receptions at its
95 community access facilities, and (7) in multitown franchise areas,
96 encouraging the formation and development of local community
97 access studios operated by volunteers or nonprofit operating groups.

98 (e) Each company or organization shall adopt for its community
99 access programming a scheduling policy which encourages
100 programming diversity. Said scheduling policy shall include (1)
101 limiting a program, except instructional access and governmental
102 access programming, to thirteen weeks in any one time slot when a
103 producer of another program requests the same time slot, (2)
104 procedures for resolving program scheduling conflicts, and (3) other
105 measures which the company or organization deems appropriate. A
106 company or organization may consider the availability of a
107 substantially similar time slot when making community access
108 programming scheduling decisions.

109 (f) In the case of any initial, transfer or renewal franchise proceeding
110 held on or after October 1, 1990, the department may, on its own
111 initiative, in the first six months of the second, fifth, eighth and
112 eleventh years of the franchise term, review and evaluate the
113 company's or the organization's provision of community access
114 programming. The department shall conduct such review or
115 evaluation in any such proceeding held on or after October 1, 1990, if
116 the Consumer Counsel or any interested party petitions the

117 department for such a review during the first six months of the review
118 year. During any such review year, if an organization desires to
119 provide community access operations it shall petition the department
120 and the department shall follow the procedures and standards
121 described in subsection (c) of this section in determining whether to
122 assign to the organization the responsibility to provide such
123 operations. No community access programming produced using the
124 facilities or staff of an organization or company providing community
125 access operations shall be utilized for commercial purposes without
126 express prior written agreement between the producer of such
127 programming and the organization or company providing community
128 access operations the facilities or staff of which were used in the
129 production of the programming. Such an agreement may include,
130 without limitation, a provision regarding the producer and the
131 company or organization sharing any profit realized from such
132 programming so utilized. An organization providing community
133 access operations shall consult with the company in the franchise area
134 prior to making such an agreement.

135 (g) No organization or company providing community access
136 operations shall exercise editorial control over such programming,
137 except as to programming that is obscene and except as otherwise
138 allowed by applicable state and federal law. This subsection shall not
139 be construed to prohibit such organization or company from limiting
140 the hours during which adult programs may be aired. Such
141 organization or company may consult with the advisory council in
142 determining what constitutes an adult program for purposes of this
143 subsection.

144 (h) Upon the request of the Office of Consumer Counsel or the
145 franchise's advisory council, and for good cause shown the department
146 shall require an organization responsible for community access
147 operations to have an independent audit conducted at the expense of
148 the organization. For purposes of this subsection, "good cause" may
149 include, but not be limited to, the failure or refusal of such

150 organization (1) to account for and reimburse the community access
151 programming budget for its commercial use of community access
152 programming facilities, equipment or staff, or for the allocation of such
153 facilities, equipment or staff to functions not directly related to the
154 community access operations of the franchise, (2) to carry over
155 unexpended community access programming budget accounts at the
156 end of each fiscal year, (3) to properly maintain community access
157 programming facilities or equipment in good repair, or (4) to plan for
158 the replacement of community access programming equipment made
159 obsolete by technological advances. In response to any such request,
160 the department shall state, in writing, the reasons for its determination.

161 (i) Each company and nonprofit organization providing community
162 access operations shall report annually to the department on or before
163 February fifteenth. Each company and nonprofit organization
164 providing community access operations shall provide such report to
165 any local government official or representative of a production
166 organization from a municipality within such company's or
167 organization's franchise area. The department shall adopt regulations,
168 in accordance with the provisions of chapter 54, to specify the
169 information which shall be required in such report. Such information
170 shall be necessary for the department to carry out the provisions of this
171 section.

172 (j) The advisory council shall review all community access
173 programming of a company or organization within the franchise area
174 which programming has been the subject of a complaint.

175 (k) The department shall establish the amount that the company or
176 organization responsible for community access operations shall receive
177 for such operations from subscribers and from multichannel video
178 programming distributors. The amount shall be five dollars per
179 subscriber per year, adjusted annually by a percentage reflecting the
180 increase or decrease of the consumer price index for the preceding
181 calendar year, provided the department may increase or decrease the

182 amount by not more than forty per cent of said amount for the
183 subscribers and all multichannel video programming distributors
184 within a franchise area after considering (1) the criteria set forth in
185 subsection (c) of this section, (2) the level of public interest in
186 community access operations in the franchise area, (3) the level of
187 community need for educational access programming, (4) the level and
188 breadth of participation in community access operations, (5) the
189 adequacy of existing facilities, equipment and training programs to
190 meet the current and future needs of the franchise area and the access
191 to such facilities, and (6) any other factors determined to be relevant by
192 the department. Prior to increasing or decreasing said amount, the
193 department shall give notice and opportunity for a hearing to the
194 company or multichannel video programming distributor and, where
195 applicable, the organization responsible for community access
196 programming. The amount shall be assessed once each year for each
197 end user premises connected to an open video system, irrespective of
198 the number of multichannel video programming distributors
199 providing programming over the open video system. When the
200 department issues, transfers or renews a certificate of public
201 convenience and necessity to operate a community antenna television
202 system, the department shall include in the franchise agreement the
203 amount that the company or organization responsible for community
204 access operations shall receive for such operations from subscribers.
205 The department shall conduct a proceeding to establish the amount
206 that the company or organization responsible for community access
207 operations shall receive for such operations from multichannel video
208 programming distributors and the method of payment of said amount.
209 The department shall adopt regulations in accordance with chapter 54
210 to implement the provisions of this subsection.

211 (l) An organization assigned responsibility for community access
212 operations which organization ceases to provide such operations shall
213 transfer its assets to the successor organization assigned such
214 responsibility or, if no successor organization is assigned such
215 responsibility, to another nonprofit organization within the franchise

216 area selected by the department.

217 (m) On petition or its own motion, the department shall determine
218 whether a franchise area is subject to effective competition, as defined
219 in 47 USC 543, as from time to time amended. Upon a determination
220 that a franchise area is subject to effective competition, the provisions
221 of this section shall apply to multichannel video programming
222 distributors operating in the franchise area, provided (1) where
223 multichannel video programming distributors provide programming
224 over a single open video system, the provisions of this section shall
225 apply jointly and not separately to all such distributors providing
226 programming on the same open video system, and (2) the provisions
227 of subsection (k) of this section shall apply to multichannel video
228 programming distributors whether or not such distributors operate in
229 a franchise area subject to such effective competition.

230 (n) No community antenna television company or nonprofit
231 organization providing community access operations shall refuse to
232 engage in good faith negotiation regarding interconnection of such
233 operations with other community antenna television companies
234 serving the same area. No school or facility owned or leased by a
235 municipal government that possesses community access operations
236 equipment shall unreasonably deny interconnection with or the use of
237 such equipment to any such company or nonprofit organization. At
238 the request of such a company or nonprofit organization providing
239 community access operations, the department may facilitate the
240 negotiation between such company or organization and any other
241 community antenna television company regarding interconnection of
242 community access operations.

243 (o) Each company or organization shall consult with its advisory
244 council in the formation of a community access programming policy,
245 the adoption of the community access programming budget and the
246 allocation of capital equipment and community access programming
247 resources.

248 Sec. 4. (NEW) (*Effective from passage*) (a) Local cable access advisory
249 boards shall mediate customer inquiries or complaints regarding
250 public access television within their service areas. Inquiries or
251 complaints may involve public access service, public access funding
252 allocation, access to production studios, quality of programming,
253 availability of town-specific programming and other public access
254 television issues.

255 (b) If any party is unsatisfied with such board's proposed resolution
256 of such inquiry or complaint, such party may bring the party's issue to
257 the Department of Public Utility Control. The department shall adopt
258 regulations in accordance chapter 54 of the general statutes to set forth
259 the manner in which the department shall handle such issues.

260 (c) Not later than January 1, 2009, each community access provider
261 shall notify residents in its service area regarding contact information
262 for the local cable access advisory board.

263 Sec. 5. Subsection (c) of section 16-333 of the general statutes is
264 repealed and the following is substituted in lieu thereof (*Effective from*
265 *passage*):

266 (c) The Department of Public Utility Control shall adopt regulations
267 in accordance with chapter 54 requiring each community antenna
268 television company to maintain at least [one] the number of specially
269 designated, noncommercial community access [channel] channels
270 available to the public that existed as of January 1, 2008, and
271 establishing minimum standards for the equipment supplied by such
272 company for the community access programming and requirements
273 concerning the availability and operation of such channel.

274 Sec. 6. Section 16-331d of the general statutes is repealed and the
275 following is substituted in lieu thereof (*Effective from passage*):

276 (a) The chief elected official from the town in which a vacant seat
277 exists on a community antenna television advisory council shall

278 appoint a member to fill such vacancy if any other appointing
279 authority fails to make an appointment within six months of the time
280 in which a vacancy occurs.

281 (b) [No] Any member of a community antenna television advisory
282 council [appointed by the chief elected official of a municipality, the
283 board of education or the public libraries shall] may be an employee of
284 a community antenna television company. For the purposes of this
285 subsection, an employee includes any person working full or part time
286 or performing any subcontracting or consulting services for the
287 company.

288 Sec. 7. Section 16-331t of the 2008 supplement to the general statutes
289 is repealed and the following is substituted in lieu thereof (*Effective*
290 *from passage*):

291 (a) A company issued a certificate of cable franchise authority shall,
292 twice a year, convene a meeting with the advisory council established
293 pursuant to its previous certificate of public convenience and necessity
294 issued pursuant to section 16-331 of the 2008 supplement to the general
295 statutes. Members shall be appointed in accordance with section 16-
296 331d. [No] A member of the advisory council [shall] may be an
297 employee of a company providing community antenna television
298 service or video service. For the purposes of this subsection, an
299 employee includes any person working full or part time or performing
300 any subcontracting or consulting services for a company providing
301 community antenna television service or video service.

302 (b) A company issued a cable franchise authority certificate shall
303 provide funding to the advisory council in the amount of two
304 thousand dollars per year.

305 (c) Members of the advisory council shall serve without
306 compensation. For the purposes of this section, compensation shall
307 include the receipt of any free or discounted community antenna
308 television service or video service.

309 (d) The Department of Public Utility Control shall designate the
310 advisory council as an intervenor in any contested case proceeding
311 before the department involving the company it advises. Such
312 company shall provide to the chairperson of the advisory council a
313 copy of any report, notice or other document it files with the
314 department in any applicable proceeding.

315 (e) Any company issued a certificate of cable franchise authority
316 shall, every six months, provide on bills, bill inserts or letters to
317 subscribers, a notice indicating the name and address of the
318 chairperson of the advisory council and describing the responsibilities
319 of such advisory council. The advisory council shall have an
320 opportunity to review such notice prior to its distribution.

321 Sec. 8. Section 16-331h of the 2008 supplement to the general statutes
322 is repealed and the following is substituted in lieu thereof (*Effective*
323 *October 1, 2008*):

324 (a) Not later than one hundred twenty days after the certified
325 competitive video service provider begins offering service in a
326 designated area pursuant to its certificate of video franchise authority,
327 such provider shall provide capacity over its video service to allow
328 community access programming, in its basic service package, in
329 accordance with the following: (1) The certified competitive video
330 service provider shall provide capacity equal to the number of
331 community access channels currently offered by the incumbent
332 community antenna television company in the given area; (2) the
333 certified competitive video service provider shall provide funds for
334 community access operations, as provided in subsection (k) of section
335 16-331a of the 2008 supplement to the general statutes; (3) the certified
336 competitive video service provider shall provide the transmission of
337 community access programming [with connectivity up to the first two
338 hundred feet] from the competitive video service provider's activated
339 wireline video programming distribution facility located in the
340 provider's designated service area and shall not provide additional

341 requirements for the creation of any content; and (4) the community
342 access programming shall be submitted to the certified competitive
343 video service provider in a manner or form that is compatible with the
344 technology or protocol utilized by said competitive video service
345 provider to deliver video services over its particular network, and is
346 capable of being accepted and transmitted by the provider. [, without
347 requirement for additional alteration or change in the content by the
348 provider.] The competitive video service provider shall be responsible
349 for any changes in the form of transmission necessary to make it
350 compatible with the technology or protocol used by a competitive
351 video service provider to deliver services. If the competitive video
352 service provider is required to change the form of the transmission, the
353 provider of community access programming shall permit the
354 competitive video service provider to do so in a manner that is most
355 economical to the competitive video service provider.

356 (b) A certified competitive video service provider and a community
357 antenna television company or nonprofit organization providing
358 community access operations shall engage in good faith negotiation
359 regarding interconnection of community access operations where such
360 interconnection is technically feasible or necessary. Interconnection
361 may be accomplished by direct cable, microwave link, satellite or other
362 reasonable method of connection. At the request of a competitive video
363 service provider, community antenna television company or provider
364 of community access operations, the Department of Public Utility
365 Control may facilitate the negotiation for such interconnection.

366 (c) Not later than one hundred twenty days after the certified
367 competitive video service provider begins offering service in a
368 designated area pursuant to its certificate of video franchise authority,
369 such provider shall provide transmission of the Connecticut Television
370 Network to all its subscribers, including real-time transmission as
371 technically feasible, under the same conditions as set forth in
372 subdivisions (3) and (4) of subsection (a) of this section.

373 Sec. 9. (NEW) (*Effective from passage*) Notwithstanding any order of
374 the Department of Public Utility Control, no community antenna
375 television company or its affiliate shall provide service as a
376 competitive video service provider in any area or municipality where
377 it or an affiliate was providing service as a community antenna
378 television company pursuant to section 16-331 of the 2008 supplement
379 to the general statutes, as amended by this act, on or before October 1,
380 2007.

381 Sec. 10. (NEW) (*Effective from passage*) Any community antenna
382 television company or nonprofit organization providing community
383 access operations that supplied original programming from locally run
384 operations and provided funding to town-specific programming shall
385 continue to fund town-specific programming in such proportions to
386 funding for original programming from locally run operations as of
387 January 1, 2008.

388 Sec. 11. Section 16-331s of the 2008 supplement to the general
389 statutes is repealed and the following is substituted in lieu thereof
390 (*Effective from passage*):

391 (a) A company issued a certificate of cable franchise authority shall
392 be subject to the community access programming and operations
393 provisions set forth in subsections (b) to [(i), inclusive, and subsections
394 (k),] (l), inclusive, and (n) of section 16-331a of the 2008 supplement to
395 the general statutes, as amended by this act, and any regulations
396 pursuant thereto, and subsection (c) of section 16-333, as amended by
397 this act, and any regulations pursuant thereto.

398 (b) A company issued a cable franchise authority certificate shall
399 provide transmission of the Connecticut Television Network to all its
400 subscribers, including real-time transmission as technically feasible.

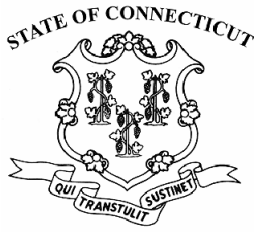
<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	16-331(i)
Sec. 3	<i>from passage</i>	16-331a
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	16-333(c)
Sec. 6	<i>from passage</i>	16-331d
Sec. 7	<i>from passage</i>	16-331t
Sec. 8	<i>October 1, 2008</i>	16-331h
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	16-331s

Statement of Purpose:

To improve community access television in the state.

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



General Assembly

February Session, 2008

Amendment

LCO No. 6513

SB0067706513SD0

Offered by:

SEN. SLOSSBERG, 14th Dist.

SEN. CRISCO, 17th Dist.

REP. KLARIDES, 114th Dist.

SEN. MCKINNEY, 28th Dist.

REP. FAWCETT, 133rd Dist.

REP. DAVIS, 117th Dist.

To: Subst. Senate Bill No. 677

File No. 455

Cal. No. 294

**"AN ACT CONCERNING THE USE OF STATE MOBILE
COMPUTING AND STORAGE DEVICES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) Any third-party
4 nonprofit community access provider serving six municipalities, one of
5 which has a population of more than one hundred thirty thousand,
6 shall, upon request from any town organization, authority, body or
7 official within its service territory, provide written consent, pursuant
8 to its service provider agreements, for said town organization,
9 authority, body or official to (1) operate education and government
10 public access channels in that town, and (2) engage freely and directly
11 the community antenna television company providing services in that
12 town to use their headend equipment for dissemination of town-

13 specific community access programming on such channels. Said third-
14 party nonprofit community access provider must grant such written
15 consent to said requesting town organization, authority, body or
16 official within three business days. Written consent not provided
17 within three business days shall be deemed granted.

18 (b) If a third-party nonprofit provider fails to provide written
19 consent within three days, pursuant to subsection (a) of this section,
20 the Department of Public Utility and Control shall, upon a request
21 from a town organization, authority, body or official within the service
22 territory of that third-party nonprofit community access provider
23 serving six municipalities, one of which has a population of more than
24 one hundred thirty thousand, (1) terminate, revoke or rescind such
25 third party nonprofit provider's service agreement to provide public
26 access programming within one hundred eighty days, and (2) reopen
27 the application process to secure a community access provider for each
28 of the towns within the affected service territory.

29 Sec. 2. (NEW) (*Effective from passage*) (a) A community antenna
30 television company, a certified competitive video service provider that
31 was providing service as a community antenna television company
32 pursuant to section 16-331 of the 2008 supplement to the general
33 statutes on October 1, 2007, or a holder of a certificate of cable
34 franchise authority that provides services within a service territory of a
35 third-party nonprofit community access provider that serves six
36 municipalities, one of which has a population of more than one
37 hundred thirty thousand, shall direct the sum of one hundred
38 thousand dollars per year from the funds collected from subscribers in
39 said service territory that it provides to the existing third-party
40 nonprofit community access provider serving six municipalities, one of
41 which has a population of more than one hundred thirty thousand,
42 directly to the service territory's community antenna television
43 advisory council for developing town-specific education and
44 government community access programming.

45 (b) A community antenna television advisory council that receives

46 funds pursuant to subsection (a) of this section shall distribute said
 47 funds in their entirety to a town organization, authority, body or
 48 official in the service territory of a third-party nonprofit community
 49 access provider serving six municipalities, one of which has a
 50 population of more than one hundred thirty thousand, to support the
 51 development of production and programming capabilities for town-
 52 specific education and government public access programming,
 53 pursuant to grant procedures and processes established by said
 54 council.

55 (c) Any community antenna television advisory council that
 56 receives funds pursuant to subsection (a) of this section shall report
 57 annually to the Department of Public Utility Control all completed or
 58 planned disbursements of funds and certify that said funds were spent
 59 in their entirety and used for the public good in the creation of town-
 60 specific education and government public access programming for at
 61 least one of the towns in its service territory."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

Deficit talk curbed many plans

Continued from A1

In February, warned against optimistic spending plans offered by majority Senate Democrats.

Rank-and-file lawmakers had to settle for small victories during the election-year session of 2008.

Caruso's pension-revocation legislation failed when he and second-term Sen. Gayle S. Slossberg, D-Milford, co-chairwoman of the GAE Committee, could not reach an agreement on the full extent of reform legislation.

Barring a last-minute deal between Slossberg and Caruso, the issue will not appear before the special legislative session Wednesday, when lawmakers return to extend the state's real estate transfer tax that's worth about \$40 million a year to cities and towns.

"I think there's a better-than-50-percent chance to resolving it," Slossberg said of the ethics impasse. "We've been speaking continuously and I suspect we'll be working around the clock from now until we have an agreement. I feel pretty positive."

Slossberg said that her highlights of the legislative session include a controversial

health care pooling bill, awaiting Rell's signature into law, or more likely, veto.

"It would have been great if we had a surplus but the economics changed very quickly and plans to provide that direct relief couldn't materialize," Slossberg said.

"That's why one of the important bills is the health-care pooling bill that would provide affordable insurance coverage for small businesses, nonprofits and municipalities. It's voluntary and gives people an option in an otherwise difficult environment."

There was no new package of long-term capital expenditures, mostly because majority Democrats are still awaiting action from Republican Gov. M. Jodi Rell on the bond packages of 2005, 2006 and 2007.

Second-term Rep. John F. Hennessy, D-Bridgeport, succeeded in pushing for passage of a so-called environmental-justice bill, giving low-income communities more oversight of power plants and other polluting facilities.

Republican lawmakers in neighboring Stratford succeeded in piggy-backing on Hennessy's legislation, which was signed

into law by Rell last week, to provide nominal control over federal Environmental Protection Agency officials who had planned to shift contaminated waste from the former Raymark Industries factory, to residential neighborhoods.

One of the better legislative maneuvers of the session was choreographed by Slossberg and first-term Rep. Kim Fawcett, D-Fairfield, who succeeded on the last day of the session to strike a blow for local control over public-accessible TV programming.

"It's a huge issue for Milford, Orange, Fairfield and a number of other areas," Slossberg said, describing a three-year-long battle with cable providers over public-access programming. Milford residents, for instance, complained about having to view Fairfield-centric programming and vice versa.

Slossberg detailed an off-session meeting at a Fairfield Starbucks in which Fawcett asked what could be done to require third-party cable providers to assure local government-affairs programming.

"If this is signed by the governor, we'll get to choose for ourselves what's on the

screen," Slossberg said. "We had a public hearing in Milford and 300 people came to say they did not want out-of-town programming and the (state Department of Public Utility Control) allowed it anyway."

In a slick parliamentary move, she amended a GAE Committee bill with the appropriate language, which had been the subject of a public hearing on the issue earlier in the session.

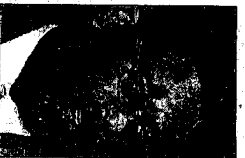
"We had to fight for this," said Slossberg, who as committee co-chairwoman pushed two bills through both the Energy and Planning and Development Committees that remained on the Senate calendar until the last days of the session.

It flew through the Senate and with 10 minutes left in the session late at night May 7, it won final approval in the House. Now it awaits final action on Rell's desk.

As of Wednesday afternoon, the final score for the 2008 session was 321 bills passed in the House; 376 were approved in the Senate; both chambers passed 281 bills. Rell had signed 127, vetoed three and allowed one to become law without her signature.



HENNESSY
Pushed environmental justice bill.



CLEMONS
Led protest over judicial selection process.



PERILLO
Voted against raising minimum wage.



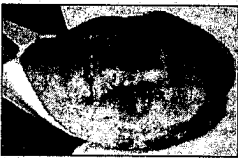
SLOSSBERG
Nears compromise on ethics legislation.



FAWCETT
Forced local access television changes.



DEBICELLA
Proposed state referendum power.



CARUSO
Nears compromise on ethics legislation.



HARKINS
Voted against increasing minimum wage.

Bomb material suspect was planning 'revolution'

ASSOCIATED PRESS

NAUGATUCK — A man who allegedly stockpiled bomb-making materials and weapons in his apartment

was preparing for a "revolution" and predicted, dressed in a suit, that there would never be a

maint told police that Gagnon believed a revolution was coming and he was amassing weapons to be prepared.

Gagnon also told the informant that he did not like Obama, the presumed Democratic presidential nominee, and

Film explores Fabrizi's emotional ride

Continued from A1

Last Wednesday at his home studio in Westport, Locke was finishing his application for the Toronto Film Festival in the early fall and applying the finishing touches to the movie prior to Monday night's Bridgeport screening.

The filmmaker hopes Toronto could be the first of several festival appearances for "The Accidental Mayor." Leading him to the

Bridgeport. "I wanted to do something on politics and when I saw him on TV I thought maybe it would be fun to follow him," Locke said of watching a local news report on Fabrizi at the opening of a Quinzio's restaurant in downtown Bridgeport.

The filmmaker contacted Kaufman, who asked Fabrizi if he would let Locke follow him around at public events.

"In all my years in documentaries, I've never seen access like this," the filmmaker said of the mayor's willingness to let Locke into some very private spheres of his life.

"People think it's so real that they almost don't believe it," Locke said of early viewers' assumption that scenes must have been dramatized or staged. "I didn't set anything up," the filmmaker