



AN ACT CONCERNING THE REGULATION OF VOICE SERVICE PROVIDERS.

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

1 Section 1. Subsection (a) of section 16-18a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (a) In the performance of their duties the Public Utilities Regulatory
5 Authority and the Office of Consumer Counsel may retain consultants
6 to assist their staffs in proceedings before the authority by providing
7 expertise in areas in which staff expertise does not currently exist or
8 when necessary to supplement existing staff expertise. In any case
9 where the authority or Office of Consumer Counsel determines that
10 the services of a consultant are necessary or desirable, the authority
11 shall (1) allow opportunity for the parties and participants to the
12 proceeding for which the services of a consultant are being considered
13 to comment regarding the necessity or desirability of such services, (2)
14 upon the request of a party or participant to the proceeding for which
15 the services of a consultant are being considered, hold a hearing, and
16 (3) limit the reasonable and proper expenses for such services to not
17 more than two hundred thousand dollars for each agency per
18 proceeding involving a public service company, telecommunications
19 company, electric supplier or person seeking certification to provide
20 telecommunications services pursuant to chapter 283, with more than

21 fifteen thousand customers, and to not more than fifty thousand
22 dollars for each agency per proceeding involving such a company,
23 electric supplier or person with less than fifteen thousand customers,
24 provided the authority or the Office of Consumer Counsel may exceed
25 such limits for good cause. In the case of multiple proceedings
26 conducted to implement the provisions of this section and sections
27 16-1, 16-19, as amended by this act, 16-19e, as amended by this act,
28 16-22, 16-247a to 16-247c, inclusive, as amended by this act, 16-247e to
29 16-247h, inclusive, [16-247k] and subsection (e) of section 16-331, the
30 authority or the Office of Consumer Counsel may exceed such limits,
31 but the total amount for all such proceedings shall not exceed the
32 aggregate amount which would be available pursuant to this section.
33 All reasonable and proper expenses, as defined in subdivision (3) of
34 this section, shall be borne by the affected company, electric supplier
35 or person and shall be paid by such company, electric supplier or
36 person at such times and in such manner as the authority or the Office
37 of Consumer Counsel directs. All reasonable and proper costs and
38 expenses, as defined in subdivision (3) of this section, shall be
39 recognized by the authority for all purposes as proper business
40 expenses of the affected company, electric supplier or person. The
41 providers of consultant services shall be selected by the authority or
42 the Office of Consumer Counsel and shall submit written findings and
43 recommendations to the authority or the Office of Consumer Counsel,
44 as the case may be, which shall be made part of the public record.

45 Sec. 2. Subsection (h) of section 16-19 of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2019*):

48 (h) The provisions of this section shall not apply to [the regulation
49 of a] telecommunications service, [which is a competitive service, as
50 defined in section 16-247a, or to a telecommunications service to which
51 an approved plan for an alternative form of regulation applies,
52 pursuant to section 16-247k.]

53 Sec. 3. Section 16-19d of the general statutes is repealed and the

54 following is substituted in lieu thereof (*Effective October 1, 2019*):

55 (a) As used in this section:

56 (1) "Advertising" means the commercial use of any media including,
57 but not limited to, newspaper and all other forms of print, radio and
58 television, in order to transmit a message to a substantial number of
59 members of the public or customers of a public service company;

60 (2) "Political advertising" means any advertising for the purpose of
61 influencing public opinion with respect to any legislative,
62 administrative or electoral decision or with respect to any controversial
63 issue of public importance;

64 (3) "Institutional advertising" means any advertising which is
65 designed to create, enhance or sustain a public service company's
66 image or good will with regard to the general public or its customers;

67 (4) "Promotional advertising" means any advertising that has the
68 purpose of inducing the public to select or use the service or additional
69 service of a public service company or select or install any appliance or
70 equipment designed to use such service, provided such advertising
71 shall not include advertising authorized by order or regulation of the
72 Public Utilities Regulatory Authority.

73 (b) The cost of political, institutional or promotional advertising of
74 any gas company or electric distribution company [and the cost of
75 political or institutional advertising of any telephone company] shall
76 not be deemed to be an operating expense in any rate schedule
77 proceedings held pursuant to section 16-19, as amended by this act.
78 For the purposes of this section, political, institutional or promotional
79 advertising shall not be deemed to include reasonable expenditures for
80 (1) the publication or distribution of existing or proposed tariffs or rate
81 schedules; (2) notices required by law or regulation; (3) public
82 information regarding service interruptions, safety measures,
83 emergency conditions, employment opportunities or the means by
84 which customers can conserve energy or make efficient and

85 economical use of service; (4) the promotion or marketing of efficient
86 gas and electric equipment which the Public Utilities Regulatory
87 Authority determines: (A) Is consistent with the state's energy policy;
88 (B) is consistent with integrated resource planning principles; (C)
89 provides net economic benefit to such company's customers; and (D)
90 shall not have the primary purpose of promoting one fuel over
91 another; or (5) advertising by a gas company that is necessary as a
92 result of competition created by actions and decisions of the Federal
93 Energy Regulatory Commission and the Public Utilities Regulatory
94 Authority. Such advertising shall be limited to the express purpose of
95 promoting gas companies in competition with other providers and
96 marketers of natural gas. Such advertising shall not include any
97 promotions, cash, equipment, installation or service subsidies for the
98 conversion to natural gas from any other energy source.

99 (c) A public service company shall make application to the authority
100 for determination that equipment meets the requirements of
101 subdivision (4) of subsection (b) of this section. The authority shall, to
102 the extent practicable, make such determination within one hundred
103 twenty days of such filing. All reasonable and proper expenses,
104 required by the authority and the Office of Consumer Counsel,
105 including, but not limited to, the costs associated with analysis, testing,
106 evaluation and testimony at a public hearing or other proceeding, shall
107 be borne by the company and shall be paid by the company at such
108 times and in such manner as the authority directs.

109 (d) The authority shall not allocate any expenditures made by a gas
110 company pursuant to subdivision (5) of subsection (b) of this section to
111 residential customers in any rate schedule proceedings held pursuant
112 to section 16-19, as amended by this act, unless the authority finds that
113 effective competition in the residential gas market already exists.

114 (e) The authority shall adopt regulations to carry out the purposes
115 of subsections (a) and (b) of this section.

116 (f) Each gas or electric distribution company shall conspicuously

117 indicate in all of its advertising whether the costs of the advertising are
118 being paid for by the company's shareholders, its customers or both.

119 (g) The provisions of this section shall not apply to a
120 telecommunications company or a telephone company.

121 Sec. 4. Subsection (f) of section 16-19e of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective*
123 *October 1, 2019*):

124 (f) The provisions of this section shall not apply to the regulation of
125 a telecommunications service which is a competitive service, as
126 defined in section 16-247a, as amended by this act, or to a
127 telecommunications service to which an approved plan for an
128 alternative form of regulation applies. [, pursuant to section 16-247k.]

129 Sec. 5. Subsection (b) of section 16-19j of the general statutes is
130 repealed and the following is substituted in lieu thereof (*Effective*
131 *October 1, 2019*):

132 (b) Notwithstanding subsection (a) of this section, the authority
133 shall require a portion of the staff to be made a party to proceedings
134 relating to (1) a rate amendment proposed pursuant to section 16-19, as
135 amended by this act, by a public service company having more than
136 seventy-five thousand customers, (2) the approval of performance-
137 based incentives pursuant to subsection (b) of section 16-19a, or (3) the
138 approval of any alternative form of regulation, [pursuant to section 16-
139 247k,] provided the authority shall not require a portion of the staff to
140 be made a party to any proceeding described in this subsection if the
141 authority issues a notice of its intent not to do so in writing. The notice
142 shall include the reasons for not requiring a portion of the staff to be
143 made a party. Upon petition of any party so noticed, the authority
144 shall require a portion of the staff to be made a party.

145 Sec. 6. Subsection (a) of section 16-41 of the general statutes is
146 repealed and the following is substituted in lieu thereof (*Effective*
147 *October 1, 2019*):

148 (a) Each (1) public service company and its officers, agents and
149 employees, (2) electric supplier or person providing electric generation
150 services without a license in violation of section 16-245, and its officers,
151 agents and employees, (3) certified telecommunications provider or
152 person providing telecommunications services without authorization
153 pursuant to sections 16-247f to 16-247h, inclusive, as amended by this
154 act, and its officers, agents and employees, (4) person, public agency or
155 public utility, as such terms are defined in section 16-345, subject to the
156 requirements of chapter 293, (5) person subject to the registration
157 requirements under section 16-258a, (6) cellular mobile telephone
158 carrier, as described in section 16-250b, (7) Connecticut electric
159 efficiency partner, as defined in section 16-243v, (8) company, as
160 defined in section 16-49, and (9) entity approved to submeter pursuant
161 to section 16-19ff shall obey, observe and comply with all applicable
162 provisions of this title and each applicable order made or applicable
163 regulations adopted by the Public Utilities Regulatory Authority by
164 virtue of this title as long as the same remains in force. Any such
165 company, electric supplier, certified telecommunications provider,
166 cellular mobile telephone carrier, Connecticut electric efficiency
167 partner, entity approved to submeter, person, any officer, agent or
168 employee thereof, public agency or public utility which the authority
169 finds has failed to obey or comply with any such provision of this title,
170 order or regulation shall be fined by order of the authority in
171 accordance with the penalty prescribed for the violated provision of
172 this title or, if no penalty is prescribed, not more than ten thousand
173 dollars for each offense, except that the penalty shall be a fine of not
174 more than forty thousand dollars for failure to comply with an order of
175 the authority made in accordance with the provisions of section 16-19,
176 [or 16-247k] as amended by this act, or within thirty days of such order
177 or within any specific time period for compliance specified in such
178 order. Each distinct violation of any such provision of this title, order
179 or regulation shall be a separate offense and, in case of a continued
180 violation, each day thereof shall be deemed a separate offense. Each
181 such penalty and any interest charged pursuant to subsection (g) or (h)
182 of section 16-49 shall be excluded from operating expenses for

183 purposes of rate-making.

184 Sec. 7. Section 16-247a of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective October 1, 2019*):

186 (a) Due to the following: Affordable, high quality
187 telecommunications services that meet the needs of individuals and
188 businesses in the state are necessary and vital to the welfare and
189 development of our society; the efficient provision of modern
190 telecommunications services by multiple providers will promote
191 economic development in the state; expanded employment
192 opportunities for residents of the state in the provision of
193 telecommunications services benefit the society and economy of the
194 state; and advanced telecommunications services enhance the delivery
195 of services by public and not-for-profit institutions, it is, therefore, the
196 goal of the state to (1) ensure the universal availability and accessibility
197 of high quality, affordable telecommunications services to all residents
198 and businesses in the state, (2) promote the development of effective
199 competition as a means of providing customers with the widest
200 possible choice of services, (3) utilize forms of regulation
201 commensurate with the level of competition in the relevant
202 telecommunications service market, (4) facilitate the efficient
203 development and deployment of an advanced telecommunications
204 infrastructure, including open networks with maximum
205 interoperability and interconnectivity, (5) encourage shared use of
206 existing facilities and cooperative development of new facilities where
207 legally possible, and technically and economically feasible, and (6)
208 ensure that providers of telecommunications services in the state
209 provide high quality customer service and high quality technical
210 service. The authority shall implement the provisions of this section,
211 sections 16-1, 16-18a, as amended by this act, 16-19, as amended by this
212 act, 16-19e, as amended by this act, 16-22, 16-247b, as amended by this
213 act, 16-247c, as amended by this act, 16-247e to 16-247h, inclusive, [and
214 16-247k] and subsection (e) of section 16-331 in accordance with these
215 goals.

216 (b) As used in sections 16-247a to 16-247c, inclusive, as amended by
217 this act, 16-247e to 16-247h, inclusive, [16-247k,] and sections 16-247m
218 to 16-247r, inclusive:

219 (1) "Affiliate" means a person, firm or corporation which, with
220 another person, firm or corporation, is under the common control of
221 the same parent firm or corporation.

222 (2) "Competitive service" means (A) a telecommunications service
223 deemed competitive in accordance with the provisions of section 16-
224 247f, as amended by this act, (B) a telecommunications service
225 reclassified by the authority as competitive in accordance with the
226 provisions of section 16-247f, as amended by this act, or (C) a new
227 telecommunications service provided under a competitive service
228 tariff accepted by the authority, in accordance with the provisions of
229 section 16-247f, as amended by this act, provided the authority has not
230 subsequently reclassified the service set forth in subparagraph (A), (B)
231 or (C) of this subdivision as noncompetitive pursuant to section 16-
232 247f, as amended by this act.

233 (3) "Emerging competitive service" means (A) a telecommunications
234 service reclassified as emerging competitive in accordance with the
235 provisions of section 16-247f, as amended by this act, or (B) a new
236 telecommunications service provided under an emerging competitive
237 service tariff accepted by the authority, in accordance with the
238 provisions of section 16-247f, as amended by this act, or of a plan for
239 an alternative form of regulation approved, [pursuant to section 16-
240 247k,] provided the authority has not subsequently reclassified the
241 service set forth in subparagraph (A) or (B) of this subdivision as
242 competitive or noncompetitive pursuant to section 16-247f, as
243 amended by this act.

244 (4) "Noncompetitive service" means (A) a telecommunications
245 service deemed noncompetitive in accordance with the provisions of
246 section 16-247f, as amended by this act, (B) a telecommunications
247 service reclassified by the authority as noncompetitive in accordance

248 with the provisions of section 16-247f, as amended by this act, or (C) a
249 new telecommunications service provided under a noncompetitive
250 service tariff accepted by the authority, in accordance with the
251 provisions of section 16-19, as amended by this act, and any applicable
252 regulations, or of a plan for an alternative form of regulation
253 approved, [pursuant to section 16-247k,] provided the authority has
254 not subsequently reclassified the service set forth in subparagraph (A),
255 (B) or (C) of this subdivision as competitive or emerging competitive
256 pursuant to section 16-247f, as amended by this act.

257 (5) "Private telecommunications service" means any
258 telecommunications service which is not provided for public hire as a
259 common carrier service and is utilized solely for the
260 telecommunications needs of the person that controls such service and
261 any subsidiary or affiliate thereof, except for telecommunications
262 service which enables two entities other than such person, subsidiary
263 or affiliate to communicate with each other.

264 (6) "Telecommunications service" means any transmission in one or
265 more geographic areas (A) between or among points specified by the
266 user, (B) of information of the user's choosing, (C) without change in
267 the form or content of the information as sent and received, (D) by
268 means of electromagnetic transmission, including but not limited to,
269 fiber optics, microwave and satellite, (E) with or without benefit of any
270 closed transmission medium, and (F) including all instrumentalities,
271 facilities, apparatus and services, except customer premises
272 equipment, which are used for the collection, storage, forwarding,
273 switching and delivery of such information and are essential to the
274 transmission.

275 (7) "Network elements" means "network elements", as defined in 47
276 USC 153(a)(29).

277 Sec. 8. Section 16-247b of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective October 1, 2019*):

279 [(a) On petition or its own motion, the authority shall initiate a
280 proceeding to unbundle a telephone company's network, services and
281 functions that are used to provide telecommunications services and
282 which the authority determines, after notice and hearing, are in the
283 public interest, are consistent with federal law and are technically
284 feasible of being tarified and offered separately or in combinations.
285 Any telecommunications services, functions and unbundled network
286 elements and any combination thereof shall be offered under tariff at
287 rates, terms and conditions that do not unreasonably discriminate
288 among actual and potential users and actual and potential providers of
289 such local network services.

290 (b) Each telephone company shall provide reasonable
291 nondiscriminatory access and pricing to all telecommunications
292 services, functions and unbundled network elements and any
293 combination thereof necessary to provide telecommunications services
294 to customers. The authority shall determine the rates that a telephone
295 company charges for telecommunications services, functions and
296 unbundled network elements and any combination thereof, that are
297 necessary for the provision of telecommunications services.] The rates
298 for interconnection and a telephone company's unbundled network
299 elements and any combination thereof shall be [based on their
300 respective forward looking long-run incremental costs, and shall be]
301 consistent with the provisions of 47 USC 252(d) and any applicable
302 decisions issued by the authority on or before June 30, 2019. Nothing in
303 this section shall be construed to limit the authority's jurisdiction
304 pursuant to 47 USC 251 and 47 USC 252, as amended from time to
305 time.

306 [(c) (1) The rate that a telephone company charges for a competitive
307 or emerging competitive telecommunications service shall not be less
308 than the sum of (A) the rate charged to another telecommunications
309 company for a noncompetitive or emerging competitive local network
310 service function used by that company to provide a competing
311 telecommunications service, and (B) the applicable incremental costs of

312 the telephone company.

313 (2) On and after the date the authority certifies a telephone
314 company's operations support systems interface pursuant to section
315 16-247n, the authority shall, upon petition, conduct a contested case
316 proceeding to consider whether modification or removal of the pricing
317 standard set forth in subdivision (1) of this subsection for a
318 telecommunications service deemed competitive pursuant to section
319 16-247f is appropriate. Notwithstanding the provisions of subdivision
320 (1) of this subsection, if the authority determines that such a
321 modification or removal is appropriate and is consistent with the goals
322 set forth in section 16-247a, the authority shall so modify or remove
323 said pricing standard for such telecommunications service.

324 (3) Prior to the date that the authority certifies a telephone
325 company's operations support systems interface pursuant to section
326 16-247n, the authority may, upon petition, conduct a contested case
327 proceeding to consider whether modification or removal of the pricing
328 standard set forth in subdivision (1) of this subsection for a
329 telecommunications service deemed competitive pursuant to section
330 16-247f is appropriate. Any petition filed pursuant to this subdivision
331 shall specify the geographic area in which the applicant proposes to
332 modify or remove such pricing standard. Notwithstanding the
333 provisions of subdivision (1) of this subsection, if the authority
334 determines that such modification or removal is appropriate, is
335 consistent with the goals set forth in section 16-247a and facilities-
336 based competition exists in the relevant geographic area, the authority
337 shall so modify or remove said pricing standard for such
338 telecommunications service. In determining whether facilities-based
339 competition exists in the relevant geographic area, the authority shall
340 consider:

341 (A) The number, size and geographic distribution of other providers
342 of service;

343 (B) The availability of functionally equivalent services in the

344 relevant geographic area at competitive rates, terms and conditions;

345 (C) The financial viability of each company providing functionally
346 equivalent services in the relevant geographic market;

347 (D) The existence of barriers to entry into, or exit from, the relevant
348 geographic market;

349 (E) Other indicators of market power that the authority deems
350 relevant, which may include, but not be limited to, market penetration
351 and the extent to which the applicant can sustain the price for the
352 service above the cost to the company of providing the service in the
353 relevant geographic area;

354 (F) The extent to which other telecommunications companies must
355 rely upon the noncompetitive services of the applicant to provide their
356 telecommunications services and carrier access rates charged by the
357 applicant;

358 (G) Other factors that may affect competition; and

359 (H) Other factors that may affect the public interest.

360 (d) A telephone company shall not use the revenues, expenses,
361 costs, assets, liabilities or other resources derived from or associated
362 with providing a noncompetitive service to subsidize the provision of
363 competitive, emerging competitive or unregulated telecommunications
364 services by such telephone company or any affiliate that is a certified
365 telecommunications provider.]

366 Sec. 9. Subsection (c) of section 16-247c of the general statutes is
367 repealed and the following is substituted in lieu thereof (*Effective*
368 *October 1, 2019*):

369 (c) The authority shall not prohibit or restrict the competitive
370 provision of intrastate telecommunications services offered by a
371 certified telecommunications provider unless the authority finds that

372 the competitive provision of a telecommunications service would be
373 contrary to the goals set forth in section 16-247a, as amended by this
374 act, or would not be in accordance with the provisions of section
375 16-247a, as amended by this act, or 16-247b, as amended by this act,
376 this section [,] or sections 16-247e to 16-247h, inclusive, [, or section 16-
377 247k.]

378 Sec. 10. Section 16-247f of the general statutes is repealed and the
379 following is substituted in lieu thereof (*Effective October 1, 2019*):

380 [(a) The authority shall regulate the provision of
381 telecommunications services in the state in a manner designed to foster
382 competition and protect the public interest.

383 (b) Notwithstanding the provisions of section 16-19, the following
384 telecommunications services shall be deemed competitive services: (1)
385 A telecommunications service offered on or before July 1, 1994, by a
386 certified telecommunications provider and a wide area telephone
387 service, "800" service, centrex service or digital centrex service offered
388 by a telephone company, (2) a telecommunications service offered to
389 business customers by a telephone company, (3) a home office service
390 offered by a telephone company, and (4) a telecommunications service
391 provided by a telephone company to a residential customer who
392 subscribes to two or more telephone company services, including basic
393 local exchange service, any vertical feature or interstate toll provided
394 by a telephone company affiliate. Unless reclassified pursuant to this
395 section, any other service offered by a telephone company on or before
396 July 1, 1994, shall be deemed a noncompetitive service, provided such
397 initial classification shall not be a factual finding that such service is
398 noncompetitive. Notwithstanding subdivision (3) of subsection (c) of
399 section 16-247b, prior to January 1, 2010, a telephone company shall
400 not obtain a waiver from the authority of the pricing standard set forth
401 in subdivision (1) of subsection (c) of section 16-247b for any service
402 reclassified as competitive pursuant to subdivision (2), (3) or (4) of this
403 subsection.

404 (c) On petition, on its own motion, or in conjunction with a tariff
405 investigation conducted pursuant to subsection (f) of this section, after
406 notice and hearing, and within ninety days of receipt of a petition or its
407 motion or within the time period set forth in subsection (f) of this
408 section, as applicable, the authority may reclassify a
409 telecommunications service as competitive, emerging competitive or
410 noncompetitive, in accordance with the degree of competition which
411 exists for that service in the marketplace, provided (1) a competitive
412 service shall not be reclassified as an emerging competitive service,
413 and (2) the authority may extend the period (A) before the end of the
414 ninety-day period and upon notifying all parties to the proceedings by
415 thirty days, or (B) in accordance with the provisions of subsection (f) of
416 this section, as applicable.

417 (d) In determining whether to reclassify a telecommunications
418 service, the authority shall consider:

419 (1) The number, size and geographic distribution of certified
420 telecommunications providers of the service, provided the authority
421 shall not reclassify any service as competitive if such service is
422 available only from a telephone company or an affiliate of a telephone
423 company that is a certified telecommunications provider;

424 (2) The availability of functionally equivalent services in the
425 relevant geographic area at competitive rates, terms and conditions,
426 including, but not limited to, services offered by certified
427 telecommunications providers, providers of commercial mobile radio
428 services, as defined in 47 CFR 20.3, voice over Internet protocol
429 providers and other services provided by means of alternative
430 technologies;

431 (3) The existence of barriers to entry into, or exit from, the relevant
432 market;

433 (4) Other factors that may affect competition; and

434 (5) Other factors that may affect the public interest.

435 (e) Except for those tariffs for services offered or provided to
436 business retail end users for which a certified telecommunications
437 provider or a telephone company elects to be exempt from filing or
438 maintaining pursuant to subsection (h) of this section, each certified
439 telecommunications provider and each telephone company shall file
440 with the authority a new or amended tariff for each competitive or
441 emerging competitive intrastate telecommunications service
442 authorized pursuant to section 16-247c. A tariff for a competitive
443 service shall be effective on five days' written notice to the authority. A
444 tariff for an emerging competitive service shall be effective on
445 twenty-one days' written notice to the authority. A tariff filing for a
446 competitive or emerging competitive service shall include (1) rates and
447 charges which may consist of a maximum rate and a minimum rate, (2)
448 applicable terms and conditions, (3) a statement of how the tariff will
449 benefit the public interest, and (4) any additional information required
450 by the authority. A telephone company filing a tariff pursuant to this
451 section shall include in said tariff filing the information set forth in
452 subdivisions (1) to (4), inclusive, of this subsection, a complete
453 explanation of how the company is complying with the provisions of
454 section 16-247b and, in a tariff filing which declares a new service to be
455 competitive or emerging competitive, a statement addressing the
456 considerations set forth in subsection (d) of this section. If the authority
457 approves a tariff which consists of a minimum rate and a maximum
458 rate, the certified telecommunications provider or telephone company
459 may amend its rates upon five days' written notice to the authority and
460 any notice to customers which the authority may require, provided the
461 amended rates are not greater than the approved maximum rate and
462 not less than the approved minimum rate. A promotional offering for a
463 previously approved competitive or emerging competitive tariffed
464 service or a service deemed competitive pursuant to this section shall
465 be effective on three business days' written notice to the authority.

466 (f) On petition or its own motion, the authority may investigate a
467 tariff or any portion of a tariff, which investigation may include a
468 hearing. The authority may suspend a tariff or any portion of a tariff

469 during such investigation. The investigation may include, but is not
470 limited to, an inquiry to determine whether the tariff is predatory,
471 deceptive, anticompetitive or violates the pricing standard set forth in
472 subdivision (1) of subsection (c) of section 16-247b. Not later than
473 seventy-five days after the effective date of the tariff, unless the party
474 filing the tariff, all statutory parties to the proceeding and the authority
475 agree to a specific extension of time, the authority shall issue its
476 decision, including whether to approve, modify or deny the tariff. If
477 the authority determines that a tariff filed as a new service is, in fact, a
478 reclassification of an existing service, the authority shall review the
479 tariff filing as a petition for reclassification in accordance with the
480 provisions of subsection (c) of this section.

481 (g) The provisions of this section shall not prohibit the authority
482 from ordering different tariff filing procedures or effective dates for an
483 emerging competitive service, pursuant to a plan for an alternative
484 form of regulation of a telephone company approved by the authority
485 in accordance with the provisions of section 16-247k.]

486 [(h)] (a) On and after [July 1, 2016] October 1, 2019, any certified
487 telecommunications provider or telephone company [may, upon
488 written notice to the authority, elect to be exempt from any
489 requirement to file or maintain with the authority any tariff for
490 services offered or provided to business retail end users. A certified
491 telecommunications provider or telephone company that elects to be
492 exempt from the requirement to file or maintain with the authority any
493 tariff for services offered or provided to business retail end users] shall
494 make the rates, terms and conditions for [such] services offered or
495 provided to business retail end users available to business retail end
496 users in a clear and conspicuous manner, that is apparent to the
497 reasonable business retail end user, either (1) in a customer service
498 guide, (2) on such certified telecommunications provider's or
499 telephone company's Internet web site, or (3) in a contract between
500 such business retail end user and such certified telecommunications
501 provider or telephone company.

502 (b) On and after October 1, 2019, any certified telecommunications
503 provider or telephone company shall make the rates, terms and
504 conditions for services offered or provided to residential end users
505 available to residential end users in a clear and conspicuous manner
506 that is apparent to the reasonable residential end user on such certified
507 telecommunications provider's or telephone company's Internet web
508 site.

509 Sec. 11. Subsection (g) of section 16-247g of the general statutes is
510 repealed and the following is substituted in lieu thereof (*Effective*
511 *October 1, 2019*):

512 (g) Notwithstanding any decision of the authority to allow the
513 competitive provision of a telecommunications service or to grant a
514 certificate pursuant to this section, the authority, after holding a
515 hearing with notice to all interested parties and determining that (1)
516 continued competitive provision of a telecommunications service
517 would be contrary to the goals set forth in section 16-247a, as amended
518 by this act, or would not be in accordance with the provisions of
519 sections 16-247a to 16-247c, inclusive, as amended by this act, section
520 16-247e or 16-247f, as amended by this act, this section [,] or section 16-
521 247h₂ [or 16-247k,] (2) a certified telecommunications provider does not
522 have adequate financial resources, managerial ability or technical
523 competency to provide the service, or (3) a certified
524 telecommunications provider has failed to comply with an applicable
525 order made or regulation adopted by the authority, may suspend or
526 revoke the authorization to provide said telecommunications service
527 or take any other action it deems appropriate. In determining whether
528 to suspend or revoke such authorization, the authority shall consider,
529 without limitation, (A) the effect of such suspension or revocation on
530 the customers of the telecommunications service, (B) the technical
531 feasibility of suspending or revoking the authorized usage only on an
532 intrastate basis, and (C) the financial impact of such suspension or
533 revocation on the provider of the telecommunications service.

534 Sec. 12. Subsection (b) of section 16-247s of the general statutes is

535 repealed and the following is substituted in lieu thereof (*Effective*
536 *October 1, 2019*):

537 (b) Each certified telecommunications provider, as defined in
538 section 16-1, that provides local exchange service to customers in the
539 state shall [provide without charge to a telephone company serving
540 more than one hundred thousand customers for directory assistance
541 purposes all listings for its Connecticut customers other than those
542 listings that are nonpublished. Such telephone company, or its agent or
543 affiliate as applicable, shall, in accordance with the terms and
544 conditions set forth in the federal Telecommunications Act of 1996, as
545 from time to time amended, and any applicable order or regulation
546 adopted by the Federal Communications Commission thereunder,
547 including the availability and timing of updates and applicable rates,
548 compile all such listings and all listings for its own Connecticut
549 customers other than those that are nonpublished in a directory
550 assistance database and make all such listings contained in such
551 database available in electronic format to directory assistance
552 providers. If a customer requests a customer listing from a certified
553 telecommunications provider that does not provide directory
554 assistance, such provider shall connect the customer at no charge with
555 an entity that provides directory assistance to the customer. Each such
556 certified telecommunications provider shall indemnify a telephone
557 company for any damages caused by that certified telecommunications
558 provider's negligence in misidentifying a nonpublished customer]
559 comply with the subscriber list terms pursuant to 47 USC 222(e).

560 Sec. 13. Section 16-247u of the general statutes is repealed and the
561 following is substituted in lieu thereof (*Effective October 1, 2019*):

562 (a) As used in this section:

563 (1) "Telephone record" means information retained by a telephone
564 company that relates to a telephone number dialed by a customer or
565 another person using the customer's telephone with such customer's
566 permission, or the incoming number of a call directed to a customer or

567 another person using the customer's telephone with such customer's
568 permission, or other data related to such call typically contained on a
569 customer's telephone bill, including, but not limited to, the time the
570 call started and ended, the duration of the call, the time the call was
571 made and any charges applied. A telephone record does not include
572 information collected and retained by or on behalf of a customer
573 utilizing caller identification or similar technology;

574 (2) "Telephone company" means any person that provides
575 commercial telephone services to a customer, irrespective of the
576 communications technology used to provide such service, including,
577 but not limited to, traditional wireline or cable telephone service,
578 cellular, broadband PCS or other wireless telephone service,
579 microwave, satellite or other terrestrial telephone service, and voice
580 over Internet telephone service;

581 (3) "Telephone" means any device used by a person for voice
582 communications, in connection with the services of a telephone
583 company, whether such voice communications are transmitted in
584 analog, data or any other form;

585 (4) "Customer" means the person who subscribes to telephone
586 service from a telephone company or the person in whose name such
587 telephone service is listed. [;]

588 [(5) "Person" means any individual, partnership, corporation,
589 limited liability company, trust, estate, cooperative association or other
590 entity;

591 (6) "Procure" in regard to a telephone record, means to obtain by
592 any means, whether electronically, in writing or in oral form, with or
593 without consideration.

594 (b) No person shall: (1) Knowingly procure, attempt to procure,
595 solicit or conspire with another to procure a telephone record of any
596 resident of this state without the authorization of the customer to
597 whom the record pertains, (2) knowingly sell or attempt to sell a

598 telephone record of any resident of this state without the authorization
599 of the customer to whom the record pertains, or (3) receive a telephone
600 record of any resident of this state with the knowledge such record has
601 been obtained without the authorization of the customer to whom the
602 record pertains or by fraudulent, deceptive or false means.

603 (c) The provisions of this section shall not apply to any person
604 acting pursuant to a valid court order, warrant or subpoena and shall
605 not be construed to prevent any action by a law enforcement agency,
606 or any officer, employee or agent of such agency, to obtain telephone
607 records in connection with the performance of the official duties of the
608 agency.

609 (d) The provisions of this section shall not be construed to prohibit a
610 telephone company from obtaining, using, disclosing or permitting
611 access to any telephone record, either directly or indirectly through its
612 agents (1) as otherwise authorized by law, (2) with the lawful consent
613 of the customer, (3) as may be necessarily incident to the rendition of
614 the service, including, but not limited to, initiating, rendering, billing
615 and collecting customer charges, or to the protection of the rights or
616 property of the telephone company, or to protect the customer of those
617 services and other carriers from fraudulent, abusive or unlawful use of
618 or subscription to, such services, (4) to a governmental entity, if the
619 telephone company reasonably believes that an emergency involving
620 immediate danger of death or serious physical injury to any person
621 justifies disclosure of the information, or (5) to the National Center for
622 Missing and Exploited Children, in connection with a report submitted
623 thereto under Section 227 of the Victims of Child Abuse Act of 1990.

624 (e) The provisions of this section shall not be construed to expand
625 upon the obligations and duties of any telephone company to protect
626 telephone records beyond those otherwise established by federal or
627 state law, including, but not limited to, provisions governing customer
628 proprietary network information in Section 222 of the
629 Communications Act of 1934, as amended, and 47 USC 222.

630 (f) The provisions of this section shall not apply to a telephone
631 company and its agents or representatives who act reasonably and in
632 good faith pursuant to this section.]

633 [(g)] (b) Each telephone company that maintains telephone records
634 of a resident of this state shall establish reasonable procedures to
635 protect against unauthorized or fraudulent disclosure of such records
636 which could result in substantial harm or inconvenience to any
637 customer. For purposes of this subsection, a telephone company's
638 procedures shall be deemed reasonable if the telephone company
639 complies with the provisions governing customer proprietary network
640 information in Section 222 of the Communications Act of 1934, as
641 amended, and 47 USC 222.

642 [(h) Any violation of subsection (b) of this section: (1) Involving a
643 single telephone record of a resident of this state shall be a class C
644 misdemeanor, (2) involving two to not more than ten telephone
645 records of a resident of this state shall be a class B misdemeanor, and
646 (3) involving more than ten telephone records of a resident of this state
647 shall be a class A misdemeanor.

648 (i) Any violation of subsection (b) of this section shall be deemed an
649 unfair or deceptive trade act or practice under subsection (a) of section
650 42-110b.]

651 Sec. 14. Section 16-256d of the general statutes is repealed and the
652 following is substituted in lieu thereof (*Effective October 1, 2019*):

653 Each telephone company, as defined in section 16-1, shall [, upon
654 request of any business customer, provide the customer with an
655 itemization of tariffed equipment and associated charges, indicating
656 the number of telephones and lines and the types of service the
657 customer is being billed for and the charge for each such telephone,
658 line and service. Each such company shall, on a quarterly basis, notify
659 its business customers of the availability of such itemizations] comply
660 with the federal truth in billing laws pursuant to 47 USC 201(b).

661 Sec. 15. Section 16-256i of the general statutes is repealed and the
662 following is substituted in lieu thereof (*Effective October 1, 2019*):

663 (a) As used in this section:

664 (1) "Customer" means (A) in the case of a residential customer, any
665 adult who is authorized by the individual in whose name the local
666 exchange carrier has established an account for telecommunications
667 services to authorize a change in telecommunications services, and (B)
668 in the case of a business customer, any individual who is authorized
669 by the business to authorize a change in telecommunications services;

670 (2) "Telemarketer" means any individual who, by telephone,
671 initiates the sale of telecommunications services for a
672 telecommunications company; and

673 (3) "Telemarketing" means the act of soliciting by telephone the sale
674 of telecommunications services.

675 (b) A telecommunications company shall not submit a primary,
676 local or intrastate interexchange carrier change order to a company
677 providing local exchange telephone service [prior to the order being
678 confirmed in accordance with the provisions of Subpart K of Part 64 of
679 Title 47 of the Code of Federal Regulations, as from time to time
680 amended, and the provisions of this section, if applicable] unless such
681 change order is in compliance with 47 USC 258.

682 [(c) A telecommunications company or its affiliate or authorized
683 representative using telemarketing to initiate the sale of
684 telecommunications services shall comply with the following
685 requirements for all such telemarketing calls: (1) The telemarketer shall
686 identify himself by name and identify the telecommunications
687 company providing the proposed services and the name of the
688 business, firm, corporation, association, joint stock association, trust,
689 partnership, or limited liability company, if different from the
690 telecommunications company, for whom the call is made; (2) the
691 telemarketer shall state that only the customer may authorize a change

692 in service; (3) the telemarketer shall confirm that he is speaking to the
693 customer; (4) the telemarketer shall clearly explain the proposed
694 services in detail and explain that an affirmative response will change
695 the customer's telecommunications carrier; (5) the telemarketer shall
696 obtain from the customer an affirmative response that the customer
697 agrees to a change in his primary, local or intrastate interexchange
698 carrier; and (6) the primary, local or intrastate interexchange carrier
699 change order or independent third party verification record shall
700 identify the individual with whom the telemarketer confirmed the
701 authorization to change the primary, local or intrastate interexchange
702 carrier.

703 (d) (1) A telecommunications company or its affiliate or authorized
704 representative using telemarketing to initiate the sale of
705 telecommunications services shall (A) prior to submitting a change in
706 primary, local or intrastate interexchange carriers, obtain verbal
707 authorization confirmed by an independent third party or written
708 authorization of such change from the customer, and (B) not more than
709 four business days after obtaining notification or confirmation that the
710 change in carrier has been made, send by first class mail to the
711 customer notification that the customer's primary, local or intrastate
712 interexchange carrier has been changed, along with a postpaid
713 postcard or toll-free number which the customer can use to deny
714 authorization for the change order. If the telecommunications
715 company receives a postcard or telephone call at the toll-free number
716 provided in the notification denying authorization for the change, the
717 company shall immediately notify the customer's previous carrier and
718 shall cause the customer's primary, local or intrastate interexchange
719 service to be switched back to the customer's previous carrier and
720 shall: (i) Adjust the affected customer's bill so that the customer pays
721 no more than the customer would have paid had his carrier not been
722 switched; (ii) pay the previous carrier an amount equal to all charges
723 paid by the customer after the change to the new carrier; and (iii) pay
724 the previous carrier an amount equal to all expenses assessed by the
725 local exchange company for switching the customer's primary, local or

726 intrastate interexchange service.

727 (2) It shall be an unfair or deceptive trade practice, in violation of
728 chapter 735a, for any telecommunications company to unreasonably
729 delay or deny a request by a customer to switch a customer's primary,
730 local or intrastate interexchange carrier back to the customer's previous
731 carrier.

732 (e) The authority shall adopt regulations in accordance with the
733 provisions of chapter 54 to implement the provisions in this section.

734 (f) A telecommunications company, or its affiliate or authorized
735 representative using telemarketing to initiate the sale of
736 telecommunications services, which the authority determines, after
737 notice and opportunity for a hearing as provided in section 16-41, has
738 failed to comply with the provisions of this section or section 16-256j
739 shall pay to the state a civil penalty of not more than ten thousand
740 dollars per violation.]

741 Sec. 16. Section 16-256k of the general statutes is repealed and the
742 following is substituted in lieu thereof (*Effective October 1, 2019*):

743 Each telephone company, as defined in section 16-1, and each
744 certified telecommunications provider, as defined in said section 16-1,
745 shall [clearly and conspicuously disclose, in writing, to customers,
746 upon subscription and annually thereafter, (1) whether the removal or
747 change in any telecommunications service will result in the loss of a
748 discount or other change in the rate charged for any
749 telecommunications service subscribed to or used by the customer; and
750 (2) for any promotional offering filed on and after October 1, 2002,
751 with the Public Utilities Regulatory Authority pursuant to subsection
752 (e) of section 16-247f, that the offering is a promotion and will be in
753 effect for a limited period of time] comply with the federal truth in
754 billing laws pursuant to 47 USC 201(b).

755 Sec. 17. Sections 16-247k, 16-247n, 16-256c and 16-256h of the
756 general statutes are repealed. (*Effective October 1, 2019*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	16-18a(a)
Sec. 2	<i>October 1, 2019</i>	16-19(h)
Sec. 3	<i>October 1, 2019</i>	16-19d
Sec. 4	<i>October 1, 2019</i>	16-19e(f)
Sec. 5	<i>October 1, 2019</i>	16-19j(b)
Sec. 6	<i>October 1, 2019</i>	16-41(a)
Sec. 7	<i>October 1, 2019</i>	16-247a
Sec. 8	<i>October 1, 2019</i>	16-247b
Sec. 9	<i>October 1, 2019</i>	16-247c(c)
Sec. 10	<i>October 1, 2019</i>	16-247f
Sec. 11	<i>October 1, 2019</i>	16-247g(g)
Sec. 12	<i>October 1, 2019</i>	16-247s(b)
Sec. 13	<i>October 1, 2019</i>	16-247u
Sec. 14	<i>October 1, 2019</i>	16-256d
Sec. 15	<i>October 1, 2019</i>	16-256i
Sec. 16	<i>October 1, 2019</i>	16-256k
Sec. 17	<i>October 1, 2019</i>	Repealer section

Statement of Legislative Commissioners:

In Section 7(b), the reference to section 16-247o was struck for accuracy as such section of the general statutes is repealed.

ET *Joint Favorable Subst. -LCO*