

**The Energy And Technology Committee**

**February 17, 2009**

**H.B. No. 6128 AN ACT CONCERNING THE REGULATIION OF  
CERTAIN CABLE TELEVISION RATES**

**Testimony of**

**The Office of Consumer Counsel**

**Mary J. Healey, Consumer Counsel**

**Presented by William L. Vallée Jr., Principal Attorney**

The Office of Consumer Counsel (OCC) has carefully reviewed and opposes 6128-An Act Concerning The Regulation of Certain Cable Television Rates, a bill to reinstitute regulation of basic tier cable television rates.

In 2007, the OCC opposed the bill that became 07—253 which essentially deregulated video services in this state, a bill intended to ease the entrance of a local exchange carrier's Internet protocol video services. Predictably, the result was an Unlevel playing field for video services that has become relatively stable at this point, thanks in large part to decisions made by the Department of Public Utility Control, supported by arguments advanced by the OCC.

There has, however, been negative fallout due, most notably a decrease in support for PEG video programming (public access, education access, and government access) and the basic service programming availability and pricing issues at the heart of this proposed bill.

PEG programming is being addressed by the DPUC and should be left to that forum for resolving the unfortunate results of earlier legislation.

As for basic service, there can be no surprise that a result that the OCC and other predicted in 2007 has occurred. There is no rationale available to now require basic service at established rates by one set of video providers while others escape without providing a basic service tier at all. The reduction of and increased prices for basic service is a tragedy

for many video consumers in this state, but any attempt to discriminate among video providers will fail.

In any case, as indicated earlier, federal law prohibits such regulations by the states in markets such as Connecticut where the local exchange carrier and satellite providers are active in all markets. The so-called 50/15 test under federal law which measures competition for video services in a given market (i.e., video service is available to 50% of residents in an area, and penetration by the satellite providers exceeds 15%), will prohibit regulation of basic rates by federal law.

Accordingly, the OCC urges rejection of HB 6128 and is of course available to help the Committee in any way to further discuss this bill with the Committee.