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Compensation to Owners of Occupied Buildings

Sec. 16-247d-1. Rights of owners to just compensation

The owners of occupied buildings may apply to the Department of Public Utility Control for compensation for any taking of property associated with the installation of wiring and ancillary facilities by a telecommunications provider for the provision of telecommunications services to the occupied building, in accordance with the criteria outlined in Section 16-247d-7.

(Effective October 26, 1995)

Sec. 16-247d-2. Notice to owners regarding intent to install telecommunications facilities

The telecommunications provider seeking permission to install facilities in an occupied building shall notify the owner of the building not fewer than thirty days before the proposed date on which installation is to commence. The telecommunications provider shall include in this notice its proposed plan of installation for the telecommunications service. Said notice shall be sent by certified mail, return receipt requested.

(Effective October 26, 1995)

Sec. 16-247d-3. Notice to department, telecommunications provider and OCC regarding intent to seek compensation

Any owner of an occupied building who wishes to petition for compensation shall file an application with the department no later than thirty days following receipt of the Notice of intent to install telecommunications facilities, required under section 16-247d-2. The owner also shall send a copy of said application to the telecommunications provider seeking to install facilities and to the Office of Consumer Counsel. This application shall include the amount of compensation being sought and the basis for such claim. Failure of the owner to petition the department within the time limit specified under this section shall be deemed a waiver by the owner of the right to seek compensation for said installation.

(Effective October 26, 1995)

Sec. 16-247d-4. Application fee

Any application submitted under Section 16-247d-3 shall be accompanied by an application fee of \$50.00.

(Effective October 26, 1995)

Sec. 16-247d-5. Authorization for negotiations

Upon the filing of the application authorized under Section 16-247d-3, the owner of an occupied building and the telecommunications provider shall attempt to reach a mutually acceptable agreement regarding the amount of reasonable compensation due the owner as a result of the installation of telecommunications facilities in the occupied building. Upon request of either the owner or the telecommunications provider, the Office of Consumer Counsel may participate in such negotiations.

(Effective October 26, 1995)

Sec. 16-247d-6. Department proceedings

(a) Any proposed agreement between the owner of an occupied building and the telecommunications provider shall be submitted to the department within sixty days of the date of the application submitted under Section 16-247d-3 for approval by the department. Such agreement shall contain the criteria considered, as outlined in

Section 16-247d-7, upon which the amount of compensation was calculated. The department shall render a final decision either approving or denying said proposed agreement within ninety days of the receipt of the agreement by the department. The department may hold a public hearing on the proposed agreement before rendering its decision.

(b) If the owner and the telecommunications provider are unable to reach an agreement within the sixty days provided under Section 16-247d-6 (a), or if the department has denied the agreement submitted by the owner and the telecommunications provider, the department shall commence proceedings for a hearing to determine the appropriate compensation. The telecommunications provider, the owner and the Office of Consumer Counsel shall be designated as parties to such proceeding. The department shall complete such investigation and render a decision not later than ninety days after initiation of the proceeding.

(c) Nothing in Section 16-247d-6 shall be deemed to impair or delay the right of the telecommunications provider to install, maintain or remove telecommunications facilities, or to provide service to an individual unit in the subject premises, during the pendency of these proceedings.

(Effective October 26, 1995)

Sec. 16-247d-7. Criteria

In its determination of an appropriate award of compensation due the owner, the department shall consider the following:

- (1) The location and amount of space occupied by the installation;
- (2) Any evidence that the owner has a specific alternative use for any space which would be occupied by the telecommunications facilities, the loss of which will result in a specific quantifiable loss to the owner;
- (3) The value of the applicant's property before the installation of telecommunications facilities, and the value of the property subsequent to the installation of telecommunications facilities and the method or methods used to determine such values;
- (4) Whether the installation of the telecommunications facilities will interfere with the use and occupancy of the building, which interference would cause a decrease in the rental or resale value of the building; and
- (5) Any actual costs incurred by the property owner directly related to the installation of the telecommunications facilities.

(Effective October 26, 1995)

Sec. 16-247d-8. Appeal

Any determination made by the department under Section 16-247d-6 of these regulations may be appealed by an aggrieved party in accordance with the provision contained in Section 4-183 of the General Statutes of Connecticut.

(Effective October 26, 1995)