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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL FILE

Before the  
Federal Communications Commission  
Washington, DC 20554

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In the Matter of

Implementation of Section 10 of the Cable Television )  
 Consumer Protection and Competition Act of 1992 ) MM Docket No. 92-258

Indecent Programming and Other Types of )  
 Materials on Cable Access Channels )

To the Commission:

COMMENTS OF  
METROPOLITAN AREA COMMUNICATIONS COMMISSION

The Metropolitan Area Communications Commission (MACC) submits these comments in response to the above captioned proceedings and in support of the comments filed in this proceeding by the Alliance for Community Media, Alliance for Communications Democracy, American Civil Liberties Union, and People for the American Way.

MACC is a cable regulatory agency representing 16 local governments in suburban Portland, OR. MACC administers public, educational and governmental (PEG) access services and cablecasts more than 800 hours of local, noncommercial programming monthly on the cable system's PEG access channels.

In considering rules for implementation of Section 10 (c) or 10 (d), MACC recommends:

1). The Commission rules should clearly prohibit cable operators from hampering use of PEG Access channels by those involved with producing live programming. Through MACC, an average of eight live programs are produced each month. These programs include call-in shows with area legislators, live entertainment shows, and interactive shows dealing with community issues such as AIDS education. The live and interactive capability of PEG Access makes it a uniquely responsive community service. MACC's own rules and procedures adequately ensure responsible use of PEG Access--for both live and taped programming--through:

- requiring that each program producer sign an agreement assuming liability for their program's content and assuring that the program does not contain any content which is in violation of federal, state or local laws;
- requiring that the program producer include a viewer advisory if the program includes "potentially objectionable program content" defined as profane language, nudity, extreme physical violence or degradation, or graphic depiction of medical procedures." The viewer advisory states: "The following program contains material which some viewers may find objectionable or inappropriate for viewing by children";
- requiring that programs with potentially objectionable content are scheduled after 10 p.m.

2). Since PEG Access channels operate as a public forum to enhance public discourse and promote diverse speakers and opinions, the Commission rules should clearly prohibit cable operators from restricting or inhibiting controversial--or potentially controversial--speakers or subject matter. Government has a compelling interest in allowing "the widest possible dissemination of information from diverse and antagonistic sources." (Associated Press v. United States).

3). The Commission should not adopt any pre-screening rule, or any rule that permits the cable operator to exercise advance approval over PEG Access programming. Since PEG Access operates with limited resources, this type of requirement could make PEG Access unaffordable, or, at a minimum, inefficient. Allowing pre-screening also raises serious First Amendment problems relating to prior restraint and censorship. Promulgating rules which clearly state that the *program producer* is liable for program content would be consistent with First Amendment considerations.

4). The Commission should only consider rules which may be implemented easily and do not add red tape to a system that is heavily dependent upon volunteer efforts. Through MACC, more than 2,000 hours of volunteer effort are contributed each month toward the programs cablecast on PEG Access channels; our facilities and equipment are used more than 200 times each month by numerous community organizations and individuals ranging in age from 8 to 80. Making PEG Access easily available and "user friendly" is critical to maintaining volunteer involvement.

Respectfully Submitted,



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Community Television Manager  
Metropolitan Area Communications Commission  
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Beaverton, OR 97006

December 21, 1992

**Attachments:**

- A. Listing of Organizations who have used MACC's PEG Access Service
- B. MACC PEG Access Rules & Procedures: Program Contract, Potentially Objectionable Program Content sections
- C. What's on Community Access TV? Description of MACC's PEG Access Channels

## Attachment A

### Listing of Organizations Who Have Used MACC's PEG Access Service

Access Oregon  
Aloha High School  
Aloha-Sunset Rotary Club  
Alzheimers Foundation  
American-Arab Anti-Discrimination Committee  
American Red Cross  
American Cancer Society  
Armenian Community of Oregon  
Association for Retarded Citizens  
Au Pair in America  
Audubon Society  
Banks High School  
Banks School District  
Beaverton School District  
Beaverton Arts Commission  
Beaverton Neighborhood Association  
Beaverton Four-Square Church  
Beaverton Christian Church  
Beaverton Police Department  
Beaverton Chamber of Commerce  
Beaverton Users Group (BUG Amiga Users)  
Boy Scouts  
Bridging Racial Identity by Developing Greater Educational  
Sources (BRIDGES)  
Business-Education Compact of Washington County  
Casa of Oregon  
Centro Cultural  
City of Tualatin  
City of Gaston Fire Muster  
City of Tualatin Development Commission  
City of Sherwood  
City of King City  
City of Rivergrove  
Coalition of Human Dignity  
Columbia River Council of Girl Scouts  
Commission on Agricultural Workers  
Community Ear  
Cornelius Civic Historical Society  
Dammach State Hospital  
Dear Services, Inc.  
Denise Amato Gallerie  
Diabetes Foundation  
Domestic Violence Resource Center  
Eagle Forum  
East and West Washington County Leagues of Women Voters  
Easter Seals Society  
El Centro Cultural  
Enabled Artists Guild  
Ethiopian Community Center  
Fair Housing Testing Program  
Forest Grove Alano Club

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Forest Grove School District  
Friends of Parrot Mountain  
Friends of Tryon State Park  
Glenco Community Youth Foundation  
Global Vision Foundation  
Haymarket Alternative Media Productions  
Helvetia Art Club  
Hillsboro Police Department  
Hillsboro Public Library  
Hillsboro School District  
Hillsboro Arts Commission  
Hillsboro Chamber of Commerce  
Hispanic Services Coalition  
Housing Services of Oregon  
Human Services Coalition of Oregon  
Humane Society  
India Cultural Association  
Infant Hearing Resource Center  
Inside and Out Ministries  
INTEL  
International Refugee Cent of Oregon  
Jubilee Kelly  
Junior Achievers  
Kinnaman Elementary School  
KUIK Radio in Hillsboro  
Lake Oswego Chamber of Commerce  
Lake Oswego Lions Club  
Lake Oswego Adult Community Center  
List of Organizations Who Have Used TVCA or Have Been Featured by  
Living Enrichment Center  
Master Gardners Association  
Metro Southwest Singers  
METRO  
Metropolitan Youth Symphony Association  
Mission of the Atonement Church  
Northwest Adoption Association  
Northwest Coalition Against Malicious Harassment  
Northwest Film and Video Center  
Northwest Theatre for the Deaf  
Open Gate  
Oregon Hearing and Speech Council  
Oregon Hemlock Society  
Oregon Human Development Corporation  
Oregon Environmental Council  
Oregon Historic Preservation League  
Oregon Rehabilitation Association  
Oregon School for the Deaf  
Oregon Trout  
Oregon Together  
Oregon Deaf Association  
Oregon AIDS Task Force  
Oregon State Housing Council  
Oregon Council for Hispanic Advancement  
Oregon Speakers' Association  
Oregon Archaeological Society  
Oregon Association of Nurserymen  
Oregon Farm Bureau Federation  
Oregon Community Program for CLinical Research for AIDS (OHSU)  
Oregon Legal Services Migrant Services Program

Oregon State University Extension Service  
Oregon Council for Hispanic Advancement  
Oregon Museum of Science and Industry (OMSI)  
Oregon State Bar  
Pacific University  
Pacific University Family Vision Center  
Parents Without Partners  
Parents of Murdered Children  
Paws and Roses Cat Clubs  
Physicians for Social Responsibility  
Portland Community College  
Position for Social Responsibility  
Post-Polio Group  
Salvation Army  
Saturday Academy  
Sensible Transportation Options for People (STOP)  
Sherwood Chamber of Commerce  
Sherwood School District  
Sherwood Centennial Committee  
Sherwood High School  
Sierra Club  
Small Business Development Center  
State of Oregon Labor and Industry  
Sweet Adelines  
Techramolitan Kiwanis  
Tektronics  
The Friends of Jackson Bottom  
Tigard Enrichment Program  
Tigard-Tualatin School District  
Tigard School District  
Tigard Chamber of Commerce  
Tigard Historical Society  
Toastmasters  
Tom McCall Forum  
Trinity Lutheran Church  
Tualatin City Library  
Tualatin/Durham Senior Center  
Tualatin Hills Park and Recreation District  
Tualatin Valley Food Center  
Tualatin Valley Workshop  
Tuality Chemical Dependency Services  
Tuality Health Care  
TVCA:  
U.S. Fish and Wildlife Department  
United Sewerage Agency  
Unity Fellowship of Lake Oswego  
University of Oregon  
Video Masters  
Virginia Garcia Clinic  
Washington County Board of Commissioners  
Washington County Public Safety  
Washington County Sheriff's Department  
Washington County Public Affairs Forum  
Washington County Cooperative Library  
Washington County Aging Services  
Washington County Health and Human Services  
Washington County Housing Authority  
Washington County Housing Consortium  
Washington County Historical Society

Washington County Community Action Organization  
Washington County Woodcutters Association  
Washington County Visitors' Association  
Washington County Transportation Department  
Washington County Mental Health Program  
Washington County Extension Services  
WCCAO Programs  
WCCAO Shelter Home  
West Hills Friends  
Wetlands Conservancy  
Wilsonville Parks and Recreation  
Wilsonville Primary Gifted Education  
Wilsonville School District  
YMCA

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**Attachment B**  
**MACC PEG Access Rules & Procedures**

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**Tualatin Valley  
Community Access**

# **Rules & Procedures Handbook**



TVCA Rules & Procedures Handbook is a publication of  
Tualatin Valley Community Access (TVCA), a service of  
the Metropolitan Area Communications Commission.

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## Channel Access

### Available Channels

There are up to 15 community access channels required by the MACC/Columbia Franchise. These channels shall be designated by the Commission as public, educational, government, or special purpose access. The Commission shall determine when any access channels being used by Columbia Cable of Oregon for other purposes, shall be used for access.

### Channel Assignment

Public, education or government access programming shall be scheduled by the Programming Coordinator for cablecast on the appropriate access channel(s). In some cases, programs may be scheduled on more than one access channel. For example, a public access program produced by youth might also be appropriate for cablecast on an education access channel.

### Submitting and Scheduling Access Programs

Access producers may submit completed access programs and Program Contracts at designated locations within the access center. Producers who want copies of their completed access program must obtain dubs prior to submitting the program for scheduling. The Programming Coordinator will schedule programs a minimum of three weeks in advance of cablecast in order to include them in TV listings. The access producer may request specific cablecast dates and times and the Programming Coordinator will match the requests wherever possible.

### The Program Contract

Any program submitted for scheduling must be accompanied by a signed Program Contract. Any minor must have an adult co-signer. The signer warrants that she/he has complied with TVCA's Potentially Objectionable Program Content procedures (page 19 under "Minor Violations"). The party signing the Program Contract assumes liability for program content and warrants that the program does not contain any of the following:

- ◆ any advertising/material that promotes any commercial product, service or lottery;
- ◆ any unlawful use of copyrighted material;



- ◆ any material that is libelous, slanderous or defamatory in character; or material that is an unlawful invasion of privacy;
- ◆ any material that violates state or federal law relating to obscenity;
- ◆ any solicitation or appeal for funds; and
- ◆ any material that violates local, state or federal laws.

### Potentially Objectionable Program Content

TVCA requires that producers provide notice to cable viewers in the event that their program contains potentially objectionable content. Potentially objectionable content includes:

- ◆ profane language
- ◆ nudity
- ◆ extreme physical violence or degradation
- ◆ graphic depiction of medical procedures

If a program includes any of the aforementioned elements, a viewer advisory must be included immediately prior to the beginning of the program stating:

"The following program contains material which some viewers may find objectionable or inappropriate for viewing by children."

The viewer advisory must be read aloud and displayed on screen for 15 seconds. Responsibility for including the viewer advisory rests with the program's producer or local sponsor. Programs with viewer advisories will be scheduled after 10:00 p.m. For programs with potentially objectionable content, a producer or local sponsor who submits the program without a viewer advisory is subject to the sanctions outlined under "Minor Violations" on page 19.

### Scheduling Priorities

In scheduling programs on the community access channels, first priority is given to programs produced within the MACC/Columbia franchise area. Second priority is given to programs that are produced elsewhere but have a sponsor from the MACC/Columbia franchise area.

Subject to the availability of channel time, public access programs which are produced through TVCA may be

**Attachment C**  
**Description of MACC's PEG Access Channels**

## What's on Community Access TV?

### **PUBLIC ACCESS 9 59**

Community-produced programs. The public access channels are a First Amendment forum available on a first-come, first-served basis to all individuals and community organizations in the Tualatin Valley. Once they receive television production training, volunteers use TVCA equipment and facilities to make their own TV shows. Topics range from AIDS and transportation issues to movie reviews and cooking.



*Friends and family associated with "Llegando a la Comunidad," a weekly program that explores topics important to the Hispanic community, help recognize volunteers during TVCA's volunteer recognition event.*

### **GOVERNMENT ACCESS 21 27**

Coverage of local government meetings produced by TVCA, including Tigard, Tualatin and Lake Oswego City Councils, the Washington County Board of Commissioners, and the MACC Commission. A new addition to the government programming lineup is "WestSide," TVCA's community affairs program.

*Ted Wolski, Bernie Dwigans and Sue Joyce operate the controls behind the scenes in the new Public Services Building auditorium where TVCA tapes weekly meetings of the Washington County Board of Commissioners.*



*Roger Hancock and Lance Elliott portray brothers in "Mourning Song," an original cable access drama exploring the impact of a teenager's suicide on the rest of his family.*

### **EDUCATION ACCESS 29 55**

Channel 55 includes student-produced programs such as "Lakeridge Magazine" and "Metro League Sports," and educational programs such as "Your Kids and Drugs: What You Can Do" and "School Finance: The Alternatives." Channel 29 is programmed by Portland Community College with educational telecourses.

### **THE CHALLENGE CHANNEL 6**

Programs produced by and for the deaf and hearing impaired. Recent programs include coverage of "Deaf Awareness Week" activities at Western Oregon State College and "Deaf Perspectives," a series focusing on current issues facing the deaf.

