

§ 76.956 Cable operator response.

(a) Unless the Commission notifies a cable operator to the contrary, the cable operator must file with the Commission a response to a complaint filed on the applicable form, within 30 days of the date of service of the complaint. The response shall indicate when service occurred. Service by mail is complete upon mailing. See § 1.47(f). The response shall include the information required by the appropriate FCC form. The cable operator must serve its response on the complainant (and, if the complainant is a subscriber, the relevant franchising authority) via first class mail.

(b) The burden shall be on the cable operator to prove that the service rate or equipment charge in question is not unreasonable. The cable operator may carry its burden in the following manner:

(1) For a service rate at or below the permitted level, by providing information and calculations that demonstrate that the rate in question falls at or below the permitted level;

(2) For a service rate that exceeds the permitted level;

(i) By providing proof that the cable system has reduced the rate for the cable programming service at issue to a level at or below the permitted level; or

(ii) By providing detailed cost-based information that demonstrates that the rate in question is reasonable despite the fact that it exceeds the permitted level.

(3) For a charge for equipment installation or rental, by providing information that demonstrates that the charge is based on the cable operator's actual cost.

(c) In addition to responding to the merits of a complaint, the cable operator may also move for dismissal of the complaint for failure to meet the minimum showing requirement. Any such motion for dismissal must state with particularity the reasons the cable operator believes the complaint is defective and shall not relieve the cable operator of its obligation to respond to the merits of the complaint.

(d) A cable operator may file a consolidated response to multiple complaints regarding the identical rate or rate increase. A consolidated response must be filed within 30 days from the date of service of the first complaint received, unless the Commission notifies the cable operator to the contrary. A cable operator may amend a consolidated response to address new issues raised by complaints received after the cable operator's initial response.

(e) A cable operator that fails to file and serve a response to a valid complaint may be deemed in default. If the Commission deems

a cable operator in default, the Commission may enter an order against the cable operator finding the rate to be unreasonable and mandating appropriate relief.

(f) A cable operator need not respond to any complaint that is:

(1) Not filed on the applicable form; or

(2) That the Commission has determined is defective and has so notified the cable operator.

§ 76.957 Commission adjudication of the complaint.

The Commission will consider the complaint and the cable operator's response and then determine by written decision whether the rate for the cable programming service or associated equipment is unreasonable or not. If it determines that the rate in question is unreasonable, the Commission will grant the complaint and may order appropriate relief, including, but not limited to, prospective rate reductions and refunds. If it determines that the rate in question is reasonable, the Commission will deny the complaint.

§ 76.960 Prospective rate reductions.

Upon a finding that a rate for cable programming service or associated equipment is unreasonable, the Commission may order the cable operator to implement a prospective rate reduction to the class of customers subscribing to the cable programming service at issue. The Commission's decision regarding a prospective rate reduction shall remain binding on the cable operator for one year unless the Commission specifies otherwise.

§ 76.961 Refunds.

(a) Upon a finding that a rate for cable programming service or associated equipment is unreasonable, the Commission may order the cable operator to refund to subscribers that portion of previously paid rates which is deemed unreasonable.

(b) The cumulative refund due subscribers shall be calculated from the date a valid complaint is filed until the date a cable operator implements a prospective rate reduction as ordered by the Commission pursuant to §76.960.

(c) The cable operator, in its discretion, may implement a refund in the following manner:

(i) By returning overcharges to those subscribers who actually paid the overcharges, either through direct payment or as a specifically identified, one-time credit to those subscribers' bills; or

(ii) By means of a prospective percentage reduction in the unreasonable cable programming service rate or equipment charge to cover the cumulative overcharge. This shall be reflected as a specifically identified, one-time credit on prospective bills to the class of subscribers that currently subscribe to the cable programming service or associated equipment at issue.

(d) Refunds shall include interest computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments. Interest shall accrue from the date a valid complaint is filed until the refund issues.

§ 76.962 Implementation and certification of compliance.

(a) Implementation. A cable operator must implement remedial requirements, including prospective rate reductions and refunds, within 60 days from the date the Commission releases an order mandating a remedy.

(b) Certification of compliance. A cable operator must certify to the Commission its compliance with any Commission order mandating remedial requirements. Such certification shall:

(1) Be filed with the Commission within 90 days from the date the Commission releases an order mandating a remedy;

(2) Reference the applicable Commission order;

(3) State that the cable operator has complied fully with all provisions of the Commission's order;

(4) Include a description of the precise measures the cable operator has taken to implement the remedies ordered by the Commission; and

(5) Be signed by an authorized representative of the cable operator.

§ 76.963 Forfeiture.

(a) If any cable operator willfully fails to comply with the terms of any Commission order, including an order mandating remedial requirements after a finding of unreasonable cable programming service or equipment rates, or any Commission rule, the Commission may, in addition to other remedies, impose a forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b).

(b) A cable operator shall not be subject to forfeiture because its rate for cable programming service or equipment is determined to be unreasonable.

§ 76.964 Advance written notification of rate increases.

In addition to the requirement of Section 76.309(c)(3)(i)(B) regarding advance notification to customers of any changes in rates, programming services or channel positions, a cable operator shall give the relevant franchising authority a minimum of 30 days advance written notification of any changes in rates for cable programming service or associated equipment.

§ 76.970 Commercial leased access rates.

(a) Cable operators shall designate channel capacity for commercial use by persons unaffiliated with the operator in accordance with the requirement of 47 U.S.C. § 532.

(b) The maximum commercial leased access rates that a cable operator may charge is the highest implicit net fee charged any nonaffiliated programmer (excluding leased access programmers) within the same program category.

(c) The implicit fee charged an unaffiliated programmer shall be calculated by determining the monthly price per subscriber that the operator pays to carry the programming of nonaffiliated providers and deducting the monthly price subscribers pay to view the programming of the nonaffiliated provider. This difference is multiplied by the percentage of subscribers able to receive the nonaffiliated provider's programming. The implicit fee for a contracted service may not include fees, stated or implied, for services other than the provision of channel capacity (e.g., billing and collection, marketing, or studio services).

(d) For each of the three program categories as defined in para. (f) of this section, the highest implicit net fee charged any nonaffiliated provider in each category shall be the maximum monthly leased access rate per subscriber that the operator could charge a commercial leased access programmer in that category. The highest implicit net fee shall be based on contracts in effect in the previous calendar year. Maximum rates for shorter periods can be calculated by prorating the monthly maximum rate.

(e) Upon request, a schedule of commercial leased access rates shall be provided to prospective leased access programmers. Operators shall maintain, for Commission inspection, sufficient supporting documentation to justify the scheduled rates, including supporting contracts, calculations of the net implicit fees, and justifications for all adjustments.

(f) For purposes of para. (b) of this section there are three program categories:

(1) Programming for which a per-event or per channel charge is made;

(2) Programming more than fifty percent of the capacity of which is used to sell products directly to customers; and

(3) All other programming.

§ 76.971 Commercial leased access terms and conditions.

(a) (1) The cable operator and unaffiliated commercial leased access user may negotiate channel placement and tier access for leased programming, taking into account:

(i) The nature of the service (pay or general distribution channel, complete channel or individual program);

(ii) The relationship between the charge imposed and the desirability of the channel; and

(iii) The need to provide competition in program delivery and to afford users a genuine outlet for their programming.

(2) Where demand for commercial leased access capacity exceeds available supply, each lessee will be allowed to lease up to one channel's capacity.

(b) Cable operators may not apply programming production standards to leased access that are any higher than those applied to public, educational and governmental access channels.

(c) Cable operators are required to provide unaffiliated leased access users the minimal level of technical support necessary for users to present their material on the air, and may not unreasonably refuse to cooperate with a leased access user in order to prevent that provider from obtaining channel capacity, provided however, that leased access providers must reimburse operators for the reasonable cost of any technical support that operators actually provide.

(d) Cable operators may require reasonable security deposits or other assurances from users who are unable to prepay in full for access to leased commercial channels.

(e) Cable operators may not set terms and conditions for commercial leased access use based on content, except:

(1) To the limited extent necessary to establish a reasonable price for the commercial use of designated channel capacity by an unaffiliated person; or

(2) To comply with 47 U.S.C. § 532(h), (j) and § 76.701.

(f) (1) A cable operator shall provide billing and collection services for commercial leased access cable users, unless the

operator demonstrates the existence of third party billing and collection services which in terms of cost and accessibility, offer leased access users an alternative substantially equivalent to that offered comparable non-leased programmers.

(2) If an operator can make the showing required in Para. (f) (1) of this section, it must, to the extent technically feasible, make available data necessary to enable a third party to bill and collect for the leased access user.

§ 76.975 Commercial leased access dispute resolution.

(a) Any person aggrieved by the failure or refusal of a cable operator to make commercial channel capacity available in accordance with the provisions of Title VI of the Communications Act may bring an action in the district court of the United States for the Judicial district in which the cable system is located to compel that such capacity be made available.

(b) Any person aggrieved by the failure or refusal of a cable operator to make commercial channel capacity available or to charge rates for such capacity in accordance with the provisions of Title VI of the Communications Act, or our implementing regulations, §§ 76.970 and 76.971, may file a petition for relief with the Commission.

(c) A petition must contain a concise statement of the facts constituting a violation of the statute or the Commission's Rules, the specific statute(s) or rule(s) violated, and certify that the petition was served on the cable operator.

(d) A petition must be filed within 60 days of the alleged violation.

(e) The cable operator or other respondent will have 30 days from the filing of the petition in which to file a response. If a leased access rate is disputed, the response must show that the rate charged is not higher than the highest implicit fee the operator charges for a comparable category of service, and submit the affidavit of a responsible company official in support. If, after a response is submitted, the staff finds a prima facie violation of our rules, the staff may require a respondent to produce additional information, or specify other procedures necessary for resolution of the proceeding.

(f) The Commission, after consideration of the pleadings, may grant the relief requested, in whole or in part, including, but not limited to ordering refunds, injunctive measures, or forfeitures pursuant 47 U.S.C. § 503, denying the petition, or issuing a ruling on the petition or dispute.

(g) To be afforded relief, the petitioner must show by clear and convincing evidence that the cable operator has violated the Commission's leased access provisions in 47 U.S.C. § 532 or §§ 76.970 and 76.971, or otherwise acted unreasonably or in bad faith in failing or refusing to make capacity available or to charge lawful rates for such capacity to an unaffiliated leased access programmer.

(h) During the pendency of a dispute, a party seeking to lease channel capacity for commercial purposes, shall comply with the rates, terms and conditions prescribed by the cable operator, subject to refund or other appropriate remedy.

§ 76.977 Minority and educational programming used in lieu of deregulated commercial leased access capacity.

(a) A cable operator required by this section to designate channel capacity for commercial use pursuant to 47 U.S.C. § 532, may use any such channel capacity for the provision of programming from a qualified minority programming source or from any qualified educational programming source, whether or not such source is affiliated with cable operator. The channel capacity used to provide programming from a qualified minority programming source or from any qualified educational programming source pursuant to this Section may not exceed 33 percent of the channel capacity designated pursuant to 47 U.S.C. § 532.

(b) For purposes of this section, a qualified minority programming source is a programming source that devotes substantially all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned.

(c) For purposes of this section, a qualified educational programming source is a programming source that devotes substantially all of its programming to educational or instructional programming that promotes public understanding of mathematics, the sciences, the humanities, or the arts and has a documented annual expenditure on programming exceeding \$15 million. The annual expenditure on programming means all annual costs incurred by the programming source to produce or acquire programs which are scheduled to be televised, and specifically excludes marketing, promotion, satellite transmission and operational costs, and general administrative costs.

(d) For purposes of paragraphs (b) and (c) of this section, "substantially all" means that 90% or more of the programming offered must be devoted to minority or educational purposes, as defined in paragraphs (b) and (c) of this section, respectively.

(e) For purposes of subsection (b), "minority" is defined as in 47 U.S.C. 309(i) (3) (c) (ii) to include Blacks, Hispanics, American Indians, Alaska Natives, Asians and Pacific Islanders.

§ 76.980. Charges for customer changes.

(a) This Section shall govern charges for any changes in service tiers or equipment provided to the subscriber that are initiated at the request of a subscriber after initial service installation.

(b) The charge for customer changes in service tiers effected solely by coded entry on a computer terminal or by other similarly simple methods shall be a nominal amount, not exceeding actual costs, as defined in subsection (c) below.

(c) The charge for customer changes in service tiers or equipment that involve more than coded entry on a computer or other similarly simple method shall be based on actual cost. The actual cost charge shall be either the HSC, as defined in Section 76.923 of the rules, multiplied by the number of person hours needed to implement the change, or the HSC multiplied by the average number of person hours involved in implementing customer changes.

(d) A cable operator operator may establish a higher charge for changes effected solely by coded entry on a computer terminal or by other similarly simple methods, subject to approval by the franchising authority, for a subscriber changing service tiers more than two times in a twelve month period, except for such changes ordered in response to a change in price or channel line-up. If a cable system adopts such an increased charge, the cable system must notify all subscribers in writing that they may be subject to such a charge for changing service tiers more than the specified number of times in any twelve month period.

(e) Downgrade charges that are the same as, or lower than, upgrade charges are evidence of the reasonableness of such downgrade charges.

(f) For 30 days after notice of retiering or rate increases, a customer may obtain changes in service tiers at no additional charge.

§ 76.981 Negative option billing.

A cable operator shall not charge a subscriber for any service or equipment that the subscriber has not affirmatively requested by name. This provision, however, shall not preclude the addition or deletion of a specific program from a service offering, the addition or deletion of specific channels from an existing tier of service, or the restructuring or division of existing tiers of service that do not result in a fundamental change in the nature of an existing service or tier of service provided that such change is otherwise consistent with applicable regulations. A subscriber's failure to refuse a cable operator's proposal to provide such service or equipment is not an affirmative request for service or equipment. A subscriber's affirmative request for service or equipment may be made orally or in writing.

§ 76.982 Continuation of rate agreements.

During the term of an agreement executed before July 1, 1990, by a franchising authority and a cable operator providing for the regulation of basic cable service rates, where there was not effective competition under Commission rules in effect on that date, the franchising authority may regulate basic cable rates without following Section 623 of the 1992 Cable Act or §§ 76.910 through 76.942. A franchising authority regulating basic cable rates pursuant to such a rate agreement is not required to file for certification during the remaining term of the agreement but shall notify the Commission of its intent to continue regulating basic cable rates.

§ 76.983 Discrimination.

(a) No Federal agency, state, or local franchising authority may prohibit a cable operator from offering reasonable discounts to senior citizens or to economically disadvantaged groups.

(1) Such discounts must be offered equally to all subscribers in the franchise area who qualify as members of these categories, or any reasonable subcategory thereof.

(2) For purposes of this section, members of economically disadvantaged groups are those individuals who receive federal, state or local welfare assistance.

(b) Nothing herein shall preclude any Federal agency, state, or local franchising authority from requiring and regulating the reception of cable service by hearing impaired individuals.

§ 76.984 - Geographically uniform rate structure.

(a) The rates charged by cable operators subject to §§ 76.922 and 76.923 shall be provided pursuant to a rate structure that is uniform throughout each franchise area in which cable service is provided.

(b) This section does not prohibit the establishment by cable operators of reasonable categories of service and customers with separate rates and terms and conditions of service, within a franchise area.

§ 76.985 Subscriber bill itemization.

(a) Cable operators may identify as a separate line item of each regular subscriber bill the following:

(1) The amount of the total bill assessed as a franchise fee and the identity of the franchising authority to which the fee is paid.

(2) The amount of the total bill assessed to satisfy any requirements imposed on the cable operator by the franchise agreement to support public, educational, or governmental channels or the use of such channels.

(3) The amount of any other fee, tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. In order for a governmental fee or assessment to be separately identified under this subsection, it must be directly imposed by a governmental body on a transaction between a subscriber and an operator.

(b) The charge identified on the subscriber bill as the total charge for cable service should include all fees and costs itemized pursuant to this Section.

(c) Local franchising authorities may adopt regulations consistent with this section.

**APPENDIX D -- FORMS**

**CERTIFICATION FORM FOR LOCAL FRANCHISING AUTHORITIES**

**FCC FORM 328**

APPENDIX D

\*\*\*SAMPLE FORM ONLY--NOT APPROVED BY OMB\*\*\*

FORM FOR LOCAL FRANCHISING AUTHORITY CERTIFICATION

FCC Form 328

APPROVED OMB \_\_\_\_\_

Expires \_\_\_\_\_

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

CERTIFICATION OF FRANCHISING AUTHORITY TO REGULATE BASIC CABLE SERVICE RATES  
AND INITIAL FINDING OF LACK OF EFFECTIVE COMPETITION

Return form to the Federal Communications Commission

(Under 47 C.F.R. § 76.1000 et seq.)

1. a) Name of Franchising Authority: \_\_\_\_\_  
b) Address: \_\_\_\_\_  
(including zip) \_\_\_\_\_  
c) Telephone: \_\_\_\_\_
  
2. a) Name(s) and address(es) including zip code of cable system(s) and associated FCC community unit identifiers within your jurisdiction.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b) Name(s) of system(s) and associated community unit identifiers you claim are subject to regulation.  
\_\_\_\_\_  
\_\_\_\_\_  
c) Have you served a copy of this form on all parties listed in b?  
Yes \_\_\_ No \_\_\_
  
3. Will your franchising authority adopt (within 120 days of certification) and administer regulations with respect to basic cable service that are consistent with the regulations adopted by the FCC pursuant to 47 U.S.C. § 543(b)?  
Yes \_\_\_ No \_\_\_

\*\*\*SAMPLE FORM ONLY—NOT APPROVED BY OMB\*\*\*

4. With respect to the franchising authority's regulations referred to in Question 3,
- a) Does your franchising authority have the legal authority to adopt them? Yes \_\_\_ No \_\_\_
- b) Does your franchising authority have the personnel to administer them? Yes \_\_\_ No \_\_\_
5. Do the procedural laws and regulations applicable to rate regulation proceedings by your franchising authority provide a reasonable opportunity for consideration of the views of interested parties? Yes \_\_\_ No \_\_\_
6. The Commission presumes that the cable system(s) listed in 2b is (are) not subject to effective competition. Based on the definition below, do you have reason to believe that this presumption is correct? If not, state why not.

(Effective competition means that (a) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system; (b) the franchise area is (i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and (ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or (c) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area.)

Yes \_\_\_ No \_\_\_

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**\*\*\*SAMPLE FORM ONLY—NOT APPROVED BY OMB\*\*\***

Return this certification form (as indicated in Instructions), along with any attachments, to:

Federal Communications Commission  
Attention: Cable Franchising Authority Certification  
1919 M Street, N.W.  
Washington, D.C. 20554

Hand-delivered forms should be directed to:

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

INSTRUCTIONS FOR COMPLETING FCC FORM 328 (FRANCHISING AUTHORITY CERTIFICATION)

1. The Cable Television Consumer Protection and Competition Act, enacted in October 1992, changes the manner in which cable television systems that are not subject to effective competition are regulated. In general, basic cable service rates (the tier required as a condition of access to all other video services and containing, among other services, local broadcast station signals and public, educational, and public access channels) and associated equipment will be subject to regulation by local or state governments ("franchising authorities"). Rates for cable programming service and associated equipment (all services except basic and pay channels) will be subject to regulation by the FCC. Rates for pay channels (channels for which there is a specific per-channel or per-program charge) are not regulated.
2. Only cable systems that are not subject to effective competition may be regulated. Effective competition means that (a) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system; (b) the franchise area is (i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and (ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or (c) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area.)
3. In order to regulate basic cable service rates, a franchising authority must be certified by the FCC. In order to be certified, a franchising authority must complete the form. The completed form must be returned to the FCC in one of two ways: 1) by registered mail, return receipt requested, to the FCC at the address on the form; or 2) by hand delivery, to the room number at the address on the form. If sent by hand delivery, an extra copy must accompany that form so that the Commission's Secretary can stamp the date on that copy.
4. A copy of the form must be served on the cable operator by first-class mail on or before the date the form is sent or delivered to the FCC.
5. The franchising authority's certification will become effective 30 days after the date stamped on the postal return receipt or date stamped on the extra copy, unless otherwise notified by that date. The franchising authority cannot begin to regulate rates, however, until it has actually adopted the required regulations (see below) and until it has notified the

cable operator that it has been certified and that it has adopted the required regulations.

6. In order to be certified, franchising authorities must answer "yes" to Questions 3, 4, and 5, which are explained as follows:
7. Question 3: The franchising authority must adopt regulations consistent with the Commission's regulations for basic cable service. To fulfill this requirement for certification, the franchising authority may simply adopt a regulation indicating that it will follow the regulations established by the FCC.

The franchising authority has 120 days to adopt these regulations after the time it is certified. The franchising authority may not, however, begin to regulate cable rates until after it has adopted these regulations and until it has notified the cable operator that it has been certified and has adopted the required regulations.

8. Question 4(a): The franchising authority's "legal authority" to regulate basic service must come from state law. In some states, only the state government may regulate cable rates. In those states, the state government should file this certification. Provisions in franchise agreements that prohibit rate regulation are void.

Question 4(b): The franchising authority must have a sufficient number of personnel to undertake rate regulation.

If a franchising authority cannot answer "yes" to Question 4(a) or Question 4(b), it should send a letter to the FCC indicating the nature of the problem. In some circumstances, the FCC will step in to regulate basic cable rates in that franchising area. See the Report and Order in this proceeding, \_\_\_\_\_ FR \_\_\_\_\_, for a more detailed discussion of these circumstances.

9. Question 5: Franchising authorities must have procedural regulations allowing for public participation in rate regulation proceedings. If a franchising authority does not have these regulations already in place, it must adopt them within 120 days of certification and before it may undertake rate regulation.
10. Question 6: Most cable systems are not subject to effective competition, as defined by the Cable Act. (The definition is included above and on the form.) The franchising authority may presume that the cable system in its jurisdiction is not subject to effective competition. If the franchising authority has reason to believe that this presumption is correct, it should indicate on that form why it believes its cable system does not face effective competition.

For purposes of applying the definition of effective competition (see Item 2 above), "multichannel video programming distributors" include a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, a television receive-only satellite program

distributor, a video dialtone service, and a satellite master antenna television system. A multichannel video programming distributor's services will be deemed "offered" when they are both technically and actually available. Service is "technically available" when the multichannel distributor is physically able to deliver the service to a household wishing to subscribe, with only minimal additional investment by the distributor. A service is "actually available" if subscribers in the franchise area are reasonably aware through marketing efforts that the service is available. Subscribership of those multichannel video programming distributors offering service to at least 50 percent of the households in a franchise area will be aggregated to determine whether at least 15 percent of the households in the franchise area are served by competitors. A multichannel video programming distributor must offer at least 12 channels of programming, at least one channel of which is nonbroadcast, to be found to offer "comparable" video programming.

[A summary of the franchising authority certification process is available from the FCC Office of Public Affairs, Consumer Assistance and Small Business Division, 1919 M Street, N.W., Room 254, Washington, D.C. 20554; (202) 632-7260.]

**CABLE PROGRAMMING SERVICES COMPLAINT FORM**

**FCC FORM 329**

**SAMPLE FORM ONLY -- NOT APPROVED BY OMB**

Federal Communications Commission  
Washington, D.C. 20554

Approved by OMB  
[OMB number]  
Expires \_\_\_\_\_

**FCC 329  
CABLE PROGRAMMING SERVICE RATE COMPLAINT FORM**

(Carefully read instructions before filling out form)

Complainant's Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Daytime Telephone No. \_\_\_\_\_  
(include area code)

Cable Operator's Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Cable Operator's FCC Community Unit Identifier \_\_\_\_\_

Local Franchising Authority's Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_

If you are a subscriber, you must attach a copy of your current bill reflecting the rate or rate increase about which you are complaining. **(NOTE: failure to attach a copy of your current bill reflecting the rate or rate increase may result in dismissal of your complaint.)**

I have attached a copy of my current bill,  
dated \_\_\_\_\_,  
(month) (year) Yes \_\_\_\_\_ No \_\_\_\_\_

Indicate whether you are challenging the reasonableness of: (1) a rate concerning cable programming service or associated equipment in effect on June 21, 1993; or (2) a rate increase. (See the instructions for different filing deadlines depending on which type of complaint you are filing.)

(check one) Rate in effect on June 21, 1993 \_\_\_\_\_  
Rate Increase \_\_\_\_\_

If you are a subscriber challenging the reasonableness of a rate increase, indicate the date you first received a bill from the cable operator reflecting the rate increase about which you are complaining \_\_\_\_\_.



**SAMPLE FORM ONLY -- NOT APPROVED BY OMB**

Indicate whether this is the first time you have filed a complaint with the FCC or whether you are filing a corrected complaint to cure a defect in a prior complaint.

(check one) First time complaint \_\_\_\_\_  
Corrected complaint \_\_\_\_\_

If you are filing a corrected complaint to cure a defect in a prior complaint, indicate the date the prior complaint was filed and the date you received notification from the FCC that the prior complaint was defective.

Date prior complaint was filed: \_\_\_\_\_

Date you received FCC notification  
that the prior complaint was defective: \_\_\_\_\_

I certify that I am sending a copy of this complaint, including all attachments, to the cable operator and the local franchising authority at the addresses listed above via first class mail, postage prepaid, at the same time I am sending this complaint to the FCC. Yes \_\_\_\_\_ No \_\_\_\_\_  
(Date sent) \_\_\_\_\_

(NOTE: Failure to satisfy this requirement may result in dismissal of your complaint. The cable operator will not be required to respond unless you serve the complaint on the cable operator by mail.)

I believe that the cable operator's rate for the cable programming service or associated equipment described above is unreasonable because it violates the FCC's rate regulations. (check the box)

I certify that, to the best of my knowledge, the information supplied on this form is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SAMPLE FORM ONLY -- NOT APPROVED BY OMB**

This complaint form is in three parts. Once you complete the form you should mail the individual copies, including copies of all attachments, to the following:

Original: Federal Communications Commission  
Attn: Cable Programming Service Rate Complaint  
1919 M Street, N.W.  
Washington, D.C. 20554

Part 2: The cable operator (note: this address should appear on the front or back of your monthly cable bill)

Part 3: The local franchising authority (note: the name and address of the local franchising authority should appear on the front or back of your monthly cable bill)

Please be sure to send all three copies to the correct addresses. If you do not, we may not be able to process your complaint.

(Note to complainant: This complaint form will be maintained in the FCC's records under the cable operator's name. It will not be filed under your name.)

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**FCC USE ONLY:** Revised complaint \_\_\_\_\_. Date form sent to complainant \_\_\_\_\_.

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**SAMPLE FORM ONLY -- NOT APPROVED BY OMB**

Federal Communications Commission  
Washington, D.C. 20554

Approved by OMB  
[omb number]  
Expires \_\_\_\_\_

**INSTRUCTIONS FOR FCC 329  
CABLE PROGRAMMING SERVICE RATE COMPLAINT FORM**

1. This FCC form is to be used by subscribers, franchising authorities, and other relevant state or local government entities seeking to file a complaint with the FCC challenging the reasonableness of a cable operator's rates for cable programming service or for installation or rental of equipment used to receive cable programming service.
2. The term "cable programming service" includes all video programming provided by a cable operator except: (1) programming provided on the basic service tier; or (2) programming provided on a pay-per-channel or pay-per-program basis.
3. The "basic service tier" is the tier that includes your domestic television broadcast signals and public, educational and governmental channels. Under federal law, in most instances, your local franchising authority rather than the FCC regulates rates for the basic service tier and associated equipment. Therefore, if you believe that your rate for the basic service tier or associated equipment is unreasonable, you should contact your local franchising authority to determine if it is authorized to regulate basic service tier rates.
4. Under federal law, video programming provided on a pay-per-channel or pay-per-program basis (for example, a premium movie channel such as HBO or a pay-per-view sports event) is not subject to rate regulation by either the FCC or your local franchising authority.
5. If you are concerned about your rates for cable programming service or associated equipment, then you may fill out this form and submit it to the FCC. The FCC will examine the reasonableness of your cable programming service rate according to a specific formula. If the rate the cable operator currently is charging you for the cable programming service is greater than the rate produced by the FCC's formula, the cable operator's rate will be presumed unreasonable. In these circumstances, unless the cable operator can provide cost information to justify the reasonableness of its rate, the FCC may order a refund and/or a prospective rate reduction for the cable programming service at issue.

**SAMPLE FORM ONLY -- NOT APPROVED BY OMB**

6. In addition to the cable operator's name and mailing address, you must provide the cable operator's "FCC Community Unit Identifier." (The FCC Community Unit Identifier is a number assigned to each cable system by the FCC for administrative purposes.) Also, you must provide the name and mailing address of the local franchising authority. (The local franchising authority is the local municipal, county or other government organization that regulates cable television in your community.) FCC rules require the cable operator to furnish all this information to you on your monthly bill. If this information does not appear either on the front or back of your monthly bill, contact your cable operator, your local franchising authority, or your local government to obtain the necessary information before filling out this form.
7. If you are a subscriber, you must attach a copy of your monthly cable bill reflecting the rate or rate increase about which you are complaining. If you are challenging the reasonableness of a rate concerning cable programming service or associated equipment in effect on June 21, 1993, the bill should reflect that rate. If you are challenging the reasonableness of a rate increase, the bill should reflect the increased rate. (If you are challenging the reasonableness of a rate increase and have a previous bill which reflects the rate immediately prior to the increase, please attach a copy of the previous bill -- note, however, that this is optional.)
8. You must indicate whether you are challenging the reasonableness of: (1) a rate concerning cable programming service or associated equipment in effect on June 21, 1993; or (2) a rate increase. Except for a limited opportunity to challenge existing rates in effect on June 21, 1993, complaints may be filed only in the event of a rate increase.
9. Please note the following time limitations for filing a complaint:
  - o If you are challenging the reasonableness of a rate increase for cable programming service or associated equipment, you must file your complaint with the FCC within 45 days from the date you receive a bill from your cable operator reflecting the rate increase. (Note: deletion of channels may constitute an effective rate increase even though the existing rate for the cable programming service remains unchanged.)