NOTE 1: If a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator must comply with the notification provisions of section 7 6.1623.

NOTE 2: A cable operator receiving a written request to identify its must-carry signals must provide a response a provided by section 76.1615.

NOTE 3: A cable operator must place a list of its must-carry signals in its public file, in accordance with section 76.1709.

5. Section 76.58 is proposed to be eliminated.

6. Section 76.64 is proposed to be amended by replacing the reference made in paragraph (i) to section 76.56(f) with a reference to section 76.56(e), by eliminating paragraph (j), by renumbering the subsequent paragraphs, and by adding a NOTE to the end of the section, to read as follows:

§76.64 Retransmission consent.

* * * * *

(j) Retransmission consent agreements between a broadcast station and a multichannel video programming distributor shall be in writing and shall specify the extent of the consent being granted, whether for the entire signal or any portion of the signal.

(k) A cable system commencing new operation is required to notify all local commercial and noncommercial broadcast stations of its intent to commence service. The cable operator must send such notification, by certified mail, at least 60 days prior to commencing cable service. Commercial broadcast stations must notify the cable system within 30 days of the receipt of such notice of their election for either must-carry or retransmission consent with respect to such new cable system. If the commercial broadcast station elects must-carry, it must also indicate its channel position in its election statement to the cable system. Such election shall remain valid for the remainder of any three-year election interval, as established in §76.64(f)(2). Noncommercial educational broadcast stations should notify the cable operator of their request for carriage and their channel position. The new cable system must notify each station if its signal quality does not meet the standards for carriage and if any copyright liability would be incurred for the carriage of such signal. Pursuant to §76.57(e), a commercial broadcast station which fails to respond to such a notice shall

be deemed to be a must-carry station for the remainder of the current three-year election period.

(l) Exclusive retransmission consent agreements are prohibited. No television broadcast station shall make an agreement with one multichannel distributor for carriage, to the exclusion of other multichannel distributors.

(m) A multichannel video programming distributor providing an all-band FM radio broadcast service (a service that does not involve the individual processing of specific broadcast signals) shall obtain retransmission consents from all FM radio broadcast stations that are included on the service that have transmitters located within 92 kilometers (57 miles) of the receiving antenna for such service. Stations outside of this 92 kilometer (57 mile) radius shall be presumed not to be carried in an all-band reception mode but may affirmatively assert retransmission consent rights by providing 30 days advance notice to the distributor.

NOTE: A cable system that changes its technical configuration in such a way as to integrate two formerly separate cable systems must provide the notice required by section 76.1608.

7. Section 76.77 is proposed to be amended by revising paragraph (a) to read as follows:

§76.77 Reporting requirements.

(a) Annual employment report. Employment data on the annual employment report (FCC Form 395A) required by section 76.1802 shall reflect the figures from any one payroll period in January, February, or March of the year during which the report is filed. Unless instructed otherwise by the FCC, the same payroll period shall be used for each successive annual employment report.

* * * * *

8. Section 76.79 is proposed to be amended by eliminating paragraph (b), by renumbering the remaining paragraph, and by adding a NOTE to the end of the section, to read as follows:

§76.79 Records available for public inspection.

A copy of every annual employment report, and any other employment report filed with the Commission, and complaint report that has been filed with the Commission, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the cable entity and the

Commission pertaining to the reports after they have been filed in all documents incorporated therein by reference, unless specifically exempted from the requirement, are open for public inspection at the offices of the Commission in Washington, D.C.

NOTE: Cable operators must also comply with the recordkeeping requirements of section 76.1702.

9. Section 76.95 is proposed to be amended by revising paragraph (a) and by adding a NOTE to the end of the section, to read as follows:

§76.95 Exceptions.

(a) The provisions of §§76.92-76.94 shall not apply to a cable system serving fewer than 1,000 subscribers.

* * * * *

NOTE: A cable system that meets the 1,000 subscriber threshold of this section must comply with the notification requirements of section 76.1609.

10. Section 76.156 is proposed to be amended by revising paragraph (b) and by adding a NOTE to the end of the section, to read as follows:

§76.156 Exceptions.

* * * * *

(b) The provisions of §§76.151-76.155 shall not apply to a cable system serving fewer than 1,000 subscribers.

NOTE: A cable system that meets the 1,000 subscriber threshold of this section must comply with the notification requirements of section 76.1609.

11. Section 76.206 is proposed to be amended by revising paragraph (b) to read as follows:

§76.206 Candidate rates.

* * * * *

(b) If a system permits a candidate to use its cablecast facilities, the system shall make all discount privileges offered to commercial advertisers, including the lowest unit charges for each class and length of time in the same time period and all corresponding discount privileges, available on equal terms to all candidates. This duty

includes an affirmative duty to disclose to candidates information about rates, terms, conditions and all value-enhancing discount privileges offered to commercial advertisers, as provided in Section 76.1611.

* * * * *

12. Section 76.207 is proposed to be eliminated.

13. Section 76.209 is proposed to be amended by eliminating paragraphs (b)-(d), by adding two Notes to the end of the section, and by revising the remainder of the section to read as follows:

§76.209 Fairness doctrine; personal attacks; political editorials.

A cable television system operator engaging in origination cablecasting shall afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

NOTE 1: See Public Notice, Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 FR 10415 [2 RR 2d 1901].

NOTE 2: When, during origination cablecasting of issues of public importance, an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group, the cable television system operator must perform the notice and other requirements of section 76.1612.

NOTE 3: Where a cable television system operator, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the system operator must perform the notice and other requirements of section 76.1613.

14. Section 76.221 is proposed to be eliminated.

15. Section 76.225 is proposed to be amended by eliminating paragraph (c) and adding a new NOTE 3 to read as follows:

§76.225 Commercial limits in children's programs.

* * * * *

NOTE 3: Cable operators must also comply with the recordkeeping requirements contained in section 76.1703.

16. Section 76.302 is proposed to be amended by eliminating the references to sections 76.301, 76.302, 76.305, and 76.307, to read as follows:

§76.300 Scope of application.

The provisions of §76.306 are applicable to all cable television systems.

17. Section 76.301 is proposed to be eliminated.

18. Section 76.302 is proposed to be eliminated.

19. Section 76.305 is proposed to be eliminated.

20. Section 76.307 is proposed to be eliminated.

21. Section 76.309 is proposed to be amended by eliminating paragraphs (c)(3)(i) and (c)(3)(ii), and by renumbering the remainder of the section as follows:

§76.309 Customer service obligations.

* * * * *

(c) Effective July 1, 1993, a cable operator shall be subject to the following customer service standards:

* * * * *

(3) Communications between cable operators and cable subscribers --

(i) Refunds -- Refund checks will be issued promptly, but no later than either --

(A) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(B) The return of the equipment supplied by the cable operator if service is terminated.

(ii) Credits -- Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(4) Definitions --

* * * * *

22. Section 76.400 is proposed to be eliminated.

23. Section 76.403 is proposed to be eliminated.

24. Section 76.504 is proposed to be amended by eliminating paragraph (e), by renumbering subsequent paragraphs, and by adding a NOTE to the end of the section, to read as follows:

§76.504 Limits on carriage of vertically integrated programming.

* * * * *

(e) "Minority-controlled" means more than 50% owned by one or more members of a minority group.

(f) "Minority" means Black, Hispanic, American Indian, Alaska Native, Asian and Pacific Islander.

(g) "Attributable interest" shall be defined by reference to the criteria set forth in the NOTES to §76.501 of this part.

NOTE: Cable operators must also comply with the attributable interest recordkeeping requirements of section 76.1710.

25. Section 76.601 is proposed to be amended by revising paragraphs (a), (c) and (e) and the NOTE at the end of the section, by eliminating paragraph (b), and by adding two more Notes to the end of the section, to read as follows:

§76.601 Performance tests.

(a) The operator of each cable television system shall be responsible for insuring that each such system is designed, installed, and operated in a manner that fully complies with the provisions of this subpart.

(b) The operator of each cable television system shall conduct complete performance tests of that system at least twice each calendar year (at intervals not to exceed seven months), unless otherwise noted below. The performance tests shall be directed at determining the extent to which the system complies with all the technical standards set forth in §76.605(a) and shall be as follows:

(1) * * * * *

* * * * *

(c) Successful completion of the performance tests required by paragraph (b) of this section does not relieve the system of the obligation to comply with all pertinent technical standards at all subscriber terminals. Additional tests, repeat tests, or tests involving specified subscriber terminals may be required by the Commission or the local franchiser to secure compliance with the technical standards.

(d) The provisions of paragraphs (b) and (c) of this section shall not apply to any cable television system having fewer than 1,000 subscribers: provided, however, that any cable television system using any frequency spectrum other than that allocated to over-the-air television and FM broadcasting (as described in §§73.603 and 73.210) is required to conduct all tests, measurements and monitoring of signal leakage that are required by this subpart. A cable television system operator complying with the monitoring, logging and the leakage repair requirements of §76.614, shall be considered to have met the requirements of this paragraph. However, the leakage log shall be retained for five years rather than the two years prescribed in §76.614.

NOTE 1: Prior to requiring any additional testing pursuant to §76.601(c), the local franchising authority shall notify the cable operator who will be allowed thirty days to come into compliance with any perceived signal quality problems which need to be corrected. The Commission may request cable operators to test their systems at any time.

NOTE 2: Each system operator must be prepared to show compliance with the technical rules of this subpart in accordance with section 76.1718.

NOTE 3: Cable operators must comply with the proof of performance test recordkeeping requirements contained in section 76.1704.

26. Section 76.605 is proposed to be amended by revising NOTE 5 to replace the reference to section 76.601(c)(2) with a reference to section 76.601(b)(2).

27. Section 76.607 is proposed to be eliminated.

28. Section 76.610 is proposed to be amended by replacing the reference to section 76.615 with references to sections 76.1803 and 76.1804.

29. Section 76.614 is proposed to be amended by revising the text and by adding a NOTE to the end of the section, to read as follows:

§76.614 Cable Television System Regular Monitoring.

Cable television operators transmitting carriers in the frequency band 108-137 and 225-400 MHz shall provide for a program of regular monitoring for signal leakage by substantially covering the plant every three months. The incorporation of this monitoring program into the daily activities of existing service personnel in the discharge of their normal duties will generally cover all portions of the system and will therefore meet this requirement. Monitoring equipment and procedures utilized by a cable operator shall be adequate to detect a leakage source which produces a field strength in these bands of 20 uV/m or greater at a distance of 3 meters. During regular monitoring, any leakage source which produces a field strength of 20 uV/m or greater at a distance of 3 meters in the aeronautical radio frequency bands shall be noted and such leakage sources shall be repaired within a reasonable period of time.

NOTE: The operator must also comply with the signal leakage recordkeeping requirements of section 76.1706.

30. Section 76.615 is proposed to be eliminated.

31. Section 76.620 is proposed to be amended by revising paragraph (a) to replace the reference to section 76.615(b)(1)-(6) with a reference to section 76.1804(a)-(f), and by replacing the reference to section 76.615(b)(7) with a reference to section 76.1804(g), and by revising paragraph (b) to replace the reference to section 76.615(b)(2) with a reference to section 76.1804(b).

32. Section 76.630 is proposed to be amended by eliminating paragraphs (c) and (d) and by adding two Notes to the NOTE at the end of the section, to read as follows:

§76.630 Compatibility with consumer electronics equipment.

* * * * *

NOTE 1: The provisions of paragraphs (a) and (b) of this section are applicable July 31, 1994, and June 30, 1994, respectively. The provisions of paragraphs (c) and (d) of this section are applicable October 31, 1994, except for the requirement under paragraph (c) of this section for cable system operators to supply cable system terminal devices with dual tuners (as needed), which is applicable October 31, 1995. The initial offer of special equipment to all subscribers, as required under paragraph (c) of this section, shall be made by October 31, 1994.

NOTE 2: Certain cable operators must offer to supply subscribers with special equipment that will enable the simultaneous reception of multiple signals, in accordance with section 76.1624.

NOTE 3: Cable operators must provide a consumer education program on compatibility matters to their subscribers, in accordance with section 76.1625.

33. Section 76.900 is proposed to be eliminated.

34. Section 76.922 is proposed to be amended by revising paragraph (i)(2) to replace the reference to section 76.932 with a reference to section 76.1603, and by revising paragraphs (g)(1) and (g)(8) to read as follows:

§76.922 Rates for the basic service tier and cable programming services tiers.

* * * * *

(g) Changes in the number of channels on regulated tiers.

(1) Generally. A system may adjust the residual component of its permitted rate for a tier to reflect changes in the number of channels offered on the tier on a quarterly basis. Cable systems shall use FCC Form 1210 (or FCC Form 1211, where applicable) or FCC Form 1240 to justify rate changes made on account of changes in the number of channels on a basic service tier ("BST") or a cable programming service tier ("CPST"). Such rate adjustments shall be based on any changes in the number of regulated channels that occurred from the end of the last quarter for which an adjustment was previously made through the end of the quarter that has most recently

closed preceding the filing of the FCC Form 1210 (or FCC Form 1211, where applicable) or FCC Form 1240. However, when a system deletes channels in a calendar quarter, the system must adjust the residual component of the tier charge in the next calendar quarter to reflect that deletion. Operators must elect between the channel addition rules in paragraphs (g)(2) and (g)(3) of this section the first time they adjust rates after December 31, 1994, to reflect a channel addition to a CPST that occurred on or after May 15, 1994, and must use the elected methodology for all rate adjustments through December 31, 1997. Rate adjustments occurring after December 31, 1997 must use the channel addition rules in paragraph (g)(2). A system that adjusted rates after May 15, 1994, but before January 1, 1995 on account of a change in the number of channels on a CPST that occurred after May 15, 1994, may elect to revise its rates to charge the rates permitted by paragraph (g)(3) of this section on or after January 1, 1995, but is not required to do so as a condition for using the methodology in paragraph (g)(3) of this section for rate adjustments after January 1, 1995. Rates for the BST will be governed exclusively by paragraph (g)(2) of this section, except that where a system offered only one tier on May 14, 1994, the cable operator will be allowed to elect between paragraphs (g)(2) and (g)(3) of this section as if the tier was a CPST.

* * * * *

(8) Sunset Provision. Subsections (g)(3) and (g)(7) shall cease to be effective on January 1, 1998 unless renewed by the Commission.

* * * * *

35. Section 76.931 is proposed to be eliminated.

36. Section 76.932 is proposed to be eliminated.

37. Section 76.934 is proposed to be amended by eliminating paragraph (g)(2), by renumbering subsequent paragraphs, and by adding a NOTE to the end of paragraph (g), to read as follows:

§76.934 Small systems and small cable companies.

* * * * *

(g) Alternative rate regulation agreements.

* * * * *

(2) Alternative rate regulation agreements affecting the basic service tier shall take into account the following:

* * * * *

(3) Alternative rate regulation agreements affecting the cable programming service tier shall take into account, among other factors, the following:

* * * * *

(4) Certified local franchising authorities shall provide a reasonable opportunity for consideration of the views of interested parties prior to finally entering into an alternative rate regulation agreement.

(5) A basic service rate decision by a certified local franchising authority made pursuant to an alternative rate regulation agreement may be appealed by an interested party to the Commission pursuant to §76.944 as if the decision were made according to §76.922 and §76.923.

NOTE to paragraph (g): Small systems owned by small cable companies must comply with the alternative rate agreement filing requirements of section 76.1805.

(h) Small system cost-of-service showings.

* * * * *

38. Section 76.958 is proposed to be eliminated.

39. Section 76.964 is proposed to be eliminated.

40. Section 76.970 is proposed to be amended by eliminating paragraph (h), by renumbering the subsequent paragraph, and by adding two Notes to the end of the section, to read as follows:

§76.970 Commercial leased access rates.

* * * * *

(h) Cable operators are permitted to negotiate rates below the maximum rates permitted in paragraphs (c) through (g) of this section.

NOTE 1: Cable operators must respond to requests for leased access in accordance with section 76.1617.

NOTE 2: Cable operators must also comply with the recordkeeping requirements of section 76.1714.

41. Section 76.980 is proposed to be amended by revising paragraph (d) and by adding a NOTE at the end of the section, to read as follows:

§76.980 Charges for customer changes.

* * * * *

(d) A cable 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.

NOTE: Cable operators must also notify subscribers of potential charges for customer service changes, as provided in section 76.1604.

42. Section 76.987 is proposed to be amended by revising paragraph (e) to replace the reference to section 76.964 with a reference to section 76.1603, by eliminating paragraph (g), and by adding a NOTE at the end of the section to read as follows:

§76.987 New product tiers.

* * * * *

NOTE: Cable operators offering a NPT must comply with the notice requirement of section 76.1605.

43. Section 76.1404 is proposed to be amended by eliminating paragraph (b) and revising the remainder of the section to read as follows:

§76.1404 Use of cable facilities by local exchange carriers.

(a) For purposes of §76.505(d)(2), the Commission will determine whether use of a cable operator's facilities by a local exchange carrier is reasonably limited in scope and duration according to the procedures in paragraph (b).

(b) Based on the record created by section 76.1618 of the Rules, the Commission shall determine whether the local exchange carrier's use of that part of the

transmission facilities of a cable system extending from the last multi-use terminal to the premises of the end user is reasonably limited in scope and duration. In making this determination, the Commission will evaluate whether the proposed joint use of cable facilities promotes competition in both services and facilities, and encourages long-term investment in telecommunications infrastructure.

44. Section 76.1503 is proposed to be amended by revising paragraph (c)(2)(ii), and by adding a NOTE 3 at the end of that paragraph, to read as follows:

§76.1503 Carriage of video programming providers on open video systems.

* * * * *

(c) * * * * *

(2) * * * * *

(ii) Subsequent changes in capacity or demand. An open video system operator must allocate open capacity, if any, at least once every three years, beginning three years from the date of service commencement. Open capacity shall be allocated in accordance with this section. Open capacity shall include all capacity that becomes available during the course of the three-year period, as well as capacity in excess of one-third of the system's activated channel capacity on which the operator of the open video system or its affiliate selects programming.

NOTE 1 to paragraph (c)(2)(ii): An open video system operator will not be required to comply with the regulations contained in this section if there is no open capacity to be allocated at the end of the three year period.

NOTE 2 to paragraph (c)(2)(ii): An open video system operator shall be required to accommodate changes in obligations concerning public, educational or governmental channels or must-carry channels in accordance with Sections 611, 614 and 615 of the Communications Act and the regulations contained in this part.

NOTE 3 to paragraph (c)(2)(ii): An open video system operator must also comply with the carriage request recordkeeping requirements of section 76.1712.

* * * * *

45. A new Subpart T is proposed to be added as follows:

Subpart T - Notices

NOTICES ABOUT RATE OR SERVICE CHANGES

§76.1601 Deletion or repositioning of broadcast signals.

Effective April 2, 1993, a cable operator shall provide written notice to any broadcast television station at least 30 days prior to either deleting from carriage or repositioning that station. Such notification shall also be provided to subscribers of the cable system.

NOTE: No deletion or repositioning of a local commercial television station shall occur during a period in which major television ratings services measure the size of audiences of local television stations. For this purpose, such periods are the four national four-week ratings periods -- generally including February, May, July and November -- commonly known as audience sweeps.

§76.1602 Customer service - general information.

(a) Effective July 1, 1993, a cable operator must provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

(1) Products and services offered;
(2) Prices and options for programming services and conditions of subscription to programming and other services;
(3) Installation and service maintenance policies;
(4) Instructions on how to use the cable service;
(5) Channel positions of programming carried on the system; and
(6) Billing and complaint procedures including the address and telephone number of the local franchise authority's office, along with the name of a responsible officer of the franchise authority.

(b) A cable franchise authority may enforce the customer service standards set forth in paragraph (a) of this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce standards.

§76.1603 Customer service - rate and service changes.

(a) Cable systems shall give 30 days written notice to both subscribers and local franchising authorities before implementing any change in its rates, services or channel positions, if such changes are within the control of the cable operator. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g., inflation, changes in external costs or the addition/deletion of channels). When the change involves the addition or deletion of channels, each channel added or deleted must be separately identified. Notices to subscribers shall inform them of their right to file complaints about changes in cable programming service tier rates and services, shall state that the subscriber may file the complaint within 90 days of the effective date of the rate change, and shall provide the address and phone number of the local franchising authority. In addition, cable operators shall give 30 days notice of any significant changes in installation and service maintenance policies; instructions on how to use the cable service; or billing and complaint procedures.

(b) To the extent the operator is required to provide notice of service, rate or channel changes to subscribers, the operator may provide such notice using any reasonable means at its sole discretion.

(c) Notwithstanding any other provision of Part 76, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

(d) A cable franchise authority may enforce the customer service standards set forth in this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce standards.

NOTE 1: Section 624(h) of the Communications Act, 47 U.S.C. §544(h), also contains the following notification provisions:

(h) A franchising authority may require a cable operator to do any one or more of the following:

(1) Provide 30 days' advance written notice of any change in channel assignment or in the video programming service provided over any such channel.

(2) Inform subscribers, via written notice, that comments on programming and channel position changes are being recorded by a designated office of the franchising authority.

NOTE 2: Section 624(d)(3) of the Communications Act, 47 U.S.C. §544(d)(3), also contains the following notification provisions:

(A) If a cable operator provides a premium channel without charge to cable subscribers who do not subscribe to such premium channel, the cable operator shall, not later than 30 days before such premium channel is provided without charge --

(i) notify all cable subscribers that the cable operator plans to provide a premium channel without charge;

(ii) notify all cable subscribers when the cable operator plans to offer a premium channel without charge;

(iii) notify all cable subscribers that they have a right to request that the channel carrying the premium channel be blocked; and

(iv) block the channel carrying the premium channel upon the request of a subscriber.

(B) For the purpose of this section, the term "premium channel" shall mean any pay service offered on a per channel or per program basis, which offers movies rated by the Motion Picture Association of America as X, NC-17, or R.

§76.1604 Charges for customer service changes.

If a cable operator establishes a higher charge for changes effected solely by coded entry on a computer terminal or by other similarly simple methods, as provided in Section 76.980(d), 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.

§76.1605 New product tier.

Within 30 days of the offering of an NPT, operators shall file with the Commission, a copy of the new rate card that contains the following information on their BSTs, CPSTs and NPTs:

(a) The names of the programming services contained on each tier; and

(b) The price of each tier. Operators also must file with the Commission, copies of notifications that were sent to subscribers regarding the initial offering of NPTs. After this initial filing, cable operators must file updated rate cards and copies of customer notifications with the Commission within 30 days of rate or service changes affecting the NPT.

§76.1606 Rate change while complaint pending.

A regulated cable operator that proposes to change any rate while a cable service tier complaint is pending before the Commission shall provide the Commission at least 30 days notice of the proposed change.

NOTICES ABOUT CHANGES IN OPERATIONS

§76.1607 Principal headend.

A cable operator shall provide written notice by certified mail to all stations carried on its system pursuant to the must-carry rules at least 60 days prior to any change in the designation of its principal headend.

§76.1608 System technical integration requiring uniform election of must-carry or retransmission consent status.

A cable system that changes its technical configuration in such a way as to integrate two formerly separate cable systems must give 90 days notice of its intention to do so to any television broadcast stations that have elected must-carry status with respect to one system and retransmission consent status with respect to the other. If the system and the station do not agree on a uniform election 45 days prior to integration, the cable system may require the station to make such a uniform election 30 days prior to integration.

§76.1609 Non-duplication and syndicated exclusivity.

Within 60 days following the provision of service to 1,000 subscribers, the operator of each such system shall file a notice to that effect with the Commission, and serve a copy of that notice on every television station that would be entitled to exercise network nonduplication protection or syndicated exclusivity protection against it.

§76.1610 Change of operational information.

Within 30 days following a change of cable television system operator, and/or change of the operator's mail address, and/or change in the operational status of a cable television system, the operator shall inform the Commission in writing of the following, as appropriate:

(a) The legal name of the operator and whether the operator is an individual, private association, partnership or corporation. See §76.5(cc). If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in each community;

(c) The new mail address, including zip code, to which all communications are to be directed;

(d) The nature of the operational status change (e.g., became operational on [year] [month], exceeded 49 subscribers, exceeded 499 subscribers, operation terminated temporarily, operation terminated permanently);

(e) The names and FCC identifiers (e.g., CA 0001) of the system communities affected.

NOTE: FCC system community identifiers are routinely assigned upon registration. They have been assigned to all reported system communities based on previous Form 325 data. If a system community in operation prior to March 31, 1972, has not previously been assigned a system community identifier, the operator shall provide the following information in lieu of the identifier: Community Name, Community Type (i.e., incorporated town, unincorporated settlement, etc.), County Name, State, Operator Legal Name, Operator Assumed Name for Doing Business in the Community, Operator Mail Address, and Year and Month service was first provided by the physical system.

POLITICAL CABLECASTING NOTICES

§76.1611 Political cable rates and classes of time.

If a system permits a candidate to use its cablecast facilities, the system shall disclose to all candidates information about rates, terms, conditions and all value-enhancing discount privileges offered to commercial advertisers. Systems may use reasonable discretion in making the disclosure; provided, however, that the disclosure includes, at a minimum, the following information:

(a) a description and definition of each class of time available to commercial advertisers sufficiently complete enough to allow candidates to identify and understand what specific attributes differentiate each class;

(b) a description of the lowest unit charge and related privileges (such as priorities against preemption and make goods prior to specific deadlines) for each class of time offered to commercial advertisers;

(c) a description of the system's method of selling preemptible time based upon advertiser demand, commonly known as the "current selling level," with the stipulation

that candidates will be able to purchase at these demand-generated rates in the same manner as commercial advertisers;

(d) an approximation of the likelihood of preemption for each kind of preemptible time; and

(e) an explanation of the system's sales practices, if any, that are based on audience delivery, with the stipulation that candidates will be able to purchase this kind of time, if available to commercial advertisers.

§76.1612 Personal attack.

(a) When, during origination cablecasting of issues of public importance, an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group, the cable television system operator shall, within a reasonable time and in no event later than one (1) week after the attack, transmit to the person or group attacked: (1) notification of the date, time, and identification of the cablecast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the system's facilities.

(b) The provisions of paragraph (a) of this section shall not apply to cablecast material which falls within one or more of the following categories:

(1) Personal attacks on foreign groups or foreign public figures;

(2) Personal attacks occurring during uses by legally qualified candidates;

(3) Personal attacks made during cablecasts not included in paragraph (a)(2) of this section and made by legally qualified candidates, their authorized spokespersons or those associated with them in the campaign, on other such candidates, their authorized spokespersons or persons associated with the candidates in the campaign; and

(4) Bona fide newscasts, bona fide news interviews, and on-the-spot coverage of bona fide news events (including commentary or analysis contained in the foregoing programs, but, the provisions of paragraph (a) of this section shall be applicable to editorials of the cable television system operator).

§76.1613 Political editorials.

Where a cable television system operator, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the system operator shall, within 24 hours of the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office, or (ii) the candidate opposed in the editorial, (a) notification of the date, time, and channel of the editorial; (b) a script or tape of the editorial; and (c) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the system's facilities: provided, however, that where such editorials are cablecast within 72 hours prior to the day of the election, the system

operator shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

MISCELLANEOUS NOTICES

§76.1614 Additional miscellaneous notifications.

In addition to the notifications required by the "MISCELLANEOUS NOTICES" section of this subpart, cable operators must provide all notifications which are required by section 76.802 (removal of cable home wiring), section 76.804 (removal of home run wiring), and section 76.630(a) (request for waiver to scramble basic signals).

§76.1615 Identification of must-carry signals.

A cable operator shall respond in writing within 30 days to any written request by any person for the identification of the signals carried on its system in fulfillment of the must-carry requirements of section 76.56.

§76.1616 Sponsorship identification.

(a) When a cable television system operator engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such cable television system operator, the cable television system operator, at the time of the cablecast, shall announce that such matter is sponsored, paid for, or furnished, either in whole or in part, and by whom or on whose behalf such consideration was supplied: provided, however, that "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast. For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for." In the case of any political advertisement cablecast under this paragraph that concerns candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical picture height that air for not less than four (4) seconds.

(b) Each cable television system operator engaged in origination cablecasting shall exercise reasonable diligence to obtain from employees, and from other persons with whom the system operator deals directly in connection with any matter for

cablecasting, information to enable such system operator to make the announcement required by this section.

(c) In the case of any political origination cablecast matter or any origination cablecast matter involving the discussion of public controversial issues for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a cable television system operator as a inducement for cablecasting such matter, an announcement shall be made both at the beginning and conclusion of such cablecast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such cable television system operator in connection with the transmission of such cablecast matter: provided, however, that in the case of any cablecast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the cablecast.

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a cable television system operator on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system operator, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent.

(e) In the case of origination cablecast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the cablecast.

(f) The announcement otherwise required by this section is waived with respect to the origination cablecast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise.

(g) The announcements required by this section are waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the Commission in its Report and Order, adopted November 16, 1960 (FCC 60-1369; 40 FCC 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when §73.654(e), the predecessor television rule, went into effect.

(h) Commission interpretations in connection with the provisions of the sponsorship identification rules for the broadcasting services are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 FCC 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports. The interpretations made for the broadcasting services are equally applicable to origination cablecasting.

§76.1617 Leased access rates and contract.

(a) Cable system operators shall provide prospective leased access programmers with the following information within 15 calendar days of the date on which a request for leased access information is made:

(1) How much of the operator's leased access set-aside capacity is available;
(2) A complete schedule of the operator's full-time and part-time leased access rates;
(3) Rates associated with technical and studio costs; and
(4) If specifically requested, a sample leased access contract.

(b) Operators of systems subject to small system relief shall provide the information required in paragraph (a)(1) of this section within 30 calendar days of a bona fide request from a prospective leased access programmer. For these purposes, systems subject to small system relief are systems that either:

(1) Qualify as small systems under §76.901(c) and are owned by a small cable company as defined under §76.901(e); or
(2) Have been granted special relief.

(c) Bona fide requests, as used in this section, are defined as requests from potential leased access programmers that have provided the following information:

(1) The desired length of a contract term;
(2) The time slot desired;
(3) The anticipated commencement date for carriage; and
(4) The nature of the programming.

(d) All requests for leased access must be made in writing and must specify the date on which the request was sent to the operator.

§76.1618 Contracts with local exchange carriers.

Within 10 days of final execution of a contract permitting a local exchange carrier to use that part of the transmission facilities of a cable system extending from the last multi-user terminal to the premises of the end use, the parties shall submit a copy of such contract, along with an explanation of how such contract is reasonably limited in scope and duration, to the Commission for review. The parties shall serve a copy of this submission on the local franchising authority, along with a notice of the local franchising authority's right to file comments with the Commission consistent with §76.7.

§76.1619 Initial must-carry notice.

(a) Within 60 days of activation of a cable system, a cable operator must notify all qualified NCE stations of its designated principal headend by certified mail.

(b) Within 60 days of activation of a cable system, a cable operator must notify all local commercial and NCE stations that may not be entitled to carriage because they either

(1) Fail to meet the standards for delivery of a good quality signal to the cable system's principal headend or

(2) May cause an increased copyright liability to the cable system.

(c) Within 60 days of activation of a cable system, a cable operator must send by certified mail a copy of a list of all broadcast television stations carried by its system and their channel positions to all local commercial and noncommercial television stations, including those not designated as must-carry stations and those not carried on the system.

§76.1620 Basic tier availability.

A cable operator shall provide written notification to subscribers of the availability of basic tier service by November 30, 1993, or three billing cycles from September 1, 1993, and to new subscribers at the time of installation. This notification shall include the following information:

(a) That basic tier service is available;
(b) The cost per month for basic tier service;
(c) A list of all services included in the basic service tier.

§76.1621 Information on subscriber bills.

(a) Effective July 1, 1993, bills must be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(b) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within thirty (30) days.

(c) A cable franchise authority may enforce the customer service standards set forth in this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce standards.

NOTICES REQUIRED TO BE GIVEN TO NEW SUBSCRIBERS

§76.1622 Additional new subscriber notifications.

In addition to the notifications required by the "NOTICES REQUIRED TO BE GIVEN TO NEW SUBSCRIBERS" section of this subpart, cable operators must provide all notifications to new subscribers which are required by section 76.1620 (basic service tier availability), section 76.1604 (charges for customer service changes), and section 76.1602 (customer service - general information).

NOTE: In addition to the notifications required by FCC Rules, Section 631(a) of the Communications Act, 47 U.S.C. §551(a), also provides as follows:

SEC. 631. PROTECTION OF SUBSCRIBER PRIVACY.

(a)(1) At the time of entering into an agreement to provide any cable service or other service to a subscriber and at least once a year thereafter, a cable operator shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of-

(A) the nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;

(B) the nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

(C) the period during which such information will be maintained by the cable operator;

(D) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

(E) the limitations provided by this section with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under subsections (f) and (h) to enforce such limitations.

In the case of subscribers who have entered into such an agreement before the effective date of this section, such notice shall be provided within 180 days of such date and at least once a year thereafter.

(2) For purposes of this section, other than subsection (h)-

(A) the term "personally identifiable information" does not include any record of aggregate data which does not identify particular persons;

(B) the term "other service" includes any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service; and

(C) the term "cable operator" includes, in addition to persons within the definition of cable operator in section 602, any person who (i) is owned or controlled by, or under common ownership or control with, a cable operator, and (ii) provides any wire or radio communications service.

§76.1623 Availability of signals.

If a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers. Such notification must be provided by June 2, 1993, and annually thereafter and to each new subscriber upon initial installation. The notice, which may be included in routine billing statements, shall identify the signals that are unavailable without an additional connection, the manner for obtaining such additional connection and instructions for installation.

§76.1624 Equipment compatibility offer.

Cable system operators that use scrambling, encryption or similar technologies in conjunction with cable system terminal devices, as defined in §15.3(e) of this chapter, that may affect subscribers' reception of signals shall offer to supply each subscriber with special equipment that will enable the simultaneous reception of multiple signals.