

City of Erie Cable TV ACCESS Corporation Rules of Operation

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1. PURPOSE

These rules and regulations are adopted by the City of Erie Cable TV Access Corporation for the purpose of governing the use of public access cable television channels and production/editing facilities committed to excellence, diversity, objectivity, service, and equality in the community served by Time Warner Cable ("TWC").

2. INTRODUCTION

Interested persons, groups or institutions in Erie, including the parties listed above, may sponsor or produce non-commercial television programs, which may be displayed, according to the category of such programming, on the public, educational or governmental cable television access channels on TWC's cable service. Such programs may be produced through the public access production facilities according to applicable federal, state or local laws, regulations, rules or ordinances, including the rules and regulations herein.

All Access Users are fully responsible for the content of such programming, including any trademark, service mark, copyright or other considerations, and all legal liabilities involving slander, libel or invasion of privacy. All Access Users must be certified to use the public access production facilities or approved to cablecast access programming on local cable television access channels. Certification may be obtained by successfully completing appropriate training on the use of public access production and editing equipment, or by demonstrating competence in such use.

3. DEFINITIONS

A. "CECTAC" or the "Board" means the City of Erie Cable TV Access Corporation, a 501 (c)3 corporation established in October 1996 and empowered by Erie City Council Resolution 118-66-B (dated 9/11/96) and Resolution No. 118-353-B (dated 4/16/97) to manage and control the facilities and other assets dedicated to public access, including initiating policies and establishing procedures and programming guidelines.

B. "EDAO" means the Executive Director Access Organization. The EDAO is a paid employee of the CECTAC and reports to the Board of Trustees.

C. "Access User" means any person, acting singly, or representing any group, organization or institution, who is a member of CECTAC and has applied to the EDAO to present programming on the local cable television access channel(s) in Erie, or has presented such programming on such channel(s) previously, according the rules and regulations herein. Access Users must be residents of the City of Erie or members of organizations based in or affiliated with the City.

D. "Community Bulletin Board" means an alpha-numeric bulletin board feature which appears on an access channel(s) whenever "live" or pre-recorded video programming is not being cablecast. Citizens and non-profit organizations may use the bulletin board for public service announcements by displaying computer-generated messages and colors on the TV screen.

E. "Public Access Channel" means a cable channel provided by TWC, upon which locally-produced, non-commercial programming may be cablecast free of charge by Access Users using the production or editing facilities provided by the City.

F. "Public Access Programming" means programming produced or sponsored by Access Users. Such programming shall meet the requirements defined below in Section 4. -- Rules Governing the Public Access Cable Television Channel(s).

G. "Local Origination Programming" means non-commercial programming produced by the EDAO, the City of Erie or TWC or that has been selected for cablecast by such parties or by the staff and/or management of CECTAC.

H. "Legally Qualified Candidate" means any person who has publicly announced that he/she is a candidate for nomination by a convention of political party, or for nomination or election in a primary, special or general election, municipal, county, state or national election, and who meets the qualifications described by the applicable laws to hold office for which he/she is a candidate so that he/she may be voted for by the electorate directly or by means of delegates or electors and who:

(1) has qualified for a place on the ballot; or (2) is eligible under applicable law to be voted for by sticker, by writing his/her name on the ballot or other method and (3) has been duly nominated by a political party which is commonly known or regarded as such, or (4) makes a substantial showing that he/she is a bonfire candidate for nomination of public office.

I. "Lottery" means any device, scheme, plan, promotion, contest or other program and/or presentation which involves directly or indirectly the elements of prize, chance and consideration or any such device, scheme, plan, promotion, contest or program and/or presentation which is, has been, or may be declared a lottery under applicable local, state or federal law.

J. "Obscene or Indecent Material" means any material in a program or any video or audio presentation that would be deemed indecent or obscene by local community standards and which is not protected speech according to the Constitution of the United States of America.

4. GENERAL RULES GOVERNING THE USE OF PUBLIC ACCESS CABLE TELEVISION CHANNEL(S).

A. Availability. Any local access cable television channel which is provided on TWC's system serving the City of Erie and which is designated for use by the public shall be available at no charge for use by any qualified Access User on a first-come, first-served, non-discriminatory basis (as to age, race, creed, gender, religion, disability, or general content of programming) upon the filing of an appropriate request (does not apply to use of a community bulletin board.)

B. Programming Limitation. In order to facilitate the widest possible availability of channel time to as many diverse Access Users as possible, in accordance with the provisions herein and consistent with established scheduling procedures, use of an access channel by any Access User shall be limited to no more than four (4) hours of actual program cablecast time in any consecutive period of fourteen (14) days. In the event any program or program series exceeds the four (4) hour limitation, the Access User responsible for producing the program shall be required to supply a new program request.

C. Advertising Material Prohibited. The presentation during public access programming of advertising material designed to promote the sale of commercial products or services is prohibited. However, election campaign commercials by or on behalf of Legally Qualified Candidates may be cablecast under scheduling guidelines established by the EDAO and subject to applicable federal, state or local laws, rules or regulations. Programs produced by nonprofit organizations may contain non-commercial solicitation.

D. Sponsors. Mention of financial support by commercial sponsors who underwrite public access programming is prohibited, except as provided below:

At the beginning and/or end of the program, the name, address, telephone number, website, and logo of the sponsor may be displayed by a visual or audio announcement (or both) of 10 seconds or less in duration using the words -- "Funding for this program has been provided by (name of sponsor)."

E. Lottery Information Prohibited. No access or local programming shall be used to present any information which directly or indirectly concerns a lottery.

F. Obscene Material Prohibited. No access or local programming shall be used to present any obscene or indecent material or any material which advocates the extreme use of violence or the overthrow of the government of the United States of America.

G. Non-commercial Nature. All programming must be non-commercial in nature.

H. Copyright/Legal Responsibility. The Access User will be responsible for any copyright liability and for obtaining any such permission. In addition, the Access User shall also be responsible for any programming content which may potentially slander, libel or invade the privacy of another person, group or organization, or which is deemed to be indecent or obscene.

I. Programs Locally Produced. The Access User requesting time to cablecast a program on a public access channel may produce the program(s) using the public access production/editing facilities and equipment which are made available by Community Access Television. Such production shall occur under the supervision of the EDAO. Program content may consist of material presented "live" or video-taped in the access studio facility or in the local community area of Erie.

J. Program Standards. All programming material submitted for cablecast must, as a minimum, meet the following technical standards before being cablecast over any access channel:

(1) Video Technical Quality. Minimum video quality is defined as video luminance levels within the range of 90-100 I.R.E. and black levels of 7.5 I.R.E. Poor video quality is defined as any levels which drastically vary from the above standard.

(2) Audio Technical Quality. Minimum audio quality is defined as properly modulated audio levels without audible distortion. A continuous audio control track must be present on all taped programs submitted for cablecasting. Poor audio quality is defined as over-modulated audio levels causing audible distortion.

(3) DVDs. The required medium for cablecasting programs is a recordable DVD disc that is playable in any standard DVD player.

(4) Preparation of DVDs. All DVDs must be clearly labeled with the following information:

- **The title of the program,**
- **The name of the producer,**
- **The running time of the program,**
- **The date of production, and**
- **The date the program is scheduled to air, if known.**

K. Editing; Equipment Check-out. Editing and playback of DVD programming, or the check-out of the mobile video production unit or portable production equipment, can be scheduled from 9:00 a.m. to 4:00 p.m. on weekdays, except holidays or other days when the studio facilities are closed.

L. Community Bulletin Board. Citizens and non-profit organizations may post public service announcements on the community bulletin board appearing on TWC's system. Such messages may appear on the Community Bulletin Board when programs are not cablecast on an access channel. New messages are posted on a rolling basis and usually run for one to two weeks. The number of messages permitted to any one organization may be limited by the EDAO according to space constraints and should be submitted three weeks in advance of the event.

5. USE OF PUBLIC ACCESS FACILITIES

A. Processing of Requests. Requests will be processed on a first-come, first-served, non-discriminatory basis (as to age, race, creed, gender, religion, disability, or general content of the programming) and the EDAO will advise a prospective Access User in the event a request cannot be granted due to the filing of a prior request. In such event, the prospective Access User shall select an alternative date and time.

B. Eligibility. Only qualified Access Users will be allowed use of the public access production/editing facilities provided by Community Access Television, or to cablecast programming on any designated cable television access channel(s).

6. RULES GOVERNING USE OF THE ACCESS PRODUCTION FACILITIES AND EQUIPMENT BY ACCESS USERS

A. Proficiency of Access Users.

(1) Producers and directors of all programs must either complete access video production training or display experience and proficiency in all aspects of producing and/or directing television programming prior to obtaining permission to use the access production/editing facilities or equipment.

(2) Likewise, other crew members (camera operators, audio operators, etc.) must also either attend access video production training or display proficiency on the equipment each crew member is to operate.

(3) The EDAO may charge a reasonable fee for each training session.

B. Production Crew Required. Access production crews will be provided by the Access Users requesting the use of the public access production facilities or equipment. Crews must consist of a sufficient number of crew members to properly handle the production. Six (6) to ten (10) member crews are normal. The actual amount of crew members necessary will be determined in advance by the producer or director and the EDAO. The EDAO will keep a record of the names and phone numbers of all Access Users, and will make this record available for the purpose of identifying crew for video productions, providing the individual has not requested that their name be removed from the list.

C. Access User Production Responsibilities.

(1) The Access User requesting use of the access production facilities is responsible for the conduct, actions and behavior of the crew, as well as that of any talent, guests or observers, while involved in the production. If the Access User is under the age of 18, the adult named on the application form responsible for his or her actions assumes this responsibility.

(2) No food or drink is to be consumed in the mobile video production unit, studio or control room. Water may be on the set in the studio during production.

(3) Smoking and/or the use of alcoholic beverages or drugs are strictly prohibited. The use thereof will result in immediate ejection from the premises and possible loss of access production/cablecast rights.

(4) Access Users will not be held responsible when production equipment breaks down due to age or natural causes. However, equipment replacement or repair necessitated by negligence or abuse will be the financial responsibility of the person who caused the problem. If that person cannot be identified, the Access User requesting production time and cablecasting rights will be held responsible.

(5) All Access Users will agree to leave all facilities and equipment in the same condition as they found them.

(6) All Access Users must show efficient use of their reserved time. Access Users who do not arrive to use the facilities within 15 minutes of the prearranged time will be deemed a cancellation without prior notice and the production may be canceled.

(7) Programs produced or edited using public access equipment must be cablecast via any of the cable television access channels in Erie. Programs not produced with public access equipment require a local sponsor in order to be cablecast on the access channels. The local sponsor must be a member of Community Access Television and complete a cablecast request form accepting responsibility for content.

(8) Any person using the access production/editing facilities or equipment who is younger than 15 years of age must be accompanied by a responsible adult Access User. That adult must assume all responsibilities relating to the use of the facilities and equipment, and to the subsequent program, and must co-sign all request forms. Any person under the age of 18 must have his or her parent, guardian, or school representative named on the membership application form sign all request forms.

(9) Only those people involved in the production of a program will be allowed in the production area without the express consent of the EDAO, and they must remain in the production area or associated areas at all times. Non-staff persons in the production area are the direct responsibility of the Access User requesting use of the facility.

7. THE CABLECASTING AND SCHEDULING OF ACCESS PROGRAMMING

A. Programming Consent.

(1) In accordance with local franchise provisions and applicable laws or regulations, no Access User may cablecast programming on any access television channel in Erie without the prior written consent of the EDAO, as prescribed herein.

(2) In addition, any capability provided by TWC to transmit cable television video and audio signals from certain remote locations within TWC's service area, for the potential remote origination or cable-casting of local access programming from such locations, in no way authorizes any Access User, or any entity whatsoever, at such locations to introduce programming signals into TWC's system, or to technically connect to the system, without the prior written consent of TWC, or its authorized agent, e.g., the EDAO, as prescribed herein.

B. Program Scheduling. The EDAO shall be responsible for scheduling the cablecasting of access programming on the cable television access channels in Erie according to the following procedures:

(1) Local access programming will be scheduled according to the following priorities:

- (a) Live first-run, member- or CAT- produced programming
- (b) Prerecorded, first-run, member- or CAT- produced programming
- (c) Replays of member- or CAT-produced programming
- (d) Member-sponsored imported programming
- (e) CAT-sponsored imported programming

(2) During the course of scheduling programs, the EDAO shall:

- (a) Make every effort to schedule a playback of a local program in the requested time slot; however, final decisions will be made by the EDAO;
- (b) Schedule all non-character-generated programs in 30-minute and 60-minute time increments, beginning on the half-hour and the hour;

- (c) preempt pre-scheduled or regularly-scheduled lower priority programming in order to present higher priority programming in a timely manner whenever such action is deemed warranted and in the public interest; provided, the preempted program(s) are re-scheduled for cablecasting and an on-air announcement is made alerting viewers to the re-scheduled time;
- (d) present "alternative programming" during any unscheduled times (for the purposes herein, "alternative programming" means any programming of community need or interest or of benefit to cable subscribers, even though such programming is not produced locally); and
- (e) Present any programming generally which is considered, at the sole discretion of CECTAC or TWC to be in the public interest.

(C) Series Scheduling

- a) Regularly scheduled series time slots will be allocated at the discretion of staff under the direction of the EDAO provided ample time remains available for other community programming requests.
- b) Series producers may be required to apply for time slots annually, if demand dictates.
- c) If a series producer fails to produce new original programming for more than two consecutive weeks (or if the series is bi-weekly or monthly, for two consecutive intervals), or regularly fails to have the program ready for scheduled cablecast, the time slot may be reassigned to other users.
- d) A series may be weekly, bi-weekly, or monthly. Replays of series programming are subject to the same limitations as regular programming.

8. REVIEW AND/OR REJECTION OF ACCESS PROGRAMMING; DISCIPLINARY MEASURES

A. Programs Subject to Review: The EDAO does not preview programs. However, CECTAC will not knowingly cablecast illegal programming. If it is brought to the EDAO's attention that a program potentially violates any of the provisions below, he or she may temporarily withhold the program from playback subject to Board review and/or a legal decision.

- (1) Where a program displays poor video or audio technical quality;
- (2) Where the content of a program contains material which may be considered obscene or indecent by local community standards;
- (3) Where the content of a program contains material which could be found to be libelous or slanderous, or invading the privacy of any individual;
- (4) Where a program fails to mention a commercial underwriter or sponsor in the prescribed manner;
- (5) Where a program contains lottery information;
- (6) Where a program contains commercial advertising of products or services.

B. Board Review. In the event the EDAO suspects that any access program may be subject to rejection according to the provision of Section A. (1)-(6) above, or contains materials which address sensitive subject matter or which may be offensive to some viewers, the program may be referred to the Board who will preview and compare the contents of the program according to established local community standards. CECTAC at its discretion may delegate this review to a duly appointed Public Access Community Advisory Committee. As a result of any review, the Board may make one or more of the following recommendations:

- (1) In a case where program content is considered to contain obscene or indecent material, the Board may recommend that the program be temporarily withdrawn from the cablecasting schedule and that the responsible Access User be informed in writing by the EDAO of the Board's recommendation;
- (2) If the program is not considered to contain any obscene or indecent material, but is deemed to contain material of a sensitive nature or subject matter, or which is likely to be offensive to certain viewers, the Board may recommend the following:
 - (a) That the program be scheduled during adult viewing times (i.e., late evening hours);
 - (b) That the EDAO and/or the Access User take other steps to add disclaimers before and after presentation of the program or take other steps to adequately advise the viewing audience of the content of the program.
- (3) The Board may recommend rejection of any program according to the provision of Section A. (1) - (6) above.
- (4) The Board may refrain from making any recommendation upon a majority vote of the Board members.
- (5) Any recommendation or decision of CECTAC may be appealed to City Council.

C. Rejection without Board Review.

- (1) The EDAO may reject access programming for cablecast on any public access channel in Erie, or refuse to schedule programming or production time, in the event it can readily be determined that an Access User:
 - (a) falsified any forms or tampered with the scheduling of access programs;
 - (b) used any equipment or facilities without the permission of the EDAO;
 - (c) abused or neglected facilities or equipment, including attempted repairs;
 - (d) attempted illegal connections to TWC's system, attempted any rewiring of the studio connections, attached unauthorized accessories, etc.
 - (e) continually appeared late for scheduled production training or for scheduled production time; or
 - (f) continually failed to abide by any rules or regulations contained herein.
- (2) In addition, the EDAO may temporarily, subject to board review, reject access programming for cablecast on any public access channel in Erie if it can be readily determined that such programming contains the following:
 - (a) slanderous or libelous remarks;
 - (b) advertising commercial products or services,
 - (c) promotion of a lottery or lotteries
 - (d) poor video or audio quality
- (3) The EDAO's decision to reject programming may be appealed to CECTAC.

D. Notice of Rejection; Warning. The Access User responsible for any access program that has been rejected will receive a written notice from the EDAO. Any Access User who receives two (2) or more such rejection notices within a 12-month period may have their access production and cablecasting rights suspended for six (6) months, or more, upon the recommendation by the Board.

E. Compliance with These Rules. Failure by any Access User or any person, party or group applying for program time or for production time at the access studio facility to comply with or abide by any of the procedures contained herein may result in denial of participation.

9. MISCELLANEOUS PROVISIONS

- A. Copies of Programs. Access Users furnish their own DVDs and own their programs. The EDAO has the right to make and keep a copy of any program produced using public access equipment for unlimited cablecasting or for promotional purposes.
- B. Changes. These rules may be changed from time to time by the mutual consent of CECTAC and TWC.
- C. Publication. These rules shall be made public and shall be distributed to all potential Access Users, as applicable.
- D. Severability. These rules were established to be consistent with local franchise provisions and ordinances, any local access agreements and state and federal law, rule or regulation. Any part of these rules which is subsequently found to be in conflict with such provisions or with state or federal law or regulation shall thereafter have no affect whatsoever.
- E. Returned Checks. Each returned checks will result in a fee of \$29.00. On second occurrence, member will be placed on a cash basis. On third occurrence, access privileges will be suspended.