

1 Department of Administration

2 Cable Communications Board

3

4 Adopted Rules Governing Cable Communications Systems

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6 Rules as Adopted

7 4 MCAR S 4.001 Policy. Rules 4 MCAR SS 4.001-4.250 shall be
8 liberally construed to effectuate the purposes and provisions of
9 Minnesota Statutes, sections 238.01 to 238.17.

10 4 MCAR S 4.002 Definitions.

11 A. Scope. As used in 4 MCAR SS 4.001-4.250 the words and
12 phrases defined in this rule have the meanings given them unless
13 a different meaning clearly appears in the text.

14 B. Cable communications company. "Cable communications
15 company" means any person owning, controlling, operating,
16 managing, or leasing a cable communications system within the
17 state.

18 C. Cable communications system. "Cable communications
19 system" means a system which operates the service of receiving
20 and amplifying programs broadcast by one or more television or
21 radio stations and other programs originated by a cable
22 communications company or by another party, and distributing
23 those programs by wire, cable, microwave or other means, whether
24 the means are owned or leased to persons who subscribe to the
25 service. This definition does not include:

- 26 1. a system which serves fewer than 50 subscribers or a
- 27 system which serves more than 50 but fewer than 1,000
- 28 subscribers if the governing bodies of all political
- 29 subdivisions served by the system, vote, by resolution, to
- 30 remove the system from the provisions of Minnesota Statutes,
- 31 chapter 238. Any system which serves more than 50 but fewer
- 32 than 1,000 subscribers that has been removed from the provisions
- 33 of Minnesota Statutes, chapter 238 shall be returned to the
- 34 provisions of Minnesota Statutes, chapter 238 if the governing
- 35 bodies of 50 percent or more of the political subdivisions

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1 served by the system vote, by resolution in favor of the return,

2 2. a master antenna television system,

3 3. a specialized closed-circuit system which does not use
4 the public rights-of-way for the construction of its physical
5 plant; and

6 4. a translator system which receives and rebroadcasts
7 over-the-air signals.

8 D. Board. "Board" means the cable communications board
9 created by Minnesota Statutes, section 238.04.

10 E. Franchise. "Franchise" means any authorization granted
11 by a municipality in the form of a franchise, privilege, permit,
12 license, or other municipal authorization to construct, operate,
13 maintain, or manage a cable communications system in any
14 municipality.

15 F. Franchise area. "Franchise area" means the geographic
16 area to be served by the franchisee pursuant to the terms of the
17 franchise.

18 G. Franchising authority. "Franchising authority" means a
19 municipality with the authority to issue a cable communications
20 franchise, or a group of municipalities acting in concert
21 pursuant to a joint powers agreement, that issues a franchise
22 pursuant to a joint powers agreement.

23 H. Head end. "Head end" means the electronic control center
24 of a cable communications system, which includes antennas,
25 preamplifiers, frequency converters, demodulators, modulators,
26 and other related equipment which receives, amplifies, filters,
27 and converts incoming signals to cable system channels.

28 I. Master antenna television system. "Master antenna
29 television system" means any system which serves only the
30 residents of one or more apartment dwellings under common
31 ownership, control, or management and any commercial
32 establishment located on the premises of that apartment house
33 and which transmits only signals broadcast over the air by
34 stations which may be normally viewed or heard locally without
35 objectionable interference, and which does not provide any
36 additional service over its facilities other than closed-circuit

1 security viewing services.

2 J. Municipality. "Municipality" means any organized town,
3 city, or county with respect to the unorganized territory within
4 its boundaries.

5 K. Person. "Person" means any individual, trustee,
6 partnership, municipality, association, corporation, or other
7 legal entity.

8 L. Program. "Program" means any broadcast-type program,
9 signal, message, graphics, data, or communication content
10 service.

11 M. State. "State" means the state of Minnesota.

12 N. State agency. "State agency" means any office,
13 department, board, commission, bureau, division, public
14 corporation, agency, or instrumentality of the state.

15 O. Twin Cities metropolitan area. "Twin Cities metropolitan
16 area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
17 Washington counties with the exception of the city of Northfield
18 in Dakota County and the city of New Prague in Scott County.

19 P. VHF Spectrum. "VHF spectrum" means standard VHF channels
20 2 to 13.

21 4 MCAR S 4.016 Time.

22 A. Computation. The computation of a period of time
23 prescribed or allowed by 4 MCAR SS 4.001-4.250 shall be done in
24 the manner prescribed in Minnesota Statutes, section 645.15.
25 For any time period of ten days or less, Saturdays, Sundays, or
26 legal holidays shall not be included in computing the period of
27 time.

28 B. [Unchanged.]

29 4 MCAR S 4.046 Rule-making proceedings. The board shall adopt,
30 amend, suspend, or repeal its rules in accordance with the
31 procedures set forth in Minnesota Statutes, chapter 15 and in
32 the rules of the State Office of Administrative Hearings.

33 4 MCAR S 4.061 Initiating a contested case.

34 A. [Unchanged.]

35 B. Request for action by complaint. Any person authorized

1 by law to submit to the board a complaint that his rights are
2 being abridged, that his privileges are being denied, or that
3 duties owed him are being defaulted upon may request initiation
4 of a contested case by filing a complaint. A complaint must
5 contain:

- 6 1. [Unchanged.]
 - 7 2. The names of those against whom the complaint is made;
 - 8 3. The relief sought and the grounds for relief; and
 - 9 4. The signature of the complainant or the complainant's
10 attorney.
- 11 C. [Unchanged.]

12 4 MCAR S 4.062 Commencement of contested case. The board may
13 initiate a contested case within ten days following receipt of a
14 complaint or application or the adoption of an order by the
15 board initiating a contested case. If it initiates a contested
16 case the board shall proceed in accordance with the rules of the
17 State Office of Administrative Hearings.

18 4 MCAR S 4.066 Fees. In every contested case, the plaintiff,
19 petitioner, or other moving party shall pay a fee of \$15 to the
20 State Office of Administrative Hearings when the first paper on
21 his part is filed or the first appearance is entered. The
22 defendant or other adverse or intervening party, or any one or
23 more of several defendants or other adverse or intervening
24 parties appearing separately from the others, shall pay a fee of
25 \$10 to the State Office of Administrative Hearings when the
26 first paper on his or their part is filed, or the first
27 appearance is entered. The State Office of Administrative
28 Hearings shall pay the fees into the general fund in the state
29 treasury. Whenever the board is a party in a contested case it
30 is exempt from the fee requirements in this rule.

31 4 MCAR S 4.092 Operator required to file reports with board.
32 The board requires an annual report of cable system data from
33 each system operator. The board may require additional
34 information and supporting documentation to be filed at an
35 appropriate time and in an appropriate form.

1 4 MCAR S 4.100 Ownership and control of system.

2 A. Certain ownership prohibited. None of the persons in
3 1.-4. may directly or indirectly own, operate, control, or have
4 a legal or equitable interest in a cable communications system.

5 1. A television broadcasting station whose predicted
6 Grade B contour, computed in accordance with section 73.684 of
7 the Federal Communications Commission's rules and regulations,
8 overlaps in whole or in part the service areas of the system
9 (e.g., the area within which the system is serving subscribers);

10 2. A national television network;

11 3. A television translator station licensed to the
12 municipality of that system; or

13 4. A telephone company within its local exchange area,
14 unless a proper and timely waiver is obtained from the Federal
15 Communications Commission.

16 B. Definitions. The word "control" as used in this rule is
17 not limited to majority stock ownership, but includes actual
18 working control in whatever manner it is exercised.

19 The word "interest" as used in this rule includes, in the
20 case of a corporation, common officers or directors and partial,
21 as well as total, ownership interests represented by ownership
22 of voting stock.

23 C. Stockholders in large corporations. In applying this
24 rule to the stockholders of a corporation which has more than 50
25 stockholders:

26 1.-3. [Unchanged.]

27 4 MCAR S 4.133 Change of approved cable service territories.

28 The board shall approve or disapprove of a change in an approved
29 cable service territory. A change is subject to the procedures
30 provided for in 4 MCAR SS 4.130-4.135.

31 4 MCAR S 4.134 Board procedures.

32 A. Notice of proposal. Pursuant to the requirements of 4
33 MCAR S 4.140 B. a cable service territory or a change in a cable
34 service territory may be proposed to the board by a
35 municipality, a group of municipalities in a joint powers

1 agreement, a cable communications company, or any party who has
2 announced an intention to form a cable communications company.
3 The party proposing the cable service territory or the change in
4 a cable service territory shall deliver written notice of its
5 proposal to the governing body of each municipality which is
6 within or contiguous to the proposed cable service territory and
7 to the appropriate regional development commission or the
8 Metropolitan Council. At substantially the same time as written
9 notice is delivered, the party proposing the cable service
10 territory or the change in a cable service territory shall
11 publish a notice of its proposal in a newspaper of general
12 circulation in the proposed territory. The written and
13 published notices must include at least the following
14 information:

15 1. the identity of the party proposing the cable service
16 territory or the change in a cable service territory;

17 2. the date, time, and place of the board meeting at
18 which the proposal is expected to be considered;

19 3. a statement that interested parties may submit written
20 or oral comments on the proposal to the board;

21 4. the name, address, and telephone number of a person
22 representing the party making the proposal who may be contacted
23 for the purpose of obtaining information or making comments
24 about the proposal;

25 5. a brief description of the boundaries of the proposed
26 cable service territory or the change in a cable service
27 territory.

28 B. Contents of proposal. All proposals must be submitted to
29 the board at substantially the same time as notice is provided
30 pursuant to A. and must be in the form of a written application
31 containing at least the following information:

32 1. a map (county or township plat or fire map if
33 available) showing the boundaries of the total proposed cable
34 service territory and the boundaries of the area within this
35 territory in which service is expected to be initially provided;

36 2. the population and the number of dwelling units in the

1 total service territory and in the area in which service is
2 expected to be initially provided;

3 3. population density data or other information to
4 demonstrate to the board that all areas in which service is, or
5 may become feasible, are being included in the cable service
6 territory and in the area within the cable service territory
7 that is expected to be initially served;

8 4. proof that the written notice required by A. has been
9 given, which may be in the form of copies of the written
10 notices, an affidavit, or a certificate of service; and

11 5. proof of publication of the required notice, which may
12 be submitted separately, but no later than five days prior to
13 the board meeting at which the proposal is to be considered.

14 C. Copy of proposal to interested person. A copy of the
15 proposal must be made available upon request to any interested
16 party. If all or a part of the proposed cable service territory
17 or change in a cable service territory is within the seven
18 county metropolitan area, a copy of the proposal must be
19 submitted to the Metropolitan Council and to each included or
20 contiguous municipality at the same time as the proposal is
21 submitted to the board.

22 D. Comment period. Before considering a proposal, the board
23 shall allow a comment period of at least 20 days from the date
24 of compliance with the notice requirements set forth in A. or
25 submission of the proposal to the board, whichever occurs last.
26 The appropriate regional development commission, an affected
27 municipality or cable communications company or any other party
28 having a clear interest shall be allowed 30 additional days for
29 comment if the party gives a good reason. If all or a part of
30 the proposed boundaries are within the seven county metropolitan
31 area, the Metropolitan Council shall be allowed 45 days from the
32 date a copy of the proposal is submitted to it to review and
33 comment on the proposed boundaries.

34 E. Action on proposal. The board shall accept written and
35 oral comment and approve or reject a proposed cable service
36 territory or a proposed change in a cable service territory at

1 its first regularly scheduled meeting after expiration of the
2 applicable comment period. The board may, upon good cause shown
3 by an interested party, postpone action on a cable service
4 territory proposal until its next regularly scheduled meeting.

5 F. Reasons for rejection. If the board determines not to
6 approve a proposal, it shall specify its reasons for rejection
7 in a written statement within 30 days of rejecting the proposal
8 or at its first regularly scheduled meeting after the end of the
9 30-day period.

10 G. Modified proposals. A proposal rejected by the board may
11 be introduced with appropriate modifications at any time after
12 the rejection. All reintroduced proposals are subject to the
13 same procedures as the original proposal.

14 4 MCAR S 4.135 Factors and criteria to be considered. In
15 approving or rejecting a proposal for establishment or a change
16 in a cable service territory the board shall consider the
17 following: the impact on prospects for development of cable
18 communications service in areas which are within and contiguous
19 to the proposed cable service territory; whether the proposed
20 boundaries encompass any areas which would be more appropriately
21 included in another cable service territory; the impact of the
22 proposed territory on any related policies or plans adopted by
23 the Metropolitan Council or the appropriate regional development
24 commission; the economic viability of the proposed cable service
25 territory or the change in an existing cable service territory;
26 and any other factors the board or the applicant deems relevant.

27 4 MCAR S 4.140 Initial franchise.

28 A.-B. [Unchanged.]

29 C. Needs Assessment Report. The franchising authority or a
30 group of two or more individuals appointed by the franchising
31 authority shall compile a Needs Assessment Report on cable
32 communications for the proposed area to be served within the
33 cable service territory.

34 1.-2. [Unchanged.]

35 3. The report must include an assessment of the

1 communications needs of the persons residing within the proposed
2 area to be served within the cable service territory and
3 recommendations on the means to satisfy those needs.

4 4. [Unchanged.]

5 D. Request for proposals.

6 1. After approval of the Cable Service Territory by the
7 Minnesota Cable Communications Board, and consideration of the
8 recommendations of the Needs Assessment Report, the franchising
9 authority shall determine the advisability of continuing the
10 franchising process. If the franchising authority determines
11 that the franchising process should continue, then the
12 franchising authority shall officially adopt in a public
13 hearing, affording reasonable notice and a reasonable
14 opportunity to be heard, the Request for Proposals for a cable
15 communications franchise, which shall include but not
16 necessarily be limited to, the following items:

17 a. The desired system design and services for the
18 franchising authority including statements with respect to at
19 least the following items: channel capacity, requirements for
20 access channels and related staff and facilities, construction
21 requirements, and two-way capability;

22 b. Criteria and priorities which the franchising
23 authority has developed to review franchise applications;

24 c. Information regarding applications for the cable
25 communications franchise including:

26 (1)-(2) [Unchanged.]

27 (3) The name, address and telephone number of an
28 individual who may be contacted for further information; and

29 d. A list of the information required to be contained
30 in each submitted proposal, as set forth in 5.

31 2.-3. [Unchanged.]

32 4. The franchising authority shall give public notice of
33 the availability of the request for proposals for a cable
34 communications franchise at least 45 days before the public
35 hearing awarding the franchise. The notice must be published at
36 least once in a newspaper of general circulation within the

1 boundaries of the franchising authority. A copy of the notice
2 must be provided to the board on the date of initial
3 publication, together with proof of publication. The notice
4 must also be published at least once in at least two
5 publications contained in a list approved by the board and on
6 file with the executive director of the board. The published
7 notice must contain, at a minimum, the following information:

8 a.-d. [Unchanged.]

9 e. A statement that applicant proposals for a cable
10 communications franchise must be submitted taking into account
11 the system design and services outlined by the franchising
12 authority in its request for proposals for a cable
13 communications franchise.

14 5. The franchising authority shall require that all
15 proposals for a cable communications franchise be notarized and
16 contain, but not necessarily be limited to, the following
17 information:

18 a.-b. [Unchanged.]

19 c. Description of the proposed system design and
20 planned operation, including at least the following items:

21 (1) The general area for location of antennae and
22 the head end, if known;

23 (2)-(4) [Unchanged.]

24 d.-k. [Unchanged.]

25 1. Substantive amendments may not be made in a
26 proposal after a proposal has been submitted to the franchising
27 authority and before a certificate of confirmation has been
28 granted.

29 E. Award of franchise.

30 1. Any public hearing before the franchising authority
31 affording reasonable notice and a reasonable opportunity to be
32 heard with respect to all proposals for the franchise must be
33 completed at least 27 days prior to the introduction of the
34 franchise ordinance in the proceedings of the franchising
35 authority. At the hearing the franchising authority must
36 consider the franchisee's technical ability, financial

1 condition, and legal qualifications as required in 4 MCAR S
2 4.202 N.

3 2. Franchises may be granted only by ordinance. The
4 board shall review the validity of each franchise ordinance and
5 the franchising authority's compliance with the criteria and
6 priorities contained in the request for proposals. No franchise
7 is effective until the board has confirmed the franchise
8 pursuant to Minnesota Statutes, section 238.09 and the
9 franchisee has obtained a certificate of confirmation.

10 3. Rules 4 MCAR SS 4.140-4.143 do not prohibit a
11 franchising authority from recovering the reasonable and
12 necessary costs of the entire process of awarding, renewing, and
13 amending the cable communications franchise from the successful
14 applicant.

15 4. The board may not by rule prohibit a franchising
16 authority from franchising a nonprofit or municipally operated
17 system provided that it is granted pursuant to Minnesota
18 Statutes, sections 238.09 to 238.16.

19 F. [Unchanged.]

20 4 MCAR S 4.141 Alternative initial franchising procedures.

21 A.-B. [Unchanged.]

22 C. Copies of notice. In addition to the published notice,
23 the franchising authority shall mail copies of the notice of
24 intent to franchise to any person it has identified as being a
25 potential candidate for the franchise. A copy of the notice
26 must be provided to the board on the date of initial publication
27 together with proof of publication.

28 1.-2. [Unchanged.]

29 D. Award of the franchise. Franchises may be awarded only by
30 ordinance.

31 E. Costs of awarding franchise. Nothing in 4 MCAR SS
32 4.140-4.143 prohibits a franchising authority from recovering
33 from a successful applicant the reasonable and necessary costs
34 of the entire process of awarding the cable communications
35 franchise.

36 F. Eligibility. The procedures described in this rule may

1 be used if at least one municipality within the cable service
2 territory has a population of less than 4,000 and:

3 1. No one municipality within the cable service territory
4 has a population over 4,000, except in a change in an already
5 approved cable service territory; and

6 2. The aggregate population of all municipalities within
7 the cable service territory does not exceed 9,000 except in the
8 expansion of an already approved cable service territory.

9 G.-I. [Unchanged.]

10 4 MCAR S 4.202 Required contents of franchises. Where a cable
11 communications franchise is awarded or renewed after April 1,
12 1973, except as provided in Minnesota Statutes, section 238.09,
13 subdivisions 3, 4, 5, and 9, a regular or renewal of a certificate
14 of confirmation will be issued only if the franchise ordinance
15 contains recitations and provisions consistent with the
16 following requirements. The following requirements apply to all
17 classes of systems (A, B, and C,) unless hereafter provided
18 otherwise.

19 A.-H. [Unchanged.]

20 I. Provisions specifying:

21 1. all current subscriber charges or that the current
22 charges are available for public inspection in the municipality;

23 2. the length and terms of residential subscriber
24 contracts, if they exist, or that the current length and terms
25 of residential subscriber contracts are available for public
26 inspection in the municipality; and

27 3. the procedure by which all subscriber charges are
28 established, unless such a provision is contrary to state or
29 federal law.

30 J.-M. [Unchanged.]

31 N. Approval by franchising authority. A provision that the
32 franchisee's technical ability, financial condition, and legal
33 qualification were considered and approved by the franchising
34 authority in a full public proceeding pursuant to 4 MCAR S 4.140
35 E.1. which afforded reasonable notice and a reasonable
36 opportunity to be heard.

1 O. [Unchanged.]

2 P. Description of system. A provision in initial franchises
3 that there be a full description of the system proposed for
4 construction and a schedule showing:

5 1. That for franchise areas which will be served by a
6 system proposed to have fewer than 100 plant miles of cable:

7 a.-c. [Unchanged.]

8 2. That for franchise areas which will be served by a
9 system proposed to have 100 plant miles of cable or more, a
10 provision:

11 a.-d. [Unchanged.]

12 Q.-V. [Unchanged.]

13 W. Use of signals. A provision stating that no signals of a
14 Class IV cable communications channel may be transmitted from a
15 subscriber terminal for purposes of monitoring individual
16 viewing patterns or practices without the express written
17 permission of the subscriber. The request for such permission
18 shall be contained in a separate document with a prominent
19 statement that the subscriber is authorizing the permission in
20 full knowledge of its provisions. Such written permission shall
21 be for a limited period of time not to exceed one year which
22 shall be renewed at the option of the subscriber. No penalty
23 shall be invoked for a subscriber's failure to provide or renew
24 such authorization. The authorization shall be revokable at any
25 time by the subscriber without penalty of any kind whatsoever.
26 Such permission shall be required for each type or
27 classification of Class IV cable communications activity planned
28 for the purpose.

29 1. No information or data obtained by monitoring
30 transmission of a signal from a subscriber terminal, including
31 but not limited to lists of the names and addresses of the
32 subscribers or any lists that identify the viewing habits of
33 subscribers, may be sold or otherwise made available to any
34 party other than to the company and its employees for internal
35 business use, or to the subscriber subject of that information,
36 unless the company has received specific written authorization

1 from the subscriber to make the data available.

2 2.-3. [Unchanged.]

3 X.-Y. [Unchanged.]

4 Z. Termination of franchise for violations. A provision
5 granting the franchising authority the right to terminate and
6 cancel the franchise and all rights and privileges of the
7 franchise if the franchisee substantially violates any provision
8 of the franchise ordinance, attempts to evade any of the
9 provisions of the franchise ordinance, or practices any fraud or
10 deceit upon the franchising authority. The municipality shall
11 provide the franchisee with a written notice of the cause for
12 termination and its intention to terminate the franchise and
13 shall allow the franchisee a minimum of 30 days after service of
14 the notice in which to correct the violation.

15 The franchisee shall be provided with an opportunity to be
16 heard at a public hearing before the governing body of the
17 municipality prior to the termination of the franchise. In the
18 event that the municipality determines to terminate the
19 franchise, the franchisee has 30 days from the date of the
20 conclusion of the public hearing at which the termination of the
21 franchise was considered within which to file an appeal with the
22 board, pursuant to Minnesota Statutes, section 238.14. During
23 the 30-day period and until the board determines the appeal, if
24 an appeal is taken, the franchise remains in full force and
25 effect unless the term of the franchise ends sooner. If the
26 board approves of the action of the municipality, the franchise
27 terminates immediately; if the board disapproves of the action
28 of the municipality, the franchise remains in full force and
29 effect during its term unless it is sooner terminated in
30 accordance with law or 4 MCAR SS 4.001-4.250. Any appeal to the
31 board is a contested case to which the board is not a party.

32 AA.-CC. [Unchanged.]

33 DD. A provision establishing the minimum number of access
34 channels that the franchisee shall make available.

35 1. The provision must require that the franchisee shall
36 provide to each of its subscribers who receive some or all of

1 the services offered on the system, reception on at least one
2 specially designated access channel. The specially designated
3 access channel may be used by local educational authorities and
4 local government on a first-come, first-served,
5 nondiscriminatory basis. During those hours that the specially
6 designated access channel is not being used by the local
7 educational authorities or local government, the franchisee
8 shall lease time to commercial or noncommercial users on a first-
9 come, first-served, nondiscriminatory basis if the demand for
10 that time arises. The franchisee may also use this specially
11 designated access channel for local origination during those
12 hours when the channel is not in use by local educational
13 authorities, local government, or commercial or noncommercial
14 users who have leased time. The VHF spectrum must be used for
15 the specially designated access channel required in DD.

16 2. The provision must also require that the franchisee
17 shall establish rules for the administration of the specially
18 designated access channel. The franchisee shall file the
19 operating rules governing the specially designated access
20 channel with the board within 90 days after any access channels
21 are put into use.

22 3. Franchisees providing only alarm services or only data
23 transmission services for computer-operated functions do not
24 need to provide access channel reception to alarm and data
25 service subscribers.

26 4 MCAR S 4.203 Required franchise provisions for a Class B cable
27 system. Franchises for Class B cable systems must contain
28 statements and provisions consistent with 4 MCAR S 4.202, unless
29 hereafter provided otherwise, and statements and provisions
30 consistent with the following requirements:

31 A. A provision establishing the minimum number of access
32 channels that the franchisee shall make available. Franchisees
33 subject to requirement of this provision are not subject to 4
34 MCAR S 4.202 DD.

35 1. The provision must require that the franchisee provide
36 to each of its subscribers who receive all, or any part of, the

1 total services offered on the system, reception on at least one
2 specially designated access channel available for use by the
3 general public on a first-come, first-served, nondiscriminatory
4 basis. Channel time and playback of prerecorded programming on
5 this specially designated access channel must be provided
6 without charge to the general public, except that personnel,
7 equipment, and production costs may be assessed for live studio
8 presentations exceeding five minutes in length. Charges for
9 production costs must be consistent with the goal of affording
10 the public a low-cost means of television access. The specially
11 designated access channel may be used by local education
12 authorities and local government on a first-come, first-served,
13 nondiscriminatory basis during those hours when the channel is
14 not in use by the general public. During those hours that the
15 specially designated access channel is not being used by the
16 general public, local educational authorities, or local
17 government, the franchisee shall lease time to commercial or
18 noncommercial users on a first-come, first-served,
19 nondiscriminatory basis if the demand for that time arises. The
20 franchisee may also use this specially designated access channel
21 for local origination during those hours when the channel is not
22 in use by the general public, local educational authorities,
23 local government, or commercial or noncommercial users who have
24 leased time. The VHF spectrum must be used for the specially
25 designated access channel required in A.

26 2. The provision must also require that the franchisee
27 shall establish rules for the administration of the specially
28 designated access channel. The franchisee shall file the
29 operating rules governing the specially designated access
30 channel with the board within 90 days after any access channels
31 are put into use.

32 3. The provision shall require that whenever the
33 specially designated access channel required in 1. is in use
34 during 80 percent of the weekdays (Monday-Friday), for 80
35 percent of the time during any consecutive 3-hour period for six
36 weeks running, and there is a demand for use of an additional

1 channel for the same purpose, the franchisee has six months in
2 which to provide a new specially designated access channel for
3 the same purpose, provided that provision of the additional
4 channel or channels does not require the cable system to install
5 converters. Nothing in this rule precludes the installation of
6 converters by the system on a voluntary basis, as a result of an
7 agreement arrived at through negotiation between the parties to
8 a franchise, or by a potential access user who wishes to install
9 converters in order to make use of an additional channel or
10 channels.

11 4. Franchisees providing only alarm services or only data
12 transmission services for computer-operated functions do not
13 need to provide access channel reception to alarm and data
14 service subscribers.

15 B. [Unchanged.]

16 4 MCAR S 4.204 Required franchise provisions for a Class C cable
17 system. Franchises for Class C cable systems must contain
18 statements and provisions consistent with 4 MCAR S 4.202, unless
19 this rule provides otherwise, and statements and provisions
20 consistent with the following requirements:

21 A. Access channels. A provision establishing the minimum
22 number of public, educational, governmental and leased access
23 channels that the franchisee shall make available. Franchisees
24 subject to this provision are not subject to 4 MCAR S 4.202 DD.

25 1. The provision must require that the franchisee shall,
26 to the extent of the system's available channel capacity,
27 provide to each of its subscribers who receives some or all of
28 the services offered on the system, reception on at least one
29 specially designated noncommercial public access channel
30 available for use by the general public on a first-come,
31 first-served, nondiscriminatory basis; at least one specially
32 designated access channel for use by local educational
33 authorities; at least one specially designated access channel
34 available for local government use; and at least one specially
35 designated access channel available for lease on a first-come,
36 first-served, nondiscriminatory basis by commercial and

1 noncommercial users. The VHF spectrum must be used for at least
2 one of the specially designated noncommercial public access
3 channels required in A. The provision must require that no
4 charges may be made for channel time or playback of prerecorded
5 programming on at least one of the specially designated
6 noncommercial public access channels required by A. Personnel,
7 equipment, and production costs may be assessed, however, for
8 live studio presentations exceeding five minutes in length.
9 Charges for those production costs and any fees for use of other
10 public access channels must be consistent with the goal of
11 affording the public a low-cost means of television access.

12 2.-3. [Unchanged.]

13 4. Those systems which offer subscribers the option of
14 receiving programs on one or more special service channels
15 without also receiving the regular subscriber services may
16 comply with this rule by providing the subscribers who receive
17 the special service only, at least one specially designated
18 composite access channel composed of the programming on the
19 specially designated noncommercial public access channel, the
20 specially designated education access channel, and the specially
21 designated local government access channel required in this rule.

22 5. [Unchanged.]

23 6. Franchisees providing only alarm services or only data
24 transmission services for computer-operated functions do not
25 need to provide access channel reception to alarm and data
26 service subscribers.

27 B.-C. [Unchanged.]

28 D. Twin Cities metropolitan area franchises. In Twin Cities
29 metropolitan area franchises, a provision designating the
30 standard VHF channel 6 for uniform regional channel usage as
31 required in 4 MCAR S 4.223.

32 4 MCAR S 4.211 Necessity for a certificate of confirmation. Any
33 cable communications company must secure a regular certificate
34 of confirmation from the board before becoming operational. The
35 certificate may be issued only upon compliance with 4 MCAR SS
36 4.140 or 4.141 and 4 MCAR SS 4.200-4.204 after full board

1 proceedings and is effective for the same number of years as the
2 franchise being confirmed.

3 4 MCAR S 4.212 Procedure for making application for a regular
4 certificate of confirmation.

5 A.-B. [Unchanged.]

6 C. Proof of publication. A proof of publication must be
7 filed with the board no later than five days before the meeting
8 at which the application for certification is to be considered.

9 D. [Unchanged.]

10 4 MCAR S 4.215 Renewal of a certificate of confirmation. Upon
11 expiration of its certificate of confirmation or the renewal of
12 its cable communications franchise, a cable communications
13 company must obtain renewal of its certificate of confirmation.
14 The renewal of any certificate of confirmation may be issued
15 only after compliance with 4 MCAR SS 4.200-4.204. The renewal
16 of a certificate of confirmation may be issued only after full
17 board proceedings and shall be valid for the same number of
18 years as the renewal franchise period. When a certificate is
19 renewed before its expiration date, the term of the renewed
20 certificate shall begin on the date of its issue; any remaining
21 term of a previously issued certificate is then expired.

22 The procedure for obtaining the renewal of a certificate of
23 confirmation shall be the same as the procedure for obtaining a
24 regular certificate of confirmation.

25 Nothing in this rule prohibits a cable communications
26 company from renewing its certificate of confirmation prior to
27 the expiration of any existing certificate of confirmation.

28 4 MCAR S 4.250 Deregulated systems.

29 A. Scope. A system which serves more than 50 but fewer than
30 1,000 subscribers and which has been removed from the provisions
31 of Minnesota Statutes, chapter 238 under Minnesota Statutes,
32 section 238.02, subdivision 3, is subject to the requirements in
33 B.-D.

34 B. Reports to board. The system operator shall provide to
35 the board information and documentation in the form and at the

1 times the board requires.

2 C. Access for educational and governmental programming. The
3 system operator shall provide reception on at least one
4 specially designated access channel to each subscriber who
5 receives some or all of the services offered on the system.
6 Franchisees providing only alarm services or only data
7 transmission services for computer-operated functions do not
8 need to provide access channel reception to alarm and data
9 service subscribers. The specially designated access channel
10 may be used by local educational authorities and local
11 government on a first-come, first-served, nondiscriminatory
12 basis. The franchisee may use this specially designated access
13 channel for other purposes during those hours when the channel
14 is not in use by local educational authorities or local
15 government. The VHF spectrum must be used for the specially
16 designated access channel.

17 D. Operating rules. The system operator shall establish
18 rules for the administration of the specially designated access
19 channel and shall file the rules with the board within 90 days
20 after the channel is put into use.