

# **ADELPHIA CABLE MONTPELIER**

## **PUBLIC ACCESS POLICIES AND PROCEDURES**

"Public Access" in a cable television system is exactly what the words imply: the opportunity for all citizens and community groups to communicate to the public via the cable television system. Adelpia Cable (the Company) provides, as a public service, certain public access cable channels for use by the public on a non-discriminatory, first-come basis.

The Company operates and maintains studio and portable video production facilities which any responsible, certified person may use for the express purpose of originating a television presentation which is to be cablecast over the public access channels.

The Company will not restrict the content or message of any program presented over the access channels. There are, however, federal laws pertaining to the subject matter of local access programs, and there may be state and local regulations concerning such matters as advertising material, lottery information, use of copyrighted material and obscene or indecent material. Every user of the access channels should be fully cognizant of his or her ethical and legal responsibilities and liabilities before using the public access channels.

For the convenience and information of all users, the applicable federal law and state regulations are available at the Company office for public inspection.

The Communications Act of 1984, (The Act), specifically prohibits cable operators from exercising editorial control over access programming. In the spirit of full compliance with the Act, the Company will endeavor to permit and in fact will encourage the widest applications of the access channels as possible. The Company will in no way unreasonably restrict program formats, topics, language or material which is controversial in nature.

However, in order to fulfill its responsibilities to its subscribers, the Company reserves the right to preview all pre-recorded programs. The system's Access Coordinator may

determine that a program is not suitable for cablecasting within the system's service area. In situations where, in the Company's judgment, program content is not suitable for viewing by children, the Company has the right to cablecast such programs, at its discretion, during hours when children are unlikely to be viewing. While the Company is uncomfortable making such judgments, it is clear that the Company has a responsibility to its subscribers and its shareholders to ensure that programming which might be obscene, indecent or otherwise unprotected by the Constitution, is subjected to reasonable controls which are in the general public interest.

#### Studio and Portable Production Facilities

Any responsible, certified person wishing to do so may use the studio and portable production facilities of the Company. The Company requires that all applicants be at least 18 years of age. It is not the intent of the Company to necessarily restrict the use of the facilities to persons 18 years or older, but in all cases where satisfactory proof of minimum age cannot be made, an adult citizen must make the formal application for the user and must accompany and supervise the user during the entire production.

Furthermore, the Company requires that users of access equipment and facilities demonstrate knowledge and proficiency in the use of access equipment in one of the following ways:

- (a) That the user has either successfully completed the Company's appropriate user training workshop;
- or
- (b) That the user can demonstrate to the Company's satisfaction that he or she possesses the knowledge and proficiency required to use the equipment in a safe and professional manner. To this end, the Company may require a user to pass certain written and field tests in order to be certified to use the Company's equipment.

Furthermore, the Company will refuse access to its production facilities and equipment to any person reasonably suspected to be under the

influence of alcohol or illegal drugs or to be appearing involuntarily. The Company will not otherwise discriminate against any individual seeking access to its production facilities.

Obligations of the Cable Company and of the Users With Respect to Studio Facilities, Portable Equipment and Program Quality.

The Company will maintain an adequate production and video taping facility for use by the public. These facilities shall be capable of producing, recording and playing back a composite audio and video signal. This signal will be in compliance with standard cablecasting signal characteristics.

The video wave form shall be one volt peak-to-peak and the synchronizing pulses entering the video tape recorder shall meet the minimum RS-170 technical standards.

The production facility may be located at the office of the cable system.

The Company's designated Access Coordinator will be responsible for all use of the production facilities as well as for actual insertion of access programs into the CATV system.

Persons utilizing the production facilities will at all times be subject to the authority of the Access Coordinator. All handling of the facilities, or granting of authority to do so, will be done by the Access Coordinator.

The Company production facilities and editing facilities may be reserved by applicants/users for continuous one-hour periods of time, not to exceed four (4) continuous periods per day for any one user. The facilities will be available by making arrangements with the Access Coordinator for mutually acceptable times. Time periods may be extended if, on the day of actual use, the facilities are not reserved for the period immediately following a four (4) block period.

Due to the Company's responsibility to ensure a business-like working environment within its offices, users of the studio production facility will at all times conduct themselves in a manner conducive to maintaining this environment. Any user found violating this requirement is

subject to loss of studio facilities use, expulsion from Company offices, and/or being denied access to future use of facilities.

#### Use of the Portable Production Equipment

All applicants/users shall have completed the Company training sessions and be certified to use the portable production equipment or shall be otherwise qualified by the Access Coordinator as earlier described herein.

All applicants/users shall be responsible at all times for the security and proper use of the portable production equipment. The equipment shall be returned by the scheduled time and in the same condition as when checked out, except for normal wear and tear. Any abuse of the equipment or the scheduled time of use will subject the applicant to loss of the privilege of future use of the equipment.

Furthermore, the Company may deny the use of portable equipment due to inclement weather conditions or to other unforeseen circumstances.

#### User Supplied Material

In some cases it is anticipated that access groups and individuals will bring their own pre-recorded, fully produced video tapes to the Company for presentation over the access channels. Consequently, all persons or groups wishing to cablecast pre-produced material over the access channels must make formal application on forms available at the Company's office.

The Company will cablecast pre-recorded programs over the access channels under the following conditions:

- (1) That the tapes meet minimum established technical standards described in this manual.
- (2) That the Company's Access Coordinator be permitted to preview the entire presentation to verify compliance with minimum technical standards.
- (3) That the applicant(s) agree to perform or allow

the Access Coordinator to perform, if necessary in the opinion of the Access Coordinator, a video tape to video tape transfer in order to correct any substandard video signal characteristics. Programs requiring corrective tape to tape transfers will be scheduled in accordance with the production facility reservation procedures. Such corrective transfers will be done for a fee of \$15.00 per half hour of program length, not to include the cost of the Company's tape stock.

(4) That the presentation in question in no way involves the presentation of lotteries or games of chance, any advertising material designed to promote the sale of commercial products or services, including advertising by or on behalf of candidates for public office; to solicit funds of any nature; or to give political advantage to an incumbent in office.

(5) That the applicant(s) can demonstrate that all necessary rights and permissions have been granted for the production and the presentation of the production, including but not limited to, voice, picture and performance releases on forms acceptable to the Company, and can further demonstrate that presentation of the program will not violate any copyright or performance right or any other right of any person or entity.

No presentation over the access channels will be permitted if, in the opinion of the Access Coordinator, one or more of the five conditions outlined have not been met. The Company will maintain records of those programs not meeting these conditions.

If the conditions above have been satisfactorily fulfilled by a bona fide applicant, the pre-recorded material will be cablecast over the access channels in accordance with established scheduling procedures.

When a local group of individuals requests cablecasting time for a non-locally produced program, the group or individual must produce an introduction and tag to the program. The information contained in these introductions and tags must contain the name and address of the local sponsor.

A video tape will be judged as meeting the minimum technical standards provided it produces a "comprehensible retransmittable composite audio and video signal." The Company has available written definitive technical standards. Any videotape not meeting these standards may be deemed unacceptable for cablecasting by the Company.

### Procedures for Using Access Channels and Facilities

All qualified persons wishing to use the access channels and/or the studio or editing facilities or the portable production equipment must make formal, written application in person at the offices of the Company on forms provided by the Company.

The Remote Equipment Sign-Out Form is the application form necessary to reserve and utilize the portable production equipment of the Company.

MCA85-1 is the application form necessary to reserve a cablecast date/time slot for presentation of public access programming over a public access channel.

The Public Access Sponsor Form is necessary to request presentation of a program produced non-locally, and will be completed by the local sponsor of such program.

The applicable form(s) must be filled out completely by an applicant and signed in the presence of the Access Coordinator. Applicants should read the applicable Company forms before signing them.

The original copies of these forms will be retained by the Company in files for public inspection for a period of two years after submittal. The permanent public files of all access programming cablecast will be located in the Public Access office.

Persons seeking proper instruction and information on use and application procedures prior to filling out forms may obtain information from the cable system by calling or visiting in person.

### Access Cablecasting Schedule

All access cablecasts will be scheduled by the Company's Access Coordinator.

#### One-time Access Presentations

Access cablecasting day/time slots will be granted by the Company on a first-come, first-served basis. Access users must present a completed video tape ready for cablecasting by noon on at least the fifth day prior to scheduled presentations. The Company has the right to reschedule the presentation of an access program when the user fails to deliver a completed tape by this deadline.

#### Series Presentations

The cablecasting of an ongoing series of programs will be granted an ongoing series of day/time slots in order to encourage repeat viewing. Once a day/time slot has been assigned to an ongoing series, such assignment will be guaranteed by the Company only so long as the user provides an original program for each successive day/time slot, and additionally, delivers to the Company the completed video tape at least 24 hours prior to the scheduled presentation.

Failure to provide requested cablecasting day/time slots, and, moreover, failure to cablecast programming during a scheduled day/time slot will not be deemed to be a violation of the Cable Act or the users' rights under applicable federal, state or local laws.

#### Live Programming

The Company encourages the widest, most diverse application of access. In this vein, "live" access programming may enhance the effectiveness of an access program as well as contribute to its overall success. However, due to the logistics involved and the Company's inherent responsibility to ensure that all presentations are cablecast over its CATV system properly and in all ways conducted in the interest of the public, the Company must

require close scrutiny of proposed "live" access programming. Any proposed "live" programming will be reviewed by the Access Coordinator.

#### Changed Circumstances

Occasionally, the Company may have to cancel use of the access channels, studio or editing time when circumstances require.

#### Eligibility

In order to become a certified user of public access equipment and production facilities, a person must meet certain eligibility requirements. The person shall be (1) someone who resides in the Adelp~~phia~~ Cable Montpelier service area or (2) be associated with a group or organization within the service area that wishes to produce public access programming. (Immediate family members, i.e., spouses and dependent children could also qualify under this group provided they were producing programs for a service area group or organization. Community is defined as all residents of the Adelp~~phia~~ Cable service area.

#### Revisions to Access Policies and Procedures

Adelp~~phia~~ Cable recognizes that revisions to its Access Policies and Procedures may be occasionally necessary. Requests for revisions to its Access Policies and Procedures may be made to the Company of the Public Access Advisory Board. Any revisions adopted by the Company will be available on request.

#### Public Access Advisory Board

A Public Access Advisory Board shall represent the public interest in matters dealing with public access. The Board shall consist of seven (7) members. All board members

shall be elected by cable subscriber balloting. Three members shall be elected to represent service areas within the Adelpia Cable Montpelier system and four members shall be elected to represent the public at large. All terms will be for a period of two years. The Access Board shall meet at intervals to be determined by the Board.

#### Grievance Procedures

Any person with a complaint about any aspect of public access is free to submit a written description of that complaint to the Public Access Advisory Board using a "Request for Action" form and then to request a personal meeting with the Board to air grievances and to propose changes. The Board will then, in open session, recommend to the Company a course of action to remedy a grievance.

#### Political Programs

Adelpia Cable Montpelier desires to provide candidates for public office a reasonable opportunity to prepare and present a response in a timely fashion to any program cablecast which deals with political information affecting his or her candidacy for public office. Therefore, Adelpia Cable shall not cablecast any program involving or dealing with candidates for public office, or commentary or editorials concerning issues or candidates in an upcoming election, during the forty-eight (48) hour period immediately preceding the opening of the polls in any election. The only exception will be candidate forums which invite all candidates for an office to participate.