§ 76.984

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

§76.984 Geographically uniform rate structure.

(a) The rates charged by cable operators for basic service, cable programming service, and associated equipment and installation shall be provided pursuant to a rate structure that is uniform throughout each franchise area in which cable service is provided.

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

(c) This section does not apply to:

(1) A cable operator with respect to the provision of cable service over its cable system in any geographic area in which the video programming services offered by the operator in that area are subject to effective competition, or

(2) Any video programming offered on a per channel or per program basis.

(3) Bulk discounts to multiple dwelling units shall not be subject to this section, except that a cable operator of a cable system that is not subject to effective competition may not charge predatory prices to a multiple dwelling unit. Upon a prima facie showing by a complainant that there are reasonable grounds to believe that the discounted price is predatory, the cable system shall have the burden of showing that its discounted price is not predatory.

NOTE 1 TO PARAGRAPH (c)(3): Discovery procedures for predatory pricing complaints.

47 CFR Ch. I (10–1–13 Edition)

Requests for discovery will be addressed pursuant to the procedures specified in \$76.7(f).

NOTE 2 TO PARAGRAPH (c)(3): Confidential information. Parties submitting material believed to be exempt from disclosure pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552(b), and the Commission's rules, $\S0.457$ of this chapter, should follow the procedures in $\S0.459$ of this chapter and $\S76.9$.

[59 FR 17975, Apr. 15, 1994, as amended at 61 FR 18979, Apr. 30, 1996; 64 FR 35951, July 2, 1999]

§76.985 Subscriber bill itemization.

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

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

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

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

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

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

Federal Communications Commission

Federal Communications Cor Washington, D. C. 20554

§76.985

Approved by OMB 3060-XXXX Expires 00/00/00

FCC 329 CABLE PROGRAMMING SERVICE RATE COMPLAINT FORM (Carefully read instructions on reverse before filling out form)

Mailing Address City State ZIP Code Daytime Telephone No. (include area code):	space is insufficient, include attached to this form. List channels by name inc
	List channels by name inc
Daytime Telephone No. (include area code):	
2. Local Franchising Authority's Name	
Mailing Address	
City State ZIP Code	
3. Cable Company's Name	
Mailing Address	List channels by name delete
City State ZIP Code	
Cable Company's FCC Community Unit Identifier (if known):	List channels by name adde
 Indicate whether this is the first time you have filed a complaint with the FCC or whether you are filing a corrected complaint to cure a defect in a prior complaint. CHECK ONE. 	10. If you are a subscriber, bill reflecting the rate or rat
First time complaint Corrected complaint 5. If you are filing a corrected complaint to cure a defect in a prior complaint, indicate the date the prior complaint was filed with the FCC and the date you received notification from the FCC that the prior complaint was defective.	NOTE: Failure to attach tw rate or rate increase may res I have attached two copies of 11. Optional: If you are a su
Date prior complaint filed: Month Date Year	rate increase, attach two co the rate immediately prior to I have attached two copies
Date you received FCC notification that the prior complaint was defective:	12. I certify that I am sen attachments, to the cable co
6. Indicate whether you are challenging the reasonableness of: (1) a rate concerning cable programming service or associated equipment in effect on June 21, 1993; or (2) a rate increase. (See the Instructions for different filing deadlins depending on which type of complaint you are filing.) CHECK ONE. Rate in effect on June 21, 1993	the addresses listed above same time I am sending two Failure to satisfy this req complaint. The cable com you send a copy of the com
Rate increase	
7. If you are a subscriber challenging the reasonableness of a rate increase, indicate the date you first received a bill from the cable operator reflecting the rate increase about which you are complaining.	C
Month Date Year	13. I believe that the cable service or associated equips it violates the FCC's rate re
8. Indicate the current monthly rate for the cable programming service or associated equipment and, if you are challenging the reasonableness of a rate increase, the most recent rate in effect immediately prior to	14. I certify that, to the best on this form is true and corr
or associated equipment and, if you are challenging the reasonableness of a rate increase, the most recent rate in effect immediately prior to the rate increase.	14. I certify that, to the best on this form is true and corre Signature
or associated equipment and, if you are challenging the reasonableness of a rate increase, the most recent rate in effect immediately prior to	on this form is true and corre

ribe the cable programming service to which and, if applicable, how it has changed. If this any additional comments on a separate page

cluded in the service:

ed from the service (if any):

ed to the service (if any)

you-must attach two copies of your current te increase about which you are complaining. wo copies of your current bill reflecting the sult in dismissal of your complaint. of my current bill._____ Yes ___No

ubscriber challenging the reasonableness of a previous bill (if available) reflecting o the rate increase. Yes No

nding a copy of this complaint, including all ompany and the local franchising authority at via first class mail, postage prepaid, at the copies of this complaint to the FCC. NOTE: guirement may result in dismissal of your pany will not be required to respond unless plaint to the cable company by mail. Ves No

Month Date Date sent:

e company's rate for the cable programming ment described above is unreasonable because gulations. (CHECK BOX) mming

of my knowledge, the information supplied ect.

	Signature	
Date	Date	

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

FCC 329 June 1993

§76.985

Federal: Communications Commission Mashington, D.C. 20554

47 CFR Ch. I (10-1-13 Edition)

Approved by OA48 3060-XXXX Expires 00/00/00

INSTRUCTIONS FOR FCC 328 FRANCHISING AUTHORITY CERTIFICATION

- 1. The Cable Television Consumer Protection and Competition Act, enacted in October 1992, changes the manner in which cable television systems that are not subject to effective competition are regulated. In general, rates for the back: service list (the tier required as a condition of access to all other video services and containing, among other services, local broadcast station signals and public, educational, and public access channels) and associated equipment will be subject to regulation by local or state governments ("franchising authorities"). Rates for cable programming services and associated equipment (all services except basic and pay channels) will be subject to regulation by the FCC. Rates for pay channels (channels for which there is a specific per-channel or per-program charge) are not regulated.
- 2. Only cable systems that are not subject to effective competition may be regulated. Effective competition means that (a) fewer than 30 percent of the households in the franchise areas is (b) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming distributors each of households subscribe to the franchise areas; and (ii) the number of the households in the franchise area; and (iii) the number of the households under programming distributors other than the largest multichannel video programming distributors exceeds 15 percent of the households in the franchise area; and (ii) an utilichannel video programming distributors other than the largest multichannel video programming distributors exceeds 15 percent of the households in the franchise area; or (c) a multichannel video programming to at least 50 percent of the households in the franchise area.
- 3. In order to regulate basic service tier rates, a franchising authority must be <u>certified</u> by the FCC. In order to be certified, a franchising authority must complete this form. An original and one copy of the completed form and all attachments must be returned to the FCC by registered mail, return receipt requested, to the FCC at the address on the form.
- A copy of the form must be served on the cable operator by first-class mail on or before the date the form is sent or delivered to the FCC.
- 5. The franchising authority's certification will become effective <u>30 days</u> after the date stamped on the postal return moving unless otherwise notified by the Commission by that date. The franchising authority cannot begin to regulate rates, however, until it has actually adopted the required regulations (see below) and until it has notified the cable operator that it has been certified and that it has adopted the required regulations.
- In order to be certified, franchising authorities must answer "yes" to Questions 3, 4, and 5, which are explained as follows:
- 7. Question 3: The franchising authority must adopt rate regulations consistent with the Commission's regulations for basic cable service. To fulfill this requirement for certification, the franchising authority may simply adopt a regulation indicating that it will follow the regulations established by the FCC.
 - The franchising authority has 120 days to adopt these regulations after the time it is certified. The franchising authority may not, however, begin to regulate cable rates until after it has adopted these regulations and until it has notified the cable operator that it has been certified and has adopted the required regulations.
- 8. Question 4(a): The franchising authority's "legal authority" to regulate basic service must come from state law. In some states, only the state government may regulate cable rates, in those states, the state government should file this certification. Provisions in franchise agreements that prohibit rate regulation are yold, and do not prevent a franchising authority from regulating the basic service tier and associated equipment.

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

A franchise authority unable to answer "yes" to questions 4(a) or 4(b) may wish to review the FCC's <u>Report and Order in Docket 92-266</u>, FCC 93-177 (released May 3) 1993) for further information on the establishment of alternative federal regulatory procedures.

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

competition. For purposes of applying the definition of effective competition (see tiem 2 above), "multichannel video programming distributors' include a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, a television receive-only satellite program distributor, a video dialtone service, and a satellite master antenna television system. A multichannel video programming distributor's exvices will be deemed "offered" when the multichannel distributor is physically able to deliver the service to a household wishing to subscribe, with only mnimal additional investment by the distributor. A service is "actually available" if subscribers in the franchise area are reasonably avare through marketing effors that the service is "available". Subscribership of those multichannel video programming distributors offering service to at least 50 percent of the households in a franchise area will be aggregated to determine whether at least 15 percent or the households in the franchise area are served by competitors. A multichannel video programming distributor mus offer at least 12 channels of programming, at least one channel of which is nonbroadcast, to be found to offer "comparable" video programming. This centification form must be signed by a mement official with

 This certification form must be signed by a government official with authority to act on behalf of the franchising authority.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information in this form is authorized by the Communications ACI of 1934, as amended. The Commission will use the information provided in this form to determine if the franchise authority should be authorized to equalize table acies. In reaching that determination, or for law enforcement purposes, a may become necessary to metric personal information conservation of this form boardine government approval. All another personal form will be available for public inspection. Your response is required to obtain the reconstent authority.

Notic reporting burden for this collection of information h extensed to average 30 minutes including the time for revening instructions, tearching existing data sources, gathering and manalisming the data needed, and completing and revening the collection of information comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing the burden, burde released Communication Commission Records Management Demain, AMD/PRS, Washington, D. C. 20554 and to the Office of Auragement and Budget, Reported Rescuence Project USO/SERRA, Washington, O.C. 20509.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579. DECEMBER 31, 1975, S. U.S.C. 52244X3 AND THE PAPERWORK REDUCTION ACT OF 1980. P.L. 94-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission

§76.985

Federal Communications Commission Washington, D. C. 20554		FCC	328	Approved by OMB 3060-XXXX Expires 00/00/00		
			TO REGULATE BASIC CABLE SERVI OF EFFECTIVE COMPETITION	CE RATES		
Name of Franchising Authority		3. Will your franchising authority adopt (within 120 days of certification) and	Yes No			
Mailing Address			administer regulations with respect to basic cable service that are consistent			
	State	ZIP Code	with the regulations adopted by the FCC pursuant to 47 U.S.C. Section 543(b)?			
Telephone No. (include area code):			 With respect to the franchising authority's r to in Question 3, 	egulations referred		
Person to contact with respect to this form:			a. Does your franchising authority have the legal authority to adopt them?	Yes No		
2. a. Name (s) and address(es) of cable system(s unit identifiers within your jurisdiction. (Atta				Yes No		
Cable System's Name			5. Do the procedural laws and regulations			
Mailing Address			applicable to rate regulation proceedings by your franchising authority provide a	Yes No		
City	State	ZIP Code	reasonable opportunity for consideration of the views of interested parties?			
Cable System's FCC Community Unit Identif	ier:		6. The Commission presumes that the cable	Yes No		
			system(s) listed in 2.b. is (are) not subject to effective competition. Based on the			
Cable System's Name Mailing Address			definition below, do you have reason to believe that this presumption is correct?			
			(Effective competition means that (a) fewer than 30 percent of the			
City	State	ZIP Code	households in the franchise area subscribe to th cable system; (b) the franchise area is (i) serv	ed by at least two		
Cable System's FCC Community Unit Identifier:			unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and (ii) the number of			
2. b. Name (s) of system(s) and associated community unit identifiers you claim are subject to regulation and with respect to which you are filing this certification. (Attach additional sheets if necessary.) households in the franchise area; or (c) a multichannel vide						
Name of System		nmunity Unit Intifier	programming distributor operated by the franc that franchise area offers video programming to of the households in that franchise area.)			
Name of System	System Community Unit Identifier Signature					
2. C. Have you served a copy of this form on all parties Yes No listed in 2.b.?			Title			
Return the original and one copy of this certification form (as indicated in Instructions), along with any attachments, to:						
Federal Communications Commission						

rederal Communications Commission Attn: Cable Franchising Authority Certifi⁷ tion Room L-16 1919 M Street, N.W. Washington, D. C. 20554

FCC 328 June 1993

[58 FR 29753, May 21, 1993, as amended at 76 FR 55818, Sept. 9,