§ 76.984

these categories, or any reasonable subcategory thereof.

- (2) For purposes of this section, members of economically disadvantaged groups are those individuals who receive federal, state or local welfare assistance.
- (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

- (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. 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, 90.457 of this chapter, should follow the procedures in \$0.459 of this chapter and \$76.9.

[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 Commissio

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

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

1. Complainant's Name				ables below, d aint is address	ed and, if app	licable, hov	w it has cha	nged. If this	
Mailing Address			space is in attached to	space is insufficient, include any additional comments on a separate page attached to this form.					
City	State	ZIP Code	List chans	nels by name	included in the	he service:			
Daytime Telephone No. (include area co	ode):	I	1 -						
2. Local Franchising Authority's Name			<u> </u>		ļ				
Mailing Address									
City	State	ZIP Code] . —						
3. Cable Company's Name			7						
Mailing Address			List channe	els by name de	eleted from th	e service (if	any):		
City	State	ZIP Code	1 =						
Cable Company's FCC Community Unit	t Identifier	(if known):	List channe	els by name a	dded to the se	ervice (if an	y):		
A destinate and other state to the Country									
Date you received FCC notification that the prior complaint was defective: 6. Indicate whether you are challengir rate concerning cable programming ser effect on June 21, 1993; or (2) a rate in different filing deadlines depending or are filing.) CHECK ONE.	First Corrected IE. First Corrected IE. First Corrected III. First Corrected III. Complaint was from the Month III. III. III. III. III. III. III. II	complaint to cit time complaint to cit time complaint to cit time complaint a cas filed with the FCC that the Date Year Date Year Onableness of: onableness of about the complaint cit on June 21, 115 se	10. If you bill reflect NOTE: F rate or rate it in correct the rate increase the rate increase the rate in the address and the address are time same time or Failure to complaint. you send a sate	are a subscribing the rate or allure to attace increase may ched two copies at all. If you are use, attach two mediately priched two copies to the cabisses listed about 1 am sending is satisfy this. The cable copy of the c	rate increase in two copies of my curr a subscriber of copies of a property of the copies of the cop	about which of your cut insisal of your cut insisal of your cut in the cut in	th you are current bill re remplaint the reasona I (if available franchising postage pre aint to the F t in dismis uired to result to result to result to the F t in dismis uired to result to the F t in dismis uired to result t	omplaining. effecting the t. Yes No bleness of a e) reflecting Yes No including all authority at the CC. NOTE: sal of your pond unless	
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(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 Washington, D.C. 20554 Approved by OMB 1060-XXXX Expure 000XXIX

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 basic service is fet 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.
- 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 area subscribe to the cable service of a cable system; (b) the franchise area sibscribe to the cable service of a cable system; (b) the franchise area is (i) served by at least two 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 households subscribing to programming services offered by multichannel video programming distributors exceeds 15 percent of the households in the franchise area; or (c) a multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or (c) a multichannel video programming distributor 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 that franchise area.
- 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 30.days after the date stamped on the postal return receipt 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 void, 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 Docker 92-266</u>. FCC 93-177 (released May 3, 1993) for further information on the establishment of alternative federal regulatory procedures.

- Question 5: Franchising authorities 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 item 2 above), "multichannel video programming distributions" include a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, a television receivesonly satellite program distributor, a video dialtone service, and a satellite master antenna television system. A multichannel video programming distributor's services will be deemed "offered" when they are both technically and actually available. Service is "technically available" when the multichannel distributor is physically able to deliver the service to a household wishing to subscribe, with only minimal additional investment by the distributor. A service is "actually available" if subscribers in the franchise area are reasonably aware through macketing efforts 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 of the households in the franchise area are served by competitors. A multichannel video programming distributor must offer at least 12 channels of programming, at least one channel of which is nonbroadcast, to be found to offer "comparable" video programming.

 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 Act of 1934, is amended. The Communications will use the information provided in this form to determine it the franchise authority should be authorized to regulate cable reads. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. All information provided in this form will be available for public inspection. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 30 minutes including the time for reviewing instruction, is such ting criting data sources, pathering are maintaining the data needed, and completing and reviewing the collection of information is maintaining the data needed and completing and reviewing the collection of information for commercial review of the collection of information for including suggestion for inducting the business to induce the collection of information for including suggestion for inducting the business for induction of the collection of information for inducting the business for induction of the collection of the

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1975, \$ U.S.C. 522ab(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 94-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

FCC 328 June 1993

Federal Communications Commission			FCC 32	20	3060-XXXX Expires 00/00/00				
Washington, D. C. 20554			FCC 3.	28	Expires Gardanag				
					EGULATE BASIC CABLE SERVICE RATES FECTIVE COMPETITION				
Name of Franchising Authority				3.	Will your franchising authority adopt (within 120 days of certification) and				
Mailing Address					administer regulations with respect to basic cable service that are consistent				
City	State	ZIP Code			with the regulations adopted by the FCC pursuant to 47 U.S.C. Section 543(b)?				
Telephone No. (include area code):				4.	With respect to the franchising authority's regulations referred				
Person to contact with respect to this for	rm:				to in Question 3,				
					a. Does your franchising authority have Yes No the legal authority to adopt them?				
2. a. Name (s) and address(es) of cable syst unit identifiers within your jurisdiction.					b. Does your franchising authority have Yes No				
Cable System's Name				_					
Mailing Address				5.	Do the procedural laws and regulations applicable to rate regulation proceedings by your franchising authority provide a				
City	State	ZIP Code			reasonable opportunity for consideration of the views of interested parties?				
Cable System's FCC Community Unit Id	entifier:			6.	The Commission presumes that the cable Yes No system(s) listed in 2.b. is (are) not subject				
Cable System's Name			\neg	systems; issed in 2.0. is (are) not subject to effective competition. Based on the definition below, do you have reason to					
Mailing Address				Œ	believe that this presumption is correct? (fective competition means that (a) fewer than 30 percent of the				
City	State	ZIP Code		ho	nective competition means that (a) rewer than 50 percent of the suseholds in the franchise area subscribe to the cable service of a ble system; (b) the franchise area is (i) served by at least two				
Cable System's FCC Community Unit Id	entifier:			ur w	affiliated multichannel video programming distributors each of hich offers comparable video programming to at least 50 percent				
2. b. Name (s) of system(s) and associated or subject to regulation and with respectification. (Attach additional sheets if name of System	pect to whi ecessary.)			ho m th pr	the households in the franchise area; and (ii) the number of sueholds subscribing to programming services offered by utlichannel video programming distributors other than the largest utlichannel video programming distributor exceeds 15 percent of e households in the franchise area; or (c) a multichannel video ogramming distributor operated by the franchising authority for at franchise area offers video programming to at least 50 percent the households in that franchise area.)				
Name of System	Co	ommunity Unit Jentifier			ignature				
2. c. Have you served a copy of this forn	n on all parti	ies Yes [1	itle				
	indicated i	original and one n Instructions), al Federal Communi Attn: Cable Franc Room L-16 1919 M Street, N. Washington, D. C	ong with a ications Co chising Aut .W.	any a ommi	ssion				

[58 FR 29753, May 21, 1993, as amended at 76 FR 55818, Sept. 9, 2011]