



Cable Services Informational Handout – December 2018

Cable television systems permanently occupy and extensively make use of scarce and valuable Public Rights-of-Way, in a manner different from the way in which the general public uses them, and in a manner reserved primarily for those who provide essential services to the public subject to special public interest obligations, such as utility companies. The grant of a Franchise has the effect of giving the holder extensive economic benefits and placing the holder in a position of public trust. The County finds that public convenience, safety, and general welfare can best be served by establishing regulatory powers vested in the County or such Persons as the County so designates to protect the public and to ensure that any Franchise granted is operated in the public interest.

Our current Cable Franchise Agreements are not exclusive ("monopoly") franchises. Currently St. Mary's County has Agreements in place with both Atlantic Broadband (formerly Metrocast and GMP) and ComCast for service in the county which expire 2/17/2028 and 7/26/2020, respectively. There is no restriction in the Ordinance or either of the Franchise Agreements which would limit service areas or prevent expansion of areas served by any franchisee. Additionally, any commercial entity that meets the Cable Ordinance requirements for providing video service can enter into negotiations for a Cable Franchise to operate within the county.

St. Mary's County Government oversees the video and cable system operations authorized within St. Mary's County. The responsibilities for Operating a Cable Franchise in St. Mary's County are detailed in the "CABLE SYSTEMS AND OPEN VIDEO SYSTEMS ST. MARY'S COUNTY, MARYLAND" Ordinance and the Franchise Agreements which can be viewed/downloaded at:

- Ordinance - <http://www.stmarysmd.com/docs/CableOrdinance.pdf>
- Atlantic Broadband - <http://www.stmarysmd.com/docs/GMPFranchiseAgreement.pdf>
- ComCast - <https://www.stmarysmd.com/docs/Comcast%20Franchise%20Agreement.pdf>

Complaints regarding video, service repairs, and cable company response times can be addressed by contacting the Information Technology Department via e-mail at Bob.Kelly@stmarysmd.com.

Video service areas and plant extensions\expansion minimum requirements detailed in the Franchise Agreements are summarized below:

1. Other than applicable installation fee's, the Franchisee shall extend their cable system at no charge if the new subscriber is 300 feet or less from plant termination. This generally covers subscribers that live in a location where the cable plant runs along their roadway and their home is not set back more than 300 feet.
 2. The number of potential subscribers to be passed by the extension necessary to serve such subscriber is equal to or greater than twenty (20) homes per mile measured from any point on the
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System. When the existing cable plant requires the plant to be extended beyond its current termination point, the extension must not exceed one mile and 20 (or more) homes must be passed. This distance is calculated by measuring from the nearest point in the existing plant to the subscriber's location using the county right-of-way as routed path.

Due to Federal regulations, local governments are not allowed to regulate the following services of a Cable Service Provider:

Channel Broadcasting Selection - Per FCC rules (Title 47 Section 76.56), the cable provider must provide certain local programming. However, other than those specific channels, the cable provider decides what programs to carry. The County cannot dictate specific channels that providers to offer to customers. You should contact Atlantic Broadband or ComCast directly if you have a complaint about which stations they do or don't carry.

Internet Service – This is not a service regulated by the county.

From the FCC's website: (http://www.fcc.gov/Bureaus/Cable/News_Releases/2002/nrcb0201.html) “In a *Declaratory Ruling* adopted today, the FCC concluded that cable modem service is properly classified as an interstate information service and is therefore subject to FCC jurisdiction. The FCC determined that cable modem service is not a "cable service" as defined by the Communications Act. The FCC also said that cable modem service does not contain a separate "telecommunications service" offering and therefore is not subject to common carrier regulation.”

The Federal Trade Commission, the nation's consumer protection agency, collects complaints about companies, business practices, identity theft, and episodes of violence in the media. You can file a complaint directly to the FTC online at:

<https://www.ftccomplaintassistant.gov/#crnt&panel1-1/>

Voice of Internet Protocol (VoIP) – This is not a service that is regulated by the county.

In June 2005 the FCC imposed 911 obligations on providers of interconnected VoIP services VoIP services that allow users generally to make calls to and receive calls from the regular telephone network.

More information can be found at <https://www.fcc.gov/general/voice-over-internet-protocol-voip>.

Billing rates – From the FCC's website (<https://www.fcc.gov/consumers/guides/regulation-cable-tv-rates>) – “Cable television service is regulated by state-approved local franchising authorities, usually city, county or other governmental organizations. Your LFA may regulate the rate your provider can charge for "basic" cable service, though there is no FCC requirement for such regulation. ...Rates are not regulated by LFAs for any tier of service beyond basic service.”

As such, the only programming rate the County is authorized to regulate is the rate for basic cable service.