



Cable Services Informational Handout – January 2015

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 MetroCast (formerly GMP) and ComCast for service in the county which expire 2/18/2018 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.co.saint-marys.md.us/docs/CableOrdinance.PDF>
- MetroCast - <http://www.co.saint-marys.md.us/docs/GMPFranchiseAgreement.PDF>
- ComCast - <http://www.co.saint-marys.md.us/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

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 they wish the providers to carry. You should contact MetroCast 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/>

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

The FCC has worked to create an environment promoting competition and innovation to benefit consumers and, where necessary, has acted to ensure that VoIP providers comply with important public safety requirements and public policy goals.

For example, due to reports that some VoIP subscribers were unable to access 911 emergency services, 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. (You should know, however, that 911 calls using VoIP are handled differently than 911 calls using your regular telephone service. Please see the FCC's consumer advisory on VoIP and 911 services at www.fcc.gov/cgb/consumerfacts/voip911.html for complete information on these differences.)

The FCC also limits interconnected VoIP providers' use of customer proprietary network information (CPNI) such as your telephone calling records, and requires interconnected VoIP providers to protect it from disclosure. For more information on these limits and requirements, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/phoneaboutyou.html. The FCC also requires interconnected VoIP providers to contribute to the Universal Service Fund, which supports communications services in high-cost areas and for income-eligible telephone subscribers.

Interconnected VoIP providers must comply with the Commission's Telecommunications Relay Services (TRS) requirements, including contributing to the TRS Fund used to support the provision of telecommunications services to persons with speech or hearing disabilities, and offering 711 abbreviated dialing for access to relay services. Interconnected VoIP providers and equipment manufacturers also must ensure that, consistent with Section 255 of the Communications Act, their services are available to and usable by individuals with disabilities, if such access is readily achievable. For more information about Section 255 requirements, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/section255.html.

Finally, the FCC now requires interconnected VoIP providers and telephone companies that obtain numbers for them to comply with Local Number Portability (LNP) rules. These rules allow telephone and now VoIP subscribers changing providers but remaining within the same geographic area to keep their phone numbers. VoIP providers must also contribute to funds established to share LNP and numbering administration costs among all telecommunications providers benefiting from these services. For more information about LNP requirements, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/numbport.html.

Billing rates – From the FCC's website (<http://www.fcc.gov/mb/facts/csgen.html>), "...Under the dual jurisdictional approach to cable television regulation, several important areas of regulation are administered by local franchising authorities rather than by the Commission. These include subscriber rates for basic cable service, installation fees, equipment and customer service, where the local franchising authority has chosen to regulate; bills and billing practices; extension of cable service to individual homes and businesses; repairs; improper wiring; theft of service; and false or misleading advertising concerning the cable system's capabilities. Complainants are urged to make their complaints by letter, directed to local officials responsible for regulation of their cable system. In most cases, the local franchising authority will review the charges for basic cable service and equipment to determine if the charges are justified.

Pursuant to the 1996 Act, the Commission's authority to regulate the rates charged for cable programming service was terminated on March 31, 1999. Therefore, the cable company determines the rate for this service and the Commission does not have the authority to review the rate or to accept complaints about the rate."

As such, the only programming rate the County is authorized to regulate is the rate for basic cable service (<http://www.fcc.gov/cgb/consumerfacts/cablerates.html>).