

Northwestern CT



Community TV

Charter Communications of NW CT Community Access Rules

(Revised: January 1, 2011)

PURPOSE & PLEDGE

The rules and regulations set forth below shall govern the availability and use of the access channel(s) and production facilities provided by Charter Communications of Northwestern Connecticut as a public service and under the regulations adopted by the Connecticut Department of Public Utility Control (DPUC).

It is the goal of Charter Communications to promote and encourage use of the public access channel(s). In order to further that goal and maintain compliance with applicable franchise ordinances, Charter Communications will provide the required facilities, production equipment, training, and channel time to residents of communities served by Charter. Community access is non-commercial and available on a non-discriminatory, free-of-charge, and first-come, first-served basis. Prior video experience is not required.

Access users are entirely and solely responsible for the content of their programs. In an effort to provide this avenue of free and uninhibited speech in the truest nature of regulatory intent, Charter seeks to minimize its role in the influence of programming content. Provided that a program is not commercial or obscene in nature, it is not Charter's policy or responsibility to dictate content of programs submitted for cablecast. Thus, all other content issues including, but not limited to, those of slander, libel, and copyright are the sole responsibility of the program's producers or submitters, who are required to sign a transmission application in which they assume responsibility for their program's content. Charter recommends that all access users secure all rights, licenses, permissions, and consents necessary for their productions, but Charter cannot assume a role of legal advisor in these matters.

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I. GENERAL POLICIES

A. Charter Communications will make available, free of charge, production equipment, studio facilities, training, and channel time to any person or organization within the Charter Communications franchise areas, provided that programming is created for the purpose of cablecast on the public access channel. All access users must be trained by Charter Communications studio staff before utilizing and/or borrowing any community access equipment. Individuals who do not return equipment in a timely manner or are a danger to the equipment, facilities, or others will not be allowed to utilize access resources.

B. Program producers and program submitters must reside in the Charter franchise area. Producers are responsible for providing their own crews, and are encouraged to utilize residents of the franchise area as crewmembers. Producers utilizing crews with less than 75% of members from the franchise area will need to demonstrate evidence of special circumstances which make it necessary to use outside help.

C. Charter Communications community access staff reserves the right to limit the size and scope of any production, including props, which may compromise the safety and/or operation of the facility.

D. Access users are not at any time to represent themselves as employees or agents of Charter Communications. Access users shall make no statement on behalf of Charter in the course of their programs or in any media at any time.

E. No minor shall be permitted to use the facilities or equipment unless released by a parent or legal guardian who shall assume all legal responsibility for the program and for executing the Access User Contract and obtaining whatever permits that may be required authorizing the appearance of the minor. All minors under 16 years of age must be accompanied by an adult.

F. The producer is responsible for all facets of the production, including but not limited to: program content, assembling a crew, scheduling the use of equipment and facilities, contacting guests, and ensuring that all participants in the production adhere to these rules and policies.

G. For all access productions, the person on record as producer must be present during studio productions and equipment pick-up and drop-off. Exceptions to this are at the discretion of community access staff.

H. Access producers are entitled to make no more than one copy of their finished program using Charter's production equipment.

I. A producer/submitter may submit no more than two distinctly different programs/series during any 13-week time period. Acceptance of a second program/series will be based on availability of timeslots within the current program schedule, and the time currently used by the first series. Programs/episodes submitted for cablecast must adhere to the description of said programs as described in the transmission application.

J. Access channel users are encouraged to promote their programs throughout the communities served by the franchise to ensure and increase viewership. However, no promotion may connect access programming with a commercial service or product, or in any way create a perception that an access program is commercial in nature. This type of promotion will subject the program to removal from the channel. (See also “Special Policies: Advertising Policy”) The Charter logo and name are not to be used in any promotion without the prior approval of Charter Communications management.

K. Charter Communications reserves the right to promote all access programs and activities internally and externally through the media as part of our ongoing goal to promote and foster access activity. This includes utilizing images and audio, in part or in whole, of programs submitted for cablecast on Charter-provided access channels.

L. Charter Communications is only liable for the cost of access media that have been lost or damaged, and will therefore replace any lost or damaged media with blank media of equal value.

M. Programming produced for access cablecast use or produced on access equipment may not be used for personal profit or solicitation of funds on behalf of any agency or group.

N. Access users are responsible for picking up their programs or arranging for shipment after a show’s last cablecast, and are responsible for assuming all shipping costs. Charter Communications may dispose of the program media if pick-up has not occurred within 30 days after a program’s last cablecast.

II. TECHNICAL STANDARDS

A. Depending on available playback equipment, Charter will accept the following media formats for cablecasting: DVD-R (with no complex menu commands) that can be played on a standard DVD player. Each submitted program must be clearly labeled, including the title of the program mentioned on the transmission application along with the total running time of the program in hours, minutes and seconds, and episode number if applicable. This information must appear on the DVD. Charter reserves the right to either reject unlabeled programs or to apply labels as needed in order to facilitate efficient scheduling and transmission of programs.

B. The following technical standards are encouraged, and may be required at the station's discretion, in order to communicate your program's message or viewpoint:

- 1.** Apply brief credits (title, producer) at the beginning of each program. Include more comprehensive credits (camera, audio, etc.) at the end of the program.
- 2.** Include a countdown at the beginning of the program to ensure the program will begin where it is intended. Fade to black at the end of the program to provide a definitive end marker.

C. Programs that are not produced at Charter Communications' facilities must meet our technical standards, including that the tape is audible and generally visible, and contains continuous sync (does not lose video signal, resulting in "snow").

D. The access user, in order to ensure that the submitted program(s) are aired properly and as scheduled, should submit only one show per tape. Charter will not refuse tapes that contain more than one program, but cannot guarantee that these shows will air in their proper order. Any tapes that have more than one program should clearly indicate the start time code (hours, minutes, and seconds) for each program.

III. RESTRICTIONS

A. No program, production, or presentation shall be transmitted on the access channel that involves obscene or commercial material. See "Special Policies."

B. Access users who elect to produce programs in which the content may be considered similar to the nature of a service or product sold by their business, not-for-profit agency, or employer, may have limitations imposed on them to insure they are not in violation of public access advertising prohibitions (See "Special Policies: Advertising Policy").

C. No program, production or presentation shall be permitted on the access channel that involves directly or indirectly any lottery, gambling scheme and/or information which involves a lottery, or which may be defined as advertising.

IV. SPONSORSHIPS

A. Sponsorship (financial assistance) for access shows by a business, individual, or non-profit organization is permitted. Sponsorship contributions are for production expenses exclusive of time (e.g. videotapes, props, and transportation for guests) and may not exceed the cost of the production. Access producers are encouraged to create local programming with a minimum of out-of-pocket expense. Money for videotape is often all that is required. Sponsorship acknowledgment is allowed utilizing the following guidelines,

which allow limited identification of sponsors without creating an advertising or promotional effect:

1. Sponsor credits may appear one time during the entirety of the program for 10 seconds. Onscreen talent or a voiceover may accompany a graphic acknowledging the sponsor's support of the program.
2. Sponsors may be identified by name only. No call to action to patronize the business or to purchase goods or services from not-for-profit agencies is permitted.
3. A written disclosure of any monies or properties provided through a sponsorship and their acknowledgment shall be submitted to Charter staff for review prior to production.

V. SPECIAL POLICIES

A. In accordance with cable television public access rules and regulations, and in the spirit that such provisions seek to invoke the fundamental purposes of community access, including but not limited to: enhancing First Amendment rights, providing for the dissemination of diverse views, and to serve as a source of ideas and information, Charter community access sets forth the following definitions and policies regarding indecent, obscene, and advertising programming, or programming with such content:

1. OBSCENITY POLICY: Programming containing in whole or in part, subject matter, pictures, words, or any other material defined as "obscene" **will not** be accepted for cablecast.

"Obscenity" is defined as:

- a. Any material in a program and/or presentation which could/would subject the producer/submitter thereof and/or Charter Communications to persecution or penalty under local, state, or federal law for the production or presentation of obscene material.
- b. "Obscenity" is programming or programming content that meets each of the following criteria:
 - Has no artistic, social, or educational merit.
 - Appeals to prurient interests.
 - Is definable as obscene according to contemporary community standards.

2. INDECENCY POLICY: Programming containing in whole or in part, subject matter, pictures, words, or any other material defined as "indecent" will be scheduled at the discretion of Charter's public access staff. Indecent programs will contain a special beginning disclaimer/tag notifying viewers that "*Content may not be suitable for all viewers.*" All indecent programming that may not be suitable for children will be scheduled for cablecast after 10 p.m.

“Indecency” is defined as:

- a. Any material in a program and/or presentation which could/would subject the producer/submitter thereof and/or Charter Communications to persecution or penalty under local, state, or federal law for the production or improper presentation of indecent material.
- b. “Material that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards.” (Federal Communications Commission definition)

3. At the discretion of the public access studio supervisor or other Charter management, programming that may be considered indecent or obscene, as defined above, will be reviewed by the Cable Advisory Board for this franchise area prior to cablecast on the access channel. The Board will apply contemporary community standards and other applicable criteria as noted above to determine whether such programming constitutes indecent or obscene programming.

4. ADVERTISING POLICY: Audio and/or visual material of an advertising/commercial nature, designed to promote the sale of products or services, shall not be created using access equipment resources, and is prohibited from the access channel, including solicitation of funds by non-profit organizations (Note website exception below, §5.b). This includes programming and advertising by, on behalf of, or in opposition to candidates for public office. (Note: Political candidates for office may produce and submit informative public-access programs.) If shows are discovered as having commercial/advertising content during or after transmission, they will be removed from the access schedule.

“Advertising” includes:

- a. Any programming intended for public-access cablecast which in whole or in part contains material of a commercial or advertising nature, or which would subject the producer/supplier and or Charter Communications to prosecution under federal, state, or local law for the misuse of access resources.
- b. Calls to action to buy, donate, or contribute funds, money, products, or services, or to patronize events or businesses.
- c. The display or mention of a location, address, phone number, or source for purchasing or obtaining a product or service and/or for donating funds, resources, or gifts.
- d. The display or mention of price, value, or other cost(s) in dollars relating to a call to action for the purchase of products or services, or donation and/or fundraising.

5. WEBSITE / EMAIL / PHONE NUMBER POLICY: The display of Internet access information (website or email) or phone numbers within a program is limited due to the various forms of commercial and fundraising content. The following definitions have been written to simplify producers'/sponsors' ability to make this information part of their program.

- a. Personal websites, email addresses, and phone numbers, which contain no advertising, can be displayed at any time during the program.
- b. Non-profit, not-for-profit websites, email addresses, and phone numbers can be displayed during the program. If the website contains a call to donate funds, the web address may only be displayed for no more than 15 seconds during the end credits.
- c. Candidates for political office may display contact information i.e. websites/email address/phone provided that no request is made during the program to donate funds or request support that may be misconstrued to mean financial support. The main purpose of each website/email address/phone number mentioned should be to provide viewers with more information about the program contents.
- d. Commercial websites, email addresses, and phone numbers are not permitted. Please refer to the advertising content definition (above).

VI. SCHEDULING

A. In carrying out the DPUC's stated goal of *encouraging access channel usage by as many different persons or entities as practical*, when scheduling conflicts arise, Charter Communications shall give preference to: (1) Access channel administration and maintenance, (2) Access channel users who have not utilized the access channel previously, and (3) Access channel programming offered by bona fide non-profit educational institutions for credit.

B. Programs must be accompanied by a transmission application and submitted at least 20 days in advance of the initial cablecast. However, if no prior request has been made for the time and date requested, Charter Communications may waive this period. Charter Communications will make its best effort to offer the access user the time requested during normal access programming hours.

C. All scheduling requests shall be processed on a first-come, non-discriminatory basis.

D. All series programs must be submitted one week prior to the scheduled play date.

E. Applications and assigned timeslots are not transferable.

F. Single and series programs must not exceed assigned program length. Failure to comply may result in the program being cut off prior to the program's actual ending.

G. Single programs: Charter Communications will cablecast single-episode programs a minimum of one time and a maximum of four times over a two-week period.

H. Series programs: Charter Communications will cablecast individual episodes of series programs a minimum of one time and a maximum of four times over a period of two weeks, until the series is shown in completion. (A series program must include at least two different episodes per month, which clearly fall within the context and description of the series as filed in the submitter's transmission application.) A submitter holding a timeslot who does not produce and submit two new episodes per month (including live shows) will lose the series timeslot, thus being removed from the cablecast schedule, and will need to file a new transmission application for each episode as they are submitted.

- 1. 13-Week Rule:** No access user may be guaranteed a playtime indefinitely. In accordance with Public Act 94-22, Charter Communications' scheduling policy encourages diversity by limiting programming, except instructional access and governmental access programming, to 13 weeks in any specific timeslot if that timeslot is requested by another access user. Renewal of the series that lost its timeslot will be based on available schedule time, and the producer must submit new paperwork in order to continue showing the program.
 - a.** All program producers and submitters must renew their transmission application in person with proof of residency every 13 weeks. At this time they may request to remain in their assigned timeslot (given that no other access user has requested it) or request a new timeslot.
 - b.** After an access user has renewed their timeslot, they cannot be bumped from it until their new 13-week run is over.
 - c.** An access user who wishes to "bump" a show from its timeslot may indicate so to Charter at any time, and then they will have to wait for the current show's run to expire. Charter will then notify the "bumped" access user that they will lose their timeslot at the end of their 13 weeks.
 - d.** A submitter who has been "bumped" from a timeslot as a result of the 13-Week Rule may not bump another program that has not yet occupied its own timeslot for 13 weeks.
 - e.** This policy for fairly assigning competitive timeslots should serve as a means of giving all access users equal use of popular evening hours. In the event of conflicts for timeslots which may not be resolved by the 13-Week Rule, Charter will offer to meet with all parties concerned to find a mutually satisfactory compromise. If neither the 13-Week Rule, nor the conflict resolution meetings are able to offer a

solution, then all parties may bring the conflict before the local cable advisory board for further discussion and policy review.

- I. First-run programming has priority over previously-run programs.
- J. Requests for repeat cablecasts will be considered after three months.
- K. Depending on time availability, Charter reserves the right to “break up” or segment programs that exceed 60 minutes in length, in order to fairly distribute programming time.
- L. Charter reserves the right to cablecast any access program additional times in order to fill spaces in the schedule. Any access user may request that their program not be shown in this manner.
- M. When the designated access channel is not being used for community access, alternate programming may be offered at Charter Communications’ discretion.
- N. Charter Communications reserves the right to change access channel hours for special circumstances and holidays.

VII. APPLICATIONS FOR FACILITY/EQUIPMENT USE & CABLECAST

A. In order for an access user to utilize Charter’s studio facilities, portable equipment, or community access channel, the following documents must be completed and signed. Please note: The portions of these completed documents that indicate program title, producer/submitter, and town of residence will be available for public inspection.

- 1. Public Access Proposal:** Here access users provide a program outline, required sets/locations, the people involved, and other information needed for Charter staff to help them create their programs.
- 2. Equipment Use Application:** This form documents the equipment that access users have been trained to operate by Charter staff. It also states that access users are fully responsible for the equipment they use and will pay for any lost or damaged equipment.
- 3. Access User Contract:** This form emphasizes the legal elements of community access, including that program producers and submitters assume all responsibility for program content and that they will also assume responsibility for all claims made against Charter Communications regarding their programs.

4. Transmission Application: This is the final document access users complete when their program is ready for showing on the access channel. Must be filled out in person at the community access studio.

VIII. PUBLIC INSPECTION

A. Charter Communications shall maintain a complete record of the names and towns of all persons, groups, and organizations requesting access time and/or use of equipment. Such records will be maintained in Charter Communications' studio office and will be available for public inspection during normal operating hours.

B. Persons requesting information from the public inspection file shall identify themselves by name and address.

C. Access resources will not be available to any applicant who refuses to have their identity maintained in the records and available for public inspection as required by this section.

D. All records of access requests shall be maintained for a period of at least two years.

IX. GLOSSARY

Access channel user: Any person, group, organization or other entity which made proper application for and presents access programming on the access channel(s).

Cablecasting: The presentation of taped or live programming sent out to viewers via the cable television system. (This differs from broadcast signals, which are transmitted through the air.)

Candidate: Any person running for public office who qualifies as a legally-qualified candidate pursuant to Part 76 of the Rules and Regulations of the Federal Communications Commission.

Community access television: A service provided by local authorities, such as profit or non-profit organizations, municipalities, and/or cable franchise operators to allow individuals to submit their own programs for cablecast over a designated area. Also called public access television.

Lottery: Any device, scheme, plan promotion, contest or other program and/or presentation that involves directly or indirectly the elements of prize, chance, consideration, or information thereof.

Program producer: A person who resides within the local Charter Communications franchise area and creates a show for cablecasting on the access channel. The producer is responsible for all facets of the production, including but not limited to: program content, assembling a crew, scheduling the use of equipment and facilities, contacting guests, and ensuring that all participants in the production adhere to these rules and policies. (compare with “program submitter”)

Program submitter: A person who lives within the local Charter Communications franchise area and submits a pre-existing show for cablecasting on the access channel. The submitter is responsible for ensuring that the show adheres to these rules and policies. (compare with “program producer”)

X. CONTACT INFORMATION

**Charter Community Access Television
140 Willow Street, Suite 3
Winsted, CT 06098**

Phone: 860-738-5090

Email: NWCTCOMMUNITYTV@charter.com

Web: www.CTV191.com

Studio Hours:

Monday & Wednesday:	2 p.m. – 10 p.m.
Tuesday & Thursday:	10 a.m. – 10 p.m.
Friday:	9 a.m. – 6 p.m.
Saturday:	9 a.m. – 3:30 p.m.
Sunday:	Closed

(Please call first, may be closed on Saturdays to accommodate local community event production needs and holidays.)

Michael J. Nelson
Community Access Studio Supervisor

Megan Irwin & Christopher Valli
Community Access Coordinators