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§ 84-1. Title.

- This chapter shall be known and may be cited as the "Lower Paxton Township Cable Television Ordinance."

§ 84-2. Federal law.

- This chapter is enacted under the Federal Cable Television Consumer Protection and Competition Act of 1992, which permits local franchising authorities to regulate cable television, subject to certain substantive and procedural limitations.

§ 84-3. Conflict with federal law.

- It is the intent of the Board of Supervisors that this chapter conform to the federal law. If a court of competent jurisdiction declares any provision of this chapter to be in conflict with the federal law, the federal law will control and this chapter, to the extent that any provision is declared to be in conflict with the federal law, shall not apply.

§ 84-4. Definitions.

- As used in this chapter, the following terms shall have the following meanings:

ASSOCIATED EQUIPMENT -- All equipment in a cable subscriber's home that is used to receive the basic service, regardless of whether such equipment is additionally used to receive other tiers of regulated programming service and/or unregulated service. Equipment shall include but not be limited to:

- **A.** Converter boxes;
- **B.** Remote control units;
- **C.** Connections for additional television receivers; and
- **D.** Other cable home wiring.

BASIC SERVICE -- At a minimum, all signals of domestic broadcast stations provided to any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system), any public, educational and governmental programming required by the franchise to be carried on the basic tier and any additional video programming signals or service added to the basic tier by the cable operator.

BASIC SERVICE RATE -- The rate charged by a cable operator for basic service and associated equipment costs.

BOARD OF SUPERVISORS -- The governing body of Lower Paxton Township.

CABLE OPERATOR -- Any person or group of persons:

- **A.** That provides cable service over a cable system and, directly or through one or more affiliates, owns a significant interest in such cable system; or
- **B.** Who otherwise owns, controls or is responsible for, through any arrangement, the management and operation of a cable system.

CABLE SERVICE:

- **A.** The one-way transmission to subscribers of:
 1. Video programming; or
 2. Other programming service; and
- **B.** Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

CABLE SYSTEM -- A facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment, that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but does not include:

- **A.** A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- **B.** A facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control or management, unless such facility uses any public right-of-way;
- **C.** A facility of a common carrier except to the extent that such facility is used in the transmission of video programming directly to subscribers; or
- **D.** Any facilities of any electric utility used solely for operating its electric utility systems.

FEDERAL LAW -- The Federal Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of

1992 and all regulations promulgated by the FCC thereunder, as any of the foregoing may be amended from time to time.

FCC -- The Federal Communications Commission.

TOWNSHIP -- The Township of Lower Paxton, a township of the second class.

§ 84-5. Appointment and powers of compliance officer.

- **A.** For the administration of this chapter, a compliance officer, who shall not hold any elective office in the township, shall be appointed by the Board of Supervisors.
- **B.** The compliance officer shall meet the qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of said Board a working knowledge of cable regulation under the federal law and this chapter.
- **C.** The compliance officer shall administer this chapter in accordance with its literal terms.

§ 84-6. Duties of compliance officer.

- The compliance officer shall be responsible for:
 - **A.** Taking such action on behalf of the township as may from time to time be required to obtain or maintain the township's certification to regulate basic service rates.
 - **B.** Notifying all cable operators serving the township when the township has been certified by the FCC to regulate basic service rates.
 - **C.** Making all filings required or permitted to be made to the FCC by the township pursuant to the federal law, subject to oversight and control of the Board of Supervisors.
 - **D.** Receiving, filing in the public records of the township, reviewing for completeness and placing on the Board of Supervisors agenda for consideration all submissions, petitions and other filings required or permitted to be made to the township pursuant to the federal law. All submissions, petitions, and other filings made to the township pursuant to the federal law shall be made via first class mail, postage prepaid, to the following address: Lower Paxton Township, Attn: Cable Television Compliance Officer, 75 South Houcks Road, Harrisburg, PA 17109.
 - **E.** Enforcing the provisions of this chapter and all decisions of the Board of Supervisors made hereunder to the fullest extent permitted by the federal law, subject to the oversight and control of the Board of Supervisors.
 - **F.** Taking such other actions as may be necessary from time to time, subject to the oversight and control of the Board of

Supervisors, to protect the right of the township to regulate cable television to the fullest extent permitted by the federal law.

§ 84-7. Regulation of basic service rates.

- The Board of Supervisors shall regulate basic service rates in accordance with the substantive and procedural provisions of the federal law and any applicable state law or regulations or local ordinances.
 - A. Duties of cable operators:
 1. Within 30 days of receiving written notification from the township that the municipality has been certified by the FCC to regulate rates for the basic service, a cable operator shall file its schedule of rates for the basic service and associated equipment with the township.
 2. At least 30 days prior to increasing its rates for the basic service, a cable operator shall notify each subscriber of the proposed rate increase and shall file a notice of its proposed rate increase with the township.
 3. At the time of filing a schedule of rates or a proposed rate increase with the township, a cable operator shall publish a summary of the rates or rate increase in a local newspaper for at least three consecutive days and cablecast a summary of the rates or rate increase on its public information channel at least twice daily at such times as are reasonably expected to reach the largest audience, over a three-day period, in each case notifying interested parties that they must submit written comments by a date certain (within 15 days of the cable operator's filing with the township) at the appropriate address.
 4. A cable operator shall comply with all orders of the township, including orders that would require the cable operator to disclose proprietary information. If the cable operator desires proprietary information not be available to the public, it must file a request with the township that the information remain confidential. The request should be submitted to the township in accordance with the procedure set forth in 47 CFR 0.459. The township will make its determination in accordance with 47 CFR 0.459 and advise the cable operator accordingly.
 - B. Duties of the township.
 1. Upon receipt of a cable operator's schedule of rates or a proposed rate increase, the township shall cablecast a summary of the rates or rate increase on the channel(s) allocated to the municipality, at least twice daily at such times as are reasonably expected to reach the largest

audience, over a three-day period, along with a notice that interested parties shall submit written comments to the township by a date certain (within 15 days of the cable operator's filing with the township) at the appropriate address.

2. The township shall make any decision on the reasonableness of current basic service rates and proposed rate increases pursuant to the procedural and substantive provisions of the federal law.
 3. In making a decision on the reasonableness of current basic service rates or proposed rate increases, the municipality shall have the authority to compel the production of proprietary information from cable operators, and in such circumstances, the municipality shall be subject to confidentiality provisions set forth in Subsection A(4) of this section.
- C. Enforcement. In rendering its decisions, the Board of Supervisors shall have the full authority granted to it pursuant to the federal law to order a cable operator to take any and all actions as the federal law permits, including, without limitation:
 1. Ordering a cable operator to implement a reduction in basic service tier or associated equipment rates where necessary to bring rates into compliance with the standards set forth in the federal law.
 2. Prescribing a reasonable rate for the basic service tier or associated equipment after it determines that a proposed rate is unreasonable.
 3. Ordering a cable operator to refund to subscribers that portion of previously paid rates determined to be in excess of the permitted tier charge or above the actual cost of equipment, unless the operator has submitted a cost-of-service showing which justified the rate charged as reasonable. Before ordering such a refund, however, the township shall give the operator notice and shall give the operator 15 days from the date such notice is given to submit written comments to the township. Any such refund order shall be further subject to the limitations contained in the federal law.

§ 84-8. Violations and penalties.

- This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine

of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.