

FCC CABLE RULES

**CODE OF FEDERAL REGULATIONS  
TITLE 47 -- TELECOMMUNICATION  
CHAPTER I -- FEDERAL COMMUNICATIONS COMMISSION  
SUBCHAPTER C -- BROADCAST RADIO SERVICES  
PART 76--CABLE TELEVISION SERVICE**

**FCC CABLE RULES §76.309 Customer Service Obligations**

- (a) A cable franchise authority may enforce the customer service standards set forth in section (c) of this rule against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce the standards.
- (b) Nothing in this rule should be construed to prevent or prohibit:
  - (1) A franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards set forth in section (c) of this rule;
  - (2) A franchising authority from enforcing, through the end of the franchise term, pre-existing customer service requirements that exceed the standards set forth in section (c) of this rule and are contained in current franchise agreements;
  - (3) Any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted herein; or
  - (4) The establishment or enforcement of any State or municipal law or regulation concerning customer service that imposes customer service requirements that exceed, or address matters not addressed by, the standards set forth in section (c) of this rule.
- (c) Effective July 1, 1993, a cable operator shall be subject to the following customer service standards:
  - (1) Cable system office hours and telephone availability.
    - (i) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.
      - (A) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.
      - (B) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.
    - (ii) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

## FCC CABLE RULES

### FCC CABLE RULES §76.309 Customer Service Obligations (continued)

- (iii) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.
  - (iv) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.
  - (v) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.
- (2) Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:
- (i) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.
  - (ii) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.
  - (iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)
  - (iv) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
  - (v) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.
- (3) Communications between cable operators and cable subscribers.
- (i) Refunds. Refund checks will be issued promptly, but no later than either-
    - (A) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
    - (B) The return of the equipment supplied by the cable operator if service is terminated.
  - (ii) Credits. Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

## FCC CABLE RULES

### FCC CABLE RULES §76.309 Customer Service Obligations (continued)

- (4) Definitions.
- (i) Normal Business Hours. The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.
  - (ii) Normal Operating Conditions. The term "normal operating conditions" means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.
  - (iii) Service Interruption. The term "service interruption" means the loss of picture or sound on one or more cable channels.

#### ***Notes to §76.309 (text of referenced Sections on following pages):***

***Section 76.1602*** contains notification requirements for cable operators with regard to operator obligations to subscribers and general information to be provided to customers regarding service.

***Section 76.1603*** contains subscriber notification requirements governing rate and service changes.

***Section 76.1619*** contains notification requirements for cable operators with regard to subscriber bill information and operator response procedures pertaining to bill disputes.

## FCC CABLE RULES

### **FCC CABLE RULES §76.1602 Customer service - general information**

- (a) A cable franchise authority may enforce the customer service standards set forth in paragraph (b) of this section against cable operators. The franchise authority must provide affected cable operators 90 days written notice of its intent to enforce standards.
- (b) Effective July 1, 1993, the cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:
  - (1) Products and services offered;
  - (2) Prices and options for programming services and conditions of subscription to programming and other services;
  - (3) Installation and service maintenance policies;
  - (4) Instructions on how to use the cable service;
  - (5) Channel positions of programming carried on the system; and
  - (6) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.
- (c) Subscribers shall be advised of the procedures for resolution of complaints about the quality of the television signal delivered by the cable system operator, including the address of the responsible officer of the local franchising authority.

## FCC CABLE RULES

### FCC CABLE RULES §76.1603 Customer service - rate and service changes

- (a) A cable franchise authority may enforce the customer service standards set forth in paragraph (b) of this section against cable operators. The franchise authority must provide affected cable operators 90 days written notice of its intent to enforce standards.
- (b) Customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers 30 days in advance of any significant changes in the other information required by § 76.1602.
- (c) In addition to the requirement of paragraph (b) of this section regarding advance notification to customers of any changes in rates, programming services or channel positions, cable systems shall give 30 days written notice to both subscribers and local franchising authorities before implementing any rate or service change. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g., inflation, change in external costs or the addition/deletion of channels). When the change involves the addition or deletion of channels, each channel added or deleted must be separately identified. For purposes of the carriage of digital broadcast signals, the operator need only identify for subscribers, the television signal added and not whether that signal may be multiplexed during certain dayparts.
- (d) A cable operator shall provide written notice to a subscriber of any increase in the price to be charged for the basic service tier or associated equipment at least 30 days before any proposed increase is effective. The notice should include the name and address of the local franchising authority.
- (e) To the extent the operator is required to provide notice of service and rate changes to subscribers, the operator may provide such notice using any reasonable written means at its sole discretion.
- (f) Notwithstanding any other provision of part 76 of this chapter, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

#### **Notes to §76.1603 (text of referenced Sections on following pages):**

**Section 624(h)** of the Cable Communications Policy Act of 1984 contains additional notification requirements which a franchising authority may enforce.

**Section 624(d)(3)** of the Communications Policy Act of 1984 contains additional notification provisions pertaining to cable operators who offer a premium channel without charge to cable subscribers who do not subscribe to such premium channel.

**Section 631** of the Communications Policy Act of 1984 contains additional notification requirements pertaining to the protection of subscriber privacy.

## FCC CABLE RULES

### **Cable Communications Policy Act of 1984 §624(h) Programming changes**

A franchising authority may require a cable operator to do any one or more of the following:

- (1) Provide 30 days' advance written notice of any change in channel assignment or in the video programming service provided over any such channel.
- (2) Inform subscribers, via written notice, that comments on programming and channel position changes are being recorded by a designated office of the franchising authority.

### **Cable Communications Policy Act of 1984 §624(d) Cable service unprotected by Constitution**

- (1) Nothing in this subchapter shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the Constitution of the United States.
- (2) (A) In order to restrict the viewing of programming which is obscene or indecent, upon the request of a subscriber, a cable operator shall provide (by sale or lease) a device by which the subscriber can prohibit viewing of a particular cable service during periods selected by that subscriber.  
  
(B) Subparagraph (A) shall take effect 180 days after the effective date of this subchapter.
- (3) (A) If a cable operator provides a premium channel without charge to cable subscribers who do not subscribe to such premium channel, the cable operator shall, not later than 30 days before such premium channel is provided without charge--
  - (i) notify all cable subscribers that the cable operator plans to provide a premium channel without charge;
  - (ii) notify all cable subscribers when the cable operator plans to offer a premium channel without charge;
  - (iii) notify all cable subscribers that they have a right to request that the channel carrying the premium channel be blocked; and
  - (iv) block the channel carrying the premium channel upon the request of a subscriber.  
(B) For the purpose of this section, the term "premium channel" shall mean any pay service offered on a per channel or per program basis, which offers movies rated by the Motion Picture Association of America as X, NC-17, or R.

## FCC CABLE RULES

### **Cable Communications Policy Act of 1984** **§631 Protection of Subscriber Privacy**

#### **§631(a) Notice to subscriber; "personally identifiable information" defined**

- (1) At the time of entering into an agreement to provide any cable service or other service to a subscriber and at least once a year thereafter, a cable operator shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of--
  - (A) the nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;
  - (B) the nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;
  - (C) the period during which such information will be maintained by the cable operator;
  - (D) the times and place at which the subscriber may have access to such information in accordance with subsection (d) of this section; and
  - (E) the limitations provided by this section with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under subsections (f) and (h) of this section to enforce such limitations.

In the case of subscribers who have entered into such an agreement before the effective date of this section, such notice shall be provided within 180 days of such date and at least once a year thereafter.

- (2) For purposes of this section, other than subsection (h)--
  - (A) the term "personally identifiable information" does not include any record of aggregate data which does not identify particular persons;
  - (B) the term "other service" includes any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service; and
  - (C) the term "cable operator" includes, in addition to persons within the definition of cable operator in §602, any person who (i) is owned or controlled by, or under common ownership or control with, a cable operator, and (ii) provides any wire or radio communications service.

## FCC CABLE RULES

### **Cable Communications Policy Act of 1984**

#### **§631(b) Collection of personally identifiable information using cable system**

- (1) Except as provided in paragraph (2), a cable operator shall not use the cable system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.
- (2) A cable operator may use the cable system to collect such information in order to--
  - (A) obtain information necessary to render a cable service or other service provided by the cable operator to the subscriber; or
  - (B) detect unauthorized reception of cable communications.

#### **§631(c) Disclosure of personally identifiable information**

- (1) Except as provided in paragraph (2), a cable operator shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator.
- (2) A cable operator may disclose such information if the disclosure is--
  - (A) necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator to the subscriber;
  - (B) subject to subsection (h) of this section, made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed;
  - (C) a disclosure of the names and addresses of subscribers to any cable service or other service, if--
    - (i) the cable operator has provided the subscriber the opportunity to prohibit or limit such disclosure, and
    - (ii) the disclosure does not reveal, directly or indirectly, the--
      - (I) extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator, or
      - (II) the nature of any transaction made by the subscriber over the cable system of the cable operator; or
  - (D) to a government entity as authorized under chapters 119, 121, or 206 of Title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator.



## FCC CABLE RULES

### **Cable Communications Policy Act of 1984**

#### **§631(d) Subscriber access to information**

A cable subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.

#### **§631(e) Destruction of information**

A cable operator shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) of this section or pursuant to a court order.

#### **§631(f) Civil action; damages; attorney's fees and costs; nonexclusive nature of remedy**

- (1) Any person aggrieved by any act of a cable operator in violation of this section may bring a civil action in a United States district court.
- (2) The court may award--
  - (A) actual damages but not less than liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher;
  - (B) punitive damages; and
  - (C) reasonable attorneys' fees and other litigation costs reasonably incurred.
- (3) The remedy provided by this section shall be in addition to any other lawful remedy available to a cable subscriber.

#### **§631(g) Regulation by States or franchising authorities**

Nothing in this subchapter shall be construed to prohibit any State or any franchising authority from enacting or enforcing laws consistent with this section for the protection of subscriber privacy.

#### **§631(h) Disclosure of information to governmental entity pursuant to court order**

Except as provided in subsection (c)(2)(D), a governmental entity may obtain personally identifiable information concerning a cable subscriber pursuant to a court order only if, in the court proceeding relevant to such court order--

- (1) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and
- (2) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

## FCC CABLE RULES

### **FCC CABLE RULES §76.1619 Information on subscriber bills**

- (a) Effective July 1, 1993, bills must be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.
- (b) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days.
- (c) A cable franchise authority may enforce the customer service standards set forth in this section against cable operators. The franchise authority must provide affected cable operators 90 days written notice of its intent to enforce standards.