

MAINE STATE LEGISLATURE

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L.D. 1045
(Filing No. S-213)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 401, L.D. 1045, Bill, "An Act Concerning the Regulation of Cable Television"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'30-A MRSA §3010 is enacted to read:

§3010. Consumer rights and protection

Every franchisee shall agree to the following.

1. Credits and refunds for interruption of service. Credits and refunds for interruption of service shall be as follows.

A. In the event service to any subscriber is interrupted for 24 or more consecutive hours, it will, upon request, grant that subscriber a pro rata credit or rebate.

B. An office shall be open during usual business hours, have a listed toll-free telephone and be capable of receiving complaints, requests for adjustments and service calls.

C. The franchisee shall provide subscribers with 30 days advance notice of an increase in rates or the deletion of a channel.

2. Notice to subscribers regarding quality of service. Notice to subscribers regarding quality of service shall be as follows.

A. For each new subscriber, and annually thereafter, every franchisee shall cause to be mailed to each of its subscribers a notice that:

COMMITTEE AMENDMENT " A" to S.P. 401, L.D. 1045

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(1) Informs subscribers of how to communicate their views and complaints to the cable company, the proper municipal official and the Attorney General;

(2) States the responsibility of the Department of the Attorney General to receive consumer complaints concerning matters other than channel selection and rates; and

(3) States the policy regarding and method by which subscribers may request rebates or pro rata credits as described in subsection 1, paragraph A.

B. The notice shall be in nontechnical language, understandable by the general public and in a convenient format. On or before January 30th of each year, the franchisee shall certify to the franchising authority and to the Department of the Attorney General that it has distributed the notice during the previous calendar year as required by this section.

3. Franchise document clearinghouse. Within 60 days of the granting of an initial franchise or any franchise renewal, the franchisee shall file a copy of the franchise with the Corporations Division of the Department of the Secretary of State. Within 60 days of the passage of this Act, all franchisees shall file a copy of their existing franchises with the Corporations Division of the Department of the Secretary of State. The Corporations Division shall maintain a file of all franchise documents recorded with the division and make copies available upon request for the cost of reproduction and mailing, plus a reasonable administrative fee. The filing fee for initial and renewal franchise documents shall be \$125 per franchise or franchise renewal.

4. Recording subscriber complaints. Recording subscriber complaints shall be as follows.

A. Every franchisee shall keep a record or log of all written complaints received regarding quality of service, equipment malfunctions, billing procedure, employee attitude and similar matters. These records shall be maintained for a period of 2 years.

B. The record shall contain the following information for each complaint received:

(1) Date, time and nature of the complaint;

(2) Name, address and telephone number of the person complaining;

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(3) Investigation of the complaint;

(4) Manner and time of resolution of the complaint;

(5) If the complaint regards equipment malfunction or the quality of reception, a report indicating corrective steps taken, with the nature of the problem stated; and

(6) Consistent with subscriber privacy provisions contained in the Cable Communications Policy Act of 1984, Public Law 98-549, every franchisee shall make the logs or records of complaints available to any authorized agent of any franchising authority having a franchise with that franchisee or any authorized agent of a municipality considering a franchise with that franchisee upon request during normal business hours for on-site review.

5. Franchises. All franchises shall be nonexclusive. All franchises shall include provision for access to, and facilities to make use of, one or more local public, educational and governmental access channels subject to the definitions and requirements of the Cable Communications Policy Act of 1984, Public Law 98-549.

6. Rights of individuals. No cable television system operator may deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of age, race, religion, sex, physical handicap or country of natural origin.

7. Penalty. A violation of any provision of this section is a violation of the Unfair Trades Practices Act, Title 5, chapter 10.

FISCAL NOTE

Any additional costs incurred by the Department of the Attorney General as a result of this bill would be absorbed within existing resources.

There will be an increase of revenue to the General Fund of \$24,125 from filing fees for initial and renewal franchise documents.'

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STATEMENT OF FACT

This amendment changes the strictly regulatory focus of the original bill to one which focuses on providing consumers a clear method of having their complaints addressed. It requires a cable company to give a pro rata rebate for interruptions in service lasting more than 24 hours. It requires the company to have a toll-free number and to keep records of complaints. The company would also have to provide the subscribers with a notification of the complaint process contained in the franchise agreement, required of the company by this bill and available through the Department of the Attorney General. The amendment places in state law the federal regulation that contracts be nonexclusive. The amendment makes violation of this bill a violation of the Unfair Trades Practices Act. The amendment also adds a fiscal note.

Reported by Senator Bost for the Committee on Utilities.
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(6/5/89) (Filing No. S-213)