

HOUSE No. 1976

By Mr. Galvin of Boston, petition of William F. Galvin relative to cable television systems. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO CABLE TELEVISION SYSTEMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 166A of the General Laws is hereby
2 amended by striking out the caption "COMMUNITY ANTENNA
3 TELEVISION SYSTEMS" and inserting in place thereof the
4 following caption: — CABLE TELEVISION SYSTEMS.

1 SECTION 1A. The first paragraph of section 1 of said chapter
2 166A is hereby amended by striking out clause (a), as amended by
3 section 1 of chapter 670 of the acts of 1979, and inserting in place
4 thereof the following clause: —

5 (a) "Commission", the cable television commissioner appointed
6 pursuant to section two.

1 SECTION 2. Said first paragraph of said section 1 of said
2 chapter 166A is hereby further amended by striking out clause (b),
3 as amended by section 1 of chapter 674 of the acts of 1975, and
4 inserting in place thereof the following clause: —

5 (b) "Cable television system" or "cable system", a facility which
6 receives and amplifies the signals broadcast by one or more televi-
7 sion stations and redistributes such signals to subscribing members
8 of the public for a fixed or periodic fee, employing wires or cables
9 passing along, over, under, across, and upon streets, ways, lanes,
10 alleys, parkways, bridges, highways, and other public places,
11 including property over which a city or town has an easement or
12 right-of-way, and including facilities which in addition to provid-
13 ing such reception, amplification and redistribution, are also used

14 to originate and distribute program or other material to such
15 subscribers, but excluding any system which serves fewer than fifty
16 subscribers.

1 SECTION 3. Said first paragraph of said section 1 of said
2 chapter 166A is hereby further amended by striking out clause (c),
3 as appearing in section 1 of chapter 1103 of the acts of 1971, and
4 inserting in place thereof the following clause: —

5 (c) "Cable operator" or "operator", a person operating a cable
6 television system.

1 SECTION 4. The first paragraph of section 2 of chapter 166A,
2 as amended by section 2 of chapter 670 of the acts of 1979, is
3 hereby further amended by striking out, in line 2, the words
4 "community antenna" and inserting in place thereof the word: —
5 cable.

1 SECTION 5. Section 3 of said chapter 166A, as appearing in
2 section 1 of chapter 1103 of the acts of 1971, is hereby amended by
3 striking out, in line 2, the word "CATV" and inserting in place
4 thereof the word: — cable.

1 SECTION 6. Section 7 of said chapter 166A is hereby amended
2 by striking out the last sentence, as amended by section 1 of
3 chapter 249 of the acts of 1979, and inserting in place thereof the
4 following sentence: — The consent of an issuing authority to a
5 transfer or assignment of a license for an unconstructed cable
6 system shall not be given if the consideration being paid in the
7 proposed transaction includes a substantial payment for the
8 license.

1 SECTION 7. Section 8 of said chapter 166A is hereby amended
2 by striking out the first sentence, as amended by section 1 of
3 chapter 402 of the acts of 1972, and inserting in place thereof the
4 following sentence: — Each license shall install its cable system
5 and maintain the quality of the signals transmitted over its system
6 to its subscribers in accordance with standards to be prescribed by
7 the Federal Communications Commission and the commission.

1 SECTION 8. Section 9 of Chapter 166A of the General Laws,
2 as most recently amended by chapter 552 of the acts of 1977, is
3 hereby amended by striking out the section in its entirety and
4 inserting in place thereof the following new section: —

5 *Section 9.* No application for a license to operate a cable sys-
6 tem or for renewal, transfer, or assignment of such a license shall
7 be considered by an issuing authority unless it is accompanied by
8 an application fee of five hundred dollars payable to the city or
9 town. A license, serving more than two hundred and fifty subscri-
10 bers, shall on or before March fifteenth of each year pay to the
11 Commonwealth a license fee equal to one percent of the licensee's
12 annual gross revenues, and to the issuing authority a license fee
13 equal to two percent of the licensee's annual gross revenues pro-
14 vided, however, in lieu of the above two percent, a town, upon
15 majority vote at an annual town meeting, may require said licensee
16 to pay to the issuing authority a license fee equal to fifty cents per
17 subscriber served; and further provided, however, that a licensee
18 which has in effect as part of its license agreement, a prohibition on
19 rate increases to subscribers for a set period of time, shall pay to
20 the issuing authority a license fee equal to fifty cents per subscriber
21 served for the duration of said prohibition. In determining a
22 license fee, the number of subscribers served shall be measured as
23 of December thirty-first of the preceding calendar year.

24 Consortiums of municipalities which join together to oversee
25 regional cable operations shall be governed by the same licensing,
26 renewal and transfer charges allowed in this section.

1 SECTION 9. Section 10 of said chapter 166A, as appearing in
2 section 1 of chapter 1103 of the acts of 1971, is hereby amended by
3 striking out, in line 2, the word "CATV" and inserting in place
4 thereof the word: — cable.

1 SECTION 10. The first paragraph of section 15 of said chapter
2 166A, as amended by section 14 of chapter 674 of the acts of 1975,
3 is hereby further amended by striking out the first sentence and
4 inserting in place thereof the following sentence: — For a period
5 of three years from the effective date of this chapter, the commis-
6 sion shall study the necessity and desirability of rate regulation,
7 and thereafter it may, upon its own motion or upon request of any
8 issuing authority or licensee, after due hearing and investigation,
9 fix, and establish, for each cable television system in the common-

10 wealth, a fair and reasonable rate of return from subscription rates
11 charges to subscribers, said rates to be adequate, just, reasonable
12 and nondiscriminatory.

1 SECTION 11. Section 16 of said chapter 166A, as appearing in
2 section 1 of chapter 1103 of the acts of 1971, is hereby amended by
3 striking out, in lines 7 and 10, the word "CATV" and inserting in
4 place thereof, in each instance, the word: — cable.

1 SECTION 12. Section 17 of chapter 166A, as so appearing, is
2 hereby amended by striking out, in line 3, the word "CATV" and
3 inserting in place thereof the word: — cable.

1 SECTION 13. Said chapter 166A is hereby further amended by
2 striking out section 20, as so appearing, and inserting in place
3 thereof the following section: —

4 *Section 20.* Any city or town may construct, purchase and
5 operate a cable system, but such operation shall be subject to this
6 chapter as if the system were privately owned and operated.

1 SECTION 14. Said chapter 166A is hereby further amended by
2 striking out section 22, as amended by chapter 225 of the acts of
3 1977, and inserting in place thereof the following section: —

4 *Section 22.* No operator shall enter into any agreement with
5 persons owning, leasing, controlling or managing buildings served
6 by a cable system, or perform any act, that would directly or
7 indirectly diminish or interfere with existing rights of any tenant or
8 other occupant of such a building to the use of master or individual
9 antenna equipment.

10 An operator who affixes, or causes to be affixed, cable system
11 facilities to the dwelling of a tenant shall do so at no cost to the
12 landlord of such dwelling, shall indemnify the landlord of such
13 dwelling for any damage arising out of such actions, and shall not
14 interfere with the safety, functioning, appearance or use of such
15 dwelling.

16 The consent required by section thirty-five of chapter one
17 hundred and sixty-six shall be deemed to have been granted to an
18 operator upon his delivery to the owner or lawful agent of the owner

19 of property upon which he proposes to affix cable system facilities
20 of a copy of this section, and a signed statement that he agrees to be
21 bound by the terms of this section.

22 An owner of property, or his lawful agent, may sue in contract to
23 enforce the provisions of an operator's agreement under this
24 section.

25 No person owning, leasing, controlling or managing buildings
26 served by a cable system shall discriminate in rental or other
27 charges between tenants who subscribe to such cable services, and
28 those who do not, or demand or accept payment, in any form, for
29 the affixing of cable system equipment to such buildings, except
30 that to which he is entitled under the provisions of this section.

The first part of the report deals with the general conditions of the country, and the second part with the results of the various expeditions. The first part is divided into three sections: the first section deals with the general conditions of the country, the second section with the results of the various expeditions, and the third section with the results of the various expeditions.

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