

By Mr. Hodgkins of Lee, petition of Christopher J. Hodgkins for legislation to designate community television systems as cable television systems and to regulate the fees paid by such systems. Government Regulations.

**The Commonwealth of Massachusetts**

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

**AN ACT DESIGNATING THE COMMUNITY TELEVISION SYSTEMS AS THE CABLE TELEVISION SYSTEMS AND REGULATING FEES.**

*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 ANTEN-  
3 NA TELEVISION SYSTEMS" and inserting in place thereof  
4 the 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 amend-  
3 ed by section 1 of chapter 670 of the acts of 1979, and insert-  
4 ing in place thereof the following clause: —

5 (a) "Commission", the cable television commissioner ap-  
6 pointed 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  
3 (b), as amended by section 1 of chapter 674 of the acts of  
4 1975, and inserting in place thereof the following clause: —

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

13 facilities which in addition to providing such reception, ampli-  
14 fication and redistribution, are also used to originate and dis-  
15 tribute program or other material to such subscribers, but ex-  
16 cluding any system which serves fewer than fifty subscribers.

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

5 (c) "Cable operator" or "operator", a person operating a  
6 cable 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  
5 word: — 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 amend-  
3 ed by striking out, in line 2, the word "CATV" and inserting  
4 in place thereof the word: — cable.

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

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

5 *Section 9.* No application for a license to operate a cable  
6 system or for renewal, transfer or assignment of such a li-  
7 cense shall be considered by an issuing authority unless it is  
8 accompanied by an application fee payable to the city or town  
9 based on population as follows: for cities and towns up to fifty  
10 thousand population, the fee shall be one thousand dollars; for  
11 cities and towns from fifty thousand to ninety thousand pop-  
12 ulation, the fee shall be two thousand five hundred dollars; for  
13 cities and towns above ninety thousand population, the fee  
14 shall be five thousand dollars.

15 An additional fee up to ten thousand dollars may be charged  
16 to the licensee at the initial licensing or in renewal or transfer  
17 of assignment to defray the costs which the city or town in-  
18 curs in the licensing, renewal or transfer process in addition  
19 to the application fee described above. Such costs shall in-  
20 clude but not be limited to legal and engineering consultant  
21 fees.

22 Consortiums of municipalities which join together to over-  
23 see regional cable operations shall be governed by the same li-  
24 censing, renewal, and transfer charges allowed in this section.

25 A licensee, serving more than two hundred and fifty sub-  
26 scribers, shall on or before March fifteenth of each year pay to  
27 the issuing authority a license fee equal to the percentage al-  
28 lowed under federal law or regulation of said licensee's annual  
29 gross revenues derived from the operation of the cable system,  
30 less one percent; said one percent of said licensee's annual  
31 gross revenue shall be payable to the Commonwealth as a li-  
32 censee fee, provided however that a licensee which has in ef-  
33 fect on the date of enactment of this legislation as apart of  
34 its license agreement, a prohibition on rate increases to sub-  
35 scribers for a set period of time, shall pay to the Common-  
36 wealth a license fee equal to eighty cents per subscriber and to  
37 the issuing authority a license fee equal to fifty cents per sub-  
38 scriber served for the duration of said prohibition. In deter-  
39 mining a license fee, the number of subscribers served shall  
40 be measured as of June thirtieth of the preceding calendar

41 year.

1 SECTION 9. Section 10 of said chapter 166A, as appearing in  
2 section 1 of chapter 1102 of the acts of 1971, is hereby amend-  
3 ed by striking out, in line 2, the word "CATV" and inserting  
4 in place thereof the word: — cable.

1 SECTION 10. The first paragraph of section 15 of said chap-  
2 ter 166A, as amended by section 14 of chapter 674 of the acts  
3 of 1975, is hereby further amended by striking out the first  
4 sentence and inserting in place thereof the following sen-  
5 tence: — For a period of three years from the effective date  
6 of this chapter, the commission shall study the necessity and  
7 desirability or rate regulation, and thereafter it may, upon its  
8 own motion or upon request of any issuing authority or li-  
9 censee, after due hearing and investigation, fix, and establish,  
10 for each cable television system in the Commonwealth, a fair  
11 and reasonable rate of return from subscription rates charged  
12 to subscribers, said rates to be adequate, just, reasonable, and  
13 nondiscriminatory.

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

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

1 SECTION 13. Said chapter 166A is hereby further amended  
2 by striking out section 20, as so appearing, and inserting in  
3 place 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  
6 to this chapter as if the system were privately owned and op-  
7 erated.

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



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

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

16 The consent required by section thirty-five of chapter one  
17 hundred and sixty-six shall be deemed to have been granted  
18 to an operator upon his delivery to the owner or lawful agent  
19 of the owner of property upon which he proposes to affix  
20 cable system facilities of a copy of this section, and a signed  
21 statement that he agrees to be bound by the terms of this  
22 section.

23 An owner of property, or his lawful agent, may sue in con-  
24 tract to enforce the provisions of an operator's agreement un-  
25 der this section.

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

The following is a list of the names of the members of the Board of Trustees of the University of Chicago for the year 1950. The names are listed in alphabetical order of their last names. The names are: [Faint text]

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Ma. 1771

The Commonwealth of Massachusetts

in the County of Middlesex

Sheweth that the said County of Middlesex is divided into several Precincts, to-wit:

1. The Precinct of Boston

2. The Precinct of Roxbury

and

3. The Precinct of Cambridge

