HOUSE . . . . . No. 6336

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 24, 2983.

The committee on Bills in the Third Reading, to whom was referred the Bill changing the designation community antenna television commission to cable television commission (House, No. 49), reports recommending that the same be amended by the substitution of the accompanying bill (House, No. 6336).

For the committee,

ALFRED E. SAGGESSE, Jr.

The Commonwealth of Massachusetts

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

AN ACT DESIGNATING THE COMMUNITY ANTENNA TELEVISION SYSTEMS AS THE 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:

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

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

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

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

(*b*) "Cable television system" or "cable system", a facility which receives and amplifies the signals broadcast by one or more television stations and redistributes such signals to subscribing members of the public for a fixed or periodic fee, employing wires or cables passing along, over, under, across, and upon streets, ways, lanes, alleys, parkways, bridges, highways, and other public places, including property over which a city or town has an easement or right-of-way, and including facilities which in addition to providing such reception, amplification and redistribution, are also used to originate and distribute program or other material to such subscribers, but excluding any system which serves fewer than fifty subscribers.

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

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

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

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

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

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

SECTION 8. Section 9 of said chapter 166A is hereby amended by striking out the first sentence, as amended by section 8 of chapter 674 of the acts of 1975, and inserting in place thereof the following sentence: — No application for a license to operate a

cable system or for renewal, transfer or assignment of such a license shall be considered by an issuing authority unless it is accompanied by an application fee of one hundred dollars payable to the city or town.

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

SECTION 10. The first paragraph of section 15 of said chapter 166A, as amended by section 14 of chapter 674 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — For a period of three years from the effective date of this chapter, the commission shall study the necessity and desirability or rate regulation, and thereafter it may, upon its own motion or upon request of any issuing authority or licensee, after due hearing and investigation, fix, and establish, for each cable television system in the commonwealth, a fair and reasonable rate of return from subscription rates charged to subscribers, said rates to be adequate, just, reasonable and nondiscriminatory.

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

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

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

Section 20. Any city of town may construct, pruchase and operate a cable system, but such operation shall be subject to this chapter as if the system were privately owned and operated.

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

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

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

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

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

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