

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 34.
PUBLIC UTILITIES.

CHAPTER 12.
CABLE TELEVISION.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 12. CABLE TELEVISION.

TABLE OF CONTENTS

Subchapter I. Cable Television, 1981.

- § 34-1201. Legislative purposes.[Repealed]
- § 34-1202. Definitions; rules of construction.[Repealed]
- § 34-1202.01. Council authorized to grant franchise; franchise required; condition and term of franchise.[Repealed]
- § 34-1203. Establishment of the District of Columbia Cable Television Advisory Committee.[Repealed]
- § 34-1204. Duties of the Advisory Committee.[Repealed]
- § 34-1205. Establishment of Office of Cable Television and Telecommunications; appointment of Executive Director.[Repealed]
- § 34-1206. Powers and responsibilities of Office.[Repealed]
- § 34-1207. Duties of Executive Director.[Repealed]
- § 34-1207.01. Cable Television special account.[Repealed]
- § 34-1208. Powers of Public Service Commission.[Repealed]
- § 34-1209. Mandatory provisions of request for proposal.[Repealed]
- § 34-1210. Submission of applications.[Repealed]
- § 34-1211. Grant of authority.[Repealed]
- § 34-1212. Evaluation of applications.[Repealed]
- § 34-1213. Submission of proposed franchise agreement.[Repealed]
- § 34-1213.01. Grant of franchises.[Repealed]
- § 34-1214. Amendment of franchise agreement.[Repealed]
- § 34-1215. Franchise revocation procedure.[Repealed]
- § 34-1216. Franchise renewal procedure.[Repealed]
- § 34-1217. Termination of franchise; forced purchase by the District.[Repealed]
- § 34-1218. Arbitrary and capricious discontinuance of service by franchisee.[Repealed]
- § 34-1219. Arbitration panel.[Repealed]
- § 34-1220. Transfer of ownership to other than District.[Repealed]
- § 34-1221. Transfer of ownership to District.[Repealed]
- § 34-1222. District's right to assign.[Repealed]
- § 34-1223. Franchisee's obligation as trustee.[Repealed]
- § 34-1224. Annual franchise fee; quarterly and annual reports; audit; financial statement.[Repealed]
- § 34-1225. Insurance; performance bond; indemnification of District.[Repealed]
- § 34-1226. Rates and service offerings.[Repealed]
- § 34-1226.01. Subscriber fees.[Repealed]
- § 34-1226.02. Rate regulation.[Repealed]
- § 34-1227. Inspection of books and records; filing and posting certain enumerated documents.[Repealed]
- § 34-1228. Capability requirements.[Repealed]
- § 34-1229. Public Access Corporation.[Repealed]
- § 34-1229.01. Public access.[Repealed]
- § 34-1230. Operational requirements.[Repealed]
- § 34-1231. Performance monitoring.[Repealed]

- § 34-1232. Maintenance service; complaint procedure; interruption of service; customer service standards.[Repealed]
- § 34-1233. Installation of facilities.[Repealed]
- § 34-1234. Construction and service schedules; maps.[Repealed]
- § 34-1235. Violations subject to penalties.[Repealed]
- § 34-1236. Limits on franchisee's recourse.[Repealed]
- § 34-1237. Compliance not excused by failure to enforce franchise.[Repealed]
- § 34-1238. Effect of specific time for performance.[Repealed]
- § 34-1239. Rights reserved to District.[Repealed]
- § 34-1240. Franchisee not to discriminate.[Repealed]
- § 34-1241. Affirmative action requirements.[Repealed]
- § 34-1242. Minority contracting requirements.[Repealed]
- § 34-1243. Local hiring and subcontracting policy.[Repealed]
- § 34-1244. Restrictive easement; unlawful attachment for access or use.[Repealed]
- § 34-1244.01. Landlord-tenant relationship.[Repealed]
- § 34-1245. Protection of privacy.[Repealed]
- § 34-1246. Costs.[Repealed]
- § 34-1247. Obscenity laws.[Repealed]
- § 34-1248. "Rent-a-citizen" practice discouraged.[Repealed]
- § 34-1248.01. Obtaining services without compensation unlawful.[Repealed]
- § 34-1249. Severability.[Repealed]
- § 34-1250. Civil penalties; prosecutions.[Repealed]

Subchapter II. Cable Television Reform, 2002.

- Part A. General Provisions.
 - § 34-1251.01. Short title.
 - § 34-1251.02. Findings and purposes.
 - § 34-1251.03. Definitions.
 - § 34-1251.04. Applicability to open video systems.
- Part B. Office of Cable Television and Telecommunications.
 - § 34-1252.01. Establishment of the Office of Cable Television and Telecommunications; executive director; general counsel.
 - § 34-1252.02. Powers and responsibilities of the Office of Cable Television and Telecommunications.
 - § 34-1252.03. Cable Television Special Account.
- Part C. Other Cable Entities.
 - § 34-1253.01. Cable Television Advisory Committee.
 - § 34-1253.02. Public Access Corporation.
 - § 34-1253.03. Public Service Commission regulation of the use of existing utility companies' rights-of-way.
- Part D. Franchising and Re-Franchising Process.
 - § 34-1254.01. Franchise and franchise agreement required.
 - § 34-1254.02. Application for an initial franchise.
 - § 34-1254.03. Evaluation of an initial franchise application.
 - § 34-1254.04. Negotiation of an initial franchise agreement.
 - § 34-1254.05. Minimum contents of franchise agreement.
 - § 34-1254.06. Procedure for Council review and approval of initial franchise.
 - § 34-1254.07. Franchise renewal; commencement under federal cable act.
 - § 34-1254.08. Franchise review prior to expiration.
- Part E. Transfer of Revocation of Franchise.
 - § 34-1255.01. Approval required for transfer of franchise to a person other than the District.

- § 34-1255.02. Procedure for transfer of franchise to a person other than the District.
- § 34-1255.03. Mandatory transfer of franchise to the District; general requirement.
- § 34-1255.04. Revocation of franchise; mandatory transfer to the District.
- § 34-1255.05. Transfer or purchase of franchise after denial of renewal.
- § 34-1255.06. Cable operator as trustee.
- § 34-1255.07. Arbitration.
- Part F. Required Payments; Insurance and Indemnification.
 - § 34-1256.01. Franchise fee.
 - § 34-1256.02. Security fund.
 - § 34-1256.03. Indemnification of the District.
 - § 34-1256.04. Insurance.
 - § 34-1256.05. Performance bond.
- Part G. Construction and Operation of the Cable System.
 - § 34-1257.01. Jurisdictional parity.
 - § 34-1257.02. Operation and construction of system; general requirements.
 - § 34-1257.03. Construction schedule.
 - § 34-1257.04. Construction of facility.
 - § 34-1257.05. Construction notice to the public.
 - § 34-1257.06. Use of cable system by the District during emergencies and disasters.
- Part H. Public, Educational, and Government Channels.
 - § 34-1258.01. PEG channels; carriage requirements.
 - § 34-1258.02. Funding for PEG channels.
 - § 34-1258.03. Allocation of PEG channels.
- Part I. Regulation, Oversight, and Inspection of Cable System and Records.
 - § 34-1259.01. Right to inspection.
 - § 34-1259.02. Test and performance monitoring.
 - § 34-1259.03. Periodic evaluations; performance hearings.
 - § 34-1259.04. Provision of information; retention of records.
 - § 34-1259.05. Inspection of records.
 - § 34-1259.06. Submission of correspondence by cable operator.
 - § 34-1259.07. Rate and service regulation.
 - § 34-1259.08. Subscriber fees.
 - § 34-1259.09. Reports.
- Part J. Consumer Protection.
 - § 34-1260.01. Consumer protection.
 - § 34-1260.02. Protection of privacy.
- Part K. Competition and Customer Choice.
 - § 34-1261.01. Landlord-tenant relationship.
- Part L. Employment and Non-Discrimination.
 - § 34-1262.01. Prohibition of discrimination.
 - § 34-1262.02. Affirmative action.
 - § 34-1262.03. Employment of District residents.
- Part M. Compliance.
 - § 34-1263.01. Compliance.
 - § 34-1263.02. Specific performance.
 - § 34-1263.03. Willful or repeated violations.
- Part N. Miscellaneous Provisions.
 - § 34-1264.01. Obscenity.
 - § 34-1264.02. Cable theft.

- § 34-1264.03. Rights reserved to District.
- § 34-1264.04. Rules.
- § 34-1264.05. Transition provisions.

CHAPTER 12. CABLE TELEVISION.

SUBCHAPTER I. CABLE TELEVISION, 1981.

§ 34-1201. LEGISLATIVE PURPOSES.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 2, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(1), 30 DCR 4289; Nov. 15, 1983, D.C. Law 5-42, § 4(a), 30 DCR 499; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1801.

Temporary Amendments of Section

For temporary (225 day) extension of the term of the franchise of District Cablevision Limited Partnership, see §§ 2 to 8 of the Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise Temporary Act of 2000 (D.C. Law 13-142, June 13, 2001, law notification 47 DCR 6092).

For temporary (225 day) amendment of section, see § 2 of the Approval of the Extension of the Term of Comcast Cablevision of the District, LLC's Franchise Temporary Act of 2001 (D.C. Law 14-12, July 10, 2001, law notification 48 DCR 6588).

Emergency Act Amendments

For temporary (90-day) authorization of extension of cable franchise term, see §§ 2 through 4 of the Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise in the District of Columbia Emergency Act of 2000 (D.C. Act 13-314, April 17, 2000, 47 DCR 2847).

For temporary (90-day) amendment of section, see §§ 2 through 10 of the Approval of the Application for Transfer of the Franchise and the Cable Television System of District Cablevision Limited Partnership From AT&T Broadband, LLC to Comcast Cablevision, LLC Emergency Act of 2000 (D.C. Act 13- 503, December 28, 2000, 48 DCR 445).

For temporary (90 day) extension of cable franchise term, see § 2 of Approval of the Extension of the Term of Comcast Cablevision of the District, LLC's, Franchise Emergency Act of 2001 (D.C. Act 14-23, March 21, 2001, 48 DCR 3309).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

Law 4-142, "Cable Television Communications Act of 1981", was introduced in Council and assigned Bill No. 4-35, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on March 9, 1982, and June 8, 1982, respectively. Approved without signature by the Mayor, it was assigned Act No. 4-208 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 5-42 was introduced in Council and assigned Bill No. 5-29, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on July 5, 1983, and September 6, 1983, respectively. Signed by the Mayor on September 22, 1983, it was assigned Act No. 5-67 and transmitted to both Houses of Congress for its review.

Law 14-193, the "Cable Television Reform Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-480, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on June 18, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 15, 2002, it was assigned Act No. 14-412 and transmitted to both Houses of Congress for its review. D.C. Law 14-193 became effective on October 9, 2002.

Miscellaneous Notes

Appropriations authorized: Public Law 104-194, 110 Stat. 2363, the District of Columbia Appropriations Act, 1997, provided for the Cable Television Enterprise Fund, established by § 43-1801 et seq., \$2,511,000 and 8 full-time equivalent positions (including \$2,179,000 and 8 full-time equivalent positions from local funds and \$332,000 from other funds).

Sections 2 through 6 of D.C. Law 13-211 provide:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'AT&T' means AT&T Corporation, a New York corporation.

"(2) 'AT&T Cable Merger Co.' means AT&T Cable Merger Company, a District of Columbia corporation and a wholly owned subsidiary of AT&T.

"(3) 'Cable Act' means the Cable Television Communications Act of 1981.

"(4) 'CFA' means the Franchise Agreement, as amended, originally approved by the District of Columbia Cable Television Franchise Award Act of 1984.

"(5) 'Change of Control Agreement' means the contractual agreement between the District of Columbia, DCI, AT&T Cable Merger Co., AT&T, and DCLP, setting forth terms and conditions for the transfer of control of DCI to AT&T.

"(6) 'DCI' means District Cablevision, Inc., a District of Columbia corporation.

"(7) 'DCLP' means District Cablevision Limited Partnership, a District of Columbia limited partnership.

"(8) 'OCTT' means the Office of Cable Television and Telecommunications.

"(9) 'Proposed Transaction' means the Agreement and Plan of Merger dated September 1, 1999, among AT&T, AT&T Cable Merger Co., DCI, and Robert Johnson, by which DCI would become a subsidiary of AT&T.

"(10) 'System' means the cable television system of DCLP currently serving the District of Columbia.

"(11) 'Transfer Application' means the completed Federal Communications Commission Form 394, together with all exhibits and supporting material, filed in connection with the Proposed Transaction and complete as of September 9, 1999.

"Sec. 3. Findings.

"The Council finds that:

"(1) DCLP holds a cable television franchise from the District, subject to the Cable Act, other applicable law, and the terms and conditions of the CFA.

"(2) DCI is the general partner and controls 25% of DCLP and has approximately 100 shareholders, most of whom reside in the District and are individuals with long-term holdings.

"(3) TCI of D.C., Inc., a subsidiary of AT&T, is the limited partner of DCLP, owns and controls 75% of DCLP, and exercises day-to-day operational control of the System.

"(4) On June 22, 1999, AT&T and DCI filed materials with the District seeking the District's consent to the Proposed Transaction, whereby DCI's stock would be transferred from individual shareholders of DCI to AT&T and AT&T would become the 100% owner of DCLP.

"(5) AT&T and DCI submitted additional information to complete the Transfer Application on September 3, 1999, and September 9, 1999.

"(6) The Council has the legal authority to approve or deny the transfer of DCI's ownership interest in DCLP that would result from the Proposed Transaction pursuant to section 21 of the Cable Act and section 3.11.03 of the CFA.

"(7) DCLP, DCI, and AT&T entered into a Change of Control Agreement with the District to establish the parties' rights and obligations in connection with the Proposed Transaction and to certify the District's consent to the Proposed Transaction.

"(8) Pursuant to section 21(g) of the Cable Act and section 3.11.05 of the CFA, OCTT has reviewed the Transfer Application, the supplemental information submitted by AT&T and DCI, and the relevant qualifications of AT&T.

"(9) Based on the available information, OCTT has recommended that the Council approve the Proposed Transaction.

"Sec. 4. Approval of transaction.

"The Council approves the Transfer Application and the Change of Control Agreement, allowing the transfer of control to AT&T of the general partnership interest of DCI in DCLP.

"Sec. 5. Interpretation.

"The approval of the Council shall constitute a 'final decision' for purposes of section 617 of the

Communications Act of 1934, approved October 5, 1992 (106 Stat. 1489; 47 U.S.C. 537) and the consent of the Council for the purposes of the Cable Act.

"Sec. 6. Authorization to sign.

"The Chairman is authorized to sign the Change of Control Agreement on behalf of the Council."

Sections 601 through 610 of D.C. Law 13-308 provide:

"Sec. 601. Short title.

"The title may be cited as the 'Approval of the Application for Transfer of the Franchise and the Cable Television System of District Cablevision Limited Partnership from AT&T Broadband to Comcast Cablevision Act of 2000'.

"Sec. 602. Definitions.

"For the purpose of this act, the term:

"(1) 'AT&T' means AT&T Broadband, LLC, a Delaware corporation.

"(2) 'Cable Act' means the Cable Television Communications Act of 1981.

"(3) 'CFA' means the Cable Franchise Agreement, dated September 30, 1985, as amended, between the District of Columbia and District Cablevision Limited Partnership.

"(4) 'Chairman' means the Chairman of the Council of the District of Columbia.

"(5) 'Comcast' means Comcast Cablevision of the District, LLC, a District of Columbia corporation, a wholly owned subsidiary of Comcast Cablevision of the South, Inc.

"(6) 'Comcast South' means Comcast Cablevision of the South, Inc., a Colorado Corporation.

"(7) 'Committee' means the Council's Committee on Economic Development.

"(8) 'Council' means the Council of the District of Columbia.

"(9) 'DCLP' means District Cablevision Limited Partnership, a District of Columbia Limited Partnership.

"(10) 'District' means the District of Columbia.

"(11) 'Franchise' means the nonexclusive right to provide cable television service in the District of Columbia granted pursuant to the Cable Ordinance and other applicable law, and subject to the terms and conditions of the CFA.

"(12) 'Franchisee' means District Cablevision Limited Partnership or DCLP.

"(13) 'OCTT' means the Office of Cable Television & Telecommunications.

"(14) 'Proposed Transaction' means the Asset Exchange Agreement dated as of August 11, 2000, between AT&T Corp. and the AT&T Parties and Comcast Corporation and the Comcast Parties and the transfer of the Franchise and substantially all of the cable television assets of DCLP to Comcast.

"(15) 'Settlement Agreement' means the binding contractual agreement between the District of Columbia, AT&T, and DCLP dated December 2000, which sets forth the details regarding the resolution of past compliance violations and associated issues.

"(16) 'System' means the cable system currently serving the District of Columbia.

"(17) 'Transfer Agreement' means the binding contractual agreement between the District of Columbia, AT&T, DCLP, Comcast South and Comcast dated December 2000, which sets forth the details regarding the transfer.

"(18) 'Transfer Application' means the filed Federal Communications Commission Form 394, together with all exhibits.

"Sec. 603. Findings.

"The Council finds that:

"(1) DCLP currently holds a Franchise from the District, subject to the Cable Act and other applicable laws, and subject to the terms and conditions of the CFA.

"(2) AT&T and Comcast have entered into the Proposed Transaction.

"(3) At the present time, AT&T is the parent corporation of DCLP and wholly owns the general partner, District Cablevision, Inc., and the limited partner, TCI of D.C., Inc.

"(4) On August 30, 2000, DCLP and Comcast filed materials, including a Transfer Application, with the District seeking the District's consent to the Proposed Transaction by which DCLP would transfer the Franchise and System to Comcast.

"(5) The Council has legal authority to approve or deny the transfer that would result from the Proposed Transaction pursuant to section 21 of the Cable Act and Section 3.11.03 of the CFA.

"(6) Pursuant to section 617 of the Communications Act of 1934, approved October 5, 1992 (106 Stat. 1489;

47 U.S.C. 537) ('Communication Act'), the Council (the local franchising authority) has 120 days following the filing of the Transfer Application to render a final decision thereon or the Transfer Application will be deemed to be granted.

"(7) Pursuant to section 21(g) of the Cable Act, and section 3.11.05 of the CFA, OCTT must make a recommendation to the Council concerning the final action that the Council should take on the transfer application.

"(8) Pursuant to section 21(g) of the Cable Act, and section 3.11.05 of the CFA, OCTT has reviewed the Transfer Application, supplemental information submitted by DCLP, AT&T, and Comcast, and has reviewed the qualifications of Comcast.

"(9) The Committee held a public hearing on the Proposed Transfer Application on November 13, 2000, 'On the Matter of: An Application for Franchise Authority Consent to Assignment of the District of Columbia Cable Television Franchise.'

"(10) DCLP, AT&T, Comcast South, Comcast, and the District have entered into a Transfer Agreement to certify the District's consent to the Proposed Transaction and to establish the parties' rights in connection with the transfer.

"(11) DCLP, AT&T and the District have entered into a Settlement Agreement to settle past contract and system compliance issues as cited by OCTT and the District.

"(12) Comcast has committed to adhere to the terms of the CFA in the Transfer Agreement.

"(13) Based on the foregoing, it is recommended by OCTT that the Council approve the Transfer Application.

"Sec. 604. Consideration of recommendation.

"The Council has reviewed the recommendation of OCTT and has received and considered comments, evidence, and information from the public and interested parties, including DCLP, AT&T, and Comcast.

"Sec. 605. Adoption of recommendation.

"Pursuant to authority granted under the Cable Act and the findings contained in section 603, the Council hereby adopts OCTT's recommendation regarding the proposed transfer from DCLP and AT&T to Comcast.

"Sec. 606. Approval.

"By adoption of the recommendation, pursuant to section 605, the Council hereby approves the Transfer Application. The Council approves the Transfer Agreement and Settlement Agreement, allowing the transfer from DCLP to Comcast.

"Sec. 607. Interpretation.

"The Council, as the franchising authority, intends that this act constitutes a 'final decision' of the franchising authority for purposes of section 617 of the Communications Act and the 'consent of the Council' required under the Cable Act.

"Sec. 608. Authorization to sign.

"This act authorizes the Chairman of the Council to sign on behalf of the Council, the Transfer Agreement, referred to herein and approved by the approval of this act.

"Sec. 609. Allocation of funds and spending authority.

"The revenue received as a result of the Settlement Agreement and Transfer Agreement shall be allocated upon receipt as follows:

"(1) \$300,000 to the Mayor for a program to consider and make grants to public or private organizations to engage in telecommunications and technological initiatives;

"(2) \$2.1 million to the Office of the Chief Technology Officer for construction and operation of the Wide Area Network and the Institutional Network;

"(3) \$1.6 million to the Office of Cable Television and Telecommunications for the purchase of a mobile production microwave truck, purchase of equipment to provide closed captioning and costs associated with closed captioning, and payment of attorney and consultant fees associated with the transfer;

"(4) \$750,000 to the Public Access Corporation for building renovations, equipment, and costs associated with the operation of the public access stations;

"(5) \$125,000 to the District of Columbia Public Schools for the operation of the educational access station; and

"(6) \$125,000 to the University of the District of Columbia for equipment and costs associated with the operation of the educational access station; and

"(7) Any remaining revenue to the General Fund.

"Sec. 610. Applicability date.

"This title shall apply as of December 27, 2000."

Extension of cable franchise term: Sections 2 through 8 of D.C. Law 14-12 provide:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'Cable Television Act' means the Cable Television Communications Act of 1981.

"(2) 'CFA' means the Cable Franchise Agreement entered into by the District of Columbia and DCLP, as amended September 30, 1985.

"(3) 'Chairman' means the Chairman of the Council of the District of Columbia.

"(4) 'Comcast DC' means Comcast Cablevision of the District, LLC, a District of Columbia corporation, a wholly owned subsidiary of Comcast Cablevision of the South, Inc.

"(5) 'Council' means the Council of the District of Columbia.

"(6) 'DCI' means District Cablevision Inc.

"(7) 'DCLP' means District Cablevision Limited Partnership.

"(8) 'District' means the District of Columbia.

"(9) 'Franchise' means the non-exclusive right granted to operate a cable television system in the District of Columbia pursuant to the District of Columbia Cable Television Franchise Award Act of 1984, the Cable Television Act and other applicable law, and subject to the terms and conditions of the CFA.

"(10) 'Franchisee' means Comcast Cablevision of the District, LLC or Comcast DC.

"(11) 'Franchise Extension Agreement' means the agreement between the District of Columbia and the Franchisee which sets forth the terms and conditions regarding the Franchise extension.

"(12) 'OCTT' means the District of Columbia Office of Cable Television and Telecommunications, established in section 6 of the Cable Television Act.

"Sec. 3. Findings.

"The Council finds that:

"(1) Comcast DC currently holds a Franchise from the District, subject to the CFA, Cable Television Act, and other applicable law.

"(2) The Franchise was scheduled to expire on March 14, 2000, but was extended in the Approval of the Extension of the Term of District Cablevision Limited Partnership's Franchise Act of 2000.

"(3) Pursuant to the District of Columbia Television Franchise Award Act of 1984, the District granted to DCI a 15-year, revocable Franchise to construct, reconstruct, operate and maintain a cable television system within the District and incorporated the CFA within the grant of the Franchise.

"(4) Pursuant to the Cable Television Franchise Agreement Modification Act of 1985, the District amended the CFA and approved assignment of the Franchise to DCLP, of which the general partner was DCI and of which the limited partner was an affiliate of Tele-Communications, Inc.

"(5) Pursuant to the Approval of the Transfer of Control of District Cablevision Limited Partnership from Tele-Communications, Inc. to AT&T Corporation Act of 2000, the District approved a transfer of control of Tele-Communications, Inc. the parent company of TCI of D.C., Inc., which was the limited partner of DCLP, to AT&T Corporation and approved transfer of control of the Franchise to AT&T.

"(6) Pursuant to the Approval of the Transfer of Control of District Cablevision, Inc. to AT&T Corp. Act of 2000, the District approved a transfer of control of DCI to AT&T.

"(7) Pursuant to the Approval for Transfer of the Franchise and the Cable Television System of District Cablevision Limited Partnership from AT&T Broadband, LLC to Comcast Cablevision, LLC Emergency Act of 2000, the District transferred the operation and the control of the Franchise to Comcast Cablevision, LLC and Comcast DC.

"(8) The Council believes that it would be in the best interest of the District and District residents to extend the term of the Franchise until March 14, 2002 in order to permit the parties to attempt to negotiate a franchise renewal agreement, to permit conclusion of the franchise renewal negotiations, and permit action by the Council on any proposed renewal of the Franchise.

"(9) On March 13, 2001, Comcast DC and the District entered into a Franchise Extension Agreement which set forth the terms and conditions of the Franchise extension, subject to Council approval.

"(10) Based on the promises contained in the Franchise Extension Agreement and the interests of the District and Comcast DC in extending the term of the Franchise in order to permit the parties to attempt to negotiate a franchise renewal agreement, OCTT has recommended that the Council approve the extension of the Franchise term.

"Sec. 4. Consideration of recommendation.

"The Council has reviewed the recommendation of OCTT.

"Sec. 5. Adoption of recommendation.

"Pursuant to authority granted under the Cable Television Act, the Council hereby adopts the recommendation of the OCTT regarding the proposed Franchise Extension.

"Sec. 6. Approval

"By adoption of the recommendation, the Council hereby grants an extension of the Franchise until March 14, 2002.

"Sec. 7. Authorization to sign.

"This act authorizes the Chairman of the Council to sign, on behalf of the Council, the Franchise Extension Agreement, referred to herein, and approved by this act.

"Sec. 8. Local and minority participation.

"OCTT shall, when negotiating the grant or renewal of a cable television or open video system franchise, advocate the substantial representation of local and minority residents in the management, operation, employment, and ownership of the cable television or open video system franchise. OCTT shall include in its draft model franchise agreement or request for proposals at least the following provisions: that over 65% of the employees of the franchisee be District residents; that over 65% of the franchisee's contracting and procurement (in dollar amount) be with local, small, and disadvantaged business enterprises; that over 65% of both managerial and supervisory employees of the franchisee be District residents and that at least 50% of those District residents be economically disadvantaged individuals, as that term is defined in section 2 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, that a local board be established or maintained by the franchisee to oversee the operation of the District franchise and that the board be comprised of over 65% District residents and that at least 50% of those District residents be economically disadvantaged individuals, as that term is defined in section 2 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998."

Section 10(b) of D.C. Law 14-12 provides that the act shall expire after 225 days of its having taken effect.

§ 34-1202. DEFINITIONS; RULES OF CONSTRUCTION.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 3, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, §§ 2(a)-(h), 3 (2)-(4), 30 DCR 4289 June 1, 1984, D.C. Law 5-85, § 2(b), 31 DCR 1864; Apr. 9, 1997, D.C. Law 11-210, §§ 2(a), 3(a), 43 DCR 4702; Apr. 9, 1997, D.C. Law 11-255, § 46(a), 44 DCR 1271; May 9, 2000, D.C. Law 13-107, § 205, 47 DCR 1091; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1802.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 5-85 was introduced in Council and assigned Bill No. 5-357, which was referred to the Committee on Public Services and Cable Television. The Bill was adopted on first and second readings on March 13, 1984, and March 27, 1984, respectively. Signed by the Mayor on April 5, 1984, it was assigned Act No. 5- 123 and transmitted to both Houses of Congress for its review.

Law 11-210, the "Cable Television Franchise Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-173, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on July 3, 1996, and July 17, 1996, respectively. Signed by the Mayor on August 6, 1996, it was assigned Act No. 11-386 and transmitted to both Houses of Congress for its review. D.C. Law 11-210 became effective April 9, 1997.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

Law 13-107, the "Retail Electric Competition and Consumer Protection Act of 1999," was introduced in Council and assigned Bill No. 13-284, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999,

respectively. Signed by the Mayor on January 18, 2000, it was assigned Act No. 13-256 and transmitted to both Houses of Congress for its review. D.C. Law 13-107 became effective on May 9, 2000.

For Law 14-193, see notes following § 34-1201.

§ 34-1202.01. COUNCIL AUTHORIZED TO GRANT FRANCHISE; FRANCHISE REQUIRED; CONDITION AND TERM OF FRANCHISE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 3a, as added Oct. 22, 1983, D.C. Law 5-36, § 2(i), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(b), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1802.1.

Temporary Addition of Section

For temporary (225 day) additions, see §§ 2, 3 of Comcast Cable Franchise Extension Temporary Act of 2002 (D.C. Law 14-161, June 25, 2002, law notification 49 DCR 6497).

Emergency Act Amendments

For temporary (90 day) extension of cable franchise term, see § 2 of Approval of the Extension of the Term of the Franchise of Comcast Cablevision of the District, LLC, Congressional Review Emergency Act of 2001 (D.C. Act 14-63, June 6, 2001, 48 DCR 5710).

For temporary (90 day) extension of cable franchise term, see § 2 of Comcast Cable Franchise Extension Emergency Act of 2002 (D.C. Act 14-298, March 13, 2002, 49 DCR 2652).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

For temporary (90 day) approval of franchise, see § 2 of Approval of the Franchise of Comcast Cablevision of the District to Provide Cable Service in the District of Columbia Emergency Act of 2002 (D.C. Act 14-410, July 15, 2002, 49 DCR 7322).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

Law 5-36, "Cable Television Communications Act of 1981 Clarification Amendment Act of 1983," was introduced in Council and assigned Bill No. 5-170, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on June 21, 1983, and July 5, 1983, respectively. Signed by the Mayor on July 28, 1983, it was assigned Act No. 5-60 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

Law 14-192, the "Approval of the Franchise of Comcast Cablevision of the District to Provide Cable Service in the District of Columbia Act of 2002", was introduced in Council and assigned Bill No. 14-650, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on June 18, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 15, 2002, it was assigned Act No. 14-411 and transmitted to both Houses of Congress for its review. D.C. Law 14-192 became effective on October 9, 2002.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

Short title: The first section of D.C. Law 5-36 provided: "That this act may be cited as the 'Cable Television Communications Act of 1981 Clarification Amendment Act of 1983'."

Approval of amended limited partnership agreement: Pursuant to Resolution 6-624, the "Cable Television Franchise Limited Partnership Review and Approval Resolution of 1986," effective April 15, 1986, the Council approved the amended and restated partnership between District Cablevision, Inc. and Tele-Communications, Inc., to be known as District Cablevision Limited Partnership.

Tele-Communications, Inc. and Liberty Media Corporation Reorganization Disapproval Resolution of 1994: Pursuant to Resolution 10-368, effective June 24, 1994, the Council disapproved the District Cablevision Limited Partnership's Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise.

District of Columbia cable television franchise award: See Historical and Statutory Notes following § 34-1213.01.

Modification of Cable Television Franchise Agreement: See Historical and Statutory Notes following § 34-

1213.01.

The Nashville Network Reinstatement Resolution of 1996: Pursuant to Resolution 11-411, approved July 3, 1996, and effective upon publication on July 19, 1996, Council directed the district Cablevision Limited Partnership to return The Nashville Network to District Cablevision.

Sections 2 through 4 of D.C. Law 14-192 provide:

"Sec. 2. Grant of franchise.

"Pursuant to the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code § 34-1201 *et seq.*) ('Cable Act'), Comcast Cablevision of the District, LLC, is granted a 10-year, nonexclusive, revocable franchise to provide cable service in the District of Columbia. The franchise is subject to the provisions of the Cable Act and the terms and conditions of the cable franchise agreement approved by section 3."

"Sec. 3. Approval of franchise agreement.

"(a) The Council approves the proposed franchise agreement between the District and Comcast Cablevision of the District, LLC, transmitted to the Council by the Mayor on April 25, 2002, attached to this resolution and incorporated by reference, with the following modifications and conditions:

"(1) Section 1.5.3 is amended by inserting the phrase '(other than the Public Access Corporation)' after the phrase 'PEG Entities', wherever it appears.

"(2) Section 1.58 is amended by striking the phrase 'or any other PEG entity'.

"(3) Section 2.3.06 is amended as follows:

"(A) Strike the word 'but' and insert the phrase ', the Company is engaged in good-faith negotiations with the District regarding a renewal of the franchise, and' in its place.

"(B) Insert the phrase '; provided an extension under this section 2.3.06 shall not exceed six (6) months' after the phrase 'renewal term commences'.

"(4) Section 4.1.03(iv) is amended by adding the phrase '(except for channels allocated to the Mayor, the Council, or the Public Access Corporation, for which no PEG Operating Agreement shall be required)' after the phrase 'PEG Operating Agreements'.

"(5) Section 4.1.01 is amended by striking the phrase 'PEG Operating Agreement' wherever it appears and inserting the phrase 'PEG Operating Agreement or other notice' in its place.

"(6) Section 4.1.04 is amended by striking the phrase 'PEG Operating Agreement' and inserting the phrase 'PEG Operating Agreement or other notice' in its place.

"(7) Section 4.1.11 is amended by striking the phrase 'PEG Operating Agreement' and inserting the phrase 'PEG Operating Agreement or other notice' in its place.

"(8) Section 4.1.12(i) is amended as follows:

"(A) Strike the phrase 'Subject to the terms of its PEG Operating Agreement' and insert the phrase 'Subject to the terms of its PEG Operating Agreement, if any,' in its place.

"(B) Strike the phrase 'an approved PEG Operating Agreement' and insert the phrase 'an approved PEG Operating Agreement or other notice' in its place.

"(9) Section 4.2.05 is amended by striking the sentence 'Rules and regulations adopted by the Public Access Corporation shall govern the use of Public Channel time, equipment, facilities, and other services.' and inserting the sentence 'Rules and regulations adopted by the Public Access Corporation shall govern the use of all Public Channels, including all matters related to governance, management, time, equipment, facilities, and other services.' in its place.

"(10) Section 5.3 is amended by striking the text after the phrase 'they are offered; (iv)' and insert the phrase 'bulk rates; or (v) any discounts, promotions, or reduced charges allowed by law or regulation.' in its place.

"(11) Section 7.3 is amended by striking the phrase 'transmission of this Agreement to the Council, and prior'.

"(12) Section 7.5 is amended by adding the sentence 'The Memorandum of Understanding shall require that the Company make at least good-faith efforts to contract, and procure at least 35% of its goods and services, with local, small, and disadvantaged business enterprises.' at the end.

"(13) Section 7.9 is amended by striking the phrase '(D.C. Official Code § 34-1202(24))' and inserting the phrase ', as the act was in effect as of June 1, 2002' in its place.

"(14) Section 8.1 is amended by striking the phrase 'Subject to Section 10.2 hereof, the' and inserting the word 'The' in its place.

"(15) Section 10.2 is amended as follows:

"(A) Strike the phrase 'power,' and insert the phrase 'power or other governmental power,' in its place.

"(B) Strike the phrase ', provided that the Company shall not be required to comply with any such statutes, rules, regulations, orders or other directives that take effect after the Effective Date to the extent such statutes,

rules, regulations, orders or other directives are materially in conflict with the Company's rights and obligations as set forth in this Agreement. Notwithstanding the preceding sentence, the Company shall comply with each statute, rule, regulation, order and directive of the District that is of general applicability'.

"(C) Add 2 new sentences at the end to read as follows:

"In addition to other rights reserved in this section, the District reserves its rights to enact and enforce laws to prohibit or regulate exclusive contracts and anticompetitive acts that have the purpose or effect of limiting competition for the provision of cable service or services similar to cable service, including exclusive programming agreements, and exclusive contracts with vendors to provide equipment, materials or services. The Company reserves its Constitutional contract rights as applicable to its rights and obligations as set forth in the Agreement."

"(16) Section 10.3.01 is amended by striking the sentence 'The Council shall provide the Company with fifteen (15) days' prior notice of any such hearing (seven (7) days' prior notice in the case of a roundtable) or any such longer notice period as may be required by applicable law or the Council's rules or procedures, provided that this sentence shall not limit in any way the Council's subpoena power under applicable law (Section 15.21 shall not apply to this sentence).'

"(17) Section 10.5.01(ix) is amended by adding the phrase 'including the First Source Agreement and the Memorandum of Understanding regarding the utilization of local, small, and disadvantaged business enterprises,' after the word 'obligations'.

"(18) Section 11.4.03 is amended by striking the sentence 'As provided in Section 11.4.01 of this Agreement, the Council shall act on the Company's petition within the transfer review period as determined under Sections 11.4. 1 and 11.4.02 of this Agreement.'

"(19) Section 13.4.02 is amended by adding the word 'written' before the word 'waiver', wherever it appears.

"(20) Section 15.21 is amended by striking the phrase ', but in all uses 'applicable law' shall be limited by Section 10.2 hereof'.

"(21) Appendix D.II.A.1 is amended by striking the phrase 'with respect to the two (2) Downstream Analog Channels allocated to it pursuant to Section 4.1.03 of this Agreement'.

"(22) Strike Appendix D.II.A.4.

"(23) Appendix D.II.B.1 is amended by striking the phrase 'PEG channels' and inserting the phrase 'Educational and Governmental Channels' in its place.

"(24) Appendix D.II.B.2 is amended by striking the phrase 'PEG channels' and inserting the phrase 'Educational and Governmental Channels' in its place.

"(25) Appendix F.I.A.1 is amended by striking the phrase 'in the Mayor's executive suite' and inserting the phrase 'the offices of Councilmembers and Council committees and in other Council offices, and in the Mayor's executive suite,' in its place.

"(26) Appendix F.II. is amended by adding the sentence '(The District shall deduct the study and installation costs from the advance payment of capital support after full payment, based on the pre-deduction amount, has been made to the Public Access Corporation).'

"(27) Exhibit 1 to Appendix F is amended by striking the phrase 'DHS' in the row beginning with the phrase 'Dept. of Housing' and inserting the phrase 'DHCD' in its place.

"(28) Appendix H is amended by striking Section I.10 in its entirety and inserting a new Section I.10 to read as follows:

"10. In the case of a transfer of interest pursuant to Section 11.1 of this Agreement, current financial statements showing the financial condition of the System as of the date of the petition or other written request, and pro forma financial projections for three (3) years, including a statement of projected income and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules. In the case of a transfer of control or stock pursuant to Section 11.2 of this Agreement, (a) such current financial statements and pro forma financial projections for the System (both as described in the preceding sentence) or alternatively (b) the pro forma financial information filed with the federal Securities and Exchange Commission relating to the proposed transaction."

"(b) The Chairman of the Council and the Mayor may sign the cable franchise agreement approved, as modified, by this section."

"Sec. 4. Approval of transfer of control.

"Pursuant to the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code § 34-1201 *et seq.*), the franchise agreement between the District and District Cablevision Limited Partnership (dated September 30, 1985) and the franchise agreement approved by section 3, the Council approves the transfer of control from Comcast Corporation to AT&T Comcast Corporation of the franchises granted by:

"(1) This act; and

"(2) The District of Columbia Cable Television Franchise Award Act of 1984, effective March 14, 1985 (D.C. Law 5-163; D.C. Official Code § 34-1213.01 note)."

§ 34-1203. ESTABLISHMENT OF THE DISTRICT OF COLUMBIA CABLE TELEVISION ADVISORY COMMITTEE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 4, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(j), 30 DCR 4289; Mar. 14, 1985, D.C. Law 5-159, § 16(a), 32 DCR 30; Apr. 9, 1997, D.C. Law 11-210, § 2(c), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1803.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 5-159 was introduced in Council and assigned Bill No. 5-540, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 20, 1984, and December 4, 1984, respectively. Signed by the Mayor on December 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1204. DUTIES OF THE ADVISORY COMMITTEE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 5, 29 DCR 2872; May 20, 1983, D.C. Law 5-9, § 2, 30 DCR 1791; Aug. 2, 1983, D.C. Law 5-18, § 2, 30 DCR 3326; Oct. 22, 1983, D.C. Law 5-36, § 2(k), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(d), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1804.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

Law 5-9 was introduced in Council and assigned Bill No. 5-147, which was retained by Council. The Bill was adopted on first and second readings on March 15, 1983, and March 29, 1983, respectively. Signed by the Mayor on April 6, 1983, it was assigned Act No. 5-23 and transmitted to both Houses of Congress for its review.

Law 5-18 was introduced in Council and assigned Bill No. 5-148, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on May 10, 1983, and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-35 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1205. ESTABLISHMENT OF OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS; APPOINTMENT OF EXECUTIVE

DIRECTOR.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 6, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(l), 30 DCR 4289; June 1, 1984, D.C. Law 5-85, § 2(a), 31 DCR 1864; Apr. 9, 1997, D.C. Law 11-210, § 2(e), 43 DCR 4702; May 9, 2000, D.C. Law 13-98, § 2, 47 DCR 789; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1805.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of the Office of Cable Television and Telecommunications Temporary Amendment Act of 1999 (D.C. Law 13- 31, October 8, 1999, law notification 46 DCR 8696).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2 of the Office of Cable Television and Telecommunications Emergency Amendment Act of 1999 (D.C. Act 13- 74, May 26, 1999, 46 DCR 5168).

For temporary (90-day) amendment of section, see § 2 of the Office of Cable Television and Telecommunications Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-121, July 28, 1999, 46 DCR 6594).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 5-85, see Historical and Statutory Notes following § 34-1202.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

Law 13-98, the "Office of Cable Television and Telecommunications Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-210, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on December 4, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 10, 2000, it was assigned Act No. 13-244 and transmitted to both Houses of Congress for its review. D.C. Law 13- 98 became effective on May 9, 2000.

For Law 14-193, see notes following § 34-1201.

§ 34-1206. POWERS AND RESPONSIBILITIES OF OFFICE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 7, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(m), 30 DCR 4289; June 1, 1984, D.C. Law 5-85, § 2(c), 31 DCR 1864; May 10, 1989, D.C. Law 7-231, § 47, 36 DCR 492; July 25, 1990, D.C. Law 8-151, § 2, 37 DCR 3741; Sept. 26, 1995, D.C. Law 11-52, §§ 807, 807a, 42 DCR 3684; Apr. 9, 1997, D.C. Law 11-210, § 2(f), 43 DCR 4702; Apr. 9, 1997, D.C. Law 11-255, § 56, 44 DCR 1271; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1806.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 802(a) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, 42 DCR 1652).

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 5-85, see Historical and Statutory Notes following § 34-1202.

Law 7-231 was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

Law 8-151, the "Office of Cable Television Personal Property Insurance Authorization Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-545, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on May 1, 1990, and May 15, 1990, respectively. Signed by the Mayor on May 30, 1990, it was assigned Act No. 8-209 and transmitted to both Houses of Congress for its review.

Law 11-52, the "Omnibus Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

For Law 14-193, see notes following § 34-1201.

Resolutions

Resolution 14-488, the "Cable Customer Service Regulations Approval Resolution of 2002", was approved effective June 28, 2002.

§ 34-1207. DUTIES OF EXECUTIVE DIRECTOR.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 8, 29 DCR 2872; June 1, 1984, D.C. Law 5-85, § 2(d), 31 DCR 1864; Apr. 9, 1997, D.C. Law 11-210, § 2(g), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1807.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-85, see Historical and Statutory Notes following § 34-1202.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1207.01. CABLE TELEVISION SPECIAL ACCOUNT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 8a, as added Oct. 22, 1983, D.C. Law 5-36, § 2(n), 30 DCR 4289; Mar. 16, 1988, D.C. Law 7-93, § 3(a), 35 DCR 721; Apr. 9, 1997, D.C. Law 11-210, §§ 2(h), 3(b), 43 DCR 4702; Mar. 26, 1999, D.C. Law 12-175, § 1912, 45 DCR 7193; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1807.1.

1981 Ed., § 43-1807.1.

Emergency Act Amendments

For temporary amendment of section, see § 1512 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), § 1512 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and §

1512 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

For temporary (90-day) amendment of section, see § 1512 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 7-93, see Historical and Statutory Notes following § 34-1248.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

Law 12-175, the "Fiscal Year 1999 Budget Support Act of 1998," was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

Application of D.C. Law 12-175: Section 1914 of D.C. Law 12-175 provided that § 1912 shall apply as of October 1, 1998.

§ 34-1208. POWERS OF PUBLIC SERVICE COMMISSION.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 9, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(o), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1808.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1209. MANDATORY PROVISIONS OF REQUEST FOR PROPOSAL.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 10, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(p), 30 DCR 4289; Nov. 15, 1983, D.C. Law 5-42, § 4(b), 30 DCR 4999; Apr. 9, 1997, D.C. Law 11-210, § 3(c), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1809.

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 5-42, see Historical and Statutory Notes following § 34-1201.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on

November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

Recommended revision of draft of request for proposals and cable franchise application: Pursuant to Resolution 5-388, the "Cable Television Franchise Request for Proposals, Applications, and Procedures Recommendations Resolution of 1983," effective October 18, 1983, the Council recommended that the District of Columbia Cable Design Commission revise the draft request for proposals and cable franchise application submitted to the Chairman of the Council, July 1, 1983.

Revised request for proposals approved: Pursuant to Resolution 5-422, the "Cable Television Franchise Revised Request for Proposals Approval Resolution of 1983," effective November 15, 1983, the Council approved the request for proposals as revised pursuant to the Cable Television Franchise Request for Proposals Applications, and Procedures Recommendations Resolution of 1983.

Standard format proposed franchise agreement approved: Pursuant to Resolution 5-549, the "Cable Television Franchise Agreement Format Approval Resolution of 1984," effective February 14, 1984, the Council approved the use by the District of Columbia Cable Design Commission of a standard format proposed franchise agreement.

§ 34-1210. SUBMISSION OF APPLICATIONS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 11, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(q), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(i), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1810.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1211. GRANT OF AUTHORITY.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 12, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(5), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1811.

Legislative History of Laws

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1212. EVALUATION OF APPLICATIONS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 13, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(r), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, §§ 2(j), 3(d), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1812.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

Procedures approved for consideration of applications: Pursuant to Resolution 5-550, the "District of Columbia Cable Television Design Commission Evaluation and Clarification Procedures Approval Resolution of 1984," effective February 14, 1984, the Council approved the evaluation and clarification procedures for the District of Columbia Cable Television Design Commission to consider applications to construct and operate a cable television system in the District of Columbia, which were submitted by the Commission to the Council on January 12, 1984.

§ 34-1213. SUBMISSION OF PROPOSED FRANCHISE AGREEMENT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 14, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(s), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(k), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1813.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1213.01. GRANT OF FRANCHISES.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 14a, as added Oct. 22, 1983, D.C. Law 5-36, § 2(t), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(l), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1813.1.

Emergency Act Amendments

For temporary (90 day) amendment of section, see §§ 2 and 3 of Comcast Cable Franchise One-Month Extension Emergency Act of 2002 (D.C. Act 14-382, June 10, 2002, 49 DCR 5698).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

District of Columbia cable television franchise award: D.C. Law 5-163, the "District of Columbia Cable Television Franchise Award Act of 1984," granted to District Cablevision, Inc., a revocable franchise for a 15-year period for the authority, right, and privilege to construct, reconstruct, operate, and maintain a cable television system within the District of Columbia. The act provided as follows:

The Council of the District of Columbia finds that:

(a) Pursuant to the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 34-1201 et seq.), the Council of the District of Columbia ("Council") is authorized to grant by act 1 or more revocable franchises for the right to construct and operate a cable television system within the public ways of specified areas of the District of Columbia.

(b) Pursuant to an evaluation and selection process established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 34-1201 et seq.), and pursuant to the Negotiation of the Final Terms of a Proposed Agreement for the Award of a Cable Television Franchise for the District of Columbia Designation Resolution of 1984, effective July 10, 1984 (Res. 5-788; 31 DCR 3673), District Cablevision, Inc., ("Grantee") has been determined to be the cable television franchise applicant which will best serve the public interest in the delivery of cable television service to the citizens of the District of Columbia.

(c) Pursuant to the Negotiation of the Final Terms of a Proposed Agreement for the Award of a Cable Television Franchise for the District of Columbia Designation Resolution of 1984, effective July 10, 1984 (Res. 5-788; 31 DCR 3673), the Council directed that negotiations be undertaken with the Grantee by a city negotiating team for the purpose of finalizing the terms of a proposed franchise agreement, subject to Council approval.

(d) The city negotiating team has completed its mandate and has successfully negotiated the final terms of a proposed franchise agreement with the Grantee, the terms of which have been reviewed by the Council and are approved.

Sec. 3. Grant of the Franchise.

Pursuant to Section 14a(a) of the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 34-1213.01(a)), District Cablevision, Inc., a corporation with its principal place of business located within the District of Columbia, is granted of itself, its successors, and assigns a revocable right to construct, reconstruct, operate, and maintain for a 15-year period from the effective date of this act, a cable television system within the entirety of the District of Columbia, subject to the terms, conditions, and requirements specified in the Franchise Agreement ("Agreement") and the laws and regulations of the District of Columbia and the United States applicable to cable television franchises, facilities, and services.

Sec. 4. Terms of the Franchise.

(a) The Grantee shall, in accepting this franchise, meet all terms and conditions of the law of the District of Columbia and the United States applicable to cable television franchises, facilities, and services.

(b) The Agreement (and exhibits A through H thereof) appended to this act specifying terms and conditions accompanying this grant of a franchise is incorporated by reference and made a part of this franchise grant. The Grantee shall abide in and shall meet all terms and conditions of the Agreement for the entire duration of the franchise term. Any amendment or modification of the Agreement, except to the extent otherwise provided in the Agreement, shall be accomplished by act of the Council.

(c) The terms, conditions, and provisions of the Agreement shall remain in full force and effect notwithstanding any inconsistency or repugnancy with terms, conditions, and provisions of the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 34-1201 et seq.), in effect prior to this act. Any term, condition, or provision of the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 34-1201 et seq.), in effect prior to this act which is inconsistent or repugnant with a term, condition, or provision of the Agreement shall be deemed repealed by this act to the extent of its inconsistency or repugnancy with the Agreement.

(d) Termination, revocation, and suspension of the franchise shall lie as provided by law and the Agreement. The rights granted by this act shall automatically expire as provided in the Agreement for failure by the Grantee to meet any condition specified in section 3.12.01 of the Agreement. The District of Columbia Office of Cable Television ("Office") shall give the Council notice of a failure by the Grantee to meet any condition specified under section 3.12.01 of the Agreement within 3 days of the failure, and shall publish the notice in the District of Columbia Register. Expiration of franchise rights for failure to meet a condition of section 3.12.01 of the Agreement shall be automatically effective upon the publication of notice by the Office in the District of Columbia Register that the Grantee's rights are terminated by reason of Grantee failure to meet a condition of section 3.12.01 of the Agreement.

(e) The Agreement appended to this act shall be executed by the Grantee before the effective date of this act. All rights and privileges granted pursuant to this act shall automatically terminate upon the failure by the Grantee to execute the Agreement by the time specified in this subsection.

Modification of Cable Television Franchise Agreement: D.C. Law 6-59, effective November 19, 1985, as amended by § 11 of D.C. Law 6-192, effective February 24, 1987, enacted the Cable Television Franchise Agreement Modification Act of 1985, and D.C. Law 7-93, effective March 16, 1988, enacted the Cable Television Communications Act of 1981 Amendment Act of 1987, to amend the District of Columbia Cable Television Franchise Award Act of 1984, the Cable Television Communications Act of 1981, and the Cable Television Franchise Agreement between District Cablevision, Inc., and the District of Columbia to modify certain terms, conditions and requirements of the District of Columbia Cable Television Franchise.

Negotiation of final terms of proposed agreement for award of cable TV franchise: Pursuant to Resolution 5-788, the "Negotiation of the Final Terms of a Proposed Agreement for the Award of a Cable Television Franchise for the District of Columbia Designation Resolution of 1984," effective July 10, 1984, the Council found that District Cable Television, Inc., was the applicant which would best serve the public interest and whose construction, technical and financial plans, and arrangements were both feasible and adequate to fulfill the conditions and requirements of law.

Approval of amended limited partnership agreement: Pursuant to Resolution 6- 624, the "Cable Television Franchise Limited Partnership Review and Approval Resolution of 1986," effective April 15, 1986, the Council approved the amended and restated partnership between District Cablevision, Inc. and Tele-Communications, Inc., to be known as District Cablevision Limited Partnership.

Sections 2 and 3 of D.C. Law 14-49, 48 DCR 7936, provided:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'Cable Act' means the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code § 34-1201 *et seq.*).

"(2) 'Franchise' means the non-exclusive right to construct, reconstruct, operate, and maintain a cable television system in the District of Columbia granted by the District of Columbia Cable Television Franchise Award Act of 1984, effective March 14, 1985 (D.C. Law 5-163; D.C. Official Code § 34- 1213.01 note).

"(3) 'Franchise Agreement' means the cable franchise agreement entered into by and between the District of Columbia and District Cablevision Limited Partnership, as amended, approved by the District of Columbia Cable Television Franchise Award Act of 1984, effective March 14, 1985 (D.C. Law 5-163; D.C. Official Code § 34-1213.1 note).

"(4) 'Franchise Extension Agreement' means the agreement between the District of Columbia and Comcast Cablevision of the District, L.L.C., approved by the Approval of the Extension of the Term of District Cablevision Limited Partnership's Franchise Act of 2000, effective September 16, 2000 (D.C. Law 13- 153; 47 DCR 4976), setting forth the terms and conditions regarding the Franchise extension.

"Sec. 3. Approval.

"In accordance with the Cable Act, the Council grants an extension of the Franchise, the Franchise Agreement, and the Franchise Extension Agreement until March 14, 2002."

Legislative History of Laws

Law 14-49, the "Approval of the Extension of the Term of the Franchise of Comcast Cablevision Act of 2001", was introduced in Council and assigned Bill No. 14-116, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on June 26, 2001 and July 10, 2001, respectively. Signed by the Mayor on July 24, 2001, it was assigned Act no. 14-127 and transmitted to both Houses of Congress for its review. D.C. Law 14-49 became effective on October 26, 2001.

§ 34-1214. AMENDMENT OF FRANCHISE AGREEMENT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 15, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(u), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(m), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1814.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1215. FRANCHISE REVOCATION PROCEDURE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 16, formerly § 17, 29 DCR 2872; renumbered and amended Oct. 22, 1983, D.C. Law 5-36, § 2(w), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(n), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1815.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1216. FRANCHISE RENEWAL PROCEDURE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 17, formerly § 16, 29 DCR 2872; renumbered and amended Oct. 22, 1983, D.C. Law 5-36, § 2(v), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(o), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1816.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

Extension of the Franchise Term of District Cablevision Limited Partnership, see Mayor's Order 2000-144, September 22, 2000 (47 DCR 8256).

Extension of the Franchise Term of District Cablevision Limited Partnership, see Mayor's Order 2000-156, October 12, 2000 (47 DCR 8682) and Mayor's Order 2000-169, November 2, 2000 (47 DCR 9536).

Extension of the Term of the Interim Open Video Systems Agreement with Starpower Communications, LLC, see Mayor's Order 2000-175, November 21, 2000 (47 DCR 9545).

Extension of the Franchise Term of District Cablevision Limited Partnership, see Mayor's Order 2001-09, January 16, 2001 (48 DCR 946).

Extension of the Franchise Term of District Cablevision Limited Partnership, see Mayor's Order 2001-10, January 17, 2001 (48 DCR 947).

Extension of the Term of the Interim Open Video Systems Agreement with Starpower Communications, LLC,

see Mayor's Order 2001-11, January 17, 2001 (48 DCR 948).

Extension of the Term of the Interim Open Video Systems Agreement with Starpower Communications, LLC , see Mayor's Order 2001-25, February 14, 2001 (48 DCR 2178).

Extension of the Franchise Term of District Cablevision Limited Partnership, see Mayor's Order 2001-26, February 14, 2001 (48 DCR 2179).

Extension of the Term of the Interim Open Video Systems Agreement with Starpower Communications, LLC, see Mayor's Order 2001-37, March 19, 2001 (48 DCR 3437).

Extension of the Term of the Interim Open Video Systems Agreement with Starpower Communications, LLC, see Mayor's Order 2001-56, April 25, 2001 (48 DCR 4733).

Extension of the Term of the Interim Open Video Systems Agreement with Starpower Communications, see Mayor's Order 2001-73, May 16, 2001 (48 DCR 4756).

§ 34-1217. TERMINATION OF FRANCHISE; FORCED PURCHASE BY THE DISTRICT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 18, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(x), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(p), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1817.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1218. ARBITRARY AND CAPRICIOUS DISCONTINUANCE OF SERVICE BY FRANCHISEE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 19, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(6), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1818.

Legislative History of Laws

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1219. ARBITRATION PANEL.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 20, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(y), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(q), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1819.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of

2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1220. TRANSFER OF OWNERSHIP TO OTHER THAN DISTRICT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 21, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(z), 30 DCR 4289; May 16, 1995, D.C. Law 10-255, § 37, 41 DCR 5193; Apr. 9, 1997, D.C. Law 11-210, § 2(r), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1820.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Office of Cable Television and Telecommunications Temporary Amendment Act of 1999 (D.C. Law 13- 12, October 7, 1999, law notification 46 DCR 8696).

Emergency Act Amendments

For emergency approval of the application for the transfer of control of Tele-Communications, Inc., the parent corporation of TCI of D.C., Inc., which is the limited partner of District Cablevision Limited Partnership, to AT&T Corporation, see §§ 2-6 of the Approval of the Application for Transfer of Control of District Cablevision Limited Partnership from Tele-Communications, Inc. to AT&T Corporation Emergency Act of 1999 (D.C. Act 13-20, February 5, 1999, 46 DCR 2535).

For temporary (90-day) authorization of transfer of cable franchise control, see § 2 of the Approval of the Application for Transfer of Control of District of Cablevision Limited Partnership from Tele-Communications, Inc. to AT & T Corporation Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13- 60, May 10, 1999, 46 DCR 4432).

For temporary (90-day) authorization of transfer of cable franchise control, see §§ 2 through 8 of the Approval of the Application for Transfer of Control of District of Cablevision, Inc. to AT & T Corp. Emergency Act of 1999 (D.C. Act 13-209, December 8, 1999, 47 DCR 3).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

Sections 2 through 7 of D.C. Law 13-153 provide:

"Sec. 2. Definitions.

"For the purpose of this act, the term:

"(1) 'Cable Television Act' means the Cable Television Communications Act of 1981.

"(2) 'CFA' means the Cable Franchise agreement entered into between the District and the District Cablevision Limited Partnership, as amended September 30, 1985.

"(3) 'Council' means the Council of the District of Columbia.

"(4) 'DCI' means District Cablevision, Inc., a District of Columbia corporation.

"(5) 'DCLP' means District Cablevision-Limited Partnership, a District of Columbia limited partnership.

"(6) 'District' means the District of Columbia.

"(7) 'Franchise' means the right granted to DCLP to construct, reconstruct, operate, and maintain a cable television system in the District pursuant to the District of Columbia Cable Television Franchise Award Act of 1984.

"(8) 'Franchisee' means DCLP.

"(9) 'Franchise Extension Agreement' means the agreement between the District and DCLP which sets forth the agreement between the parties regarding the Franchise extension, subject to Council approval.

"(10) 'OCTT' means the District of Columbia Office of Cable Television and Telecommunications, established in section 6 of the Cable Television Act.

"Sec. 3. Findings.

"The Council finds that:

"(1) DCLP currently holds a Franchise from the District, subject to the CFA, Cable Television Act, and other applicable law.

"(2) The Franchise was scheduled to expire on March 14, 2000, but was extended on an emergency basis in the Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise in the District of Columbia Emergency Act of 2000.

"(3) Pursuant to the District of Columbia Cable Television Franchise Award Act of 1984, the District granted to DCI a 15-year, revocable Franchise to construct, reconstruct, operate and maintain a cable television system within the District, and incorporated the CFA within the grant of the Franchise.

"(4) Pursuant to the Cable Television Franchise Agreement Modification Act of 1985, the District amended the CFA and approved assignment of the Franchise to DCLP, of which the general partner was DCI and of which the limited partner was an affiliate of Tele-Communications, Inc.

"(5) Pursuant to the Approval of the Application for Transfer of Control of District Cablevision Limited Partnership from *Tele-Communications, Inc.* to AT & T Corporation Emergency Act of 1999, and the Application for Transfer of Control of District Cablevision Limited Partnership from Tele-Communications, Inc. to AT & T Corporation Temporary Act of 1999, the District approved a transfer of control of *Tele-Communications, Inc.*, the parent corporation of TCI of D.C., Inc., which was the limited partner of DCLP, to AT & T and approved transfer of control of the Franchise to AT & T.

"(6) Pursuant to the Approval of the Application for Transfer of Control of District Cablevision, Inc. to AT & T Corp. Emergency Act of 1999, the District approved a transfer of control of DCI to AT & T.

"(7) The Council believes that it would be in the best interests of the District and District residents to extend the term of the Franchise until September 14, 2000, in order to permit the parties to negotiate a franchise renewal agreement, and to permit the Mayor, by Executive Order, to execute month-to-month extensions of the term up to an additional 6 months after September 14, 2000, as the Mayor deems necessary, in order to permit the conclusion of the franchise renewal negotiations and action by the Council on any proposed renewal of the Franchise.

"(8) On March 3, 2000, DCLP and the District entered into a Franchise Extension Agreement which set forth the terms and conditions of a Franchise extension, subject to Council approval.

"(9) Based on the promises contained in the Franchise Extension Agreement and the interests of the District and DCLP in extending the term of the Franchise in order to permit the parties to attempt to negotiate a franchise renewal agreement, OCTT has recommended that the Council approve the extension of the Franchise term.

"Sec. 4. Consideration of recommendation.

"The Council has reviewed the recommendation of OCTT.

"Sec. 5. Adoption of recommendation.

"Pursuant to authority granted under the Cable Television Act, the Council hereby adopts the recommendation of OCTT regarding the proposed Franchise extension.

"Sec. 6. Approval.

"By adoption of the recommendation, the Council hereby grants an extension of the term of the Franchise until September 14, 2000, and authorizes the Mayor to execute thereafter up to 6 one-month extensions of the term of the Franchise, as deemed necessary by the Mayor, so as to extend the Franchise to a date no later than March 14, 2001.

"Sec. 7. Interpretation.

"The Council, as the franchising authority intends that this act constitutes a final decision of the franchising authority for purposes of section 617 of the Communications Act of 1934 and the consent of the Council required under the Cable Television Act."

Sections 2 through 8 of D.C. Law 13-202 provide:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'AT & T' means AT & T Corp., a New York corporation.

"(2) 'Cable Television Act' means the Cable Television Communications Act of 1981.

"(3) 'CFA' means the Cable Franchise Agreement, dated September 30, 1985, as amended, between the District of Columbia and District Cablevision Limited Partnership.

"(4) 'Change of Control Agreement' means the contractual agreement between the District of Columbia, AT & T, TCI, and DCLP, which sets forth the details regarding the change in control.

"(5) 'Chairman' means the Chairman of the Council of the District of Columbia.

"(6) 'Committee' means the Committee on Economic Development of the Council of the District of Columbia.

"(7) 'Council' means the Council of the District of Columbia.

"(8) 'DCLP' means District Cablevision Limited Partnership, a District of Columbia limited partnership.

"(9) 'District' means the District of Columbia.

"(10) 'Franchisee' means District Cablevision Limited Partnership, or DCLP.

"(11) 'OCTI' means the Office of Cable Television and Telecommunications.

"(12) 'Proposed Transaction' means the Agreement and Plan of Merger, dated as of June 23, 1998, between AT & T, TCI, and Italy Merger Corp., under which Italy Merger Corp. will be merged with and into TCI, with TCI surviving as a subsidiary of AT & T.

"(13) 'System' means the cable system of the Franchisee currently serving the District of Columbia.

"(14) 'TCI' means Tele-Communications, Inc., a Delaware corporation.

"(15) 'Transfer Application' means Federal Communications Commission Form 394.

"Sec. 3. Findings.

"The Council finds that:

"(1) DCLP currently holds a cable franchise from the District subject to the Cable Television Act and other applicable laws, and subject to the terms and conditions of the CFA.

"(2) AT & T, TCI, and Italy Merger Corp., a Delaware corporation and wholly-owned subsidiary of AT & T, have entered into the Proposed Transaction.

"(3) Currently, TCI is the parent corporation of TCI of D.C., Inc., which is the limited partner of, and exercises day-to-day control over, the Franchisee.

"(4) On September 8, 1998, the Franchisee filed materials, including a Transfer Application, with the District seeking consent to the Proposed Transaction, by which AT & T would become the parent corporation of TCI of D.C., Inc., and gain control over the Franchisee and of the System.

"(5) Pursuant to section 21 of the Cable Television Communications Act of 1981, and section 3.11.03 of the CFA, the Council may approve or deny the transfer of control over DCLP.

"(6) Pursuant to section 617 of the Communications Act of 1934, the Council has 120 days following the filing of the Transfer Application to approve or disapprove the Transfer Application or the Transfer Application will be deemed granted, unless the District, DCLP, and AT & T agree to an extension of time.

"(7) DCLP and AT & T granted the District an extension from January 5, 1999, until February 8, 1999, to reach a final decision on whether to approve or deny the Proposed Transaction.

"(8) Pursuant to section 3.11.05 of the CFA, OCTT has reviewed the Transfer Application and supplemental information submitted by DCLP/TCI and AT & T.

"(9) The Committee held a public hearing on the Transfer Application on November 16, 1998. The hearing was continued on November 30, 1998, to allow the Committee to accept further comments.

"(10) DCLP, TCI, and AT & T have entered into the Change of Control Agreement in consideration of the District's consent to the Proposed Transaction and to establish the parties' rights in connection with the transfer.

"(11) AT & T has committed to adhere to the terms of the CFA in the Change of Control Agreement.

"Sec. 4. Consideration of recommendation.

"The Council has received and reviewed the recommendation of OCTT and has received and considered

comments, evidence, and information from the public and interested parties, including DCLP/TCI and AT & T.

"Sec. 5. Adoption of recommendation.

"The Council hereby adopts the recommendation of OCTT regarding the proposed Transfer of Control of TCI to AT & T.

"Sec. 6. Approval.

"By adoption of the recommendation, pursuant to section 5, the Council approves the Transfer Application.

"Sec. 7. Interpretation.

"The Council, as the franchising authority, intends this act to constitute a 'final decision' of the franchising authority for purposes of section 617 of the Communications Act of 1934, and the 'consent of the Council' required by the Cable Television Act.

"Sec. 8. Authorization to sign.

"This act authorizes the Chairman to sign, on behalf of the Council, the Change of Control Agreement, which is approved by this act."

§ 34-1221. TRANSFER OF OWNERSHIP TO DISTRICT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 22, 29 DCR 2872; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1821.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For Law 14-193, see notes following § 34-1201.

§ 34-1222. DISTRICT'S RIGHT TO ASSIGN.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 23, 29 DCR 2872; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1822.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For Law 14-193, see notes following § 34-1201.

§ 34-1223. FRANCHISEE'S OBLIGATION AS TRUSTEE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 24, 29 DCR 2872; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1823.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For Law 14-193, see notes following § 34-1201.

§ 34-1224. ANNUAL FRANCHISE FEE; QUARTERLY AND ANNUAL REPORTS; AUDIT; FINANCIAL STATEMENT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 25, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(aa), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(s), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1824.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1225. INSURANCE; PERFORMANCE BOND; INDEMNIFICATION OF DISTRICT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 26, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(aa), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1825.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1226. RATES AND SERVICE OFFERINGS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 27, 29 DCR 2872; renumbered and amended Oct. 22, 1983, D.C. Law 5-36, § 2(bb), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(t), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1826.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1226.01. SUBSCRIBER FEES.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 27a, formerly § 27, 29 DCR 2872; renumbered and amended Oct. 22, 1983, D.C. Law 5-36, § 2(bb), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, §§ 2(u), 3(e), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1826.1.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1226.02. RATE REGULATION.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 27b, formerly § 27, 29 DCR 2872; renumbered and amended Oct. 22, 1983, D.C. Law 5-36, § 2(bb), 30 DCR 4289; Apr. 26, 1994, D.C. Law 10-101, § 2, 41 DCR 1000; Apr. 9, 1997, D.C. Law 11-210, § 2(v), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1826.2.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 10-101, the "Cable Television Communications Act of 1981 Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-356, which was referred to the Committee on Public Services and Youth Affairs. The Bill was adopted on first and second readings on January 4, 1994, and February 1, 1994, respectively. Signed by the Mayor on February 17, 1994, it was assigned Act No. 10-189 and transmitted to both Houses of Congress for its review. D.C. Law 10-101 became effective on April 26, 1994.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1227. INSPECTION OF BOOKS AND RECORDS; FILING AND POSTING CERTAIN ENUMERATED DOCUMENTS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 28, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(cc), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(w), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1827.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1228. CAPABILITY REQUIREMENTS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 29, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(7), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1828.

Legislative History of Laws

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1229. PUBLIC ACCESS CORPORATION.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 30, 29 DCR 2872; renumbered and amended Oct. 22, 1983, D.C. Law 5-36, § 2(dd), 30 DCR 4289; Mar. 16, 1985, D.C. Law 5-195, § 2, 32 DCR 1022; Aug. 1, 1985, D.C. Law 6-15, § 2, 32 DCR 3570; Mar. 17, 1993, D.C. Law 9-213, § 2, 40 DCR 25; Oct. 3, 2001, D.C. Law 14-28, § 1402, 48 DCR 6981; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1829.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 802(b) of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, 42 DCR 1652).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1302 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 5-195 was introduced in Council and assigned Bill No. 5-514, which was referred to the Committee on Public Services and Cable Television. The Bill was adopted on first and second readings on December 4, 1984, and December 18, 1984, respectively. Approved without the signature of the Mayor on January 11, 1985, it was assigned Act No. 5-262 and transmitted to both Houses of Congress for review.

Law 6-15 was introduced in Council and assigned Bill No. 6-141, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 1985 and May 28, 1985, respectively. Signed by the Mayor on June 7, 1985, it was assigned Act No. 6-30 and transmitted to both Houses of Congress for its review.

Law 9-213, the "Cable Television Communications Act of 1981 Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-479, which was referred to the Committee on Public Services. The Bill was

adopted on first and second readings on November 4, 1992, and December 1, 1992, respectively. Signed by the Mayor on December 21, 1992, it was assigned Act No. 9-342 and transmitted to both Houses of Congress for its review. D.C. Law 9-213 became effective on March 17, 1993.

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

For Law 14-193, see notes following § 34-1201.

§ 34-1229.01. PUBLIC ACCESS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 30a, formerly § 30, 29 DCR 2872; renumbered and amended Oct. 22, 1983, D.C. Law 5-36, § 2(dd), 30 DCR 4289; Nov. 15, 1983, D.C. Law 5-42, § 4(c), 30 DCR 4999; Apr. 9, 1997, D.C. Law 11-210, § 2(x), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1829.1.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 5-42, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1230. OPERATIONAL REQUIREMENTS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 31, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(ee), 30 DCR 4289; Mar. 21, 1987, D.C. Law 6-216, § 13(h), 34 DCR 1072; Apr. 9, 1997, D.C. Law 11-210, § 2(y), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1830.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 6-216 was introduced in Council and assigned Bill No. 6-500, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 18, 1986 and December 16, 1986, respectively. Signed by the Mayor on February 2, 1987, it was assigned Act No. 6-279 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1231. PERFORMANCE MONITORING.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 32, 29 DCR 2872; Apr. 9, 1997, D.C. Law 11-210, § 3(f), 43 DCR 4702;

Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1831.

Legislative History of Laws

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

**§ 34-1232. MAINTENANCE SERVICE; COMPLAINT PROCEDURE;
INTERRUPTION OF SERVICE; CUSTOMER SERVICE
STANDARDS.[REPEALED]**

(Aug. 21, 1982, D.C. Law 4-142, § 33, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(gg), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(z), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1832.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 23-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1233. INSTALLATION OF FACILITIES.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 34, 29 DCR 2872; Sept. 17, 1982, D.C. Law 4-150, § 403, 29 DCR 3377; Oct. 22, 1983, D.C. Law 5-36, § 2(hh), 30 DCR 4289; Feb. 28, 1987, D.C. Law 6-206, § 2, 34 DCR 675; Apr. 9, 1997, D.C. Law 11-210, § 2(aa), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1833.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

Law 4-150 was introduced in Council and assigned Bill No. 4-360, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 22, 1982 and July 6, 1982, respectively. Signed by the Mayor on July 21, 1982, it was assigned Act No. 4-221 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

Law 6-206 was introduced in Council and assigned Bill No. 6-519, which was referred to the Committee on Public Services and Cable Television. The Bill was adopted on first and second readings on November 18, 1986 and December 16, 1986, respectively. Signed by the Mayor on January 8, 1987, it was assigned Act No. 6-266 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1234. CONSTRUCTION AND SERVICE SCHEDULES; MAPS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 35, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(ii), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(bb), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1834.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1235. VIOLATIONS SUBJECT TO PENALTIES.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 36, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(8), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1835.

Legislative History of Laws

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

Editor's Notes

This section is set out above to provide historical information.

§ 34-1236. LIMITS ON FRANCHISEE'S RECOURSE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 37, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(jj), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(cc), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1836.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1237. COMPLIANCE NOT EXCUSED BY FAILURE TO ENFORCE

FRANCHISE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 38, 29 DCR 2872; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1837.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For Law 14-193, see notes following § 34-1201.

§ 34-1238. EFFECT OF SPECIFIC TIME FOR PERFORMANCE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 39, 29 DCR 2872; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1838.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For Law 14-193, see notes following § 34-1201.

§ 34-1239. RIGHTS RESERVED TO DISTRICT.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 40, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2 (kk), 30 DCR 4289; April 9, 1997, D.C. Law 11-210, § 2 (dd), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1839.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1240. FRANCHISEE NOT TO DISCRIMINATE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 41, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(ll), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1840.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 23-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1241. AFFIRMATIVE ACTION REQUIREMENTS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 42(a)-(h), 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(mm), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(ee), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1841.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1242. MINORITY CONTRACTING REQUIREMENTS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 43, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(nn), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1842.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1243. LOCAL HIRING AND SUBCONTRACTING POLICY.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 44, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(oo), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1843.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1244. RESTRICTIVE EASEMENT; UNLAWFUL ATTACHMENT FOR ACCESS OR USE.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 45, 29 DCR 2872; Mar. 14, 1985, D.C. Law 5-159, § 16(b), 32 DCR 30; Apr. 9, 1997, D.C. Law 11-210, § 2(ff), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1844.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-159, see Historical and Statutory Notes following § 34-1203.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

§ 34-1244.01. LANDLORD-TENANT RELATIONSHIP.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 45a, as added Oct. 22, 1983, D.C. Law 5-36, § 2(pp), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1844.1.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

Miscellaneous Notes

Short title: The first section of D.C. Law 5-36 provided: "That this act may be cited as the 'Cable Television Communications Act of 1981 Clarification Amendment Act of 1983'."

§ 34-1245. PROTECTION OF PRIVACY.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 46, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(qq), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(gg), 43 DCR 4702; Apr. 3, 2001, D.C. Law 13-269, § 110, 48 DCR 1270; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1845.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 8 of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 8 of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 108 of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 108 of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Emergency Act Amendments

For temporary amendment of section, see § 8 of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 8 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 8 of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 8 of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary amendment of § 43-1845 [1981 Ed.], see § 8 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary (90-day) amendment of section, see § 108 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 108 of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 108 of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) amendment of section, see § 108 of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 110 of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For D.C. Law 13-269, see notes following § 34-1131.

For Law 14-193, see notes following § 34-1201.

§ 34-1246. COSTS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 47, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(rr), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(hh), 43 DCR 4702; Apr. 9, 1997, D.C. Law 11-255, § 46(b), 44 DCR 1271; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1846.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

For Law 14-193, see notes following § 34-1201.

§ 34-1247. OBSCENTY LAWS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 48, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(ss), 30 DCR 4289; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1847.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For Law 14-193, see notes following § 34-1201.

§ 34-1248. "RENT-A-CITIZEN" PRACTICE DISCOURAGED.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 49, 29 DCR 2872; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1848.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For Law 14-193, see notes following § 34-1201.

§ 34-1248.01. OBTAINING SERVICES WITHOUT COMPENSATION UNLAWFUL.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 49A, as added Mar. 16, 1988, D.C. Law 7-93, § 3(b), 35 DCR 721; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1848.1.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

Law 7-93 was introduced in Council and assigned Bill No. 7-324, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on December 8, 1987 and January 5, 1988, respectively. Signed by the Mayor on January 25, 1988, it was assigned Act No. 7-135 and transmitted to both Houses of Congress for its review.

For Law 14-193, see notes following § 34-1201.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 7-93, the Cable Television Communications Act of 1981 Amendment Act of 1987, see Mayor's Order 90-137, October 17, 1990.

Miscellaneous Notes

Short title: The first section of D.C. Law 7-93 provided: "That this act may be cited as the 'Cable Television Communications Act of 1981 Amendment Act of 1987'."

§ 34-1249. SEVERABILITY.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 50, 29 DCR 2872; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For Law 14-193, see notes following § 34-1201.

§ 34-1250. CIVIL PENALTIES; PROSECUTIONS.[REPEALED]

(Aug. 21, 1982, D.C. Law 4-142, § 51, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 2(tt), 30 DCR 4289; Apr. 9, 1997, D.C. Law 11-210, § 2(ii), 43 DCR 4702; Oct. 9, 2002, D.C. Law 14-193, § 3, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1849.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 3 of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

For temporary (90 day) addition of §§ 34-1251.01 to 34-1264.05, see § 2(b) of Cable Television Reform Emergency Amendment Act of 2002 (D.C. Act 14-409, July 15, 2002, 49 DCR 7280).

Legislative History of Laws

For legislative history of D.C. Law 4-142, see Historical and Statutory Notes following § 34-1201.

For legislative history of D.C. Law 5-36, see Historical and Statutory Notes following § 34-1202.01.

For legislative history of D.C. Law 11-210, see Historical and Statutory Notes following § 34-1202.

For Law 14-193, see notes following § 34-1201.

SUBCHAPTER II. CABLE TELEVISION REFORM, 2002.

PART A. GENERAL PROVISIONS.

§ 34-1251.01. SHORT TITLE.

This subchapter may be cited as the Cable Television Reform Act of 2002.

(Aug. 21, 1982, D.C. Law 4-142, § 101, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 14-193, the "Cable Television Reform Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-480, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on June 18, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 15, 2002, it was assigned Act No. 14-412 and transmitted to both Houses of Congress for its review. D.C. Law 14-193 became effective on October 9, 2002.

§ 34-1251.02. FINDINGS AND PURPOSES.

(a) The Council of the District of Columbia finds that:

- (1) The rates, services, and operation of cable services and systems in the District affect the public interest;
- (2) Further development of cable television may result in greater benefits for District residents;
- (3) Cable television and cable technology play an essential role in the District's basic infrastructure;
- (4) Cable systems occupy and extensively use scarce and valuable public rights-of-way in a manner reserved primarily for those who provide essential service to the public;
- (5) Cable systems have the capacity to provide, in addition to entertainment and information services to District residents, a variety of broadband interactive communications services to individuals, the District government, and other institutions; and
- (6) It is, and should be, the policy of the District of Columbia to provide fair regulation of cable service providers in the public interest.

(b) The purposes of this subchapter are:

- (1) To ensure that any authority granted to provide cable service is exercised in the public interest;
- (2) To establish the procedures for granting, renewing, transferring, and revoking authority to provide cable services;
- (3) To establish baseline standards for the operation of cable service providers in the District;
- (4) To establish a framework for the ongoing regulation of cable service providers and for the promulgation of rules and regulations governing the provision of cable service;
- (5) To encourage the optimum development of the economic, educational, and community service potentials of cable services and cable systems;
- (6) To promote just and reasonable rates and charges for cable services without discrimination, undue preferences or advantages, or unfair or destructive competitive practices;
- (7) To promote harmonious relationships between cable operators and their customers;
- (8) To create and maintain an economic and regulatory environment that promotes competition in the cable television industry in the District; and
- (9) To attract the deployment and maintenance of advanced cable services in the District.

(Aug. 21, 1982, D.C. Law 4-142, § 102, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1251.03. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Advisory Committee" means the Cable Television Advisory Committee established by § 34-1253.01.
- (2) "Affiliate" means, when used in relation to any person, another person who owns or controls, or is owned or controlled by, or is under common ownership or control with such person.
- (3) "Basic service" means the lowest tier of cable service that includes the retransmission of local

broadcast signals.

(4) "Cable service" means:

- (A) The one-way transmission to subscribers of video programming or other programming service; and
- (B) The subscriber interaction, if any, which is required for the selection or use of video programming or other programming service.

(5) "Cable facility" means antennae, transmitters, poles, wires, cables, conduits, amplifiers, instruments, and any other equipment used to provide cable service in the District, including any appliances used in connection with, or appurtenant to, any item listed in this paragraph.

(6) "Cable operator" means a person or group of persons:

- (A) Who provides cable service over a cable system or over an open video system and directly or through one or more affiliates owns a significant interest in such cable system or open video system; or
- (B) Who controls or is responsible for, through any arrangement, the management and operation of a cable system or open video system.

(7) "Cable system" means the cable facilities, including the set of closed transmission paths and associated signal generation, reception, and control equipment, that are used to provide cable service to multiple subscribers within the District. The term cable system shall not include:

- (A) A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- (B) A facility that serves subscribers without using any public rights-of-way;
- (C) A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1070; 47 U.S.C. § 201 *et seq.*) ("Communications Act of 1934") provided, that such a facility shall be considered a cable system to the extent it is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;
- (D) An open video system that is certified by the FCC pursuant to section 653 of the federal cable act (47 U.S.C. § 573); provided, that the term cable system shall be construed to include an open video system under the circumstances set forth in § 34-1251.04; or
- (E) A facility of any electric utility used solely for operating its electric utility systems.

(8) "Control" means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments, or negative control. A rebuttable presumption of the existence of control shall arise from the beneficial ownership, directly or indirectly, by a person, or group of persons acting in concert, of more than 20% of a person.

(9) "Converter" means an electronic device that may serve as an interface between a cable signal transmission and a subscriber's television receiver or other terminal equipment, and which may perform a variety of functions, including signal security, descrambling, electronic polling, frequency conversion, and channel selection.

(10) "Corporation Counsel" means the District of Columbia Corporation Counsel.

(11) "District" means the government of the District of Columbia or the geographic location of the District of Columbia, as applicable.

(12) "Educational channel" means a specifically designated channel on a cable system set aside for use by a public or private school, scientific or educational institution, or consortium of schools or institutions.

(13) "Executive Director" means the Director of the Office of Cable Television and Telecommunications.

(14) "Fair market value" means the price that a willing buyer would pay to a willing seller for a cable system as a going concern in an arm's-length transaction, but with no value allocated to the franchise itself.

(15) "Federal cable act" means the Cable Communications Policy Act of 1984, approved October 30, 1984 (98 Stat. 2779; 47 U.S.C. §§ 521-573).

(16) "FCC" means the Federal Communications Commission or its successor agency.

(17) "Franchise" means an authorization, or renewal of an authorization, issued by the Council, to construct or operate a cable system.

(18) "Franchise agreement" means a contract entered into pursuant to this chapter, between the District and a cable operator that sets forth, subject to this chapter and other laws, the terms and conditions under which a franchise shall or may be exercised.

(19) "Gross revenues" means all revenues received by a cable operator, or an affiliate of a cable operator, before payment of expenses and other costs, from the operation or use of its cable system or open video system, including revenues derived from cable services including cable modem service, interactive services, the sale or lease of subscriber equipment, installation and other service fees, the sale of advertising time (and related services), earnings from home shopping channels, and any item defined as gross revenue in a franchise agreement.

(20) "Government channel" means a specifically designated channel on a cable system set aside for use by the District government.

(21) "Installation" means the connection of cable service to a subscriber's television receiver or other terminal equipment.

(22) "Institutional network " or "I- Net" means a one--way and two--way network with upstream and downstream capacity, and including dedicated, high speed data, video, television, audio communications and telephony facilities, designed and constructed to connect District government buildings and facilities, and other buildings and facilities designated or authorized by the District.

(23) "Office" means the Office of Cable Television and Telecommunications established by § 34-1252.01.

(24) "Open video system" means the cable facilities, including the set of closed transmission paths and associated signal generation, reception, and control equipment, that are designed to provide cable service to multiple subscribers within the District, and which the FCC, in accordance with section 653 of the federal cable act (47 U.S.C. § 573), has certified as compliant with Title VI of the federal cable act and its rules.

(25) "Other programming service" means a service other than cable service that a cable operator makes available to all subscribers generally.

(26) "PEG channels" means channel capacity designated for public access channels, educational channels, and government channels, and the facilities and equipment for the use of the channels.

(27) "Person" means an individual, corporation, partnership, association, joint-stock company, trust, or any other legal entity, excluding the government of the District of Columbia and its agencies.

(28) "Public access channel" means a channel on a cable system that is reserved for noncommercial use by members of the public on a nondiscriminatory basis.

(29) "Public rights-of-way" means the surface, the airspace above the surface, and the area below the surface of any street, road, avenue, highway, parkway, concourse, boulevard, park, public space, bridge, viaduct, tunnel, or any other property to which the District has title, easement, or jurisdiction.

(30) "Subscriber" means a person who:

(A) Lawfully receives cable service provided by a cable operator by means of or in connection with its cable system or open video system, whether or not a fee is paid for such cable service; and

(B) Does not further distribute the cable service.

(31) "Video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

(Aug. 21, 1982, D.C. Law 4-142, § 103, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

References in Text

Title VI of the federal cable act, referred to in par. (24), is Title VI of the Cable Communications Policy Act of 1984, Pub.L. 98-549, Oct. 30, 1984, 98 Stat. 2779, classified to 47 U.S.C.A. § 521 et seq.

§ 34-1251.04. APPLICABILITY TO OPEN VIDEO SYSTEMS.

(a) Except as otherwise provided in this subchapter, this subchapter shall apply to an open video system to the extent permitted by federal law. In applying the provisions of this subchapter to an open video system, the term "cable system" shall be construed to include an open video system.

(b) An open video system operator shall not operate in the District without first:

(1) Receiving a franchise from the Council; and

(2) Entering into:

(A) A franchise agreement pursuant to this chapter; or

(B) An open video system agreement; provided, that the open video system agreement shall contain the minimum requirements set forth in § 34-1254.05; provided further, that the open video system agreement shall be negotiated with the Office and transmitted to the Council for approval by act.

(c) In lieu of the franchise fee required by § 34-1256.01, the operator of an open video system shall pay to the District a fee of 5% of the gross revenues of the operator.

(d) Any person who provides cable service over the open video system of another person and who assesses charges to subscribers that are not received by the open video system operator shall pay a fee to the District in an amount equal to 5% of the person's gross revenues. The operator of the open video system shall collect the fee from the person and shall remit the fee to the District. If the open video system operator fails to collect or remit the fee, the operator shall be directly liable to the District for payment of the uncollected or unremitted fee.

(e) An open video system operator shall be subject to all requirements of District law regarding the authorization to use or occupy the public rights-of-way, and the approval by the Federal Communications Commission of an open video system operator's certification pursuant to section 653 of the federal cable act (47 U.S.C. § 573) shall not confer upon the operator any authority to use or occupy the public rights-of-way that the operator does not otherwise possess.

(f) Notwithstanding anything to the contrary, if a cable operator, its parent, affiliate, or subsidiary elects to offer to subscribers video programming services through an open video system, the cable operator shall remain subject to all the terms and conditions of a franchise granted pursuant to this chapter.

(Aug. 21, 1982, D.C. Law 4-142, § 104, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART B. OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS.

§ 34-1252.01. ESTABLISHMENT OF THE OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS; EXECUTIVE DIRECTOR; GENERAL COUNSEL.

(a) There is established within the executive branch, as a subordinate agency, the Office of Cable Television and Telecommunications. The Office shall be responsible for regulating cable service, cable service providers, and the cable television industry, protecting and promoting the public interest in cable service, and executing the policies and provisions of the cable television laws and regulations of the District.

(b) The Office shall be administered by an Executive Director, who shall be appointed by the Mayor and shall be subject to confirmation by the Council pursuant to § 1-523.01. Notwithstanding any other provision of law, the Executive Director shall become a bona fide resident of the District within 180 days after the effective date of confirmation by the Council and shall remain a District resident for the duration of the appointment. Failure to become a District resident or to maintain District residency shall result in forfeiture of the appointment. The Executive Director shall not have, or have had within 2 years preceding his or her nomination, any ownership or business interest of over 5% in, or a substantial business affiliation with, any cable operator in the District.

(c) The duties of the Executive Director shall include the general administration of the Office, the preparation of the budget, hiring of staff, maintaining records, administering and enforcing the provisions of this chapter and regulations promulgated pursuant to this chapter, and such other duties required by law.

(d) The Executive Director shall establish an Office of the General Counsel within the Office. The Office of the General Counsel shall be headed by a General Counsel appointed by the Executive Director with the approval of the Corporation Counsel. The General Counsel, with the consent of the Executive Director and the approval of the Corporation Counsel, may appoint Assistant General Counsels.

(e) The Executive Director may appoint a Director of Programming to be the station manager of the government channels.

(Aug. 21, 1982, D.C. Law 4-142, § 201, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

§ 34-1252.02. POWERS AND RESPONSIBILITIES OF THE OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS.

In addition to the general authority of the Office set forth in § 34- 1252.01(a), the Office shall have the powers and responsibilities to:

- (1) Promulgate rules or regulations to administer or enforce this chapter;
- (2) Issue guidelines, instructions, application forms, and other documents that are necessary or useful to the administration or enforcement of this chapter;
- (3) Prescribe fees in accordance with this chapter;
- (4) Receive and review applications to provide cable service in the District;
- (5) Negotiate, on behalf of the District, franchise agreements and other agreements necessary for the implementation of this chapter;
- (6) Draft and adopt a model franchise agreement, which shall be updated as needed to reflect changes in cable law, technology, standards and changes in the cable-related needs and interests of the District;
- (7) Monitor and enforce cable operator compliance with the provisions of this chapter, regulations promulgated pursuant to this chapter, franchise agreements, and any other agreements entered into with the District pursuant to this chapter or pursuant to a franchise agreement;
- (8) Coordinate, manage, and oversee the use of, and the programming on, all government channels;
- (8A) Negotiate use or license agreements, with or without monetary considerations, for the use of production studios and equipment owned or controlled by the Office; provided, the Office shall:
 - (A) Require users of the studios or equipment to maintain comprehensive insurance for the duration of the use and include the Office as an additional insured; and
 - (B) Implement an overall fee structure that compensates the Office for any additional costs the Office occurs in implementing the use program;
- (9) Make reasonable requests of a cable operator in furtherance of this chapter, any regulations promulgated pursuant to this chapter, or the general public interest in cable service and cable systems;
- (10) Establish reasonable conditions and restrictions on cable operators necessary or useful to protect and promote the public interest in cable television or to protect the public health, safety, or welfare;
- (11) Intervene in, and resolve, disagreements between cable operators and subscribers or other lawful users of cable service;
- (12) Ensure that cable operators provide uniform, nondiscriminatory access to their cable system and cable services;
- (13) Ensure that the District maintains an environment conducive to the competitive operation of multiple cable operators;
- (14) Educate the public on the benefits and uses of cable television;
- (15) Conduct periodic evaluations of the cable system to ensure compliance with this chapter and with regulations promulgated pursuant to this chapter, or to ensure the public health, safety, or welfare;
- (16) Solicit and accept funds from nonprofit and government entities to underwrite specifically designated programming on government channels; provided, that the Office shall first establish policies to preclude commercialization on behalf of the underwriter or grantors, the broadcasting of comparative product descriptions, claims of product performances or superiority, price information, or any control over programming content by the grantor or the underwriter; provided further, that the solicitation and acceptance of funds shall be conducted in accordance with Mayor's Order 2002-2, issued January 11, 2002 (49 DCR 900), or its successors;
- (17) Provide the Advisory Committee with notice of legislative hearings and other similar activities of the Office, as well as reports and other information and materials essential to the Advisory Committee's fulfillment of its responsibilities under this chapter;
- (18) Allocate and assign public, educational, and government channels and negotiate and enter into operating agreements for the use of the channels, subject to the provisions set forth in § 34-1253.02 and part H of this subchapter;
- (19) Recommend to the Council amendments to this chapter, a franchise agreement, or any other agreements related to cable service or a cable system; and
- (20) Submit an annual report to the Council which shall include an account of franchise agreement fees

received and distributed, a review of any plans submitted during the year by the cable operator for development of new services, and a report on cable operator compliance with this chapter, regulations, and any franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 202, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334; Mar. 17, 2005, D.C. Law 15-241, § 2, 51 DCR 11227.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-241 added par. (8A).

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

Law 15-241, the "Television Production Studios and Equipment Use Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-686, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on October 5, 2004, and November 9, 2004, respectively. Signed by the Mayor on November 30, 2004, it was assigned Act No. 15-598 and transmitted to both Houses of Congress for its review. D.C. Law 15-241 became effective on March 16, 2005.

Miscellaneous Notes

Policy for the Production of Video Programming by District Government Agencies, see Mayor's Order 2005-162, October 24, 2005 (53 DCR 337).

§ 34-1252.03. CABLE TELEVISION SPECIAL ACCOUNT.

(a) There is hereby established within the General Fund of the District, a Cable Television Special Account, to which shall be credited all revenues owed and accruing to the District from the establishment, regulation, and operation of a cable system. The Cable Television Special Account shall be nonlapsing. Revenues deposited into the special account shall not revert to the General Fund at the end of any fiscal year or at any other time. All special account deposits shall be secured in a manner consistent with deposits of revenues by the District.

(b) Revenues deposited into the special account shall be continually available to the Office for the uses and purposes set forth in this chapter, subject to authorization in an appropriations chapter.

(c) The Executive Director shall administer the special account and receive all payments required by this chapter.

(d) Deposits into the special account shall include:

(1) Fees and penalties collected pursuant to this chapter, to regulations promulgated pursuant to this chapter, or to a franchise agreement, including franchise fees, application fees, and transfer fees;

(2) Collections by the District on indemnities, insurance, and bonds pursuant to this chapter, to regulations promulgated pursuant to this chapter, or to a franchise agreement;

(3) PEG funding provided by a cable operator pursuant to a cable franchise agreement, which shall be used exclusively for PEG purposes; and

(4) Other payments authorized by this chapter, by regulations promulgated under this chapter, or by an agreement entered into under the authority of this chapter.

(Aug. 21, 1982, D.C. Law 4-142, § 203, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART C. OTHER CABLE ENTITIES.

§ 34-1253.01. CABLE TELEVISION ADVISORY COMMITTEE.

(a) There is established a Cable Television Advisory Committee to assist and advise the Mayor and the Council regarding the design, regulation, and programming of cable systems in the District.

(b) The Advisory Committee shall consist of 13 members as follows:

(1) Two members who shall represent the Council, who shall be comprised of:

- (A) One member to be designated by the Chairman of the Council; and
- (B) One member to be designated by the chairperson of the Council committee with oversight over the Office;
- (2) Eight members, to be appointed by the Mayor, who shall be comprised of:
 - (A) One member who shall be an Advisory Neighborhood Commissioner;
 - (B) Two members who shall be District residents with extensive knowledge of cable television;
 - (C) One member who shall be a District resident with expert knowledge of the telecommunications industry;
 - (D) One member who shall be an engineer with technical knowledge of cable television and telecommunications;
 - (E) One member who shall be a senior citizen and resident of the District;
 - (F) One member who shall represent the Office of the Deputy Mayor for Planning and Economic Development;
 - (G) One member who shall represent the Department of Transportation;
- (3) One member who shall represent the Consortium of Universities to be selected by the Consortium from among its members;
- (4) One member who shall represent the District of Columbia Public School Board of Education, to be selected by the President of the Board from among the members of the Board; and
- (5) One member who shall represent the Public Access Corporation to be selected by the Chairman of the Board of Directors of the Public Access Corporation from among the members of the Board of Directors.
- (c) The Advisory Committee shall:
 - (1) Advise the Mayor, the Council, and the Office in the general oversight of the cable television industry;
 - (2) Assess the cable programming and technology needs and interests of District residents;
 - (3) Recommend changes to District law, regulations, or policy regarding cable television; and
 - (4) Meet at least on a quarterly basis to familiarize its members with, among other things, current cable industry technology and trends.
- (d) The members of the Advisory Committee shall be appointed or designated for terms of 4 years; provided, that the members of the Advisory Committee serving on the day prior to October 9, 2002 shall continue in office under the following schedule:
 - (1) The terms of the members appointed under subsection (b)(1)(A), (b)(2)(A), (b)(2)(D), (b)(2)(F), (b)(3), (b)(5) of this section and the member appointed earlier under subsection (b)(2)(B) of this section shall expire 2 years after October 9, 2002; and
 - (2) The terms of the members appointed under subsection (b)(1)(B), (b)(2)(C), (b)(2)(E), (b)(2)(G), (b)(4) of this section, and the member appointed later under subsection (b)(2)(B) of this section shall expire 4 years after October 9, 2002.

(Aug. 21, 1982, D.C. Law 4-142, § 301, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1253.02. PUBLIC ACCESS CORPORATION.

- (a)(1) There shall be established, pursuant to the requirements of this chapter and in accordance with Chapters 1, 2, and 4 of Title 29, a nonprofit Public Access Corporation ("Corporation") in the District for the purpose of facilitating and governing nondiscriminatory use by the public of those specifically designated and reserved noncommercial public access channels of a cable system.
- (2) The Corporation shall have jurisdiction over the use of all public access channels and all matters related to the governance, management, time, equipment, facilities, and other services related to the public access channels.
- (3) The Corporation shall be responsible for all resources and assets dedicated to the Corporation under this chapter, and any franchise agreement, or open video system agreement.
- (b)(1) The Corporation shall have no less than 3 categories of members, including:

- (A) A 13-member Board of Directors;
- (B) A 15-member Board of Advisors; and
- (C) Associate members.

(2) The names of the members of the Corporation shall be public information.

(c) The Board of Directors shall be the governing body of the Corporation. The bylaws of the Corporation shall provide that 2 members of the Board shall always be persons nominated by the Mayor and confirmed by the Council and that 2 members of the Board shall always be persons nominated by the chairperson of the Council committee having jurisdiction over cable television and confirmed by the Council. The chairperson and the remaining members of the Board shall be elected in accordance with the bylaws of the Corporation.

(d) The Board of Advisors shall advise the Board of Directors and shall have the authority or responsibilities that the bylaws of the Corporation confer and as the Board of Directors may from time to time determine. Each member of the Board of Advisors shall be a resident of the District of Columbia. To the extent possible, the membership of the Board of Advisors shall include representatives of public interest organizations, civil rights groups, the health and arts communities, labor organizations, business groups, consumers, educators, religious leaders, minorities, women, gays and lesbians, persons with disabilities, and child advocates.

(e) Any person nominated by the Mayor or the Council to the Board of Directors or the Board of Advisors shall be a District resident and shall not be an employee of the District, an employee or owner of a cable operator or any of its contractors.

(f) Any person nominated by the Mayor or the Council to the Board of Director or the Board of Advisors shall, to the extent possible, have knowledge of areas that include telecommunications law, television programming, corporate or foundation management, public relations, fund raising, and career development training.

(g) Neither members of the Board of Directors nor members of the Board of Advisors shall be compensated for the performance of their duties as members of these boards, except that they may be reimbursed for expenses incurred in the performance of their duties as the Corporation shall determine.

(h) The articles of incorporation or the bylaws of the Public Access Corporation shall reflect and ensure that the statutory mandates and legislative intent of the Council shall be protected and promoted by the Corporation in the issuance of regulations guaranteeing nondiscriminatory use of the public access channels; in the development of opportunities within the community-at-large for training and experience in the field of telecommunications; and in permitting any resident of the District qualified to use the public access facilities to become a member of the Public Access Corporation, with voting rights equal to those of other members. The articles shall also provide for these members to elect members of the Board.

(i) The bylaws of the Corporation shall include a requirement that an annual report of all the Corporation's activities, including a financial audit, be submitted to the Council for its information within 120 days of the end of each fiscal year of the Corporation.

(j) The bylaws of the Corporation shall include rules for procurement and personnel policies.

(k) The bylaws of the Corporation shall include a requirement that the Corporation submit to the Mayor the budget of the Corporation for its next fiscal year, approved by the Board, for inclusion in the annual budget that the Mayor is required to submit to the Council pursuant to § 1-204.42. The Corporation shall submit to the Mayor annually the budget of the Public Access Corporation for its next fiscal year, approved by the Board, for inclusion in the annual budget that the Mayor is required to submit to the Council pursuant to § 1-204.42.

(l) The Corporation shall establish its bank account in a financial institution located in the District.

(m) The Corporation's management and use of public access channels shall not duplicate programming or services that the District may provide on government channels.

(n) The Corporation may solicit any monies, equipment, and services provided under and in accordance with the terms of an agreement ratified by the District as a part of a grant of franchise for a cable system; and may receive monies, equipment, and services from other sources, including grants from the District, the federal government, private foundations, businesses, organizations, individuals, membership dues, and donations. Any monies, equipment, and services received pursuant to this subsection shall be utilized in accordance with the bylaws of the Corporation, and in a manner consistent with the purposes and limitations of this chapter.

(o) All assets of the Corporation, including all facilities and monies dedicated to public access use by the District and the franchise agreement or open video system agreement, shall be deemed assets held by the Corporation in trust for the benefit of the citizens of the District for the purpose of developing and implementing the use and programming of public access channels. In the event of voluntary or involuntary dissolution of the Corporation, all assets of the Corporation shall revert to the District. In addition to all other lawful grounds, the Corporation may be dissolved involuntarily by a decree of the court in an action instituted by the Mayor, on the Mayor's own initiative or at the request of the Council, in the name of the

District when it is proven by a preponderance of the evidence that the Corporation has continued to exceed, abuse, or fail to fulfill the powers or purposes set forth in this chapter and the Corporation's articles, has continued to exceed or abuse its bylaws, or has breached and continues to breach its fiduciary obligations to the citizens of the District. Any involuntary dissolution shall be undertaken pursuant to the notice and remedy provisions of § 29-301.53.

(Aug. 21, 1982, D.C. Law 4-142, § 302, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334; Apr. 24, 2007, D.C. Law 16-305, § 49, 53 DCR 6198; July 2, 2011, D.C. Law 18-378, § 3(z), 58 DCR 1720.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-305, in subsec. (d), substituted "persons with disabilities" for "handicapped persons".

D.C. Law 18-378, in subsec. (a)(1), substituted "Chapters 1, 2, and 4 of Title 29" for "Chapter 3 of Title 29".

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

Law 16-305, the "People First Respectful Language Modernization Act of 2006", was introduced in Council and assigned Bill No. 16-664, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 17, 2006, it was assigned Act No. 16-437 and transmitted to both Houses of Congress for its review. D.C. Law 16-305 became effective on April 24, 2007.

Law 18-378, the "District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009", was introduced in Council and assigned Bill No. 18-500, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on February 27, 2011, it was assigned Act No. 18-724 and transmitted to both Houses of Congress for its review. D.C. Law 18-378 became effective on July 2, 2011.

§ 34-1253.03. PUBLIC SERVICE COMMISSION REGULATION OF THE USE OF EXISTING UTILITY COMPANIES' RIGHTS-OF-WAY.

(a) The Public Service Commission shall regulate the rates, terms, and conditions for cable operators' use of existing utility company rights-of-way located within the District, including the use of existing utility poles and underground conduits in accordance with federal law and regulations, and shall ensure that all rates, terms, and conditions are just and reasonable.

(b) In regulating rates, terms, and conditions under this section, the Public Service Commission shall consider the interests of both cable service subscribers and utility consumers.

(c) The Public Service Commission shall resolve disagreements among cable operators and public utilities, including the use of public rights-of-way by a cable operator to install and maintain the cable operator's cable system.

(Aug. 21, 1982, D.C. Law 4-142, § 303, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART D. FRANCHISING AND RE-FRANCHISING PROCESS.

§ 34-1254.01. FRANCHISE AND FRANCHISE AGREEMENT REQUIRED.

(a) The Council may grant one or more franchises to provide cable service over, on, under, or within the public rights-of-way.

(b) No person may construct or operate a cable system over, on, under, or within a public right-of-way without first obtaining a franchise under this chapter.

(c) No person may exercise the authority granted by a franchise without first having entered into a franchise agreement with the District pursuant to this chapter.

(d) A franchise granted pursuant to this chapter shall:

(1) Authorize the use of the public rights-of-way for installing, on poles or underground, cables, wires, lines, optical fibers, underground conduits, ducts, conductors, amplifiers, vaults, and other facilities

necessary and pertinent to operate a cable system to serve subscribers within the District; provided:

- (A) The authority to use the public rights-of-way shall be subject to the permitting and other regulatory authority of the District;
 - (B) The authority to use the public rights-of-way shall be subordinate, without limitation, to the District's use and any prior lawful occupancy of the public rights-of-way;
 - (2) Be subject to prior revocation pursuant to this chapter and the franchise agreement;
 - (3) Be subject to any terms, conditions, or obligations set forth in this chapter, the franchise, the franchise agreement, and other applicable law and regulation;
 - (4) Become void upon the failure to comply with any material term of the franchise, franchise agreement, or this chapter, as determined by the Office; and
 - (5) Constitute an obligation to provide the cable services regulated by this chapter, the franchise agreement, and any other applicable law or regulation.
- (e) A franchise granted pursuant to this chapter shall not:
- (1) Limit the District's right to grant a franchise to other persons to provide cable service within the same or other areas of the District at any time;
 - (2) Waive the requirement of the cable operator to obtain, or be deemed, approval of:
 - (A) Any other permit or authorization to transact or carry on business in the District;
 - (B) Any permit or authorization to operate on, over, under, or within public streets or property, including street cut permits; or
 - (C) Any permit or authorization to occupy any property of the District government or private property to which access is not specifically granted by the franchise, including permits or authorization to place devices in, on, over, or under poles, conduits, structures, or railroad easements.

(Aug. 21, 1982, D.C. Law 4-142, § 401, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

Section 2 of D.C. Law 18-253 added a provision to read as follows:

"Sec. 2. (a) The Council approves the transfer from RCN Corporation to Yankee Cable Acquisition, LLC, ('Yankee Cable') of the control of Starpower Communications, LLC, ('Franchisee'), its cable franchise in the District, and its cable system serving the District granted in accordance with the Cable Television Reform Amendment Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*), and the franchise agreement between the Franchisee and the District dated June 28, 2005.

"(b) The Council's approval of this transfer is subject to the following conditions:

"(1) That on or before July 31, 2010, the District, the Franchisee, Yankee Cable, and RCN Telecom Services, LLC enter into an agreement substantially in the form of the document titled 'Transfer Agreement,'

"(2) That the transfer is consummated on or before October 31, 2010; and

"(3) That the transfer is consummated on terms and conditions identical in all material respects to those described in the Transfer Agreement.

"(c) If any of the conditions specified in subsection (b) of this section or in the transfer agreement are not satisfied, the Council's approval of the transfer is null and void.

"(d) The Mayor may execute the transfer agreement on behalf of the District."

Section 4(b) of D.C. Law 18-253 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of the Comcast Cable Television Franchise Agreement Modification Emergency Act of 2006 (D.C. Act 16- 364, April 26, 2006, 53 DCR 3630).

For temporary (90 day) addition of section, see § 2 of Approval of the Transfer of Control of Starpower Communications, LLC, and its Cable Franchise and Cable System to Yankee Cable Acquisition, LLC Emergency Act of 2010 (D.C. Act 18-488, July 20, 2010, 57 DCR 7169).

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

Miscellaneous Notes

Section 2 of D.C. Law 15-255 provides:

"Sec. 2. Grant of franchise.

"Pursuant to the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*) ("Cable Act"), the application of Starpower Communications, LLC for an open video system franchise is hereby approved, and Starpower Communications, LLC is granted a 5-year, non-exclusive, revocable open video system ("OVS") franchise to provide cable television service in the District of Columbia. The OVS franchise is subject to the provisions of the Cable Act and the terms and conditions of the OVS franchise agreement approved by section 3."

Sections 2 to 7 of D.C. Law 17-349 provides:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'Cable Act' means the Cable Television Reform Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*).

"(2) 'Existing Requirements' means:

"(A) Section 103 of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.03);

"(B) Acts which are codified in Chapter 19 of Title 34 of the District of Columbia Official Code;

"(C) The Telecommunications Act of 1996, effective September 19, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001 *et seq.*);

"(D) Chapter 34 of Title 24 of the District of Columbia Municipal Regulations; and

"(E) Subsection 3705.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 3705.1).

"(3) 'Franchise' means a 15-year, non-exclusive cable television system franchise granted to Verizon under section 3.

"(4) 'Franchise agreement' means the franchise agreement between the District and Verizon approved under section 3.

"(5) 'FTTP Network' means the fiber-to-the-premises network of Verizon.

"(6) 'Verizon' means Verizon Washington, DC Inc., and its lawful and permitted successors, assigns, and transferees.

"Sec. 3. Grant of franchise.

"(a) Pursuant to the Cable Act, the application of Verizon for a cable television system franchise is approved and Verizon is granted a franchise. Except as provided in sections 4 through 6, the franchise shall be subject to the provisions of the Cable Act and the terms and conditions of the franchise agreement approved by subsection (b) of this section.

"(b) The Council approves the proposed franchise agreement between the District and Verizon included as an attachment to the committee report for this act.

"Sec. 4. Exemptions from the Cable Act.

"(a) The following provisions of the Cable Act shall not apply to the franchise:

"(1) Section 103(19), (22), and (26);

"(2) Section 401(d)(4);

"(3) Section 405(a)(1) through (3), (5) through (7), and (10) through (11), (b), and (c);

"(4) Section 407(e)(1);

"(5) Section 408(g);

"(6) Section 501;

"(7) Section 502;

"(8) Section 503;

"(9) Section 504;

"(10) Section 505;

"(11) Section 506;

"(12) Section 507;

"(13) Section 601(c), (d), (f), and (g);

"(14) Section 601(f);

"(15) Section 602;

"(16) Section 604;

"(17) Section 605(c);

"(18) Section 801(a) and (b);

"(19) Section 802(a) and (b);

"(20) Section 803;

"(21) Section 907(a) and (c); and

"(22) Section 909.

"(b) Subsection 3000.2 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 3000.2) shall not apply to the franchise.

"Sec. 5. Right-of-way construction provisions.

"(a) Notwithstanding sections 401(d)(1), 702, 703, 704, and 705 of the Cable Act, the right-of-way management provisions of the Existing Requirements shall apply to Verizon with respect to the FTTP Network, except to the extent that a particular Existing Requirement does not apply to Verizon's other facilities.

"(b) Notwithstanding the provisions of this act or the franchise agreement:

"(1) The District:

"(A) Reserves all of its rights under applicable law regarding the scope of its legislative and regulatory authority over Verizon;

"(B) Shall regulate the placement, construction, repair, and maintenance of physical facilities located in the public rights-of-way, including the FTTP Network; and

"(C) Does not waive any right or authority that the District may have now or in the future to regulate information services, telecommunications services, or the use of the FTTP Network to provide such services.

"(2) Verizon shall have the right to challenge the lawfulness or applicability of the Existing Requirements and any future amendments thereto.

"Sec. 6. Effect of competition.

"(a) On or before the effective date of this act, upon a finding by the Office of Cable Television that the purpose of certain provisions of the Cable Act and rules issued thereunder has been achieved, the Office of Cable Television may exempt the franchise from the provisions of Chapter 6 of Title 4, and Chapters 30 and 31 of Title 15 (except subsection 3000.2), of the District of Columbia Municipal Regulations and the following provisions of the Cable Act:

"(1) Section 706;

"(2) Section 901;

"(3) Section 902;

"(4) Section 903;

"(5) Section 904(b);

"(6) Section 905;

"(7) Section 906;

"(8) Section 908(b) through (d);

"(9) Section 1001;

"(10) Section 1002;

"(11) Section 1202;

"(12) Section 1203;

"(13) Section 1303; and

"(14) Section 1401.

"(b) Notwithstanding the provisions of subsection (a) of this section, the District does not waive any of its rights or powers to enact laws or to issue rules addressing the subject matter of the provisions of law which may be exempted by the Office of Cable Television at any time in the future.

"Sec. 7. Award fee.

"Pursuant to section 406(d) of the Cable Act and the franchise agreement, Verizon shall pay the District an award fee in the amount of \$200, 000 to be paid within 30 days of the effective date of the franchise agreement as the term is defined in the franchise agreement."

§ 34-1254.02. APPLICATION FOR AN INITIAL FRANCHISE.

(a) An application for the grant of an initial franchise may be filed pursuant to a request for proposals issued by the District or on an unsolicited basis.

(b) The application shall be filed with the Office and shall be on a form prescribed by the Mayor. The application shall contain the following information:

(1) The names and addresses of persons authorized to act on behalf of the applicant with regard to the application;

(2) The name and address of the applicant and identification of the ownership and control of the applicant, including the names and addresses of all persons with more than 5% (non-voting or voting) ownership interest in the applicant and its affiliates, all officers and directors of the applicant and its affiliates, general partners or managing members as applicable, and all other business affiliations and cable system ownership interests of each such person;

(3) An executive summary demonstrating the applicant's technical ability to construct and operate a state-of-the-art cable system, including identification of key personnel;

(4) A description of the applicant's legal qualifications to construct and operate the proposed cable system;

(5) A detailed description of the physical facility proposed, including channel capacity, technical design, performance characteristics, headend, and access facilities.

(6) A demonstration of financial qualifications to complete the construction and operation of the proposed cable system;

(7) A description of prior experience in cable ownership, construction, and operation, and identification of the communities in which the applicant or any of its principals, including persons named pursuant to paragraph (2) of this subsection, have, or have had, a cable franchise or any interest therein;

(8) Where applicable, a description of the construction of the proposed system, including an estimate of plant mileage and its location, the proposed construction schedule and map, and a description, where appropriate, of how services will be converted from existing facilities to new facilities;

(9) A demonstration of how the applicant will meet the cable-related needs and interests of District residents, including public, educational, and government access channel capacity and facilities and financial or capital contribution to an institutional network;

(10) An affidavit or a declaration by the applicant or authorized officer certifying the truth and accuracy of the information in the application and certifying that the application is consistent with all the requirements of federal and District law;

(11) For informational purposes, the proposed rate structure, including projected charges for each service tier, installation, converters, and other equipment or services, and the ownership interest of the applicant or any of its affiliates in any proposed program services to be delivered over the cable system; and

(12) Any other information required by the Office by regulation.

(c) The Office may establish, by regulation, fees for filing and processing an application under this section.

(Aug. 21, 1982, D.C. Law 4-142, § 402, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.03. EVALUATION OF AN INITIAL FRANCHISE APPLICATION.

(a) Within 45 days after receiving an application under § 34-1254.02, the Office shall certify the application as complete or shall transmit to the applicant a description of missing information and the time by which the missing information must be provided.

(b) Upon certifying the application as complete, the Office shall have published in the District of Columbia Register a Notice of the Filing of an Application for a Cable Franchise, which shall contain the name of the applicant, the nature of the application, and a description of the procedures under this chapter.

(c) Within 120 days after certifying an application as complete, the Office shall determine whether the applicant has the ability and commitment to adequately provide cable service in the District and to meet the cable-related needs and interests of the District and of District residents. In making this determination, the Office may procure the assistance of qualified technical, financial, and legal consultants.

(d) In determining the ability and commitment of an applicant to adequately provide cable service in the District and to meet the cable-related needs and interests of the District and of District residents, the Office shall consider the following:

- (1) Whether the proposed plans for the cable system are feasible and reasonable, considering the applicant's legal, financial, and technical resources and abilities and any other relevant factors;
- (2) Whether the applicant has the ability, willingness, and commitment to construct, operate, and maintain a state-of-the-art cable system in the best interests of the District and of District residents;
- (3) Whether the applicant has the ability to adapt to and implement new technologies, services, and programming;
- (4) Whether the proposed cable system will serve the public interest and meet the cable-related needs of the District;
- (5) Whether the applicant has had a previous franchise application denied by the District or any other franchising authority;
- (6) Whether the applicant has filed materially misleading information in its application or intentionally withheld information that the applicant is required to provide;
- (7) Whether the applicant has demonstrated a willingness and the ability to comply with the requirements of this chapter and any regulations promulgated under this chapter; and
- (8) Any other relevant information.

(e) In making a determination under this section, the Office may hold a public hearing to receive testimony on the applicant and the application. The Office shall have a notice of the hearing published in the District of Columbia Register and shall hold the hearing on no less than 15 days notice. The Office may consider multiple applications at a hearing.

(f) In making a determination under this section, the Office may accept written and oral testimony and any other materials relevant to the application or its determination.

(g) If the Office determines that an applicant does not possess the ability and commitment to adequately provide cable service in the District and meet the cable-related needs and interests of the District and District residents, the Office shall give the applicant additional time, not to exceed 90 days, and shall in writing indicate the deficiencies in the application and recommend how the applicant can correct the deficiencies. If the applicant, after the additional time, remains unable to meet the standards of this section, the application shall be denied. The Office shall transmit to the Council a notice of denial of application and shall set forth the reasons for the denial.

(Oct. 9, 2002, D.C. Law 14-193, § 2, 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.04. NEGOTIATION OF AN INITIAL FRANCHISE AGREEMENT.

(a) If the Office determines under § 34-1254.03 that an applicant has the ability and commitment to adequately provide cable service in the District and to meet the cable-related needs and interests of the District and of District residents, the Office shall commence the negotiation of the terms of a franchise agreement between the District and the applicant.

(b) The Office and the applicant shall agree on the terms of a proposed franchise agreement within one year after the commencement of the negotiations under subsection (a) of this section. The Office may extend the one-year period of negotiations for up to 180 additional days, if additional time is necessary to finalize the terms of the proposed franchise agreement and there is good cause for not having finalized the agreement within the one-year period.

(Aug. 21, 1982, D.C. Law 4-142, § 404, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.05. MINIMUM CONTENTS OF FRANCHISE AGREEMENT.

(a) The proposed franchise agreement shall contain the following provisions:

- (1) The applicant shall construct, operate, and maintain a state-of-the-art cable system.
- (2) The capacity of the cable system shall be at least 750 MHz, with both downstream and upstream capacity.

- (3) The cable system shall be capable of providing Internet access services.
- (4) The applicant shall pay a franchise fee of at least 5% of gross revenues.
- (5) The applicant shall contribute at least 1% of gross revenues to the operations of the Public Access Corporation;
- (6) The applicant shall provide at least 8 PEG channels on the analog portion of the cable system and at least 10 PEG channels on the digital portion of the cable system.
- (7) The applicant shall provide at least 1% of gross revenues each year as continuing capital support for the public, educational, and government access channels.
- (8) The applicant shall enter into an agreement regarding contracting with, and procuring from, local, small, and disadvantaged business enterprises.
- (9) The applicant shall enter into a First Source agreement.
- (10) The applicant shall provide significant financial resources or capacity or equipment to an institutional network.
- (11) The construction schedule required by § 34-1257.03.

(b) The term of a franchise agreement shall not exceed 15 years in the case of an initial franchise and shall not exceed 10 years in the case of a renewed franchise.

(c) The proposed franchise agreement shall include procedures for amending the franchise agreement, including the District's right to amend the franchise agreement in order to take advantage of advancements in technology.

(d) The proposed franchise agreement shall also cover matters regarding system construction, operation, and maintenance; indemnity, insurance and bonding requirements; reports and records; default and remedies; notices; and all terms and conditions related to the provision of cable service the Office deems necessary or appropriate.

(Aug. 21, 1982, D.C. Law 4-142, § 405, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.06. PROCEDURE FOR COUNCIL REVIEW AND APPROVAL OF INITIAL FRANCHISE.

(a) If the Office and the applicant agree on the terms of a proposed franchise agreement under § 34-1254.05, the Office shall submit to the Mayor and the Council a Recommendation for the Approval of a Franchise Application consisting of the franchise application, the proposed franchise agreement, and a summary of factors supporting the recommendation.

(b) If at the end of the initial or extended negotiation period under § 34-1254.04, the Office and the applicant are unable to agree on the terms of a proposed franchise agreement, the Office shall submit to the Mayor and the Council a Recommendation for the Denial of a Franchise Application consisting of the franchise application and a summary of the factors supporting the recommendation. The summary shall describe specific deficiencies of the application and a general description of why the application should not be granted.

(c) The Council may, by act, grant a franchise and approve the franchise agreement, with or without conditions or modifications which may override any provisions of the proposed franchise agreement, deny a franchise or reject the proposed franchise agreement and remand the proposed franchise agreement to the Office with recommendations to renegotiate any of the provisions of the agreement and submit a revised agreement to the Council, or deny a franchise or reject the proposed franchise agreement.

(d) Each applicant to whom the District grants a franchise shall pay to the District, within 30 days after the franchise is granted, a franchise award fee to be set in the act granting the franchise. The payment shall be nonrefundable. An applicant's failure to pay the franchise award fee within the 30-day period shall make the franchise and franchise agreement void.

(Aug. 21, 1982, D.C. Law 4-142, § 406, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.07. FRANCHISE RENEWAL; COMMENCEMENT UNDER FEDERAL CABLE ACT.

(a) The Office may commence a franchise renewal proceeding under section 626(a) of the federal cable act (47 U.S.C. § 546(a)).

(b)(1) Upon commencement of a franchise renewal proceeding under this section, the Office shall commence the following:

- (A) A formal assessment of community cable-related needs, both current and future;
- (B) A formal assessment of the cable operator's compliance with this chapter, the franchise, and the franchise agreement over the course of the franchise; and
- (C) A formal assessment of the technical aspects of the cable system.

(2) The Office shall complete the assessments under this section prior to taking action under subsection (e) of this section.

(c) If the Office commences a proceeding under section 626(a) of the federal cable act (47 U.S.C. § 546(a)), the cable operator shall submit a proposal for renewal of the franchise within such time, and with such information, as the Office shall establish by regulation.

(d) The Office shall provide public notice of the proposal through publication of a Notice of Cable Franchise Renewal Proposal in the District of Columbia Register.

(e) After the submission of a completed renewal proposal the Office shall:

- (1) Within 90 days, provide to the Council a written recommendation that the franchise should be renewed, along with a proposed franchise agreement which shall meet the standards of § 34-1254.05; or
- (2) Within 120 days, issue a preliminary assessment that the franchise should not be renewed and commence an administrative proceeding consistent with section 626(c) of the federal cable act (47 U.S.C. § 546(c)). After the completion of the administrative proceeding, the Office shall transmit to the Council a written proposed decision granting or denying the proposal for renewal based upon the record of the proceeding and stating the reasons for the proposed decision. If the proposed decision is to deny the renewal, the Office shall provide a detailed explanation of the proposed denial's consistent with federal law.

(Aug. 21, 1982, D.C. Law 4-142, § 407, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1254.08. FRANCHISE REVIEW PRIOR TO EXPIRATION.

(a) If the Office does not commence a renewal proceeding under § 34-1254.07, the Office shall commence a franchise review proceeding no later than 24 months before the expiration of the franchise.

(b) The Office shall commence the proceeding by having published in the District of Columbia Register a Notice of Commencement of Cable Franchise Review Prior to Expiration, which shall state the name of the cable operator, the nature of the proceedings, and the relevant procedures under this chapter and federal law.

(c) Within 120 days after commencement of the review proceeding under this section, the Office shall hold a public hearing, on at least 30 days notice published in the District of Columbia Register. The public hearing shall be held to receive testimony on at least the following issues:

- (1) The current and future cable-related community needs and interests of the District and of District residents;
- (2) The performance of the cable operator under the franchise during the then current franchise term; and
- (3) The quality of services provided by the cable operator.

(d)(1) Within 120 days after the commencement of the proceeding, the Office shall commence the following:

- (A) A formal assessment of community cable-related needs, both current and future;
- (B) A formal assessment of the cable operator's compliance with this chapter, the franchise, and the franchise agreement over the course of the franchise; and
- (C) A formal assessment of the technical aspects of the cable system.

(2) The Office shall complete the assessments under this section before submitting a proposed franchise agreement under subsection (h) of this section.

(e) As part of the review proceeding, the Office shall commence, at least 18 months before the expiration of the franchise, the negotiation of the terms of a new franchise agreement between the District and the applicant.

(f) The Office shall use its best efforts to reach agreement with the cable operator on the terms of a proposed franchise agreement within one year after the commencement of the negotiations under subsection (e) of this section. The Office may extend the one-year period or until the expiration date of the franchise, if additional time is necessary to finalize the terms of the proposed franchise agreement and there is good cause for not having finalized the agreement within the one-year period.

(g) The proposed franchise agreement shall contain the provisions set forth in § 34-1254.05.

(h) If the Office and the applicant agree on the terms of a proposed franchise agreement under this section, the Office shall submit to the Mayor and the Council a Recommendation for the Approval of a Cable Television Franchise consisting of the proposed franchise agreement and a summary of factors supporting the recommendation.

(i) If the Office determines that there is a basis for denial of a franchise under federal law, and determines that the franchise should be denied, the Office shall submit to the Mayor and the Council a Recommendation for the Denial of a Franchise, including a summary of the factors supporting the recommendation and a detailed explanation of the proposed denial's consistency with federal law.

(j) After a proposed franchise agreement is submitted to the Council under subsection (h) of this section, the Council may, by act, grant a franchise and approve the franchise agreement, with or without conditions or modifications which may override any provisions of the proposed franchise agreement, deny a franchise or reject the proposed franchise agreement and remand the proposed franchise agreement to the Office with recommendations to renegotiate any of the provisions of the agreement and submit a revised agreement to the Council, or deny a franchise or reject the proposed franchise agreement.

(k) Each applicant to whom the District grants a franchise renewal shall pay to the District, within 30 days after the franchise is granted, a franchise award fee to be set in the act granting the franchise. The payment shall be nonrefundable. A cable operator's failure to pay the franchise award fee within the 30-day period shall make the franchise and franchise agreement void.

(Aug. 21, 1982, D.C. Law 4-142, § 408, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART E. TRANSFER OF REVOCATION OF FRANCHISE.

§ 34-1255.01. APPROVAL REQUIRED FOR TRANSFER OF FRANCHISE TO A PERSON OTHER THAN THE DISTRICT.

(a) Except for conveyances of real or personal property in the ordinary course of the operation of a cable system, neither a franchise, nor a cable operator, nor any rights or obligations of a cable operator in a cable system or pursuant to a franchise agreement, nor a cable system, nor any assets of a cable system, nor the persons holding control of the cable operator, franchise, cable system, or the assets of the cable system, shall be transferred, nor shall title therein, either legal or equitable, or any right or interest therein, pass to or vest in any person, either by act of the cable operator, by act of any persons holding control of or any interest in the cable operator, the cable system, the assets of the cable system, or the franchise, by operation of law, or otherwise, without the prior consent of the Council.

(b) No person who has an ownership interest exceeding 20% (for voting interest) or 50% (for non-voting interest) in a franchise, cable operator, cable system, the assets of a cable system, the persons holding control of such cable operator, franchise, cable system, or the assets of a cable system shall transfer the interest so that the person's ownership interest shall be less than 20% (for voting interest) or 50% (for non-voting interest) without the prior consent of the Council. No person shall purchase or otherwise acquire an ownership interest exceeding 20% (for voting or non-voting interest) in a franchise, cable operator, cable system, any assets of a cable system, the persons holding control of such cable operator, franchise, cable system, or the assets of a cable system without the prior consent of the Council.

(c) No change in control of a franchise, cable operator, cable system, any assets of a cable system, the persons holding control of such franchise, cable operator, cable system, or the assets of a cable system shall occur by act of the cable operator, by act of any persons holding control of, or any interest in, the franchise, cable operator, cable system, or the assets of a cable system, or by operation of law or

otherwise without the prior consent of the Council.

(d) Nothing in this section shall be construed as suggesting that any other event which could result in a change of ownership or control, regardless of the manner in which such ownership or control is evidenced (such as, for example, stock, bonds, debt instruments, or other indicia of ownership or control), does not require the consent of the Council, if such change would in fact result in a change in control.

(e) If a transfer is not made according to the procedures set forth in this chapter and the franchise agreement, the District may take legal or equitable action to set aside, annul, revoke, or cancel:

(1) The franchise;

(2) The transfer of a franchise, cable operator, the rights and obligations of a cable operator in a cable system or pursuant to the franchise agreement, a cable system, any assets of a cable system, or the persons holding control of such franchise, cable operator, cable system, or assets of a cable system; or

(3) The transfer of an ownership interest in a franchise, cable operator, the rights and obligations of a cable operator in a cable system or pursuant to the franchise agreement, a cable system, any assets of a cable system, or the persons holding control of such franchise, cable operator, cable system, or assets of a cable system.

(Aug. 21, 1982, D.C. Law 4-142, § 501, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1255.02. PROCEDURE FOR TRANSFER OF FRANCHISE TO A PERSON OTHER THAN THE DISTRICT.

(a) At least 180 days before the proposed consummation of a transfer, a petition for franchise transfer shall be filed with the Office. The petition shall include:

(1) A completed FCC Form 394, or any successor thereto;

(2) All information required to be filed with the FCC and the District pursuant to FCC regulations;

(3) Complete information on the proposed transfer, including details on the legal, financial, and technical qualifications of the transferee; and

(4) Any other information required by the Office or the franchise agreement.

(b) Within 30 days after receiving a petition under this section, the Office shall certify the petition as complete or shall transmit to the applicant a description of necessary information and the time by which the necessary information shall be provided.

(c) Within 75 days after certifying a petition as complete, the Office shall transmit to the Council a written recommendation to approve, approve with conditions, or deny the petition.

(d) The Office may charge a fee for reviewing and processing a transfer petition. The fee may include charges for the procurement of technical and legal consultants to advise the District regarding the transfer. The amount of the fee may be set forth in the applicable franchise agreement.

(e) The Council may approve a transfer upon such terms and conditions as it deems necessary or proper.

(f) Notwithstanding the approval of a transfer under this section, the parties to the transfer shall comply with any provisions regarding a transfer set forth in the franchise agreement or established by the Office.

(g) The approval of a transfer by the Council in one instance shall not render as unnecessary the approval of a subsequent transfer, and shall not constitute a waiver or release of the rights of the District under this chapter or under the franchise agreement, whether arising before or after the transfer.

(Aug. 21, 1982, D.C. Law 4-142, § 502, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1255.03. MANDATORY TRANSFER OF FRANCHISE TO THE DISTRICT; GENERAL REQUIREMENT.

(a) Upon payment of the purchase price by the District, the cable operator shall immediately transfer to the

District possession and title to all facilities and property, real and personal, related to its cable system, free from any and all liens and encumbrances that the District has not agreed to assume in lieu of some portion of the purchase price.

(b) The District may assign its right and power under subsection (a) of this section to a person who shall assume the rights and obligations of the franchise and franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 503, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Temporary Enactments

Section 2 of D.C. Law 16-158 provided as follows:

"Sec. 503a. Baseball programming.

"(a) The Council finds that it is in the public interest that all of the baseball games of Baseball Expos, LP, trading as the Washington Nationals, be broadcast.

"(b) The Council directs that each cable operator broadcast all of the baseball games of Baseball Expos, LP, trading as the Washington Nationals, or any assignee or successor ("Washington Nationals").

"(c) If a cable operator is not broadcasting all of the baseball games of the Washington Nationals as of the effective date of this section, the cable operator shall enter into good faith negotiations with the District within 5 days to modify its franchise agreement to comply with subsection (b) of this section."

Section 4(b) of D.C. Law 16-158 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of Washington Nationals on T.V. Emergency Amendment Act of 2006 (D.C. Act 16-388, May 23, 2006, 53 DCR 4426).

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1255.04. REVOCATION OF FRANCHISE; MANDATORY TRANSFER TO THE DISTRICT.

(a) The Council shall have the right to revoke a franchise, or accelerate the term of a franchise, for cause. The procedures for revocation or acceleration may be set forth in the franchise agreement.

(b) If at any time during the term of the franchise, the Council determines that the cable operator has materially breached the terms and conditions imposed by this chapter, the franchise, or the franchise agreement, and the cable operator has failed to cure the breach after due notice and opportunity to cure the breach, the Council may accelerate the term of the franchise or the franchise agreement, revoke the franchise, terminate the franchise agreement, authorize the District to purchase the assets of the cable system at a price not to exceed an equitable price, or select another person to purchase the assets of the cable system at a price not to exceed an equitable price. The franchise agreement may set forth the procedures by which the District may take action in the event of a material breach of this chapter, the franchise, or the franchise agreement and may define specific circumstances which constitute a material breach. Nothing in this subsection shall be construed to abridge the Council's authority to exercise its emergency legislative powers under appropriate circumstances.

(c) If the Council authorizes the District to exercise its option to purchase the assets of the franchise's cable system at a price not to exceed equitable price, it shall give the cable operator written notice of its intent to do so. The cable operator shall, within 7 days of receipt of the notice, enter into negotiations with the District for the purpose of consummating the transaction at the earliest possible date. The District shall have the right and power to assign its purchase rights to another person selected by the Council following the procedures and standards in this chapter used to approve an initial franchise application.

(d) Any sale or transfer of a cable system shall comply with section 627 of the federal cable act.

(Aug. 21, 1982, D.C. Law 4-142, § 504, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

References in Text

Section 627 of the federal cable act is classified to 47 U.S.C.A. § 547.

§ 34-1255.05. TRANSFER OR PURCHASE OF FRANCHISE AFTER DENIAL OF RENEWAL.

Except if there is a pending appeal, or the decision is stayed by a judicial or administrative review, upon a decision by the Council to deny a renewal, the Council may, on the expiration date of the franchise, either authorize the District to purchase the assets of the cable operator's cable system at a price not to exceed fair market value with no value allocated to the franchise itself, or the Council may select another person, after a public hearing, and cause that person to purchase the assets at a price not to exceed fair market value.

(Aug. 21, 1982, D.C. Law 4-142, § 505, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1255.06. CABLE OPERATOR AS TRUSTEE.

After termination or revocation of a franchise, and until such time as the cable operator transfers its cable system to the District or to another person pursuant to this chapter or until such other time as established by the Council, the cable operator shall be a trustee in interest for the District or its successor, and shall continue to operate the cable system under the terms and conditions of this chapter, the franchise, and the franchise agreement. During the trustee period, the cable operator shall not sell any of the cable system assets nor shall the cable operator make any physical, material, administrative, or operational change that would tend to degrade the quality of service to subscribers, decrease income, or materially increase expenses, without the express written permission of the District. The District may seek legal and equitable relief to enforce the provisions of this subsection.

(Aug. 21, 1982, D.C. Law 4-142, § 506, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1255.07. ARBITRATION.

(a) If the Council authorizes the District to purchase a cable system at a fair market value under § 34-1255.05 or purchase the cable system at an equitable price under § 34-1255.04(b), and the District and the cable operator cannot agree upon a price, the final price shall be determined by an arbitration panel.

(b) The arbitration panel shall consist of 3 members, selected as follows:

(1) One member shall be selected by the Council;

(2) One member shall be selected by the cable operator; and

(3) One member shall be selected by the Council and the cable operator acting jointly; provided, that if the Council and the cable operator fail to agree on a member, the Council or cable operator may apply to the American Arbitration Association and the American Arbitration Association shall select the member.

(c) The member selected under subsection (b)(3) of this section shall be the presiding officer of the arbitration panel, absent majority agreement to the contrary.

(d) The determination of the majority of the 3-member arbitration panel shall be binding on the parties.

(e) The cable operator shall bear all expenses regarding the arbitration.

(Aug. 21, 1982, D.C. Law 4-142, § 507, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART F. REQUIRED PAYMENTS; INSURANCE AND INDEMNIFICATION.

§ 34-1256.01. FRANCHISE FEE.

(a) A cable operator shall pay to the District a franchise fee of at least 5% of its annual gross revenues. The amount of the franchise fee shall be set forth in the franchise agreement.

(b) The franchise fee shall be paid quarterly.

(c) A cable operator shall file with the Office within 30 days after the end of each of the cable operator's fiscal quarter, a financial statement clearly showing the gross revenues received by the cable operator during the preceding quarter. Payment of the quarterly portion of the franchise agreement fee shall be payable by certified check made to the D.C. Treasurer at the time the statement is filed. A cable operator shall also file, within 120 days after the end of the cable operator's fiscal year, an annual report, prepared by a certified public accountant, showing the yearly total gross revenues.

(d) The District may audit and recalculate any amounts determined to be payable under this chapter or the franchise agreement. Any additional amount due the District based on the audit shall be paid within 30 days after the Office sends to the cable operator a written notice setting forth the amount due. The notice shall include a copy of the audit report. The cost of the audit shall be borne by the cable operator if it is determined that the cable operator's payment to the District for the preceding year is increased by more than 4%.

(e) If the cable operator does not pay the recomputed amount within the 30-day period established by subsection (c) of this section, the cable operator shall be charged from the due date at the prevailing prime rate of interest.

(f) The franchise fee shall not be deemed a tax or payment in lieu of taxes or fees of general applicability imposed by the District. No cable operator may designate the franchise fee as a tax in any communication to a subscriber or any third party.

(g) If a franchise is terminated or revoked prior to its expiration date and the District invokes its right to purchase the cable operator's cable system, the cable operator shall file with the Office, within not less than 30 days following the date that ownership and control pass to the District or its assignee, a financial statement clearly showing the gross revenues received by the cable operator since the end of the previous fiscal quarter. The cable operator shall pay the franchise fee due at the time the statement is filed.

(Aug. 21, 1982, D.C. Law 4-142, § 601, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1256.02. SECURITY FUND.

(a) Within 30 days after the approval of a franchise, a cable operator shall deposit with a bank located in the District, in an interest bearing escrow account established in the name of the District, a sum to be determined by the Office or set forth in a franchise agreement, as a security fund for the cable operator's faithful performance of all the provisions of the franchise agreement; its compliance with all orders, permits, and directions of any District agency having jurisdiction over the cable operator's acts or defaults under the franchise agreement; payment of any claims and liens due to the District by reason of the construction, operation, or maintenance of the cable system.

(b) Of the security fund, no less than 20% shall be in cash, with the balance in the form of an irrevocable, unconditional letter of credit or other instrument in a form acceptable to the Corporation Counsel. The letter of credit or other instrument shall in no event require the consent of the cable operator prior to the collection by the District of any amount covered by such letter of credit or other instrument. The cable operator shall be entitled to interest on the cash portion of the security fund at a rate equal to whatever rate the District is actually earning on the cash.

(c) The security fund, including any interest, shall become the property of the District to the extent necessary to cure outstanding violations, including outstanding liquidated damages that may be provided for in the franchise agreement, in the event that the franchise is terminated or revoked.

(d) The bond shall require 30 calendar days written notice of any cancellation to both the Office and the cable operator.

(e) Any failure by a cable operator to make deposits into or maintain the security fund as provided in this section shall be a material breach of the franchise and shall be grounds for the termination or revocation of the franchise. The procedures to follow in the event of a material breach may be set forth in the franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 602, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

For Law 14-193, see notes following § 34-1251.01.

§ 34-1256.03. INDEMNIFICATION OF THE DISTRICT.

(a) A cable operator shall, at its sole cost and expense, indemnify and hold harmless the District, its officers, elected officials, agents, contractors, and employees against all claims, suits, causes of action, proceedings, judgments for damage arising out of the cable system under the franchise.

(b) Failure to comply with subsection (a) of this section, or with the indemnification provisions in the franchise agreement, shall constitute a material breach of the franchise. The procedures to follow in the event of a material breach may be set forth in the franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 603, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1256.04. INSURANCE.

(a) At all times during the term of a franchise, including the time for removal of facilities, the cable operator shall hold a valid liability insurance policy and shall pay all premiums for the policy in a timely manner. The policy shall insure the District, its officers, boards, commissions, elected officials, agents, contractors, and employees against liabilities. The policy shall be issued by a company carrying a rating by Best of not less than "A" and the company shall be authorized by the District's Superintendent of Insurance to do business in the District.

(b) The amount of the liability insurance policy, and the terms of the policy, shall be established in the franchise agreement.

(c) The form of the liability insurance policy shall be acceptable to the Corporation Counsel.

(d) The policy shall require 30 calendar days written notice of any cancellation to both the Office and the cable operator. If the Office or the cable operator receives a cancellation notice, the cable operator shall obtain a new bond, meeting the requirements of this section, within 30 days after receipt of the notice by the Office or the cable operator.

(e) The cable operator shall file with the Office written evidence of payment of premiums and executed duplicate copies of the liability insurance policy.

(f) Failure to comply with the provisions of this section, or with the liability insurance provisions of the franchise agreement, shall constitute a material violation of a franchise.

(Aug. 21, 1982, D.C. Law 4-142, § 604, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1256.05. PERFORMANCE BOND.

(a) At all times during the term of a franchise, including the time for removal of facilities or management, the cable operator shall obtain and hold a performance bond running to the District with good and sufficient surety approved by the Office, in an amount to be determined by the Office or set forth in a franchise agreement, to ensure that the operation of the cable system continues uninterrupted in the event of a default by the cable operator.

(b) The cable operator shall make all payments associated with the bond in a timely manner.

(c) The cable operator shall file with the Office written evidence of payment of premiums and executed duplicate copies of the bond documents.

(d) The bond shall be with a surety company authorized by the District's Superintendent of Insurance to transact business in the District.

(e) The bond shall require 60 calendar days written notice of any cancellation to both the Office and the cable operator. If the Office or the cable operator receives a cancellation notice, the cable operator shall obtain a new bond, meeting the requirements of this section, within 60 days after receipt of the notice by

the Office or the cable operator.

(f) Failure to comply with the provisions of this section, or with the performance bond provisions of the franchise agreement, shall constitute a material violation of a franchise.

(Aug. 21, 1982, D.C. Law 4-142, § 605, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART G. CONSTRUCTION AND OPERATION OF THE CABLE SYSTEM.

§ 34-1257.01. JURISDICTIONAL PARITY.

A cable system authorized by this chapter shall have no less than the channel capacity, products, and services available from a system serving any similarly sized, or smaller, jurisdiction outside of the District, or a system owned and operated by the cable operator, its parents, affiliates, or subsidiaries outside of the District, except as otherwise set forth in a franchise agreement. In no event shall such system have a bandwidth of less than 750 MHZ. Nothing herein shall be construed to require a cable operator to employ any specific transmission technology.

(Aug. 21, 1982, D.C. Law 4-142, § 701, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1257.02. OPERATION AND CONSTRUCTION OF SYSTEM; GENERAL REQUIREMENTS.

(a) A cable operator shall construct, operate, and maintain the cable system subject to the supervision and regulatory oversight of the Office and in full compliance with the laws and regulations of the District and federal government, including the Electrical Code approved pursuant to Chapter 14 of Title 6; Department of Public Works Standard Specification for Highway and Structures; National Electrical Code, and National Electrical Safety Code.

(b) A cable operator shall exercise its best efforts to design, construct, operate, and maintain the system at all times so that signals carried are delivered to subscribers without material degradation in quality.

(Aug. 21, 1982, D.C. Law 4-142, § 702, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1257.03. CONSTRUCTION SCHEDULE.

(a) Every franchise agreement shall specify the construction schedule that will apply to any required construction, upgrade, or rebuild of the cable system. The schedule of construction, upgrade, or rebuild shall ensure that no substantial differences in the time by which service shall be available in a neighborhood shall be because of the neighborhood's relative median income, ethnicity, or racial composition.

(b) Within 90 days or at a time specified in the franchise agreement, whichever is longer, after the approval of a franchise, a cable operator shall file the documents required to obtain all necessary federal and District licenses, permits, and authorizations required for the conduct of its business, and shall submit monthly reports to the Office on its progress in this respect until all documents are obtained.

(Aug. 21, 1982, D.C. Law 4-142, § 703, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

§ 34-1257.04. CONSTRUCTION OF FACILITY.

(a) A cable operator shall complete construction of the cable system, and offer and deliver cable service in full compliance with this chapter and the franchise agreement.

(b) A cable operator shall use existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities without the approval of the District. No location of any pole or wire-holding structure of a cable operator shall be a vested interest, and poles or structures shall be removed or modified by the cable operator at its own expense whenever the District determines that public convenience would be enhanced thereby.

(c) All transmission lines, equipment, and structures shall be so installed and located as to cause minimum interference with the rights, appearance, and reasonable convenience of property owners who adjoin on any street and at all times shall be kept and maintained in a safe, adequate, substantial condition, and in good order and repair. The cable operator shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public. Any pole or other fixture placed in a public right-of-way by the cable operator shall be placed in a manner that does not interfere with the usual travel on the public right-of-way.

(d) A cable operator shall remove, replace, or modify the installation of any of its facilities as may be deemed necessary by the District to meet its proper responsibilities. Costs necessary to repair or refinish public rights-of-ways shall be borne by the cable operator.

(e) Wherever an electrical and telephone utility wiring is located underground within conduits, either at the time of initial construction or subsequent thereto, and there is adequate capacity in the existing conduits for television cable, the cable shall be located underground within the existing conduits. If there is not adequate capacity in the existing underground conduits, the District's transportation agency shall determine whether cable wiring should be located underground or overhead. Nothing in this section shall be construed to supersede any provision of existing laws or regulations with respect to prohibition of the installation of overhead wiring in certain areas of the District.

(f) Excavation work performed by a cable operator in any public rights-of-way shall be subject to all applicable laws, rules, and regulations of the District. A cable operator shall, at its own expense and in a manner approved by the District, restore to District standards and specifications, any damage or disturbance caused to public rights-of-way as a result of its operations or construction of its facilities on its behalf, and shall guarantee the restoration until the time a permanent restoration is made. The District shall perform permanent restoration, and the costs associated therewith shall be billed to the cable operator for the full width of the permanent improvement. The cable operator shall place a deposit with the District in an amount sufficient to cover the projected costs to be incurred by the District for the permanent restoration of any excavation, damage, or disturbance of the public rights-of-way.

(g) Whenever, in the case of fire or other disaster, it becomes necessary, in the judgment of the Office, the Fire Chief, or the Chief of the Metropolitan Police Department to remove or damage any of a cable operator's facilities, no charge shall be made by the cable operator against the District for restoration and repair.

(h) At the request of any person holding a valid permit issued by the District to remove a building, and upon at least 10 days notice, the cable operator shall temporarily raise, lower, or cut its wires as may be necessary to facilitate the removal. The permit holder shall pay the direct expense of the temporary changes, including standby time, and the cable operator shall have the authority to require payment in advance.

(i) A cable operator may trim trees on public property at its own expense if necessary to protect its wires and facilities, subject to the permission, supervision, and direction of the District. Trimming of trees on private property shall require written consent of the property owner.

(j) A cable operator shall not be required to obtain or pay for a permit in order to connect a drop line from a trunk or feeder cable to the premises of a subscriber or in order to install, maintain, or repair cable television equipment and facilities on the premises of a subscriber.

(Aug. 21, 1982, D.C. Law 4-142, § 704, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1257.05. CONSTRUCTION NOTICE TO THE PUBLIC.

(a) A cable operator shall notify the general public prior to commencing any proposed construction that will significantly disturb or disrupt public rights-of-way or public space, or that has the potential to present danger or affect the safety of the public generally.

(b) Except for routine maintenance or minor repair work, at least 5 days prior to commencement of work, a cable operator shall notify residents and others in the immediate vicinity of proposed construction who are most likely to be affected by the construction work either by telephone, in person, by mail, or distribution of door hangers, and shall provide written notice by first class mail to the affected Advisory Neighborhood Commission and the Advisory Neighborhood Commissioner of the affected single-member district. Publication of a notice in a local newspaper shall not be deemed adequate notice. The notice must include the name and local telephone number of the cable operator's representative who is qualified to answer questions concerning the proposed construction.

(c) In addition to the notice requirements in subsections (a) and (b) of this section, before entering any person's property for proposed construction work, a cable operator shall obtain the permission of the owner and shall contact the property owner, and the resident, in the case of a leased property, at least 2 days before entering the person's property.

(Aug. 21, 1982, D.C. Law 4-142, § 705, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1257.06. USE OF CABLE SYSTEM BY THE DISTRICT DURING EMERGENCIES AND DISASTERS.

In the case of an emergency or disaster, the cable operator shall, upon request of the Mayor, the Chairman of the Council, or the Director, make available its facilities to the District for emergency use during the emergency or disaster.

(Aug. 21, 1982, D.C. Law 4-142, § 706, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART H. PUBLIC, EDUCATIONAL, AND GOVERNMENT CHANNELS.

§ 34-1258.01. PEG CHANNELS; CARRIAGE REQUIREMENTS.

(a) A cable operator shall provide at least 8 PEG channels on the analog portion of the cable system and at least 10 PEG channels on the digital portion of the cable system. The total capacity to be set aside for PEG channels shall be set forth in the franchise agreement.

(b) A cable operator shall carry analog PEG channels on its basic service tier, except as may be otherwise provided in the franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 801, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1258.02. FUNDING FOR PEG CHANNELS.

(a) A cable operator shall contribute at least 1% of its gross revenues to the operations of the Public Access Corporation.

(b) A cable operator shall provide at least 1% of its gross revenues as continuing capital support for the public, educational, and government access channels. The Public Access Corporation shall receive at least 25% of the capital support payments provided pursuant to this subsection.

(c) A cable operator may be required to provide equipment and facilities in support of PEG channels. The

requirements for equipment and facilities in support of PEG channels shall be specified in a franchise agreement.

(d) A cable operator shall make equipment and production assistance available that will permit PEG channel users and the cable operator to produce programming at locations other than the studio, and the requirements for such availability and use shall be set forth in the franchise agreement. A cable operator may be required to make equipment and production assistance available to PEG channel users at its studio; provided, that the requirement for such availability and use shall be set forth in the franchise agreement. The cable operator shall provide use of the equipment, production facilities, and production assistance for PEG channel users at an amount set forth or provided for in the franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 802, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1258.03. ALLOCATION OF PEG CHANNELS.

(a)(1) At least 2 PEG channels on the analog tier and at least 2 PEG channels on the digital tier shall be assigned and allocated to the Public Access Corporation for use as public channels.

(2) At least one PEG channel on the analog tier shall be assigned and allocated to the University of the District of Columbia for use as an educational channel.

(3) At least one PEG channel on the analog tier shall be assigned and allocated to the District of Columbia Public Schools for use as an educational channel.

(4) At least one PEG channel on the analog tier shall be assigned and allocated to the Council for use as a government channel.

(5) At least one PEG channel on the analog tier shall be assigned and allocated to the Mayor for use as a government channel.

(b) The Office shall allocate and assign public, educational, and government channels and negotiate and enter into operating agreements for the use of the channels; provided that:

(1) No public access channel shall be allocated or assigned to an entity other than the Public Access Corporation.

(2) No operating agreement shall be required for a channel operated by the Council, the Mayor, or the Public Access Corporation.

(3) Channels for the use of the Council or the Mayor shall not be subject to discretionary assignment or allocation by the Office and channels for such use shall be made available upon the request of the Council or the Mayor, subject to availability.

(4) The allocation and assignment of a public, educational, or government channel on the analog tier, other than an allocation and assignment to the Council or the mayor or an allocation and assignment set forth in subsection (a) of this section, shall be submitted to the Council for its review and approval through a proposed resolution transmitted by the Mayor to the Council for a 45-day period of review, excluding Saturday, Sundays, legal holidays, and days of Council recess; provided, that if the Council does not approve or disapprove the allocation and assignment by resolution within the 45-day period, the proposed resolution shall be deemed approve.

(b-1)(1) Notwithstanding any other provision of law, the PEG channels allocated to the Council under subsection (a)(4) of this section shall be under the exclusive control of the Council; provided, that, subject to subsection (b)(3) of this section, the Office shall manage the channels, pursuant to § 34- 1252.02(8), as the agent of the Council; provided further, that any video recordings or other documents, media, or intangible rights created in connection with the operation of the PEG channels shall be held by the Office as a custodian on behalf of the Council.

(2) The control of the Council shall include the right to direct which proceedings of the Council, including any event conducted by or on behalf of the Council, its committees, members, or staff, whether on the PEG channel allocated to the Council or an auxiliary website from which the proceedings may be downloaded, streamed, or otherwise viewed, may be:

(A) Recorded;

(B) Broadcast; or

(C) Re-broadcast.

(3) The Secretary to the Council, as the Council's representative, shall determine the programming for the Council's PEG channels in accordance with this subsection.

(4) The Secretary to the Council may enter into a memorandum of understanding with the Office to implement this subsection.

(c) The Office shall establish, by regulation, the process for allocating PEG channels before allocating or assigning channels under this section. The regulations shall not diminish the autonomy or authority of the Public Access Corporation established by this chapter.

(Aug. 21, 1982, D.C. Law 4-142, § 803, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334; May 27, 2010, D.C. Law 18-174, § 2, 57 DCR 3179.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-174 added subsec. (b-1).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Continuity Temporary Amendment Act of 2007 (D.C. Law 18-74, January 23, 2008, law notification 55 DCR 1454).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Council Cable Autonomy and Control Emergency Amendment Act of 2009 (D.C. Act 18-142, July 18, 2009, 56 DCR 5870).

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

Law 18-174, the "Council Cable Autonomy and Control Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-494, which was referred to the Committee of the Whole. The bill was adopted on first and second readings on March 2, 2010, and March 16, 2010, respectively. Approved without the signature of the Mayor on April 6, 2010, it was assigned Act No. 18-371 and transmitted to both Houses of Congress for its review. D.C. Law 18-174 became effective on May 27, 2010.

PART I. REGULATION, OVERSIGHT, AND INSPECTION OF CABLE SYSTEM AND RECORDS.

§ 34-1259.01. RIGHT TO INSPECTION.

The cable system and all parts of the system, during both operation and construction, shall be subject to the right of inspection by the Office or its designee.

(Aug. 21, 1982, D.C. Law 4-142, § 901, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.02. TEST AND PERFORMANCE MONITORING.

(a) Not later than 90 days after a new or substantial rebuild of a cable system, or a portion of the cable system, is completed and available for service to subscribers, or at such later time as may be set forth in a franchise agreement, a technical performance test shall be conducted by the cable operator to demonstrate full compliance with the technical standards of the FCC. The test shall be performed by, or under the supervision of, a qualified registered professional engineer or an engineer with proper training and experience. A report shall be submitted to the Office, describing test results, instrumentation, calibration, test procedures, and the qualifications of the engineer responsible for the test.

(b) System monitor test points shall be established at or near the output of the last amplifier in the longest feeder line, at or near the trunk extremities, and at not fewer than 8 other widely scattered locations.

(c) The franchise agreement may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal.

(d) The Office may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal; provided, that a request for an additional test by the Office shall be on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance, and the test shall be limited to the particular matter in controversy. The Office

shall endeavor to arrange a request for a test under this subsection so as to minimize hardship or inconvenience to the cable operator or subscribers.

(e) All tests performed under this section shall be conducted in conformity with Federal Communications Commission regulations and any regulations promulgated under this chapter.

(f) A copy of the annual performance test required by the Federal Communications Commission shall be simultaneously submitted to Office.

(g) The Office may employ qualified consultants to assist in the administration of this or any other section of this chapter.

(Aug. 21, 1982, D.C. Law 4-142, § 902, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.03. PERIODIC EVALUATIONS; PERFORMANCE HEARINGS.

(a) At least once every 3 years following the grant of a franchise, the Office shall conduct a performance evaluation of the cable operator and the cable system. The evaluation shall include a public hearing to allow public comment on the cable operator's performance.

(b) During the evaluation process, a cable operator shall fully cooperate with the Office, and shall provide all information and documents the Office needs to reasonably perform its review, including information and documents that may be considered proprietary or confidential.

(c) If any books, records, maps, plans, or other requested documents are voluminous, or for security reasons cannot be copied and moved, then the cable operator may request that the inspection take place at another location; provided, that the cable operator shall make necessary arrangements for copying documents selected by the Office after review, and the cable operator shall pay all travel and additional copying expenses incurred by the Office in inspecting those documents or having those documents inspected by its designee.

(d) The Office may hold a hearing on the performance of a cable operator, or a specific aspect of the performance of a cable operator, at any time.

(Aug. 21, 1982, D.C. Law 4-142, § 903, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.04. PROVISION OF INFORMATION; RETENTION OF RECORDS.

(a) A cable operator shall take all steps necessary to ensure that it is able to provide the District all information that must be provided or may be requested under this chapter or the franchise agreement, including providing appropriate subscriber privacy notices. A cable operator shall be responsible for redacting any data that federal law prevents it from providing to the District. The District retains the right to question any such redaction and to challenge it in any forum having jurisdiction over such a challenge.

(b) A cable operator shall maintain all records required by this chapter of a franchise agreement, and all records which may be reasonably requested under this chapter or the franchise agreement, for at least 3 years.

(Aug. 21, 1982, D.C. Law 4-142, § 904, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.05. INSPECTION OF RECORDS.

(a) The District shall have the right to inspect the records of a cable operator and to require a cable operator to provide copies of records that the District deems appropriate in order to monitor compliance with this chapter, the franchise agreement, or any other applicable law or regulation. Records available under this section shall include all books, receipts, maps, plans, contracts, service complaint logs,

performance test results, records of requests for service, computer records, disks, or other storage material, in the possession of the cable operator or held by an affiliate, contractor, or subcontractor, or any other person holding any form of management contract for the cable system. A cable operator shall be responsible for collecting the information required and producing it at the office of the Office or at a location designated by the Office.

(b) The District shall provide a cable operator with at least 24-hours written notice, which shall include at least one business day, prior to an inspection of records under this section. The notice, which shall state the intended purpose of the inspection and intended scope of documents to be inspected, shall serve as the notice that all the above materials may be inspected. The cable operator may request, and the Office may grant, additional time to assemble and produce the requested materials.

(c) Access to records and the provision of copies of records under this section shall be available at the Office or at a location designated by the Office.

(d) Access to records and the provision of copies of records under this section shall be at the cable operator's expense.

(e) A cable operator shall maintain financial records that allow analysis and review of the operator's operations in the District.

(f) Access to a cable operator's records shall not be denied on the basis that the records contain proprietary or confidential information. The District shall have the right to determine the confidentiality or proprietary nature of a cable operator's records. All confidential information received by the District shall remain confidential insofar as permitted by law. In seeking access to, or inspecting, a cable operator's records, the District shall comply with the District's freedom of information requirements as provided in subchapter II of Chapter 5 of Title 2. The refusal by a cable operator to provide information required herein shall be grounds for the revocation of a franchise or of any other permits and licenses issued by the District.

(g) A cable operator shall maintain a file of records open to public inspection in accordance with applicable federal and District law and regulations.

(Aug. 21, 1982, D.C. Law 4-142, § 905, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.06. SUBMISSION OF CORRESPONDENCE BY CABLE OPERATOR.

A cable operator shall submit to the Office copies of all correspondence, petitions, reports, applications, and other documents between the cable operator and federal agencies having appropriate jurisdiction in matters affecting cable operation, or any District agencies within 10 days of such correspondence, petitions, reports, applications, and other documents being submitted or received by the cable operator, or within a time set forth in a franchise agreement, whichever is lesser.

(Aug. 21, 1982, D.C. Law 4-142, § 906, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.07. RATE AND SERVICE REGULATION.

(a) All proposed rates and service offerings for cable service shall be specified in an appendix to the franchise agreement.

(b) A cable operator shall provide a notice of any planned change in rates or services to the Office at least 30 days before the change.

(c) The Office may regulate cable services and rates in compliance with federal law and regulations; provided, that regulations promulgated by the Office to carry out this subsection shall be transmitted to the Council for a 60-day period of review.

(Aug. 21, 1982, D.C. Law 4-142, § 907, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.08. SUBSCRIBER FEES.

(a) The cable operator shall publish and make available to each potential subscriber a schedule of all applicable fees and charges for providing cable service and shall notify subscribers that basic cable service is available.

(b) A cable operator shall not, with regard to fees, discriminate or grant any preference or advantage to any person. Nothing in this section shall be construed to prohibit a cable operator from instituting preferential or advantageous fees for the elderly, people with disabilities, or recipients of District or federal public assistance.

(c) To the extent permitted under applicable law or regulation, a cable operator may, for promotional purposes, waive, reduce, or suspend connection or monthly service fees for specific or indeterminate periods not to exceed 6 months or for a period set forth in a franchise agreement, whichever is shorter.

(d) The cable operator shall provide a notice of any planned waiver, reduction, or suspension of connection or monthly service fees to the Office at least 30 days before the waiver, reduction, or suspension.

(Aug. 21, 1982, D.C. Law 4-142, § 908, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1259.09. REPORTS.

(a) Within 10 days after the submission of a report or other document to any federal or District agency or commission, or after such shorter period as may be established in a franchise agreement, the cable operator shall file a copy of the document with the Office. Documents required to be submitted under this subsection include any proof of performance tests and results, equal employment opportunity reports, and all petitions, applications, and communications of all types regarding the cable system, or a group of cable systems of which the cable operator's system is a part, submitted by the cable operator, an affiliate, or any other person on behalf of the cable operator.

(b) Each report filed by a cable operator pursuant to this chapter or the franchise agreement shall be certified by a corporate officer as accurate and complete.

(c) A cable operator shall at all times maintain the following:

- (1) Records of all complaints received and all actions taken with respect to such complaints;
- (2) A full and complete set of plans, records, and as-built maps showing the exact location of all system facilities and equipment installed or in use in the District, exclusive of subscriber service drops;
- (3) A comprehensive record of all personnel transactions and use of contractors, subcontractors, vendors, and suppliers by race and sex;
- (4) Records of outages, indicating date, time, duration, area, the subscribers affected, type of outage, and cause;
- (5) Records of service requests for repair or maintenance indicating the date and time the service was requested, the date and time of acknowledgment of the request, the date and time service was scheduled (if it was scheduled), the date and time the service was provided, and, if different, the date and time the problem was resolved
- (6) Records of installation, reconnection, and requests for service extension indicating the date of the request, the date of acknowledgment, and the date and time service was provided; and
- (7) A file showing the cable operator's plans and timetable for new construction or the rebuild of the cable system.

(Aug. 21, 1982, D.C. Law 4-142, § 909, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART J. CONSUMER PROTECTION.

§ 34-1260.01. CONSUMER PROTECTION.

(a) A cable operator shall comply with all federal and District customer service regulations and with all customer service standards contained in the franchise agreement.

(b) A cable operator shall maintain at least one office within the District, which shall be open and accessible to the public during normal business hours and limited evening and weekend hours, including facilities for 24-hour telephone subscriber assistance.

(Aug. 21, 1982, D.C. Law 4-142, § 1001, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1260.02. PROTECTION OF PRIVACY.

(a) For the purposes of this section, the term:

(1) "Personally identifiable information" does not include any record of aggregate data which does not identify particular persons.

(2) "Cable operator" includes, in addition to persons within the definition of cable operator in § 34-1251.03(7), any person who is owned or controlled by, or under common ownership or control with, a cable operator.

(b) 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 the following:

(1) 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;

(2) 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;

(3) The period during which such information will be maintained by the cable operator;

(4) The times and place at which the subscriber may have access to such information in accordance with subsection (d) of this section; and

(5) 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.

(c) 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 except for the following purposes:

(1) To obtain information necessary to render a cable service or other service provided by the cable operator to the subscriber; or

(2) To detect unauthorized reception of cable communications.

(d) A cable operator shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber and shall take such actions as are necessary to prevent unauthorized access to personally identifiable information by a person other than the subscriber or cable operator, except if:

(1) The disclosure is necessary to render, or conduct a legitimate business activity directly related to, a cable service or other service provided by the cable operator to the subscriber;

(2) The disclosure is 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; or

(3) The disclosure is of the names and addresses of subscribers to the cable service; provided, that:

(A) The cable operator has provided the subscriber the opportunity to prohibit or limit such disclosure; and

(B) The disclosure does not reveal, directly or indirectly, the extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator, any channel or class of channels to which the subscriber subscribes, or the nature of any transaction made by the subscriber over the cable system;

(C) The disclosure is otherwise consistent with District law and regulation.

(e) 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 the cable operator. A cable subscriber shall be provided reasonable opportunity to correct any error in the information.

(f) 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 (b) of this section or pursuant to a court order.

(g) A cable operator shall not engage in or permit the transmission of any aural, visual, or digital signal, including "polling" the channel selection from any subscriber's premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of transmission of signals useful only for the control or measurement of system performance.

(h) A cable operator shall not engage in or permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of 2-way services using aural, visual, or digital signals without first obtaining written permission from the subscriber.

(i) In addition to any other lawful remedy available to a cable subscriber, any person aggrieved by any act of a cable operator in violation of this section may bring a civil action in the Superior Court and the Court may award the following:

(1) Actual damages or liquidated damages computed at the rate of \$100 a day for each day of violation or \$ 1,000, whichever is higher;

(2) Punitive damages; and

(3) Reasonable attorneys' fees and other litigation costs reasonably incurred.

(Aug. 21, 1982, D.C. Law 4-142, § 1002, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART K. COMPETITION AND CUSTOMER CHOICE.

§ 34-1261.01. LANDLORD-TENANT RELATIONSHIP.

(a) No landlord of a residential property shall:

(1) Interfere with the installation, operation, upgrade, or maintenance of cable television facilities upon a property or premises, except that a landlord may require that:

(A) The installation of cable television facilities conform to those reasonable conditions and architectural controls set forth by the landlord as necessary to protect the safety, functioning, and appearance of the property or premises, and the convenience and well-being of tenants;

(B) The cable operator or the tenant or both bear the entire cost of the installation, operation, upgrade, maintenance, or removal of the facilities; or

(C) The cable operator agrees to indemnify the landlord for any damages caused by the installation, operation, upgrade, maintenance, or removal of the facilities.

(2) Demand or accept payment from any tenant or cable operator, in any form, in exchange for permitting access to a property or premises or for permitting cable television service or facilities on or within a property or premises except as provided in rules and procedures established by the Office allowing for adequate compensation.

(3) Discriminate in rental charges or otherwise between tenants who receive cable television service and those who do not.

(b) Rental agreements and leases executed before October 22, 1983, may be enforced notwithstanding this section.

(c) No cable operator shall enter into any agreement with the landlord, owners, lessees, or persons controlling or managing a building or do or permit any act that would have the effect, directly or indirectly, of diminishing, infringing upon, or interfering with the rights of any tenant or other occupant of the building to choose a cable service, Satellite Master Antenna Television, Direct Broadcast Satellite, any other video transmission system, or use or avail himself or herself to master or individual antenna equipment.

(d) In addition to any other lawful remedy available to a tenant, a person aggrieved by an act of a cable

operator or a landlord in violation of this section may bring a civil action in the Superior Court and the court may award damages, punitive damages, reasonable attorneys' fees, and other litigation costs reasonably incurred.

(Aug. 21, 1982, D.C. Law 4-142, § 1101, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART L. EMPLOYMENT AND NON-DISCRIMINATION.

§ 34-1262.01. PROHIBITION OF DISCRIMINATION.

(a) A cable operator shall not refuse to hire or employ, discharge, or otherwise discriminate against any person for any reason provided in Unit A of Chapter 14 of Title 2.

(b) The provisions of the Human Rights Act shall apply to a cable operator.

(Aug. 21, 1982, D.C. Law 4-142, § 1201, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

References in Text

The Human Rights Act, referred to in subsec. (b), is the Human rights Act of 1977, D.C. Law 2-38, Dec. 13, 1977, 24 DCR 6038, which is classified to § 2- 1401.01 et seq.

§ 34-1262.02. AFFIRMATIVE ACTION.

(a) In order to maximize opportunities for minority employment and participation in the cable television industry, each cable operator shall make a positive and good faith effort to establish employment goals and timetables designed to achieve minority representation equal to the minority population of the District by the end of the first year of the franchise and throughout the balance of the franchise term; provided, that qualified or qualifiable minority persons are available. The adoption and implementation of goals and timetables by a cable operator shall not constitute a discriminatory practice prohibited under this chapter. For the purposes of this subsection, the term "qualifiable" refers to minority persons who can be trained in accordance with the requirements of this section.

(b) Upon the grant of a franchise, the cable operator shall submit its construction and skilled trades apprenticeship-training programs to the Director of the District of Columbia Apprenticeship Council for approval and registration pursuant to § 32-1431.

(c) The cable operator shall report annually to the Office of Human Rights regarding the status of its training programs including a detailed analysis of the cable operator's efforts to achieve its goals and timetables.

(d) Failure to comply with any provision of this section shall constitute an unlawful discriminatory practice and shall subject the cable operator to fines imposed by the Office of Human Rights of not less than \$1,000 for each day that the violation persists and any other penalties that may be imposed pursuant to District law or this chapter.

(Aug. 21, 1982, D.C. Law 4-142, § 1202, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1262.03. EMPLOYMENT OF DISTRICT RESIDENTS.

Except as otherwise provided in a cable franchise agreement, a cable operator's employee workforce and subcontractors shall consist of not less than 51% District residents.

(Aug. 21, 1982, D.C. Law 4-142, § 1203, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

For Law 14-193, see notes following § 34-1251.01.

PART M. COMPLIANCE.

§ 34-1263.01. COMPLIANCE.

(a) A cable operator shall not be excused from complying with any of the terms and conditions of this chapter or the franchise agreement, as a result of any failure of the District, upon any one or more occasions, to insist upon the cable operator's performance or to seek the cable operator's compliance with any one or more of such terms or conditions.

(b) A pending litigation or an appeal to a regulatory body or court of competent jurisdiction shall not excuse a cable operator from the performance of its obligations under this chapter or the franchise agreement unless a stay is obtained or the cable operator is otherwise excused from performance by operation of law. Failure of the cable operator to perform such obligations because of pending litigation or appeal, in the absence of a stay issued by a court of competent jurisdiction, may result in forfeiture or revocation pursuant to the provisions of this chapter or the franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 1301, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

For Law 14-193, see notes following § 34-1251.01.

§ 34-1263.02. SPECIFIC PERFORMANCE.

Whenever this chapter or the franchise agreement sets forth a time for an act to be performed by or on behalf of the cable operator, the time shall be deemed of the essence and the cable operator's failure to perform within the time provided shall, in all cases, be sufficient grounds for the District to invoke the remedies available under the terms and conditions of this chapter or the franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 1302, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

For Law 14-193, see notes following § 34-1251.01.

§ 34-1263.03. WILLFUL OR REPEATED VIOLATIONS.

(a) Whenever a cable operator shall willfully or repeatedly fail, refuse, or neglect to conduct or operate its cable system in accordance with the terms of this chapter or the franchise, or to comply with the conditions of the use of the public rights-of-way, or in other ways violate the terms and conditions of this chapter or a franchise agreement within the preceding 3 years, the Executive Director shall notify the cable operator in writing, setting forth the nature and facts of such violations. If within 20 business days following such written notification the cable operator has not furnished proof that corrective action has been taken or is being actively and expeditiously pursued to the satisfaction of the Executive Director, or that the alleged violation did not occur, the Executive Director, through the Mayor, shall submit a resolution for termination of the franchise to the Council.

(b) If the Council determines that the cable operator had just cause for noncompliance, the Council shall direct the cable operator to comply within such time and manner and on such terms and conditions as are reasonable, or if appropriate, waive compliance in the specific matter presented.

(c) If the Council determines that the cable operator's noncompliance was without just cause, the Council may approve the resolution to terminate the franchise.

(d) No revocation or termination shall be effective unless the Council, or a committee of the Council, shall have held a public hearing where interested parties and the public may be heard and the Council shall set forth the reasons for the termination. In the event the termination of the franchise depends upon a finding of fact, the finding of fact as made by the Council shall be deemed to be conclusive, unless modified by a court of competent jurisdiction.

(e) The cable operator shall not be declared in violation of or subject to any sanctions under this chapter in

any case in which the performance of the cable operator is prevented for reasons beyond its control. A violation shall not be deemed beyond the cable operator's control if committed by a person in whom the cable operator holds a controlling interest, be it directly or indirectly.

(f) The termination of a franchise under this section shall in no way affect any of the rights of the District under the franchise or any provision of law.

(Aug. 21, 1982, D.C. Law 4-142, § 1303, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

PART N. MISCELLANEOUS PROVISIONS.

§ 34-1264.01. OBSCENITY.

The cable operator and all users of the cable system shall comply with all federal laws regarding obscenity on cable television and all District laws regarding obscenity.

(Aug. 21, 1982, D.C. Law 4-142, § 1401, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1264.02. CABLE THEFT.

(a) For the purposes of this section:

(1) "Cable service" means a cable system that has been granted a franchise to operate in the District, an Open Video System that is authorized to operate in the District, a Satellite Master Antenna Television System, Direct Broadcast Satellite, or any other video transmission system for which a person is expected to pay before receiving such transmission.

(2) "Cable operator" means a person providing cable service as defined in paragraph (1) of this subsection.

(b) Unless authorized by a cable operator, it shall be unlawful for any person to do, or aid or assist another person in doing, any of the following:

(1) Attach or affix, or cause to be attached or affixed, any equipment or device, including, but not limited to, a decoder, descrambler, converter, or modem, which allows the access to, or the use of, a cable service without payment to the cable operator. A violation of this paragraph shall be a misdemeanor punishable by a fine of up to \$2500 or imprisonment of up to 6 months, or both.

(2) Receive a cable signal or obtain, intercept, or receive a service from a cable operator by any equipment or device, including, but not limited to a decoder, descrambler, converter, access code, or modem, with the intent to deprive the cable operator of compensation for the service. It shall be an affirmative defense to an offense under this paragraph that a cable operator has failed to disconnect a service at the request of a subscriber, or where the cable operator failed to disconnect service, upon a request, at the end of an occupancy and a new occupant moves in without knowledge of the existing service. A violation of this paragraph shall be a misdemeanor punishable by a fine of up to \$5000 or imprisonment of up to 1 year, or both.

(3) Make or maintain either a physical, electrical, acoustical, or other connection to a cable system, or tamper, interfere with, damage, or cut any cables, wires, components, modems, lock boxes, pedestals, or other equipment of a cable operator, with the intent to deprive a cable operator of compensation for its service. A violation of this paragraph shall be a misdemeanor punishable by a fine of up to \$5,000 or imprisonment of up to 1 year, or both.

(4) Make or maintain any modification or alteration to any device, equipment, or apparatus or remove, disconnect or sell any device, equipment, or apparatus installed by a cable operator, without the authority of the cable operator, for the purpose of intercepting, descrambling, decoding, or receiving any program or other service offered by the cable operator. A violation of this paragraph shall be a misdemeanor punishable by a fine of up to \$5,000 or imprisonment of up to 1 year, or both.

(5) Make, manufacture, import into the District, assemble, transfer, distribute, promote, sell, lease, lend, offer, own, possess, or possess for sale, advertise or publish for sale or for lease any device, equipment, apparatus, or circuit board designed to intercept, decode, descramble, or otherwise make

intelligible any encoded, encrypted, scrambled, or other nonstandard signal distributed by a cable operator. A violation of this paragraph shall be a misdemeanor punishable by a fine of up to \$5,000 or imprisonment of up to 1 year or both.

(c) A person who commits a violation under subsection (b) of this section, for payment or offer of payment, or with the intent to profit from any consideration received or expected, shall be guilty of a felony and upon conviction shall be subject to a fine of up to \$10,000 or imprisonment of up to 10 years, or both.

(d) A person convicted for the violation of any of the offenses under subsection (b) of this section 3 times within a 10-year period shall be guilty of a felony.

(e) A person may seek civil remedies, penalties, damages, or injunctions in addition to the criminal penalties provided under this section. In seeking civil penalties, damages, or injunctions, a person may use a guilty judgment or any other plea bargain agreement as evidence in support of such civil remedies, penalties, or damages.

(Aug. 21, 1982, D.C. Law 4-142, § 1402, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1264.03. RIGHTS RESERVED TO DISTRICT.

The District expressly reserves the following rights:

(1) To exercise its governmental powers, now or hereafter, to the full extent that the powers may be vested in or granted to the District.

(2) To adopt, in addition to the provisions contained herein and in the franchise and in any existing applicable acts, additional regulations that it finds necessary in the exercise of its police power, if the regulations, by act or otherwise, shall be reasonable and not in conflict with the rights herein granted or the provisions contained in a franchise agreement.

(Aug. 21, 1982, D.C. Law 4-142, § 1403, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1264.04. RULES.

The Mayor, in accordance with the procedures of subchapter I of Chapter 5 of Title 2 shall issue rules to implement the provisions of this chapter.

(Aug. 21, 1982, D.C. Law 4-142, § 1404, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-193, see notes following § 34-1251.01.

§ 34-1264.05. TRANSITION PROVISIONS.

(a) All appointments, rules, regulations, orders, administrative issuances, obligations, determinations, agreements, and understandings made, established, issued, promulgated, or entered into under the authority of subchapter I of this chapter, shall remain in effect until amended, modified, superseded, or repealed.

(b) The Public Access Corporation established in accordance with § 34-1229, may continue to serve as the Public Access Corporation required by § 34-1253.02(a); provided, that the Corporation shall amend its bylaws to be consistent with the provisions of this subchapter.

(c) The funds in the special account established by § 34-1207.01, shall be transferred to the special account established by § 34-1252.03.

(Aug. 21, 1982, D.C. Law 4-142, § 1405, as added Oct. 9, 2002, D.C. Law 14-193, § 2(b), 49 DCR 7334.)

HISTORICAL AND STATUTORY NOTES

For Law 14-193, see notes following § 34-1251.01.