

Cedar Falls Television Network Public Access Rules And Policies

1. Statement of Purpose

Public Access refers to specific channels on the cable television systems available to Cedar Falls residents for the distribution of programming produced by various segments of the community including community groups, non-profit organizations, and local residents. These cable television channels may be used to convey a message or provide information on any topic of local interest or general interest. Programs may also deal with issues or circumstances that have a direct bearing on the lives of the citizens of Cedar Falls served by the cable system, even though they may be produced in or affect other communities as well. Cable time will be provided on a first-come, first-served non-discriminatory basis, subject to the following rules, regulations, procedures and access restrictions. The City of Cedar Falls believes that a dynamic public access policy, including community outreach in education, as well as technical and financial support, will result in significant benefits to the citizens of Cedar Falls. The primary purpose of the following access definitions, regulations and procedures is to encourage the community to provide localized cable television programming that meets community needs and interests.

2. Definitions

- (a) Cablecasting: refers to programming (exclusive of broadcast signals) carried on a cable television system using City of Cedar Falls cable channels.
- (b) Access Cablecasting: refers to programs provided by access users on access channel time provided by the City of Cedar Falls as defined in (3) of these rules.
- (c) Access Channel Time: refers to time on a signaling path provided on the Cable System for use by access users.
- (d) Access Coordinator: refers to those appointed by the City of Cedar Falls to be responsible for the maintenance, operation and supervision of access channel time, cablecasting equipment and facilities.
- (e) Access User: refers to any group or individual residing within Cedar Falls and making proper application for the City of Cedar Falls access channel time and presents access cablecasting materials for distribution over the channels operated by the City of Cedar Falls.
- (f) Lottery: refers to any promotion, contest or other program that involves the elements of prize, chance and consideration, or any such program that is declared a lottery under applicable local, state, or federal laws.

- (g) Lottery Information: refers to any information concerning any lottery, gift enterprise, or similar scheme offering prizes depending upon chance or any list drawn or awarded by means of any such lottery whether that list contains any part or all of the prizes.
- (h) Non Commercial Use: Refers to the use of the City of Cedar Falls channel time for not-for-profit interests of an individual or an organization.
- (i) Obscene or Indecent Material: refers to any material that is obscene or indecent under applicable local, state, or federal laws.
- (j) Advertising Material: refers to any material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office) or the solicitation of donations, remuneration or barter.
- (k) City of Cedar Falls Grievance Committee: shall consist of the City's Department Directors.
- (l) Community: refers to the collection of any residents, organizations, or any other entity located within the boundaries of the city of Cedar Falls.
- (m) Candidate for Public Office: refers to any person who has publicly announced that she/he is a candidate for nomination by a convention of a political party, or for nomination or election in a special primary, or general election, for municipal, county, state or national office, so that she/he may be voted for by the electorate directly or by means of delegate, or electors, and who has qualified for a place on the ballot, or is eligible under applicable law to be voted for by sticker, by write-in on the ballot, or by other method, and has been duly nominated by a political party which is commonly known, or makes a substantial showing that she/he is a bona fide candidate for nomination to office.
- (n) Government Access: refers to use by the City of Cedar Falls, Black Hawk County, or the State of Iowa for the production of local access programming that pertains to Cedar Falls.
- (o) Educational Access: refers to use by educational institutions for production for the purpose of educational access. Or by non-profit organizations who request assistance in the production/cablecasting access programs that are educational in nature.
- (p) Public Access: refers to the use of channel time use by residents of Cedar Falls for general purposes.

3. Operating Rules Governing Access Channel Time

- (a) The Access Coordinator will schedule programs in a first come, first-served non-discriminatory manner that will maximize fairness and diversity of expression and that will ensure that no one person or organization

monopolizes facilities to the disadvantage of others. The Access Coordinator will be guided by the following rules and may also take community interest into account. Public Access programs may, at the discretion of the City of Cedar Falls, be cablecast on any channel designated for the use of Public, Educational, and Government (P.E.G.) access programming.

- (b) Cablecasting equipment, and access channel time, shall be available for cablecasting on a first-come, first-served non-discriminatory basis after filing the necessary Access User Agreement forms, in accordance with Section 4 of these rules. Users may specify alternative dates and time.
 - (b.1) A Public Access user is restricted to two cablecasts of any given program per month. ~~Each program is~~ limited to two and one half hours in length.
 - (b.2) Access User Agreement forms filed for ongoing, series programming must be renewed annually.
- (c) There will be no charge for the non-commercial use of regular access channel time.
- (d) Program content should be consistent with community standards and applicable state and federal laws. The Access Coordinator will determine appropriateness of questionable or mature content. If restricted, the program producer can appeal this decision to the Grievance Committee whose decision will be final. Restrictions may include limiting time slots, editing for content, and not airing the program in its entirety. The following are not permitted on the Public Access channels:
 - (d.1) No program or presentation shall be cablecast that involves a lottery or any lottery information.
 - (d.2) No program or presentation shall be cablecast that involves any obscene or indecent material, as determined by State and Federal laws.
 - (d.3) No program or presentation shall be cablecast on access channels that involve any advertising material. This rule will not prevent identification by name only of persons or businesses providing funds, equipment or other items of value to access users producing programming unrelated to the commercial interests of the donor.
 - (d.4) No program or presentation shall be cablecast that involves any libelous or slanderous material.
 - (d.5) No program or presentation shall be cablecast that does not have all appropriate clearances (copyright, use of image, etc.), which are the responsibility of the access user.
 - (d.6) A political candidate's access to the local origination Channel (Channel 15) is limited to particular formats such as debates and forums sponsored by non-partisan groups and advertising time made available through CFU Hometown Productions. Political expression by individuals and organizations is allowed on the

Public Access Channel (Digital Channel 18 – CFU Digital Channel 17-Mediacom).

- (e) Should the Access Coordinator determine or believe that the statements in the access user's application are false, misleading or incomplete, the City of Cedar Falls will not cablecast nor permit to be cablecast the material or portions of the material presented for cablecast by the access user.
- (f) Upon determination by the Access Coordinator that the program subject material offered by an access user may offend some viewers due to mature content, an announcement in substantially the following form will precede and/or appear during breaks in cablecast of that program:

"This program is considered to be of mature theme and therefore, may be considered to be offensive to some viewers. Viewer/parental discretion is advised."
- (g) In the event of poor technical quality, the following announcement will be shown:

"The viewer may find the technical quality of some portions of the following program unsatisfactory."
- (h) Failure to comply with these rules may subject the user to forfeit the right to use the cablecasting equipment and/or access channel time for a period of time appropriate to the infringement. Users who have two (2) violations within a period of one (1) year will be prohibited from Public Access Channel time for a period of one (1) year.
- (i) Requests for Public Access Channel time on behalf of minors (as defined by applicable state laws) must be made in the name of an adult who agrees to assume responsibility for the minor's use. The adult responsible for such minors must also execute the necessary assurances that authorization has been obtained concerning appearance of any minors on a cablecast program. The adult will also be responsible for any liability resulting from the appearance by a minor.
- (j) All videotapes of programs to be cablecast (except live programs and events of timely interest determined by pre-arrangement) shall be submitted to the Access Coordinator at least 48 hours before the scheduled time of broadcast to provide an opportunity for review of technical quality and content. The judgment of the City of Cedar Falls shall be final with respect to the use of the particular scheduled program. (See Section 8 Appeals)
- (k) The following announcement will be cablecast before the applicant's program material:

"The content and opinions presented in the following program are not necessarily those of the City of Cedar Falls or of its franchisee."

and

"This Public Access programming is made available through the facilities of the City of Cedar Falls."

- (l) In the event funds, equipment or other items of value are provided for any access user including program material which is funded, sponsored, or underwritten, in part or in full by any individual, business or non-profit organization, the following announcement will be cablecast before the applicant's program material:

"This program was made possible with funds provided by _____."

This rule will allow identification by name only of persons or businesses providing funds, equipment or other items of values to access users production programming unrelated to the commercial interest of the donor.

- (m) If an access user wishes to submit a program for viewing on the Public Access Channel that may also be available to cable operators, the following will apply; prior to cablecasting any program or service generally available to cable operators which, for the purpose of this section shall be defined as a program or service commercially produced by a third party and nationally or regionally distributed, regardless of the method of distribution, to cable systems, other telecommunications delivery system or for other methods of public presentation, any user shall provide notice to the City of Cedar Falls as follows:

- (m.1) For any ongoing program service or series currently operational, at least 95 days prior to the proposed date of initial cablecast;
- (m.2) For any ongoing program service or series not currently operational, at least 95 days prior to the date such programming or service becomes operational; or
- (m.3) For any program which is not of an ongoing service or series and which is to be shown on a one-time basis, at least 35 days prior to the proposed date of cablecast.

The purpose of the notice provisions required by this rule is to allow the City of Cedar Falls the opportunity to meet its requirements to provide notice to its franchisee as set forth in the Franchise Ordinance and to allow the franchisee the opportunity of offer or contract to offer the program or service proposed.

- (n) Applications for the use of Public Access Channel time must be submitted in writing and specify or contain the following:

The proposed user's name, address, and phone number.

The times and dates desired and alternatives for channel time.

The exact length of program material.

Must be in VHS1, S-VHS, or DVD.

A summary statement or synopsis of the content/subject matter and title.

A statement that no advertising, lottery, lottery information material, obscene, slanderous nor libelous material is contained in the program.

A statement that all appropriate arrangements and clearances have been obtained from broadcast stations, networks, music licensing organization, performers' representatives, sponsors and other persons necessary, without limitation to the above, for authorization to transmit program material over the City of Cedar Falls access channels.

A statement that the access user accepts full responsibility for the content of programming and the consequences of its presentation.

A statement that the access user is familiar with the City of Cedar Falls access operating rules and regulations, and a statement that the user has read and understands the requirements contained within the rules and will comply with them.

Such other additional information, as is necessary to enable the City of Cedar Falls staff to properly perform its playback duties in accordance with the rules that govern the channel(s).

4. Public Inspection

- (a) All access user records, including requests for access channel time, shall be retained for a period of at least two (2) years by the access coordinator.

5. Indemnification and Hold Harmless

All access users shall be fully responsible for the content of their programs. Such full responsibility shall include, but not be limited to, making all necessary arrangements with and obtaining all required clearances from broadcast stations, networks, sponsors, music licensing organizations, performers' representatives, authors, composers, and any and all other persons or entities that may be necessary to transmit the public access user's program material on access channel time. All public access users shall indemnify and hold harmless the City of Cedar Falls and its franchisee, their officers, directors, employees, agents and representatives from any and all liability, damage, injury, judgment, including cost of defending claims (including reasonable attorney's fees) arising from or in connection with any claim for failure to comply with any laws, rules or regulation of federal, state or local government, claims of libel, slander or invasion of privacy, claims of infringement of copyright, patent or unauthorized use of any material or trademark, servicemark or image, or for any other injury or damage in law or in equity claimed as a result of or from or connected with access user's

use of access channel time, equipment, facilities or other resources. The foregoing shall include obscenity claims as well as any and all other claims related to scheduling or programming on Public Access Channel time, and shall include only claims relating to intentional malfeasance of any party or entity to be indemnified hereunder.

6. Appeals

- (a) Any access user who disagrees with a decision of the Access Coordinator as to the application of any of the foregoing rules may request a review and determination by the Access Coordinator of the City of Cedar Falls. A review request must be made in writing to the Access Coordinator within forty-five (45) days from the time the person or entity is informed of the decision of the City of Cedar Falls. The Access Coordinator will conduct the review and issue a written determination within fifteen (15) days of receipt of the request.
- (b) An aggrieved party which disagrees with the decision of the Access Coordinator may request a review of the decision by the Grievance Committee. Such a request must be made in writing and submitted to the chair of the Grievance Committee within 15 days after receipt of the decision by the Access Coordinator. Within fifteen (15) days of receipt of the request for review, the Grievance Committee Chair will call a meeting of the concerned parties for the purpose of hearing arguments and receiving evidence and testimony relevant to the grievance. The Committee will make a decision concerning the case and notify all interested parties within fifteen (15) days of the final hearing. The determination of the Grievance Committee shall be the final decision.
- (c) All reasonable costs of such hearing(s) shall be paid for by the aggrieved party unless the Grievance Committee determines that the decision by the Access Coordinator which gave rise to the complaint and review was improper and constituted an abuse of discretion, malfeasance or non-feasance by the City of Cedar Falls personnel. These costs shall include, but not be limited to, rental of audio or television playback equipment, preparation and copying of transcripts and other expenses related to the production of evidence.
- (d) Hearings by the Grievance Committee shall be conducted by the Chair at a time and place mutually agreed to the Aggrieved and the Committee Chair. All parties will be entitled to be examined under oath. Any party to the proceeding may be represented by legal counsel. The Grievance Committee will make a determination and direct a written statement to the party requesting the review.

PROCEDURES SUMMARY

To submit a tape for cablecasting:

- A. Bring the tape to the office.
- B. Make sure it is labeled with your name, the program title and the running time. Both the tape and the box should be labeled.
- C. Complete and sign the Access User Agreement form.
- D. The tape must have stable control track for at least 15 seconds before the start of program material.
- E. Programs longer than 29 min or programs longer than 59 min may be interrupted during cablecasting with a channel ID at the half hour or at the hour.
- F. Tape must be submitted 48 hours ahead of the time requested for cablecasting, unless prior arrangements have been made.
- G. The City of Cedar Falls channel schedules are posted at the 220 Clay Street office and may be seen on the City of Cedar Falls web site www.cedarfalls.com/departments/cableTV.