

CHAPTER 117

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

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117.01 AUTHORITY. This chapter is adopted under, and pursuant to, the authority of the Cable Television Consumer Protection and Competition Act of 1992.

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117.02 DEFINITIONS. As used in this chapter the following words and phrases have the following meanings:

1. “Basic cable rates” means the monthly charges for a subscription to the basic cable tier and the associated equipment.
2. “Basic cable tier” means a separately available service tier to which subscription is required for access to any other tier of service.
3. “Cable operator” means any person:
 - A. Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such a cable system; or
 - B. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.
4. “Normal business hours” means those hours during which most similar businesses in the community are open to serve customers. In all cases, “normal business hours” must include some evening hours at least one night per week and/or some weekend hours.
5. “Normal operating conditions” means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.
6. “Service interruption” means the loss of picture or sound on one or more cable channels.

117.03 STANDARDS. All cable operators operating within the City shall comply with the following customer service standards:

1. Cable System Office Hours and Telephone Availability.

- A. The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to subscribers 24 hours a day, seven days a week. Trained company representatives will be available to respond to customer inquiries during normal business hours. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.
- B. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer times shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions, measured on a quarterly basis.
- C. The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.
- D. Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.
- E. Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.
2. Installations, Outages and Service Calls. Under normal operating conditions, each of the following four standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:
- A. Standard installation will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.
- B. Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct the service problems the next business day after notification of the service problem.
- C. Appointment scheduling alternatives for installations, service calls, and installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)
- D. An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
- E. If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.
3. Communications Between the Cable Operators and Cable Subscribers.

A. Notifications to Subscribers. The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request: (i) products and services offered; (ii) prices and options for programming services and conditions of subscription to programming and other services; (iii) installation and service maintenance policies; (iv) instructions on how to use the cable service; (v) channel positions of programming carried on the system; and (vi) billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office. Customers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by the preceding paragraph.

B. Billing. Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within thirty (30) days.

C. Refunds. Refund checks will be issued promptly, but no later than either: (i) the customer's next billing cycle following resolution of the request or thirty(30) days, whichever is earlier, or (ii) the return of the equipment supplied by the cable operator if service is terminated.

D. Credits. Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

117.04 VIOLATIONS; NOTICE; HEARING. Whenever the City determines that a cable operator is violating, or has violated, any of the customer service standards set forth in Section 117.03, the City shall give written notice by certified mail to the cable operator specifying the violation or violations. The cable operator shall respond in writing to such notice within ten (10) days following receipt of the same. Such response shall admit or deny the violation and shall contain such explanation as the cable operator desires. The cable operator may also request a hearing before the Council at which time it shall have an opportunity to be heard and to present evidence concerning the alleged violation. Such request shall be included in the response. A failure by the cable operator to respond within the time specified shall be deemed an admission of the violation and the cable operator shall have no further opportunity for hearing. If the cable operator requires additional time to make its response it shall make a request therefor in writing specifying the reason additional time is needed and shall request an additional specified time within which to make its response. Such request shall be made within the initial time for response as provided above. If such request is granted the City shall so notify the cable operator in writing and the cable operator shall make its response within the time requested. If the request is denied, the City shall so notify the cable operator in writing, in which case the cable operator shall respond within ten (10) days following receipt of notice of the denial. Following consideration of any response and any hearing thereon, the Council shall take whatever action it deems appropriate under the circumstances, including, but not limited to, imposition of the penalties provided for in this chapter.

117.05 PENALTIES. If after notice and opportunity for hearing as prescribed in Section 117.04, the City determines that the cable operator is, or has, violated any of the provisions of this chapter, the City may order the cable operator to reduce the rate for basic cable tier service by ten percent (10%) until such time as the City is satisfied that the cable operator is in full compliance with the provisions of this chapter. In the case of the violations which are corrected prior to determination by the City that a violation did occur, the City may order the cable operator to reduce such rates for a period of time equal to the period of time during which the violation existed. Additionally, and not in substitution of the foregoing, any violation of the provisions of this chapter is a municipal infraction subject to imposition of the penalties prescribed therefor in this Code of Ordinances.

117.06 ENFORCEMENT. The City shall have the right to enforce this chapter by action at law or in equity and shall have, in addition to and not in substitution of the remedies provided for herein, all remedies, legal or equitable, which may be available under any applicable Federal, State or local statute, rule or regulation.

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