



FEDERAL COMMUNICATIONS COMMISSION LEASED ACCESS

Leased Access Information

The following is intended to provide information regarding the Federal Communication Commission's (FCC) rules for obtaining leased access on NEP's video network.

Leased Access Information Requests

For all information inquiries regarding leased access in compliance with the FCC's rules, please use the contact information listed below. All requests for leased access rates and channel availability must be made in writing and will be responded to within fifteen (15) days from the date the written request was made.

NEP Datavision, Inc.
720 Main Street
Forest City, PA 18421
Attn: General Manager

E-mail: nep@nep.net
Phone: (570) 785-3131

All written requests submitted should include the following:

The company (programmer's) name, address, e-mail address and telephone number, and also include the location or community for which the lease access is requested.

Leased Access Statute and FCC Rules

The Cable Communications Policy Act of 1984 established the statutory framework for commercial leased access by adding Section 612 to the Communications Act of 1934. Section 612 was amended by Congress in the Cable Television Consumer Protection and Competition Act of 1992. Section 612 outlines the requirements for cable operators to designate a percentage of their channel capacity for commercial use and allows cable operators to use that designated capacity until leased access use is obtained by an unaffiliated person pursuant to a written agreement.

The statute directs the Federal Communications Commission ("FCC") to adopt rules for cable operators to establish the price, terms and conditions for use of the operator's designated leased access channel capacity. The federal law directs that the FCC assure that such prices, terms and conditions will not adversely affect the operation, financial condition, or market development of the cable system.

A brief explanation of FCC rules follows:

§ 76.970 Outlines the rules related to commercial leased access rates including the methodology for rate calculation, depending on programming category.

§ 76.971 Outlines the commercial leased access terms and conditions including the following:

- Provides that leased access programming can be placed on any tier with subscriber penetration of over 50%.
- Provides that cable operators can make reasonable channel selections for leased channels and set out requirements for part-time (no less than 1/2 hour) leased access requests.
- Provides requirements for programming production standards, technical support, security deposits, insurance, billing and collection, length of contracts and resale of leased access capacity are also specified in this rule.

§ 76.975 Outlines commercial leased access dispute resolution including various procedural requirements that direct any person aggrieved by the failure or refusal of a cable operator to make channel capacity available may bring an action in U.S. District Court or may file a petition with the FCC.

§ 76.977 Outlines minority and educational programming rules where the FCC provides guidelines under what circumstances a cable operator may use leased access channel capacity for "qualified" minority and educational programming.