

Kirkwood Meadows Public Utility District

Rules and Procedures

Community Access Channel 19

1.1 Community use programming is produced as a result of the combined efforts of the Kirkwood Meadows Public Utility District and Kirkwood area community groups, organizations and individuals. The Kirkwood Meadows Public Utility District provides a limited amount of technical help, consulting assistance, and cablecast of community use programming by eligible users, free of charge. The Kirkwood Meadows Public Utility District staff will allow for scheduling of programming on the community use channels using commonly accepted guidelines

1.2 The Kirkwood Meadows Public Utility District, through its franchise with Volcano Communications has available one (1) community use channel (Channel 19) on Volcano Communications subscriber network.

1.3 The following programming formats are available to community producers on the community access Channel 19:

- a. Pre Produced Videotapes/DVD's. Program material may be submitted for consideration for cablecast on Channel 19 by eligible users within established guidelines. (See Section 2.0, User Eligibility)
- b. "Community Bulletin Board" (Alphanumeric Messages). Messages for alphanumeric display during non video programming hours will be accepted on a first come, first served basis.
- c. Public Access Programming consists of original productions produced by members of the Kirkwood area general public. Community users may schedule their public access programs on a first come, first-served basis for presentation on public access channel.

2.0 User Eligibility

2.1 Potential users must satisfy each of the following criteria regarding residency, age, membership and compliance with orientation procedures to be considered as eligible for use of the Kirkwood Meadows Public Utility District public access channel space, free of charge.

2.2 Residency. Any resident of Kirkwood or an employee or agent of a non profit community group or organization with offices located within the Kirkwood valley will satisfy the residency requirement. Residency shall be defined as having a verifiable Kirkwood residential mailing address.

Kirkwood nonresidents may be eligible to use the Kirkwood Meadows Public Utility District Channel 19 space only if their programming is submitted on behalf of a non profit community group or organization with offices located within Kirkwood, by which they have been designated as staff members or representatives.

2.3 Age. A potential user must be 18 years of age or older to request use of Kirkwood Meadows Public Utility District Channel 19 channel space with the following exceptions:

- a. A minor may request such use if an adult parent or legal guardian who resides in Kirkwood assumes legal responsibility.
- b. An adult taking responsibility for a minor in Kirkwood Meadows Public Utility District Channel 19 activities must familiarize themselves with these Operating Rules and Procedures.
- c. Minors must also familiarize themselves with these Operating Rules and Procedures.

3.0 Program Content

3.1 Program Content Responsibility. A potential user of Kirkwood Meadows Public Utility District Channel 19 acknowledges that he or she takes full responsibility for the content of the programming submitted to be cablecast.

3.2 Orientation Procedures. A potential user of Kirkwood Meadows Public Utility District Channel 19 channel space must first verify that s/he fully understands the responsibilities inherent in such use.

3.3 A potential user must acknowledge having read and understands the Channel 19 "Operating Rules of Procedures" which are available in the office of the Kirkwood Meadows Public Utility District.

3.4 The potential user must sign/file a "Statement of Compliance" with the Kirkwood Meadows Public Utility District in order to participate in Channel 19. Operating Rules and Procedures, provide verification of age and residency, and present a current valid California I. D. card which includes his or her picture (e.g., driver's license). Signed Statement of Compliance forms will be kept on file at the Kirkwood Meadows Public Utility District Administration office and are available for public inspection.

4.0 Kirkwood Meadows Public Utility District Channel 19 Non Discrimination Policy

The Kirkwood Meadows Public Utility District Channel 19 shall not discriminate against potential users of its channel space on the basis of race, color, creed, national origin, sex, sexual preference, age, religious belief, social philosophy, economic status, or physical ability.

5.0 Programming Liability

All users presenting a tape recorded for cablecast on a community use or public access channel shall agree in writing, as a condition of the cablecast, to indemnify, defend and hold harmless the Kirkwood Meadows Public Utility District and their respective directors, officers, agents, and employees from and against any and all claims or other injury (including reasonable cost of defending claims or litigations) arising from or in connection with claims of loss or damage to person or property arising out of the failure to comply with these Operating Rules and Procedures, any applicable laws, rules, regulations, or other requirements of local, state, or federal authorities, for claims of libel, slander, invasion of privacy, or infringement of common law or statutory copyright, for breach of contract or other injury or damage in law or equity which claims result from the cablecast of the user's program.

6.0 Programming Content Restrictions

To assure compliance with applicable ordinances, regulations, laws and statutes, presentation of the following material on a community use or public access channel managed by the Kirkwood Meadows Public Utility District is prohibited:

- a. Material designed to promote the sale of commercial products or services.
- b. Commercial programming which in whole or in part depicts, demonstrates, or discusses products, services, or businesses with the intent or substantial effect of benefiting or enhancing a profit making enterprise.
- c. The solicitation or appeal for funds or other things of value for any and all purposes.
- d. Advertising which endorses or opposes candidates for public office, which is also intended to be presented as a paid political advertisement on other media.
- e. Programming which constitutes or promotes any lottery or gambling enterprise in a manner which is in violation of any applicable local, state, or federal law.
- f. Material which is obscene as defined by applicable law.
- g. Material which constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright, or which might violate any local, state or federal law.
- h. Material which has a reasonable probability of creating an immediate danger of damage to property or injury to persons.

7.0 Copyright Clearances

7.1 All users presenting a tape recorded or live program for cablecast on a community use or public access channel managed by the Kirkwood Meadows Public Utility District shall agree in writing, as a condition of the cablecast, that they have previously made all appropriate arrangements to obtain all rights to all material to be cablecast and clearances from broadcast stations, networks, sponsors, music licensing organizations' representatives (except as provided for in Subsection 7.2), and without limitation from the foregoing, any and all other persons as may be necessary to transmit its or their program material. Users shall maintain for inspection by the Kirkwood Meadows Public Utility District, upon reasonable notice, copies of all clearances and releases required by this Section.

7.2 The Kirkwood Meadows Public Utility District understands that the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music Inc. (BMI) are negotiating nationwide licensing arrangements with the National Cable Television Association (NCTA) for performances of their members' musical compositions on local originations by cable television systems. Due to the fact that Volcano Communications is a member of the NCTA, and that ASCAP and BMI are not enforcing their members' rights with respect to such performances during the period of these negotiations, the following procedures will be undertaken until the Kirkwood Meadows Public Utility District informs users of any changes in the above situation.

7.3 All users may include music licensed by ASCAP or BMI in their programs without previously making special arrangements with ASCAP or BMI.

7.4 Appropriate acknowledgement should be given in the credits to the musical compositions licensed by ASCAP or BMI which are included in the users' programs.

8.0 Acknowledgements and Disclaimers.

8.1 All tape recorded and/or live programming cablecast on a community use or public access channel managed by the Kirkwood Meadows Public Utility District must clearly identify the producer of the program to be cablecast at the beginning or end of the program.

8.2 When required by the Kirkwood Meadows Public Utility District, a disclaimer must be included at the beginning and end of the program to indicate that the views expressed in the program do not necessarily reflect those of the Kirkwood Meadows Public Utility District, Volcano Communications or employees, agents and representatives.

8.3 When required by the Kirkwood Meadows Public Utility District, an announcement must be included at the beginning of the program to indicate that portions of the upcoming program may be inappropriate for children, or deal with issues of a particularly sensitive nature, etc., and that viewer/listener discretion advised.

9.0 Program Scheduling Procedures

9.1 Community Use Channel 19. The Kirkwood Meadows Public Utility District will maintain the following general priorities for scheduling programming on community use channels:

- a. Locally produced programming will receive the highest priority.
- b. First run programs will be favored over repeat programs.
- c. Building a regular viewer ship with a viable programming lineup will be a high priority. To this end, programming may be arranged according to particular themes (e.g., public affairs, sports, ethnic, etc.) during a given day or time period.
- d. The production quality of programs will be an important factor.
- e. Channel time usage by a diversity of community users will be encouraged.
- f. Playback times and dates requested or suggested by program producers will be actively considered.

9.2 Community use channel space for a tape recorded program must be requested from the Kirkwood Meadows Public Utility District at least six (6) weeks before the actual cablecast date, to enable the program to be included in a variety of published schedules.

9.3 Each channel space request shall include a first choice time and date, a second choice time and date, and a third choice time and date. The Kirkwood Meadows Public Utility District may request the permission of the program producer/provider for extended repeat playbacks of the program to fill gaps in the community use channel schedule.

9.4 The Kirkwood Meadows Public Utility District reserves the right to pre-empt scheduled programs on community use channels to present special or time sensitive programming.

9.5 Tape recorded programs which have been scheduled for cablecast must be delivered to the programming drop off area (with a completed "Playback Request Form") no later than two business days prior to its scheduled cablecast date. Rare exceptions may be made for good cause with prior notice. If a program is not delivered on time, Channel 19 may substitute another program in its place.

9.6 Tape recorded video programs submitted for cablecast must comply with the technical requirements specified below.

9.7 Community use programs which include content that may be inappropriate for children, or deal with issues of a particularly sensitive nature, etc., shall only be cable cast during evening hours after 9:00 P.M.

9.8 All tape recorded programs submitted for cablecast on community use channels may be pre screened by the Kirkwood Meadows Public Utility District to determine compliance with the provisions of Programming Content Restrictions; Acknowledgements and Disclaimers; and Technical Requirements. However, ultimate responsibility for compliance remains with the program producer/provider. If programming is submitted for playback which violates the content restrictions the program producer/provider may be prevented from submitting future productions.

10.0 Use of Community Access Channel

10.1 In general, community users may schedule their public access programs on a first come, first served basis for presentation on public access channels. Consideration will be given to playback requests by first time users.

10.2 Except as provided for above, Programming Content Restrictions; Acknowledgements and Disclaimers; the Kirkwood Meadows Public Utility District will not exercise any editorial control over the programming to be presented on community access Channel 19.

10.3 The following procedures must be followed by community users to present their program on public access channels:

- a. When a first, second, or third choice of channel space is not available, the program producer/provider will be consulted to seek alternatives.
- b. When a program producer/provider does not request specific times or dates, the Kirkwood Meadows Public Utility District staff may schedule his or her program in an available time slot.
- c. The Kirkwood Meadows Public Utility District may request the permission of the program producer/provider for extended repeat playbacks of the program to fill gaps in the public access channel schedule.
- d. Each playback request will be timed and dated by the Kirkwood Meadows Public Utility District staff at the time of submission to provide reference in cases of reservation disputes.
- e. Tape recorded programs submitted for cablecast must comply with the technical requirements specified in Section 12.0, below.

10.4 Repeat Programming. After the initial cablecast of a program on any community access cable channel, further scheduling of the program is at the sole discretion of the city of Kirkwood Meadows Public Utility District manager or his/her designee with the permission of the submitting producer or program provider.

10.5 The general manager, in exercising his/her discretion, shall base his/her determination upon the following factors:

- a. The availability of time slots.
- b. The need to avoid the monopolization or relative over utilization of time slots by any particular programmer or program.
- c. The need to repeat public affairs/government programs due to rolling black outs, electrical outages, natural disaster and playback equipment technical malfunction.

11.0 Length of Programs

Programs submitted for cable casting on a community use channel managed by the Kirkwood Meadows Public Utility District should conform to the time frames of 15 minutes, 30 minutes, 60 minutes, etc., if possible. The actual program should be 2 to 4 minutes short of the given time frame (e.g., a 30 minute program should actually run 28 minutes and a 60 minute program should run 58 minutes) in order to leave room on the tape for technical and identification information, as well as to provide time between programs for station identification, promotional announcements, PSA's, etc. Programs of any length may be submitted.

11.1 Programs over 60 minutes in length will be allowed for special events, coverage of lengthy meetings, etc.

11.2 Programs shorter than 15 minutes in length may be grouped together in a video "shorts" format.

12.0 Technical Requirements. Channel 19

12.1 The following tape formats will be accepted for playback on the community use channels managed by the Kirkwood Meadows Public Utility District:

- a. VHS (Standard play only. This is the 1 hour length when using a T 60 video cassette)
- b. S VHS (Standard play only)
- c. DVD

12.2 Tape recorded programs must have technical standards high enough to deliver a clear and unbroken picture to cable subscribers. Audio must be clearly understandable and at audible levels without distortion.

12.3 Technical information which must be recorded on the submitted tape:

- a. 30 seconds of color bars and "zero level" tone at the head of the tape.
- b. Color bars should be followed by five (5) seconds of black.
- c. The black section should be followed by a 10 second slate with program title, exact length, name of producer, and production date.
- d. The slate should be followed by a 10 second countdown which includes two (2) seconds of black before the program begins.
- e. The program title should be shown near the beginning and at the end of the program.

- f. Program credits must appear at the end of the program.
- g. Any disclaimers required must be included at the beginning and end of the program material to be cable cast.
- h. At least 60 seconds of black must be recorded after the end of the program.

12.4 The following minimum information must be included on labels affixed to the videocassette and the videocassette box:

- a. Producer's/provider's name and phone number
- b. Program title
- c. Exact length of program
- d. Production date
- e. Episode number and program description (series programs only)

13.0 Violations

13.1 Violations of the Kirkwood Meadows Public Utility District programming policies and rules, or any other breach of the Statement of Compliance may subject the user to immediate forfeiture of the privilege of using the community access channel managed by the Kirkwood Meadows Public Utility District as well as other possible sanctions against users pursuant to the Kirkwood Meadows Public Utility District Channel 19, Operating Rules and Procedures.

13.2 if a violation of the programming content restrictions set forth, above, results in the imposition of a sanction against a user, or if the Kirkwood Meadows Public Utility District refuses to cable cast a user's programming solely because such programming is found to be in violation of any Section in Programming, the user shall have the right to exercise an appeals procedure to the Kirkwood Meadows Public Utility District Board of Directors.