RULES GOVERNING THE PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) ACCESS CHANNELS, LINCOLN, NEBRASKA

CHAPTER ONE

General Provisions Applicable To All Access Channels

The City of Lincoln has responsibility for the content of this chapter.

I. PREAMBLE

1.1 The rules and regulations set forth herein are adopted to govern the availability and use of the access channels of the cable television systems owned and operated by franchised cable operators in Lincoln, Nebraska.

1.2 Definitions

The following definitions shall be applicable to all access rules:

(a) A franchise agreement shall mean an agreement granting a franchise and currently in effect made and entered into between the City of Lincoln and a franchised cable operator.

(b) Government/Education (G/E) access coordinator shall mean the person responsible for coordinating production activities relating to the G/E access channels and facilities.

(c) Government/Education (G/E) access producer shall mean any person authorized per these rules to use government or educational access equipment or facilities.

(d) Public access coordinator shall mean the person who is responsible for coordinating all activities relating to the public access channel.

(e) Public access producer shall mean any person authorized per these rules to use public access equipment or facilities.

(f) Prime time shall mean the hours between 6 and 10 p.m.

(g) Imported program shall mean a program which is produced outside Lincoln or the other communities in which the PEG access channels exhibited in Lincoln are also exhibited (other PEG access communities) or by nonresidents of those communities.

(h) Commercial shall mean as of, or pertaining to commercial enterprise or having financial profit as a primary motive.

(I) Nonprofit and/or non-commercial organization shall mean one with a 501(c)3 federal tax status.

(j) Adult shall mean any person who has reached the age of majority according to Nebraska State law.

(k) Cablecasting shall mean the telecast or transmission of programming or other signals over a cable television system.

(l) Lottery shall mean a gambling scheme in which (1) participants pay or agree to pay something of value for an opportunity to win, (2) winning opportunities are represented by tickets differentiated by sequential enumeration, and (3) winners are determined by a random drawing of the tickets.

II. GENERAL REQUIREMENTS FOR SHOW PRESENTATION

2.1 All producers and persons desiring to have material cablecasted over the access channels must complete the proper application forms, present proof of a street address in Lincoln or other PEG access communities and proof of required permissions, such as copyrights, etc.

2.2 Shows in 30-minute and 60-minute formats are encouraged for public access. Shows in multiples of 15-minute formats are encouraged for G/E access.

2.3 All shows must be in a format suitable for cablecasting, as indicated by either the public access coordinator or the G/E access coordinator.

2.4 There shall be no commercial programming on the PEG access channels.

2.5 There shall be no payment made or accepted in exchange for carrying programming on the PEG access channels.

III. COPYRIGHT

3.1 Programs containing copyrighted materials will not be cablecast without proper copyright authorization at the time of application. Producers submitting programs for cablecast are responsible for obtaining all necessary copyright clearance or talent releases and shall hold franchised cable operators and the City of Lincoln and other PEG access communities harmless in any case of any infringement.

3.2 Producers who become involved in copyright disputes which ultimately cause damages to either franchised cable operators or the City of Lincoln and other PEG access communities shall be denied the use of access facilities and equipment until voluntary reimbursement for such damages is made.

3.3 Users of public access equipment or facilities retain ownership rights to programs they produce. Users may register and establish a copyright at their discretion.

3.4 Copyright for creative properties (original scripts or plays, music, art work, etc.) shall accrue to the owner/creator of the property.

IV. CONDUCT ON PREMISES

4.1 No food, beverages or smoking shall be allowed within the production areas.

4.2 All users shall be prohibited from using the access channels and facilities if under the influence of alcohol or drugs, or otherwise not under full control of his or her senses, or if exhibiting disruptive or abusive behavior.

4.3 Users are responsible for providing all props or materials for a given program production. No flammable, caustic, toxic or explosive substances, alcoholic beverages or firearms are allowed in the studio. All uses of special effects must be approved in advance by the appropriate access coordinator. Live animals, weapons and other potentially dangerous items must be approved in advance by the appropriate access coordinator.

V. PUBLIC RECORDS AND INSPECTIONS

5.1 Franchised cable operators shall maintain a complete record of the names, street addresses and phone numbers of all persons requesting use of the public access equipment or facilities. This record shall be made available to the public during the regular business hours. All records of requests for public access time shall be kept for a minimum of two years.

5.2 Use of cablecasting equipment and channel time shall not be made available to any person who refuses to have his/her or its identity, street address and phone number maintained in the record and available for public inspection as required by this section.

5.3 Franchised cable operators shall retain producer liability agreements and program schedules for a period of two years from the time they are received or completed.

5.4 Programs of public meetings of governmental bodies are not considered an official record of meetings, and there shall be no liability for inadvertent erasures or omissions.

VI. REPORTS TO ADVISORY BOARD

6.1 The access coordinators shall quarterly submit to the Cable Advisory Board the following statistics:

(a) Access channel cablecasting
- (1) Total hours scheduled
- (i) Hours of new programming
- (2) Number of separate and distinct groups or individuals
  - (i) Number of first-time users

(b) Use of studio
- (1) Total time blocks scheduled/number of separate and distinct groups or individuals

(c) Live cablecasting

(d) Total time blocks scheduled/number of separate and distinct groups or individuals for each facility

(e) Use of editing facilities
- (1) Total time blocks scheduled/number of separate and distinct groups or individuals

(f) Workshops conducted
- (1) Number of workshops
- (2) Number of persons trained

VII. AUDIO BACKGROUND ON ACCESS CHANNELS

7.1 The City may elect to use radio broadcasts as audio background providers for any of the access channels.

7.2 Audio background providers shall be limited to non-profit or educational broadcast stations with a 501(c)(3) status which are licensed by the FCC.

7.3 Audio background providers shall be required to deliver a signal of good quality to the location designated by the appropriate access coordinator.

CHAPTER THREE

Additional Government/Educational (G/E) Access Provisions

The City of Lincoln has responsibility for the content of this chapter.

I. GOVERNMENT ACCESS CHANNELS

1.1 The government access channels shall be made available to agencies of federal, state, county and city government and other units of local government located within the City franchise area of Lincoln.

1.2 The objectives of the government access channels are:

(a) to provide public service information to the citizens of Lincoln;

(b) to increase awareness of the activities and deliberations of governmental, legislative and advisory bodies;

(c) to increase citizen knowledge of the various functions and responsibilities of governmental agencies;

(d) to help and encourage participation in program services to the maximum extent possible;

(e) to enhance training in internal communications opportunities for government employees;

(f) to increase awareness of events, attractions and activities which are open to the public; and

(g) to provide programming related to health and wellness including but not limited to chronic disease prevention, behavioral and mental health, accident and injury prevention and the promotion of health and wellness programs and projects.

1.3 All public meetings of government legislative bodies, advisory boards and commissions are authorized for cablecasting on the government access channels. All meetings cablecasted shall be covered from gavel to gavel and shall not be edited or subjected to editorial comment. Editing due to technical difficulties is permitted.

II. EDUCATIONAL ACCESS CHANNEL

2.1 All public meetings of educational legislative bodies, advisory boards and commissions are authorized for cablecasting on the educational access channel. All meetings shall be covered from gavel to gavel and shall not be edited or subjected to editorial comment. Editing due to technical difficulties is permitted.

2.2 The educational access channel shall be made available for use by any school, college or university located within the City franchise area of Lincoln.

2.3 The objectives of the educational access channel are:

(a) to provide a community awareness and develop an understanding of the diverse and considerable educational activities on-going within the service area;

(b) to encourage and assist the educational community within the service area to define and expand their continuing role of leadership;

(c) to exist as a confluence of the many individual institutions and provide further avenues of cooperation toward a common educational good;

(d) to provide a platform on which to expand the various existing curricula into the greater community as continuing educational opportunities; and

(e) to enhance and expand the opportunity for developing production skills in a technically-oriented world.

III. CONTENT

3.1 Programming on the G/E access channels shall include but not be limited to video (live and recorded) and messages and announcements using text and still images. There shall be no editorial control over programming on the educational access channels except to determine compliance with these rules. The Citizen Information Center shall have the right to deny or cancel programming based on noncompliance with G/E access rules.

3.2 The access channels shall not be used to advertise or promote the sale of products or services or for any other commercial purpose. Description or praise of a product, service, business or person which encourages purchase, trade or business is not permitted. Intentionally showing business or product names, logos and other symbols specifically for commercial promotion is prohibited.

(a) Limited identification and reference to sponsors who have funded or underwritten programming shall not be a violation of this rule.

(b) Information about events, attractions or activities connected with the Lincoln Convention and Visitors Bureau, Pershing Center, Pinnacle Bank Arena and any other government-owned event facilities shall be allowed even though some of these events, attractions or activities may be commercial in nature.

3.3 Programming on events or projects intended to raise funds solely for public purposes may be placed on the channel. Programming may not be used to solicit donations for non-governmental purposes with two exceptions:

(a) With prior approval of the access coordinator, programming may announce but not conduct fund-raising efforts sponsored by nonprofit organizations.

(b) Non-commercial radio stations providing audio background may conduct fund-raising as part of their normal activity.

3.4 Events, activities and attractions that are the subject of programming must be open to the general public and must be located or held within the City franchise area of Lincoln.

3.5 The access channels shall not be used to advertise or promote enrollment in schools, colleges or universities for which a fee or tuition is charged to gain admittance.

3.6 Obscene or indecent material is prohibited.

3.7 Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme is prohibited.

3.8 Use of the G/E access channels or facility for any production, editing, or programming which advocates one position in connection with any ballot issue is prohibited. Use of the G/E access channels or facility for any production, editing, or programming which features or portrays a candidate who has filed for any election for public office, is prohibited, with the exception of news conferences or regularly scheduled public meetings not related to any campaign or events in which all candidates are invited.

3.9 Use of the G/E access channels or facility for production, editing or programming of a religious nature is prohibited.

3.10 All uses of the G/E access facilities or staff for any production, editing or programming of any department, office, division or governmental body may be charged at the rates established by the Citizen Information Center.

3.11 Emergency programming shall have priority over all other programming.

3.12 If the G/E access coordinator feels a program may be in violation of program content rules, the program may be submitted to the Cable Advisory Board, which shall review such program at its next regularly scheduled meeting.

3.13 The City of Lincoln is permitted to use a legal disclaimer in connection with the cablecasting of any program.

3.14 The City of Lincoln and the G/E access coordinator shall not be liable for the inaccuracy of information placed on the channel.

IV. TRAINING OF GOVERNMENT/EDUCATION USERS

4.1 Everyone using G/E access facilities or equipment must take the access training to become familiar with access guidelines, procedures, and regulations.

(a) The G/E access coordinator will develop training programs for government and educational access.

(b) The frequency of classes for G/E access training will be determined by demand.

4.2 Training is open to all employees of eligible agencies, following approval of the governmental/educational agency director. Volunteers and students who participate in producing G/E access programs must also take part in training.

(a) Persons demonstrating proficiency may not be required to complete training programs. Proficiency will be demonstrated to and judged by the G/E access coordinator.

4.3 Annual training is required, but persons having at least 15 hours of production time during the previous year may be excused from such mandatory training requirement. Persons not meeting this criterion may gain permission to use access facilities or equipment through demonstration of proficiency or additional training.

4.4 The G/E access coordinator is responsible for providing all users with guidelines for use of current studio and remote equipment being used, including a checklist of procedural steps, a general checklist for use of the studio, and a checklist for each specific piece of equipment. Complete operating instructions shall be made available for all equipment.

V. GENERAL REQUIREMENTS FOR SHOW PRESENTATION

5.1 Volunteers or students may participate in government or education program productions. If a volunteer or student is participating in the government or education productions, an employee of the user agency must be present during studio production or editing sessions.

5.2 Agencies and educational institutions desiring to use the G/E access studio must request that they be placed on a list of approved agencies. The initial listing must be requested over the signature of the chief administrative officer of the agency. The listing must be filed with the G/E access coordinator.

(a) Subsequent approval of training and production projects and personnel may, at the discretion of the user agency, be delegated to the heads of appropriate departments or divisions of the user agency, provided a list of such authorized personnel is filed with the G/E access coordinator.

5.3 Government and educational agencies may sponsor programs by meeting the following criteria. Failure to comply with these rules may result in the denial or cancellation of the program for cablecast.

(a) The sponsoring agency should have a direct role in developing program content and/or approving content prior to production.

(b) The sponsoring agency must provide written approval of sponsorship prior to cablecast.

(c) Program content must be directly related to the mission, responsibilities, or functions of the sponsoring agency. The Community Health Endowment of Lincoln shall be recognized as an eligible sponsoring agency. Governmental and educational agencies shall not sponsor programs which have no relationship, or are only indirectly related to the agency and its mission.

VI. G/E PRODUCTION FACILITIES AND EQUIPMENT

6.1 When heavy scheduling demands occur, the G/E access coordinator shall have discretion to prioritize reservations.

6.2 Programs and copies produced using G/E access facilities and equipment shall not subsequently be distributed for profit without the express written permission of the City of Lincoln.

6.3 Equipment, studio facilities, and editing facilities may be reserved on a first-come, first-serve basis either in person or by telephone.

(a) All reservations for the equipment or other facilities must be approved by the G/E access coordinator.

(b) Exceptions to the rules may be granted by the G/E access coordinator upon written justification from the user.

6.4 Due to limitations of space, no sets or props may be stored at the production facilities.

6.5 G/E access users are responsible for providing programs in whatever formats are required by the G/E access coordinator.

6.6 A G/E access producer's program may not be duplicated for anyone other than the producer without his/her written permission.

6.7 The remote truck is for programming applications which cannot be accommodated through the use of other facilities or equipment.

6.8 The remote truck can be reserved by contacting the G/E access coordinator at least two weeks, but no more than three months, before the desired date. The request must be accompanied by a program proposal. Permission may be denied, if studio or portable equipment is a more suitable means for production.

6.9 The truck may be reserved for no more than 24 hours during one week. Exceptions may be granted by the G/E access coordinator. The truck may not be driven out of Lancaster County without the permission of the G/E access coordinator.

6.10 A user must also provide to the G/E access coordinator, at least three days prior to usage, satisfactory assurances that these arrangements have been made:

(a) Parking permits and parking space for the truck have been obtained.

(b) Safe, environmentally protected work areas have been secured for the crew and equipment.

(c) Written permission for the use of the production location has been obtained, unless it is under the management of the user agency.

(d) All necessary power required for production is available on the proposed site.

6.11 The user agency assumes full responsibility for any damage to equipment or production facilities. User agency shall agree, as a condition to use, to indemnification and reimbursement for all damage to equipment and facilities caused by neglect, abuse, theft, or other calamity, which occurs while such equipment or facilities are assigned to the user agency. Ordinary wear and tear are not cause for recourse.

6.12 If a piece of equipment malfunctions, the producer shall notify the G/E access coordinator as soon as possible. Under no circumstances shall the producer attempt to repair the equipment.

VII. MISCELLANEOUS

7.1 The producers and/or sponsors of each program including local sponsors of an imported program shall be placed in the production credits by the user.

7.2 Promotion of G/E access programming is the responsibility of the producing agency.

7.3 Any G/E access user who is dissatisfied with the administration, enforcement, etc. regarding these rules, may submit such matter to the Cable Advisory Board.

7.4 Failure to comply with these rules may result in the denial or cancellation of further access. Whenever a penalty is imposed, the G/E access coordinator shall report the violation and penalty to the Cable Advisory Board at its next meeting.

7.5 The rules governing the G/E access channel shall be reviewed regularly by the Cable Advisory Board and the appropriate associated entity.