

COMMUNITY VOICE CHANNEL, INC.
COMMUNITY ACCESS CHANNEL OPERATING RULE

(Adopted June 17, 2010)

1. INTRODUCTION.

a) The Board of Directors of Community Voice Channel, Inc. (CVC) adopts these operating rules in furtherance of its goal to manage and administer community access (public, educational and government) television in a fair, equitable and responsible way. These operating rules further are designed to comply with the regulations of Connecticut State Agencies, §16-331a-4, which requires all community access providers, such as CVC, to have operating rules.

b) These operating rules include the proposed rates and charges, if any, that apply to the use of the public, educational and governmental access channels and for CVC facilities, equipment and services. They also apply to the use of return lines by either a public school or municipal government for transmitting access programming for live distribution over the access channels managed by CVC. These operating rules also incorporate the forms and applications CVC uses for program producers, the rules governing how CVC allocates equipment, and the program content guidelines that producers are required to follow. These operating rules also govern who owns the copyright to programs created with CVC resources, and how channel time for televising programs is allocated and scheduled.

c) Community Voice Channel, Inc. is a non-stock, non-profit corporation operating under the laws of the State of Connecticut and Internal Revenue Tax Code Section 501(c)(3). It serves the public, in general, and the producers and providers of access programming, and the cable subscribers, in particular, in the towns of Andover, Bolton, Ellington, Hebron, Marlborough, Tolland and Vernon, Connecticut. The Connecticut Department of Public Utility Control designated CVC as the community access provider (CAP) pursuant to its Decision, Docket No. 95-04-26 (April 1, 1998). This decision also provided for major funding for CVC on a per-subscriber basis, and it further ordered that the cable operator (currently Comcast) provide three access channels (currently channels 5, 17 and 19, which are designated for public, government and educational access, respectively) for the franchise term.

2. DEFINITIONS

a) **Producer.** A person or organization that is responsible for the creative elements of any community access television program televised by CVC. Creative elements include decisions about programming content and the manner of presentation of the program's message, such as through the use of editing, graphics and production effects.

b) **Provider.** A person or organization that takes legal responsibility for a program produced by someone else.

c) **Crewmember.** A crewmember is any person who operates production

equipment (e.g. cameras, editing equipment, and character generators) and assists a producer in the creation of a community access television program.

3. ELIGIBILITY TO BE A CVC PRODUCER OR PROVIDER

- a) An eligible CVC producer or provider must meet one of the following requirements:
- b) Be a natural person at least 18 years of age and reside in Andover, Bolton, Ellington, Hebron, Marlborough, Tolland or Vernon, Connecticut.
- c) Be an organization or other entity that is not-for-profit, recognized by the State of Connecticut as a legal entity, and be based, or have a chapter that is based, in one of the seven towns served by CVC.
- d) Be a state-certified educational institution or government-sponsored or eleemosynary library in one of the seven towns served by CVC.
- e) Be a governmental entity or official whose area of jurisdiction or representation includes citizens within one or more of the seven towns served by CVC.
- f) CVC, itself, is eligible to be a producer or provider of any community access (public, educational or government) programming. Such programs shall be for the purposes of furthering some public interest, and may also be created for the purposes of training or providing opportunities for persons not otherwise connected with an independent producer to participate in the television production activities.

4. PRODUCER OR PROVIDER REQUIRED FOR EACH ACCESS PROGRAM

- a) All eligible community access producers who seek access to the public, educational, and government access channels must sign a channel use agreement for each program or series of programs to be cablecast. The agreement makes the producer or provider legally responsible for the programming content. Persons less than 18 years of age may be crewmembers associated with an eligible producer if they are sponsored and supervised by an adult with permission from a parent or guardian; however, they cannot sign a channel use agreement and be legally responsible for programming content.
- b) If the producer or provider is an organization, it must act through a person it designates as an agent who is a person at least 18 years of age and is duly authorized by the organization to legally bind it to the terms of the channel use agreement. CVC management reserves the right to require any person purporting to be an agent of an organization to present proof that he or she is so authorized.

5. USE OF CVC EQUIPMENT, CERTIFICATION.

a) All producers and crew members must be pre-qualified to use the equipment and facilities through one or more of the following methods:

- i) Successful completion of a training course sponsored by CVC.
- ii) Verification by CVC of outside training or prior skills, or
- iii) Successful completion of a competency examination administered by CVC.
- iv) Equipment users may, in addition to being pre-qualified as referenced above, be required to periodically demonstrate his or her knowledge of the equipment operation to retain his or her privileges, and undergo training on the use of newly-acquired equipment.

b) Program Production

- i) Sign and submit a Cablecast Release Form. The signed form will be kept on file at CVC. In the case of a current series of programs, only one form needs to be signed every thirteen weeks. One time only, not regularly scheduled programs need only one cablecast release form per program.
- ii) A pre-production meeting with staff may be scheduled to discuss equipment/facility needs and or reservations. In the case of Studio productions, Producers are responsible for securing a minimum of two camera operators, a director, an audio technician, and an electronic graphics operator.
- iii) Raw footage tapes can be obtained from staff. CVC recommends that producers purchase their own tape stock to ensure quality.
- iv) Refer to the "Studio Pre-Production Check List" or "Site Survey Check List" for additional producer responsibilities.

c) Equipment, Facilities, Edit Time and Training

- i) The use of equipment and facilities by Producers for creating community access productions shall be free of charge including the use of the CVC facilities, CVC equipment and tape stock.
- ii) Reservations for all equipment, training and facilities will be handled on a fair and equitable basis. The first come, first serve principal will apply.
- iii) Two weeks notice is requested.
- iv) CVC staff will reserve the appropriate space(s) in the "Equipment Sign Out Calendar" with the producer's name, equipment requested and time out/back. Any special needs should be requested at this time. Time with staff is required to be scheduled in advance with the staff member's approval.
- v) Each piece of portable equipment must be checked out and signed for on the Equipment Liability Form (see copy as Attachment B). Producers must sign this form taking responsibility for the equipment. **It is recommended that the equipment be set up before leaving the station to be sure it is in working condition and that you have all the components needed for your production.**

- vi) Portable equipment may be borrowed for up to forty-eight (48) hours with staff approval.
 - vii) Equipment must be returned immediately after use, or the afternoon of the following business day.
 - viii) Equipment will be checked in by staff to ensure proper working condition. Notation of any malfunction or breakage of equipment must be made on the “Equipment Liability Form” and reported verbally to CVC staff.
 - ix) All equipment MUST be repackaged properly and RETURNED to its proper place in the CVC Studio. Check with staff if you are unclear on this procedure.
 - x) All batteries must be recharged after use. Please notify staff of battery status.
 - xi) CVC reserves the right to charge a fee for late return of equipment.
 - xii) Raw footage tapes are considered part of the equipment checked out. CVC tape stock is recycled. CVC cannot assure the quality of the tapes it provides. Producers are encouraged to purchase their own tape stock. The producer is responsible for the LABELING of all tapes and tape boxes with at least Producer name, date and subject of footage. Producers are responsible for putting their tapes on the raw footage shelf. Staff cannot be held responsible for lost raw footage.
 - xiii) A master tape will be issued to the Producer for editing, or the Producer may provide his or her own. After editing, all raw footage tapes must be returned to staff for recycling.
 - xiv) Producers are asked to notify staff of cancellations as soon as possible.
- Producers are responsible for loss or damage to the equipment while it is checked out to them.
- d) Graphics, Titles, and Credits:
- i) It is the policy of CVC that there will be no on-air thanks, either verbally, visually or in text for any profit-making business. Sponsors of the activity being video taped, including profit – making businesses, can be mentioned by name only, no address, telephone number, website address or explanation of the sponsor’s business can be given
 - ii) End credits must include: producer, director, camera, audio, graphic crew as well as Production Facility: Community Voice Channel, Bolton, CT.
 - iii) Titles during the show should have the person’s full name and any title that reflects their “expertise”.

6. PRIORITIES IN USE OF EQUIPMENT.

a) Though crew members need not be community residents, they must be working in support of an eligible producer. In the event of a conflict in scheduling the use of equipment, the conflict is resolved by giving priority to community residents over nonresidents. All producers and crew members must complete all forms and sign all statements and agreements pertaining to equipment checkout, rules compliance and legal responsibility and accountability.

b) CVC shall determine the availability of fixed studio and portable equipment for producers and crew members based on any or all of the following:

c) Whether the equipment desired is in good working order.

d) The technical sophistication required to operate the equipment, the technical knowledge and training of the potential equipment user, and CVC's judgment as to whether there is a need for a qualified staff person to be available to offer technical and programming assistance, and the availability of such staff person.

e) Whether the equipment desired for use by a producer or crewmember has replacement or back-up equipment readily available.

f) The need for the equipment's availability to CVC staff to ensure proper, overall operation of the station.

g) The availability of sufficient numbers of crewmembers needed to operate the equipment for the desired production, and any other reasonably based technical considerations which in the discretion of CVC are determined to be necessary for ensuring the smooth and reliable operation of the station in general.

h) The reservation procedure for equipment shall be as required by CVC management. Only community access programming production shall be permitted, and then only by eligible producers and crew members.

i) To ensure equal access to all potential users, CVC will establish equipment access priorities based on production and telecasting time slots and the allocation of resources between public, educational and governmental access as determined by the CVC Board of Directors.

7. POLICY REGARDING AVAILABILITY OF RETURN LINES FOR SCHOOLS AND MUNICIPAL BUILDINGS.

a) A return line is a connection that permits community access television programming to be transported directly from a remote location other than the CVC facilities to the cable operator's head-end for dissemination to the cable subscribers. The remote locations can be either a public school or a principal municipal government building. Under the terms of the franchise agreement between the Connecticut Department of Public Utility Control and the cable operator (presently Comcast), the cable operator is obligated to provide two return lines at no charge within each of the seven municipalities served by CVC, provided the municipality demonstrates, through a reasonable plan for utilization, a need for each return line. The cost for any additional return lines, or relocation of any already-established return line would be borne by the municipality requesting same. Any municipality or public school desiring a

return line should follow the following procedure:

i) Contact either the President of the CVC Board of Directors or the Chair of the Cable Advisory Council with a request that a particular building be a designated site or sites for the desired return line(s). The recipient of the request will, in turn, notify his or her counterpart and together contact the cable operator and inform it of the request. CVC and the Advisory Council shall thereupon assume equal roles in coordinating and prioritizing the return line selection process subject to the cable operator's technical and related capabilities. The CVC President and the Chair of the Advisory Council also will appoint an ad hoc committee with members from the CVC Board, Advisory Council and the municipality desiring the return line.

ii) The ad hoc committee will assist the municipality desiring the return line develop a plan of use and need. Such plan should include a list of the television production equipment to be acquired by the school (if for education access) or acquired by the municipal government (if primarily for government access). Such equipment may include production equipment owned by CVC and to be made available for its shared use with other community access producers (e.g. portable cameras, editing equipment). The plan of use and need also should include a personnel plan, which may include school or governmental paid staff, volunteers, students or other resources. Pursuant to the Franchise Agreement, any video equipment and other costs associated with the remote production of programming will be the responsibility of the municipality, school system or other PEG access party.

iii) The ad hoc committee will recommend to CVC and the municipality concerned a plan of training, including start-up technical training and advice for the operation and activation of the return line from the cable operator as required in the Franchise Agreement.

iv) The ad hoc committee will develop a scheduling plan to be recommended to the CVC Board of Directors which, pursuant to the Franchise Agreement, shall be responsible for scheduling and switching any programming carried over the return lines among the PEG access channels.

8. PRIORITY FOR LOCAL PRODUCERS.

a) Any program requested to be cablecast that is not produced by a local producer as defined in these rules may be preempted in preference to locally produced programming.

9. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL PRODUCTIONS DEFINED.

a) Public Access Television Productions. This category comprises programming where responsibility for the content is assumed by an eligible producer or provider who otherwise does request qualify as an educational or governmental

producer or provider as defined in these rules. Public Access Television Productions may be intended for any purpose and may include information, entertainment, or the expression of points of view, without limitation, unless prohibited elsewhere in these rules.

b) Educational Access Productions. This is programming where responsibility for the content is assumed by a state-certified educational institution or government sponsored or eleemosynary library located within one of the towns served by CVC. Such programming may be intended to instruct or educate in an academic curriculum recognized by state-certified educational institutions and follow a pre-arranged course of study. Such programming may also be designed to inform the general public about educational programs, and about school-sanctioned or library-sanctioned events, such as sports programming, spelling bees, choirs, extra-curricular speakers, and the like. Educational Access Productions include “distance learning”, “television courses”, and informational videos about educational courses and institutions.

c) Government Access Productions. There are two categories of Government Access Productions:

i) Governmental Proceedings, which is programming that comprises live or videotaped official proceedings of local, state or federal governments, and is generally unedited, gavel-to-gavel coverage without editorial comment similar to C-SPAN and other public affairs programming.

ii) Governmental Informational Programming, which is programming where responsibility for the content is assumed by elected or nonelected federal, state, or local government officials or their representatives. Such programs generally are hosted by and guests are arranged by government officials. This programming may be edited and produced with a certain point of view in mind.

d) CVC productions. This category comprises programming where the responsibility for the production and content are assumed by CVC, itself. It may include public, educational or governmental productions. Such programming shall be produced at CVC’s discretion and shall be intended primarily to provide the viewing public in the towns served by CVC with access to one-time or regular cultural, political, social, educational, or public events sponsored by non-profit organizations or groups. Though coverage of such events may benefit the non-profit organizations or groups that sponsor the covered event, the primary beneficiary of CVC Productions shall be the general public. These productions may also provide a setting for the training and participation of persons who are not associated with, or prefer not to be associated with, an independent producer. Groups, individuals, organizations and businesses may be requested by CVC to provide monetary or in-kind assistance to help fund CVC productions. Such underwriters may be recognized for their generosity by the telecasting of underwriting credit announcements pursuant to CVC’s policies.

10. CABLECASTING AND PRODUCTION SCHEDULES. THIRTEEN WEEK RULE REGARDING PUBLIC ACCESS PROGRAMMING.

a) **Cablecasting and production schedules.** Public Access programming generally will be televised on the public access channels, educational on the educational access channels, and governmental on the governmental access channels. However, CVC may also telecast in its discretion public access productions that are educational or governmental related on those channels. It may also cablecast in its sole discretion any public, educational or governmental productions on any of the PEG channels to avoid scheduling conflicts, maximize exposure, or for any other reason it deems to be in the public interest. CVC further reserves the right to establish time slots for production and telecasting each type of programming defined above, and to allocate resources between the above-defined categories, establishing as many or as few times slots for production and telecasting for each category, or to subdivide or readjust categories as future conditions warrant without notice.

b) **Thirteen week rotation rule for regularly scheduled public access productions and cablecasting.** In compliance with Connecticut Public Act 94-22, the following shall apply to regularly scheduled public access productions (educational and governmental access productions are exempt):

- i) As eligible producers are certified, their names shall be added to a waiting list maintained by CVC staff. Prior to each October 1, January 1, April 1, and July 1, CVC shall provide to all present public access producers and to all eligible public access producers on the waiting list notice of all regularly scheduled public access television cablecasting time slots that will be available for the ensuing 13 weeks.
- ii) The first name at the top of the waiting list will have first choice of available, regularly-scheduled production and telecasting time slots, the second name will have second choice, etc., even if that eligible time slot is presently occupied. Any producer on the waiting list who does not obtain an acceptable choice for cablecasting time slots may “pass” and move up the waiting list for the next 13 week period. Any producer who presently occupies regularly scheduled cablecasting time slots and who is “bumped” by a producer on the waiting list shall be put on the end of the waiting list. Throughout the course of the next 13 week period, as new public access producers become eligible, their names shall be added, upon request, to the waiting list for consideration at the next assignment of regularly scheduled time slots.
- iii) Upon request, any eligible producer producing a regularly scheduled public access television production whose production or time slots are not reassigned may continue his or her present production or telecasting time slots for the ensuing 13 week period.
- iv) CVC reserves for itself the right to reassign telecasting time slots for good cause, including, but not limited to providing time slots that accommodate non-regular or one-time-only public access television

productions, adjusting schedules when producers drop out in the middle of a 13-week cycle, or for providing later telecasting time slots if materials unsuitable for viewing by children are contemplated.

11. One-time only, not regularly-scheduled productions. To ensure fairness and accessibility for all, productions using portable equipment not regularly scheduled, this equipment will be scheduled on a first-come, first-served basis and only within the current 13-week cycle.

12. Fees for technical assistance, production expenses, tapes, and gasoline (travel reimbursement). The use of equipment and facilities by certified producers and users for creating community access productions shall be free of charge. CVC may charge a fee for individualized or special group technical assistance and for other production expenses, including but not limited to tapes, DVDs, transportation (mileage) expenses, and other expenses allowable under the regulations of the CT Department of Public Utility Control.

13. COPYRIGHT AND PRODUCTION FEE.

a) **Copyright.** The copyright to the programming created by any producer using CVC equipment shall be owned by the producer. However, the producer shall license to CVC, in perpetuity, the non-exclusive right to telecast the programming over CVC or other non-profit community access channels and to make copies for non-commercial uses including, but not limited to maintaining a station archive of programming produced, exhibits, video contests, and for individual copies where such copies are intended only for individual home viewing and not as part of any marketing plan for general duplication and distribution. The producer further shall assign to CVC for a period of five years all of his/her rights to receive fees or royalties from copies or uses made from the programming unless the production fee and royalties, fees or other compensation as provided for in the following paragraph is paid.

b) **Production fee.** If the producer duplicates, displays, telecasts, or performs any programming created over any medium and receives compensation therefrom, or if the work is telecast over any commercial video distribution system, the producer shall pay to CVC a production fee, the amount of which shall be based on the prevailing fair market value, at commercial rates, of the production equipment and services provided by CVC and used for the creation of the work. Upon payment of this fee, CVC will release the producer from its five-year obligation (see preceding paragraph) to pay fees or royalties from copies or other uses made from the programming

14. USE OF CVC EQUIPMENT TO FURTHER PECUNIARY INTERESTS PROHIBITED. SOLICITATION OF FUNDS, TELETHONS.

a) **General prohibition against commercial use.** Use of the community access cable channels or CVC's equipment for the purpose of furthering the commercial interests of a producer, provider, crewmember, or any other individual or entity is prohibited. The preceding shall not prohibit the use of CVC equipment for purposes other than community access provided CVC is

compensated, all federal and state requirements related to the generation and reporting of unrelated business income are met, and the use does not substantially affect the equipment's availability for community access use.

b) **Solicitation of funds, telethons.** There shall be no direct solicitation of funds by any entity, including not-for-profit entities, except for the general support of CVC pursuant to the direction of the CVC Board of Directors.

15. PROHIBITED PROGRAMMING.

a) **Technical quality.** Any program requested to be cablecast may be rejected if in the opinion of CVC management, the program is of poor technical quality, or if it reasonably appears that the producer or provider is not in compliance with these rules.

b) **Content.** The following program content is prohibited:

- i) a lottery or game of chance, or any promotion thereof;
- ii) any presentation of advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office;
- iii) any obscene material;
- iv) any sexually explicit conduct; and
- v) any material soliciting or promoting unlawful conduct.

16. Restricted Programming.

a) Any producer or provider who assumes responsibility for the content of a program shall have an affirmative duty to inform CVC management of any show or episode whose content contains the deliberate use of language or images of or refers to excretory or sexual activities or organs, depicts real or simulated gratuitous violence against persons or animals, or treats in a patently offensive, shocking or intensely disrespectful manner any person, property, icon or other image generally held to be sacred or revered by society in general or certain cultures in particular. CVC shall thereupon schedule the cablecasting of that show or episode at a time when children are likely not to be in the viewing audience, which time shall be between the hours of 12 midnight and 6 a.m., with the specific time of airing within that time slot at CVC's discretion.

17. SUSPENSION FROM USE OF FACILITIES AND CHANNELS, GRIEVANCE PROCEDURE.

a) CVC's President of the Board, after consultation with the CVC Station Manager, may suspend further telecasts of any program and any person's further use of equipment and facilities if the responsible Producer, Producer/Provider, Provider or User has not complied with these rules, or the house rules posted in CVC facilities.

b) Producers, providers and crew members whose programming or use of the facilities violates any rule or law may have their use of the facilities or the telecasting of their programming suspended for a minimum of 10 days to a maximum of 30 days, length to be determined at the discretion of the Station Manager or Board President

Upon suspension the responsible producer, or provider, and, if applicable, the crewmember, shall be given notice to show cause why his or her access to the channel, equipment or facilities should not be continued or made permanent. Notice shall be sent via first class mail, certified, return receipt requested, at the address given by the producer, provider or crewmember as required of all such persons. Failure to respond within 7 days, or failure to keep CVC apprised of an address at which the producer, provider or crewmember can be reached by such means, automatically causes revocation of access privileges for that producer, provider, and/or crewmember. Upon receipt of an explanation in response to the "show cause", the President may take any of the following actions:

- i) Find cause to refuse further access;
- ii) Find cause to permit further access, with or without conditions or further assurance;
- iii) Find cause to petition the Connecticut Department of Public Utility Control for a Declaratory Ruling.

c) Any producer, provider, crewmember who is aggrieved by the decision of the CVC President may appeal his or her decision to the Policy Committee of the CVC Board of Directors within 15 days of the CVC President's final decision. All such appeals must be in writing, must state the basis of the appeal, and be accompanied by any supporting documentation and addressed to the President, Community Voice Channel, Inc.

- i) The President will distribute the written appeal to members of the Board of Directors Policy Committee. A hearing will be held within 45 days of its receipt by the Policy Committee. The person filing the appeal has the right to supplement his or her written appeal with oral testimony at the Committee's meeting. The Policy Committee will render a decision within 10 days following the close of the hearing and mail a written copy to the person filing the appeal. However, the Policy Committee may extend the time for making its decision by 30 days if it determines additional information or time is needed.
- ii) The decision of the Policy Committee is final unless the President or the aggrieved party appeals said decision to the full Board of Directors within 10 days of the decision of the Policy Committee.

18. RESERVATION OF RIGHTS TO REGULATE OPERATIONS.

a) CVC reserves the right to waive any self-imposed regulation when such a waiver is determined by the President to be in the public interest. Unless specifically waived, any violation of laws, these rules or any other written policies of CVC, may cause CVC to withhold the use of its facilities from any person. All producers, providers and crewmembers will be held accountable for their actions by law and these regulations.

b) These rules shall be subject to periodic revision and change, without notice, upon approval by the CVC Board of Directors.

Station Policies and Procedures

(As approved June 17, 2010 as amended)

The Community Voice Channel

105 Notch Road
Bolton, CT 06043
(860) 645-1454
www.ctcvc.org

For Producers

I have read, am familiar with and agree to abide by The Community Voice Channel Policies and Procedures as set forth in this document.

Signature _____

Date: _____

Name (Printed) _____

Address _____

City _____

State _____

Zip _____

Home Phone _____

Work Phone _____

Cell _____

For PARENT or Legal Guardian if Producer is under 18 years of age:

I have read, am familiar with and agree to accept responsibility for my young adult

(Please print minor's name) _____

To observe The Community Voice Channel Policies and Procedures as set forth in this document.

Signature _____

Date: _____

Name (Printed) _____

Address _____

City _____

State _____

Zip _____

Home Phone _____

Work _____

Can we add your name & phone number to our directory for use by other CVC volunteers producing a program looking for crew? (Circle one) Yes No (If yes please circle the number above you would like us to give out.