

SIMSBURY COMMUNITY TELEVISION, INC.
COMMUNITY ACCESS CHANNEL POLICIES & PROCEDURES

1. INTRODUCTION. - BASIC OPERATING POLICIES. The purpose of these Policies & Procedures is to outline the mission statement of Simsbury Community Television, Inc., and to provide the following:

- a. studio and equipment scheduling and use information,
- b. program content guidelines,
- c. program copyright ownership rules, and
- d. a description of how channel time is allocated and scheduled.

2. MISSION STATEMENT. Simsbury Community Television, Inc. (hereinafter "SCTV"), 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). Its mission statement is as follows:

a. Providing necessary information to persons or groups so that they may effectively use the community (public, educational and governmental, P.E.G.) access channels on the cable television system serving the Town of Simsbury.

b. Making available instruction in the use of video and other electronic equipment so that the people served can produce television programs and cablecast them, according to the rules of the Corporation.

c. Providing a structure in which people can learn, create and develop ways to use community (P.E.G.) access cable television channels and audio-visual equipment.

d. Coordinating and scheduling the use of all audio-visual equipment owned by it for its use in television production and program transmission on the community (P.E.G.) access cable television channels in Simsbury.

e. Maintaining records concerning past programming, including the archiving of videotapes and other documentation,

and making such records available to interested persons or groups for civic purposes.

f. Engaging in research designed to assess community response to programming on the community (P.E.G.) access cable television channels so as to ascertain areas of need for additional or different programming.

g. Implementing or aiding in the implementation of such additional programming as the need for such is ascertained.

3. ELIGIBILITY TO USE EQUIPMENT AND ACCESS CHANNELS.

a. Eligibility. An eligible Producer or Provider as defined in these policies & procedures must take responsibility for his/her program shown on the community access channels and for his/her use of SCTV owned equipment. Persons under 18 years of age are not eligible to be Producers or Providers, though persons under 18 may be Users associated with an eligible Producer if they have written permission from a parent or guardian and they are sponsored and supervised by an adult who is eligible to use SCTV equipment and facilities.

b. Certification. All Producers and Users must be pre-qualified to use the equipment and facilities through one or more of the following methods:

- (1) Successful completion of a training course sponsored by SCTV,
- (2) Verification by SCTV of outside training or prior skills, or
- (3) Successful completion of a competency examination administered by SCTV.

c. Producer, Producer/Provider, and Provider defined. Eligibility.

(1) A "Producer" determines the creative elements of programming (e.g., content, place of production, manner of presentation, etc.) using the equipment and/or facilities of SCTV. All eligible community access Producers (public, educational, and government) must prepare and sign an accurate and complete channel use agreement for each program to be cablecast and be legally liable to SCTV and all other parties for the program content. However, only one channel use agreement need be executed for a series of related programs.

A Producer must be a person at least 18 years of age or an entity that is recognized under Connecticut law as a not-for-profit organization. If the Producer is an organization, it must act through 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. SCTV 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.

If an individual purports to control the creative elements of programming (e.g., content, place of production, manner of presentation, etc.) but the production actually is controlled by an organization, SCTV will consider the organization to be the Producer and the individual an agent of that organization. In such case, the organization must provide proof that it meets the qualifications to be an eligible Producer. See paragraph (4) in this section below.

(2) A "Producer/Provider" determines the creative elements of programming (e.g., content, place of production, manner of presentation, etc.). A Producer/Provider is eligible to be trained and to use SCTV equipment and/or facilities but instead uses other TV production equipment. A Producer/Provider must meet all the requirements, rules and conditions required of a Producer except for the training requirements needed to use SCTV production equipment.

(3) A "Provider" assumes responsibility for a program produced by someone else. Each program a Provider wants televised on the community (P.E.G.) access channels must have a channel use agreement signed by the Provider, though only one channel use agreement need be executed for a series of related programs.

(4) In order to be eligible to have community access (public, educational or government) programming cablecast by SCTV, Producers, Producer/Providers, and Providers and must meet one of the following:

(i) If a natural person, resides or works in Simsbury or is a member of a Simsbury community-based program.

(ii) If an organization or other entity, be a not-for-profit organization/entity recognized by the State of Connecticut and be based, or have a chapter that is based, in Simsbury.

(iii) Be a state-certified educational institution or government sponsored or eleemosynary library in Simsbury.

(iv) Be a governmental entity or official who has jurisdiction within Simsbury.

(v) SCTV, itself, may be the Producer or Provider of any community access (public, educational or government) programming.

d. User defined. A User is any person SCTV allows to use public access equipment either at its community (P.E.G.) access programming facilities or off-site. A User must either be an approved Producer (see requirements above) or be working in conjunction with an approved Producer. A User must agree to observe all of the corporation's rules, policies and procedures, and to be legally responsible for safeguarding equipment and returning it in the same condition as when received normal wear and tear excepted. Though Users need not be Simsbury residents, in the event of a conflict in scheduling, the conflict may be resolved by giving priority to Simsbury residents. All Producers and Users must complete all forms and sign all statements and agreements pertaining to equipment checkout, rules compliance and legal responsibility and accountability. An equipment User 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. A User may be under 18 years of age if he or she has written permission from a parent and is supervised by an adult who is eligible to use SCTV equipment and facilities. Also, a User under 18 may not check out equipment in his or her own name.

e. Allocation of fixed and portable equipment. SCTV staff shall determine the availability of studio and portable equipment for Producers and Users based on any or all of the following:

(1) Whether the equipment desired is in good working order.

(2) The technical sophistication required, the technical knowledge of the potential User, and SCTV staff'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.

(3) SCTV staff's judgment as to the amount of wear and tear each use of the equipment will cause, the equipment projected technical life expectancy and SCTV's timetable to replace the equipment.

(4) Whether the equipment desired has replacement or back-up equipment readily available.

(5) The need for the equipment's availability to SCTV staff to ensure normal and efficient operation of the station.

(6) The availability of a crew of trained volunteers needed to operate the equipment for the desired production, and any other reasonably based technical considerations which in the discretion of the SCTV staff, are determined to be necessary for ensuring the smooth and reliable operation of the station in general.

(7) Equipment shall be reserved in accordance with SCTV staff requirements and used only for community access programming.

(8) To ensure equal access to all potential users, SCTV staff will establish equipment access priorities based on production and cablecasting time slots and the allocation of resources between public, educational and governmental access.

4. PRIORITY FOR LOCAL PRODUCERS. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL PROGRAMMING DISTINGUISHED. SCTV-PRODUCED PROGRAMMING.

a. Locally produced programming given priority. Any program requested to be cablecast that is produced by a local producer as defined in these rules may be given scheduling preference to any programming that is not produced locally.

b. Public, Educational, and Governmental productions defined.

(1) **Public Access Television Productions.** This category comprises programming where responsibility for the content is assumed by an eligible producer or provider *who otherwise does not meet the qualifications 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.

(2) 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 the town of Simsbury or by SCTV, itself. Such programming generally shall 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.

(3) Governmental 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.

(ii) Governmental Information Programming, which is programming where responsibility for the content is assumed by elected or non-elected federal, state, or local government officials or their representatives. Such programs generally are hosted by and guests are arranged by government officials.

c. SCTV productions. This category comprises programming where the responsibility for the production and content are assumed by SCTV, itself. It may include public, educational or governmental productions. Such programming shall be produced at SCTV's discretion and shall be intended primarily to provide the viewing public in the town of Simsbury 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 SCTV Productions shall be the general public. These productions may also provide a setting for the training and education of persons who either are not associated with, or prefer not to be associated with, a particular producer. Groups, individuals, organizations and businesses may be required to provide monetary or in-kind assistance to help fund SCTV productions. Such underwriters may

be recognized for their generosity by the cablecasting of underwriting credit announcements pursuant to SCTV's policies.

5. 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 channel, educational on the educational access channel, and governmental on the governmental access channel. However, SCTV may also cablecast 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.

SCTV further reserves the right to establish, without notice, time slots for production and cablecasting each type of programming defined above, and to allocate resources between the above-defined categories, establishing as many or as few time slots for production and cablecasting for each category, or to subdivide or readjust categories as future conditions warrant.

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 in the event of a program scheduling conflict:

(1) As eligible producers are certified, their names shall be placed on an alphabetized waiting list maintained by SCTV staff. Prior to each October 1, January 1, April 1 and July 1, SCTV shall post a notice on its premises of all regularly scheduled public access television production time slots that will be available for the ensuing 13 weeks. SCTV shall also provide notice of all regularly scheduled public access television cablecasting time slots that will be available for the ensuing 13 weeks. The cablecasting time slots will lag by approximately one month from the production time slots so as to provide a build-up of programs before cablecasting.

(2) The first name at the top of the waiting list will have first choice of available, regularly-scheduled production and cablecasting 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 production and cablecasting time slots may "pass" and move up the waiting list for the next 13-week period. Any producer who presently occupies regularly scheduled production and 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.

(3) 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 cablecasting time slots for the ensuing 13 week period.

(4) SCTV reserves for itself the right to reassign cablecasting 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 cablecasting time slots if materials unsuitable for viewing by children are contemplated.

c. One-time only, not regularly scheduled productions.

To ensure fairness and accessibility for all, SCTV equipment and the studio will be scheduled on a first-come, first-served basis and only within the current 13-week cycle.

d. Technical assistance, production expenses and tapes.

The use of equipment and facilities by certified producers and users for creating community access productions shall be free of charge. SCTV may charge a fee for technical assistance, production expenses and tapes in accordance with SCTV's rate sheet.

6. COPYRIGHT AND PRODUCTION FEE.

a. Copyright. The copyright to the programming created by any Producer using SCTV facilities and/or equipment shall be owned by the Producer. However, the Producer shall license to SCTV, in perpetuity, the non-exclusive right to cablecast the programming over the 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 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 SCTV for a period of 20 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 for which SCTV has a license, and receives compensation therefore, or if the work is telecast over any commercial video distribution system, the Producer shall pay to SCTV 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 SCTV and used for the creation of the work.

7. USE OF SCTV EQUIPMENT TO FURTHER PECUNIARY INTERESTS PROHIBITED. SOLICITATION OF FUNDS, TELETHONS.

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

8. POLITICAL PROGRAMMING.

a. Political Programming Rules are designed to provide access to the production and cablecasting facilities of SCTV by all candidates prior to an election, and by interested parties prior to a referendum. These policies also provide guidance as to when and under what circumstances public access programming, which must comply with more restrictive requirements in order to

be aired on the public access channel, may be eligible for repeat cablecasts on the government access channel under less stringent guidelines.

b. Definitions

"Political programming" is any programming in which a legally qualified candidate for public office or his/her representative appears, or whose name, image, slogan or other identifiable mark associated with the candidate appears. It also includes programming in which a position is taken on an issue such as a referendum or other question of political preference.

"Legally qualified candidate" is any person who has publicly announced his or her intention to run for nomination or office, is qualified under applicable local, State or Federal law to hold the office for which he or she is a candidate, and has either qualified for a place on the ballot in the town of Simsbury or has publicly committed himself or herself to seeking election by the write-in method and is eligible under applicable law to be voted for by sticker, by writing in his or her name on the ballot or by other method in the town of Simsbury and makes a substantial showing that he or she is a bona fide candidate for nomination or office.

"Substantial showing" of bona fide candidacy shall mean evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, and maintaining a campaign headquarters (even though in some instances the headquarters might be the residence of the candidate or his campaign manager). Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing.

"Political Advertising" is programming that is prohibited pursuant to Sec. 16-331a-4 of the Regulations of the Connecticut Department of Public Utility Control (DPUC), as amended. SCTV's policy as to what constitutes political advertising is as follows:

(1) Programming that contains an appeal or request for money, goods, services or other valuable consideration, in direct or indirect support of a political candidate, party or political issue; or

(2) Programming that contains an appeal to vote for or support a candidate, political party or political issue in a way that does not reasonably provide information other than to promote name recognition of the candidate, to promote fundraising events, or to promote other events in support of a political candidate or political issue. An example is programming comprised primarily or solely of "barker-type" announcements and/or graphics of short duration for the purposes enumerated in this paragraph.

c. Cablecasting Schedule for Political Programming:

SCTV will begin televising political programming on the government access channel prior to the election pursuant to a schedule established for that purpose. Exact times and scheduling will vary depending on the number of candidates participating and the programming regularly scheduled on the government access channel (e.g., selectmen meetings, and board and commission meetings, and the like).

SCTV will offer scheduling for political programming during a specific period prior to an election or referendum held in the town of Simsbury. In the case of an election, the "Election Period" shall begin on October 1st and extend through the close of the polls on Election Day. In the case of a referendum, the "Referendum Period" shall begin 30 days prior to the referendum and extend through the close of the polls on the voting day. The intent of SCTV's policy regarding political programming is to afford equal time, to the extent possible, during the Election Period and/or Referendum Period, as outlined in more detail in the "Addendum to Political Programming Rules."

9. PROHIBITED PROGRAMMING.

a. Technical compliance. Any program requested to be cablecast may be rejected if, in the opinion of SCTV management, the program is of poor technical quality, or if it reasonably appears that the Producer, Producer/Provider or Provider is not in compliance with these policies & procedures.

b. Content. The following program content is prohibited:

- (1) A lottery or any advertisement or information concerning a lottery or game of chance.
- (2) 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).
- (3) Any obscene material.
- (4) Any sexually explicit conduct.
- (5) Any material soliciting or promoting unlawful conduct.

10. RESTRICTED PROGRAMMING.

Any Producer, Producer/Provider or Provider who assumes responsibility for the content of a program shall have an affirmative duty to inform SCTV 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. SCTV 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 10 p.m. and 6 a.m., with the specific time of airing at SCTV's discretion.

11. SUSPENSION FROM USE OF FACILITIES AND CHANNELS.

SCTV may suspend further cablecasts 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 policies & procedures, the rules contained in the "Addendum to the Producer's Packet", the Community Access Channel Use Agreement and the Addendum thereto.

Producers, Producer/Providers, Providers or Users whose programming or use of the facilities violates any rule or law

may have their use of the facilities or the cablecasting of their programming suspended for not more than 30 days. Upon suspension, the responsible Producer, Producer/Provider, Provider or User shall be given notice by the SCTV Executive Committee of the suspension and to show cause why his or her access to the channel, equipment or facilities should not be permanent. Notices shall be sent via first class mail, certified, return receipt requested, at the address given by the Producer, Provider or User. ["Notice" hereinafter shall be deemed to occur by first class mail, certified, return receipt requested.] Failure to respond by first class mail, certified, return receipt requested within 7 days of the date of mailing, or failure to keep SCTV apprised of an address at which the Producer, Provider or User can be reached, automatically causes revocation of access privileges for that Producer, Producer/Provider, Provider or User. Upon receipt of an explanation, the Executive Committee of SCTV shall take any of the following actions within 30 days of receipt of the Producer's, Producer/Provider's, Provider's or User's response and shall provide Notice of such action:

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

Any Producer, Producer/Provider, Provider or User who is aggrieved by the decision of the Executive Committee may appeal the decision to the Board of Directors of SCTV within 15 days of the mailing of such Notice at the address given by the Producer, Producer/Provider, Provider or User, of the Executive Committee'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, Simsbury Community Television, Inc., P.O. Box 767, Eno Memorial Hall, Simsbury, CT 06070. Oral appeals are not acceptable.

The President of SCTV will distribute the written appeal to members of the Board of Directors. A hearing will be held within 45 days of receipt of the appeal by SCTV President. The person filing the appeal has the right to supplement his or her written appeal with oral testimony at the Board's meeting. The Board of Directors will render a decision within 10 days

following the close of the hearing and shall provide Notice of a written copy to the person filing the appeal. However, the Board of Directors may extend the time for making its decision by 30 days if it determines additional information is needed. The decision of the Board of Directors shall be final.

12. RESERVATION OF RIGHTS TO REGULATE OPERATIONS.

SCTV reserves the right to waive any self-imposed regulation when such a waiver is determined by the Executive Committee to be in the public interest. Unless specifically waived, any violation of laws, these rules or any other written policies of SCTV, may cause SCTV to withhold the use of its facilities from any person. All Producers, Providers and Users should be aware that they will be held accountable for their actions by law and these regulations.

These policies & procedures shall be subject to periodic revision and change, without notice, in accordance with SCTV bylaws.

Adopted May 11, 2004.