

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §8301, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§ 8301. Public Utilities Commission regulation

Cable television companies, to the extent they offer services like those of telephone utilities subject to regulation by the commission, ~~shall be~~ subject to the commission's jurisdiction over rates, charges and practices, as provided in this Title.

In accordance with 47 United States Code, Sections 532 and 543, the commission shall regulate basic service tier rates and services provided by any cable television system that is not subject to effective competition. The commission by rule shall establish appropriate procedures for conducting the regulation.

Sec. 2. 35-A MRSA §8303 is enacted to read:

§ 8303. Service, product or rate change; hearing; complaint

1. Hearing and opportunity to comment. Prior to increasing a rate or changing a service or product, whether proposed by the cable television system operator or by a municipality, a cable television system operator shall:

A. Notify all affected customers of the proposed increase or change at least 120 days prior to the effective date of the proposed increase or change to allow customers to provide comments;

B. Hold a public hearing in accordance with this paragraph and any rules adopted by the commission. The public hearing must be held at a time and location convenient to the customers affected by the proposed increase or change, and notice of the hearing must be sent to all customers affected by the proposed increase or change at least 5 business days prior to the date of the hearing;

C. Within 10 days following the public hearing, respond in writing to all affected customers to any complaints, criticisms or proposals raised during the public hearing and explain any changes the cable television system operator will make as a result of the complaints, criticisms or proposals; and

D. After the hearing but no less than 90 days prior to the effective date of any increase or change, notify all affected customers of the final proposed increase or change.

Sec. 3. 35-A MRSA §8304 is enacted to read:

§ 8304. Petition; regulation

1. Petition and review. Within 60 days of receiving notice of a final proposed increase in a rate or change in a product or service pursuant to section 8303, subsection 1, paragraph D, 10 or more customers affected by the increase or change may file a petition with the commission to review the increase or change. In response to the petition, the commission may review the increase or change to assess its reasonableness. If the petition is signed by 25 or more customers, the commission shall review the increase or change.

2. Commission review. If the commission, in its review under subsection 1 of a final proposed increase in a rate or change in a product or service, finds that the increase or change is unreasonable or poses an unreasonable hardship on customers, the commission shall petition the Federal Communications Commission:

A. To stay the unreasonable increase or change pending review by the Federal Communications Commission; and

B. To evaluate the commission's findings and recommendations on the matter and to direct the cable television system operator and, as applicable, the franchising authority to revise the increase or change in accordance with the commission's recommendations.

Sec. 4. 35-A MRS §8305 is enacted to read:

§ 8305. Commission rules

The commission may adopt rules necessary to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 35-A MRS §8306 is enacted to read:

§ 8306. Cable television system assessment; fund; distribution

The Cable Regulation Reimbursement Fund is established as a nonlapsing fund to provide funds to pay the costs incurred by the commission and municipalities in regulating the rates, products and services of cable television systems. The commission shall assess cable television system operators in an equitable manner to provide necessary funds for the Cable Regulation Reimbursement Fund. The commission shall by January 1st of each year provide an accounting of its assessments under this section and the amounts spent by the commission and distributed to municipalities. The commission by rule shall establish the standards and procedures for the disbursement of funds to municipalities under this section.

SUMMARY

This bill subjects basic tier service rates and services of cable television systems to regulation by the Public Utilities Commission. The bill also establishes hearing and complaint procedures for rate increases or product or service changes by a cable television system operator and directs the Public Utilities Commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes if the Public Utilities Commission finds them to be unreasonable.