

**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.