
Chapter XVI - PUBLIC ACCESS FACILITY USE POLICY

SECTION I PURPOSE

- A. The Town of Londonderry, New Hampshire (the “Town”), through its Cable Department and pursuant to the Cable Television Renewal Franchise (the “Renewal Franchise”), dated June 1st, 2009 is responsible for making available to its residents channel capacity, studio facilities and related assistance for the production of Public Access programming.
- B. While the Town provides these facilities, neither the Town Council, any other Town official or department or the Cable Television Franchisee has control over the programming produced by Public Access Users.
- C. As a result, neither the Town Council, any other Town official or department or the Cable Television Franchisee pre-screens and/or otherwise “rates” such Public Access programming in any manner. This statement sets forth the Town’s policy for such Public Access use.

SECTION II LIMITS/AUTHORITY

- A. Equal access shall include, but is not limited to: training, utilization of volunteers’ time and technical expertise, and the use of Cable Studio facilities and equipment.
- B. Cable volunteers and employees shall be free from coercion for any political purposes. Employees are prohibited from using official authority or position for the purpose of seeking to interfere with or affect the use of the Cable Facility.
- C. To provide for the uncensored flow of public access programming and information to the Londonderry community;
- D. To encourage the use of the Public Access Channel by the greatest number of public access users so as to promote diversity of programming;
- E. To insure good technical quality in Public Access programming; and
- F. To protect against violation of federal laws regarding obscene programming, copyright and other performing rights.

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SECTION III DEFINITIONS

- A. **Access** - The right or ability of any Londonderry resident and/or Persons affiliated with a Londonderry non-commercial institution to use designated facilities, equipment and/or channels of the Cable Television System, subject to the conditions and procedures established by the Londonderry Cable Television Department.
- B. **Public Access Channel** - A specific channel(s) on the Cable System which is made available for use by, among others, Londonderry individuals and/or organizations wishing to present non-commercial programming and/or information to the public.
- C. **User** - Londonderry individuals and/or organizations, members of any Town Department, or political subdivision or organization of the Town.

SECTION IV CONDITIONS OF FACILITY USE

- A. The Public Access Channel is for non-commercial use only. Users shall not cablecast any advertising material designed to promote the sale of commercial products or services. *Users of the Access Facility shall comply with CTV 20 Policy Statement on Conduct Involving Commercial Products/Services as published and updated periodically by the Cable Division.*
- B. Programming by and on behalf of candidates for public office shall comply with the Town's Election Campaign Videos Policy.
- C. Pursuant to FCC Section 76.213, Users shall not cablecast a lottery or any advertisement of or information concerning a lottery, which is prohibited by State Law.
- D. Users shall not produce and/or cablecast any obscene or other prohibited materials on the Public Access Channel.
- E. Users shall not use the Public Access Channel to generate revenue
- F. Users agree to make all appropriate arrangements with, and to obtain all required clearances from broadcast stations, networks, sponsors, music licensing organizations, performers' representatives, and without limitation from the foregoing, any and all other persons (natural and otherwise) as may be necessary to transmit their programming material over the Public Access Channel. Users agree to provide documentation of such clearances to the Cable Television Department upon request.

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(Cont'd)

SECTION IV CONDITIONS OF FACILITY USE (Cont'd)

- G. In recognition of the fact that the neither the Town Council, the Town and/or the Cable Television Franchisee have control over the content of Users' Public Access programs, Users agree to indemnify and hold the Town Council, the Town, its departments and/or the Cable Television Franchisee harmless from any and all liability and other injury arising from or in conjunction with claims for failure to comply with applicable laws, rules, regulations or other requirements of local, state and/or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name, or service mark; for breach of contractual or other obligations owing to third parties; and/or for any other injury or damage in law or equity, which claims result from the Users' use of the Public Access Channel.

SECTION V REIMBURSEMENT FOR USE OF FACILITIES

- A. *Any program developed or produced using Access Facility resources which is re-broadcast on commercial or mainstream channels shall require the producer to compensate the Town for the use of the facilities, if:*
a. *Said rebroadcast includes the sale and insertion of advertising into the program; or*
b. *The producer, any crew member or host is positioned to possibly earn a profit from the rebroadcast or sale of the program.*
- B. *The Access Facility shall be compensated in accordance with the rate card published and updated periodically by the Cable Division.*
- C. *Producers of programming subject to the provisions of this Section shall also conform to the CTV-20 Policy Statement on Compensation for Use of Facilities as published and updated periodically by the Cable Division.*

SECTION VI COMPLAINT PROCEDURE

Any User who feels aggrieved by a denial of any provision of this policy may process an appeal in accordance with procedures set forth by the Town Council.

Chapter XVI-A - ELECTION CAMPAIGN VIDEOS POLICY

SECTION I PURPOSE

- A. It is the policy of the Town of Londonderry that all political candidates shall receive equal opportunity in the access and use of the Cable Studio and its personnel and facilities in the production and airing of campaign videos.

SECTION II LIMITS/AUTHORITY

- A. Equal opportunity shall include, but is not limited to: training, utilization of volunteers' time and technical expertise, and the use of Cable Studio facilities and equipment.
- B. Cable volunteers and employees shall be free from coercion for any political purposes. Employees are prohibited from using official authority or position for the purpose of seeking to interfere with or affect the result of an election or a nomination for public office.

SECTION III CREATING A VIDEO

- A. Candidates will be informed as to how they can create their own campaign video in the Studio utilizing volunteers.
- B. Londonderry Access Center (LAC) Staff will not produce videos for candidates.
- C. Appointments for studio use are taken on a first come, first served basis, and should be made as soon as possible, but all candidates shall be allowed to produce videos.
- D. Candidates' produced videos will be limited to thirty (30) minutes in length, timed from the beginning of the video, to the end (including credits).
- E. Petitioned warrant article videos will be limited to one video, recommended to be thirty (30) minutes in length. Credits must include, at a minimum, the name of the producer, and the copyright holder and year.
- F. Videos must be labeled with a title and an accurate running time.
- G. Candidates will be informed that it may be necessary to copy their videos for the logistical purpose of fitting all programs into the Playback Schedule.
- H. Videos are not previewed by anyone. Producers and candidates take responsibility for the content and accuracy of their videos by signing a *Statement of Compliance with LAC Policies*.

SECTION IV VIDEO SUBMISSION AND PLAYBACK

- A. Each candidate's one video must be delivered to the LAC no later than 5:00 PM on the fourth Monday four weeks prior to the date of elections, and shall air for two weeks.

Chapter XVI-A - ELECTION CAMPAIGN VIDEOS POLICY (Cont'd)

SECTION IV VIDEO SUBMISSION AND PLAYBACK (Cont'd)

- B. Videos will be aired and streamed in a block on a rotating schedule, and new videos shall be added in the order received and shall advance in the playback sequence one hour daily from the date of submission through election day.
- C. Videos will be available on demand indefinitely.

SECTION V COMPLAINT PROCEDURE

Any candidate who feels aggrieved by a denial of any provision of this policy may process an appeal in accordance with the Town Council.

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