

# **Charter Township of Orion**

## **Ordinance No. 106**

### **Cable Television Customer Service Standards**

Adopted March 21, 1994

**AMENDED**  
August 15, 1994

**AN ORDINANCE ADAPTING AND CLARIFYING FEDERAL CABLE TELEVISION CUSTOMER SERVICE STANDARDS.****Section 1 - Definitions**

When used in this Ordinance:

**"Normal Business Hours"** means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening and/or some weekend hours.

**"Normal Operating Conditions"** means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of the cable system.

**"Service Interruption"** means the loss of picture or sound activity meeting the FCC standards on one or more cable channels.

**Section 2 - Exceptions**

Nothing in this Ordinance is intended to prevent or prohibit:

- A. The Orion Community Cable Communications Commission and a cable operator from agreeing to customer service requirements that exceed the standards set forth in this Ordinance;
- B. The Orion Community Cable Communications Commission from enforcing through the end of the franchise term pre-existing customer service requirements that exceed the standards set forth in this Ordinance and are contained in current franchise agreements;
- C. The Township from enacting or enforcing any consumer protection law; or
- D. The establishment or enforcement of any ordinance or regulation concerning customer service that imposes customer service requirements that exceed or address matters not addressed by the standards set forth in this Ordinance.

**Section 3 - Customer Service Standards**

A cable operator is subject to the following customer service standards certified quarterly by the cable operator:

- A. The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to subscribers twenty-four (24) hours a day, seven (7) days a week, including weekends and holidays. Trained company representatives shall be available to respond to customer telephone inquiries during normal business hours.
- B. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.
- C. Under normal operating conditions, telephone answer time by a company representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions measured on a quarterly basis.
- D. Under normal operating conditions, the customers may receive a busy signal less than three percent (3%) of the time measured on a quarterly basis.
- E. Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located. A customer service center and bill payment location shall be centrally located in the communities of the Charter Township of Orion and Village of Lake Orion.

- F. Under normal operating conditions, each of the following five (5) standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:
1. Standard installations will be performed seven (7) business days after an order has been placed. Standard installations are those that are located not more than one hundred fifty (150) feet from the existing distribution system.
    - a. A cable operator shall, at its sole expense, cause all drops required to be buried to be properly buried within fifteen (15) days of installation of service unless conditions during such period make burial impracticable, in which case the drop shall be buried within fifteen (15) days after physical conditions reasonably allow for such burial.
    - b. In the event of any dispute between a cable operator and a subscriber as to when conditions permit burial of the drop, such dispute shall be resolved by the Building Official.
  2. Under normal operating conditions, a cable operator shall begin working on service interruptions promptly and in no event later than twenty-four (24) hours after the interruption becomes known. A cable operator must begin actions to correct other service problems the next business day after notification of the service problem.
  3. The appointment window for installations, service calls, and other installation activities will be either a specific time or, at maximum, a 4-hour block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.
  4. A cable operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
  5. If a cable operator representative is running late for an appointment and will not be able to keep the appointment as scheduled, the customer shall be contacted, the appointment rescheduled, as necessary, at a time which is convenient for the customer.
- G. The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:
1. Products and services offered;
  2. Prices and options for programming services and conditions of subscription to programming and other services;
  3. Installation and service maintenance policies;
  4. Instructions on how to use the cable service;
  5. Channel positions of programming carried on the system; and
  6. Billing and complaint procedures, including the address and telephone number of the cable operator and of the Orion Community Cable Communications Commission.
- H. Customers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by the preceding paragraph.
- I. Bills shall be clear, concise and understandable. Bills must be fully itemized with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall clearly delineate all activity during the billing period, including operational charges, rebates and credits. In case of a billing dispute, a cable operator must respond within thirty (30) days.

1. The Grantee's bills to its subscribers shall be clear, concise and understandable and shall be itemized as to each charge. The bill and any accompanying communication from the Grantee to its subscribers, and any other communication from the Grantee to its subscribers, shall not contain any false or misleading statement.
  2. The billing form and content in use by a cable operator shall be subject to the approval of the Orion Community Cable Communications Commission. Any modification of the form and content of the bills to subscribers shall also be subject to Orion Community Cable Communications Commission approval.
  3. The Orion Community Cable Communications Commission shall not withhold its approval unreasonably. If the Commission disapproves of the form or wording of any of the bills to subscribers, it shall notify the cable operator. The cable operator shall then modify the bills so as to remedy the defects specified by the Orion Community Cable Communications Commission. The modification shall be implemented by the cable operator effective with the first billing after the expiration of forty-five (45) days after receipt of the Orion Community Cable Communications Commission's notice of disapproval, unless extended by the Commission for good cause.
- J. Refund checks shall be issued promptly, but not later than:
1. The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier; or
  2. The return of the equipment supplied by the cable operator if service is terminated.
- K. Credits will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.
- L. A cable operator shall make no charge to any subscriber on account of either complete discontinuance of service or net downgrade of service whereby the subscriber requests a lower tier of basic service or a net reduction in premium services.
- M. A cable operator may only disconnect a subscriber if at least forty-five (45) days have elapsed after the due date for payment of the subscriber's bill and the cable operator has provided at least ten (10) days written notice to the subscriber prior to disconnection specifying the effective date after which cable services are subject to disconnection. A cable operator may disconnect a subscriber at any time if the cable operator in good faith and on reasonable grounds determines that the subscriber has tampered with or abused the cable operator's equipment, or is engaged in the theft of cable services.
- N. A cable operator shall promptly disconnect any subscriber who requests disconnection. No period of notice prior to requested termination of service may be required of subscribers. If the subscriber fails to specify an effective date for disconnection, the effective date shall be deemed to be the day following the date the disconnect request is received. No charge may be imposed upon the subscriber for any cable service delivered after the effective date of the disconnect request.
- O. Late payment charges imposed by a cable operator upon subscribers shall be fair and shall be reasonably related to the cable operator's cost of administering delinquent accounts. No late payment charge shall be imposed upon a subscriber, and a subscriber shall not be deemed to be in arrears on a bill, unless at least thirty (30) days have elapsed after the due date specified on the bill; and, the due date specified on the bill shall not be earlier than the first day of the monthly period to which the bill is attributable.

#### **Section 4 - Enforcement**

- A. Except for planned outages where subscribers are provided reasonable notification in advance, upon a subscriber's request a cable operator shall provide not less than a one (1) day credit for each day in which there is a period of four (4) hours or more during which the subscriber experienced a significant impairment of cable service not attributable to any action or omission of the subscriber or to any defect in the subscriber's equipment. The credit specified shall be equal to one-thirtieth of the subscriber's total monthly bill for all services and equipment other than pay-per-view. If such monthly bill includes a charge for a pay-per-view program subject to an outage or significant impairment, then the credit shall be increased by the amount of such charge.
- B. In the event of a violation of the provisions of this Ordinance by a cable operator which results in a subscriber not receiving cable programming service or receiving only significantly impaired service, the Orion Community Cable Communications Commission may order the cable operator to issue a rebate to such subscriber in an amount determined by the Orion Community Cable Communications Commission to provide monetary relief to the subscriber substantially equal to the subscriber's unliquidated detriment or loss resulting from such violation, not to exceed the subscriber's monthly bill.

- C. Nothing in this Ordinance shall be deemed to preclude a subscriber from requesting and receiving from a cable operator a rebate greater than that provided in Subsections A and B of this section.
- D. A cable operator shall file with the Orion Community Cable Communications Commission a statement certifying compliance with these customer service standards on a quarterly basis accompanying the franchise fee payment.
- E. An officer or employee knowingly signing a false certificate of compliance shall be guilty of a misdemeanor punishable by up to ninety (90) days in jail or a fine of Five Hundred Dollars (\$500) or both.
- F. A cable operator failing to file a certificate shall pay liquidated damages to the Orion Community Cable Communications Commission of One Hundred Dollars (\$100) per day.
- G. A cable operator in non-compliance shall on a quarterly basis file a statement outlining areas of non-compliance along with a remedial plan. A cable operator failing to file a non-compliance statement and remedial plan shall pay liquidated damages to the Orion Community Cable Communications Commission of One Hundred Dollars (\$100) per day.

### **Section 5 - Conflict**

In the event of a conflict between this Ordinance and the franchise, that provision which provides the greatest benefit to the Orion Community Cable Communications Commission, in the opinion of the Orion Community Cable Communications Commission, shall prevail.

### **Section 6 - Violation & Penalties**

- A. Municipal Civil Infraction / Payment of Fine.

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine as prescribed by ordinance or as determined by the district court, district court judge, or district court magistrate.

- B. Costs.

A person, firm, or corporation ordered to pay a fine under Subsection A shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct or indirect, to which the Township of Orion has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fines and costs.

- C. Additional Writs and Orders.

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87, of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

- D. Default on Payment of Fines and Costs.

A default in payment of a civil fine, costs, or damages, or expenses ordered under Subsection A or B or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Orion by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

- E. Failure to Comply with Judgment or Order.

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection G.

**F. Failure to Appear in Court.**

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

**G. Civil Contempt.**

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Orion or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.
5. The term of imprisonment on civil contempt for non-payment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one (1) day for each Thirty Dollars (\$30) due. A person committed for non-payment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for non-payment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:
  - a. Defendant is credited with an amount due pursuant to Subsection G(5).
  - b. The amount due is collected through execution of process or otherwise.
  - c. The amount due is satisfied pursuant to a combination of Subdivisions G(6)(a) and (b).
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection G(6).

**Section 7 - Effective Date**

This Ordinance shall become effective upon publication, as provided by law.