

**Public Service Commission**

**5002 Basic Cable Television Rate Regulation and Customer Service Standards**

**1.0 Regulation of Basic Cable Television Service**

In regulating basic cable television service subject to the jurisdiction of the Delaware Public Service Commission, the Commission will follow the Cable Television Rate Regulations promulgated by the Federal Communications Commission.

**2.0 Office Hours and Telephone Availability**

- 2.1 The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week, and shall maintain a written log of all incoming telephone complaints so received.
  - 2.1.1 Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.
  - 2.1.2 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.
- 2.2 Under normal operating conditions, telephone answer time by a customer 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 (90) percent of the time under normal operating conditions, measured on a quarterly basis.
- 2.3 The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.
- 2.4 Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.
- 2.5 Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

**3.0 Installations, Outages and Service Calls**

- 3.1 Under normal operating conditions, each of the following four standards will be met no less than ninety-five (95) percent of the time measured (and reported to the Commission) on a quarterly basis:
  - 3.1.1 Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.
  - 3.1.2 Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly, and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.
  - 3.1.3 The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time 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).
  - 3.1.4 An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
- 3.2 If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

**4.0 Communications Between Cable Operators and Cable Subscribers**

**4.1 Notifications to subscribers:**

4.1.1 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:

4.1.1.1 products and services offered;

4.1.1.2 prices and options for programming services and conditions of subscription to programming and other services;

4.1.1.3 installation and service maintenance policies;

4.1.1.4 instructions on how to use the cable service;

4.1.1.5 channel positions of programming carried on the system; and,

4.1.1.6 billing, complaint, and refund procedures, including the address and telephone number of the local franchising authority (Delaware Public Service Commission).

4.1.2 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.

**4.2 Billing:**

4.2.1 Bills will 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 will also clearly delineate all activity during the billing period, including optional charges, rebates, and credits.

4.2.2 In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within thirty (30) days.

**4.3 Refunds:**

4.3.1 Refund checks will be issued promptly, but no later than either:

(a) the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(b) within the next billing cycle or thirty (30) days of the return of the equipment supplied by the cable operator if service is terminated.

**4.4 Credits:**

Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

**5.0 Definitions**

**"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 hours at least one night per week 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 on one or more cable channels.

**6.0 Application of Rules and Violations And Penalties**

- 6.1 These regulations shall supersede any inconsistent provision in a franchise except where the term or provision of the franchise requires the franchisee to give greater notice, take additional action or otherwise act in a manner more in the interest of the subscribers in which event the franchise term or provision affording greater protection to the subscribers shall control.
- 6.2 Whenever the Commission shall find, after notice and the opportunity for hearing, that a cable television system franchised by the Commission has violated or is violating any provision of this Regulation, the Commission may enter an order requiring compliance with the Regulation, together with the payment of such fine as the Commission determines to be reasonable and appropriate for such violation. Whenever any person shall fail to comply with the Order of the Commission, entered pursuant to this subsection, the Commission may file a complaint in the appropriate court seeking such relief as is appropriate to compel full compliance.