

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Cable Communications Commission
(Agency or Board)

Regulation No. MCCC 166-190 and MCCC 221-236 (new) Draft 12+16

Subject: Interconnection and Cable Service Territories

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAR 11 1975 4:05 PM

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 3-11-75

Rev. 9-72

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

COMMISSION ON
CABLE COMMUNICATIONS

3050 METRO OFFICE PARK
BLOOMINGTON, MN 55420

February 20, 1975

Mr. Michael B. Miller
Special Assistant
Attorney General
Department of Administration
Administration Building
St. Paul, MN 55155

Dear Mike:

The enclosed letters from St. Paul League of Women Voters and the Metropolitan Library Service Agency are part of the January 17 public hearing written testimony which was accidentally omitted from the packet of materials which I gave you yesterday.

Please include the two letters in your review of the materials.

Thank you for your cooperation and assistance.

Very truly yours,

Bruce

Bruce D. Campbell
Special Assistant
Attorney General

BDC/d
Enclosures

RECEIVED
FEB 24 1975
Dept. of Administration

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
Commission on Cable Communications

BRUCE D. CAMPBELL
Special Assistant
Attorney General

3050 Metro Office Park
Bloomington, MN 55420
612--854-1703

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

COMMISSION ON
CABLE COMMUNICATIONS

3050 METRO OFFICE PARK
BLOOMINGTON, MN 55420

February 19, 1975

Mr. Michael B. Miller
Special Assistant
Attorney General
Department of Administration
Administration Building
St. Paul, MN 55155

Dear Mike:

Attached please find all of the material you require for the promulgation of our rules according to Chapter 15 of the statutes.

If you have any questions, please contact me.

Very truly yours,

Bruce

Bruce D. Campbell
Special Assistant
Attorney General

BDC/d

Attachment

CHAPTER TWELVE (L) - INTERCONNECTION

MCCC-12-1 Interconnection

These rules shall be liberally construed to effectuate the purposes and provisions of Minnesota Statutes, 1973 Supplement, Section 238.05, Subdivisions 2(d) and 12 and Laws 1974, Chapter 506.

MCCC-12-2 Definitions

As used in this Chapter, the following words and phrases shall have the meanings given them herein unless a different meaning clearly appears in the text.

(a) "Interconnection" is the provision of broadband electronic linkage between cable communications systems as defined in Minnesota Statutes, 1973 Supplement, Section 238.02, Subdivision 3, by means of coaxial cable, microwave or other means whereby the electrical impulses of television, radio and other intelligences either analog or digital, may be interchanged, provided that the term "interconnection" does not include the relaying by coaxial cable, microwave or other means of television broadcast signals intended for redistribution by the cable communications system or systems receiving such signals.

(b) "Interconnection entity" is an entity involved in the construction and operation of an interconnection system, either cable or microwave, providing interconnection services to cable communications systems as defined by Minnesota Statutes, 1973 Supplement, Section 238.02, Subdivision 3.

(c) "Interim interconnection" is the provision of temporary interconnection between two or more existing cable communications systems brought about through the mutual participation of those systems and without the intervention of a separate interconnection entity, as defined in paragraph (b) of this Rule.

(d) "Regional channel" is a segment of the electromagnetic spectrum provided by cable communications systems or an interconnection entity operating within the

Twin Cities metropolitan area for programming on the standard VHF Channel 6 reserved for public use.

(e) "Regional channel entity" is an entity recognized by the Commission for purposes of scheduling the programming and facilitating the use of the regional channel.

MCCC-12-3 Interim Interconnection

(a) In accordance with the provisions of Minnesota Statutes, 1973 Supplement, Section 238.05 and Laws 1974, Chapter 506 and upon suitable showing of interest and need, the Commission will vigorously encourage interim interconnection between cable communications systems. Before an interim interconnection occurs, the parties designated herein shall submit to the Commission the information specified herein.

(1) The cable companies involved shall submit the following information:

(aa) A full schedule of capital costs anticipated for such interconnection;

(bb) A projection of expected operating costs;

(cc) An identification of the economic effect of such proposed interconnection upon existing cable service.

(2) The parties seeking to arrange the interim interconnection shall submit the following information:

(aa) A description of its available sources of capital for construction and operation, including programming, of the interconnection system;

(bb) An identification of the uses, with a description of the attendant benefits, of such interconnection.

(b) The Commission may hold a meeting to receive testimony from interested persons concerning the proposed interim interconnection. At least 30 days notice shall

be provided to all interested persons. Cable communications systems potentially involved in the interconnection shall carry an appropriate notice of the hearing on its system for at least five consecutive days immediately preceding the hearing. The Commission may recognize a request incorporating the interconnection plan if it is satisfied from all available evidence that such plan is in the public interest, will be fair both to participating systems and the public and will not impair the ability of any system to deliver other services to subscribers and users. In determining whether to grant recognition to an interim interconnection plan, the Commission may also consider the extent to which the interim interconnection plan is compatible with the applicable operational objectives contained in section MCCC-12-7. Such recognition shall be conditioned upon the receipt of all licenses and permits from appropriate agencies necessary for the construction and operation of interim interconnection systems.

(c) In the event that interim interconnection occurs, the Commission may assume jurisdiction over the provision of such interim interconnection. The Commission shall have the following responsibilities and duties:

(1) Assisting in the resolution of complaints, disputes or disagreements between subscribers and participating cable communications systems and franchising authorities should the parties not first be able to resolve such disagreements;

(2) Requiring and reviewing reports regarding the operation of such interim interconnection as may be deemed appropriate;

(3) Assuring that all tariffs and rules pertinent to the operation of the interim interconnection have been filed with the Commission.

(d) The Commission shall require interim interconnections within the Twin Cities metropolitan area to provide capacity for two-way transmission on a regional channel. In addition, as usage of the regional channel expands to such point as it is in use during 80 percent of the time between 8:00 A.M. and 10:00 P.M. during any consecutive six-week period, the persons providing interim interconnection shall have two months in which to make an additional channel available for regional channel entity use.

(e) Nothing contained in this rule shall be applicable to an interim interconnection operational on or before January 1, 1975 for a period of five years beginning January 1, 1975; provided, however, that the Commission my require substantiation of the date on which an interim interconnection became operational.

MCCC-12-4 Regional Channel

The Commission hereby requires that all franchises for cable communications systems franchised in whole or in part within the Twin Cities metropolitan area shall contain a provision designating the standard VHF Channel 6 for uniform regional channel usage; provided, however, that until the regional channel becomes operational, the designated VHF Channel 6 may be utilized by the cable communications company as it deems appropriate. Subject to approval of the municipality concerned, such designated regional channel may be shared with the government access channel as may be required until such time as the municipality requests a separate channel or until combined usage of the channel expands to such point as it is in use during 80% of the time between 8:00 A.M. and 10:00 P.M. during any consecutive six-week period. Use of time on the regional channel or channels shall be made available without charge.

MCCC-12-5 Regional Channel Entity

(a) The Commission hereby reserves the prerogative, upon a suitable showing of interest and need, to recognize a regional channel entity for the Twin Cities metropolitan area.

(b) Specific recognition of the Twin Cities metropolitan area regional channel entity may be extended by the Commission after the Commission has reviewed and recognized an applicants' qualifications in accordance with procedures provided hereinafter:

(1) The Commission may, at any time, entertain requests for consideration of the recognition of a regional channel entity. In the event the Commission determines that it desires to recognize a regional channel entity, the Commission shall give public notice of that intention.

(2) The Commission shall require that all requests for recognition for the regional channel entity contain a description of the applicant's proposed operation along with such other supporting information as the Commission may require.

(3) The Commission shall, in its recognition of an applicant for programming and facilitation of use of the regional channel, consider the following criteria:

(aa) the plans for programming including identification of sources, users, and revenues;

(bb) plans for fostering extended regional participation in existing and expanded regional channel uses;

(cc) terms and conditions under which regional channel usage is made available to participants;

(dd) participatory representation of users in the entity operational structure and the demonstrated identification of such applicants with the regional public interest.

(c) The Commission shall consider such applications at a public meeting providing reasonable opportunity for all interested parties to be heard.

(d) The Commission shall confer recognition on such regional channel entity for a period of three (3) years.

(e) Renewal of such recognition shall be issued only after full Commission proceedings and shall be for a period specified by the Commission. The procedure for obtaining a renewal of such recognition shall be the same as is herein provided for obtaining the initial recognition.

MCCC-12-6 Interconnect Entity

(a) No person shall, without prior notification to the Commission, construct, install, maintain or operate within the State of Minnesota any equipment or facilities for an interconnection entity and unless such activity complies fully with all standards provided in MCCC-12-7and the provisions of this Rule.

(1) The interconnection entities shall be responsible for the establishment and maintenance of facilities and personnel necessary to the provision of interconnection services between cable communications companies and interconnection entities within the State and the provision of interconnection with interstate telecommunications network as they may develop.

(2) The interconnection entities shall be responsible for the provision of service of such interim interconnection and the acquisition of such interim interconnection equipment as may be of demonstrable benefit to the entities in the provision of their operation, provided the owners of such interim interconnection equipment desire such purchase by the interconnection entities.

(3) An interconnection entity operating in the Twin Cities metropolitan area shall, in addition to other requirements as may be deemed necessary by the Commission, assume the responsibility from cable communications companies for providing two-way transmission of a regional channel.

(b) Before an interconnection entity commences operation, it shall submit to the Commission the following information:

(1) Plans for channel capacity including both immediate and eventual capacity;

(2) Plans for the interconnection system layout design operation and service area;

(3) The terms and conditions, including tariffs, under which services are to be provided;

(4) The time schedule for construction of the entire system including a timetable for acquisition of existing interim interconnection systems;

(5) The entity's qualifications and/or experience in the broadband telecommunications field;

(6) The operations proforma identifying anticipated expenditures and revenues associated with the construction and operation of the proposed system;

(7) The plans for financing the proposed system;

(8) Descriptions of the equipment used in providing interconnection;

(9) Such other information as the Commission may deem relevant.

(c) The Commission shall hold a meeting to receive testimony from interested persons concerning the operation of any proposed interconnection entity. At least 30 days notice shall be provided to all interested persons by publication at least

once in a newspaper of general circulation in each municipality involved in the interconnection. The Commission may recognize a request incorporating the plan of operation of any interconnection entity if it is satisfied from all available evidence that recognition of such plan is in the public interest, will be fair to participating systems and the public and will not impair the ability of any system to deliver services to subscribers and users. The Commission shall issue written findings based on its enunciated standards in determining whether to recognize an interconnection entity. Such recognition shall be conditioned upon the receipt of all licenses and permits from appropriate agencies necessary for the construction and operation of any interconnection entity.

MCCC-12-7 Technical Standards

(a) Interconnection Entity - Video Signals

(1) Microwave - Whenever an interconnection is completed via a microwave circuit, the following shall be the minimum operational objectives as measured at the microwave receiving location:

(aa) Composite video and associated sound levels: The composite video level shall be 1 volt peak to peak $\pm$ 0.1 volts across 75 ohms. The associated sound carrier level shall be maintained 20 db below the 1 volt peak to peak video level.

(bb) Differential gain: The differential gain objective of the microwave system shall be within $\pm$ 1.5 db (50% APL).

(cc) Differential Phase: The differential phase objective of the microwave system shall be within $\pm$ 2.25° (50% APL).

(dd) Frequency Response: 60 Hz square wave tilt shall be within 2%, 10 KHz - 4.5 MHz within $\pm$ 1.0 db.

(ee) Signal to Noise: The peak to peak signal to RMS noise ratio shall be weighted per CCIR and determined by the following formula: $S/N = 65 - 10 \log N$ where N equals the number of hops in the interconnection.

(ff) Design Reliability: For microwave interconnections, the total microwave path, whether single or multiple microwave hops, shall have a design reliability of no less than 99.9 percent per operational week. Outages due to causes beyond the control of the interconnection entity, shall not be counted as to the allowable outages accrued.

(gg) Demodulator Requirements: Field proven state of the art demodulators shall be used to process the "off the air" signals prior to insertion onto the carriers' microwave systems. The final composite video as measured with a 75 ohm terminal load shall not exceed the following:

(1) differential phase of $\pm$ .5°

(2) differential gain of $\pm$ .25 db

(3) group delay of $\pm$ 50 ns

(4) 20 db IF quieting with 100 uv input.

(2) Cable - Whenever a cable system acts as a final link in an interconnect path for video signals, its technical operational objectives as measured at the using subscriber location shall as a minimum be in accordance with the technical requirements set forth in Part 76, Subpart K of the Federal Communications Commission's Rules and Regulations for Class I signals or those set forth in its franchise, whichever is more stringent.

(aa) The signal level as measured across 75 ohms at the video carrier frequency at the using subscribers location shall be not less than 1000 microvolts.

(bb) All specifications set forth above shall be met over an outdoor temperature range of -20°F to +100°F over variations in supply voltages from 105 to 130 VAC.

(b) Interconnection Entity - Data Grade Signals - Whenever an interconnection is completed via either a microwave or coaxial cable circuit for the transmission of data grade signals the technical operational objectives shall be in accordance with the specifications promulgated by the Federal Communications Commission for data grade signals. In the absence of any such specifications, the interconnect entity and its subscriber shall mutually agree on the objectives and file pertinent data with the Minnesota State Commission.

(c) Coaxial Cable Facilities - Whenever a coaxial cable facility acts as the initial or interim link in an interconnect path for video signals, its technical operational objectives as measured at the end interface location shall as a minimum be in accordance with the technical requirements set forth in Part 76, Subpart K of the Federal Communications Commission's Rules and Regulations for Class I signals. In addition the following design requirements shall be observed:

(1) The video carrier level to RMS noise ration shall be not less than 43 db across a 4 MHz band as measured across 75 ohms.

(2) For interconnection of multiple video channels, spurious beat components shall be not less than 52 db below the video carrier level for the worst channel.

(3) For interconnection of multiple video channels cross modulation components shall be not less than 63 db below the video carrier level for the worst channel.

(4) Ghost, echoes, hum modulation and other coherent disturbances shall be not less than 40 db below the video carrier level.

(5) The ratio of the amplitude of the horizontal synchronization pulse to peak color burst shall not be greater than 2 db.

(6) The signal level as measured across 75 ohms at the video carrier frequency at the using subscribers location shall not be less than 1000 microvolts.

(7) All specifications set forth above shall be met over an outdoor temperature range of -20°F to +100°F over variations in supply voltages from 105 to 130 VAC.

(d) Coaxial Cable Facilities - Whenever a coaxial cable facility acts as the initial or interim link in an interconnection path for data grade signals, its technical operational objectives shall be in accordance with the specifications promulgated by the Federal Communications Commission for data grade signals. In the absence of any such specifications, the cable system, the interconnect entity, and the subscriber shall mutually agree on the objectives and file pertinent data with the Minnesota State Commission.

(e) Report of Measurements - At the completion of the installation of any interconnection, the interconnecting entity shall conduct a measurement of all specifications set forth herein and file these with the Minnesota State Commission. Also, upon written request, remeasurements may be requested at any time by the Commission.

(f) The Commission may require full compliance with the objective standards in this Chapter, and the performance of such tests as may be necessary to assure compliance in order to resolve such recurring problems in performance as may be brought to the attention of the Commission. In addition, the Commission reserves the prerogative to impose more stringent standards as may be necessary to resolve such problems.

CHAPTER SIXTEEN (P) - CABLE SERVICE TERRITORIES

MCCC-16-1 Policy

These rules shall be liberally construed to effectuate the purposes and provisions of Minnesota Statutes, 1973 Supplement, Section 238.05 and Laws 1974, Chapter 506.

MCCC-16-2 Definitions

(a) As used in these Rules, the following phrase shall have the meaning given it herein unless a different meaning clearly appears in the text.

(b) "Cable service territory" means that geographic area, as defined by existing political or metes and bounds description, within which cable communications service(s) is(are) or is(are) scheduled to be made available from a single cable communications system.

MCCC-16-3 Approved Cable Service Territories

The Commission hereby recognizes as an approved cable service territory the area of any municipality or group of contiguous municipalities which have granted franchise(s) to a single cable communications company and for which a special certificate of confirmation has been or may be issued pursuant to Minnesota Statutes, 1973 Supplement, Section 238.09, subdivisions 3, 4, or 5, or for which an interim certificate of confirmation has been or may be issued pursuant to Laws 1974, Chapter 506, Section 10.

MCCC-16-4 Expansion of Approved Cable Service Territories

The Commission shall approve or disapprove the expansion of an approved cable service territory. Any such expansion shall be subject to the procedures provided for in this Chapter.

MCCC-16-5 Commission Procedures

(a) Pursuant to the requirements of MCCC-G-1(b), a cable service territory may be proposed to the Commission by a municipality, a group of municipalities in a joint powers agreement, or a cable communications operator applicant. At least 30 days prior to submitting a cable service territory proposal to the Commission for approval, the

party or parties proposing the cable service territory shall deliver written notice of its intentions to propose a cable service territory to the governing body of each adjacent municipality and may discuss with such officials the feasibility and advisability of developing a cable service territory and the adoption of a procedure to pursue this objective.

(b) All proposals must be in the form of a written application containing the following information: a map showing the boundaries of the cable service territory to be franchised and areas within this territory for which cable communications service is planned, provided that if a cable service territory is proposed which encompasses less than 100% of the area within a municipality or group of municipalities, the Commission shall require and consider the plans for franchising the remaining unserved area; detailed demographic data; resolutions from the governing bodies of all municipalities contacted by the party or parties proposing the cable service territory stating their approval or disapproval of such a proposal; a statement describing the efforts the party or parties proposing the cable service territory made to contact all adjacent municipalities and the results of such contacts; and any other information which the Commission may deem necessary.

(c) A copy of the proposal shall be submitted simultaneously to the Metropolitan Council or the appropriate regional development commission, the Commission and the governing body of each adjacent municipality.

(d) The Metropolitan Council or appropriate regional development commission shall have 30 days to submit written comment on the proposal to the Commission, which period of time may be extended by the Commission for another 30 day period for good cause shown. The Commission shall also accept written comment from any other interested persons during this period.

(e) The Commission shall take initial action within sixty days after the thirty day period set forth in (d). Before taking final action, the Commission shall hold a public meeting upon reasonable notice and accept oral and written comments.

(f) If the Commission determines not to approve a proposal, it shall specify its reasons for rejection in a written statement within sixty days of such rejection.

(g) A proposal rejected by the Commission may be introduced with appropriate modifications at any time after such rejection. All reintroduced proposals shall be subject to the same procedures of this Chapter as the original proposal.

MCCC-16-6 Factors and Criteria to be Considered

The Commission shall consider the following factors in determining its approval or rejection of a proposal for a cable service territory: the impact of such a territory on the cable commission plans or systems of other governmental units which are contiguous to or in close proximity to the proposed boundaries; the impact of the proposed territory on plans and reports adopted by the Metropolitan Council or other appropriate regional development commission; the economic viability of such proposed territories; the relationship of the cable service territory to cooperative arrangements between municipalities; the relationship of the cable service territory to municipal, county and school district boundaries; the technical feasibility of a cable communications system in the proposed cable service territory, and any other factors the Commission deems relevant.

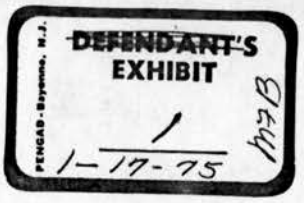
APPROVED AS TO FORM AND LEGALITY
MAR 11 1975 19____
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED - 4:00 pm
MAR 11 1975
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAR 11 1975 4:05 pm
BY Eda Staudenmaier
AUTH. SIGNATURE

2/8 /75

Addendum "A"



RESOLUTION NO. 6

A resolution regarding the holding of a statutory public hearing.

BE IT RESOLVED that Mr. Robert J. McDonald, Executive Director of the Minnesota State Commission on Cable Communications be and he hereby is granted the authority and directed to call a public hearing for the purpose of promulgating rules of the Minnesota State Commission on Cable Communications as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as presiding officer at all hearings.

BE IT FURTHER RESOLVED that the rules to be considered at the public hearing or hearings hereby authorized are described topically as follows: Chapter J - Discrimination Prohibited; Chapter P - Cable Service Territories; and Chapter Q - Interconnection. A copy of said rules will be on file with the executive director of the Commission at its business offices at 3050 Metro Office Park, Bloomington, Minnesota thirty days prior to any public hearing ordered as a result of this Resolution.

Adopted 10/18/74

BDC/d

10/18/74

DEFENDANT'S EXHIBIT
2
1-17-75
0744

CERTIFICATE OF COMMISSION'S
AUTHORIZING RESOLUTION

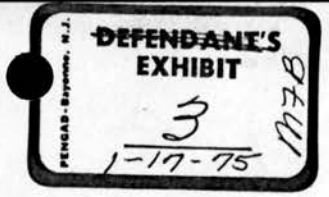
I, Richard G. Hunegs, do hereby certify that I am chairman of the Minnesota State Commission on Cable Communications, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a Resolution adopted at a meeting of the Minnesota State Commission on Cable Communications duly and properly called and held on the eighteenth day of October, 1974, that a quorum was present at said meeting; that a majority of those members present voted in favor of the Resolution; that said Resolution is set forth in the minutes of said meeting or is incorporated by reference into said minutes and attached thereto as an addendum and has not been rescinded or modified:

> BE IT RESOLVED that Mr. Robert J. McDonald, Executive Director of the Minnesota State Commission on Cable Communications be and he hereby is granted the authority and directed to call a public hearing for the purpose of promulgating rules of the Minnesota State Commission on Cable Communications as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as presiding officer at all hearings.
>
> BE IT FURTHER RESOLVED that the rules to be considered at the public hearing or hearings hereby authorized are described topically as follows: Chapter J - Discrimination Prohibited; Chapter P - Cable Service Territories; and Chapter Q - Interconnection. A copy of said rules will be on file with the executive director of the Commission at its business offices at 3050 Metro Office Park, Bloomington, Minnesota thirty days prior to any public hearing ordered as a result of this Resolution.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of November 1974.

Richard G. Hunegs
Chairman

Janet L. Yonekura
Attest by one other member



STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Robert J. McDonald
Executive Director
Minnesota State Commission
on Cable Communications

In the matter of Proposed
Rules relating to the regula-
tion of cable communications

ORDER FOR HEARING

To effectively implement Minnesota Statutes, 1973 Supplement, Section 238.05, Subdivisions 2(d), 6, 7, and 12 and Laws 1974, Chapter 506, acting pursuant to authority delegated to me by the Commission, I deem it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in this Commission by Minnesota Statutes, 1973 Supplement, Section 238.05, and delegated to me for purposes of ordering a public hearing by Commission Resolution No. 6, adopted at a regular meeting of the Commission on October 18, 1974.

NOW, THEREFORE, IT IS ORDERED this 5th day of December, 1974, that a public hearing on the proposed rules captioned above be held in the State Office Building Auditorium, Saint Paul, Minnesota, on January 17, 1975, commencing at 9:00 A.M. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

Robert J. McDonald

Robert J. McDonald
Executive Director, Minnesota State
Commission on Cable Communications

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Robert J. McDonald
Executive Director
Minnesota State Commission
on Cable Communications

In the matter of Proposed
Rules relating to the regulation of cable communications

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M. S. 1971, Section 15.0412, Subdivision 4, in the above-entitled matter in the auditorium of the State Office Building, Saint Paul, Minnesota, on January 17, 1975, commencing at 9:00 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commission proposes to adopt rules relating to the following matters: Chapter L concerns interconnection and Chapter P concerns cable service territories.

The proposed rules may be set out topically as follows:

A. Chapter L - Interconnection

1. Interconnection Statement of Policy
2. Definitions
3. Interim Interconnection
4. Regional Channel
5. Regional Channel Entity
6. Interconnect Entity
7. Technical Standards

B. Chapter P - Cable Service Territories

1. Policy

2. Definitions

3. Approved Cable Service Territories

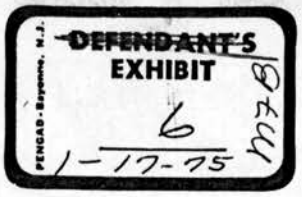
4. Expansion of Approved Cable Service Territories

5. Commission Procedures

6. Factors and Criteria to be Considered

Copies of the proposed rules will be available thirty days prior to the public hearing herein noticed and may be obtained by mail or at the offices of the Commission on Cable Communications, 3050 Metro Office Park, Suite 301, Bloomington, Minnesota 55420, for a nominal charge. Additional copies will be available at the door for a nominal charge on the date of the hearing.

Robert J. McDonald
Executive Director, Minnesota State
Commission on Cable Communications



STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the matter of Proposed Rules

relating to the regulation of

cable communications

AFFIDAVIT

Steven A. Shaye, being duly sworn on oath deposes and says:

1) That he is an employee of the Department of Administration of the State of Minnesota serving the Minnesota Commission on Cable Communications.

2) That on the 5th day of December, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M. S. 15.0412.

3) That on the 5th day of December, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Steven A. Shaye

Steven A. Shaye
Cable Communications Specialist
Minnesota Commission on
Cable Communications

Subscribed and sworn to before me
this 5th day of December 1974.

Darla Mae R. Hormann

DARLA MAE R. HORMANN
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Feb 7, 1981



STATE OF MINNESOTA

COUNTY OF HENNEPIN

CERTIFICATE

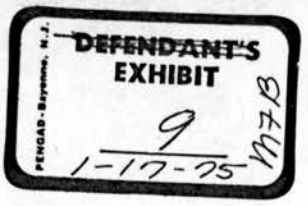
In the matter of Proposed
Rules relating to the
regulation of cable com-
munications

I hereby certify that the attached 390 labels & one sheet(s) constitute the complete list of persons, associations, and other interested groups who as of 8:45 o'clock A.M., this 5th day of December, 1974, have requested pursuant to M. S. 1971, Section 15.0412, Subdivision 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

By Ceil Dion



STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the matter of Proposed Rules

relating to the regulation of

cable communications

AFFIDAVIT OF MAILING

Beatrice L. Frankus, being first duly sworn deposes and says:

That on the 11th day of December 1974, at the City of Bloomington, County of Hennepin, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mails at said City of Bloomington, a true and correct copy thereof, properly enveloped, with postage prepaid, to all municipalities in the State of Minnesota, all persons and associations at the addresses listed on the attached Certificate regarding the Secretary of State, members of the Minnesota Legislature, and other interested individuals.

Further your affiant sayeth not.

Beatrice L. Frankus

Beatrice L. Frankus, Clerk-Typist
Minnesota State Cable Commission

Subscribed and sworn to before me
this 30th day of December, 1974.

Darla Mae R. Hormann

DARLA MAE R. HORMANN
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Feb. 7, 1981

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Robert J. McDonald
Executive Director
Minnesota State Commission
on Cable Communications

In the matter of Proposed
Rules relating to the regulation of cable communications

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M. S. 1971, Section 15.0412, Subdivision 4, in the above-entitled matter in the auditorium of the State Office Building, Saint Paul, Minnesota, on January 17, 1975, commencing at 9:00 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commission proposes to adopt rules relating to the following matters: Chapter L concerns interconnection and Chapter P concerns cable service territories.

The proposed rules may be set out topically as follows:

A. Chapter L - Interconnection

1. Interconnection Statement of Policy
2. Definitions
3. Interim Interconnection
4. Regional Channel
5. Regional Channel Entity
6. Interconnect Entity
7. Technical Standards

B. Chapter P - Cable Service Territories

1. Policy

2. Definitions

3. Approved Cable Service Territories

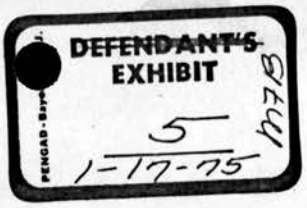
4. Expansion of Approved Cable Service Territories

5. Commission Procedures

6. Factors and Criteria to be Considered

Copies of the proposed rules will be available thirty days prior to the public hearing herein noticed and may be obtained by mail or at the offices of the Commission on Cable Communications, 3050 Metro Office Park, Suite 301, Bloomington, Minnesota 55420, for a nominal charge. Additional copies will be available at the door for a nominal charge on the date of the hearing.

Robert J. McDonald
Executive Director, Minnesota State
Commission on Cable Communications



STATE OF MINNESOTA

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tion of cable communications

STATEMENT OF NEED

The above captioned rules are not amendments to existing rules of the Minnesota State Commission on Cable Communications.

The need to adopt these rules arises because of the legislative mandate placed on the Commission by Minnesota Statutes, 1973 Supplement, Section 238.05, Subdivisions 2(d), 6, 7, and 12 and Laws 1974, Chapter 506, to adopt rules governing the cable communications industry. The rules are further needed to promote the orderly growth of the cable communications industry in the State of Minnesota, and to protect the public interest in the availability of cable communications services.

Robert J. McDonald

Robert J. McDonald
Executive Director, Minnesota State
Commission on Cable Communications

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Richard G. Hunegs, Chairman
Minnesota State Commission
on Cable Communications

In the matter of Proposed Rules Relating to the regulation of cable communications

FINDINGS OF FACT

The above-entitled matter came on for hearing before Robert J. McDonald, executive director of the Minnesota State Commission on Cable Communications, acting as hearing officer pursuant to authority delegated by the Commission on the 17th day of January, 1975, at 10:04 A.M. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by M. S., 1974, Section 15.0412, was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following facts and conclusions regarding the adoption of the above captioned rules:

Chapter L (12) - Interconnection

MCCC-L-1 Policy. The rule merely states that the rules should be liberally construed to effectuate the purposes and provisions of the governing statutes, Minnesota Statutes, 1974, Sections 238.01 - 238.16. I find that such a broad interpretation is necessary to effectuate the purposes for which the Commission was created.

MCCC-L-2 Definitions. The rule defines certain words and phrases for purposes of the rules adopted. No testimony was heard at the public hearing in opposition to the definitions as proposed. I find that the proposed definitions are necessary to

effectuate the statutory mandate to "prescribe standards for interconnection and compatibility of cable communications systems.

MCCC-L-3 Interim Interconnection. This rule prescribes the procedures which must be followed before an interim interconnection takes place and the duties of the Commission with respect to an interim interconnection. Testimony from the cable industry was heard at the public hearing requesting that Rule 3 be stricken. I find that regulation of interim interconnection is necessary, that such interim interconnection should be encouraged by the Commission, and that the Commission should have the option to recognize or fail to recognize any such interim interconnection plan.

MCCC-L-4 Regional Channel. This rule prescribes a uniform VHF Channel 6 for regional channel usage. Testimony was heard at the public hearing which supported and opposed the designation of VHF Channel 6 as the regional channel in the Twin Cities Metropolitan Area. I find, in accordance with the testimony presented, that VHF Channel 6 should be designated as the regional channel within the Twin Cities Metropolitan Area since it is not currently being used on metropolitan systems but that operators should be free to program it as they wish until the regional channel becomes operational.

MCCC-L-5 Regional Channel Entity. This rule contains a procedure for recognition of a regional channel entity to program and facilitate use of the regional channel. No testimony was presented at the public hearing in opposition to this rule. I find that a procedure for the Commission to recognize a regional channel entity is necessary and the procedure specified should contain criteria by which the Commission can evaluate the applications.

MCCC-L-6 Interconnection Entity. This rule sets requirements for an entity to become the interconnection entity and prescribes Commission procedures for recognizing the entity. No testimony was heard at the public hearing in opposition to this rule. A suggestion made at the public hearing that existing interconnection be "grandfathered"

was included by the Commission in Rule MCCC-L-3. I find that this rule regarding an interconnection entity is necessary for the orderly development of interconnection in the public interest.

MCCC-L-7 Technical Standards. This rule prescribes operational technical standards which must be met in the provision of interconnection services to cable communications companies. Testimony was heard at the public hearing that the technical standards are too strict and that technical standards have been preempted by the Federal Communications Commission. I find in accordance with the advice of the Commission's technical consultants that the technical standards are appropriate for the interconnection of cable communications systems and the ruling of the Federal Communications Commission with respect to technical standards has no application to the interconnection of cable communications systems.

Chapter P (16) - Cable Service Territories

MCCC-P-1 Policy. The rule merely states that the rules should be liberally construed to effectuate the purposes and provisions of the governing statutes, Minnesota Statutes, 1974, Sections 238.01 - 238.16. I find that such a broad interpretation is necessary to effectuate the purposes for which the Commission was created.

MCCC-P-2 Definitions. The rule defines certain words and phrases for purposes of the rules adopted. No testimony was heard at the public hearing in opposition to the definitions as proposed. I find that the proposed definitions are necessary to effectuate the statutory mandate to prescribe cable service territories.

MCCC-P-3 Approved Cable Service Territories. This rule merely recognizes as approved cable service territories the territorial boundaries of existing systems that have received certificate of confirmation from the Commission. No testimony was heard at the public hearing in opposition to this rule. I find that to prevent undue

hardship, the territorial boundaries of existing cable communications systems should be recognized as approved cable service territories.

MCCC-P-4 Expansion of Approved Cable Service Territories. This rule provides that the expansion of approved cable service territories shall be subject to the provisions of this Chapter. No testimony was heard at the public hearing in opposition to this proposed rule. I find that a procedure for the expansion of cable service territories is necessary.

MCCC-P-5 Commission Procedures. This rule provides a procedure to be followed by applicants in securing Commission approval of a cable service territory. No testimony was heard at the public hearing in opposition to this proposed rule. I find that a procedure which an applicant must complete in order to secure approval of a cable service territory is a necessary consequence of the Commission's charge to establish cable service territories and approve, modify or reject proposals made by applicants.

MCCC-P-6 Factors and Criteria to be Considered. This rule merely enunciates the factors and criteria which the Commission must consider in reviewing an application for approval of a cable service territory. Testimony was divided at the public hearing as to whether, in the Twin Cities Metropolitan Area, a criterion should be a fixed number of households. The number 20,000 was suggested. I find that the factors and criteria contained in the proposed rule are sufficient and that to adopt a minimum number of households as a criteria would stifle the development of cable communications in the metropolitan area.

Conclusion

On the basis of all the facts heretofore detailed, I find that the rules and regulations heretofore detailed and approved by the Commission at its meeting of February 8, 1975, should be adopted because they provide for reasonable requirements for the administration and enforcement of regulations relating to the provision of interconnection services between cable communications systems and the prescription of cable service territories, and I find that these rules are necessary to reinforce and supervise this effort.

Feb. 18, 1975
Date

Richard G. Hunegs
Chairman, Minnesota State
Commission on Cable Communications

CERTIFICATE OF COMMISSION'S ADOPTION

OF RULES RESOLUTION

I, Virginia G. Greenman, do hereby certify that I am vice-chairman of the Minnesota State Commission on Cable Communications, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a Resolution adopted at a meeting of the Minnesota State Commission on Cable Communications duly and properly called and held on the eighth day of February, 1975, that a quorum was present at said meeting; that a majority of those members present voted in favor of the Resolution; that said Resolution is set forth in the minutes of said meeting or is incorporated by reference into said minutes and attached thereto as an addendum and has not been rescinded or modified:

> BE IT RESOLVED, that the rules relating to interconnection of cable television systems and cable service territories be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes, 1974, Section 238.06, Subdivision 1 and that Mr. Richard G. Hunegs, chairman of the Minnesota Commission on Cable Communications, be and hereby is authorized to sign an order adopting those rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12 day of Feb, 1975.

Virginia G. Greenman
Vice-Chairman

Theodore Thorne
Attest by one other member

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Richard G. Hunegs, Chairman
Minnesota State Commission
on Cable Communications

In the matter of Proposed Rules
Relating to the Regulation of
Cable Communications

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the executive director of the Minnesota Commission on Cable Communications acting as hearing officer pursuant to delegated authority on the 17th day of January, 1975, at 10:04 A.M. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by M.S. 1974, Section 15.0412, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Chapter 12 (L) - Interconnection and Chapter 16 (P) - Cable Service Territories are adopted this 18th day of February, 1975, pursuant to authority vested in the Commission by Minnesota Statutes, 1974, Section 238.06, and delegated to me by Resolution No.10 of the Commission adopted by the Commission at a regular meeting held February 8, 1975.

Richard G. Hunegs
Chairman, Minnesota State
Commission on Cable Communications

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Bruce D. Campbell, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Bruce D Campbell

Special Assistant Attorney General

Dated: Feb 18, 1975