

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
(Agency or Board)

Regulation No. MCCC-J-1 thru 37, Chapter 8 Rule 121, MCC B211-220 Chapter 15, MCC 225 Chapter 16 MCC 225

Subject: Description, Establishing public, educational governmental and leased access channels, Payments to Board, Commission procedures

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

JUN 4 1976

BY _____
AUTH. SIGNATURE

Stamped and filed with the Secretary of State June 4, 1976, 2:55 PM

Rev. 9-72

Louis K. Robards
Special Assistant
Attorney General

June 11, 1976

- MCC-J-1-MCC-J-7, Chapter 8 Rule 121, Chapter Fifteen MCCB 213, 214, 215, Chapter Sixteen MCCC 225.

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT_____

Office Memorandum

TO : Michael B. Miller
Special Assistant
Attorney General

DATE: May 4, 1976

FROM : Louis K. Robards LKR
Special Assistant
Attorney General

PHONE:_____

SUBJECT: Cable Communication Board Rules

Dear Mike:

The rules as adopted differ from the rules as proposed only insofar as to incorporate all recommendations made in the Hearing Examiner's Findings. Those changes are:

A. Chapter J: Discrimination Prohibited

1) MCCC-J-2 (a) and (b): The word "unreasonably" has been eliminated.

2) MCCC-J-2 (b): In the last line the term "political beliefs" has been eliminated.

3) MCCC-J-5 (a) (1): The deadline "not later than September 1, 1975" has been deleted, and replaced with "within one year after the effective date of these rules."

4) MCCC-J-5 (a) (1): The term "for females, Negroes, Orientals, American Indians and Spanish surnamed Americans" has been deleted, and replaced by "without regard to race, color, religion, national origin or sex."

5) MCCC-J-5 (b) (3) (cc): This entire provision in the proposed rules has been deleted. MCCC-J-5(b)(3)(dd) in the proposed rule becomes MCCC-J-5-(b)(3)(cc) in the adopted version.

B. Chapter Fifteen - Commission Billings

1) Rule 213 has been revised to allow quarterly payments based on gross annual receipts of the previous fiscal year.

2) Rule 215: The effective date of repeal of former rules 211 and 212 has been changed.

C. Chapter Sixteen - Rule 225(a). The words "the municipality initiating" have been deleted (lines 3 & 4 from the bottom).

LKR/mb

ADOPTED 4/24/76

CHAPTER J - DISCRIMINATION PROHIBITED

MCCC-J-1 Discrimination in Franchising

No municipality shall discriminate against a prospective franchisee, in any manner, on the basis of race, color, religion, national origin or sex.

MCCC-J-2 Discrimination by Cable Communications Company

(a) No cable communications company shall discriminate against any person in initially providing, or continuing to provide cable communications services, nor shall any cable communications company discriminate against any person in initially providing, or continuing to provide, cable communications services on the basis of race, color, religion, national origin or sex;

(b) No cable communications company that provides a channel or channels and/or facilities for public access and leased access programming shall discriminate against any person in the use of such a channel or channels and/or facilities, nor shall any cable communications company that provides a channel or channels and/or facilities for public access and leased access programming discriminate against any person in the use of such a channel or channels and/or facilities on the basis of race, color, religion, national origin, or sex.

MCCC-J-3 Employment

Equal opportunity in employment shall be afforded by all operators of cable communications systems to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin or sex.

MCCC-J-4 Equal Employment Opportunity Program

(a) Each cable communications system shall establish, maintain and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of system employment policy and practice;

(b) Under the terms of its program a system shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

(2) Inform its employees and recognized employees organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(3) Communicate the system's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis;

(4) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex from the system's personnel policies and practices and working conditions;

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the system.

(c) Where two or more cable communications systems under common ownership or control are so interrelated in their management, operations and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained and carried out by them. Under other circumstances, the term "single employment unit" refers to an individual cable communications system or to a headquarters office.

MCCC-J-5 Additional Information to be Furnished

(a) Equal employment programs to be filed by operators of systems:

(1) The operator of each cable communications system shall file with the Commission and with the Department of Human Rights a statement of its equal employment opportunity within one year after

the effective date of those rules, indicating specific practices to be followed in order to assure equal employment opportunity without regard to race, color, religion, national origin or sex, in such aspects of employment practices as recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff and termination. Any changes or amendments to existing programs shall be filed with the Commission and the Department of Human Rights on or before September 1st of each year thereafter;

(2) If the operator of a proposed system believes that the system will continuously during January, February and March of the year following commencement of operations satisfy the conditions of Section 76.311(c)(1)(i)(b) of the Rules of the Federal Communications Commission, he may submit a statement justifying that conclusion in lieu of a statement of the proposed system's equal employment opportunity program;

(3) If the system has fewer than five full-time employees and does not with other cable communications systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment opportunity program statement need not be filed for the employment unit which consists of or includes the system;

(4) Where,pursuant to Rule MCCC-J-4(c), a program is jointly established by two or more systems with an aggregate total of 10 or more full-time employees, a multiple system operator shall file a combined statement. A multiple system operator shall file a separate equal employment opportunity program statement for each headquarters office if that office has five or more full-time

employees, and its work is primarily related to the operation of more than one cable communications system under common ownership or control;

(5) If pursuant to subsection (a)(3) of this rule or subsection (a)(2) of this rule a cable operator has been exempted from the requirement that it file and equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during the first three months of a calendar year, it shall file the statement on or before September 1st of that year.

(b) Contents of the equal employment program statement. The program should reasonably address itself to such specific areas as hereinafter set forth, to the extent that they are appropriate in terms of employment unit size and location;

(1) To assure nondiscrimination in employment:

(aa) Posting notices in the cable operator's offices and places of employment informing employees, and applicants for employment of their equal employment opportunity rights and their right to notify the federal equal employment opportunity commission, the federal communications commission, or the Minnesota Department of Human Rights if they believe they have been discriminated against. Where a significant percentage of employees, employment applicants or residents of the municipality of a cable communications system are Spanish-surnamed Americans, such notices shall be posted in Spanish and English. Similar use should be made of other languages in such posted equal employment opportunity notices, where appropriate;

(bb) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion or national origin is prohibited and that they may notify the federal equal employment opportunity commission, the federal communications commission, or the Minnesota Department of Human Rights if they believe they have been discriminated against;

(cc) Placing employment advertisements in media that have significant circulation among minority-group people in the recruiting area;

(dd) Recruiting through schools and colleges with significant minority-group enrollment;

(ee) Maintaining systematic contacts with minority and human relations organizations, leaders and spokesman to encourage referral of qualified minority or female applicants;

(ff) Encouraging present employees to refer minority or female applicants;

(gg) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members and females are being sought for consideration whenever the cable operator hires.

(2) To assure non-discrimination in selection and hiring:

(aa) Instructing personally those on the staff of the system who make hiring decisions that all applicants for all jobs are to be considered without discrimination;

(bb) Where union agreements exist cooperating with the union or unions in the development of programs to assure that qualified

minority group persons or females of equal opportunity for employment, and including an effective non-discrimination clause in new or renegotiated union agreements;

(cc) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(3) To assure non-discriminatory placement and promotion:

(aa) Instructing personally those of the system's staff that make decisions on placement and promotion that minority group employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination;

(bb) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interests and skills of all lower paid employees with respect to any of the higher paid positions, followed by assistance, counseling and effective measures to enable employees with interest and potential to qualify themselves for such positions;

(cc) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(4) To assure non-discrimination in other areas of employment practices:

(aa) Examining rates of pay and fringe benefits for present employees with equivalent duties and adjusting any inequities found;

(bb) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(c) Report of complaints filed against operators of systems. All operators of cable communications systems shall submit an annual report to the Commission and to the Department of Human Rights no later than September 1st of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of federal, state or local law have been filed before any body having competent jurisdiction. The report shall state with respect to each such complaint: the parties involved, the date filed, the courts or agencies before which the matter has been heard; the appropriate file number, if any; and the respective disposition or current status of the complaint;

(d) Report of annual employment. Each operator of a cable communications system with five or more full-time employees, as defined by the Federal Communications Commission, shall file with the Commission and with the Department of Human Rights on or before September 1 of each year a copy of FCC Form 395, an annual employment report in such form as will satisfy the requirements of, Section 76.311 of the Federal Communications Commission Rules and Regulations;

(e) Where an equal employment opportunity program is jointly established by two or more cable communications systems with an aggregate total of five or more full-time employees, a combined (single employment unit) annual employment report shall be filed;

(f) A multiple system operator shall file a separate annual employment report for each headquarters office if that office has five or more full-time employees, and its work is primarily related to the operation of more than one cable communications system under common ownership or control;

(g) Where pursuant to subdivision (e) and (f) of this Rule, if more than annual employment report is filed with respect to cable communications systems under common ownership or control, or headquarters offices performing work related to such systems, a multiple cable system operator shall also file a consolidated report covering all systems and headquarters office employees included in those reports;

(h) The date contained in each annual employment report required by subdivision (d) of this Rule and subdivision (e) and (f) of this Rule shall reflect the figures from any one payroll period in January, February or March of the year during which the report is filed. The same payroll period shall be used in each year's annual employment report;

(i) Annual employment reports required by the Rule shall be filed on or before September 1 of each year;

(j) Anything to the contrary in this Chapter notwithstanding, the cable communications system operator shall not be required to file with the Minnesota State Commission or Department of Human Rights any report or data with respect to any cable communications system not located at least partially within the State of Minnesota.

MCCC-J-6 Records Available to the Public

(a) Commission records. A copy of every annual employment report, equal employment program and reports on complaints regarding violations of equal employment provisions of federal, state or local law, and copies of all exhibits, letters and other documents filed as part thereof, all amendments thereto are open for public inspection at the offices of the Commission and the offices of the Department of Human Rights;

(b) Records to be maintained locally for public inspection by operators:

(1) Each operator of a cable communications system required to file annual employment reports, equal employment opportunity programs and annual reports on complaints regarding violations of equal employment provisions of federal, state or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters and other documents filed as part thereto. An employer who is required to file a consolidated annual employment report shall maintain an adequately indexed consolidated equal employment opportunity file,

containing copies of all the material included in the equal employment opportunity files of the headquarters offices and other employment units reported upon in his consolidated annual employment report;

(2) The documents specified in subsection (b) of this section shall be maintained for a period of five years;

(3) The equal employment opportunity file for a system, or a single employment unit including that system, shall be maintained at the principal workplace of the employment unit, or at any accessible location, such as a public registry for documents or an attorney's office, in the principal community served by the employment unit. The headquarters office equal employment opportunity file shall be maintained respectively, at the headquarters office and the principal office of the employer, or at any accessible place, such as a public registry for documents or an attorney's office, in the community in which the office is located. The employer shall provide reasonable accommodations at these locations for undisturbed inspection of his equal employment opportunity records by members of the public during regular business hours.

MCCC-J-7 Compliance Mechanism

The Minnesota Department of Human Rights shall be the compliance mechanism to oversee compliance with the provisions of this Chapter and to investigate complaints made pursuant thereto; provided, however, that only the Minnesota State Commission may revoke or suspend a certificate of confirmation for a cable communications company after an appropriate hearing.

ADOPTED

CHAPTER EIGHT -- AS ADOPTED

1. Rule 121(h)

A provision establishing the minimum number of public, educational, governmental and leased access channels that the franchisee shall provide for each system served by a single headend:

2. Rule 121(h)(1)

For each system served by a single headend which is within a major television market as defined by the Federal Communications Commission in Section 76.51 of its rules and regulations relating to cable television, and as the same may be modified from time to time, the franchisee shall maintain at least one specially designated noncommercial public access channel available on a first come, nondiscriminatory basis; at least one specially designated access channel for use by local educational authorities; at least one specially designated access channel for local government use; and at least one specially designated access channel available for lease on a first come, nondiscriminatory basis for commercial or noncommercial users....

3. Rule 121(h)(2)

For each system served by a single headend which is not within a major television market as defined by the Federal Communications Commission in Section 76.51 of its rules and regulations relating to cable television, and as the same may be modified from time to time, the franchisee shall provide at least one specially designated access channel available for use by the general public on a first come, nondiscriminatory basis. Time for use on this specially designated access channel shall be provided without charge to the general public. The specially designated access channel may be utilized by local educational authorities and local government on a first come, nondiscriminatory basis when the channel is not in use by the

general public. The franchisee shall lease time on this specially designated access channel to commercial or noncommercial users on a first come, nondiscriminatory basis if the demand for such leased time arises and the channel is not being utilized by the general public, local educational authorities and local government users. The franchisee may also utilize this designated channel for local origination when the channel is not in use by either the general public, educational users, and local government, or commercial or noncommercial users who have leased time on this specially designated channel. The VHF spectrum shall be used for the specially designated access channel required in this subdivision.

4. Rule 121(i)(1)

For each system served by a single headend which is within a major television market as defined by the Federal Communications Commission in Section 76.51 of its rules, and as the same may be modified from time to time, the franchisee shall operate and make readily available for public use at least the minimal equipment necessary for the production of programing and playback of prerecorded programs for the public access channel required by subsection h(1) of this Rule. The franchisee shall also make readily available upon need being shown the minimum equipment necessary to make it possible to record programs at remote locations with battery operated portable equipment. Need within the meaning of this Rule shall be determined by subscriber petition....

5. Rule 121(i)(2)

For each system served by a single headend which is not within a major television market as defined by the Federal Communications Commission in Section 76.51 of its rules and regulations relating to cable television, and as the same may be modified from time to time, the franchisee shall operate and make readily available for public use, upon need being shown, at least the minimal equipment necessary to

perform good quality playback of prerecorded programming, and to make it possible to record programs at remote locations with battery operated portable equipment. Need within the meaning of this Rule shall be determined by subscriber petition....

6. Rule 121(k)

A provision requiring the franchisee to conform to all federal and state laws, rules and regulations regarding cable communications not later than one year after their promulgation.

7. Rule 121(zz2)

A provision creating an advisory body to be appointed by the governing body of the municipality to monitor the performance of the franchisee in executing the provisions of the franchise. The advisory body may be a joint undertaking of more than one municipality served by the same system from a single headend as long as at least one representative from each municipality served is on the committee.

8. Rule 121(zz7)

A provision establishing how the franchising authority and the cable communications company shall determine who is to bear the costs of any required special testing.

ADOPTED

CHAPTER FIFTEEN: MCCB 211-220

COMMISSION BILLINGS -- AS ADOPTED

MCCB 213 Payments to Board

Each franchised cable communications company shall pay one percent of its annual gross subscriber receipts to the Minnesota Cable Communications Board. This amount shall be paid on a quarterly basis, in the following manner: Beginning with the quarter commencing April 1, 1976, and ending June 30, 1976, and for each successive quarter, every cable communications company shall, for each franchised cable communications system operating in Minnesota, pay to the Minnesota Cable Communications Board one-fourth of one percent (.0025) of the gross subscriber receipts received for regular subscriber services during said cable communications company's previous fiscal year. Such payment shall be due and payable on the 10th calendar day of the month succeeding each quarter. For the purpose of computing the amount payable, gross subscriber receipts received for regular subscriber service shall not include payments received for installation-related services. The amount of any overpayment made in any one or more previous billing periods shall be deducted from the first payment due after the effective date of this Rule, and a separate computation of any such overpayments shall be made and submitted with the first quarterly payment due after the effective date of this Rule.

MCCB 214 Billings

The Board shall, not later than 10 calendar days before any payment is due and payable, send the cable communications company a bill in such form as the Board may direct, stating that the quarterly payment is due.

MCCB 215 Effective Date

Rules 211 and 212 of this Chapter are repealed effective March 31, 1976, and Rules 213 and 214 shall be effective on that date.

LKR
4/19/76

ADOPTED

4/ 24/76

CHAPTER SIXTEEN--AS ADOPTED BY MCCB

MCCC 225 Commission Procedures

(a) Pursuant to the requirements of MCCC 111(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. At substantially the same time as written notice is delivered to the governing bodies of each adjacent municipality, the party(ies) proposing the cable service territory shall publish or cause to be published at least once in a newspaper of general circulation in the proposed territory, a statement indicating the intention of submitting a cable service territory proposal to the Minnesota Cable Communications Commission.

APPROVED AS TO FORM AND LEGALITY
JUN 4 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 4 - 1976 - 2:30 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JUN 4 1976
BY Edo Staudenmaier
AUTH. SIGNATURE
255 P.M.

PROPOSED

November, 1975

CHAPTER SIXTEEN--PROPOSED REVISION

MCCC 225 Commission Procedures

(a) Pursuant to the requirements of MCCC 111(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. At substantially the same time as written notice is delivered to the governing bodies of each adjacent municipality, the party(ies) proposing the cable service territory shall publish or cause to be published at least once in a newspaper of general circulation in the municipality initiating the proposed territory, a statement indicating the intention of submitting a cable service territory proposal to the Minnesota Cable Communications Commission.

PROPOSED

SUGGESTED RULE CHANGES in CHAPTER EIGHT (FRANCHISE STANDARDS)

1. Rule 121(h)

A provision establishing the minimum number of public, educational, governmental and leased access channels that the franchisee shall provide ~~to the municipality:~~ for each system served by a single headend:

2. Rule 121(h)(1)

For ~~municipalities~~ each system served by a single headend which ~~are~~ is within a major television market as defined by the Federal Communications Commission in Section 76.51 of its rules and regulations relating to cable television, and as the same may be modified from time to time, the franchisee shall maintain at least one specially designated noncommercial public access channel available on a first come, nondiscriminatory basis; at least one specially designated access channel for use by local educational authorities; at least one specially designated access channel for local government use; and at least one specially designated access channel available for lease on a first come, nondiscriminatory basis by commercial or noncommercial users....

3. Rule 121(h)(2)

For ~~municipalities~~ each system served by a single headend which ~~are~~ is not within a major television market as defined by the Federal Communications Commission in Section 76.51 of its rules and regulations relating to cable television, and as the same may be modified from time to time, the franchisee shall provide at least one specially designated access channel available for use by the general public on a first come, nondiscriminatory basis. Time for use on this specially designated access channel shall be provided without charge to the general public, The specially designated access channel may be utilized by local educational authorities and local government on a first come, nondiscriminatory basis when the channel is not in use by the general public. The franchisee shall lease time on this specially designated access channel to commercial or noncommercial users on a first come, nondiscriminatory basis if the demand for such leased time arises and the channel is not being utilized by the general public, local educational authorities and local government users. The franchisee may also utilize this designated channel for ~~automated services~~ local origination when the channel is not in use by either the general public, educational users, and local government, or commercial or noncommercial users who have leased time on this specially designated channel. The VHF spectrum shall be used for the specially designated access channel required in this subdivision.

4. Rule 121(i)(1)

For ~~municipalities~~ each system served by a single headend which ~~are~~ is within a major television market as defined by the Federal Communications Commission in Section 76.51 of its rules, and as the same may be modified from time to time, the franchisee shall operate and make readily available for public use at least the minimal equipment necessary for the

production of programming and playback of prerecorded programs for the public access channel required by subsection h(1) of this Rule. The franchisee shall also make readily available upon need being shown the minimum equipment necessary to make it possible to record programs at remote locations with battery operated portable equipment. Need within the meaning of this Rule shall be determined by subscriber petition....

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A provision requiring the franchisee to conform to all federal and state laws, rules and regulations regarding cable communications~~.~~ not later than one year after their promulgation.

7. Rule 121(zz2)

A provision creating an advisory body to be appointed by the governing body of the municipality to monitor the performance of the franchisee in executing the provisions of the franchise. The advisory body may be a joint undertaking of more than one municipality served by the same system from a single headend as long as at least one representative from each municipality served is on the committee.

SAS/b
9/5/75

SPECIALLY REQUIRED TESTING

(zz7) A provision establishing how the franchising authority and the cable communications company shall determine who is to bear the costs of any required special testing.

BDC/b
4/12/75

PROPOSED

CHAPTER J - DISCRIMINATION PROHIBITED

MCCC-J-1 Discrimination in Franchising

No municipality shall discriminate against a prospective franchisee, in any manner, on the basis of race, color, religion, national origin or sex.

MCCC-J-2 Discrimination by Cable Communications Company

(a) No cable communications company shall unreasonably discriminate against any person in initially providing, or continuing to provide cable communications services, nor shall any cable communications company discriminate against any person in initially providing, or continuing to provide, cable communications services on the basis of race, color, religion, national origin or sex;

(b) No cable communications company that provides a channel or channels and/or facilities for public access and leased access programming shall unreasonably discriminate against any person in the use of such a channel or channels and/or facilities, nor shall any cable communications company that provides a channel or channels and/or facilities for public access and leased access programming discriminate against any person in the use of such a channel or channels and/or facilities on the basis of race, color, religion, national origin, sex or political beliefs.

MCCC-J-3 Employment

Equal opportunity in employment shall be afforded by all operators of cable communications systems to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin or sex.

MCCC-J-4 Equal Employment Opportunity Program

(a) Each cable communications system shall establish, maintain and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of system employment policy and practice;

(b) Under the terms of its program a system shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

(2) Inform its employees and recognized employees organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(3) Communicate the system's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis;

(4) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex from the system's personnel policies and practices and working conditions;

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the system.

(c) Where two or more cable communications systems under common ownership or control are so interrelated in their management, operations and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained and carried out by them. Under other circumstances, the term "single employment unit" refers to an individual cable communications system or to a headquarters office.

MCCC-J-5 Additional Information to be Furnished

(a) Equal employment programs to be filed by operators of systems:

(1) The operator of each cable communications system shall file with the Commission and with the Department of Human Rights a statement of its equal employment opportunity program

not later than September 1, 1975, indicating specific practices to be followed in order to assure equal employment opportunity for females, Negroes, Orientals, American Indians and Spanish-surnamed Americans in such aspects of employment practices as recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff and termination. Any changes or amendments to existing programs shall be filed with the Commission and the Department of Human Rights on or before September 1st of each year thereafter;

(2) If the operator of a proposed system believes that the system will continuously during January, February and March of the year following commencement of operations satisfy the conditions of Section 76.311(c)(1)(i)(b) of the Rules of the Federal Communications Commission, he may submit a statement justifying that conclusion in lieu of a statement of the proposed system's equal employment opportunity program;

(3) If the system has fewer than five full-time employees and does not with other cable communications systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment opportunity program statement need not be filed for the employment unit which consists of or includes the system;

(4) Where,pursuant to Rule MCCC-J-4(c), a program is jointly established by two or more systems with an aggregate total of 10 or more full-time employees, a multiple system operator shall file a combined statement. A multiple system operator shall file a separate equal employment opportunity program statement for each headquarters office if that office has five or more full-time

employees, and its work is primarily related to the operation of more than one cable communications system under common ownership or control;

(5) If pursuant to subsection (a)(3) of this rule or subsection (a)(2) of this rule a cable operator has been exempted from the requirement that it file and equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during the first three months of a calendar year, it shall file the statement on or before September 1st of that year.

(b) Contents of the equal employment program statement. The program should reasonably address itself to such specific areas as hereinafter set forth, to the extent that they are appropriate in terms of employment unit size and location;

(1) To assure nondiscrimination in employment:

(aa) Posting notices in the cable operator's offices and places of employment informing employees, and applicants for employment of their equal employment opportunity rights and their right to notify the federal equal employment opportunity commission, the federal communications commission, or the Minnesota Department of Human Rights if they believe they have been discriminated against. Where a significant percentage of employees, employment applicants or residents of the municipality of a cable communications system are Spanish-surnamed Americans, such notices shall be posted in Spanish and English. Similar use should be made of other languages in such posted equal employment opportunity notices, where appropriate;

(bb) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion or national origin is prohibited and that they may notify the federal equal employment opportunity commission, the federal communications commission, or the Minnesota Department of Human Rights if they believe they have been discriminated against;

(cc) Placing employment advertisements in media that have significant circulation among minority-group people in the recruiting area;

(dd) Recruiting through schools and colleges with significant minority-group enrollment;

(ee) Maintaining systematic contacts with minority and human relations organizations, leaders and spokesman to encourage referral of qualified minority or female applicants;

(ff) Encouraging present employees to refer minority or female applicants;

(gg) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members and females are being sought for consideration whenever the cable operator hires.

(2) To assure non-discrimination in selection and hiring:

(aa) Instructing personally those on the staff of the system who make hiring decisions that all applicants for all jobs are to be considered without discrimination;

(bb) Where union agreements exist cooperating with the union or unions in the development of programs to assure that qualified

minority group persons or females of equal opportunity for employment, and including an effective non-discrimination clause in new or renegotiated union agreements;

(cc) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(3) To assure non-discriminatory placement and promotion:

(aa) Instructing personally those of the system's staff that make decisions on placement and promotion that minority group employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination;

(bb) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interests and skills of all lower paid employees with respect to any of the higher paid positions, followed by assistance, counseling and effective measures to enable employees with interest and potential to qualify themselves for such positions;

(cc) Reviewing seniority practices to insure that such practices are non-discriminatory and do not have a discriminatory effect;

(dd) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(4) To assure non-discrimination in other areas of employment practices:

(aa) Examining rates of pay and fringe benefits for present employees with equivalent duties and adjusting any inequities found;

(bb) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(c) Report of complaints filed against operators of systems. All operators of cable communications systems shall submit an annual report to the Commission and to the Department of Human Rights no later than September 1st of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of federal, state or local law have been filed before any body having competent jurisdiction. The report shall state with respect to each such complaint: the parties involved, the date filed, the courts or agencies before which the matter has been heard; the appropriate file number, if any; and the respective disposition or current status of the complaint;

(d) Report of annual employment. Each operator of a cable communications system with five or more full-time employees, as defined by the Federal Communications Commission, shall file with the Commission and with the Department of Human Rights on or before September 1 of each year a copy of FCC Form 395, an annual employment report in such form as will satisfy the requirements of, Section 76.311 of the Federal Communications Commission Rules and Regulations;

(e) Where an equal employment opportunity program is jointly established by two or more cable communications systems with an aggregate total of five or more full-time employees, a combined (single employment unit) annual employment report shall be filed;

(f) A multiple system operator shall file a separate annual employment report for each headquarters office if that office has five or more full-time employees, and its work is primarily related to the operation of more than one cable communications system under common ownership or control;

(g) Where pursuant to subdivision (e) and (f) of this Rule, if more than annual employment report is filed with respect to cable communications systems under common ownership or control, or headquarters offices performing work related to such systems, a multiple cable system operator shall also file a consolidated report covering all systems and headquarters office employees included in those reports;

(h) The date contained in each annual employment report required by subdivision (d) of this Rule and subdivision (e) and (f) of this Rule shall reflect the figures from any one payroll period in January, February or March of the year during which the report is filed. The same payroll period shall be used in each year's annual employment report;

(i) Annual employment reports required by the Rule shall be filed on or before September 1 of each year;

(j) Anything to the contrary in this Chapter notwithstanding, the cable communications system operator shall not be required to file with the Minnesota State Commission or Department of Human Rights any report or data with respect to any cable communications system not located at least partially within the State of Minnesota.

MCCC-J-6 Records Available to the Public

(a) Commission records. A copy of every annual employment report, equal employment program and reports on complaints regarding violations of equal employment provisions of federal, state or local law, and copies of all exhibits, letters and other documents filed as part thereof, all amendments thereto are open for public inspection at the offices of the Commission and the offices of the Department of Human Rights;

(b) Records to be maintained locally for public inspection by operators:

(1) Each operator of a cable communications system required to file annual employment reports, equal employment opportunity programs and annual reports on complaints regarding violations of equal employment provisions of federal, state or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters and other documents filed as part thereto. An employer who is required to file a consolidated annual employment report shall maintain an adequately indexed consolidated equal employment opportunity file,

containing copies of all the material included in the equal employment opportunity files of the headquarters offices and other employment units reported upon in his consolidated annual employment report;

(2) The documents specified in subsection (b) of this section shall be maintained for a period of five years;

(3) The equal employment opportunity file for a system, or a single employment unit including that system, shall be maintained at the principal workplace of the employment unit, or at any accessible location, such as a public registry for documents or an attorney's office, in the principal community served by the employment unit. The headquarters office equal employment opportunity file shall be maintained respectively, at the headquarters office and the principal office of the employer, or at any accessible place, such as a public registry for documents or an attorney's office, in the community in which the office is located. The employer shall provide reasonable accommodations at these locations for undisturbed inspection of his equal employment opportunity records by members of the public during regular business hours.

MCCC-J-7 Compliance Mechanism

The Minnesota Department of Human Rights shall be the compliance mechanism to oversee compliance with the provisions of this Chapter and to investigate complaints made pursuant thereto; provided, however, that only the Minnesota State Commission may revoke or suspend a certificate of confirmation for a cable communications company after an appropriate hearing.

Exhibit 5
MTB
12-12-75

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE MINNESOTA STATE

HEARING EXAMINER

In the matter of Proposed

Rules relating to the

Regulation of Cable

Communications

STATEMENT OF NEED

The above-captioned rules involve both proposed new rules and proposed amendments to existing rules. Chapter Ten and Chapter Seven are proposals for new rules in themselves. Chapters Eight, Fifteen and Sixteen are concerned with proposed amendments to existing rules.

I. Chapter Ten: Discrimination Prohibited.

The statutory authority for this rule arises from legislative mandate stated in Minn. Stat. 238.05, subd. 9 (1974):

> Subd. 9. The commission shall insure that minorities and all other groups have the fullest access to cable communications at all levels, including the establishment of an affirmative action regulation and compliance mechanism consistent with Federal Executive Order 11246, of the President, as amended by Executive Order No. 11375 and Executive Order No. 11478.

At present the Minnesota Cable Communications Board has no formal rules prohibiting discrimination under this mandate. This entire Chapter is needed to specifically prohibit:

1. discrimination by a municipality against a prospective franchisee, in any manner, on the basis of race, color, religion, national origin, or sex;

2. discrimination by a cable communications company in providing facilities for public access and leased access programming or any cable communications services, on the basis of race, color, religion, national origin, or sex;

3. discrimination by a cable communications company because of race, color, religion, national origin, or sex.

MCCC-J-1, MCCC-J-2, and MCCC-J-3 set forth these prohibitions.

In order to implement such a program, it is necessary for each cable communications company to provide a continuing program to insure equal opportunity in every aspect of the system's employment policy and practice. MCCC-J-4 provides that a cable system's management shall insure application and enforcement of an equal opportunity program and establish corresponding procedures of review and control. MCCC-J-4 also provides that a cable communications system shall inform present and prospective employees of the equal employment opportunity policy and program and enlist their cooperation; that it shall communicate its policy, program and employment needs to all sources of qualified applicants; that it shall maintain a continuing program to exclude every form of discrimination based upon race, color, religion, national origin or sex from the system's policies, practices and working conditions; that it shall conduct a continuing review of existing job structures and employment practices and adopt needed measures to promote equal opportunity in all organizational units, occupations and levels of responsibility. Each of these provisions helps to provide for an ongoing equal opportunity program.

There is also a need for supervision of the employment programs of cable communications systems. MCCC-J-5 provides that each system shall file with the Minnesota Cable Communications Commission (Board) and the Minnesota Department of Human Rights a detailed statement of its equal employment program, setting forth its specific efforts in notification and recruitment of minorities and women and informing them of avenues available for filing of charges of discrimination. MCCC-J-5 also provides that the system shall inform both the Commission (Board)

and the Department of Human Rights of its efforts to assure non-discrimination in hiring, such as instructing those who make hiring decisions that all applicants for all jobs be hired, selected, placed, promoted, and paid without discrimination. Each operator shall also submit to the Commission (Board) and the Department of Human Rights an annual report stating whether any complaints regarding violations by the operator of equal employment provisions of federal, state or local law have been made.

It is necessary to be able to monitor the employment records of a cable communications system. MCCC-J-6 provides that all employment records and information filed with the Commission (Board) and the Department of Human Rights need to be open for public inspection.

A need exists for an enforcement of this rule prohibiting discrimination; MCCC-J-7 provides the Department of Human Rights shall oversee compliance with this rule.

II. Chapter Eight: Franchise Standards.

Revision of certain subsections of Chapter Eight of the Board Rules are recommended in order to clarify existing language. Suggested revisions in Chapter Eight, Rule 121(h), 121(h)(1), 121(h)(2), 121(i)(1), 121(i)(2) and 121(zz2), are necessary in order to clarify the intent of each subsection.

Many single cable communications systems serve more than one municipality which the statute broadly defines to include townships. For example, one system may serve two cities and several surrounding townships. It would be onerous and not in the spirit of the Rules as drafted to require separate specially designated access channels and separate production and playback equipment upon need being shown for each separate township. Therefore, it is suggested that the phrase "each system served by a single headend" be substituted for municipality in the abovementioned subdivisions.

Two other changes are also suggested, involving Rule 121(h)(2) and Rule 121(k). It is recommended that in Rule 121(h)(2) the phrase "local origination" be substituted for automated services as the last priority for usage of the specially designated access channel. This would permit the operator to locally originate programming on the specially designated access channel if this channel were not in use by either the general public, education users, and local government, or commercial or noncommercial users who have leased time on this specially designated channel.

The suggested change in Rule 121(k) would specify that the franchisee has not more than one year to conform to all federal and state laws, rules and regulations regarding cable communications. The rationale for this suggested change is that the present provision requires immediate conformance, which may not be feasible.

It is recommended that Rule 121(zz7) be added. This rule would cover the situation where the technical testing is required to determine the cause of unsatisfactory reception by subscribers to a cable television system. A question often arises concerning who should properly pay the cost of such testing. This Rule does not resolve the question itself, but it does require that the franchise contract specifically set forth how that problem will be resolved.

A revision of MCCC 121(q) is recommended. Presently the rule allows that upon expiration, revocation or other termination of a franchise as provided for under the Rules of the Cable Commission, or upon receipt of an application for approval of an assignment of the franchise, the municipality shall have the non-exclusive right to purchase the system. It is recommended that the current rule be repealed and replaced by a new Rule stating that if a municipality shall fail to renew the franchise of the present franchisee or lawfully revoke any such franchise, any subsequent franchisee selected to replace the original franchisee

shall be required to compensate the original franchisee for its system or any portion thereof, actually to be utilized by the second franchisee, based upon its market value--the value of the system as a going business concern less the market value of the assets not purchased. Disputes as to selling price would be determined by arbitration. Purchase by a municipality if otherwise authorized by law or charter provision, will remain a possibility.

A problem now exists for the original franchisee in the event of a revocation or failure to renew an expired franchise. In that situation the original franchisee would quite likely desire to sell as much of his plant and equipment as possible to the new franchisee. However, the original franchisee is not in an ordinary situation of supply and demand and may well be forced to sell his investment at a vastly reduced price. Whether the equipment involved would be purchased by a municipality or a third party, the original franchisee is in a must-sell situation and stands in a distinct bargaining advantage.

This is not just a financial squeeze for the original franchisee; it has significant effect upon the entire cable industry and consequently the development of cable communications in Minnesota. Financial loans are made to cable companies on the basis of the operator's investment being used as collateral. If a lending institution is aware that a revocation or failure to renew an original franchise will substantially reduce the value of the collateral, the lending institution may refuse to make loans to cable companies, thereby inhibiting the growth and development of cable communications throughout the state.

The statutory authority for the proposed amendments and additions to MCCC 121 is found in Minn. Stat. 238.05, subd. 2(a), (b) and (c) (1974), which provides that the Commission (Board) shall, a) prescribe procedures and practices which municipalities shall follow in granting franchises; b) prescribe minimum standards for inclusion in franchises; and c) prescribe a list of items for inclusion in franchises.

III. Chapter Seven: Franchising and Franchise Renewal Procedures.

This present chapter sets forth franchising and franchise renewal procedures. It is suggested that proposed Rule 113 be added to this chapter. This Rule merely provides that in the event of a purchase of all or a portion of a cable system, the selling price shall be determined in accordance with procedures set forth in proposed Rule 121(q), described above.

Statutory authority for this section is found in Minn. Stat. 238.09, subd. 2(a), (b), and (c) (1974), also cited in Chapter Eight.

IV. Chapter Fifteen: Commission Billings

Revisions to Chapter Fifteen, relating to Commission billings, are necessary, because the present method for computing the 1% quarterly billing is based on the operator's monthly subscriber rate times number of subscribers on the first day of each month of the billing period, without regard to monthly fluctuations in subscribership or to whether or not revenue is actually collected from subscribers.

Minn. Stat. 238.07 provides statutory authority for this revision, and states in part:

> "...the amount billed to or collected from any operating cable company pursuant to this section shall never exceed one percent of the gross annual receipts of such company..."

Actual receipts in any business are usually less than accounts receivable. Therefore, it is necessary to change the rules to incorporate a method of computation that is based strictly on actual receipts.

The proposed revisions, designated as MCCC 213, 214, and 215, would repeal and replace the rules now in effect, MCCC 211 and 212. Proposed MCCC 213 includes language which would permit operators to deduct the amount of any overpayment made in previous billing periods because of the current method of computation from the first payment due after the effective date of the new rules.

V. Chapter Sixteen: Cable Service Territories

This present chapter addresses the establishment of cable service territories within the State, and present Rule 225(a) sets forth procedures for proposing a cable service territory to the Minnesota Cable Communications Commission (Board). It is suggested that the present Rule 225(a) be expanded to require published notice of intent to submit a cable service territory proposal. Such a requirement allows for more complete notification to all possible interested parties.

The statutory authority for this addition is Minn. Stat. 238.05 (1973) and Laws 1974, Chapter 506.

December 12, 1975

Robert J. McDonald
Executive Director
Minnesota Cable Communications Board

STATE OF MINNESOTA

COUNTY OF HENNEPIN

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

ORDER FOR HEARING

To effectively implement the Minnesota Cable Communications Law, Minn. Stat. 238.01 through 238.16 (1974), as amended by Minn. Laws 1975, Ch. 204 §100, acting pursuant to authority delegated to me by the Minnesota Cable Communications Board, I deem it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in this Board by Minn. Stat. 1974, Section 238.06, and delegated to me for purposes of ordering a public hearing by Board Resolution No. 15, adopted at a regular meeting of the Minnesota Cable Communications Board on October 25, 1975.

NOW, THEREFORE, IT IS ORDERED this 31st day of October, 1975, that a public hearing on the proposed rules captioned above be held in Room 15 of the State Capitol Building, Saint Paul, Minnesota, on December 12, 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 said hearing be held before the Minnesota State Hearing Examiner, or his representative, who shall see to it that said hearing is conducted in a fair and impartial manner, and make a report on each proposed agency action stating his findings of fact and his conclusions and recommendations.

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
MN Cable Communications Board

STATE OF MINNESOTA

BEFORE MINNESOTA STATE

COUNTY OF HENNEPIN

HEARING EXAMINER

In the matter of Proposed

Rules relating to the regula-

tion of cable communications

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. §15.0412 subd. 4 (1974), as amended by Minn. Laws 1975, Ch. 380 §2, in the above-entitled matter in Room 15 of the State Capitol Building, Saint Paul, Minnesota, on December 12, 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 Board proposes to adopt rules relating to the following matters:

A. Chapter Ten (Chapter J) - Discrimination Prohibited
   1. Discrimination by a municipality in franchising.
   2. Discrimination by a cable communications company in providing services.
   3. Discrimination by an operator in employment.
   4. Equal employment opportunity program established by each cable system.
   5. Elements of an equal employment opportunity program.
   6. Relevant records of the Commission and the cable operator available to the public.
   7. Compliance Mechanism--Minnesota Department of Human Rights to oversee compliance with this chapter.

B. Chapter Seven--proposed Rule 113 regarding compensation for value of assets: in the event of a purchase of all or a portion of a cable system, the selling price shall be determined in accordance with proposed Rule 121(q)(below).

C. Chapter Eight--clarification of the language and intent of the following portions of Rule 121:

1. The term "each system served by a single headend" to replace the word "municipality" in Rule 121(h), 121(h)(1), 121(h)(2), 121(i)(1), 121(i)(2).
2. The term "local origination" to replace the term "automated services" in Rule 121(h)(2).
3. Rule 121(k): Amended to provide that the franchisee shall conform to all federal and state laws, rules and regulations regarding cable communications not later than one year after their promulgation.
4. Rule 121(zz2): Addition of the following sentence: "The advisory body may be a joint undertaking of more than one municipality served by the same system from a single headend as long as at least one representative from each municipality served is on the committee."
5. Revision of Rule 121(q), regarding compensation for value of assets:
   a. If a municipality shall fail to renew or lawfully revoke any franchise, the subsequent franchisee shall compensate the original franchisee for all or part of its system actually to be utilized, based upon its market value--the value of the system as a going business concern less the market value of the assets not purchased. Disputes concerning the selling price shall be settled by arbitration.
   b. Purchase by a municipality shall be subject to these same rules.
   c. Procedure for municipal purchase set forth.
   d. Municipal acquisition by eminent domain proceedings shall not be precluded by these rules.
   e. Upon expiration or revocation of a franchise, the municipality shall require the original franchisee to continue to operate the system either until a new franchisee or the municipality begins to operate the system, or the passage of 120 days from the date of such expiration or revocation, whichever condition sooner occurs.
   f. A municipality shall, if it determines not to renew a franchise or to revoke a franchise, serve written notice on the franchisee of its intentions to do so at least 60 days prior to such termination or revocation.

D. Chapter Fifteen: Revisions in Commission billing procedures to provide that billings be based upon a cable company's actual receipts, rather than upon accounts receivable. Any previous overpayment occurring because of this billing method shall be deducted from the first payment due after the effective date of this Rule.

ADDITION

Rule 121(zz7): Specially Required Testing--a provision establishing how the franchising authority and the cable communications company shall determine who is to bear the costs of any required special testing.

E. Chapter Sixteen: Addition of the following sentence to the current text of Rule 225(a): "At substantially the same time as written notice is delivered to the governing bodies of each adjacent municipality, the party(ies) proposing the cable service territory shall publish or cause to be published at least once in a newspaper of general circulation in the municipality initiating the proposed territory, a statement indicating the intention of submitting a cable service territory proposal to the Minnesota Cable Communications Board."

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 office of the Minnesota Cable Communications Board, 3050 Metro Office Park, Suite 312, Bloomington, Minnesota 55420. Copies will also be available at the hearing.

Under Minnesota Statutes §10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, Saint Paul, Minnesota 55155 (phone: (612)296-5148).

Robert J. McDonald

Robert J. McDonald, Executive Director
MINNESOTA CABLE COMMUNICATIONS BOARD

Dated: November 6, 1975

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the matter of Proposed

Rules relating to the

Regulation of Cable

Communications

AFFIDAVIT

Robert J. McDonald, being duly sworn on oath deposes and says:

1) That he is an employee of the Minnesota Department of Administration and the Executive Director of the Minnesota Cable Communications Board.

2) That on the 5th day of November, 1975, 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 Minn. Stat. §15.0412 subd. 4 (1974), as amended by Minn. Laws 1975, Ch. 380 §2.

3) That on the 5th day of November, 1975, 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.

Robert J. McDonald

Robert J. McDonald
Executive Director
Minnesota Cable Communications Board

Subscribed and sworn to before me
this 6th day of November, 1975.

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

Communications

I hereby certify that the attached 439 labeled & one sheets constitute the complete list of persons, associations, and other interested groups who, as of 11:30 o'clock a.m., this 5 th day of November, 1975, have requested, pursuant to Minn. Stat. §15.0412 subd. 4 (1974), as amended by Minn. Laws 1975, Ch. 380, §2, 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

Joan Anderson Growe

By Neil Dorr

ALLENDORF MARSHALL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

ALTMAN MILTON H
707 DEGREE OF HONOR BLD
ST PAUL MN
55101

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON GRAHAM
951 E HENN
MPLS MN
55414

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ARROWHEAD REGIONAL DEV COMM
900 ALWORTH BLDG
DULUTH MN
55802

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET
118 E MAIN ST
ANOKA MN
55303

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
CCON RAPIDS MN
55433

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENSONI PETER USW OF AM
609 PROVIDENCE BLDG.
DULUTH MN

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

ALBERT,AA CALDER CORP
366 JACKSCN ST
ST PAUL MN
55101

AM CAMPING ASSN MRS LEACOCK
1235 BRIGHTCN SQ
NEW BRIGHTCN MN
55112

AM INST PRCF GECLOGISTS
2201 PRINCETCN AVE
ST PAUL MN
55105

ANDERSCN HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSCN HAROLD
BCX 3047
MANKATC MN
56001

ANTHONY DICK WCSM RADIO
230 E SUPR ST
DULUTH MN
55102

ARNCLD RCBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ASMUSSEN,DENNIS,MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSCCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
55103

AUTCMCBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BACALICH JOHN P
2025 THCMPSON AVE
SO ST PAUL MN
55075

BARRETT FRED
ST LCUIS CO COURT HOUSE
DULUTH MN

BECKLIN ROBERT C
447 N W 4TH
CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BERGERUD ALF
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MPLS MN
55402

BERGSETH THOMAS
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MPLS MN
55403

BREHL JAMES W
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ST PAUL MN
55102

BRIGGS & MORGAN - B F FRI
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ST PAUL MN
55101

BROCKS WILLIAM F JR
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MPLS MN
55401

BROWN D M GOODRIDGE PUB S
IND DIST #561
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56725

BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

BUR NATL AFFAIRS INC
1231 25TH ST NW
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20037

BUSCH NOEL
3131 FERNBROOK LANE N
MPLS MN
55441

CAIRNS JOHN A
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MPLS MN
55402

CARLSON CARL L
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COTTAGE GROVE MN
55016

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CENTRAL MN REGIONAL DEV C
1139 FRANKLIN AVE
SAUK RAPIDS MN
56379

CHERCHES CHRIS CITY MGR
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ST LOUIS PARK MN
55416

CHRISTIAN SCI COMM ON PUB
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ST PAUL MN
55104

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CITIZENS LEAGUE
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COLLIN LAURENCE
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ISANTI MN
55040

BLOMQUIST BARRY L

NORTH BRANCH MN
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BLOOMINGTON CITY CLERK
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BRIGHAM E M III
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55066

BROEKER JOHN
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BROWN H D
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MINNETONKA MN
55343

BRUBACHER RICHARD COMM ADM
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55101

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BUR.ENGR.IND.DIV. MR.KIBIGER
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55404

CLARKSON J.B.
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MINNEAPOLIS MN
55402

CLAUSEN PHILLIP
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55108

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

CROW WING CO PLANNING & ADV
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BRAINERD MN
56401

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55402

DANKERS, KENNETH
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56258

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

DZUGAN KEN ST PAUL PLANNI
421 WABASHA ST
ST PAUL MN
55102

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ENV SERV-GEN RESOURCE COR
6340 INDUSTRIAL DR
HOPKINS MN
55343

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

ETHICS COMM
RM 410 STATE OFF BLDG
ST PAUL MN
55155

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARGLART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOYTON MAURICE, MET SEWER BD
350 METRO SQ BLDG
ST PAUL MN
55101

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1900 IDS CENTER
MPLS MN
55402

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ERNEST K LEHMANN & ASSOC.
1405 WILLOW ST.
MPLS MN
55403

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO ASSN
512 NICOLLET MALL RM917
MPLS MN
55402

FAEGRE & BENSON ATTN LIBR
1300 NW BANK BLDG
MPLS MN
55402

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLADLAND CLINTON MN L&P B
796 RAYMOND AVE
ST PAUL MN
55114

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FRECIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GEORGE K GRANSE CO
1477 SELBY AVE
ST PAUL MN
55104

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GUSTAFSON DAN-LABOR TEMPLE
312 CENTRAL
MPLS MN
55414

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HENTHORN GARY WOODSTOCK
7365 LANDAU DR
BLOOMINGTON MN
55438

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FINLEY JAMES F
520 MINN BLDG
ST PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FITZGERALD DR BCB
3007 LYNDALE AVE SO
MPLS MN
55408

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FURLONG DR JOHN
RT 1
BOVEY MN
55709

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEESON MICHAEL
505 SOC SC BLDG U OF M
MPLS MN
55455

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GREEN JANET
5773 N SHORE DR
DULUTH MN
55804

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HARVEY MICHAEL
1350 W M HAHA PKWY
MPLS MN
55409

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEIM PAUL
1320 SOO LINE BLDG
MPLS MN
55402

HEINTZ MARY ELLEN
PO BOX 599
CINCINNATI H
45201

HILL JIM ASSOC.MILK PROD.
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON LEAGUE MN DI
106 TIMES BLDG 57 S 4TH
MPLS MN
55401

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

KABLE RICHARD W

BETHEL MN
55006

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HOLCAHL SCOTT
380 N BLDG GRAIN EXCH
MPLS MN
55415

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HOUSE RESEARCH
RM 17 STATE CAPITOL
ST PAUL MN
55155

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

ILLINGWORTH ROBT C
6750 FRANCE AVE S
MPLS MN
55435

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

HEAD & TRUAN
1007 SCO LINE BLDG
MPLS MN
55402

HICHINGER-MARK PLANNING
421 WABASHA ST
ST PAUL MN
55102

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
55107

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KEILY DANILE
3549 V2 PLEASANT AVE
MPLS MN
55408

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT AS
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
505 6TH AVE N
ST CLOUD MN
56301

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KNUTSON DR KEITH, BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MECCA
867 GRAND AVE
ST PAUL
55105

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MIDLAND GLASS-HD SPURLING
PC BOX 69
SHAKOPEE MN
55379

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MIDLAND GLASS- HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN POULTRY & HATCHERY ASSN
BOX 156
MADELIA MN
56062

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
RCSEVILLE MN
55113

MET TFR MEN ASSN A ROSENT
1821 UNIV AVE
ST PAUL M
55104

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4901 W 77TH ST
MPLS MN
55435

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERV
407 HWY BLDG
ST PAUL MN
55101

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. .J.N.D
1821 UNIV.
ST.PAUL MN
55104

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST. PAUL MN
55101

MINN SOC CERTIFIED PUB AC
1102 WESLEY TEMPLE BLDG
MPLS
55403

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SADDL
2487 HELEN COURT
NO ST PAUL MN
55109

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOOC R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MUCK THOS R
100 STATE OFF BLDG
ST PAUL MN
55155

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NESBITT JOHN
7851 METRO PKWY S 118
MPLS MN
55420

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OSTRUM DONALD E
PO BOX 33163
CCON RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATT
1155 15TH ST NW
WASHINGTON DC DC
20005

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REID DAVID H
5633 WASHBURN AVE S
MPLS MN
55410

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

CLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBO & MAINC
527 SCO LINE BLDG
MPLS MN
55402

PATTISON CRVIS
BOX 645
WILLMAR MN
56201

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PORTER DAVID
3212 LONGFELLOW AVE S
MPLS MN
55407

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE L THECHARCUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL ASSN PLBG HTG MEC
614 AM NATL BK
ST PAUL MN

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SNYDER ROBERT W
248 CO B U OF M
ST PAUL MN
55101

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STATE BD VETERINARY EXAMI
C/O DR A C SPANNAUS DVM
WACONIA MN

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO.ATTN:TED SCHWEN
1850 COMO AVE.
ST PAUL MN
55108

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND OLKS
PO BOX 116
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55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

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PO BOX 200
BOISE ID
83701

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWEITZER R L HONEYWELL IN
2701 4TH AVE S
MPLS MN
55408

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

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PELICAN RAPID MN
56572

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILSON R GARY PPG INDUST
1 GATEWAY CENTER
PITTSBURGH PA
15222

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL
55101

SWANSON DALE
P O BOX 335
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOLCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
75102

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORFER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

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 7th day of November, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mails at said City of St. Paul, 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 Cable Communications Board

Subscribed and sworn to before me
this 21st day of November, 1975.

Darla Mae R. Hormann

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

STATE OF MINNESOTA

OFFICE OF HEARING EXAMINERS

In the Matter of Proposed Rules Relating to the Regulation of Cable Communications.	FINDINGS OF FACT CONCLUSIONS and RECOMMENDATIONS

HE File No.CCB-76-001-HK

The hearing in the above-entitled matter was convened by Howard L. Kaibel, Jr., duly appointed Hearing Examiner, on December 12, 1975, at 9:00 a.m., in Room 15 of the Minnesota State Capitol Building, St. Paul, Minnesota. The hearing continued until all representatives of associations or other interested groups or persons had an opportunity to participate and to be heard concerning the adoption of the proposed rules.

The Hearing Examiner heard oral testimony from eight witnesses, received 16 exhibits in evidence, and has reviewed the typewritten transcript of the proceedings containing 185 pages and more than 225 pages of written comments and replies.

The Hearing Examiner, upon all records, files, evidence, arguments of counsel and written comments, hereby makes and issues the following Findings of Fact, Conclusions and Recommendations:

FINDINGS OF FACT

I. JURISDICTION

1. That the Order for Hearing issued October 31, 1975 was in all respects proper in form, contents, execution and filing.

2. That due, timely and adequate legal notice of the hearing ordered by the Minnesota State Board on Cable Communications was properly served and filed. All other substantive and procedural requirements of statute or rule raised or discussed on the record have been complied with.

II. PROPOSED CHAPTER J - DISCRIMINATION

1. That the legislature directed the adoption of these proposed rules in Minn. Stat., § 238.05, subd. 9, which reads as follows:

> Subd. 9. The commission shall insure that minorities and all other groups have the fullest access to cable communications at all levels, including the establishment of an affirmative action regulation and compliance mechanism consistent with Federal Executive Order 11246, of President, as amended by Executive Order Number 11375 and Executive Order Number 11478.

2. That except as discussed below with regard to particular aspects of these proposed rules, the agency presented an adequate affirmative presentation of facts demonstrating the need for and reasonableness of this proposed chapter. Testimony by the Department of Human Rights to the effect that even stronger rules are needed further supports this finding. Testimony by cable industry owner-operator opponents clearly demonstrates the need for this proposed chapter in that it shows a fundamental lack of knowledge of the law in this area.

3. That the protected classes enumerated in the rule, "race,color, religion, national origin or sex" are taken verbatim from the above-cited Executive Orders and are consequently properly "consistent" with those orders as required by the above cited statutory mandate. Modification of this language to include other classes protected by the State Human Rights Act, such as "marital status and status with regard to public assistance or disability" (M.S., §363.03), advocated by the Department of Human Rights would clearly violate this mandate of the legislature that the rules be consistent with the Executive Orders. In any case, such a modification would result in a substantially different rule in that it would affect classes of persons not represented at the previous hearing, making a major substantive change that was not raised by the original Notice of

Hearing in such a way as to invite reaction at the hearing, resulting in a rule fundamentally different from that contained in the Notice of Hearing. A new Notice and Hearing would consequently be required to pursue such a modification.

4. That the agency did not justify use of the qualifying adverb "unreasonably" in subsections (a) and (b) of § 2 prohibiting discrimination by cable companies. No need was advanced for this qualification, and the agency was unable to distinguish between or give examples of reasonable as opposed to unreasonable discrimination elementary to demonstrating the qualification's reasonableness. Modification to eliminate this qualification would not result in a substantially different rule requiring further hearings.

5. That the agency did not endeavor to document its statutory authority for the addition of "political beliefs" as a protected class in subsection (2) and (b). No facts were introduced to demonstrate the need for a regulation involving this subject matter or to support its reasonableness. Addition of this protected class would violate the above-cited legislative mandate by making the rules inconsistent with the referenced Executive Orders which do not deal with discrimination based on political belief. Addition of this category has the potential for involving the cable board and its employees in complicated administrative regulation and litigation involving "equal time" and similar matters not clearly contemplated in the legislation. In addition, no showing was made that the Department of Human Rights has particular ability or expertise to qualify it for enforcement and compliance responsibilities. Withdrawal of this proposed portion of the rule would not constitute a substantial change.

6. That the requirement in § 5(a)(1) that cable operators file their program statement "not later than September 1, 1975"

must obviously be changed as it predates the effective date of the rules. Modification was suggested at the hearing in such a way as to invite reaction to substitute "within one year after the effective date of this rule." This modification is specifically found to be necessary, reasonable and insubstantial in that it is consistent with the proposed modification of the Rule MCCC 121(k) to allow franchisees up to one year to comply with newly promulgated rules.

7. That no statutory authority was cited in either the Cable Communications Act or the Executive Orders cited therein for singling out "females, Negroes, Orientals, American Indians and Spanish-surnamed Americans" for the program statement, as is proposed in Rule 5(a)(1). No evidence was introduced by the agency or any other source to show a need for arbitrarily selecting these races and national origins or this sex from among other members of protected classes or for excluding others from the program statement. Insofar as this enumeration would result in a program that would be aimed at eliminating less than all discrimination "on the basis of race, color, religion, national origin or sex", it is to that degree inconsistent with the above-cited Executive Orders and therefore, contrary to the statutory directive. If there is no difference between this enumeration and the general phrase used throughout the remainder of the rules, there has been no need demonstrated for the variation in language. Modification of this subsection to strike "for" through "Americans" substituting "without regard to race, color, religion and national origin or sex" would eliminate this problem. Similarly, substituting "in accordance with the policy set forth in MCCC-J-3" would accomplish the same result paraphrasing the language contained in § 2 of Executive Order #11478.

8. That the proposed requirement of § 5(a)(1) that this program statement be prepared and filed is necessary and reasonable.

It is an essential first step in the legislatively mandated "affirmative action regulation and compliance mechanism." The Department of Human Rights has submitted as comments a proposed sample program statement which should not be difficult for individual cable operator adaptation and use. Despite general objections voiced against duplication, no showing was made by any party that this kind of program statement is required to be prepared and filed by any other governmental agency.

9. That no showing was made by the agency or other witnesses of statutory authority, need or reasonableness of extending these proposed regulations to cover seniority practices as suggested in MCCC-J-5(b)(3)(cc). The proposed subsection is inconsistent with the legislative directive and beyond the legal authority of the board. Regardless of the case that might be (but was not) made for revision of seniority practices to guarantee equal opportunity, more explicit legislative authorization would be required for an agency to attempt to legislate in this area through rule-making.

10. That the requirement of filing an annual report of discrimination complaints required by proposed rule 5(c) is essential to the "compliance mechanism" required by the Minnesota legislation and is consistent with § 206(b) of the Federal Executive Order #11246 cited therein. The report requirement is reasonable in that the report need only be voluminous and burdensome in situations where the proposed rule is most needed. As with the program statement, general objections to "duplication" to the contrary notwithstanding, no showing was made that such an annual report is required by any other level or agency of government.

11. That the only example of duplication evident in the record is with regard to the requirement of filing an annual report required by subsection 5(d). This duplication is recognized in the proposed rule and dealt with by merely requiring a

copy of the federal form involved. Some such report is clearly essential to an effective "compliance mechanism", and in these days of ready access to duplicating facilities, the requirement of submission of a copy of the federal form is reasonable and not unduly onerous.

12. That the requirement of records availability contained in proposed Rule 6 is essential to effective implementation of the affirmative action regulations and is not unreasonable.

13. That the Department of Human Rights is an appropriate, experienced compliance mechanism as provided for in proposed Rule 7. The proposed communication to cable companies prepared and submitted by way of comment by the Department (in excess of 50 pages) demonstrates their abilities in this area, and the necessity and reasonableness of this proposed rule.

14. That despite testimony from the Department of Human Rights that it could not support the proposed rules unless they incorporated the minimum standards suggested by the Department for affirmative action programs, such incorporation is clearly legally inappropriate. The Department's standards have not been promulgated as rules under Chapter 15 of Minnesota Statutes and consequently do not have the force of law. The Cable Board cannot give such standards the force of law merely by referencing them in these proposed rules. Any attempt to amend the rules to conform to Department standards involving any substantial change would require new notice and hearing. In the event such amendments are proposed - because the question of the degree to which these Minnesota departmental standards, like the State Human Rights Act, may be inconsistent with the Federal Executive Orders referenced in the statute authorizing board action, is not reached - no findings on that subject are herein incorporated.

15. That the constitutional objection raised by Mr. Valentine of federal pre-emption in this area precluding state regulation has been explicitly withdrawn by him in reply comments,

was not raised by any other person or party and is consequently not dealt with in these findings.

16. That no factual evidence was introduced to substantiate the allegation of Mr. Valentine which was supported by comments from the cable association that the cable industry in general is suffering from inordinate government regulation. Assuming arguendo that it could be substantiated, federal and other state cable board rules which would have to be modified to remedy this general objection, are not properly the subject of this hearing. A petition to the Cable Board pursuant to Minn. Stat., § 15.0416, subd. 5, suggesting specific amendatory simplifications would be the appropriate means of attacking this alleged problem on a state level. The proposed new rules governing discrimination contained in this chapter are specifically found to be simple, restrained and elementary to appropriate implementation of the legislative mandate.

17. That the only other objection raised on the record to this proposed chapter, to the recurring filing date for reports and statements, is either frivolous or a misunderstanding. Requiring filings on or before September first gives companies a total of eight months for compliance which is eminently reasonable. Allowing filings any time up to that date gives companies maximum flexibility and would allow companies to attend to these matters on or about February first when the federal Form 395 is due or at such other time as is convenient.

III. COMPENSATION FOR VALUE OF ASSETS

1. No evidence was introduced to document the statutory authority to take the action proposed herein nor was there an affirmative presentation of facts made by the agency or others demonstrating the need for or reasonableness of the overall proposal.

2. In a prehearing motion filed by the City of St.Paul, it was pointed out that this nearly identical provision has been

previously rejected by the Minnesota Attorney General's office, a point which has not been refuted in this record.

3. The proposed compulsory arbitration procedures are complicated, expensive and unreasonably applicable to franchise revocation for good cause. They appear to be beyond the Board's statutory authority. The proposed valuation standard, "value of the system as a going business concern" is ambiguous, of questionable legality and does not appear to be readily ascertainable.

4. That no necessity was demonstrated for legally requiring that arbitration panel membership be restricted to the American Arbitration Association, and comments from North Star Cablevision support the conclusion that "Clearly, it is not necessary." The agency did not endeavor to demonstrate that it is reasonable to exclude qualified non-members or skilled expert appraisers.

5. That the municipal purchase requirements of subsection (2)(a) are indistinguishable from similar provisions of another law found by the Minnesota Supreme Court to be unconstitutional in Arens v. Village of Rogers, 1953, 240 Minn. 386, 61 N.W. 2d 508, at p. 520:

> "It is, however, manifestly clear that the primary purpose . . . is to compensate the private . . . dealers who are put out of business rather than to benefit the public as a whole. . . . the municipality is required to buy . . . property of such private . . . establishments irrespective of whether the municipality has any need for their use or not." (Omitted material)

6. That no attempt was made to demonstrate the need for requiring the municipal referendum provided for in proposed subsection (2)(b), nor that it is reasonable to authorize this departure from representative government in such situations or in this fashion. It is found specifically unreasonable in situations where a cable system serves more than one municipality (testimony is that there are twelve such systems), or only part of a specific municipality, in that it does not allow all persons primarily and substantially interested in or affected by the decision

to participate in such referenda. The only discussion of this problem, which was raised at the hearing, was contained in reply comments from North Star Cablevision. These comments argue that there should be no problem in multiple municipality situations in that the rules are prospective only and that future multiple municipal systems will have to be established by joint power agreement with a joint governing authority.

First, there is nothing in the rules themselves or in the record to suggest that these proposed rules would apply only to future cable systems and not to municipal purchase of existing systems.

Secondly, there is no requirement that joint powers agreements must contain provisions for joint governing bodies, nor that such governing bodies, if established, would have the authority to conduct binding referenda.

Finally, a careful reading of cable board rule MCCC 225 discloses that joint powers agreements are not required in every instance as the application may be filed by an operator with notice to the affected municipalities. No one endeavored in comments or replies to refute or discuss the conclusion of the representative of the League of Minnesota Municipalities that absent specific legislative authority, neither the cable board nor any other state agency can legally create referendum authority in political subdivisions.

Though a careful reading of the proposed rules discloses that the referendum provision of subsection (2)(b) is not mandatory as is alleged in comments by the City of St. Paul, because of the expense involved, the provision for such referenda, even on a permissive basis, without funding, is specifically found to be unreasonable.

7. That the provisions of section (3) forcing cable companies to continue operation of their system after expiration or revocation of their franchise is unreasonable without some mechanism

for controlling or overseeing matters such as hours, ad rates, salaries and program content. It is further specifically found to be unreasonable without clarification of who will be responsible for losses during the period of forced operation in the event that the business is not profitable.

There was no documentation of the legal authority of a municipality or of the cable board, operating through its power to prescribe provisions for municipal franchises, to require a business and its employees to continue to function against their will.

These "forced operation" provisions of section (3) are also unreasonably over-broad in that they do not provide for a veto by the municipality, subsequent franchisee or the cable board. These entities might potentially bear the loss in the event that the system is not operating profitably, and no need was demonstrated for not giving them the option of allowing the system to cease operating, particularly in the case of municipalities where its citizen-taxpayers are the only persons inconvenienced by such termination.

8. That the "perpetual license" provisions of proposed section (3) allowing the franchisee to continue to maintain apparatus "in the public streets and ways" conflict irreconcilably with existing cable rule 121p requiring removal. These proposed provisions are further unreasonable in that testimony and written comments contended without refutation that in most cases, the apparatus would have to be removed anyway because of pole attachment agreements with other utilities.

These provisions of section (3) mandating that the original franchisee "shall have a license from the municipality" to "maintain" his apparatus amount to a "franchise" as defined in Minn. Stat., § 238.02, subd. 5, as -

> "Any authorization . . . in the form of a . . . license or other municipal authorization to construct, operate, maintain, or manage a cable communications system in any municipality." (Material omitted)

As such, they are specifically contrary to Minn. Stat., § 238.08, subd. 1:

> "A municipality shall have the power to require a franchise of any cable communications system providing service within the municipality."

IV. CHAPTER EIGHT. CHANGES OTHER THAN COMPENSATION FOR VALUE OF ASSETS.

1. That the proposed revisions of rules 121(h), (i), (zz2) and (zz7) are reasonable, necessary, consistent with legislative changes and statutory definitions and were unopposed. The agency adquately demonstrated its statutory authority for these rules as contained in Minn. Stat., § 238.05, subd. 2(b).

2. That the agency adequately documented the statutory authority, need and reasonableness of proposed revision of rule 121(k). The proposed discrimination rules discussed above adequately demonstrate the need for a specified time for conformance to statutory and rule changes.

V. CHAPTER FIFTEEN: BILLING

1. That the statutory authority to adopt this proposed rule is contained in Minn. Stat., § 238.07:

> "Costs and expenses of the commission. On or before December 1 of each year, the commission shall estimate the total costs and expenses, including compensation for personal service necessary to operate and administer the commission for the next ensuing state fiscal year. The commission shall, at such time or times and pursuant to such procedure as it shall determine by regulation, bill and collect from each franchised cable communication company funds to carry on the work of the commission, according to an equitable formula established by the commission; provided that the amount billed to or collected from any operating cable communications company pursuant to this section shall never exceed one percent of the gross annual receipts of such company during the twelve-month period designated by the commission, and further provided that in no case shall the amount collected pursuant to this section diminish the amount collected by the municipality from the cable communications company. The proceeds collected pursuant to this section shall be annually appropriated to the general fund of the state treasury."

2. That the effective date contained in the proposed rule will obviously need to be revised in accord with the actual date of rule adoption and such revision is specifically found to be needed, reasonable and insubstantial.

3. That there was no adequate showing of need or reasonableness for requiring a quarterly computation of actual gross subscriber receipts for regular subscriber service as opposed to using one quarter of a company's annual receipts according to the last preceding fiscal year for federal and state income tax purposes.

4. That revision to allow computation by prior fiscal year with an accounting for under or over payments at the close of each fiscal year would be consistent with the above-cited statutory language, specifically "during the twelve-month period designated by the commission."

Testimony at the hearing would support the need for such revision and its reasonableness.

VI. CHAPTER SIXTEEN: CABLE SERVICE TERRITORIES

1. That the statutory authority for the adoption of this proposed amendment is Minn. Stat., § 238.05, subd. 7:

> "The commission shall approve, modify or reject boundaries for specific territories upon receipt of proposals from municipalities or cable communications operator applicants, after consultation with the metropolitan council or the affected regional planning commission."

2. That the amendment suggested at the hearing to strike the words "the municipality initiating" is a reasonable, necessary and insubstantial modification.

3. That with this change, the proposed modification of the rule is reasonable, necessary and was unopposed.

CONCLUSIONS

1. That the Minnesota Cable Communications Board duly acquired and now has jurisdiction over the within proceeding.

2. That all relevant, legal and procedural requirements of statute and rule raised and discussed on the record have been properly complied with.

3. That the rules hereinafter recommended for adoption will properly implement the legislative mandate of Minn. Stat., Ch. 238.

4. That a clear and compelling need has been demonstrated for the adoption of the proposed rules with the modifications hereinafter recommended.

5. That with the exceptions noted in the foregoing Findings, the proposed rules are a reasonable implementation of the legislature's delegated responsibility.

RECOMMENDATIONS

IT IS RECOMMENDED: That the proposed rules of the Minnesota Cable Communications Board, except for those provisions relating to compensation for value of assets, be modified to incorporate the insubstantial changes suggested in these Findings, and thereafter be approved and adopted.

Dated this 10th day of March, 1976.



HOWARD L. KAZBEL, JR.
Hearing Examiner

CERTIFICATE OF BOARD'S ADOPTION

OF RULES RESOLUTION NO. 16

I, Theodore R. Mellby, do hereby certify that I am a member of the Minnesota Cable Communications Board, a Board 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 Cable Communications Board duly and properly called and held on the 24th day of April, 1976, 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 proposed rules prohibiting discrimination against minorities, guaranteeing full access to cable communications at all levels, and instituting an affirmative action program and compliance mechanism, be and hereby are approved and adopted, incorporating those insubstantial changes suggested in the Findings of the State Hearing Examiner, pursuant to authority vested in us by Minn. Stat. § 238.06 subd. 1 (1974), and that Mr. Theodore R. Mellby, chairman of the Minnesota Cable Communications Board, be and hereby is authorized to sign an order adopting those rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of April, 1976.

Theodore R. Mellby

Virginia G. Greenman

Attest by one other member

CERTIFICATE OF BOARD'S ADOPTION

OF RULES RESOLUTION NO. 17

I, Theodore R. Mellby, do hereby certify that I am a member of the Minnesota Cable Communications Board, a board 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 Cable Communications Board duly and properly called and held on the 24th day of April, 1976, 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 proposed revision and adoption of rules relating to franchise standards be and hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. §238.06, subd. 1 (1974), and that Mr. Theodore R. Mellby, chairman of the Minnesota Cable Communications Board, be and hereby is authorized to sign an order adopting those rules and revisions.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24 day of April 1976.

Theodore R. Mellby

Virginia J. Goldman

Attest by one other member

CERTIFICATE OF BOARD'S ADOPTION

OF RULES RESOLUTION NO. 18

I, Theodore R. Mellby, do hereby certify that I am a member of the Minnesota Cable Communications Board, a Board 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 Cable Communications Board duly and properly called and held on the 24th day of April, 1976, 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 proposed rules 213, 214, and 215, relating to billings by and payments to the Minnesota Cable Communications Board be and hereby are approved and adopted, incorporating those insubstantial changes suggested in the Findings of the State Hearing Examiner, pursuant to authority vested in us by Minn. Stat. § 238.06 subd. 1 (1974), and that Mr. Theodore R. Mellby, chairman of the Minnesota Cable Communications Board, be and hereby is authorized to sign an order adopting those respective rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of April, 1976.

Theodore R. Mellby

Virginia J. Greenman

Attest by one other member

CERTIFICATE OF BOARD'S ADOPTION

OF RULES RESOLUTION NO. 19

I, Theodore R. Mellby, do hereby certify that I am a member of the Minnesota Cable Communications Board, a Board 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 Cable Communications Board duly and properly called and held on the 24th day of April, 1976, 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 proposed revision of rule 225(a) relating to cable service territories be and hereby is approved and adopted, incorporating those insubstantial changes suggested in the Findings of the State Hearing Examiner, pursuant to authority vested in us by Minn. Stat. § 238.06 subd. 1 (1974), and that Mr. Theodore R. Mellby, chairman of the Minnesota Cable Communications Board, be and hereby is authorized to sign an order adopting that revision.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of April, 1976.

Theodore R. Mellby

Virginia J. Greenman

Attest by one other member

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Virginia G. Greenman, do hereby certify that I am vice-chairman of the Minnesota Cable Communications Board, a board 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 Cable Communications Board duly and properly called and held on the 25th day of October, 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 Mr. Robert J. McDonald be and hereby is granted the authority and directed to call a public hearing for the purpose of promulgating rules of the Minnesota State Board on Cable Communications as well as perform any and all acts incidental thereto, including but not limited to, signing an order for hearing and notice of hearing.
>
> BE IT FURTHER RESOLVED that the rules to be considered at the public hearing or hearings hereby authorized are described topically as follows:
>
> a) Chapter Ten (Chap. J)--which provides that all persons shall have full access to cable communications at all levels.
>
> b) Chapter Seven--proposed Rule 113 regarding compensation for value of assets.
>
> c) Chapter Eight--revisions to Rule 121 subsections (h), (h)(1), (h)(2), (i)(1), (i)(2), (k), and (zz2), to clarify the language and intent of each subsection; addition of Rule 121(zz7), concerning costs of specially required testing; revision of Rule 121(q), regarding compensation for value of assets.
>
> d) Chapter Fifteen--proposed Rules 213, 214, and 215, involving Commission Billings, to supplant current Rules 211, and 212, also involving Commission Billings.

e) Chapter Sixteen--an amendment to Rule 225(a), requiring published notice of intent to submit a cable service territory to the Minnesota Cable Communications Board.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of December, 1975.

Virginia G. Greenman
Vice-Chairman

Attest by one other member

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Theodore R. Mellby, Chairman
Minnesota Cable
Communications Board

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 Howard Kaibel, acting as State Hearing Examiner pursuant to delegated authority, on the 12th day of December, 1975, at 9:00 a.m. in Room 15 of the State Capitol Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412 subd. 4 (1974), as amended by Laws 1975, Ch. 380 § 2, 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 testimony, having considered all evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Chapter J-- Discrimination Prohibited, are adopted this 24th day of April, 1976, incorporating those insubstantial changes suggested in the Findings of the State Hearing Examiner, pursuant to authority vested in the Minnesota Cable Communications Board by Minn. Stat. § 238.06 subd. 1 (1974) and delegated to me by Resolution No. 16 of that Board, adopted by the Board at a regular meeting held April 24, 1976.

Theodore R. Mellby
Chairman, Minnesota Cable Communications Board

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Theodore R. Mellby, Chairman

Minnesota Cable

Communications Board

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 Howard Kaibel, acting as Hearing Examiner pursuant to delegated authority, on the 12th day of December, 1975, at 9:00 a.m. in Room 15 of the State Capitol, St. Paul, Minnesota, after proper notice required by Minn. Stat. §15.0412 subd. 4 (1974), as amended by Laws 1975, Ch 380 §2, 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 testimony, having considered all 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 revisions to rules 121(h), 121(h)(1), 121(h)(2), 121(i)(1), 121(i)(2), 121(k), and 121(zz2), and proposed new rule 121(zz7) all relating to franchise standards, are adopted this 24th day of April, 1976, pursuant to authority vested in the Board by Minn. Stat. §238.06 subd. 1 (1974) and delegated to me by Resolution No. 17 of the Board, adopted by the Board at a regular meeting held April 24, 1976.

Theodore R. Mellby
Chairman, Minnesota Cable
Communications Board

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Theodore R. Mellby, Chairman
Minnesota Cable
Communications Board

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 Howard Kaibel, acting as Hearing Examiner pursuant to delegated authority, on the 12th day of December, 1975, at 9:00 a.m. in Room 15 of the State Capitol Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412 subd. 4 (1974), as amended by Laws 1975, Ch. 380 § 2, 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 testimony, having considered all 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 rules 213, 214, and 215, relating to billings by and payments to the Minnesota Cable Communications Board, are adopted this 24th day of April, 1976, incorporating those insubstantial changes suggested in the Findings of the State Hearing Examiner, pursuant to authority vested in the Board by Minn. Stat. § 238.06 subd. 1 (1974) and delegated to me by Resolution No. 18 of the Board, adopted by the Board at a regular meeting held April 24, 1976.

Theodore R. Mellby
Chairman, Minnesota Cable Communications Board

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE Theodore R. Mellby, Chairman
Minnesota Cable
Communications Board

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 Howard Kaibel, acting as Hearing Examiner pursuant to delegated authority, on the 12th day of December, 1975, at 9:00 a.m. in Room 15 of the State Capitol, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412 subd. 4 (1974), as amended by Laws 1975, Ch. 380 § 2, 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 testimony, having considered all 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 the revision to rule 225(a), relating to cable service territories, is adopted this 24th day of April, 1976, incorporating those insubstantial changes suggested in the Findings of the State Hearing Examiner, pursuant to authority vested in the Board by Minn. Stat. § 238.06 subd. 1 (1974) and delegated to me by Resolution No. 19 of the Board, adopted by the Board at a regular meeting held April 24, 1976.

Theodore R. Mellby
Chairman, Minnesota Cable Communications
Communications Board

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Louis K. Robards, 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.

Louis K. Robards

Louis K. Robards
Special Assistant Attorney General

Dated: May 3, 1976

CHAPTER J - DISCRIMINATION PROHIBITED

MCCC-J-1 Discrimination in Franchising

No municipality shall discriminate against a prospective franchisee, in any manner, on the basis of race, color, religion, national origin or sex.

MCCC-J-2 Discrimination by Cable Communications Company

(a) No cable communications company shall discriminate against any person in initially providing, or continuing to provide cable communications services, nor shall any cable communications company discriminate against any person in initially providing, or continuing to provide, cable communications services on the basis of race, color, religion, national origin or sex;

(b) No cable communications company that provides a channel or channels and/or facilities for public access and leased access programming shall discriminate against any person in the use of such a channel or channels and/or facilities, nor shall any cable communications company that provides a channel or channels and/or facilities for public access and leased access programming discriminate against any person in the use of such a channel or channels and/or facilities on the basis of race, color, religion, national origin, or sex.

MCCC-J-3 Employment

Equal opportunity in employment shall be afforded by all operators of cable communications systems to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin or sex.

MCCC-J-4 Equal Employment Opportunity Program

(a) Each cable communications system shall establish, maintain and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of system employment policy and practice;

(b) Under the terms of its program a system shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

(2) Inform its employees and recognized employees organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(3) Communicate the system's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis;

(4) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex from the system's personnel policies and practices and working conditions;

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the system.

(c) Where two or more cable communications systems under common ownership or control are so interrelated in their management, operations and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained and carried out by them. Under other circumstances, the term "single employment unit" refers to an individual cable communications system or to a headquarters office.

MCCC-J-5 Additional Information to be Furnished

(a) Equal employment programs to be filed by operators of systems:

(1) The operator of each cable communications system shall file with the Commission and with the Department of Human Rights a statement of its equal employment opportunity within one year after

the effective date of those rules, indicating specific practices to be followed in order to assure equal employment opportunity without regard to race, color, religion, national origin or sex, in such aspects of employment practices as recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff and termination. Any changes or amendments to existing programs shall be filed with the Commission and the Department of Human Rights on or before September 1st of each year thereafter;

(2) If the operator of a proposed system believes that the system will continuously during January, February and March of the year following commencement of operations satisfy the conditions of Section 76.311(c)(1)(i)(b) of the Rules of the Federal Communications Commission, he may submit a statement justifying that conclusion in lieu of a statement of the proposed system's equal employment opportunity program;

(3) If the system has fewer than five full-time employees and does not with other cable communications systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment opportunity program statement need not be filed for the employment unit which consists of or includes the system;

(4) Where,pursuant to Rule MCCC-J-4(c), a program is jointly established by two or more systems with an aggregate total of 10 or more full-time employees, a multiple system operator shall file a combined statement. A multiple system operator shall file a separate equal employment opportunity program statement for each headquarters office if that office has five or more full-time

employees, and its work is primarily related to the operation of more than one cable communications system under common ownership or control;

(5) If pursuant to subsection (a)(3) of this rule or subsection (a)(2) of this rule a cable operator has been exempted from the requirement that it file and equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during the first three months of a calendar year, it shall file the statement on or before September 1st of that year.

(b) Contents of the equal employment program statement. The program should reasonably address itself to such specific areas as hereinafter set forth, to the extent that they are appropriate in terms of employment unit size and location;

(1) To assure nondiscrimination in employment:

(aa) Posting notices in the cable operator's offices and places of employment informing employees, and applicants for employment of their equal employment opportunity rights and their right to notify the federal equal employment opportunity commission, the federal communications commission, or the Minnesota Department of Human Rights if they believe they have been discriminated against. Where a significant percentage of employees, employment applicants or residents of the municipality of a cable communications system are Spanish-surnamed Americans, such notices shall be posted in Spanish and English. Similar use should be made of other languages in such posted equal employment opportunity notices, where appropriate;

(bb) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion or national origin is prohibited and that they may notify the federal equal employment opportunity commission, the federal communications commission, or the Minnesota Department of Human Rights if they believe they have been discriminated against;

(cc) Placing employment advertisements in media that have significant circulation among minority-group people in the recruiting area;

(dd) Recruiting through schools and colleges with significant minority-group enrollment;

(ee) Maintaining systematic contacts with minority and human relations organizations, leaders and spokesman to encourage referral of qualified minority or female applicants;

(ff) Encouraging present employees to refer minority or female applicants;

(gg) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members and females are being sought for consideration whenever the cable operator hires.

(2) To assure non-discrimination in selection and hiring:

(aa) Instructing personally those on the staff of the system who make hiring decisions that all applicants for all jobs are to be considered without discrimination;

(bb) Where union agreements exist cooperating with the union or unions in the development of programs to assure that qualified

minority group persons or females of equal opportunity for employment, and including an effective non-discrimination clause in new or renegotiated union agreements;

(cc) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(3) To assure non-discriminatory placement and promotion:

(aa) Instructing personally those of the system's staff that make decisions on placement and promotion that minority group employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination;

(bb) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interests and skills of all lower paid employees with respect to any of the higher paid positions, followed by assistance, counseling and effective measures to enable employees with interest and potential to qualify themselves for such positions;

(cc) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(4) To assure non-discrimination in other areas of employment practices:

(aa) Examining rates of pay and fringe benefits for present employees with equivalent duties and adjusting any inequities found;

(bb) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(c) Report of complaints filed against operators of systems. All operators of cable communications systems shall submit an annual report to the Commission and to the Department of Human Rights no later than September 1st of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of federal, state or local law have been filed before any body having competent jurisdiction. The report shall state with respect to each such complaint: the parties involved, the date filed, the courts or agencies before which the matter has been heard; the appropriate file number, if any; and the respective disposition or current status of the complaint;

(d) Report of annual employment. Each operator of a cable communications system with five or more full-time employees, as defined by the Federal Communications Commission, shall file with the Commission and with the Department of Human Rights on or before September 1 of each year a copy of FCC Form 395, an annual employment report in such form as will satisfy the requirements of, Section 76.311 of the Federal Communications Commission Rules and Regulations;

(e) Where an equal employment opportunity program is jointly established by two or more cable communications systems with an aggregate total of five or more full-time employees, a combined (single employment unit) annual employment report shall be filed;

(f) A multiple system operator shall file a separate annual employment report for each headquarters office if that office has five or more full-time employees, and its work is primarily related to the operation of more than one cable communications system under common ownership or control;

(g) Where pursuant to subdivision (e) and (f) of this Rule, if more than annual employment report is filed with respect to cable communications systems under common ownership or control, or headquarters offices performing work related to such systems, a multiple cable system operator shall also file a consolidated report covering all systems and headquarters office employees included in those reports;

(h) The date contained in each annual employment report required by subdivision (d) of this Rule and subdivision (e) and (f) of this Rule shall reflect the figures from any one payroll period in January, February or March of the year during which the report is filed. The same payroll period shall be used in each year's annual employment report;

(i) Annual employment reports required by the Rule shall be filed on or before September 1 of each year;

(j) Anything to the contrary in this Chapter notwithstanding, the cable communications system operator shall not be required to file with the Minnesota State Commission or Department of Human Rights any report or data with respect to any cable communications system not located at least partially within the State of Minnesota.

MCCC-J-6 Records Available to the Public

(a) Commission records. A copy of every annual employment report, equal employment program and reports on complaints regarding violations of equal employment provisions of federal, state or local law, and copies of all exhibits, letters and other documents filed as part thereof, all amendments thereto are open for public inspection at the offices of the Commission and the offices of the Department of Human Rights;

(b) Records to be maintained locally for public inspection by operators:

(1) Each operator of a cable communications system required to file annual employment reports, equal employment opportunity programs and annual reports on complaints regarding violations of equal employment provisions of federal, state or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters and other documents filed as part thereto. An employer who is required to file a consolidated annual employment report shall maintain an adequately indexed consolidated equal employment opportunity file,

containing copies of all the material included in the equal employment opportunity files of the headquarters offices and other employment units reported upon in his consolidated annual employment report;

(2) The documents specified in subsection (b) of this section shall be maintained for a period of five years;

(3) The equal employment opportunity file for a system, or a single employment unit including that system, shall be maintained at the principal workplace of the employment unit, or at any accessible location, such as a public registry for documents or an attorney's office, in the principal community served by the employment unit. The headquarters office equal employment opportunity file shall be maintained respectively, at the headquarters office and the principal office of the employer, or at any accessible place, such as a public registry for documents or an attorney's office, in the community in which the office is located. The employer shall provide reasonable accommodations at these locations for undisturbed inspection of his equal employment opportunity records by members of the public during regular business hours.

MCCC-J-7 Compliance Mechanism

The Minnesota Department of Human Rights shall be the compliance mechanism to oversee compliance with the provisions of this Chapter and to investigate complaints made pursuant thereto; provided, however, that only the Minnesota State Commission may revoke or suspend a certificate of confirmation for a cable communications company after an appropriate hearing.