



Two Harbors Public Access Television  
Channel 13  
522 1<sup>st</sup> Avenue  
Two Harbors, MN 55616

Rules Administering Public Access Channel(s)  
**PATH (Public Access Two Harbors) TV**

**A. PUBLIC ACCESS CHANNEL(S)**

1. Public access channel(s) are specifically designated channels on the Two Harbors television system that are available for use by the general public and local government. There is at present one public access channel – Channel 13 – which also includes a revolving message board which displays character generated government meeting schedules, messages and announcements of public interest.
2. The public access channel(s) are administered for the City of Two Harbors by the Cable Commission, whose purpose is to encourage and enable the general public to use the public access channel(s).

**B. DEFINITIONS**

1. “Programmer” is defined as being those persons making use of the cable access channels for the presentation of videotapes, live programs, or programs received on or by other acceptable forms of media.
2. The City of Two Harbors shall be referred to as the “City.”
3. The Two Harbors Cable Television Commission shall be referred to as the “PATH.”
4. The cable franchise provider shall be referred to as “franchise provider,” Mediacom, or other current provider(s).
5. “Access coordinator” is defined as the City designate designated to promote the use of PATH TV on a non-discriminatory, first-come, first-served basis. This person together with PATH is responsible for enforcing these operating rules and procedures, maintaining the

access channel and equipment, and otherwise supervising any staff and/or volunteers.

6. "Copyright" is defined as being the exclusive legal right of publication, duplication, imitation, or sale of literature, music, or artistic work. All necessary copyright clearances are the responsibility of the access user.

#### C . CHANNEL TIME

1. Channel 13 is available for use by the general public and local government on a first come, first-served, non-discriminating basis, subject to prioritization set forth in these rules.
2. No charge will be made for programming or messages cablecast over the public access channels.

#### D. RESERVING TIME FOR PUBLIC AND GOVERNMENT VIDEO PROGRAMMING ON PUBLIC ACCESS CHANNEL(S)

1. PATH is solely responsible for scheduling time on all public access channels.
2. Requests for cablecast time slots for video programs (live or recorded) shall be requested in person, or by e-mail to [thtv@mchsi.com](mailto:thtv@mchsi.com) no later than seven days prior to the requested cablecast date.

#### R. SCHEDULING CABLECAST TIME FOR PROGRAMS

1. For the purposes of these rules:
  - a) **Resident** is defined as:
    - 1) any person whose residence is located in, or who works in or who attends school in the resident area;
    - 2) any group of two or more persons from which a significant portion of its membership resides in the resident area;  
and/or
    - 3) institutions or business' which is located in the resident area.

- b) **Resident area** is defined as that geographic area which includes the City of Two Harbors, Lake County
- 2. Access time shall be available on a first-come, first-served basis, but subject to the priorities set forth in this section and following the procedures set forth in Section F.
- 3. First priority for scheduling time on Channel 13 will be given to programs:
  - a) Which are produced by residents
  - b) Of a subject having significant local interest and submitted by residents; or
  - c) Which have been recorded for will be produced live within the resident area
- 4. Second priority for scheduling time on Channel 13 will be given to all other programs.
- 5. Programs submitted for cablecast will be cablecast once. Repeat cablecasts may be requested by the producer and/or submitter of the program(s) in Section 3 and will be granted subject to available cablecast time. Programs scheduled per Section 4 will be cablecast on Channel 13 as well, until such time and occasion as the need for an additional channel is established.
- 6. In the event that program time demand increases to the point of single channel saturation – and prior to the activation of an additional channel – programs of the second priority (Section 4) will be scheduled on Channel 13 in a manner so that the total number if such programs will not exceed 25% of the total programs cablecast on Channel 13 in any given week.
- 7. PATH will attempt to satisfy request for the cablecast of programs at specific times on specific dates, depending upon the availability of channel time and cablecast equipment.
- 8. Regularly scheduled series time slots will be allocated for a maximum of one year. If a person or organization submitting or producing a series fails to submit more than two programs in the series, the series' time slot may be reassigned. Other ruler for scheduling may be promulgated by PATH through policies which shall be available to producers and submitters of series programs.

## F. VIDEO PROGRAM CONTENT

1. The content of public access community television programs must be non-commercial, and may not include material designed or tending (in whole or in part) to promote the sale of commercial products or services, including political advertising by (or on behalf of) candidate(s) for public office, or on behalf of ballot questions which – if broadcast on commercial television – would be required to include a “paid advertisement” announcement pursuant to Minnesota Statutes 211B.04). This does not preclude the static display of candidate biographical information on the character generated message boards, provided the equal opportunity of such access is universally available and offered to all registered candidates, nor does this preclude the unbiased informational display of community government ballot questions and issue statements which would not trigger implementation of the provisions of Minnesota Statute 211B.04.
2. Public access community television must not contain obscenity as defined by federal, state, or local law, or material otherwise prohibited by federal, state, or local law.
3. Community television programs may seek funding for, or sponsorship of, their programs from private and/or public sources. Credit to funding sources may only be given at the beginning and ending of the program, and may say only that assistance or support was provided by the funding source. A character-generated name or logo may appear, but no address (postal or e-mail), or telephone number may be included. Audio is limited to identification of the program or series supporter by name, but no information about the supporters’ products or services is allowed.
4. An acknowledgement of underwriting may be made, but any acknowledgment of underwriting shall be made only in writing at the end of the program in the same font or manner as the other program credits. The acknowledgment shall be stated as follows:

"Special thanks to \_\_\_\_\_ for \_\_\_\_\_ provided,"  
or  
"This program is made possible, in part, by a grant from  
\_\_\_\_\_"
5. Any programmer who produces a program concerning the service or product which the programmer sells commercially or in which a programmer has a direct or indirect financial interest may not mention the cost or product of service, where or how it may be purchased, or include an acknowledgment for any business which offers a product or service in which the programmer has a direct or indirect financial interest.

6. Direct microwave or satellite feeds of civic, cultural, entertainment, or sporting events of obvious community interest with commercial material inserted into the program feed at the source and received by PATH for direct distribution on Channel 13, will be the only allowable form of commercial material to be cablecast on Channel 13 or any subsequent additional channels which may be activated.
7. PATH will not edit or alter in any way the content of any program submitted to it for cablecast.
8. Recorded video and live programs must include opening and closing credits identifying the program's title and producer.
9. Informational community message board postings (static or active) must also include sufficient information (logo, name, etc.) as to clearly define the identification of the person, group, or organizational entity who is placing the announcement.

#### G. SUBMITTING MEDIA OR PREPARING FOR LIVE CABLECAST

1. The programmer of a video program scheduled for cablecast must complete and submit with the tape an Application for Use cablecast submission form no later than two days prior to the cablecast. Exceptions may be made for programs of timely events such as sporting events or public meetings.
2. The programmer of a live program must complete and submit an Application for Use cablecast submission form prior to the start of the live program.
3. The Application for Use cablecast submission form must include program title, producer or submitter, and any other information required by PATH to insure that rules and policies have been followed including statements from the programmer that prohibited program content is not included in the program. The form must be signed by the programmer. Failure to sign the form, or submitting false information on the form would constitute grounds to refuse cable casting of the program.
4. Material submitted for cablecast must be in DVD\*, S-VHS or VHS media format with one program per submitted media piece, and must comply with any other rules promulgated by PATH, which rules shall be available to any producer or submitter upon request.

5. Following cablecast of the tape or DVD, the program programmer is responsible for picking up the media. If the media is not picked up within 45 days of the last cablecast date, PATH may dispose of or recycle the media.
6. Programmers will bear full responsibility for all program content. Programmers will assume all responsibility to obtain all necessary rights to program production materials. This includes all necessary literary, artistic, intellectual, performance, and music rights as well as all necessary clearances from owners or licensees of such material. Programmers must sign and submit a statement of compliance form accepting responsibility for program content to present programming on public access channel.
7. Programmers shall indemnify and hold harmless the City of Two Harbors, its officers, employees, and agents, the PATH, Mediacom, or any other franchise provider, from and against any damages, liabilities, and costs of any nature resulting from any action related in any way to the programmer's use of access channels and/or equipment and facilities. This includes, but is not necessarily limited to, any damages and liabilities in costs, which may arise as a result of the programmer's failure to abide by the operating rules of the Two Harbors Cable Television. Each programmer shall sign an Indemnity Agreement at the time the programmer uses access facilities and presents programming for the public access channels. Two Harbors Cable Television reserves the right to refuse to allow access to facilities or allow presentation of programming on access channels unless these rules are fully complied with.

#### H. MESSAGE SERVICE

1. Channel 13 will display character generated messages limited to the following categories:
  - a) Public access channel schedules of programs or other messages relating to public access community television.
  - b) Government announcements, information, and schedules,
  - c) Community events, schedules, and announcements of public interest from non-profit, charitable or community service organizations, or
  - d) Information about cable system service problems, outages, and repairs submitted by the cable company.
2. These messages must be noncommercial: No material may be designed to or tending (in whole or in part) to promote the sale of

commercial products or services, including political advertising by (or on behalf of) candidate(s) for public office, or on behalf of ballot questions (as determined by reference to Minnesota Statutes 211B.04, as in E.1 above). These messages may not contain obscene material as defined by federal, state, or local law.

3. Channel 13 will display these messages 24-hours a day except in case of emergency situations, or where preempted by program broadcast until such time as usage volume dictates the addition of an additional public access channel.
4. PATH may not edit messages submitted.

#### I. FILE OF CABLECAST SUBMISSIONS

1. PATH will keep a file of cablecast submission forms for two years following the date the form is signed, and will allow public inspection of these files during normal business hours: The format for file retention may be paper or a digital image electronic file, scanned from the original document.
2. PATH will keep a file of cablecast logs for two years, indicating which programs have been cablecast, and will allow public inspection of these files during normal business hours: The format for file retention may be paper or a digital file on electronic media.

#### J. EXCEPTIONS

1. Exceptions to these rules may be granted at the sole discretion of PATH, but only for good cause. Good cause shall include an emergency, the occurrence of an unexpected event of significant public interest, and acts of God. Causes attributable to the producer or presenter of the program shall not be considered good cause.
2. When requested, exceptions will be stated in writing with an explanation of the reason for granting the exception. Exceptions and such explanations will be kept on files as in Section H.1 above.
3. Exceptions are considered on an individual basis, and are not cumulative.
4. Anyone denied an exception may apply for and receive a hearing before the Cable Commission (PATH) to reexamine the matter.

#### K. DISTRIBUTION AND AMENDMENT OF OPERATING RULES

1. PATH will make available a copy of these rules and any policies or rules referenced in these rules at the PATH studio (City Hall) to any person making the request.

2. Amendments to these rules must be approved by the (PATH), the City Council of Two Harbors, and – where applicable – the franchisee of record.

#### L. MAKE-GOOD POLICY

1. PATH reserves the right to change the cablecast schedule for emergency or other good cause as defined in Section 1.1
2. If PATH fails to cablecast a program, or changes the schedule as defined in K.1, it will attempt to contact the producer or submitter regarding rescheduling and agree upon a new cablecast date, publicizing the new date by the character generated message service system.

#### M. STUDIO USE

1. Access to studio and facilities will be limited to those individuals who have completed the requisite course of instruction or familiarization with the equipment and software - either through direct PATH instruction, verified course attendance at PACT (Duluth-Superior area public access provider), successful completion of an equivalent community education (verified or on record), or substantiated records of college or vocational institution equivalent programs of instruction. It is not available for commercial use.
2. Studio equipment – one camera, lighting (if available), and microphone – plus technical personnel (if available) will be made available by appointment for the purpose of recording and cable casting special presentations. These special presentations shall not exceed five minutes in length per week per producer, and the studio equipment referenced will be provided at no charge. Studio equipment access and usage will be granted under equivalent education and familiarization standards as L.1 above, and is not available for commercial use.
3. Requests for additional studio and equipment usage time may be granted, based upon the availability of PATH personnel to monitor facilities and activity: Fee may be charged for services and access beyond the mandated five minutes allocated in L.2 above.

#### N. USER RESPONSIBILITIES

1. The user of PATH TV, access equipment, studio, or cablecast time has the following responsibilities:
  - 1.2 To read, understand and agree to the Operating Rules, the Policy and Procedure Manual, and the Statement of Compliance.
  - 1.3 To bear responsibility for equipment or use of studio or for a minor or other acting with your permission.



- 1.4 To bear full responsibility and liability for the content of the produced program and any copyright material contained within it.
- 1.5 To follow the rules with respect to advertising, lotteries, and obscene or indecent material established by these rules and bear all responsibility for any violations of those rules.
- 1.6 To identify the originator, the producer, and sponsor of any programming which is submitted for cable casting.
- 1.7 To indemnify the City, its officers, employees, and agents as required.
- 1.8 To respect the rights of others.
- 1.9 To uphold the integrity of public access by conducting oneself in a responsible manner while utilizing equipment, studio facilities, production assistance, or otherwise cable casting.