



Channel 3



Channel 20

**Pemi-Baker Community Access Media  
MANUAL OF POLICIES & PROCEDURES**

A service of the  
TOWN OF PLYMOUTH, NH

In cooperation with  
Time Warner Cable  
and  
Pease Public Library

Sixth Edition

## **Preface**

Pemi-Baker Community Access Media (pbCAM) is a "public access", cable television center and is exactly as the words imply: the opportunity for all eligible citizens and community groups to communicate to the public via the Plymouth area system. This service of the Town of Plymouth is provided for use by the public on a nondiscriminatory, first-come, first-served basis. The staff of pbCAM will not restrict the content or the message of any program presented on the Pemi-Baker Public and Educational Access Television (pbACT) channel. There are, however, federal laws pertaining to the subject matter of public access programming. The Communications Act of 1984 (the Act) specifically prohibits cable operators from exercising editorial control over access programming. In the spirit of full compliance with the Act, the staff of pbCAM will in no way unreasonably restrict program formats, topics, language, or material which are controversial in nature.

## **Revisions**

July 1992	First Edition – Initial release and adoption.
April 2006	Second Edition – Removed restriction on political content. Added non-resident memberships.
August 2006	Third Edition – Added local music cablecast policy, and revised forms and technical quality standards.
February 2007	Fourth Edition - Major revision of content restrictions section to include safe harbor hours and notification of adult content.
April 2008	Fifth Edition – Major revision of most sections and forms. Added Facilities Reservation Form which has always been required but never existed.
May 2010	Sixth Edition – Revised to remove references to the recently dissolved pbCAM Advisory Board. Added a new policy for remote submission of digital programs and a Series Application for Cablecast. Incorporated technical quality standards into manual as opposed to maintaining a separate standards document. Minor revisions to most sections.

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# Section 1 - Introduction

## A. History

On October 31, 1990, the Town of Plymouth entered into a franchise agreement to operate a cable television system under authority of New Hampshire RSA-53C. Pursuant to the franchise agreement, community access television channels were established for Plymouth residents, businesses and organizations to cablecast pre-recorded and live non-commercial programming of local interest over the cable television system. These channels may also be used to cablecast prerecorded and live public meetings and other government and educational access programming.

## B. Policies and Organization

This Manual of Policies and Procedures contains the rules and regulations adopted and approved by the Plymouth Board of Selectmen. The manual is intended to provide guidelines for maximum utilization of resources by eligible users. The pbCAM Executive Director is responsible for carrying out all daily operations of pbCAM in accordance with this manual. The Executive Director functions under the direction of the Town Administrator and Plymouth Board of Selectmen.

## C. Definitions

### 1. Pemi-Baker Community Access Media (pbCAM):

The overall name for community access media in Plymouth and surrounding towns defined in the Pemi-Baker Area shall be Pemi-Baker Community Access Media, herein referred to as pbCAM.

### 2. Pemi-Baker Public and Educational Access Television (pbACT):

The name for the public and educational access channel operated by pbCAM shall be Pemi-Baker Public and Educational Access Television, herein referred to as pbACT.

### 3. Pemi-Baker Government Access Television (pbGOV):

The name for the government access channel operated by pbCAM shall be Pemi-Baker Government Access Television, herein referred to as pbGOV.

### 4. Pemi-Baker Area:

For the purposes of this manual, the Pemi-Baker Area is defined as the towns of Plymouth, Ashland, Campton, Dorchester, Ellsworth, Groton, Holderness, Rumney, Thornton, Warren and Wentworth.

### 5. Member Community:

A member community is any town in the Pemi-Baker Area that, through contract with the Town of Plymouth, contributes proportional funding and/or in-kind services or facilities to support the operations of pbCAM.

## **Section 2 - Programming**

### **A. Public, Educational and Government Access Eligibility**

Program time slots on pbACT are available on a first-come, first-served basis free of charge to eligible public access users. Eligible public access users are adult residents, residents under 18 years of age who are sponsored by a responsible adult, owners of resident businesses, and members of resident non-profit organizations of Plymouth and member communities. Non-resident faculty, staff and students of Plymouth State University, Plymouth Regional High School, Plymouth Elementary School and all other schools in Plymouth and member communities are eligible public access users. Non-resident officials and employees of the Town of Plymouth and member communities, as designated by the Board of Selectmen of their respective town, are also eligible public access users of pbACT.

Non-residents may become public access users by submitting a Statement of Compliance and an annual membership fee of \$25.

Program time slots on pbGOV are available only to resident and non-resident officials and employees of the Town of Plymouth and member communities. These time slots are to be used solely for communicating information directly related to the goals of the user's respective town in accordance with the town's set policies or direction provided by the respective Board of Selectmen. Plymouth officials and employees must comply with the Electronic Communications Policy in the Town of Plymouth Personnel Manual. Additional program time slots may be made available for state and federal government officials and agencies if scheduling permits.

It has been, and shall continue to be, the policy of pbCAM to provide equal access and opportunity to all individuals without discrimination on the basis of race, color, religious creed, sex, national origin, ancestry, marital status, sexual orientation, gender identity or expression, age, or physical or mental disability.

### **B. Government Programming**

Governmental meetings such as Selectmen, School Board and Town Meetings may be cablecast live or recorded for cablecast later. This programming and other such programming as the Town may choose to cablecast are referred to as governmental programming.

### **C. Electronic Community Bulletin Board**

An electronic Community Bulletin Board is programmed to cablecast on pbACT to announce upcoming pbCAM programs, non-commercial messages, and other items which may be of interest to cable subscribers.

Any person or entity in any Pemi-Baker Area community may request cablecast of a non-commercial message, provided the message and request are submitted in writing or electronically to the Executive Director at least two weeks in advance. The Executive Director may allow a shorter lead-time for a request if message scheduling and other circumstances permit.

An electronic Government Bulletin Board is programmed to cablecast on pbGOV to announce upcoming pbCAM programs, government messages, and other items which may be of interest to cable subscribers in the course of interacting with their local, state and federal governments.

Announcements are scheduled by the Executive Director. Although every effort is made to assure that information cablecast on the bulletin board is accurate and current, pbCAM assumes no responsibility for errors in message content or in message scheduling. Submission of an announcement for inclusion in either bulletin board is at the discretion of the Executive Director and does not guarantee inclusion in the bulletin board(s).

#### **D. Local Music Cablecast**

pbCAM may provide as part of its public access services certain days and times when local music and/or audio tracks can be played as audio accompaniment for the Community Bulletin Board. These playback times are available to all artists, groups and/or authorized agents of such artists or groups located within the Pemi-Baker Area.

All music or audio tracks submitted must comply with content restrictions defined in Section 2(J) below. Additionally, all music must be submitted in either .mp3 format in at least near-CD quality (preferred) or on a compact disc.

Artists, groups and/or authorized agents submitting music and/or audio tracks for cablecast will not receive any compensation of any kind in connection with any use of any such music and/or audio tracks.

A fully completed Music Release Form must accompany all submitted music and audio tracks.

#### **E. Applying to Cablecast a Program on pbACT**

A public access user desiring to cablecast on pbACT must submit a completed Application for Cablecasting to the Executive Director. A separate Application is required for each requested program or program series and for each requested repeat cablecast of a program or program series. A program may be repeated at the discretion of the Executive Director without the user filing a separate Application (see subsection (F)).

No application for repeat cablecast of a program or program series may be submitted within 30 days after the original cablecast of the program or program series.

An Application for Cablecast submitted by a person under 18 years of age must also be signed by her or his parent or guardian, who is not required to be a resident of Plymouth or a member community.

A signature on an Application for Cablecast is an acknowledgment that the signer has read this manual and that the applicant (and, if the applicant is under 18 years of age, the sponsoring adult) agrees to comply with, and be bound by, its terms.

Unless the Application is for live or series programming, the program to be cablecast must accompany the Application or be submitted at such other time as the Executive Director may direct. An applicant for live and/or series programming must also satisfy the applicable requirements of subsections E. and F. below.

## **F. Scheduling Priorities**

Priority for scheduling on pbGOV is as follows:

1. Live and repeat cablecasts of Town and SAU #48 meetings;
2. Programming produced and/or requested by Town and SAU #48 officials and employees;
3. Programming produced and/or requested by State officials, employees and agents on behalf of the State government;
4. Programming produced and/or requested by Federal officials, employees and agents on behalf of the Federal government; and
5. All other government programming (solicited or unsolicited) as the schedule permits.

Priority for scheduling on pbACT is as follows:

1. Public and educational access programs produced through pbCAM that have not previously been cablecast;
2. Public and educational access programs not produced through pbCAM that have not previously been cablecast;
3. Repeat cablecasts of public and educational access programs produced through pbCAM;
4. Repeat cablecasts of public and educational access programs not produced through pbCAM; and
5. All other repeat cablecasts scheduled at the discretion of the Executive Director.

A program may be repeated an unlimited number of times if the Executive Director determines that time is available.

A public access program scheduled for cablecast may be pre-empted and/or rescheduled by the Executive Director without advance notice:

1. By the emergency alert override required under the Franchise Agreement;
2. For failure of the public access user to comply with these Policies and Regulations; or
3. If the program is a repeat cablecast scheduled at the discretion of the Executive Director, in addition to any of the foregoing reasons, by programming which has not previously been cablecast on pbACT.

In the event that a scheduled repeat cablecast is pre-empted or rescheduled by the Executive Director, the Executive Director shall notify the program producer that his or her program is being pre-empted or rescheduled.

### **G. Live Programming**

At the same time an Application for Cablecasting is submitted, an applicant for live programming must also submit to the Executive Director a Facilities Request Form if pbCAM facilities are to be used.

Scheduling of a proposed live program is subject to:

1. Availability of pbCAM facilities, equipment and pbCAM staff to supervise the production; and
2. Compliance by the program producer and crew members with the technical knowledge and certification requirements for use of pbCAM facilities and equipment specified in Section 3.

The Executive Director may pre-empt or reschedule a live program if all necessary conditions for its cablecast have not been met at least one week in advance of its scheduled cablecast. If the proposed live program cablecast is requested in one week or less from the date of the application and if the Executive Director accepts the Application, then all necessary conditions for its cablecast must be met at the time of the Application or the program will not be scheduled.

### **H. Series Programming**

A series is a set of programs with a common theme or topic. Each program of a series is produced or sponsored by the same public access user and is cablecast in the same time slot under the same title.

A series may be scheduled for cablecast a maximum run of thirteen consecutive weeks. Each program may not run more than two hours in length. Repeated public meetings shall not be considered series programming. Any conflicts in scheduling will be resolved by lottery.

A series program may be repeated as single programming in another time slot if the Executive Director determines that time is available.

A minimum of the first four completed programs in the new proposed series must accompany the Application for Cablecasting or all programs if the series consists of less than four programs or is requested to be run for less than two weeks. The public access user must thereafter submit any subsequent program at least two weeks in advance of its scheduled cablecast.

The Executive Director may relax the requirement of advance submission of programs for special circumstances; such as the inclusive of one or more live programs as part of the proposed series.

The Executive Director may reassign the remaining time slots of a series to other programming for failure of the public access user to comply with this subsection or with any other policy or regulation in this manual.

## **I. Responsibility for Program Content**

The Town of Plymouth and member communities completely disclaim any responsibility for the content of and material used in all live or recorded programming. Program producers and public access users shall bear sole responsibility for the content of, and material used in, all live or recorded programming and must agree in writing to indemnify and hold the Town of Plymouth, member communities, the cable franchisee, and pbCAM staff and volunteers harmless from any and all liability or other injury (including reasonable costs of defending claims or litigation) arising from any and all claims of any kind whatsoever concerning failure to comply with any applicable laws, rules, regulations, or other requirements of local, state, or federal authorities and from libel, slander, invasion of privacy, infringement of common law or statutory copy right or trademarks, breach of contractual or other obligations owing to third parties, or any other injury or damage, in law or equity, which in any manner arises out of cablecast or use of pbCAM equipment and/or facilities.

The public access user agrees to make all appropriate arrangements with and to obtain all clearances from broadcast stations, networks, sponsors, music licensing organizations, performers, copyright holders, and without limitations from the foregoing, any and all other persons (natural and otherwise), as may be necessary to transmit its program material over pbACT.

The staff and volunteers of pbCAM exercise no unreasonable control over program content. For a better understanding of what is meant by "no unreasonable control" please read again the Preface page of this manual.

## J. Content, Community Standards and Law

Section 2, (J) "Content, Community Standards and Law" shall also be known as the Safe Haven Policy.

Obscenity and Pornography are prohibited at all times. Indecency and Profane Language may NOT be prohibited, but must be played ONLY between the hours of 11:00 pm and 6:00 am. Note that obscene material only concerns sexual organs and sexual acts and is defined in NH RSA 650 (see Appendix A). Indecent material includes sexual or excretory functions or organs, and so-called profane words. The FCC's regulations concerning safe harbor or safe haven concern only indecent programming, which is defined by the FCC as follows: "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community broadcast standards for the broadcast medium, sexual or excretory organs or activities. Indecent programming contains patently offensive sexual or excretory references that do not rise to the level of obscenity. Indecent programming may, however, be restricted in order to avoid its broadcast during times of the day when there is a reasonable risk that children may be in the audience".

Bearing in mind that it has not necessarily been established that these rules apply to cable access television, but only to broadcasters, the FCC traditionally refers complaints about programming under these rules back to the municipality that regulates the access center. Most municipalities have adopted the FCC standards on obscenity and indecency and enforce local community standards for cablecast.

The staff of pbCAM will work in partnership with citizens, citizen groups, educators, businesses, government officials and community organizations to provide progressive, responsible and diverse programming based upon local community standards.

Producers are expected to alert pbCAM staff to programming that may be inappropriate for younger viewers. The staff of pbCAM reserves the right to restrict cablecast programming with excessively violent material, offensive language, nudity, or sexually explicit material. The time will be determined by pbCAM staff, generally after 11:00 pm, and before 6:00 am, in order to preserve a safe haven for viewing by "all audience members."

**a. Mild Adult:** Intended for mature audiences only: may be cablecast between the hours of 11:00 pm to 6:00 am. This category of programming intended for adult audiences may include infrequent profanity, mild violence, and brief frontal nudity of a non-sexual or non-erotic nature. This category is similar to what viewers are generally accustomed to seeing in stronger MPAA\* PG-13

rated material, and some mild R rated material, or on some network broadcast and cable television (TV-14 or TV-MA) after 11:00 pm.

**b. Strong Adult:** Intended for mature audiences only that may include constitutionally protected “indecent” speech: may be cablecast between the hours of 1:00 am to 4:00 am. This category includes any uses or depictions of violence, profanity, or nudity that is persistent or otherwise goes beyond brief or infrequent uses. This category is similar to what viewers are generally accustomed to seeing in stronger MPAA\* R, NC-17 and X rated material, or in some cable TV pay-channels or pay-per-view channels.

The staff of pbCAM is forbidden by law from censorship, or content control. Anyone who disagrees with a program is encouraged to produce counter-programming presenting an opposing point of view, or otherwise responding to the program in question.

Violation of the Safe Haven Policy will be considered a Major Violation (see Section 4 (A) 1 “Major Violations”). The Town of Plymouth, member communities, the cable franchisee, and pbCAM encourage you to consider: your program will be cablecast into households throughout several towns in the Pemi-Baker Area. There are situations where children in many of these households and their television habits may not be closely supervised. Public access users have the opportunity to make a responsible decision to limit the time of day a program will be scheduled by voluntarily stating any controversial content on the Application for Cablecast. Any program that the Producer deems contains the controversial content noted below should make every effort to notify the staff prior to cablecasting.

**a. Adult Language:** Language or slang references which refer to sexual situations, or human excretory functions.

**b. Extreme Violence:** Extreme acts of violence against people, graphic depictions of violent acts, images or sounds of violent human or animal mutilation, torture or death

**c. Nudity:** Human nudity of a socially unacceptable nature.

**d. Sexual Content:** Sex acts or depictions in any context.

The courts have determined that material that is so-called “XXX” or “hardcore” pornography is legally obscene and is not permitted to be cablecast on public access. At no times may such constitutionally unprotected material be cablecast on the channel. Producers of such material may be subject to prosecution. Public access programming may not be used for illegal purposes. pbCAM assumes no legal responsibility or liability for public access programming. Users responsible for illegal programming or programming containing information defrauding or

intended to defraud the viewer shall forfeit their right to use pbCAM facilities and be subject to disciplinary actions of a Major Violation (see Section 4 (A) 1 "Major Violations")

The following are examples of types of illegal programming which are prohibited:

- a. Information about any lottery, gift enterprise, or similar scheme offering prizes gained by lot or chance or any whole or partial list of prizes awarded by lottery, gift enterprise or similar scheme is prohibited. (Violation of this rule is subject to criminal liability under federal law, Title 18, U.S.C. Sec. 1304.) For example, a program violates this if it is connected with a valuable prize awarded to any person selected by lot or chance, if the winner is required to furnish anything in exchange for the prize, or if the winner is required to buy or have any product from a sponsor of the program.
- b. Material which is intended to defraud the viewer or designed to obtain money by false or fraudulent means is prohibited. (Violation of this rule is subject to criminal liability under federal law, Title 18, U.S.C. Sec. 1464.)
- c. Obscene matter is prohibited. (Violation of this rule is subject to criminal liability under federal law, Title 18, U.S.C. SEC. 1464 and state law, N.H. RSA 650.)

Any presentation of revenue generating material or content other than underwriting approved by the Executive Director is prohibited as it violates the franchise agreement established between the Town of Plymouth and the cable franchisee.

## **K. Ownership**

Public access users own the content of their program, if it is a program produced through pbCAM, after it has been cablecast at least once on pbACT and provided it is never used for revenue-generating purposes.

Producers and users may keep the master of their program. The staff of pbCAM has the right to retain a copy of any program for one year after its cablecast for repeat cablecast on pbACT an unlimited number of times, and for promotional purposes related to pbCAM if the public access user consents.

Public access users are expected to pick up their program when it has completed cablecasting. Due to very limited space, public access programs are not archived unless special arrangements are made with

pbCAM staff. Any programs that are not picked up within thirty (30) days from the completion of cablecast will be discarded.

#### **L. Government and Educational Access Archives**

Member communities and their educational institutions are responsible for managing their own archives of government and educational access programming, as well as any policy regarding the management of such archives. The staff of pbCAM shall not be responsible for managing government or educational access archives for member communities and their educational institutions.

#### **M. Program Format and Labeling**

All public access programs should identify the name of the public access user. Each program should begin with 10 seconds and end with 60 seconds of black. All physical media containing a program must be clearly labeled by the public access user with the name and address of the user and the name of the program. A program produced through pbCAM may bear an additional, in-house label.

#### **N. Technical Quality Standards**

Programs to be cablecast must meet certain minimum technical standards established as follows:

- All video programming must be either as an MPEG-2 digital video file compliant with playback standards for the Leightonix NEXUS (see Appendix B), as a digital video file in a commonly available format (i.e. not specific to only one software application), or on video DVD-R.
- Programs captured from tape media should be captured at no more than 3rd generation, with little noise or color smearing.
- Video captured from motion picture films, 16mm, 8mm, or super 8, must be captured using the correct equipment to eliminate frame synch differential shutter bar.
- The staff of pbCAM reserve the right to reject any program that does not meet these technical quality standards or any program submitted in a digital video file format that is incompatible with current pbCAM transcoding capabilities.

#### **O. Sponsorship Credits and Underwriting**

Commercial advertising is prohibited from pbACT and pbGOV. Individuals, businesses and organizations may contribute monetary or other assistance to the making of a program (underwriting support), except that underwriting support cannot be accepted or used for production labor, including producer fees and director fees; talent fees; purchase of access to pbCAM facilities or equipment; nor for purchase of cablecast time on pbACT or pbGOV.

The public access user must disclose the nature and amount of all underwriting support in writing to the Executive Director. The Executive Director retains all records of underwriting support on file. Permitted underwriting support may be acknowledged in the program credits with graphics, video and/or voice-over, for example: "The following (or preceding) program has been brought to you in part by . . ." The graphics may include the logo or name of the underwriter, and other identifying information.

All programs produced through pbCAM must credit pbCAM with graphics, video and/or voice-over, for example: "Produced through the facilities of Pemi-Baker Community Access Media located in the Town of Plymouth".

#### **P. Digital Content Remote Submission Protocol**

The sole method of submitting content remotely for cablecast via pbCAM is as follows:

1. The Content Provider will post content on a public or private server that meets current security credentials specified by the pbCAM Executive Director;
2. The Content Provider will provide pbCAM with the location and any necessary access that must not expire until the Content's cablecast rotation is complete; and
3. The staff and volunteers of pbCAM will access, transfer, and/or download the Content in whichever manner best serves the integrity and security of the existing pbCAM data and architecture.

## **Section 3 - Facilities, Equipment and Training**

### **A. Public Access Eligibility**

Facilities and equipment are available through pbCAM on a first-come, first-served basis free of charge to public access users, and to employees, volunteers and student participants in any Plymouth or member community school organization or municipal department. Public access users will be recorded on their Statement of Compliance as certified by the Executive Director upon demonstration of sufficient technical knowledge and ability to operate or use a particular facility and/or equipment. See subsection C below.

### **B. pbCAM Facilities and Equipment**

Facilities and equipment provided by pbCAM may not be used to produce commercial programming or any other material prohibited by Section 2(J) above. Use of pbCAM facilities and/or equipment to produce commercial or other programming for a fee will subject the user to the imposition of a charge by pbCAM for the use of the facilities and/or equipment. This charge is in addition to any penalty that may be imposed under Section 4.

Facilities and equipment provided by pbCAM must be used to produce programming for cablecast on pbACT or pbGOV. Such programming must be produced within a reasonable time after their use of pbCAM facilities and equipment.

### **C. Certification, Training and Workshops**

Sufficient technical knowledge and ability to operate or use a particular pbCAM facility or equipment must be demonstrated to the satisfaction of pbCAM staff.

Workshops and classes in basic production skills shall be provided on a scheduled or as-needed basis by or under the direction of the Executive Director.

### **D. Applying to Use pbCAM Facilities and Equipment**

A public access user or the head of an authorized school organization or municipal department may request to use pbCAM facilities and equipment by:

1. Submitting to the Executive Director a completed Portable Equipment Reservation Form, if use of any portable equipment is desired.
2. Submitting to the Executive Director a completed Facility Reservation Form, if use of the studio production facilities and/or post-production (editing) facilities is desired:

A Facility Reservation Form or Portable Equipment Reservation Form submitted by a person less than 18 years of age must also be signed by his or her sponsoring adult, who is not required to be a resident of Plymouth or a member community. Forms submitted on behalf of the participants of an authorized school organization or municipal department must be signed by the head of the organization or department.

All signers of forms must also sign a Statement of Compliance. A signature on a Statement of Compliance is an acknowledgment that the signer has read this manual and that the applicant (and, if the applicant is under 18 years of age, the sponsoring adult) agrees to comply with and be bound by its terms.

The staff and volunteers of pbCAM may also provide regular Producers' Meetings and Production Nights as resources and demand permit. These sessions are designed to facilitate more local programming with a focus on assisting new public access users. While these sessions are open to all public access users, new public access users will receive priority in scheduling. All policies and procedures regarding use of pbCAM equipment and facilities apply except as otherwise specified in subsections F and G.

## **E. Field Production Resources**

An applicant for use of the portable equipment must submit a completed Portable Equipment Reservation Form not less than 7 days and not more than 21 days before the date requested for use. The Executive Director may alter these time periods if equipment availability and other circumstances permit or warrant. The equipment may not be used in hazardous situations without prior approval of the Executive Director.

The applicant is responsible for providing the media to be used in the field production. The Executive Director may at her or his own discretion make a limited amount of media available upon request.

To facilitate their widespread use, portable equipment may be reserved by a user no more than four times within any period of thirty consecutive days, unless pbCAM staff determines that the equipment is available for more frequent use.

### **1. Reservations**

At or before the time a Portable Equipment Reservation Form is submitted, the applicant must review with the Executive Director the applicant's proposed program production schedule and equipment needs. Equipment is reserved by the Executive Director for use only after the Executive Director approves a schedule and authorizes the particular items of equipment for use in the field production. The Executive Director

then designates a date and time for equipment pick-up and return. Equipment must be returned within 24 hours after pick-up unless the Executive Director designates on the Form a shorter or longer period of time. Each weekend use shall be considered one 24-hour use.

## **2. Equipment Pick-Up**

Equipment must be picked up at pbCAM by the individual who signed the Portable Equipment Reservation Form unless the Executive Director has approved alternate arrangements in advance.

Until equipment is returned the applicant is responsible at all times for its proper use and safekeeping. Since loss of privileges and even financial penalties may result from the mishandling or abuse of equipment, the applicant should set up and test the equipment and confirm its condition with the Executive Director before leaving pbCAM.

The individual who picks up the equipment must sign the checkout form at the time of pick-up. Failure of an applicant to pick up equipment within ten minutes of the designated time will forfeit the equipment reservation unless the Executive Director has approved alternate arrangements in advance.

## **3. Equipment Return**

Equipment must be returned to pbCAM at the date and time designated on the check out form. A penalty of \$10.00 is assessed for each hour any equipment is overdue, not to exceed a maximum penalty of \$80.00. Equipment is not returned until the Executive Director checks it in. It is the responsibility of applicants to notify the Executive Director of any problems experienced with the equipment. The Executive Director examines equipment at the time of check-in to assure that it has been returned in good working condition. Applicants cannot borrow additional equipment until all items have been returned complete and in good working condition.

## **F. Post-Production (Editing)**

An applicant for use of the post-production (editing) facilities of pbCAM must submit a completed Facility Reservation Form not less than 7 days and not more than 21 days before the date requested for studio use. The Executive Director then designates the date and time for beginning and ending use of the editing system and/or other post-production facility or equipment.

The applicant must sign-in and sign-off in the edit log when using any post-production facility, as determined by the Executive Director.

Post-production facilities can also be used during Production Night. Production Night use is limited to no more than four hours within any

period of thirty consecutive days, unless the Executive Director determines that the facilities are available for more frequent use. Production Night post-production use does not require a Facility Reservation Form. Public access users must review the program to be produced with the Executive Director and schedule an appointment in advance.

## **G. Studio Production**

An applicant for use of the studio production facilities must submit a completed Facility Reservation Form not less than 7 days and not more than 21 days before the date requested for studio use. The Executive Director may alter these time periods if studio availability and other circumstances permit or warrant. If the studio facilities are to be used for live programming, the Form must be submitted at the same time as the Application for Cablecasting. (See Section 2(E)). The Executive Director determines studio availability.

At or before the time a Facility Reservation Form is submitted, the applicant must review with the Executive Director the applicant's proposed program production schedule. The Executive Director reserves studio production facilities for use only after approving a schedule. Failure of a user to comply with the terms of an approved schedule may result in the loss of reserved studio time.

The Executive Director supervises all studio productions. Crew position assignments are the responsibility of the user. All studio crew members must be public access users unless the production is by an authorized school organization or municipal department.

To facilitate their widespread use, studio production facilities may be reserved by a user, or by any individual owner or member of a user that is a corporation or other entity, not more than four times within any period of thirty consecutive days, unless the Executive Director determines that the facilities are available for more frequent use.

Studio production facilities can also be used during Production Night. Production Night use is limited to no more than four hours within any period of thirty consecutive days, unless the Executive Director determines that the facilities are available for more frequent use. Production Night studio production use does not count as one of four uses of studio production facilities and does not require a Facilities Reservation Form. Public access users must attend a previous Producers' Meeting to reserve time during Production Night and must review the program to be produced with the Executive Director.

## **H. Copies of Programs**

pbCAM will charge \$15.00 per DVD for duplication of pbCAM programs, excluding producer copies of programs up to ten (10) copies. Duplication facilities may be used to copy any part or all of program material onto personal media at no charge.

## **I. Cancellations**

Users must give notice at the earliest practicable time when canceling any reserved use of pbCAM facilities or equipment.

## **J. Facility Upkeep**

Users are expected to clean up the facilities and equipment after they are finished. No animals are allowed in pbCAM facilities except for service animals or as part of a production with prior approval from the Executive Director. Eating and drinking are allowed only in designated areas. No portion of pbCAM facilities or equipment may be used for sets except as allowed by the Executive Director. Users may not store props and supplies on the pbCAM premises for unless the Executive Director otherwise permits for a limited duration.

## **K. Equipment Damage or Loss**

In the event that equipment is stolen or damaged, the applicant must reimburse pbCAM for the amount not covered by insurance up to the full replacement value. The Executive Director must be notified immediately of any loss of, or damage to pbCAM facilities or equipment.

## **L. Right to Refuse**

The Executive Director may refuse use of pbCAM facilities and equipment to any individual who appears to be under the influence of alcohol or drugs or who interferes with the orderly conduct of business.

## **M. Delegation of Authority**

The authority delegated to the Executive Director may be temporarily delegated by the Executive Director to any volunteer or paid staff member of pbCAM.

## Section 4 - Violations and Resolutions of Disputes

### A. Violations

In order for these policies and regulations to be effective and to keep operations running as smoothly as possible, a penalty system is established (in addition to any other consequence for a violation spelled out in Section 2 and Section 3). Penalties consist of warnings and suspensions given to public access users and are issued by the Executive Director. A suspension is an immediate loss of a public access user's privilege to use pbCAM facilities and equipment.

#### 1. Major Violations

Major violations result in a 90-day suspension. Major violations include, but are not limited to:

- a) Violating the Safe Haven Policy
- b) Commercial or profit making use of pbCAM facilities or equipment;
- c) Falsifying a form or application;
- d) Taking or reserving equipment without the permission of the Executive Director or his/her designee; and
- e) Abusing facilities or equipment, including attempted repair.

#### 2. Minor Violations

Minor violations result in the following sequence of actions within a one-year period:

- **First Violation** - written warning;
- **Second Violation** - written warning;
- **Third Violation** - 30-day suspension;
- **Fourth Violation** - 90-day suspension.

Minor violations may include, but are not limited to:

- Failing to cancel a reservation as required by Section 3(I);
- Picking-up or returning equipment late without proper notification and approval;
- Mishandling equipment;
- Eating, drinking or smoking in areas other than designated area;
- Failing to clean up after using pbCAM facilities or equipment;
- Handling unauthorized equipment or being in unauthorized areas.

## **B. Resolution of Disputes**

A dispute over use of pbCAM facilities and equipment or over use of pbACT or pbGOV should be resolved informally at the staff level or with the Executive Director.

If efforts at informal resolution fail, the person or entity that feels aggrieved by any action or decision of the pbCAM staff or of the Executive Director may file a formal complaint in writing with the Executive Director. The complaint should be as specific as possible and describe the action or decision complained of, the date of the action or decision, and the relief requested. In addition, the complaint must identify each public access user and/or authorized school organization or municipal department whose use of pbACT or pbGOV is at issue. The Executive Director must issue a written decision and rationale for the decision within four days after a complaint is filed.

## Section 5 - Adoption And Approval

ADOPTED ON: July 13, 1992

BY PLYMOUTH COMMUNITY CHANNEL 36 COMMITTEE:

Alfred Stuart, CHAIRMAN

APPROVED ON: July 13, 1992

BY PLYMOUTH BOARD OF SELECTMEN:

Peter Goodwin  
PETER GOODWIN, SELECTMAN

Donald Jacques  
DONALD JACQUES, SELECTMAN

Richard Piper  
RICHARD PIPER, SELECTMAN

# **APPENDIX A**

## **NH RSA CHAPTER 650 OBSCENE MATTER**

### **General Provisions**

**650:1** Definitions.

**650:2** Offenses.

**650:3** Exemptions.

**650:4** Justifiable and Non-Commercial Private Dissemination.

**650:5** Evidence; Adjudication of Obscenity.

### **Preliminary Hearing**

**650:6** Preliminary Hearing.

### **General Provisions**

**650:1** Definitions. In this chapter:

I. "Disseminate" means to import, publish, produce, print, manufacture, distribute, sell, lease, exhibit or display.

II. "Knowledge" means general awareness of the nature of the content of the material.

III. "Material" means any printed matter, visual representation, live performance or sound recording including, but not limited to, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances or other representation or embodiment of the obscene.

Undeveloped photographs, molds, printing plates, and the like, shall be deemed obscene material notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

IV. Material is "obscene" if, considered as a whole, to the average person

(a) When applying the contemporary standards of the county within which the obscenity offense was committed, its predominant appeal is to the prurient interest in sex, that is, an interest in lewdness or lascivious thoughts;

(b) It depicts or describes sexual conduct in a manner so explicit as to be patently offensive; and

(c) It lacks serious literary, artistic, political or scientific value.

V. "Predominant appeal" shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other specially susceptible audience.

VI. "Sexual conduct" means human masturbation, sexual intercourse, actual or simulated, normal or perverted, whether alone or between members of the same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

VII. "Child" means a person under the age of 18.

*Source. 1971, 518:1. 1976, 46:3. 1977, 199:3. 1994, 60:1 eff. Jan. 1995*

**650:2 Offenses.**

I. A person is guilty of a misdemeanor if he commits obscenity when, with knowledge of the nature of content thereof, he:

(a) Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any obscene material; or

(b) Presents or directs an obscene play, dance or performance, or participates in that portion thereof which makes it obscene; or

(c) Publishes, exhibits or otherwise makes available any obscene material; or

(d) Possesses any obscene material for purposes of sale or other commercial dissemination; or

(e) Sells, advertises or otherwise commercially disseminates material, whether or not obscene, by representing or suggesting that it is obscene.

II. A person who commits any of the acts specified in subparagraphs (a) through (e) of paragraph I with knowledge that such act involves a child in material deemed obscene pursuant to this chapter is guilty of:

(a) A class B felony if such person has had no prior convictions in this state or another state for the conduct described in this paragraph;

(b) A class A felony if such person has had one or more prior convictions in this state or another state for the conduct described in this paragraph.

III. For the second and for each subsequent violation of paragraph I, such person shall be guilty of a class B felony.

*Source. 1971, 518:1. 1976, 46:4. 1977, 199:2. 1983, 448:3. 1994, 60:2, eff. Jan. 1, 1995.*

**650:3** Exemption. A motion picture projectionist or motion picture machine operator who is regularly employed by anybody to operate a projecting machine in a public motion picture theatre shall not be guilty of a violation under this chapter because of the picture which is being projected if he is required to project it as part of his employment.

*Source. 1971, 518:1, eff. Nov. 1, 1973.*

**650:4** Justifiable and Non-Commercial Private Dissemination. It is an affirmative defense to prosecution under this chapter that dissemination was restricted to:

I. Institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material; or

II. Non-commercial dissemination to personal associates of the accused who are not under 18 years of age.

*Source. 1971, 518:1, eff. Nov. 1, 1973.*

**650:5** Evidence; Adjudication of Obscenity. In any prosecution under this chapter, evidence shall be admissible to show:

I. The character of the audience for which the material was designed or to which it was directed;

II. What the predominant appeal of the material would be for ordinary adults or any special audience to which it was directed;

III. The degree of public acceptance of the material in this state;

IV. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material; and

V. The good repute of the author, creator, publisher or other person from whom the material originated;

VI. Expert testimony and testimony of the author, creator, publisher or other person from whom the material originated, relating to factors entering into determination of the issue of obscenity.

*Source. 1971, 518:1. 1976, 46:5, eff. June 1, 1976.*

### **Preliminary Hearing**

#### **650:6 Preliminary Hearing.**

I. No recognized or established school, museum, public library or governmental agency, nor any person acting as an employee or agent of such institution, shall be arrested, charged or indicted for any violation of a provision of this chapter until such time as the material involved has first been the subject of an adversary hearing wherein such institution or person is made a defendant, and, after such material is declared by the court to be obscene matter, such institution or person continues to engage in the conduct prohibited by this chapter. The sole issue at the hearing shall be whether the material is obscene matter.

II. The adversary hearing prescribed in paragraph I of this section may be initiated only by complaint of the county attorney or the attorney general. Hearing on the complaint shall be held in the superior court of the county in which the alleged violation occurs. Notice of the complaint and of the hearing shall be given by registered mail or personal service. The notice shall state the nature of the violation, the date, place and time of the hearing, and the right to present and cross-examine witnesses. In addition to the defendant, any other interested party may appear at the hearing in opposition to the complaint and may present and cross-examine witnesses. For the purposes of this paragraph, the term "interested party" includes, but is not limited to the manufacturer of the material alleged to be harmful to minors.

III. The state or any defendant may appeal from a judgment. Such appeal shall not stay the judgment. Any defendant engaging in conduct prohibited by this chapter subsequent to notice of the judgment finding the material to be obscene matter shall be subject to criminal prosecution notwithstanding the appeal from the judgment.

*Source. 1979, 397:2, eff. Aug. 22, 1979.*

## APPENDIX B

### MPEG FILE SPECIFICATIONS

The manufacturer of the pbCAM playback server recommends the guidelines below for creating optimal playback files:

- MPEG-1 System Stream or MPEG-2 Program Stream (consisting of a single elementary video stream with an optional single elementary audio stream). Transport stream is not supported.
- Only the following three video resolutions (in pixels as horizontal x vertical):
  - 352 x 240
  - 352 x 480
  - 720 x 480
- The frame rate must be 29.97 frames per second.
- The bit rate must not exceed 10 Mb/s.
- NTSC with 4:3 aspect ration is required.
- Sampling format of 4:2:0 is required with the main profile at Main or Low level and no greater than 10 Mb/s.
- IBBP group of pictures (GOP) structure is recommended with a 30 frames maximum GOP size.
- Header information should be encoded in the stream every few seconds to aid in error recovery.
- If audio is present, it must be encoded using Audio layer II.
- The audio sampling frequency may be either 32 Khz, 44.1 Khz, or 48 Khz. The manufacturer recommends 44.1 Khz as optimal.
- Filenames may contain up to 27 characters without spaces and must end with the “.mpg” extension.