



Pemi-Baker Television
MANUAL OF POLICIES & PROCEDURES

A service of the
TOWN OF PLYMOUTH, NH

In cooperation with
Spectrum
and
Pease Public Library

7th Edition

Preface

Pemi-Baker Television (PBTv) 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 PBTv will not restrict the content or the message of any program presented on the Pemi-Baker Television Public Access CH20. 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 PBTv will in no way unreasonably restrict program formats, topics, language, or material which are controversial in nature.

Revisions

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| July 1992 | <i>First Edition</i> – Initial release and adoption. |
| April 2006 | <i>Second Edition</i> – Removed restriction on political content. Added non-resident memberships. |
| August 2006 | <i>Third Edition</i> – Added local music cablecast policy, and revised forms and technical quality standards. |
| February 2007 | <i>Fourth Edition</i> - Major revision of content restrictions section to include safe harbor hours and notification of adult content. |
| April 2008 | <i>Fifth Edition</i> – Major revision of most sections and forms. Added Facilities Reservation Form which has always been required but never existed. |
| May 2010 | <i>Sixth Edition</i> – 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 |
| August 2017 | <i>Seventh Edition</i> – Revised to reflect change to PBTv from pbCAM. Technical standards have been updated. Language has been simplified. |

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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 noncommercial 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 PBTv Station Manager is responsible for carrying out all daily operations of PBTv in accordance with this manual. The Station Manager functions under the direction of the Town Administrator and Plymouth Board of Selectmen.

C. Definitions

1. Pemi Baker TV (PBTv):

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

2. Pemi-Baker TV Public Access Channel (CH 20):

The name for the public and educational access channel operated by PBTv shall be Pemi-Baker Television Public Access CH20, herein referred to as Public Access CH20.

3. Pemi-Baker Government Channel (CH 3)

The name for the government access channel operated by PBTv shall be Pemi-Baker Government Access Television, herein referred to as Government CH3.

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, contributes proportional funding and/or in-kind services or facilities to support the operations of PBTv.

Section 2 - Programming, Facilities and Equipment

A. Programming/Scheduling Priorities

Priority for scheduling on Government CH3 is as follows:

- Live and recorded local government meetings (such as: Selectboard, SAU48, etc.)
- Programming produced by the State of New Hampshire

Priority for scheduling on Public Access CH20 is as follows:

- Live local events and programming produced by PBTv
- Local Pemi-Baker area public access user produced programming
- Public access programming produced in NH

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

A public access program scheduled for cablecast may be pre-empted and/or rescheduled by the Station Manager without advance notice. The programming schedule is subject to change.

B. PBTv Facilities and Equipment

Facilities and equipment provided by PBTv may not be used to produce commercial programming or any other prohibited materials stated in section 2(J). Facilities and equipment provided by PBTv must be used to produce programming for cablecast on Public Access CH20 or Government CH3. Such programming must be produced within a reasonable time after their use of PBTv facilities and equipment. Facilities and equipment are available through PBTv 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. The Station Manager determines studio availability. A PBTv staff member supervises all studio productions.

C. Electronic Community Bulletin Board

An electronic Community Bulletin Board is programmed to cablecast on PBTv to announce upcoming 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 noncommercial message, provided the message and request are submitted in writing or electronically to the Station Manager at least two weeks in advance. The Station Manager may allow a shorter lead-time for a request if message scheduling and other circumstances permit.

Although every effort is made to assure that information cablecast on the bulletin board is accurate and current, PBTv 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 Station Manager and does not guarantee inclusion in the bulletin board(s).

D. Local Music Cablecast

PBTV 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. 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. Eligibility

Program time slots on Public Access CH20 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 the public access channel.

Non-residents residing in the Pemi-Baker area may become public access users by submitting a Statement of Compliance and an annual membership fee of \$25.

Program time slots on the Government CH3 are available only to resident and nonresident 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 PBTV 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.

F. 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 PBTv 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 copyright 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 PBTv 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 Public Access CH20. The staff and volunteers of PBTv 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.

G. Content, Community Standards and Law

Obscenity and Pornography are prohibited at all times. The staff of PBTv reserves the right to restrict cablecast programming with excessively violent material, offensive language, nudity, or sexually explicit material. 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 is defined in NH RSA 650. Producers are expected to alert PBTv staff to programming that may be inappropriate for younger viewers. Violation of these content standards will be considered a Major Violation (see Section 3 (A) 1 "Major Violations").

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 nonsexual 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 4:00am. 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.

H. Applying to Cablecast a Program on Public Access CH20

A public access user desiring to cablecast on Public Access CH20 must submit a completed Application for Cablecasting to the Station Manager. 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 Station Manager 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 his or her 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 Station Manager may direct. The program producer should provide their own crew members and ideally learn the required equipment for their program. PBTv will provide crew members when they are available.

I. Applying to Use PBTv Facilities and Equipment

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

1. Submitting to the Station Manager a completed Portable Equipment Reservation Form, if use of any portable equipment is desired.
2. Submitting to the Station Manager a completed Facility Reservation Form, if use of the studio production 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.

J. Facility Upkeep

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

K. 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 Station Manager 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 Station Manager. The applicant is responsible for providing the media to be used in the field production. The Station Manager may at her or his own discretion make a limited amount of media available upon request. After the applicant reviews the reservation form with the Station Manager, the Station Manager authorizes the particular items of equipment for use in the field production. A PBTv staff member will then make sure that the applicant is knowledgeable in using the equipment. The Station Manager then designates a date and time for equipment pick-up and return. Equipment must be returned within 24 hours after pick-up unless the Station Manager designates on the Form a shorter or longer period of time. Each weekend use shall be considered one 24-hour use.

1. Equipment Pick-Up

Equipment must be picked up at PBTv by the individual who signed the Portable Equipment Reservation Form unless the Station Manager 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 Station Manager before leaving PBTv. The individual who picks up the equipment must sign the checkout form at the time of pick-up.

2. Equipment Return

Equipment must be returned to PBTv 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. It is the responsibility of applicants to notify the Station Manager of any problems experienced with the equipment. The Station Manager 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.

L. Equipment Damage or Loss

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

M. Cancellations

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

N. Right to Refuse

The Station Manager may refuse use of PBTv 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.

O. Post-Production (Editing)

PBTv will not contribute extensive post-production work to submitted programming content. If you would like photos and images added to your studio production, please send them to PBTv before your studio event, so they can be added.

P. Sponsorship Credits and Underwriting

Commercial advertising is prohibited from Public Access CH20 and Government CH3. 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. The public access user must disclose the nature and amount of all underwriting support in writing to the Station Manager. The Station Manager 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 PBTv must credit PBTv with graphics, video and/or voice-over, for example: "Produced through the facilities of Pemi-Baker Television located in the Town of Plymouth".

Q. Technical Quality Standards

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

- All video programming must be an .MP4 or in a common digital video file format. (i.e. not specific to only one software application),
- The staff of PBTv reserves the right to reject any program that does not meet quality standards or any program submitted in a digital video file format that is incompatible with current PBTv transcoding capabilities.

R. Remote Submission of Programming

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

1. The Content Provider will use provided login credentials to upload to PBTv's private server;
2. The Content Provider will upload to designated folder on PBTv's private server; and
3. The staff and volunteers of PBTv will access the folder to schedule in the desired programming.

S. Ownership

Public access users own the content of their program, if it is a program produced through PBTv, after it has been cablecast at least once on Public Access CH20 and provided it is never used for revenue-generating purposes. Producers and users may receive a master copy of their program at no charge. The staff of PBTv has the right to retain a copy of any program for one year after its cablecast for repeat cablecast on Public Access CH20 an unlimited number of times and for promotional purposes related to PBTv if the public access user consents. Public access programs are not archived unless special arrangements are made with PBTv staff.

T. Copies of Programs

PBTv will charge \$20.00 per DVD for duplication of PBTv programs. Programs can also be copied onto someone's personal storage device for a \$5.00 per program fee.

U. Government, Public and Educational Access Archives

PBTv shall not be responsible for managing archives unless a specific arrangement is made.

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.

Section 3 - Violations and Resolutions of Disputes

A. Violations

Penalties consist of warnings and suspensions given to public access users and are issued by the Station Manager. A suspension is an immediate loss of a public access user's privilege to use PBTv facilities and equipment.

1. Major Violations

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

- a) Content violations
- b) Commercial or profit making use of PBTv facilities or equipment;
- c) Falsifying a form or application;
- d) Taking or reserving equipment without the permission of the Station Manager 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:

- Picking-up or returning equipment late without proper notification and approval;
- Mishandling equipment;

B. Resolution of Disputes

A person or entity that feels aggrieved by any action or decision of the PBTv staff or of the Station Manager may file a formal complaint in writing with the Station Manager.

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 Public Access CH20 or Government CH3 is at issue. The Station Manager must issue a written decision and rationale for the decision within four days after a complaint is filed.

Section 4 - Adoption and Approval

ADOPTED ON: _____

By the Plymouth Selectboard:

_____ CHAIRMAN
JOHN RANDLETT

WILLIAM BOLTON, Selectman

MIKE AHERN, Selectman

NEIL McIVER, Selectman

BRYAN, DUTILLE, Selectman

APPROVED ON: _____