

**DISTRICT OF COLUMBIA OFFICE OF CABLE TELEVISION AND
TELECOMMUNICATIONS**

NOTICE OF FINAL RULEMAKING

The Executive Director of the Office of Cable Television and Telecommunications, pursuant to §7 and §33 of the Cable Television Communications Act of 1981 (D.C. Law 4-142, D.C. Official Code §34-1206(c), §34-1232(2001)), hereby gives notice of adoption of the following new chapter of Title 15 of the District of Columbia Municipal Regulations, entitled “Customer Service Standards”. The Council of the District of Columbia took final action to adopt the “Cable Customer Service Regulations Approval Resolution of 2002”, published at 49 DCR 5911 (June 28, 2002). The Council of the District of Columbia then made changes to the text of the proposed rules, as published with the Notice of Proposed Rulemaking in the D.C. Register on March 29, 2002, at 49 DCR 2904, by provisions of Bill 14-650, “Renewal of the Cable Television Franchise of Comcast Cablevision of the District, LLC and Transfer of Control and Approval Act of 2002”. These final rules will be effective upon publication of this notice in the Register.

Title 15 of the District of Columbia Municipal Regulations is amended by adding the following new Chapter 31:

CHAPTER 31 CUSTOMER SERVICE STANDARDS

3100 POLICY AND APPLICATION

- 3100.1 This chapter defines the customer service standards by which cable television operators shall provide cable service to subscribers in the District of Columbia.
- 3100.2 This chapter 31 shall apply to an Open Video System operator. For the purposes of these regulations, the term “cable operator” shall apply to an Open Video System operator authorized to operate in the District of Columbia.

3101 NOTICE

- 3101.1 In addition to notice required elsewhere in this chapter 31, a cable operator shall provide written notice to the Office of Cable Television and Telecommunications (“OCTT”) and to all subscribers at least thirty (30) days prior to the effective date of any of the following:
- (a) A change in a programming service or channels including the discontinuation of an existing service, addition of a new service, change in the channel location of any service, or an increase or decrease in the number of hours a service is carried over the cable operator’s system;
 - (b) A change in the rates, charges, terms, or conditions for the receipt of service or equipment;

- (c) A change in the location or hours of operation of a customer service center;
- (d) A change in billing practices; or
- (e) A change of the policies or other information set forth pursuant to subsection 3102.1.

3101.2 Any notice required by subsection 3101.1 shall specify, as applicable, the service or services affected; the new rate, charge, term, or condition; the effect of the change; and the effective date of the change. A notice of a change in programming services or channel locations shall include a concise description of the new programming service and the specific channel location of that programming service. In addition, should the channel locations of other services be affected by the introduction of a new service, the information shall also be included in the notice.

3101.3 A cable operator shall provide to OCTT annually, by no later than December 15 of each year, a listing of its closings or holidays for the upcoming year.

3101.4 The initial notice to subscribers regarding a change subject to subsection 3101.1(a) and (b) shall include an advertisement placed in a daily periodical or newspaper of general distribution (for example, *The Washington Post*). A cable operator shall also provide written notice of changes to subscribers in billing messages, inserts, or other communications prior to the date of the service change.

3101.5 A cable operator shall post notice of the service changes at its customer service center and on its website at least thirty (30) days prior to the proposed change and shall maintain the notices until at least fourteen (14) days after the date of the service change.

3101.6 A cable operator may provide electronic notice (for example, scrolling messages) or advertisement spots of programming service changes or rate changes on local origination channels or on channels used for local advertisement insertions.

3102 SUBSCRIPTION INFORMATION

3102.1 A cable operator shall provide written information in a complete and comprehensible manner to all subscribers at least annually, at the time of installation of service, and upon request, in each of the following areas:

- (a) A listing and description of the cable services provided by the cable operator;
- (b) A list of channel locations for all cable services;
- (c) A listing of all rates, terms, and conditions for each cable service and service tier, each type of equipment, and all other charges, including without limitation, charges for installation, connection of additional

- outlets, equipment deposits, reconnecting service, VCR connections, relocating cable outlets, and returned checks;
- (d) The location(s), hours of operation, and telephone number(s) for each customer service center;
 - (e) The location(s) and hours of operation of each payment center;
 - (f) The telephone number(s) of a cable operator's customer service department, accompanied by a brief description of the services and information that may be obtained by dialing each number;
 - (g) The website address for a cable operator's website used for customer service purposes, accompanied by a brief description of the services and information that may be obtained by accessing the website;
 - (h) Notice of the availability of subscriber terminal equipment and the procedure to obtain the equipment, including, but not limited to, wireless remote control devices, parental control devices, digital converters, and closed caption decoders;
 - (i) A general explanation of other communications devices that may be used in conjunction with the system, including, but not limited to, video cassette recorders, remote control devices, cable modems, v-chip technology, closed captioning decoders, and parental control devices;
 - (j) Notice of the commercial availability of universal remotes and other compatible equipment clearly indicating that a list of specific brands and models, consistent with 47 CFR §76.1622(b)(3) as amended from time to time, shall be provided to a subscriber upon request;
 - (k) The terms for rental equipment, including procedures for the return of equipment and the subscriber's liability for lost, stolen, or damaged equipment;
 - (l) A description of a cable operator's billing and collection procedures, including an applicable policy for late fees, returned check charges, and credit balances;
 - (m) The steps for resubscribing to cable service after an involuntary termination of service;
 - (n) The policy governing service outages and repair service, including the time periods by which repairs for reception problems and other service problems shall be made;
 - (o) The procedure for the resolution of billing disputes;
 - (p) A policy of a cable operator concerning credits for customer service violations, including outages and reception problems;
 - (q) The procedure for return of deposits;
 - (r) The procedure and charges, if any, for service changes, including, but not limited to upgrade, downgrade, or termination of cable services;
 - (s) All installation and maintenance policies;
 - (t) A notice that subscribers may pay bills in person at a cable operator's customer service center(s) in the District or other payment location(s);
 - (u) A listing of special services for customers with disabilities, if any;

- (v) A description of a cable operator's procedure for the resolution of subscriber complaints, including providing contact information (address, phone number, and website address) of OCTT for unresolved complaints;
- (w) The policy concerning subscriber privacy;
- (x) An announcement that all cable operator employees and contractors who come into contact with subscribers at the subscriber's premises wear an identification card that includes the employee's name and photograph; and
- (y) Additional information to subscribers required by applicable law or franchise agreement.

3102.2 A cable operator shall post on its website and shall display at customer service center(s) at least one copy of the information required by subsection 3102.1.

3102.3 A cable operator shall include on its monthly bill a notice that complaints or inquiries not satisfactorily handled by the cable operator may be referred to OCTT.

3102.4 A cable operator shall provide a copy of all subscription and solicitation information to be distributed pursuant to subsection 3102.1 to OCTT, at least ten (10) days before distributing it to the first subscriber for review and comment, so that OCTT may ensure that the information contained therein complies with applicable law and is not misleading. OCTT may order the cable operator to correct the subscription information if OCTT determines that the information does not comply with applicable law or is misleading.

3102.5 All promotional materials advertising cable services to subscribers and the general public shall accurately disclose rates and terms.

3102.6 A cable operator shall clearly and accurately disclose to subscribers prices and terms for all services, including the prices of pay-per-view and pay-per-event programming before an order is accepted.

3102.7 A cable operator shall provide a written confirmation of any order, detailing all prices and terms and conditions, as part of the subscriber's next bill.

3102.8 In order that subscribers are fully apprised of the charges they may incur, a cable operator shall note that advertised rates are subject to additional taxes and fees.

3103 EQUIPMENT PROVIDED BY A CABLE OPERATOR

3103.1 A cable operator shall make available necessary equipment for subscribers to utilize services provided by a cable operator, such as converters and remote control devices. A cable operator shall supply a parental control device upon request at a charge consistent with the cable operator's applicable franchise agreement and applicable law.

- 3103.2 At a subscriber's request, a cable operator shall exchange faulty converters at the subscriber's address without charge. In such cases, the cable operator shall provide another converter, install it, and ensure that it is working properly.
- 3103.3 A cable operator may require a refundable, nondiscriminatory deposit for equipment provided to subscribers, and the deposit shall be placed in an interest-bearing account.
- 3103.4 A cable operator shall refund a deposit made by a subscriber, plus actual interest accrued pursuant to subsection 3103.3, within thirty (30) days after disconnection of service and the return of equipment.
- 3103.5 A cable operator shall make available arrangements for the return of equipment at the subscriber's address, such as pickup upon disconnection, or a satisfactory equivalent, such as the provision of a postage-prepaid mailer, and permit the return of equipment to a customer service center within thirty (30) days after the disconnection of services or by the last date the subscriber occupies the address (whichever is earlier). A cable operator shall give the subscriber a receipt showing the date and time of the return of the equipment. When equipment is returned, a cable operator shall promptly test the equipment to determine damage. Otherwise, subsequent claims of damages shall be deemed waived.
- 3103.6 In the event a subscriber does not cooperate with a cable operator's reasonable efforts to recover equipment, a cable operator may require the subscriber to return the equipment at a customer service center.
- 3103.7 A cable operator may hold a subscriber at fault for unreturned equipment if, within the time set forth in subsection 3103.5:
- (a) The subscriber refused to make or keep arrangements for equipment pickup at the subscriber's address;
 - (b) The subscriber failed to avail themselves of alternative arrangements for the return of equipment; or
 - (c) The subscriber failed to return the equipment to a customer service center.
- 3103.8 A cable operator may charge the subscriber or deduct from the subscriber's deposit the depreciated value of the equipment if equipment is lost, damaged, or stolen.
- 3103.9 If a cable operator seeks to charge the subscriber for lost, stolen, or damaged equipment, the cable operator shall give a written notice to the subscriber of the amount charged.
- 3103.10 A cable operator shall keep records showing the resolution of subscriber claims regarding lost, stolen, or damaged equipment.

- 3103.11 In addition to the total amount of a refund due to a subscriber, if a cable operator fails to pay a refund due a subscriber, within forty-five (45) days of the disconnection of service and the return of equipment, the cable operator shall make an additional payment to the subscriber equal to 20% of the amount owed. A cable operator shall issue additional payments to the subscriber equal to 20% of the amount owed for each additional thirty (30) days that the refund remains outstanding.
- 3103.12 A cable operator shall provide free demonstrations of equipment at a cable operator's customer service center(s) on an ongoing basis and at the subscriber's address at the time of installation.
- 3103.13 Consistent with federal law, a cable operator shall allow the connection or use of authorized navigation devices (for example, converters and interactive equipment), provided that the equipment does not cause harm to the cable system and is not used for unauthorized access to the cable system and its services.

3104 CUSTOMER SERVICE CENTERS

- 3104.1 A cable operator shall maintain at least one (1) customer service center within the District of Columbia, accessible to the public, that can fully accommodate bill payments, return or exchange of equipment, subscriber complaints, and in-person discussion with customer service representatives.
- 3104.2 The customer service center(s) shall be open at least ten hours per day on weekdays, with evening hours on at least two days, and for at least six (6) hours on Saturdays, except on legal holidays recognized by the District or special occasions during which a customer service center(s) is closed for unusual circumstances pursuant to subsection 3104.3.
- 3104.3 A cable operator may temporarily close its customer service center(s) due to unusual circumstances (for example, staff meetings) only with the approval of OCTT. On such occasions, the cable operator shall provide OCTT at least three (3) business days notice of the proposed closure. The cable operator shall also notify subscribers at least two (2) days in advance of the proposed closure. In the case of an emergency closing for which advance notice is impractical, a cable operator shall notify OCTT immediately.
- 3104.4 A cable operator shall provide notice to subscribers regarding hours or dates when its customer service center(s) will be closed for legal holidays recognized by the District or special occasions when its customer service center(s) is closed for unusual circumstances, pursuant to subsection 3104.3 during hours when its customer service center is ordinarily open. On these occasions, a cable operator shall provide notice via message on its telephone system and post a sign at the door of the customer service center(s).

- 3104.5 A cable operator shall make available a trained supervisor or manager in all customer service centers to meet in person with subscribers or other persons requesting a meeting.
- 3104.6 A cable operator shall post at its customer service center(s) hours of operation.
- 3104.7 A cable operator shall place a payment drop box or payment slot directly outside of its customer service center(s) or provide other means for payment after business hours. A payment shall be processed, at a minimum, before close of business of the next business day.

3105 TRAINING OF EMPLOYEES

- 3105.1 A cable operator shall operate its customer service center, train its employees, and maintain its telephone lines so that subscribers' complaints are resolved quickly, professionally, and politely.
- 3105.2 All employees of a cable operator who come into contact with subscribers shall be courteous, knowledgeable, and helpful and shall provide effective and satisfactory service in all contacts with customers.
- 3105.3 A cable operator shall ensure that its customer service representatives and salespersons (including contractors) are knowledgeable of the requirements established by this chapter 31 and the information listed in subsection 3102.1.
- 3105.4 When answering telephone calls from subscribers, each customer service representative shall identify himself or herself by name.

3106 TELEPHONE STANDARDS

- 3106.1 A cable operator shall have toll-free and local telephone access numbers that shall be answered twenty-four (24) hours per day, seven (7) days per week for receiving all customer service and billing inquiries.
- 3106.2 A cable operator shall make available trained customer service representatives to respond to telephone inquiries during, at a minimum, sixteen (16) hours per day, seven (7) days per week.
- 3106.3 A cable operator shall provide TDD/TTY service with trained customer service representatives, who shall be available during regular business hours and shall be able to provide services for a hearing-impaired customer at no charge.

- 3106.4 If a cable operator uses an automated answering or message system during normal business hours, the system shall provide a clearly-indicated opportunity to speak with a customer service representative. The automated system may not disconnect a caller without allowing the caller an opportunity to make another menu selection or to speak with a customer service representative.
- 3106.5 If a cable operator uses an automated answering or message system outside of normal business hours, as specified in subsection 3106.2, the system shall be able to adequately administer calls regarding service outages as follows:
- (a) Permit a subscriber to report outages and to leave name and account number for an outage credit;
 - (b) Contact the person authorized by a cable operator to initiate corrective measures; and
 - (c) With respect to outages known to the cable operator, provide up-to-date information on the status of the outage, the efforts to correct the problem, and the estimated time when service will be restored.
- 3106.6 In the case of billing questions, complaints, or all other matters, the answering service or automated device shall record the calls. A cable operator shall return recorded calls by the close of the business of the next business day after the answering service or automated device takes the message.
- 3106.7 A cable operator shall meet the following standards with respect to telephone calls, measured over a one (1) month period:
- (a) Each telephone call shall be answered within thirty (30) seconds ninety percent (90%) of the time;
 - (b) Callers shall not be kept on hold for longer than thirty (30) seconds, even during peak periods, ninety percent (90%) percent of the time;
 - (c) Callers shall receive a busy signal not more than three percent (3%) of the time; and
 - (d) Incoming phone calls shall not be abandoned more than five percent (5%) of the time.
- 3106.8 OCTT shall measure a cable operator's compliance with subsection 3106.7 on a monthly basis.
- 3106.9 A cable operator shall install an overflow device to permit a subscriber that is on hold for more than three (3) minutes to leave a message containing information such as the subscriber's name, address, account number, time of the call, telephone number, and a brief description of the reason for the call. A cable operator shall return the call as soon as possible and no later than the next business day after the message is recorded.
- 3106.10 A cable operator shall keep records as are necessary to show compliance with subsection 3106.7 of these regulations.

3106.11 A cable operator shall notify OCTT as promptly as possible whenever there is an interruption of telephone service that affects the cable operator's ability to timely accept and address subscribers' calls pursuant to subsection 3106.7.

3107 BILLING

3107.1 A cable operator's subscriber bill shall present information clearly, comprehensibly, concisely, and accurately.

3107.2 Each bill shall contain an itemized account of all charges and fees. Bills shall also include:

- (a) The date on which payment is due from a subscriber;
- (b) The billing period over which each chargeable service is billed, including any prorated period due to the installation or disconnection of service;
- (c) The date when an applicable late fee would be assessed;
- (d) The amount of current billing and appropriate credits of past due balances, if any exist;
- (e) The name and address of the cable operator;
- (f) The telephone number of the cable operator's customer service office(s); and
- (g) The telephone number and website address of OCTT for unresolved customer service disputes.

3107.3 If a cable operator itemizes franchise fees or other governmental fees attributable to the total bill, a cable operator shall ensure that the itemization is in accordance with applicable law.

3107.4 A cable operator shall render bills monthly, except where service is for less than one (1) month.

3107.5 A cable operator shall make good faith efforts to adopt automatic payment systems to permit subscribers to pay bills electronically via the Internet (both through the cable operator's website and via electronic payment procedures of other financial institutions).

3107.6 A cable operator shall issue a credit or refund to a subscriber within forty-five (45) days after determining the subscriber's entitlement to a credit or refund. Otherwise, a cable operator shall grant the subscriber an additional credit equal to twenty percent (20%) of the amount owed. A cable operator shall issue additional payments of twenty percent (20%) of the amount owed for each additional thirty (30) day period that the credit or refund remains outstanding.

3107.7 A cable operator may impose a reasonable reconnection charge. A cable operator shall complete reconnections after a termination attributed to non-payment of bills

within seven (7) business days after a cable operator has received full payment. In these instances only, a cable operator may require that a payment by check has cleared the subscriber's bank before the payment is deemed received by a cable operator.

- 3107.8 A cable operator may recover a fee for all checks returned due to insufficient funds. A charge for a returned check imposed by a cable operator shall not exceed the cable operator's actual cost of processing returned checks.
- 3107.9 A cable operator shall not charge a subscriber for service or equipment that the subscriber has not affirmatively requested. However, a cable operator may lawfully increase rates due to adding programming to an existing tier.
- 3107.10 A cable operator shall forward to OCTT, on a monthly basis, a sample bill for the appropriate billing period.
- 3107.11 A bill shall not be due less than fifteen (15) days from the date the cable operator mails the bill to the subscriber.
- 3107.12 A cable operator shall not assess a late fee until at least twenty-five (25) days after the cable operator mails the bill to the subscriber, and the amount of any late fee imposed shall reasonably relate to a cable operator's reasonable and actual cost of collecting late subscriber payments, not otherwise recovered through other fees or rates.
- 3107.13 A subscriber who, in good faith, disputes all or part of a bill pursuant to the procedures set forth in subsections 3107.17-3107.20 shall have the option of withholding the disputed amount without imposition of a late fee, notification of collection agencies, or the termination of service until five (5) days after the dispute is resolved or such other applicable date as provided by applicable law, whichever is later, provided that the following occurs:
- (a) The subscriber pays all undisputed charges;
 - (b) The subscriber provides timely notification of the dispute to the cable operator by the date due date of the applicable bill; and
 - (c) The subscriber cooperates in determining the appropriateness of the charge(s) in dispute.
- 3107.14 A cable operator may terminate a subscriber's service if the subscriber fails to pay his or her bill within thirty-six (36) days after the cable operator mails the applicable bill to the subscriber if the cable operator has provided appropriate notice to the subscriber, pursuant to subsection 3107.15. If a cable operator fails to comply with this provision, a cable operator shall grant a subscriber a credit equal to, at least, one-thirtieth (1/30) times the total bill for the preceding billing period for each day service remains terminated.
- 3107.15 A cable operator shall not terminate service to a subscriber for nonpayment unless a cable operator provides notice of the impending termination at least ten (10)

days prior to the proposed termination. The notice of impending termination may be part of a billing statement.

- 3107.16 Every notice of termination of service shall include all of the following:
- (a) The name and address of the subscriber whose account is delinquent;
 - (b) The current account balance and the amount in arrears;
 - (c) The total amount required to be paid to avoid discontinuance of service, with reconnection charges if applicable;
 - (d) The date by which the payment shall be made; and
 - (e) The location of the customer service center(s) where the payment may be made and the telephone number to contact the cable operator.
- 3107.17 The billing dispute resolution procedure shall commence when a subscriber contacts a cable operator, whether in person, by telephone, by electronic means, or in writing, to address an alleged billing error. If a subscriber contacts OCTT, OCTT shall promptly notify the applicable cable operator that the dispute resolution procedure has commenced and shall refer the case to the cable operator for resolution. Once notified, a cable operator shall promptly contact the subscriber regarding the dispute.
- 3107.18 A cable operator shall promptly undertake whatever review is necessary to resolve the dispute, and shall provide a proposed determination no later than five (5) business days after receipt of notice.
- 3107.19 A cable operator may not impose a late charge with respect to a disputed amount if the matter is found in favor of the subscriber.
- 3107.20 If the subscriber states dissatisfaction with the cable operator's proposed determination, the cable operator shall notify the subscriber of the subscriber's right to file a complaint with OCTT and shall provide OCTT's contact information. Notwithstanding the foregoing, the subscriber is still obligated to pay the amount owed consistent with the cable operator's proposed determination pursuant to subsection 3107.18. If the subscriber fails to make payment in a timely manner, a cable operator may consider the account delinquent, but only as permitted by subsection 3107.14.
- 3107.21 A cable operator may refer a delinquent account to a collection agency after reasonable unsuccessful attempts to collect the account. The cable operator shall promptly notify the collection agency to discontinue further collection actions immediately after the subscriber pays the outstanding amount, in no case later than the next business day.
- 3107.22 A cable operator, a collection agency, or any other entity working on its behalf may not report a delinquent account to a credit bureau or a credit reporting agency unless such account involves unreturned equipment valued at one hundred fifty dollars (\$150) or more and not secured by a deposit. If a cable operator violates

this provision, the cable operator shall notify the credit reporting agency that the referral was wrongly made and that the erroneous referral should not adversely affect the subscriber's credit standing, shall send a copy of the notice to the affected subscriber and OCTT, and shall provide a payment of at least five hundred dollars (\$500.00) to the affected subscriber.

3108 APPOINTMENTS, INSTALLATION AND REPAIR

- 3108.1 Upon a request for a cable-related service that requires access to the subscriber's premises, a cable operator shall either offer a specific time or "appointment window" time block of not more than four (4) hours for the selection of the subscriber. The appointment window may be longer only if the subscriber consents. A cable operator may schedule appointments outside of normal business hours for the express convenience of the subscriber.
- 3108.2 A cable operator may not cancel an appointment after 5:00 p.m. on the day before a scheduled appointment, except for appointments scheduled within twelve (12) hours after the subscriber's call to establish the appointment. If a cable operator fails to comply with this provision, the cable operator shall grant to a subscriber a credit of at least \$20.00 for each violation.
- 3108.3 For the purposes of this section 3108, normal business hours shall be at least ten hours per day on weekdays and at least eight (8) hours in the aggregate on the weekend.
- 3108.4 The cable operator shall ensure that its records and work orders accurately reflect the appointment windows given to subscribers.
- 3108.5 A cable operator shall inform a subscriber at the time an appointment is scheduled of its service procedures, required payments, foreseeable delays, and phone or field verification procedures, including those circumstances in which a cable operator may cancel the appointment.
- 3108.6 A cable operator shall complete standard installations during a single appointment to the subscriber's address. If a subsequent appointment is needed to complete an unusual installation, a cable operator shall inform the subscriber and shall schedule the appointment for the earliest mutually available time period.
- 3108.7 Within a reasonable time prior to an appointment period, a cable operator shall call the subscriber to confirm the appointment. If the subscriber does not answer the telephone call and the subscriber has an answering system, a cable operator shall leave a message.
- 3108.8 A cable operator shall not cancel or reschedule an appointment on the grounds that a subscriber is unavailable during the appointment window unless the cable

operator has verified both over the phone and in person at the subscriber's address as described in this subsection that the subscriber or another authorized person is not available within the appointment window or at the specific appointment time. If a cable operator fails to comply with this provision or subsection, the cable operator shall grant a credit to the affected subscriber of at least twenty dollars (\$20) for each violation. When a cable operator arrives at a subscriber's address for an appointment, the cable operator shall make a reasonable effort to verify that the subscriber or another authorized person is present at the address. The reasonable effort of the cable operator shall include, at a minimum, knocking on the door or using the doorbell to alert the subscriber. This subsection shall not preclude the operator from imposing a reasonable charge related to costs, if the subscriber is not present at the specified time or during the appointment window time block; provided, the charge shall not exceed twenty dollars (\$20).

- 3108.9 If the subscriber is unavailable during the scheduled appointment time or window, a cable operator shall leave written notice, such as a door tag or similar notice, with the identity of the person leaving the notice, the appointment time, the time that the cable operator determined the subscriber was not present at the subscriber's address, and telephone number(s) both to contact the cable operator's dispatcher during the appointment window or to reschedule the appointment.

3109 INSTALLATION

- 3109.1 A cable operator shall complete a requested standard installation and installation of other additional services, including requests for additional outlets, service upgrades, or other connections (for example digital service or cable modem), within seven (7) days from the date a subscriber places the order, unless the subscriber requests a later date. A cable operator shall complete a requested installation in a multi-dwelling unit building not currently wired for residents to receive any service from the cable operator within thirty (30) days. Consistent with applicable law or franchise agreement, any installation to a multi-dwelling unit building that exceeds the time limits must be approved by OCTT. If a cable operator does not perform a standard installation within the applicable time periods stated above, the cable operator shall waive all installation fees or associated charges.
- 3109.2 A cable operator shall complete a nonstandard installation within a period agreed upon by the cable operator and subscriber. A nonstandard installation, as defined by an applicable franchise agreement, shall include all installations for commercial accounts, subject to applicable law. If the subscriber requests a nonstandard installation, a cable operator shall provide the subscriber, in advance, with an estimate of total installation cost and an estimated date of completion.
- 3109.3 Before or upon installation, a cable operator shall provide a subscriber a copy of the service contract between the cable operator and subscriber, if any exists.

- 3109.4 To the extent reasonably possible, a cable operator shall observe and comply with a subscriber's preference as to the cable operator's point of entry into the subscriber's premises and a building owner's preference as to the point of entry into a building. The cable operator may impose a reasonable charge upon a subscriber who requests a custom construction procedure (for example, wall fishing). A cable operator shall make cable runs in building interiors as unobtrusive as possible.
- 3109.5 A person who requests the installation or activation of cable service or any other service from a cable operator shall have the right at no charge to rescind the request at any time prior to physical installation at the subscriber's premises or the commencement of service. However, the right of rescission shall expire once the person actually receives the requested service.

3110 INTERRUPTION OF SERVICE

- 3110.1 A cable operator shall exercise its best efforts to limit a scheduled interruption of cable service to the shortest period of time, to the greatest extent possible.
- 3110.2 Except in emergencies or for interruptions of five (5) minutes or less, a cable operator shall interrupt system service after 7:00 a.m. and before 12:00 Midnight, on a weekend night, or a night preceding a legal holiday, only after gaining the approval of OCTT and notifying subscribers. A cable operator shall notify OCTT of the scheduled service interruption at least seventy-two (72) hours in advance, which period shall include at least one business day. A cable operator shall provide notice to subscribers of the interruption at least forty-eight (48) hours in advance, unless OCTT authorizes a shorter period.
- 3110.3 Except as provided in subsection 3110.2, a cable operator may interrupt service after 12:00 Midnight and before 7:00 a.m. for greater than five (5) minutes and to conduct routine tests, maintenance, construction, repair, and other purposes with prior notification to OCTT and affected subscribers. The cable operator shall provide notice at least forty-eight (48) hours in advance of a scheduled service interruption, unless OCTT authorizes a shorter period.
- 3110.4 A cable operator may provide notice to subscribers of a scheduled service outage through various means including electronic messages, advertisement spots on the system (for example, scrolling messages), or information on the cable operator's website.
- 3110.5 A cable operator shall maintain a written log of all service interruptions.

3111 REPAIR; OUTAGE AND RECEPTION PROBLEMS

- 3111.1 A cable operator shall have technicians on call twenty-four (24) hours per day, seven (7) days per week, including legal holidays, to address and repair system outages and other service problems.
- 3111.2 A cable operator shall maintain sufficient repair and maintenance capacity so as to be able to correct outages and repair service problems within the time periods identified by this subsection.
- 3111.3 A cable operator shall correct a system outage (loss of reception on all channels affecting five (5) or more subscribers) within four (4) hours after a cable operator receives the fifth (5th) subscriber's call regarding the outage, except as provided in subsection 3111.8. If a cable operator fails to comply with this provision, the cable operator shall grant each affected subscriber, upon request, a credit equal to, at least, one (1) day worth of the monthly charge for any affected service or service tier for any period exceeding four (4) hours in which the outage continues during any twenty-four (24) hour period, and automatically, without request from subscribers, for any period exceeding twelve (12) hours that the outage continues during any twenty-four (24) hour period.
- 3111.4 A cable operator shall correct a service interruption (the loss of picture or sound on one or more channels affecting less than five (5) subscribers) within twenty-four (24) hours, except as provided in subsection 3111.8. If a cable operator fails to comply with this provision, the cable operator shall grant each affected subscriber a credit equal to, at least, one (1) day worth of the monthly charge for any affected service or service tier for each subsequent day on which the service interruption continues.
- 3111.5 If a system outage or service interruption materially affects a pay-per-view or special event for any period of time, a cable operator shall grant the affected subscribers a credit equal to the full value of the service.
- 3111.6 A reception problem (reception that an affected subscriber reasonably determines is unsatisfactory, unless a cable operator demonstrates that the signals transmitted to the subscriber are in compliance with applicable performance standards regarding video or audio signal quality) or other service problem of either picture or sound quality shall be repaired within forty-eight (48) hours after a cable operator receives a request for repair service. If a cable operator fails to comply with this provision, the cable operator shall grant affected subscribers a credit equal to, at least, one (1) day worth of the monthly charge for any affected service or service tier for each subsequent day on which the reception problem continues.
- 3111.7 A cable operator shall initiate investigative action in response to a service call regarding a problem other than a system outage or a service interruption not later than the next day after notification unless the subscriber requests an appointment at a later date.

- 3111.8 A cable operator shall correct a system outage or service interruption due to a cause beyond the control of a cable operator within forty-eight (48) hours after the condition has ceased.
- 3111.9 OCTT shall excuse a cable operator's failure to correct a system outage or service interruption or to make repair within the stated time periods if OCTT reasonably agrees with a cable operator that correcting the outage or making the repair was not reasonably possible within the permitted time period.
- 3111.10 A complaint shall be considered resolved when signals received by the subscriber have been brought into compliance with applicable federal standards.
- 3111.11 A repair or corrective action that the cable operator knows does not require a cable operator to enter a subscriber's premises shall not require a subscriber to make an appointment, shall not require the subscriber to be available on-site, and shall not be delayed on account of a cable operator's inability to contact the subscriber. A cable operator shall complete the repair or corrective action within the time limits specified in this section.
- 3111.12 A cable operator shall take timely measures to post an appropriate message, including identifiable locations, geographic areas or neighborhoods affected, on its telephone system to notify subscribers of system outages. The message shall also provide instructions for subscribers whose converters or navigation devices may not be functioning as a result of the system outage.
- 3111.13 A cable operator shall not charge a subscriber for a service call to his or her address to perform repair or maintenance work, if the cause of the work is the cable operator's fault.
- 3111.14 For the purpose of automatic credits addressed in this section 3111, a cable operator shall apply credits to accounts of all subscribers within an identifiable location or geographical area.

3112 SUBSCRIBER COMPLAINTS

- 3112.1 A cable operator shall work diligently to resolve subscriber complaints and shall cooperate with OCTT's customer service efforts.
- 3112.2 A cable operator shall establish clear, written procedures for addressing complaints, whether the complaints are made orally, in person, by telephone, by electronic means, or in writing.
- 3112.3 A cable operator shall make the complaint resolution procedures available at no charge to subscribers upon request. A cable operator shall post the complaint resolution procedures at its customer service centers and on its website.

- 3112.4 A cable operator shall file a copy of its complaint resolution procedures with OCTT.
- 3112.5 The cable operator's customer service representatives shall have the authority to take appropriate measures to resolve subscriber complaints including, but not limited to, providing credits for system outages, service interruptions or other customer service violations; waiving fees; scheduling service appointments; and changing billing cycles.
- 3112.6 Upon subscriber request, a cable operator shall refer customer inquiries or complaints to an appropriate supervisor who shall either address the subscriber's concerns during such call or shall at least contact the subscriber within twenty-four (24) hours after the referral.
- 3112.7 A cable operator shall promptly notify a person from whom the cable operator receives a complaint, of its proposed resolution of the complaint. The cable operator shall resolve a complaint whether received orally, in person, by telephone, by electronic means, or in writing, as soon as practicable and in no event later than ten (10) business days after the cable operator receives it, except as provided by subsections 3107.20 or 3116.2.
- 3112.8 If the subscriber states dissatisfaction with the cable operator's proposed resolution, the cable operator shall notify the subscriber of the subscriber's right to file a complaint with OCTT and shall provide OCTT's contact information.
- 3112.9 A cable operator shall assist OCTT in its investigation of a subscriber's complaint by providing any documents, materials, statements of fact, or other types of information reasonably requested by OCTT consistent with applicable law or the applicable franchise agreement.
- 3112.10 If a subscriber contacts OCTT directly to submit a complaint concerning a cable operator, OCTT shall forward the complaint to the cable operator. Once notified, a cable operator shall promptly contact the subscriber regarding the complaint. A cable operator shall update OCTT, upon request, regarding the status of complaints made directly to OCTT.

3113 DISCONNECTION AND TERMINATION OF SERVICE

- 3113.1 A subscriber may at any time request a disconnection of service. A cable operator shall disconnect service at no charge to the subscriber, except that the subscriber may be obligated to pay an outstanding account balance.
- 3113.2 For billing purposes only, a cable operator shall consider a disconnection to be effective no later than the next business day after a cable operator receives the subscriber's request to discontinue service or at a date specified by the subscriber

for the disconnection of services, whichever is later. However, the cable operator may impose appropriate charges or penalties if a subscriber fails to return equipment in a timely manner consistent with subsection 3103.5.

- 3113.3 At the time of disconnection, if the subscriber disconnects service before the end of a period for prepaid services, a cable operator shall refund a pro rata portion of any prepaid fees, based upon the applicable billing period.
- 3113.4 A cable operator shall complete all disconnections requested by subscribers within ten (10) days of the subscriber's request, unless the subscriber requests a later date for disconnection.
- 3113.5 Subscribers shall have the right to return equipment to a cable operator during disconnection appointments.
- 3113.6 A cable operator may only charge a subscriber for the downgrade of a service to the extent permitted by federal law.
- 3113.7 When a cable operator initiates an involuntary termination at a subscriber's residence for non-payment, the cable operator shall attempt to reach the subscriber on-site regarding the pending termination prior to the termination of service.
- 3113.8 If a subscriber pays an outstanding account balance to a representative of the cable operator at the time the representative arrives at the subscriber's address to terminate service, the cable operator shall not terminate the subscriber's services. A cable operator may charge the subscriber a reasonable collection fee, provided that the fee is listed on a cable operator's list of rates pursuant to subsection 3102.1.
- 3113.9 If a cable operator terminates service for non-payment at the subscriber's address when the subscriber is not present, a cable operator shall provide written notice at the time service is terminated that shall provide the following:
- (a) Inform the subscriber that service has been terminated;
 - (b) Describe the outstanding amount of the account as of the termination date and applicable reconnection charges; and
 - (c) Provide the subscriber with the cable operator's telephone number and payment center address.
- 3113.10 In cases of remote terminations, a cable operator shall promptly notify the terminated subscriber in writing with the information listed in subsection 3113.8 either by mail or other means.
- 3113.11 A cable operator shall not terminate cable service without good cause. If a cable operator terminates service without good cause, it shall promptly restore service without charge.

- 3113.12 A cable operator may immediately terminate a subscriber without prior notice if a subscriber has damaged, destroyed, or unlawfully tampered with the cable operator's cable system; a subscriber receives unauthorized service from a cable operator; or where a cable operator detects signal leakage that is originating from the subscriber's address in excess of federal limits, provided that the cable operator has first attempted to repair the leakage without terminating service.
- 3113.13 In cases of signal leakage, a cable operator may temporarily disconnect service while it corrects the signal leakage problem. The cable operator shall immediately notify the subscriber of the termination and leakage problem. Once the problem is corrected, a cable operator shall immediately reconnect the subscriber without charge.
- 3113.14 If a subscriber voluntarily disconnects service and a cable operator intends to remove its home wiring from the subscriber's premises, the cable operator shall remove the wiring in accordance with the procedures specified in federal regulations 47 C.F.R. §76.802, as amended from time to time. In other cases, where a cable operator elects to remove its home wiring from the subscriber's premises, a cable operator shall do so within seven (7) business days of disconnecting the subscriber's service, unless applicable law provides otherwise.

3114 SPANISH-SPEAKING CUSTOMERS

- 3114.1 A cable operator shall use its best efforts to make all customer services and obligations required pursuant to this chapter 31 available in both English and Spanish. Customer service centers of a cable operator shall be equipped to provide bilingual (English and Spanish) service whether in-person or via telephone calls. The cable operator's staff shall include customer service representatives who can communicate with Spanish-speaking subscribers regarding all issues including, but not limited to, installation services, outages, billing questions, and other inquiries.
- 3114.2 A cable operator shall maintain at least one customer service representative per shift who is capable of speaking Spanish during hours when the cable operator's customer service representatives answer calls consistent with subsection 3106.2.
- 3114.3 A cable operator shall place on billing statements, a telephone number for communication with Spanish-speaking customer service representatives.

3115 REPORTS

- 3115.1 Consistent with a cable operator's applicable franchise agreement and applicable law, a cable operator shall provide a monthly report to OCTT to measure the

performance of the cable operator under this chapter 31. The report shall cover the following areas: telephone service standards of subsection 3106.7, installation standards of subsection 3109.1, outage standards of subsection 3111.3, and repair standards of subsection 3111.4 and 3111.6.

- 3115.2 A monthly report that measures a cable operator's performance with respect to the telephone service standards shall include the following information: total calls received; total calls answered; the percentage of calls answered within thirty (30) seconds; the average time to answer calls; total calls abandoned; percentage of calls abandoned; total calls for which a busy signal is received; and percentage of calls for which a busy signal is received.
- 3115.3 A monthly report that measures a cable operator's performance with respect to the installation standards shall include the following information: number of total standard installations performed; number of standard installations performed in seven (7) days; and percentage of standard installations performed in seven (7) days.
- 3115.4 A monthly report that measures a cable operator's performance with respect to the outage standards shall include the following information: total number of system outages; total number of planned interruptions; average duration of unplanned system outages; total number of other outages; and percentage of other outages repaired within twenty-four (24) hours of notification.
- 3115.5 A monthly report that measures a cable operator's performance with respect to reception problems and repair standards shall include the following information: total number of reception problems and repairs, and percentage of reception problems and repairs completed within forty-eight (48) hours.
- 3115.6 The monthly report shall be submitted in written or electronic form to OCTT by the fifteenth (15th) day following the end of each calendar month. OCTT may waive the timely submission of the report, as it deems appropriate.
- 3115.7 OCTT may, upon reasonable prior notice, require a cable operator to submit additional reports, records, or documentation to verify compliance with this chapter 31 or a cable operator's applicable franchise agreement.
- 3115.8 A cable operator shall keep the records as are necessary to show compliance with this chapter; provided, a cable operator shall not be required under this section to keep records for longer than three (3) years.

3116 TREATMENT OF PROPERTY

- 3116.1 If a cable operator activity causes damage to private property, the cable operator shall reimburse the property owner for the cost of the damage or shall replace the damaged property.
- 3116.2 Consistent with the applicable franchise agreement, a cable operator shall use due care in the process of construction and installation of facilities and shall restore any damaged property of a subscriber or property owner to its prior condition. A cable operator shall undertake the restoration as soon as possible after the damage has occurred, shall complete restoration within no more than thirty (30) days, and shall be subject to the reasonable approval of the subscriber or property owner, as applicable.
- 3116.3 A cable operator's personnel shall clean all areas surrounding a work site and ensure that all cable materials have been disposed of properly.

3117 CREDITS

- 3117.1 If a credit to a subscriber is required pursuant to this chapter 31 or an applicable franchise agreement, the cable operator shall provide the credit to the affected subscriber's account within thirty (30) days after the determination that the subscriber is entitled to a credit. In the case of a subscriber who has disconnected his or her account and no account balance exists, a cable operator shall issue payment equal to the credit to which the person would otherwise be entitled within thirty (30) days after the determination that the person is entitled to the credit. In the case of a subscriber who has disconnected his or her account and an account balance exists, to the extent that a credit exceeds the outstanding balance, the cable operator shall pay the difference to the subscriber within thirty (30) days after the determination that the person is entitled to the credit. In the case of disconnections, a cable operator may condition the issuance of credits upon the timely return of the cable operator's equipment.

3118 NO DISCRIMINATION

- 3118.1 Except to the extent otherwise permitted by applicable law (and after receiving the District's approval, to the extent the District is exercising such authority pursuant to applicable law), a cable operator shall not discriminate among subscribers with respect to fees, charges, deposits and other terms and conditions affecting any service, or any equipment, installation or any other activity subject to regulation under Section 623 of the Cable Act (47 U.S.C. § 543)(or any successor thereto) and the rules and regulations issued in connection therewith. All such fees, charges, deposits and other terms and conditions must be applied fairly and uniformly to all subscribers in the cable operator's franchise area.

- 3118.2 Nothing contained in subsection 3118.1 shall prohibit a cable operator from offering, to the extent permitted by applicable law:
- (a) Discounts to senior citizens or economically disadvantaged groups;
 - (b) Different charges for residential subscribers than for non-residential subscribers;
 - (c) Sales promotions and other discounts or reduced charges for a reasonable period of time, which are offered to all residential subscribers or all non-residential subscribers, as the case may be, for the same length of time although the start date of such promotions, discounts or reduced charges may be staggered such that the offer may begin for the last subscriber to whom they are offered up to six (6) months after the start date for the first subscriber to whom they are offered;
 - (d) Sales promotions and other discounts or reduced charges, which are offered to a class of subscribers to whom one (1) of the cable operator's competitors has offered similar promotions, discounts or reduced charges, but only for the same period of time as the competitor's offering;
 - (e) Sales promotions and other discounts or reduced charges, which are offered to a discrete class of subscribers and which may affect the fees, charges, deposits and other terms and conditions for such subscribers for a period not to exceed eight (8) months, provided that the Company may apply to OCTT for a waiver of such maximum period;
 - (f) Bulk rates; or
 - (g) Other special, short-term discounts or reduced charges to identifiable classes of subscribers or potential subscribers for reasonable categories of service.

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3198 MISCELLANEOUS REQUIREMENTS

- 3198.1 Each cable operator employee or subcontractor who comes into contact with subscribers at subscriber premises shall wear and prominently display a picture identification card that clearly indicates his or her name and employment with the cable operator or subcontractor and shall, upon request, show the identification card.
- 3198.2 A cable operator shall clearly identify all of its vehicles as being associated with the cable operator. A cable operator's contractor shall label all of its vehicles with the name of the contractor and identify such vehicles as contracting for the cable operator.
- 3198.3 In connection with a transaction between a cable operator and a subscriber that involves a visit to a subscriber's address, a cable operator shall provide the subscriber a written receipt describing the transaction and the date and time thereof.

3198.4 In the event a cable operator makes a change in staffing, equipment, or resources (for example, a decrease in its service workforce) that materially affects its ability to fulfill the requirements of this chapter 31, a cable operator shall promptly provide a written report to OCTT explaining the change(s) and the justification therefore.

3199 DEFINITIONS

When used in this chapter, the terms and phrases defined in this section shall have the meaning ascribed:

Cable Operator – any person or group (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management or operation of such a cable system.

Customer Service Representative - a person employed or contracted by a cable operator to assist, or provide service to, subscribers, whether by answering telephone calls, managing repair or installation orders, answering subscribers’ questions, receiving and processing payments, or performing other customer service-related tasks.

OCTT – District of Columbia Government Office of Cable Television and Telecommunications

Standard Installation – any installation to a residence from the cable operator’s existing network that does not exceed two hundred fifty (250) feet or as defined by an applicable franchise agreement.

Subscriber - a person who lawfully receives or requests to receive cable service of any sort from a cable operator. The term shall have the same meaning as the term “customer”.

Unusual Circumstance – a special occasion when the cable operator voluntarily suspends its normal operations, such as a staff meeting. The term does not include suspensions of operations caused by emergency circumstances outside of the control of the cable operator, such as a natural disaster or any identified *force majeure*.

Website – an Internet website dedicated to local subscribers of a District of Columbia cable operator. The website may be a part of a cable operator’s larger website.