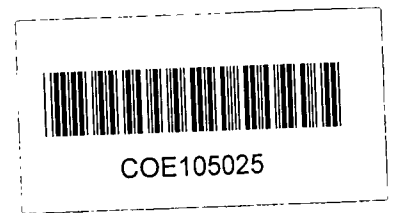


CCC1DC(75)29



***CABLE TELEVISION OUTSIDE EUROPE***

COUNCIL FOR CULTURAL CO-OPERATION

COMMITTEE FOR OUT-OF-SCHOOL EDUCATION AND CULTURAL DEVELOPMENT

Strasbourg 20 March 1975

CCC/DC (75) 29

Or. Engl.

COMMITTEE FOR OUT-OF-SCHOOL EDUCATION  
AND CULTURAL DEVELOPMENT

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CABLE TELEVISION OUTSIDE EUROPE

RULES AND REGULATIONS IN SOME NON-EUROPEAN COUNTRIES

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Cable television - rules and regulations in some non-European countries

After having sponsored the publication of "L'Après télévision" by Robert Wangermée and Holde Lhoest, the Council of Europe is now preparing a new series of studies on two subjects which were mentioned in that book, viz cable television and videography.

One of these studies will deal with problems facing member states of the Council of Europe intending to operate cable television systems. In this connection, the Secretariat thought it would be helpful to assemble information on the regulations governing cable television in some countries outside Europe.

This information has been compiled on behalf of the Council of Europe by the International Broadcast Institute. A companion study, also written by the IBI, is entitled "advanced uses of cable systems".

U S A

The USA Federal Communication Commission has issued many rules and regulations on cable television. It made a major policy statement on cable television service on 12 February 1972. The most relevant section is:

No. III: Access to and use of non-broadcast channels. Paragraphs 117-128 are quoted below. The remainder of the section is concerned with public access (production facilities, etc) and is omitted.

On 22 April 1974, the FCC issued a clarification of rules and notice of proposed rulemaking. Paragraph 22 deals with two-way capacity and is quoted at the end of this report.

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ACCESS TO AND USE OF NON-BROADCAST CHANNELS

In its notice of proposed rulemaking in Docket 18894, the Commission stated that:

Cable television offers the technological and economic potential of an economy of abundance.

On the basis of the record now assembled, we believe the time has come for cable television to realise some of that potential within a national communications structure. We recognise that in any matter involving future projections, there are necessarily certain imponderables. These access rules constitute not a complete body of detailed regulations but a basic framework within which we may measure cable's technological promise, assess its role in our nationwide scheme of communications, and learn how to adapt its potential for energetic growth to serve the public.

Channel capacity

Confronted with the need for more outlets for community expression on the one hand and, on the other, with cable television's capacity to provide an abundance of channels, we asserted in our second further notice of proposed rulemaking in Docket 18397-A the principle that the Commission "... must make an effort to ensure the development of sufficient channel availability on all new CATV systems to serve specific recognised functions".

Most cable system operators and many others argue against the proposed establishment of a fixed minimum channel capacity. Some comments in Docket 18894 went further and suggested that the entire matter of channel capacity be left to experimentation. While it is true that many existing cable systems have large channel capacities and seem at least technologically prepared to meet foreseeable demand, there are many systems apparently content to provide only broadcast signal carriage with no plans to expand service capabilities.

We envisage a future for cable in which the principal services, channel uses, and potential sources of income will be from other than over-the-air signals. We note 40, 50 and 60 channel systems are currently being installed in some communities. The cost difference between building a 12-channel system and a 20-channel system would not appear to be substantial. We urge cable operators and franchising authorities to consider that future demand may significantly exceed current projections, and we put them on notice that it is our intention to insist on the expansion of cable systems to accommodate all reasonable demands. We wish to proceed conservatively, however, to avoid imposing unreasonable economic burdens on cable operators. Accordingly, we will not require a minimum channel capacity in any except the top 100 markets. In these markets, we believe that 20-channel capacity (actual or potential) is the minimum consistent with the public interest. We also require that for each broadcast signal carried, cable systems in these markets provide an additional channel 6 MHz in width suitable for transmission of Class II or Class III signals. This seems a reasonable way to obtain necessary minimum channel capacity and yet gear it to particular community needs. We emphasize that the cable operator cannot accept the broadcast signals that will be made available without also accepting the obligation to provide the non-broadcast bandwidth and the access services described below. The two are integrally linked in the public interest judgement we have made.

#### Designated channels

Broadcast signals are being used as a basic component in the establishment of cable systems, and it is therefore appropriate that the fundamental goals of a national communications structure be furthered by cable - the opening of new outlets for local expression, the promotion of diversity in television programming, the advancement of educational and instructional television, and increased informational services of local governments. Accordingly, cable television systems will have to provide one dedicated, non-commercial public access channel available without charge at all times on a first-come, first-served non-discriminatory basis and, without charge during a developmental period, one channel for educational use and another channel for local government use. We have already imposed an obligation on systems with 3,500 or more subscribers to originate programming and are now requiring that the origination channels be specifically designated.

#### Public access channel

It has long been a Commission objective to foster local service in broadcasting. To this end we have encouraged the growth of UHF television, and have looked to all broadcast stations to provide community-oriented programming. We expect no less of cable. In our 1 July 1970 notice we stated:

The structure and operation of our system of radio and television broadcasting affects, among other things, the sense of "community" of those within the signal area of the station involved. Recently governmental programmes have been directed toward increasing citizen involvement in community affairs. Cable television has the potential to be a vehicle to much needed community expression.

We believe there is increasing need for channels for community expression, and the steps we are taking are designed to serve that need. The public access channel will offer a practical opportunity to participate in community dialogue through a mass medium. A system operator will be obliged to provide only use of the channel without charge, but production cost (aside from live studio presentations not exceeding 5 minutes in length) may be charged to users.

#### Educational access channel

It is our intention that local educational authorities have access to one designated channel for instructional programming and other educational purposes. Use of the educational channel will be without charge from the time subscriber service is inaugurated until 5 years after the completion of the cable system's basic trunk line. After this developmental period - designed to encourage innovation in the educational uses of television - we will be in a more informed position to determine in consultation with state and local authorities whether to expand or curtail the free use of channels for such purposes or to continue the developmental period. The potential uses of the educational channel are varied. An important benefit promises to be greater community involvement in school affairs. It is apparent, for instance, that combined with two-way capability, the quality of instructional programming can be greatly enhanced. Similarly, some envisage significant advances in the educational field by the linking of computers to cable systems with two-way capability. For the present, we are only requiring that systems provide an educational channel and, as noted below, some return communication capability, and will allow experiments in this field to proceed apace.

#### Government access channel

The government access channel is designed to give maximum latitude for use by local governments. The suggestions for use range across a broad spectrum and it is premature to establish precise

requirements. As with the educational channel, use of the government channel will be free from the time subscriber service is inaugurated until 5 years after the completion of the cable system's basic trunk line, at which time we will consider whether to expand or curtail such free use or to continue the developmental period.

#### Leased access channels

In addition to the designated channels and broadcast channels, cable systems shall make available for leased use the remainder of the required bandwidth and any other available bandwidth (eg if a channel carrying broadcast programming is required to be blacked out because of our exclusivity rules or is otherwise not in use, that channel also may be used for leased access purposes). Additionally, to the extent that the public, education, and government access channels are not being used, these channels may also be used for leased operation. But such operations may only be undertaken on the express condition that they are subject to immediate displacement if there is demand to use the channel for the dedicated purpose.

#### Expansion of capacity

Our basic goal is to encourage cable television use that will lead to constantly expanding channel capacity. Cable systems are therefore required to make additional bandwidth available as the demand arises. There are a number of ways to meet this general objective. Initially, we intend to use the following formula to determine when a new channel must be made operational: whenever all operational channels are in use during 80 per cent of the weekdays (Monday - Friday), for 80 per cent of the time during any consecutive 3-hour period for 6 weeks running, the system will then have 6 months in which to make a new channel available. This requirement should encourage use of the system with the knowledge that channel space will always be available, and also encourage the cable operator continually to expand and update his system. On at least one of the leased channels part-time users must be given priority. We plan at a later date to institute a proceeding with a view to assuring that our requirement of capacity expansion is not frustrated through rate manipulation or by any other means. This proceeding will also deal with such open questions as rates charged for leased channel operations.

We are aware of the possibility that the formula may impose undue burdens on system operations. If it were necessary to rebuild or add extensive new plant, this could not reasonably be expected within a 6-month period. The requirement for activating new capacity within 6 months is based on our understanding that only relatively modest effort is involved in converting existing potential to actual capacity. These considerations, however, point up the

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necessity for building now with a potential that takes the future into account. Because this part of our programme is a relatively uncharted area, we will make it a matter for continuing regulatory concern.

#### Two-way capacity

On review of the comments received and our own engineering estimates, we have decided to require that there be built into cable systems the capacity for return communication on at least a non-voice basis. Such construction is now demonstrably feasible. Two-way communication, even rudimentary in nature, can be useful in a number of ways - for surveys, marketing services, burglar alarm devices, educational feedback, to name a few.

#### TWO-WAY

In para 76.251 (a) (3) we require that the technical capacity for non-voice return communication be designed into any new cable facility affected by the rule. We fully explain the rationale for this requirement in paras 128, and 129 of the Report and Order. This rule does not require that the cable system be operational in the return mode. Once again, as in the case of channel capacity, we want to make sure that new systems being built will be able to meet all present and foreseeable future service obligations without the need for significant rebuilding or delay. We are aware that at present there are few, if any, proven, economically viable uses for two-way cable communications. To require operational two-way systems at this time, therefore, might impose unreasonable costs on the cable operator. In some cases, we have noted that franchising authorities are requiring the immediate operational installation of two-way facilities. Before a certificate of compliance is granted in any such case, we require a showing of the intended use of such facilities and a showing that such a requirement will not adversely affect the system's viability or otherwise inhibit it from complying with the federal goal of a nationwide cable communications grid.



## C A N A D A

The Canadian Radio-Television Commission was given the authority to regulate cable television in the 1968 Broadcasting Act. Since then, the Commission has issued several policy documents on cable television. Its fifth and major document, Policy Statement on Cable Television, 16 July 1971, provided the statutory framework of cable activity.

After a brief, historical introduction, the Statement has a large section on policy. This document contains the four sections which are directly relevant to cable's advanced uses.

## I. BASIC CABLE TELEVISION SERVICES TO THE COMMUNITY

All cable television systems will be required to provide, as a matter of priority, certain basic services to the community. These will be as follows:

1. All Canadian television stations whose official Grade A contour encloses any part of the licensed area of the cable television system. Grade A stations are called local stations.
2. All Canadian television stations whose official Grade B contour encloses any part of the licensed area of the cable television system unless it is a private affiliate forming part of the same Canadian network as a local station. Grade B contour stations are called regional stations.

If a station owned and operated by the CBC providing the full national service is not included in priority 1 or 2 and is available, it must be carried.

3. Any Canadian station whose official Grade B contour does not enclose any part of the cable television system licensed area which is not affiliated to the same Canadian network as a local or regional station and where reception is economically practical and technically feasible. Stations whose Grade B contour does not enclose any part of the cable television system licensed area are called distant stations.

There may be cases where in the opinion of the Commission the carriage of a distant station is not in the public interest. In such cases carriage will not be approved.

Stations not included in the list are optional stations and may be carried if all basic services are provided for.

Notwithstanding these priorities, channel capacity shall also be made available for the transmission of educational programmes if this is requested by provincial authorities as defined in Direction P C 1970-496 of the Governor-in-Council.

Where equal priority exists between two stations not in the same province the station in the same province as the cable television system will have priority over the other.

## II. LOCALLY PROGRAMMED CHANNEL

The Commission has consistently emphasized the opportunity available to cable television system licensees "to enrich community life by fostering communication among individuals and community groups". It has also encouraged cable television systems to provide programmes which are substantially different from those available from off-air sources.

Most cable television subscribers seek a wider range and a greater diversity of programming. Local programming can form an important means of widening the choice of programmes which in turn attracts more subscribers and increases revenue.

Local programming often achieves its greatest effectiveness when production techniques and facilities are kept simple and inexpensive.

The capability to provide a local channel for community expression depends on the continued growth of cable television as an active, integrated part of the whole broadcasting system.

The Commission recognises the responsibility of the cable television system licensee for the services provided through a locally programmed channel and believes that a diversity of local programming best reflects community needs and interests. Three basic examples are outlined but many other variations are possible.

### a. Community programming

This is a process which involves direct citizen participation in programme planning and production. Access to the community channel is the responsibility of the cable television licensee, but the means which are employed to best further the use of a channel for the local citizenry, to establish fair access, and to facilitate production, can be as varied as necessary to satisfy local needs.

Where conflicts occur concerning fair and balanced use of the locally programmed channel which cannot be resolved between the cable television licensee and the person or group desiring access, then such issues should be referred to the Commission.

### b. Local origination

This type of programming usually consists of coverage of local activities of all kinds. Whereas community programming involves local citizens in the planning and production process, local origination programming usually involves the coverage of organised local activities under the direct supervision of the cable television system staff.

c. Informational programming

This form of programming can provide a counterpoint to the concept of community programming. It can inform the community about matters which are of concern and interest to its citizens. Programmes may be of a highly specialised nature, appealing to minority audiences, or they may be of a general interest.

Effective informational programming should make for improved and more responsible participation in community programming.

Much of this material will probably be produced directly by professional motion picture or television producers yet it should not duplicate the programming available from conventional broadcasting outlets.

The cable television licensee should continue to experiment to develop the most effective use of the system for the community. The Commission favours a generally permissive approach to content and a mix of the three forms of programming already defined for the locally programmed channel. The amount of community programming should reflect the community's continuing needs; and should, therefore, take priority over the other two classes of programming. Other types of programmes, from whatever source, which are generally considered to be of specific interest to the community, can also be a part of the total programming mix, but the first priority should be given to community programming.

Many cable television systems should reflect the bilingual nature of the communities they serve. In some cases a separate channel in the other official language will be desirable but where channel space is limited a proportion of the programmes on the single channel could be in the other official language.

Linking of cable television systems

The Commission recognises that there are advantages to be gained by linking cable television systems in contiguous areas, or by permitting the interchange of tapes or films, but there is also a danger that large scale linking of systems could greatly reduce the effectiveness of local programming.

In general, the linking of cable television systems or the interchange of tapes or films will be permitted when citizen access, through community programming, is not prejudiced, and when the programming resulting from the linking of cable television systems is of sufficient interest to the various communities brought together through the interconnection process.

Community programming undertaken with groups representing a large metropolitan area could involve all cable systems in the area. These systems might arrange simultaneous distribution of programmes, or bicycle tapes between system head-ends. Informational programming could also be distributed in this way, if it is of specific interest to the larger community.

In general, local and community programming originating with groups representing smaller communities, or communities of interest, should not be interconnected unless such programming is of specific interest to a larger community. In such cases, it will be most important to preserve a form of programming which brings out the identity of the smaller communities as a first objective, and not to compromise this in the interest of achieving more effective programming for the interconnected systems.

The Commission recognises that these kinds of programming are still in an early stage of development and should not be forced into rigid formulas. Opportunities will be presented for more discussion of this subject.

### III. LICENSING

In considering proposals for any new cable television system, the Commission will continue to consider the economic conditions of the service area to determine the total broadcast needs, and whether licensing such a system would threaten the ability to provide them.

Applications for broadcasting receiving undertakings will continue to be subject to the procedures of the Commission. Opportunity will be provided, as usual, to licensees in other parts of the system, to members of the public and potential applicants, to intervene. Interventions may deal with the normal matters such as the advisability - in relation to the public interest - of licensing a new undertaking or with the nature of the service of the new undertaking.

### IV. STRENGTHENING CABLE TELEVISION

Strengthening of cable television, and its benefits to the public, is vital if this important element of broadcasting is to play its part in the "single system". The Commission will therefore encourage the development of cable television.

#### Optional broadcasting services

Where a cable television service observes the policies stated earlier, it may add additional broadcast services which strengthen its mandate with a wide degree of latitude. Among other things, it may pick up and redistribute the signals of optional television stations which are not included in the basic service, including stations not licensed to serve Canada, but whose signals spill over into Canada.

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### Licensing period

In its 26 February 1971 public announcement, the Commission recognised "the importance of establishing long-range policies for the further development of the broadcast system in order that potential investors can properly assess the future". This statement of policy will, it is hoped, reduce uncertainty.

The Commission also expressed interest in "how new shareholder investors and debt investors could be encouraged to participate in strengthening the broadcast system".

It was suggested, at that time, that the financial stability of the private sector of the broadcasting system could be influenced by the length of the licence term granted.

The Commission believes that this can be a significant factor and that, where possible, licences for all broadcasting undertakings should be for five-year terms - the maximum permitted under the Broadcasting Act.

The Commission attempted to reassure the financial community regarding the uncertainty sometimes surrounding licence renewals by stating:

"On the other hand, the licensing system itself provides stability. Traditionally, the authorities responsible for licensing of broadcasting undertakings in Canada have been concerned about service to the public. In the rare cases where the regulatory authority has found it necessary to serve notice to a licensee that renewal of his licence would not be granted, it has been the practice to grant time for the assets to be disposed of as going concerns, and thus for the financial participants to realise the maximum protection for their investment."

### Cable television networks

The Commission believes substantial cost savings might be effected if networking of cable television systems were to be permitted and has indicated a willingness to consider such networking.

The Broadcasting Act defines a network as "... any operation involving two or more broadcasting undertakings whereby control over all or any part of the programmes or programme schedules of any of the broadcasting undertakings involved in the operation is delegated to a network operator ...".

The Act also required that a network operation be licensed.

It is the policy of the Commission that licences may be granted for any or all of the following types of cable television network:

- community programme distribution;
- distribution of signals from a distant head-end;
- sharing of common local head-ends and switching of received signals.

#### Subscription fees

The Commission recognises that subscription fees are governed by economic factors, and is undertaking studies to determine the relationship between such factors as services offered, area economics, area topography, off-air alternatives available, Commission policies, technical quality, and fees and their effect on revenues. The cable television operators will tend to optimise their fees consistent with these economic factors in order to maximise their revenue and, as a consequence that of the broadcasting systems as a whole. Any change in fees will be considered as an amendment to the licence.

#### Distant head-ends

In its statement of 26 February 1971 the Commission recognised that "a compelling feature to cable television subscribers is the programming from distant stations that broadens the choice of programming available".

"The provision of distant signals with high technical quality that long haul microwave or cable systems can provide would undoubtedly increase cable television revenues."

The Commission will authorise cable television systems to carry distant stations using microwave or other electronic communication system which technically extends the receiving system. The number of distant stations received by these methods will generally be limited because of the high costs involved and the economics of each cable television system.

However, the number of channels carrying signals from commercial stations not licensed by the Commission which are received using microwave will generally be limited to three. The Commission may limit authorisation to fewer of these signals if it considers that local television service would otherwise be jeopardised.

### Cable television spectrum allocation

Because of the scarcity of channel capacity on a cable television system, it may be necessary to share channels, to utilise non-standard channels such as "mid-band", or to utilise channels which may be subject to interference due to strong local signals. Stations which meet the list of priorities are to be given preference in the allocation of frequencies. In addition, provision should be made for a locally programmed channel.

Channel capacity shall also be made available for the transmission of education programmes provided by the provincial educational authority as defined in Direction PC 1970-496 of the Governor-in-Council.

A channel may be shared between an optional station and the locally programmed service. The locally programmed service must take precedence, but when the programmes of the optional station do not duplicate those of a priority station and the channel is not required for the locally programmed service, the optional station may be carried instead.

Similarly, when a station is not transmitting programmes, an optional station may be substituted on that channel.

### Distribution facilities

The Commission recognises that cable television systems are designed for the distribution of broadcasting signals and similar public information. The Commission has no intention of licensing broadcasting receiving undertakings to operate outside the Broadcasting Act.

In order to ensure the most effective utilisation of cable television systems, the Commission desires that the facilities planned or proposed by cable television operators will optimise this capacity to distribute broadcasting signals.

### Boundaries

In general, the Commission will establish definite boundaries to determine the area of service of each cable television system. The extension of service from one licensed area to another licensed area will not be permitted unless, as a special case, an overlap of adjacent systems is deemed to be in the public interest.

### Cable television advertising

While there may be exceptional circumstances where it is desirable to permit the selling of advertising on the locally programmed channel the Commission believes that, in general, the selling of advertising by cable television licensees would not be beneficial to the Canadian broadcasting system at this time.

### Apartment buildings

Many apartment buildings are not connected to licensed cable television systems. The Commission is investigating the various ways which will enable residents of multiple dwellings to enjoy the services which can be provided by licensed broadcasting receiving undertakings.

### Co-operation in programming

In its announcement of 26 February 1971, the Commission outlined certain ways in which cable television systems and television stations might co-operate in programming and in other areas. Broadcasting stations can contribute programmes, or production and other facilities; cable television systems can provide a distribution facility, among other things. The Commission, feeling that such co-operative ventures may benefit the participants and the broadcasting system as a whole, encourages experimentation.



## J A P A N

THE CABLE TELEVISION BROADCAST LAW

This law, passed in 1973, is one of the few national laws solely concerned with cable television. It contains six chapters and a final section on supplementary provisions. This extract contains the first four chapters on general provisions, facilities, services and the Cable Broadcast Council. It omits miscellaneous provisions, penal provisions and the final section which are not directly relevant to advanced uses.

## Chapter 1: General provisions

## Purpose

Article 1

The purpose of this law is to protect the interests of the audience of cable television broadcasting and to strive for the sound development of cable television broadcasting by regulating the establishment of the facilities thereof and the operation of the service thereof so as to contribute to the promotion of public welfare.

## Definitions

Article 2

1. "Cable television broadcasting" in this law means a cable broadcasting (the transmission of a cable telecommunication intended to be directly received by the public; hereinafter the same), which is other than the cable sound broadcasting provided for in Article 2 of the Law to Regulate the Operation of the Cable Sound Broadcasting Service (Law No. 135 of 1951).
2. "Cable television broadcasting facilities" in this law mean cable telecommunication equipments (which include a receiving antenna for conducting retransmission and other equipments necessary for the reception of broadcasting) for conducting a cable television broadcasting.
3. "Licensee for cable television broadcasting facilities" in this law means a person who has been granted the permit for establishment of the cable television broadcasting facilities in accordance with paragraph 1 of the following article.
4. "Cable television broadcast enterpriser" in this law means a person who conducts a cable television broadcasting services.

## Chapter 2: Facilities

### Permit for facilities

#### Article 3

1. A person who intends to establish cable television broadcasting facilities with the aim of conducting a cable television broadcasting service shall obtain the permit from the Minister of Posts and Telecommunications with respect to establishment of the facilities. However, this does not apply to cable television facilities of which the scale does not exceed the basis to be prescribed by the Ministry of Posts and Telecommunications Ordinance.

2. A person who intends to obtain the permit mentioned in the preceding paragraph shall submit to the Minister of Posts and Telecommunications a written application covering the plan of facilities (inclusive of the area in which the facilities are to be established and the other things), the frequency to be used, the outline of the cable television broadcasting facilities, and other matters to be prescribed by the Ministry of Posts and Telecommunications Ordinance.

### Standards of permit

#### Article 4

1. When the Minister of Posts and Telecommunications deems that an application for the permit mentioned in paragraph 1 of the preceding article satisfies each of the following items, he shall grant the permit of the said paragraph.

1. The plan of the cable television broadcasting facilities is reasonable and its practicability is ensured.
2. The cable television broadcasting facilities satisfy the technical standards to be prescribed by the Ministry of Posts and Telecommunications Ordinance.
3. There are owned the financial basis and technical ability sufficient for ensuring establishment and operation of the cable television broadcasting facilities.
4. Establishment of the cable television broadcasting facilities is also needful and appropriate in the light of natural, social and cultural conditions in that area.

2. The Minister of Posts and Telecommunications shall invite the opinion of prefectures concerned in case he is to take the disposition to permit or not to permit the application for the permit mentioned in paragraph 1 of the preceding article.

## Cause of incompetency

Article 5

A person coming under any of the following items may not be granted the permit mentioned in Article 3, paragraph 1.

1. A person who is not a Japanese citizen.
2. A foreign government or its representative.
3. An alien juridical person or body.
4. A juridical person or body, of which a person or persons mentioned in any of the preceding three items are the officers who execute the business of hold not less than one-fifth of the voting rights.
5. A person who has had his permit revoked under the provisions of Article 25, paragraph 1 and with respect to whom two years have not elapsed from the day of the revocation.
6. A person who has been sentenced to a penalty not lighter than a fine on conviction of violating this law, the Law to Regulate the Operation of the Cable Sound Broadcasting Service or the Cable Telecommunications Law (Law No. 96 of 1953) and with respect to whom two years have not elapsed from the day when he served out his punishment or from the day when he ceased to undergo the execution of the punishment.
7. A juridical person or body, of which the officer or officers come under any of the preceding two items.

## Time limit for the establishment of facilities

Article 6

1. The licensee for cable television broadcasting facilities shall complete establishing the cable television broadcasting facilities involved in the permit mentioned in Article 3, paragraph 1 within a period to be specified by the Minister of Posts and Telecommunications at every subdivided area in which to establish such facilities.
2. The Minister of Posts and Telecommunications may, on application from the licensee for cable television broadcasting facilities, extend the period specified under the provisions of the preceding paragraph if he deems it reasonable.
3. The licensee for cable television broadcasting facilities, when completed the establishment of the cable television broadcasting facilities involved in the permit mentioned in Article 3, paragraph 1, shall notify the Minister of Posts and Telecommunications to that effect without delay.

Permit for changes, etc

Article 7

1. In case the licensee for cable television broadcasting facilities intends to make a change in the plan of facilities, the frequency to be used or the cable television broadcasting facilities which are stated in the application mentioned in Article 3, paragraph 2 and which are involved in the permit provided for in paragraph 1 of the same article, he shall obtain the permit from the Minister of Posts and Telecommunications. However, this does not apply to the case where the change is a less important modification of the cable television broadcasting facilities to be prescribed by the Ministry of Posts and Telecommunications Ordinance.

2. The provisions of Article 4, paragraph 2 shall apply mutatis mutandis to the disposition to permit or not to permit such changes in the plan of facilities as mentioned in the preceding paragraph.

3. The licensee for cable television broadcasting facilities shall, if he has made a change in the matters stated in the application mentioned in Article 3, paragraph 2, notify the Minister of Posts and Telecommunications to that effect without delay, excepting the case where he shall obtain the permit under the provision of paragraph 1.

Maintenance of facilities

Article 8

The licensee for cable television broadcasting facilities shall maintain the cable television broadcasting facilities involved in the permit mentioned in Article 3, paragraph 1 in such a manner as to satisfy the technical standards to be prescribed by the Ministry of Posts and Telecommunications Ordinance mentioned in Article 4, paragraph 1 (2).

Liability to make facilities available

Article 9

If the licensee for cable television broadcasting facilities is requested by a person, who intends to conduct a cable broadcasting service, to use the cable television broadcasting facilities involved in the permit mentioned in Article 3, paragraph 1 for that service, he should accept the request unless otherwise prescribed by the Ministry of Posts and Telecommunications Ordinance.

## Conditions of use of facilities

### Article 10

1. The licensee for cable television broadcasting facilities shall stipulate contract clauses with respect to the charge for use of the cable television broadcasting facilities as well as to the other conditions of use.
2. The conditions of the use mentioned in the preceding paragraph shall be in accordance with the standards to be prescribed by the Ministry of Posts and Telecommunications Ordinance.

## Notification of discontinuance of facilities

### Article 11

In case the licensee for cable television broadcasting facilities intends to discontinue the cable television broadcasting facilities involved in the permit mentioned in Article 3, paragraph 1, he shall, in advance, notify the Minister of Post and Telecommunications to that effect.

## Chapter 3: Services

## Notification of services

### Article 12

A person who intends to become a cable television broadcast enterpriser shall notify the Minister of Posts and Telecommunications of the service area of the cable television broadcasting, conducting rebroadcast or not, and other matters to be prescribed by the Ministry of Posts and Telecommunications Ordinance. The same shall apply also the case where a cable television broadcast enterpriser intends to make a change in the notified matters.

## Retransmission

### Article 13

1. In case the area in which to establish the facilities permitted under Article 3, paragraph 1, lies, entirely or partly, within a zone designated by the Minister of Posts and Telecommunications as a zone where the receiving interference of a television broadcasting (to be referred as the television broadcasting provided for in Article 9, paragraph 1, item (1)(c) of the Broadcast Law (Law No. 132 of 1950); hereinafter the same) occurs to a great extent or such interference is feared to develop, it is imperative for the cable television broadcast enterpriser who, on the other hand, is the licensee for cable television broadcasting facilities in the designated zone mentioned that he should receive the television broadcasting of all broadcast enterprisiers (to be referred as the broadcast

enterprisiers provided for in Article 4, paragraph 1, of the Broadcast Law, hereinafter the same), who have established broadcasting stations (to be referred as the broadcasting stations provided for in Article 2, (3) of the Broadcast Law) conducting the television broadcastings toward within the prefecture where the area in which to establish the facilities mentioned belongs, and retransmit all the broadcasting programmes thereof intact and simultaneously with reception. However, this does not apply to the case to be prescribed by the Ministry of Posts and Telecommunications Ordinance.

2. The cable television broadcast enterpriser must not receive and retransmit the television broadcasting of a broadcast enterpriser without his consent.

However, this does not apply to the case where the cable television broadcast enterpriser who is on the other hand the licensee for cable television broadcasting facilities retransmits a television broadcasting in accordance with the provision of the preceding paragraph.

3. When the parties concerned have a dispute between them with respect to the consent mentioned in the preceding paragraph, in their attempts to solve the dispute either both sides or one side of the parties concerned may apply for conciliation to the Minister of Posts and Telecommunications.

4. On receipt of the application mentioned in the preceding paragraph, the Minister of Posts and Telecommunications shall strive for conciliation except when he deems that the dispute involved in the application is unfit for conciliation.

Approval of conditions to offer the service

#### Article 14

1. In case the cable television broadcast enterpriser who is on the other hand the licensee for cable television broadcasting facilities retransmits a television broadcasting in accordance with the provisions of paragraph 1 of the preceding article, he shall, in advance, stipulate the contract clauses on the charge for the said retransmission service as well as on the other conditions of offer, and obtain the approval of the Minister of Posts and Telecommunications.

The same shall apply to the case where a change in the contract clauses is intended.

2. The Minister of Posts and Telecommunications, if he deems that the application for approval mentioned in the preceding paragraph satisfies the following items, shall grant the approval mentioned in the same paragraph.

1. The charge for service shall be reasonable in comparison with the cost price for an efficient management of service.
2. In case the retransmission of television broadcasting under the provisions of paragraph 1 of the preceding article is conducted concurrently with a cable broadcasting other than such retransmission, the conclusion of contract only for offer of the said retransmission service should be feasible.
3. The matters on responsibility of the cable television broadcast enterpriser who is on the other hand the licensee for cable television broadcasting facilities and those of the receiver shall be properly and definitely stipulated.
4. There shall be no unjustified discriminative treatment against specific persons.

Notification of contract clause concerning charge for service

#### Article 15

In case the cable television enterpriser conducts a cable television broadcasting other than the retransmission of television broadcasting under the provisions of Article 13, paragraph 1, and collects from the receiver the charge for the said cable television broadcasting service, he shall, in advance, stipulate the contract clause concerning the charge for the said service and make notification to the Minister of Posts and Telecommunications. The same shall apply to the case where a change in the contract clause is intended.

Obligation for offer of service

#### Article 16

The cable television broadcast operator must not refuse to offer the service of cable television broadcasting in its service area unless there is a justifiable reason.

Completion of programme, etc

#### Article 17

1. The provisions of Article 3 of the Broadcast Law shall apply mutatis mutandis to the compilation of the broadcast programme of cable television broadcasting.
2. The provisions of Article 4, Article 44, paragraph 3, Articles 44-2 and Article 52 of the Broadcast Law shall apply mutatis mutandis to the compilation of the broadcast programme of a cable television broadcast enterpriser or to the cable television broadcasting.

3. The cable television broadcast enterpriser shall have a broadcast programme consultative organisation (hereinafter to be referred as the "Consultative Organisation") for the purpose of maintaining the appropriateness of broadcast programmes.

4. The provisions of Article 44-3, paragraph 3 through paragraph 6 and those of Article 44-4, paragraph 1 and paragraph 3, of the Broadcast Law shall apply mutatis mutandis to the consultative organisation. In this case, in Article 44-3, paragraph 3 of the same law, "paragraph 1 or 2 of the succeeding article" shall read "paragraph 1 of the succeeding article"; "the president" shall read "the cable television broadcast enterpriser"; in paragraph 4 of the same article, "the president" shall read "the cable television broadcast enterpriser"; in paragraph 5 of the same article, "The Central Consultative Committee" shall be amended as "The Consultative Organisation"; in paragraph 6 of the same article, "nominated by the president with the consent of the Board of Governors" shall be amended as "nominated by the cable television broadcast enterpriser". In this case, one third or less thereof may be filled by the officers or employees of the cable television broadcast enterpriser concerned, and the members of the committee with the exception of those filled by the officers or employees mentioned shall be those who have their addresses within the service area of the cable television broadcasting concerned; in paragraph 1 and 3 of Article 44-4 of the same law, "the president" shall read "the cable television broadcast enterpriser".

5. The provision of each of the preceding paragraphs shall not apply to the cable television broadcasting that receives the television broadcasting of a broadcast enterpriser and retransmits all of its broadcasting programme intact and simultaneously with reception.

#### Notification of discontinuance of service

##### Article 18

In case the cable television broadcast enterpriser had discontinued his service, he shall notify, without delay, the Minister of Posts and Telecommunications to that effect. However, this does not apply to the case where he has notified the discontinuance of the cable television broadcasting facilities in accordance with the provision of Article 11.

#### Chapter 4: Cable Broadcast Council

##### Establishment

##### Article 19

The Cable Broadcast Council shall be established in the Ministry of Posts and Telecommunications.



## Authority

Article 20

The Cable Broadcast Council (hereinafter to be referred as "The Council") may examine and deliberate important matters on cable broadcasting in case they are consulted by the Minister of Posts and Telecommunications, and in connection with this it may give the Minister of Posts and Telecommunications a recommendation on the necessary matters.

## Organisation

Article 21

The Council shall consist of not more than seven members.

2. The members shall be appointed by the Minister of Posts and Telecommunications from among the persons of learning and experience.

Matters necessary to be referred to the Council

Article 22

In any of the following cases, the Minister of Posts and Telecommunications shall refer the matters to the Council.

1. Where the designation for the application mentioned in Article 3, paragraph 1, or Article 14, paragraph 1, is to be made, or where the disposition under the provisions of Article 25 is to be made.
2. Where the designation of zone under the provisions of Article 13, paragraph 1 is to be made.
3. Where the order for changing the charge for service is to be issued under the provisions of Article 24, paragraph 2 or paragraph 3.
4. Where the Ministry of Posts and Telecommunications Ordinance based upon the provisions of Article 3, paragraph 1, Article 4, paragraph 1, item 2, Article 9, Article 10, paragraph 2, Article 12, Article 13, paragraph 1 or Article 29 are to be established, amended or abolished.

Delegation to Ministerial Ordinance

Article 23

In addition to those provided for in the preceding four articles, necessary matters on the Council shall be prescribed by the Ministry of Posts and Telecommunications Ordinance.