

## Cable Franchise User Notes

Unlike the regulation of most utilities, in which the federal and state statutes have preempted the entire field, the statutes governing cable television have preserved a significant role for local government. Local franchising authorities may oversee a number of aspects of the cable service, including basic cable rates, installation fees, customer service, billing, and false or misleading advertising concerning the cable system's capabilities.

Given this wide range of local regulatory responsibilities, and the fact that scope of the cable service provided in a given city may vary significantly (e.g., are there existing PEG stations, is there competition in the market, etc.) the franchise form provided in this chapter should be seen as a starting point, not as a one-size-fits-all form. Familiarity with the federal statutes and the Federal Communications Commission (FCC) regulations are essential in drafting a cable franchise that utilizes the full scope of a city's regulatory authority.

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### State and Federal Statutes

#### Federal Statutes

- Telecommunications Act of 1996, Pub. Law. No. 104-104, codified in Title 47 USC.
- Cable Television Consumer Protection and Competition Act Of 1992, Pub. Law 102-385, codified in Title 47 USC.

In adopting the 1992 Cable Act, Congress stated that it wanted to promote the availability of diverse views and information, to rely on the marketplace to the maximum extent possible to achieve that availability, to ensure cable operators continue to expand their capacity and program offerings, to ensure cable operators do not have undue market power, and to ensure consumer interests are protected in the receipt of cable service.

Cable Television Information Sheet, FCC (<http://www.fcc.gov/mb/facts/csgen.html>).

- Cable Communications Policy Act of 1984, Public Law 98-549, codified in 47 USC.  
The 1984 Cable Act established policies in the areas of ownership, channel usage, franchise provisions and renewals, subscriber rates and privacy, obscenity and lockboxes, unauthorized reception of services, equal employment opportunity, and pole attachments. The new law also defined jurisdictional boundaries among federal, state and local authorities for regulating cable television systems.  
Cable Television Information Sheet, FCC.

## Washington Statutes

- RCW Chapter 35.99, Telecommunications, cable television service — use of right of way. This chapter sets forth the procedures for granting telecommunications franchises in compliance with the Telecommunications Act of 1996.
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## Regulatory Agencies

- Federal Communications Commission (FCC)
- [Cable Franchise Form](#)