



Santel Communications Local Content Broadcasting Rules and Policies

- 1) Statement of Purpose
- 2) Definitions
- 3) Operating Rules Governing Access Channel Time
- 4) Indemnification and Hold Harmless
- 5) Procedures Summary

1. Statement of Purpose

Local Content Broadcast refers to specific channels on the television systems available to Santel Communications customers for the distribution of programming produced by various segment of the community including community groups, non-profit organizations, and local residents. These television channels may be used to convey a message or provide information on any topic of local interest or general interest.

Programs may also deal with issues or circumstances which have a direct bearing on the lives of citizens of the communities served by the system, even though they may be produced in or affect other communities as well. Time will be provided on a first-come, first-served non-discriminatory basis, subject to the following rules, regulations, procedures and access restrictions.

The Santel Communications believes that a dynamic local content broadcast policy, including community outreach in education, as well as technical and financial support, will result in significant benefits to the citizens of the Santel Communications service area. The primary purpose of the following access definitions, regulations and procedures is to encourage the community to provide localized television programming that meets community needs and interests.

2. Definitions

- (a) **Broadcasting:** refers to programming (exclusive of broadcast signals) carried on a television system using the Santel Communications Community Channel
- (b) **Production Equipment:** refers to the equipment necessary for the local production of video and audio programs.
- (c) **Local content broadcasting:** refers to programs provided by users on the local content channel time provided by the Santel Communications Community Channel as defined in these rules.



(d) **Local Content Channel Time:** refers to time on a signaling path provided on the System for use by users.

(e) **Local Content Broadcast User:** refers to any group or individual residing within Santel Communications service area and making proper application for the Santel Communications Community Channel local content broadcast time and presents local content broadcasting materials for distribution over the Santel Communications Community Channel.

(f) **Media Coordinator:** refers to those appointed to be responsible for the Maintenance, operation and supervision of access channel time, broadcasting equipment and facilities.

(g) **Lottery:** refers to any promotion, contest or other program that involves the elements of prize, chance and consideration, or any such program that is declared a lottery under applicable local, state, or federal laws.

(h) **Lottery Information:** refers to any information concerning any lottery, gift enterprise, or similar scheme offering prizes depending upon chance or any list drawn or awarded by means of any such lottery whether that list contains any part or all of the prizes.

(i) **Non Commercial Use:** Refers to the use of the Santel Communications Community Channel time for not-for-profit interests of an individual or an organization.

(j) **Obscene or Indecent Material:** refers to any material that is obscene or indecent under applicable local, state, or federal laws.

(k) **Advertising Material:** refers to any material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office) or the solicitation of donations, or barter.

(l) **Community:** refers to the collection of any residents, organizations, or any other entity located within the boundaries of Santel Communications service area.

(m) **Candidate for Public Office:** refers to any person who has publicly announced that she/he is a candidate for nomination by a convention of a political party, or for nomination or election in a special primary, or general election, for municipal, county, state or national office, so that she/he may be voted for by the electorate directly or by means of delegate, or electors, and who has qualified for a place on the ballot, or is eligible under applicable law to be voted for by sticker, by write- in on the ballot, or by other method, and has been duly nominated by a political party which is commonly known, or makes a substantial showing that she/he is a bona fide candidate for nomination to office.

(n) **Government Access:** refers to use of the Santel Communications Community Channel by the communities served by Santel Communications, or the State of South Dakota for the production of local programming that pertains to the Santel Communications service area.

(o) **Educational Access:** refers to use by educational institutions for production for the purpose of educational access. Or by non-profit organizations who request assistance in the production/ broadcasting of programs that are educational in nature.

(p) **Public Access:** refers to the use of channel time by residents of the Santel Communications service area for general purposes.

3. Operating Rules Governing Local Content Broadcast Time

(a) The Media Coordinator will schedule programs in a first come non- discriminatory manner that will maximize fairness and diversity of expression and that will ensure that no one person or organization monopolizes facilities to the disadvantage of others. The Media Coordinator will be guided by the following rules and may also take community interest into account.

(b) Local content broadcast time shall be available for broadcasting on a first come, non-discriminatory basis after filling the necessary request forms.

(c) There will be no charge for the non-commercial use of regular access channel time.

(d) Program content should be consistent with community standards and applicable state and federal laws. The Media Coordinator will determine appropriateness of questionable or mature content. Restrictions may include limiting time slots, editing for content, and not airing the program in its entirety.

The following are not permitted on the Local Content Broadcast Channel:

(d.1) No program or presentation shall be broadcast that involves a lottery or any lottery information.

(d.2) No program or presentation shall be broadcast that involves any obscene or indecent material, as determined by State and Federal laws.

(d.3) No program or presentation shall be broadcast on access channels that involve any advertising material. This rule will not prevent identification by name and phone number of persons or businesses providing funds, equipment or other items of value to access users producing programming unrelated to the commercial interests of the donor.

(d.4) No program or presentation shall be broadcast that involves any libelous or slanderous material.

(d.5) No program or presentation shall be broadcast that does not have all appropriate clearances (copyright, use of image, etc.), which are the responsibility of the access user.

(d.6) a political candidate's access to Educational and Governmental Access Channels is limited to particular formats such as debates and forums sponsored by

non-partisan groups. Political expression by individuals and organizations is allowed on the Public Access Channel.

(e) Should the Media Coordinator determine or believe that the statements in the access user's application are false, misleading or incomplete; the Santel Communications Community Channel will not broadcast nor permit to be broadcast the material or portions of the material presented for broadcast by the access user.

(f) Upon determination by the Media Coordinator that the program subject material offered by an access user may offend some viewers due to mature content, an announcement in substantially the following form will precede and/or appear during breaks in broadcast of that program: "This program is considered to be of mature theme and therefore, may be considered to be offensive to some viewers. Viewer/parental discretion is advised."

(g) In the event of poor technical quality the following announcement will be shown: "The viewer may find the technical quality of some portions of the following program unsatisfactory."

(h) Failure to comply with these rules may subject the user to forfeit the right to use the local content channel time for a period of time appropriate to the infringement. Users who have two (2) violations within a period of one (1) year will be prohibited from using access channel time for a period of one (1) year.

(i) Requests for local content channel time on behalf of minors (as defined by applicable state laws) must be made in the name of an adult who agrees to assume responsibility for the minor's use. The adult responsible for such minors must also execute the necessary assurances that authorization has been obtained concerning appearance of any minors on a broadcast program. The adult will also be responsible for any liability resulting from the use of equipment or the appearance by a minor.

(j) All MPEG2 files of programs to be broadcast (except live programs and events of timely interest determined by pre-arrangement) shall be submitted to the Media Coordinator at least 48 hours before the scheduled time of broadcast to provide an opportunity for review of technical quality and content. If the program is to air on Sunday then the program must be submitted by noon on Thursday. The judgment of the Santel Communications Community Channel shall be final with respect to the use of the particular scheduled program.

(k) The following announcement may be broadcast before the applicant's program material: "The content and opinions presented in the following program are not necessarily those of the Santel Communications Community Channel." and "This Public Access programming is made available through the facilities of the Santel Communications."

(l) In the event funds, equipment or other items of value are provided for any access user including program material which is funded, sponsored, or underwritten, in part or in full by any individual, business or non-profit organization, the following announcement may be broadcast before the applicant's program material: This program was made possible with funds provided by _____."

This rule will allow identification by name and phone number of persons or businesses providing funds, equipment or other items of values to access users production programming unrelated to the commercial interest of the donor.

(m) MPEG2 files that are submitted will become the property of The Santel Communications Community Channel and will not be returned to the local content user.

(n) Applications for the use of public access channel time must be submitted in writing and specify or contain the following:

- The proposed user's name, address, and phone number.
- The times and dates desired and alternatives for channel time.
- The exact length of program material to the nearest second.
- Video Content must be in file a format following the specs provided.
- A summary statement or synopsis of the content/subject matter and title.
- A statement that no advertising, lottery, lottery information material, obscene, neither slanderous nor libelous material is contained in the program.
- A statement that all appropriate arrangements and clearances have been obtained from broadcast stations, networks, music licensing organization performers' representatives, sponsors and other persons necessary, without limitation to the above, for authorization to transmit program material over the Santel Communications Community Channel
- A statement that the local content user accepts full responsibility for the content of programming and the consequences of its presentation.
- A statement that the access user is familiar with the Santel Communications Community Channel operating rules and regulations, and a statement that the user has read and understands the requirements contained within the rules and will comply with them.
- Such other additional information, as is necessary to enable the Santel Communications Community Channel staff to properly perform its playback duties in accordance with the rules that govern the channel.

4. Indemnification and Hold Harmless

All local content users shall be fully responsible for the content of their programs. Such full responsibility shall include, but not be limited to, making all necessary arrangements with

and obtaining all required clearances from broadcast stations, networks, sponsors, music licensing organizations, performers representatives, authors, composers, and any and all other persons or entities that may be necessary to transmit the public access user's program material on access channel time. All public access users shall indemnify and hold harmless the Santel Communications Community Channel and its franchisee, their officers, directors, employees, agents and representative from any and all liability, damage, injury, judgment, including cost of defending claims (including reasonable attorney's fees) arising from or in connection with any claim for failure to comply with any laws, rules or regulation of federal, state or local government, claims of libel, slander or invasion of privacy, claims of infringement of copyright, patent or unauthorized use of any material or trademark, service mark or image, or for any other injury or damage in law or in equity claimed as a result of or from or connected with access user's use of access channel time, equipment, facilities or other resources. The foregoing shall include obscenity claims as well as any and all other claims related to scheduling or programming on public access channel time, and shall include only claims relating to intentional malfeasance of any party or entity to be indemnified hereunder.

5. Procedures Summary to submit a program for broadcasting:

- A. Content must be submitted on a clearly labeled Mini DV tape, DVD, or on a digital hard drive.
- B. The content must be labeled with your name, the program title and the running time to the nearest second.
- C. Content providers must complete and sign the local content request form, each time a video is submitted.
- D. Every effort should be made to ensure the file has at least 5 seconds of black video before and after the program.
- F. Programs longer than 29 minutes or programs longer than 59 minutes may be interrupted during broadcasting with a channel ID at the half hour or at the hour. An effort should be made to ensure that content from broadcast is produced in 29 minute increments.
- F. Programs must be submitted 48 hours ahead of the time requested for broadcasting, unless prior arrangements have been made. For Example if the program is to air on Sunday then the program must be submitted by noon on Thursday.