

## **2009 FORM TR-PEG INSTRUCTIONS**

On the certification form, each channel must be identified as either a public, educational, or government channel. The certification must include the name of the PEG channel operator for each channel and the signature of an authorized official of the PEG Channel Operator. **A PEG Channel Operator may be included on the certification form of only one local government for each type of PEG channel that it operates.** A PEG channel operator is the entity that:

- 1) produces programming for delivery on the PEG channel, or
- 2) provides facilities for the production of programming or playback of programming for delivery on the PEG channel.

If a local government operates its own government or educational channel and produces or purchases the programming for that channel, or makes its studio available to residents for the production of programming shown on the public access channel, the government should list itself as the PEG Channel Operator. In most other cases, the PEG Channel Operator will be a separate organization, such as a community college, school district, private college, or non-profit organization. The PEG Channel Operator is not to be confused with the cable service provider.

If a channel has more than one PEG Channel Operator, please list all PEG Channel Operators. **Examples of how various PEG channel operating arrangements should be treated on Certification Forms are provided in Appendix A.**

A channel must meet all of the following conditions in order to be certified as a qualified PEG channel:

1. The PEG channel must be provided to the certifying local government under:
  - a) A State cable franchise issued after January 1, 2007, pursuant to SL 2006-151; or
  - b) A local cable franchise agreement that was in effect on January 1, 2007; or
  - c) A local cable franchise that expired before January 1, 2007, if the cable service provider still provided cable service to subscribers in the franchise area on January 1, 2007;
2. The PEG channel must have operated for at least ninety (90) days during the 08-09 fiscal year;
3. The channel must have delivered at least eight hours of programming a day during the 08-09 fiscal year;
4. The PEG channel must have delivered at least six (6) hours forty-five (45) minutes of non-character-generated programming a day during the 08-09 fiscal year; and
5. The PEG channel must have repeated no more than fifteen percent (15%) of the content of any other PEG channel provided to the city or county during the 08-09 fiscal year.

For each PEG Channel provided to your government under a State franchise or existing local franchise, please provide the required information about the channel on the form.

The form includes boxes in which the PEG Channel's Certifying official must indicate whether or not the channel meets the criteria. **The answers to the qualification questions should be provided by the PEG Channel Operator.** PEG Channel Operators must carefully assess whether their programming for the 08-09 fiscal year met the criteria.

When the Certification Form is received, DOR will determine whether the information on the form is complete and whether the local government has certified that all of the qualifying criteria have been met. If the form is not complete or is unreadable, it will be returned to the local government. The form may be corrected and must be resubmitted before the July 15 deadline. If the local government indicates that any channel does not meet the qualifying criteria, DOR will notify the local government in writing that the channel cannot be certified.

After July 15, 2009, DOR will check each form against all other submissions to determine whether any of the listed PEG Channel Operators are included on multiple forms for the same channel type. If a PEG Channel Operator is listed more than once for the same channel type, DOR will contact the Channel Operator to determine which certification is correct.

DOR will accept all forms postmarked or faxed by July 15, 2009 that are complete, indicate that all qualifying criteria were met, and for which the PEG Channel Operators are listed on only that Certification Form for each channel type, along with appropriate signatures. DOR will deem all PEG Channels on such forms to be certified.

## APPENDIX A

### Examples of PEG Channel Operating Structures and How They Should Be Treated on Certification Forms

These examples are provided as illustrations and are not meant to be an exhaustive list of possible arrangements for the operation of PEG channels. For all examples, it is assumed that the channel meets the programming hour requirements.

#### Example 1

The city of Metropolis has an internal Communications Department that produces a schedule of programming for Metropolis's own government channel (Channel 1). The Communications Department is the PEG Channel Operator for Channel 1. The nearby town of Smallville also is provided with Channel 1 on its cable system. Smallville does not produce its own content, or transmit programming on Channel 1 using Smallville's own playback facilities. However, Smallville's cable operator plays programming produced by Metropolis on Smallville's Channel 1. Because Smallville produces no programming, it does not qualify as a PEG Channel Operator. Metropolis should name itself as the PEG Channel Operator of Channel 1 on the form submitted to DOR. Smallville should not certify Channel 1 on its Certification Form.

#### Example 2

Metropolis has a Communications Department that produces a schedule of programming for the Metropolis Government Channel (Channel 1). Metro County also is provided with Channel 1 on its cable system. Metro County employees tape the County Commission meetings and other public functions. Metro County provides DVDs of the meetings to the Metropolis Communications Department to telecast on Channel 1 as a supplement to Metropolis's schedule. Because the city and county each produce programming for Channel 1, both Metropolis's Communications Department and Metro County are PEG Channel Operators for Channel 1. Therefore, Metropolis should certify Channel 1 on its form with the Communications Department listed as the PEG Channel Operator, and Metro County should certify Channel 1 on its form, identifying itself as the PEG Channel Operator.

#### Example 3

The city of Bigtown and the village of Littledale both contract with Open Access, a non-profit organization, to operate a studio for public access programming and to deliver the programming to Bigtown's public access channel (Channel 2) and Littledale's public access channel (Channel 3). Open Access also produces a separate schedule of programming for the town of Middling's government channel (Channel 4). Open Access is a PEG Channel Operator for all three channels. Nevertheless, it may only be included on one Certification Form as a public access channel operator, and therefore Open Access must choose whether to sign the Certification Form of Bigtown or Littledale. Open Access may be included on Middling's certification as the PEG Channel Operator of Channel 4 because it is the only government channel for which Open Access is a PEG Channel Operator.

#### Example 4

Harbortown is provided with two channels in its franchise agreement and chooses to operate both as government channels. Harbortown produces all of the programming for each channel. Harbortown may list itself as the PEG Channel Operator for both channels, even though they are both government channels, because they are both listed on the same form. The prohibition on a PEG Channel operator being listed twice applies only when the same PEG Channel Operator is listed on more than one government's certification form for the same type of channel.

#### Example 5

Piedmont County and three of its towns all are provided with Channel 6 on their cable systems as a PEG channel. They all choose to operate it as an educational channel and pay the local community college to produce the programming for the channel and to deliver the programming to the cable system. The same programming is telecast on the channel in each franchise area. Although the community college is the PEG channel operator for Channel 6, it may be listed by only one local government as the PEG Channel Operator of an educational channel. If, for example, Piedmont County lists the community college as the PEG Channel Operator for Channel 6 on its form, then none of the other three towns may name Channel 6 on their forms. The community college - as the PEG Channel Operator - must decide which community's certification form it will sign.

#### Example 6

Inland County is provided with Channel 7 in its franchise agreement and operates it as a public access channel. Because Inland County is a geographically large county, it operates two studios at which its citizens can produce programming for the public access channel. One studio is in the county office building and the other is at a private college at the other end of the county. Because both organizations provide facilities for the production of programming on Channel 7, both are its PEG channel operators. Inland County should name itself and the college as PEG Channel Operators on its Certification Form