

# GRAY COMMUNITY TELEVISION (“GCTV2”) POLICIES

## TOWN OF GRAY MAINE

*Approved July 6, 2021*

### Overview

In keeping with the cable franchise agreement between Charter Communications (“Spectrum”) and the Town of Gray, as well as the Cable Communications Policy Act of 1984, Spectrum provides one “access channel” for uses designated by the Town of Gray (the “Access Channel”). The Town has assigned and designated editorial and oversight responsibilities for this access channel to GCTV2. Use of the access channel is subject to the direction of GCTV2, as further defined in the following guidelines.

### 1. Definitions

- 1.1. PEG: The terms “Public, Educational, and Government” (PEG) refers to three distinct groups of content producers within a community. These terms were used to establish both federal, and state, regulations regarding the use of local cable television channels (or other forms of local media distribution, such as web video).
- 1.2. Public Access: For use by the general public, GCTV2 designates a block of programming specifically for use by the residents of the Town of Gray. Residents using this block agree to the policies for Public Access programming, as further defined herein.
- 1.3. Education Access: Used by local educational institutions. GCTV2 designates a block of programming specifically for use by the Gray education community. This programming block is only available to local educational institutions who will be solely responsible for the programming.
- 1.4. Government Access: GCTV2 designates a block of programming specifically for use of the Town of Gray local government. This programming block is designated for public meetings, or programming originating from within the town’s official departmental jurisdiction.
- 1.5. GCTV2: The PEG Channel set aside on the local cable television system as part of the local cable television franchise agreement between Spectrum and the Town of Gray, which is managed by GCTV2. GCTV2 also programs a companion web site with a live feed of the cable channel.
- 1.6. Non-Commercial Content: Content that does not contain advertising to promote the sale of commercial products or services. Any solicitation of funds or advertising of material designed to promote the sale of commercial products or services, or any performance or promotion of a lottery of any kind.
- 1.7. FCC Definition of Obscenity: For content to be ruled obscene, it must meet a three-pronged test established by the United States Supreme Court:

It must appeal to an average person's prurient interest; depict or describe sexual conduct in a "patently offensive" way; and, taken as a whole, lack serious literary, artistic, political or scientific value. *See Miller v. California*, 413 U.S. 15 (1973).
- 1.8. FCC Definition of Indecent Content: Portrays sexual or excretory organs or activities in a way that is patently offensive but does not meet the three-prong test for obscenity.

### 2. Community Television and Communications Advisory Committee

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- 2.1. The Community Television and Communication Advisory Committee (the “Committee”) was created March 24, 2020 by the Gray Town Council.
- 2.2. Membership

The Committee shall consist of seven (7) members, four (4) of whom shall be residents of the Town of Gray. Other members may include representatives of MSAD15, a private school from either Gray or New Gloucester, the Gray/New Gloucester Development Corporation or a non-profit organization from Gray.
- 2.3. Duties
  - 2.3.1. The Community Television Advisory Committee shall meet no less than once each quarter of the year; and may schedule additional meetings as needed.
  - 2.3.2. The Committee shall be responsible for keeping the Gray Town Council informed of Public, Educational and Government related matters as they relate to:
    - 2.3.2.1. Recommending improvements in Public, Educational and Government programming to GCTV2.
    - 2.3.2.2. Making recommendations regarding relevant emerging technologies and other broadcast options to GCTV2.
    - 2.3.2.3. Promoting and developing optimal utilization of the PEG system;
    - 2.3.2.4. Promoting community outreach and providing a forum for citizen recommendations and concerns regarding the use of equipment, facilities, programming and other related issues.
    - 2.3.2.5. Promoting support for quality community television in Gray.
  - 2.3.3. The Committee shall explore and cultivate available programming sources.
  - 2.3.4. The Committee shall examine emerging technologies and other telecast or online streaming options for public, educational, and governmental content.
3. Guidelines for use of Public Access Programming Block
  - 3.1. Public access programs, as defined herein, must be sponsored by a Gray Resident, or a representative of a Gray organization, or business. All programs must be submitted with a signed “Public Access Application Form.”
  - 3.2. Programs aired in the public access channel block shall be non-commercial.
  - 3.3. Public access programming shall not contain obscene, seditious, or unlawful materials as defined under municipal, state, or federal law.
  - 3.4. Any use of the Public Access Programming Block shall be by application to GCTV2 Station Manager, or their designee. All programming will be scheduled on a first come, first served basis.
  - 3.5. All programming must contain an identifying graphic on the screen for at least five seconds before, and after each unique program. The graphic should read as follows: “The following/preceding program is/was sponsored by Gray Resident [Producer’s Name] who accepts full responsibility for the content. Application form on record.”

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- 3.6. Public access programming produced by an individual or entity that is not a Gray resident, must be sponsored by a Gray resident.
- 3.7. Live or otherwise original (*i.e.*, previously unaired) programming will be given scheduling priority over programs that have already played on the channel.
- 3.8. Series programming can be scheduled once the producer has accumulated at least two episodes (submitted). Series scheduling blocks will be held for a total of no more than ten episodes. Producers may thereafter request additional ten episode blocks. Priority will be given to original, or live, content produced within the Town of Gray, produced by a Gray resident, or produced by an entity that is controlled by one or multiple Gray residents.

#### 4. Guidelines for Underwriting

- 4.1. GCTV2 encourages local producers to solicit underwriting support in order to help stimulate the highest quality programs possible. GCTV2 will permit program funding providers, or underwriters, to receive acknowledgment of their support of non-commercial cable programming on local access channel(s).
- 4.2. A public access programming producer may give credit to an individual, company, or organization that underwrites any of the program's production costs. The *credit* for any one underwriter may not exceed 15 seconds in an underwriting *credits sequence*. The *credits sequence* for all underwriters of a program may not exceed 60 seconds. An underwriting credits sequence may appear during the opening and closing credits of any program. The following on-air production elements of underwriting support credit are acceptable:
  - 4.2.1. Name, address, and phone number, web site, and/or e-mail address of company or organization or generic reference to area served
  - 4.2.2. Name mention of one product, brand name or service (see #1 below)
  - 4.2.3. One company logo and/or company slogan
  - 4.2.4. Business exteriors that represent the underwriter's product/services (e.g., bank or hospital).

#### 5. Political Use of Public Access Block on GCTV2

- 5.1. The following guidelines specifically apply to political campaign messages on the GCTV2. Political campaign messages for cablecast will be accepted only from: (1) candidates for elected public office or their campaign organizations, where the candidate or referendum question has qualified for placement (*i.e.*, collected and submitted the required number of verified signatures to the Gray Town Clerk) on a ballot in Gray for national, State, County or local office, and (2) from nonprofit entities or Political Action Committees that are properly registered with the State of Maine or other appropriate entity, who have a stated opinion regarding an election, an initiative or a referendum which will appear on a ballot within the Town of Gray, or on a ballot distributed to Gray voters by the State of Maine or Cumberland County, as allowed.
- 5.2. The sponsor's name and/or organization must appear within the political campaign message. Political campaign messages may not include direct solicitation of funds or

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contributions to a candidate, a political campaign or a political organization. Political campaign messages must be no more than five (5) minutes in length and must be submitted ready for broadcast. Technical specifications are available from the GCTV2 Station Manager. Taped political campaign messages will be accepted for broadcast only within the same period before an election as the Political Campaign Sign ordinance (Gray Zoning Ordinance §604.8) in the Town of Gray, which is currently 60 days prior to an election. Political campaign messages will not be cablecast outside the time period indicated herewith and will not be accepted for cablecast on the GCTV2 ‘Bulletin Board’. In addition to the guidelines in this paragraph, all other guidelines in this document apply to all political campaign messages.

- 5.3. All political use of the Public Access Block on GCTV2 shall comply with all campaign finance statutes and regulations as enacted by the Federal Election Commission, the Maine Bureau of Corporations, Elections & Commissions, or any other local, state, or federal entity, with jurisdiction or regulatory control over such matters. GCTV2 explicitly disclaims any responsibility or liability associated with the violation of such statutes, rules, or regulations, by a political candidate or other entity who submits political advertising for broadcast on GCTV2.

### **6. Dispute Resolution**

Any dispute of the application of these policies will first be reviewed by the Committee. If the complainant is not satisfied with the decision of the Committee, the challenged material will be referred to the Gray Town Council which will review the dispute, consult with the Station Manager, and then come to a decision regarding the challenged material.