



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By J. Illifin  
Time 3:04  
Date 2/27/96

FEB 26 1996

The Honorable Don Parkinson  
Speaker  
Twenty-Third Guam Legislature  
424 West O'Brien Drive  
Julale Center - Suite 222  
Agana, Guam 96910

REFER TO  
LEGISLATIVE SECRETARY  
OFFICE OF THE SPEAKER  
Date: 2-26-96  
Time: 3:55pm  
Received By: Sondia  
Print Name: Lori Sondia

Dear Speaker Parkinson:

Enclosed please find a copy of Substitute Bill No. 514 (LS), "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 32 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE CONSUMER PROTECTION AND RIGHT TO CHOOSE CABLE TELEVISION SERVICE ACT", which I have signed into law today as **Public Law No. 23-68**.

This legislation is an example of the good results that come about when leaders work together for the good of the public. The Legislature previously passed a bill, Bill No. 350, which claimed to protect the consuming public and to protect the right of our citizens to choose their own cable television service. Bill No. 350, however, was not well thought out by its sponsor, and failed to provide provisions which would accomplish its stated purpose.

When I vetoed Bill No. 350, a group of senators stood fast to oppose the override of vetoed Bill No. 350, and instead worked diligently to study the issue in depth and came up with legislation which did, in fact, protect the consuming public and protect the right of our citizens to their own cable television service. This legislation is Substitute Bill No. 514, now Public Law 23-68.

I want to personally thank the following senators who made this consumer protection legislation possible by standing firm against the override of Bill No. 350: Joe T. San Agustin, Carlotta Leon Guerrero, Sonny L. Orsini, Anthony C. Blaz, Francis E. Santos, Felix P. Camacho, Antonio R. Unpingco,

Alberto C. Lamorena V, Hope A. Cristobal, Judith Won Pat-Borja, and John P. Aguon. Without these good senators, the public may have been subjected to reactionary and protective legislation designed to favor one telecommunications business.

The telecommunications industry is now changing with lightning speed, especially since the signing into law of recent federal legislation which unleashes market forces to develop the amazing potential within this field. Guam can be a major beneficiary of telecommunications developments. We do not want to be left in the dust on this rapid road to the future.

Very truly yours,



Carl T. C. Gutierrez

Attachment

231003

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

This is to certify that Substitute Bill No. 514 (LS), "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 32 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE CONSUMER PROTECTION AND RIGHT TO CHOOSE CABLE TELEVISION SERVICE ACT," was on the 22nd day of February, 1996, duly and regularly passed.



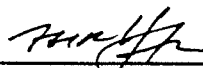
\_\_\_\_\_  
D. PARKINSON  
Speaker

Attested:



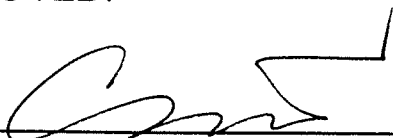
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 23 day of February,  
1996, at 6:20 o'clock P.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 2-26-96

Public Law No. 23-68

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) REGULAR SESSION

Bill No 514 (LS)  
As substituted on the floor

Introduced by:

T.C. Ada  
T. S. Nelson  
A. C. Blaz  
J. P. Aguon  
E. Barrett-Anderson  
J. M. S. Brown  
F. P. Camacho  
M. C. Charfauros  
H. A. Cristobal  
M. Forbes  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
S. L. Orsini  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
A. L. G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 32  
OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE  
TO CREATING THE CONSUMER PROTECTION AND  
RIGHT TO CHOOSE CABLE TELEVISION SERVICE  
ACT.

- 1        **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2        **Section 1.** A new Article 6 is hereby added to Chapter 32 of Title 5,  
3        Guam Code Annotated, to read:

1 "ARTICLE 6

2 §32601. **Short title.** This act shall be known as the "Consumer  
3 Protection And Right To Choose Cable Television Service Act".

4 §32602. **Legislative findings and intent.**

5 (a) The Legislature finds and declares the following:

6 (1) There is a substantial governmental and First Amendment  
7 interest in promoting a diversity of views provided through consumer  
8 choice in available providers of cable television services (hereinafter  
9 "cable operators");

10 (2) There is a substantial public, governmental, and First  
11 Amendment interest in ensuring that Guam citizenry living in  
12 residential buildings have access to available cable operators;

13 (3) Cable operators are important sources of local news, public  
14 affairs, educational, civic and political programming critical to an  
15 informed electorate;

16 (4) The sale of monopoly rights to residential buildings through  
17 commissions covertly deducted from residents' cable television  
18 subscription fees deprives the citizenry of the right to choose the news,  
19 entertainment, and public affairs programming they wish to receive,  
20 and detracts from the governmental interest in promoting program  
21 diversity;

22 (5) There is substantial likelihood that absent the imposition of  
23 consumer protection, Guam residents living in residential buildings will  
24 have their First Amendment rights deprived by building owners willing  
25 to participate in commission schemes; and,

26 (6) As a result of the economic incentive that building owners  
27 have to sell monopoly rights of access to their residents, coupled with

1 the absence of consumer protection requirements for access, the  
2 economic viability of freedom of choice and competition amongst cable  
3 operators will be seriously jeopardized.

4 (b) It is the purpose of this act to:

5 (1) promote and encourage the availability to the public of the  
6 widest possible diversity of views, information and news sources and  
7 services through multiple cable operators;

8 (2) rely on competition in a free marketplace to achieve that  
9 availability;

10 (3) ensure that cable operators on Guam continue to expand  
11 their capacity and the programs offered to the public over their cable  
12 systems;

13 (4) ensure that consumers living in residential buildings are  
14 protected through assuring them access to all available cable operators;

15 (5) ensure that no cable operator attempts to gain undue market  
16 power vis-a-vis monopolistic or exclusionary rights to residential  
17 buildings; and

18 (6) establish a means which protects Guam residents living in  
19 residential buildings against unfair denials of service from the sale of,  
20 or agreements which create, monopolistic and exclusionary access  
21 rights to their residences.

22 **§32603. Access.**

23 (a) No property owner, condominium association, managing  
24 agent, lessee or other person in possession or control of any residential  
25 building (hereinafter "property manager") shall forbid or prevent any  
26 occupant, tenant or lessee (hereinafter "tenant") of any such building  
27 from (1) receiving cable television service from a cable operator, nor (2)

1 demand or accept payment from any cable operator or such tenant in  
2 any form as a condition of permitting the installation of cable television  
3 facilities or the maintenance of cable television service in any such  
4 building or any portion thereof occupied or leased by such tenant, nor  
5 (3) discriminate in rental charges or otherwise against any tenant  
6 receiving cable service; provided, however, that the property manager  
7 of such building may require, in exchange and as compensation for  
8 permitting the installation of cable television facilities within and upon  
9 such building, the payment of just compensation by the cable operator  
10 which provides such cable television service, said sum to be determined  
11 in accordance with the provisions of subparagraphs (c) and (d) hereof,  
12 and provided further that the cable operator installing such cable  
13 television facilities shall agree to indemnify the owner of such building  
14 for any damage caused by the installation, operation or removal of such  
15 cable television facilities and service.

16 No cable operator shall install cable television facilities within a  
17 residential building pursuant to this subparagraph (a) unless the  
18 property manager of such residential building, or a tenant of such  
19 residential building requests the delivery of cable television services. In  
20 any instance in which a request for service is made by more than three  
21 (3) tenants of a residential building, the cable operator may install cable  
22 television facilities throughout the building in a manner which enables  
23 the cable operator to provide cable television services to tenants of  
24 other residential units without requiring the installation of additional  
25 cable television facilities other than within the residential units occupied  
26 by such other tenants.

1           (b) No property manager of any improved or unimproved real  
2 estate shall forbid or prevent a cable operator from entering upon such  
3 real estate for the purpose of and in connection with the construction or  
4 installation of such cable television system and cable television facilities,  
5 nor shall any such property manager of such real estate forbid or  
6 prevent such cable operator from constructing or installing upon,  
7 beneath or over (hereinafter "upon") such real estate, including any  
8 buildings or other structures located thereon, hardware, cable,  
9 equipment, materials or other cable television facilities utilized by such  
10 cable operator in the construction and installation of such cable  
11 television system; provided, however, that the property manager of any  
12 such real estate may require, in exchange and as compensation for  
13 permitting the construction or installation of cable television facilities  
14 upon such real estate, the payment of just compensation by the cable  
15 operator which provides such cable television service, said sum to be  
16 determined in accordance with the provisions of subparagraphs (c) and  
17 (d) hereof, and provided further that the cable operator constructing or  
18 installing such cable television facilities shall agree to indemnify the  
19 owner of such real estate for any damage caused by the installation,  
20 operation or removal of such cable television facilities and service.

21           (c) In any instance in which the property manager of a  
22 residential building or improved or unimproved real estate intends to  
23 require the payment of just compensation in excess of \$1 in exchange for  
24 permitting the installation of cable television facilities in and upon such  
25 building, or upon such real estate, the property manager shall serve  
26 written notice thereof upon the cable operator. Any such notice shall be  
27 served within 20 days of the date on which such property manager is



1 notified of the cable operator's intention to construct or install cable  
2 television facilities in and upon such building, or real estate. Unless  
3 timely notice as herein provided is given by the property manager to the  
4 cable operator, it will be conclusively presumed that the property  
5 manager of any such building or real estate does not claim or intend to  
6 require a payment of more than \$1 in exchange and as just  
7 compensation for permitting the installation of cable television facilities  
8 within and upon such building or real estate. In any instance in which a  
9 cable operator intends to install cable television facilities as herein  
10 provided, written notice of such intention shall be sent by the cable  
11 operator to the property manager. Such notice shall include the  
12 address of the property, the name of the cable operator, and  
13 information as to the time within which the property manager may give  
14 notice, demand payment as just compensation and initiate legal  
15 proceedings as provided in this subparagraph (c) and subparagraph (d).  
16 In any instance in which a cable operator intends to install cable  
17 television facilities within a residential building containing twelve(12)  
18 or more residential units, the written notice shall further provide that  
19 the property manager may require that the cable operator submit  
20 written plans identifying the manner in which cable television facilities  
21 are to be installed, including the proposed location of coaxial cable.  
22 Approval of such plans by the property manager shall not be  
23 unreasonably withheld and such property manager's consent to and  
24 approval of such plans shall be presumed unless, within 30 days after  
25 receipt thereof, or in the case of a condominium association, 90 days  
26 after receipt thereof, the property manager identifies in writing the  
27 specific manner in which such plans deviate from generally accepted

1 construction or safety standards, and unless the property manager  
2 contemporaneously submits an alternative construction plan providing  
3 for the installation of cable television facilities in an economically  
4 feasible manner. The cable operator may proceed with the plans  
5 originally submitted if an alternative plan is not submitted by the  
6 property manager within 30 days, or in the case of a condominium  
7 association, 90 days, or if an alternative plan submitted by the property  
8 manager fails to comply with generally accepted construction and  
9 safety standards or does not provide for the installation of cable  
10 television facilities in an economically feasible manner.

11 (d) Any property manager of a residential building described in  
12 subparagraph (a), and any property manager of improved or  
13 unimproved real estate described in subparagraph (b), who shall have  
14 given timely written notice to the cable operator as provided in  
15 subparagraph (c), may assert a claim for just compensation in excess of  
16 \$1 for permitting the installation of cable television facilities within and  
17 upon such building or real estate. Within 30 days after notice has been  
18 given in accordance with subparagraph (c), the property manager shall  
19 advise the cable operator in writing of the amount claimed as just  
20 compensation. If within 60 days after the receipt of the property  
21 manager's claim, the cable operator has not agreed to pay the amount  
22 claimed or some other amount acceptable to the property manager, the  
23 property manager may bring suit to enforce such claim for just  
24 compensation in any court of competent jurisdiction and, upon timely  
25 demand, may require that the amount of just compensation be  
26 determined by a jury. Any such action shall be commenced within 6  
27 months of the notice given by the cable operator pursuant to

1        subparagraph (c) hereof. In any action brought to determine such  
2        amount, the property manager may submit evidence of a decrease in the  
3        fair market value of the property occasioned by the installation or  
4        location of the cable on the property, that the property manager has a  
5        specific alternative use for the space occupied by cable television  
6        facilities, the loss of which will result in a monetary loss to the property  
7        manager, or that installation of cable television facilities within and  
8        upon such building or real estate otherwise substantially interferes with  
9        the use and occupancy of such building to an extent which causes a  
10       decrease in the fair market value of such building or real estate.

11        (e)    Disposition of cable home wiring upon installation. In order  
12        to promote competition between cable operators and to assure the  
13        smooth transition of services from one cable operator to another, if so  
14        desired by a cable subscriber (hereinafter "subscriber"), and to allow  
15        private real property owners to protect the aesthetic integrity and value  
16        of their property by preventing unsightly and excessive external cables  
17        from being attached to or located upon their property:

18                (1)    Upon the installation of cable home wiring to any  
19        residential single unit or multiple unit dwelling by a cable operator, the  
20        installed wiring shall be deemed to be a fixture of the dwelling, and  
21        ownership of the wiring shall be immediately vested in the owner of the  
22        dwelling or premises (hereinafter "owner"). After installation of the  
23        wiring, a cable operator shall make no attempt to remove it or to  
24        restrict its use.

25                (2)    Upon voluntary termination of existing cable  
26        service by a subscriber, whether or not the subscriber is an owner, a  
27        tenant, or a property manager, or upon initial subscription of cable

1 service by a subscriber with an alternate cable operator, a cable  
2 operator shall not remove the cable home wiring unless the cable  
3 operator gives the owner the opportunity to acquire the wiring at the  
4 replacement cost, and the owner declines. The cost is to be determined  
5 based on the replacement cost per foot of the cabling multiplied by the  
6 length in feet of the cable home wiring. If the owner declines to acquire  
7 the cable home wiring, the cable operator must then remove the cable  
8 home wiring within Thirty (30) days or make no subsequent attempt to  
9 remove it or to restrict its use.

10 (3) "Cable home wiring" is defined to be the internal  
11 wiring contained within the premises of a subscriber which begins at the  
12 "demarcation" point. For single unit dwellings, the "demarcation"  
13 point is the point at or about Twelve (12) inches outside of the location  
14 where the cable wire enters the subscriber's premises; for multiple unit  
15 dwellings, it is the interconnection point or junction box between the  
16 subscriber's dwelling unit and the cable operator's distribution system.  
17 It does not include active elements such as amplifiers, converter or  
18 decoder boxes, or remote control units. It does not include loop through  
19 or other similar series cable wiring in multiple unit dwellings. For  
20 multiple dwelling units, it does include the adapters, jacks, or "F"  
21 connectors attaching the cable wire to the interconnection point.

22 (4) Any cable operator disconnecting its cable wire  
23 from the interconnection point shall leave the adapters, jacks, or "F"  
24 connectors attaching the cable wire to the interconnection point intact  
25 and shall not do anything which would otherwise render the cable wire  
26 ineffective or unable to be attached to an alternate cable operator's  
27 interconnection point.

1           (5) The provisions of this Section set forth  
2 requirements for the disposition, after a subscriber voluntarily  
3 terminates cable service, of that cable home wiring installed by the cable  
4 operator or its contractor within the premises of the subscriber. The  
5 provisions do not apply where the cable home wiring belongs to the  
6 subscriber, such as where the cable operator has transferred ownership  
7 to the subscriber, the cable operator has been treating the wire as  
8 belonging to the subscriber for tax purposes, or the wiring is considered  
9 to be a fixture by territorial law.

10           (6) Nothing in this Section shall affect the cable  
11 operator's rights or responsibilities under federal or territorial laws,  
12 rules, or regulations to prevent excessive signal leakage while  
13 providing cable service, or the cable operator's right to access the  
14 subscriber's property or premises.

15           *\*(Source: Subpart M §76.801-76.801 of the FCC's Rules and*  
16 *Regulations, added by order in Docket No. 92-260, effective April 1,*  
17 *1993, 58 FR 11970. For Report see 71 RR 2d 1214).*

18           (f) Neither the giving of a notice by the property manager under  
19 subparagraph (c), nor the assertion of a specific claim, nor the initiation  
20 of legal action to enforce such claim, as provided under subparagraph  
21 (d), shall delay or impair the right of the cable operator to construct or  
22 install cable television facilities and maintain cable television services  
23 within or upon any building described in subparagraph (a) or real estate  
24 described in subparagraph (b).

25           (g) No landlord shall demand or accept payment of any fee,  
26 charge or other thing of value from any cable operator in exchange for  
27 giving the tenants of such landlord access to cable television service;

1 and no landlord shall demand or accept any such payment from any  
2 tenants in exchange therefor unless the landlord is itself the provider of  
3 the cable television service. Nor shall any landlord discriminate in  
4 rental charges between tenants who receive any such service and those  
5 who do not. Nothing contained herein shall prohibit a landlord from  
6 requiring that the cable operator and the tenant bear the entire cost of  
7 the installation, operation or removal of the facilities incident thereto,  
8 or prohibit a landlord from demanding or accepting reasonable  
9 indemnity or security for any damages caused by such installation,  
10 operation or removal, or the just compensation as provided in  
11 subparagraphs (a) and (b) hereof.

12 (h) If any provision of this statute or any application of any  
13 provision thereof to any person or circumstance is held invalid, the  
14 remainder of this statute and the application of such provision and any  
15 remaining provision of this statute to any other person or circumstance  
16 shall not be affected thereby.

17 (i) For purposes of this statute, "cable operator" has the same  
18 meaning as defined in the Cable Television Consumer Protection and  
19 Competition Act of 1992, 47 U.S.C. 522, et seq., as amended. Should the  
20 1992 Cable Act be repealed, the definition in the last version of the Cable  
21 Act prior to such repeal shall apply. Notwithstanding the foregoing, for  
22 purposes of this statute any entity which provides cable television as of  
23 the time of enactment of this Act shall be considered a "cable operator".

**TWENTY-THIRD GUAM LEGISLATURE**

1996 (SECOND) Regular Session

Date: 2/22/96

**VOTING SHEET**

Bill No. 514

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

21   0   0   0

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Recording Secretary

**Introduced**

FEB 16 1996

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

Bill No. 514 (LS)  
Introduced by:

T.C. Ada 

T. S. Nelson 

A. C. Blaz 

---

AN ACT TO CREATE THE CONSUMER  
PROTECTION AND RIGHT TO CHOOSE CABLE  
TELEVISION SERVICE ACT.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF  
2 GUAM:

3 Section 1. Short title. This act shall be known as the "Consumer  
4 Protection And Right To Choose Cable Television Service Act".

5 Section 2. Legislative findings and intent.

6 (a) The Legislature finds and declares the following:

7 (1) There is a substantial governmental and First  
8 Amendment interest in promoting a diversity of views provided  
9 through consumer choice in available providers of cable television  
10 services (hereinafter "cable operators");

11 (2) There is a substantial public, governmental, and First  
12 Amendment interest in ensuring that Guam citizenry living in  
13 residential buildings have access to available cable operators;

14 (3) Cable operators are important sources of local news,  
15 public affairs, educational, civic and political programming critical to  
16 an informed electorate;



1           (4) The sale of monopoly rights to residential buildings  
2 through commissions covertly deducted from residents' cable  
3 television subscription fees deprives the citizenry of the right to  
4 choose the news, entertainment, and public affairs programming  
5 they wish to receive, and detracts from the governmental interest in  
6 promoting program diversity;

7           (5) There is substantial likelihood that absent the imposition  
8 of consumer protection, Guam residents living in residential  
9 buildings will have their First Amendment rights deprived by  
10 building owners willing to participate in commission schemes; and,

11           (6) As a result of the economic incentive that building owners  
12 have to sell monopoly rights of access to their residents, coupled with  
13 the absence of consumer protection requirements for access, the  
14 economic viability of freedom of choice and competition amongst  
15 cable operators will be seriously jeopardized.

16 (b) It is the purpose of this act to:

17           (1) promote and encourage the availability to the public of  
18 the widest possible diversity of views, information and news sources  
19 and services through multiple cable operators;

20           (2) rely on competition in a free marketplace to achieve that  
21 availability;

22           (3) ensure that cable operators on Guam continue to expand  
23 their capacity and the programs offered to the public over their cable  
24 systems;

25           (4) ensure that consumers living in residential buildings are  
26 protected through assuring them access to all available cable  
27 operators;

1 (5) ensure that no cable operator attempts to gain undue  
2 market power vis-a-vis monopolistic or exclusionary rights to  
3 residential buildings; and

4 (6) establish a means which protects Guam residents living  
5 in residential buildings against unfair denials of service from the sale  
6 of, or agreements which create, monopolistic and exclusionary  
7 access rights to their residences.

8 **Section 3. Access**

9 (a) No property owner, condominium association, managing  
10 agent, lessee or other person in possession or control of any  
11 residential building (hereinafter "property manager") shall forbid or  
12 prevent any occupant, tenant or lessee (hereinafter "tenant") of any  
13 such building from (1) receiving cable television service from a cable  
14 operator, nor (2) demand or accept payment from any cable operator  
15 or such tenant in any form as a condition of permitting the  
16 installation of cable television facilities or the maintenance of cable  
17 television service in any such building or any portion thereof  
18 occupied or leased by such tenant, nor (3) discriminate in rental  
19 charges or otherwise against any tenant receiving cable service;  
20 provided, however, that the property manager of such building may  
21 require, in exchange and as compensation for permitting the  
22 installation of cable television facilities within and upon such  
23 building, the payment of just compensation by the cable operator  
24 which provides such cable television service, said sum to be  
25 determined in accordance with the provisions of subparagraphs (c)  
26 and (d) hereof, and provided further that the cable operator  
27 installing such cable television facilities shall agree to indemnify the

1 owner of such building for any damage caused by the installation,  
2 operation or removal of such cable television facilities and service.

3 No cable operator shall install cable television facilities within  
4 a residential building pursuant to this subparagraph (a) unless the  
5 property manager of such residential building, or a tenant of such  
6 residential building requests the delivery of cable television services.  
7 In any instance in which a request for service is made by more than  
8 three(3) tenants of a residential building, the cable operator may  
9 install cable television facilities throughout the building in a manner  
10 which enables the cable operator to provide cable television services  
11 to tenants of other residential units without requiring the installation  
12 of additional cable television facilities other than within the  
13 residential units occupied by such other tenants.

14 (b) No property manager of any improved or unimproved  
15 real estate shall forbid or prevent a cable operator from entering  
16 upon such real estate for the purpose of and in connection with the  
17 construction or installation of such cable television system and cable  
18 television facilities, nor shall any such property manager of such real  
19 estate forbid or prevent such cable operator from constructing or  
20 installing upon, beneath or over (hereinafter "upon") such real  
21 estate, including any buildings or other structures located thereon,  
22 hardware, cable, equipment, materials or other cable television  
23 facilities utilized by such cable operator in the construction and  
24 installation of such cable television system; provided, however, that  
25 the property manager of any such real estate may require, in  
26 exchange and as compensation for permitting the construction or  
27 installation of cable television facilities upon such real estate, the

1 payment of just compensation by the cable operator which provides  
2 such cable television service, said sum to be determined in  
3 accordance with the provisions of subparagraphs (c) and (d) hereof,  
4 and provided further that the cable operator constructing or  
5 installing such cable television facilities shall agree to indemnify the  
6 owner of such real estate for any damage caused by the installation,  
7 operation or removal of such cable television facilities and service.

8 (c) In any instance in which the property manager of a  
9 residential building or improved or unimproved real estate intends  
10 to require the payment of just compensation in excess of \$1 in  
11 exchange for permitting the installation of cable television facilities  
12 in and upon such building, or upon such real estate, the property  
13 manager shall serve written notice thereof upon the cable operator.  
14 Any such notice shall be served within 20 days of the date on which  
15 such property manager is notified of the cable operator's intention to  
16 construct or install cable television facilities in and upon such  
17 building, or real estate. Unless timely notice as herein provided is  
18 given by the property manager to the cable operator, it will be  
19 conclusively presumed that the property manager of any such  
20 building or real estate does not claim or intend to require a payment  
21 of more than \$1 in exchange and as just compensation for permitting  
22 the installation of cable television facilities within and upon such  
23 building or real estate. In any instance in which a cable operator  
24 intends to install cable television facilities as herein provided,  
25 written notice of such intention shall be sent by the cable operator to  
26 the property manager. Such notice shall include the address of the  
27 property, the name of the cable operator, and information as to the

1 time within which the property manager may give notice, demand  
2 payment as just compensation and initiate legal proceedings as  
3 provided in this subparagraph (c) and subparagraph (d). In any  
4 instance in which a cable operator intends to install cable television  
5 facilities within a residential building containing twelve(12) or more  
6 residential units, the written notice shall further provide that the  
7 property manager may require that the cable operator submit  
8 written plans identifying the manner in which cable television  
9 facilities are to be installed, including the proposed location of  
10 coaxial cable. Approval of such plans by the property manager shall  
11 not be unreasonably withheld and such property manager's consent  
12 to and approval of such plans shall be presumed unless, within 30  
13 days after receipt thereof, or in the case of a condominium  
14 association, 90 days after receipt thereof, the property manager  
15 identifies in writing the specific manner in which such plans deviate  
16 from generally accepted construction or safety standards, and unless  
17 the property manager contemporaneously submits an alternative  
18 construction plan providing for the installation of cable television  
19 facilities in an economically feasible manner. The cable operator may  
20 proceed with the plans originally submitted if an alternative plan is  
21 not submitted by the property manager within 30 days, or in the case  
22 of a condominium association, 90 days, or if an alternative plan  
23 submitted by the property manager fails to comply with generally  
24 accepted construction and safety standards or does not provide for  
25 the installation of cable television facilities in an economically  
26 feasible manner.

1 (d) Any property manager of a residential building described  
2 in subparagraph (a), and any property manager of improved or  
3 unimproved real estate described in subparagraph (b), who shall  
4 have given timely written notice to the cable operator as provided in  
5 subparagraph (c), may assert a claim for just compensation in excess  
6 of \$1 for permitting the installation of cable television facilities  
7 within and upon such building or real estate. Within 30 days after  
8 notice has been given in accordance with subparagraph (c), the  
9 property manager shall advise the cable operator in writing of the  
10 amount claimed as just compensation. If within 60 days after the  
11 receipt of the property manager's claim, the cable operator has not  
12 agreed to pay the amount claimed or some other amount acceptable  
13 to the property manager, the property manager may bring suit to  
14 enforce such claim for just compensation in any court of competent  
15 jurisdiction and, upon timely demand, may require that the amount  
16 of just compensation be determined by a jury. Any such action shall  
17 be commenced within 6 months of the notice given by the cable  
18 operator pursuant to subparagraph (c) hereof. In any action brought  
19 to determine such amount, the property manager may submit  
20 evidence of a decrease in the fair market value of the property  
21 occasioned by the installation or location of the cable on the  
22 property, that the property manager has a specific alternative use  
23 for the space occupied by cable television facilities, the loss of which  
24 will result in a monetary loss to the property manager, or that  
25 installation of cable television facilities within and upon such  
26 building or real estate otherwise substantially interferes with the use

1 and occupancy of such building to an extent which causes a decrease  
2 in the fair market value of such building or real estate.

3 ~~(e) A cable operator who has constructed or installed cable~~  
4 ~~television service lines inside any multi-family dwelling unit shall~~  
5 ~~offer for sale such service line within the unit to landlord or owner of~~  
6 ~~unit at cost to the landlord or owner upon the termination of cable~~  
7 ~~television services with the operator. Any subsequent cable~~  
8 ~~television service provider utilizing such cable service line shall~~  
9 ~~comply with all applicable monitoring and testing requirements for~~  
10 ~~signal leakage as required by FCC.~~

11 (e) Disposition of cable home wiring upon installation. In  
12 order to promote competition between cable operators and to assure the  
13 smooth transition of services from one cable operator to another, is so  
14 desired be a cable subscriber (hereinafter "subscriber"), and to allow  
15 private real property owners to protect the aesthetic integrity and value of  
16 their property by preventing unsightly and excessive external cables from  
17 being attached to or located upon their property:

18 1. Upon the installation of cable home wiring to any  
19 residential single unit or multiple unit dwelling by a cable operator, the  
20 installed wiring shall be deemed to be a fixture of the dwelling, and  
21 ownership of the wiring shall be immediately vested in the owner of the  
22 dwelling or premises (hereinafter "owner"). After installation of the  
23 wiring, a cable operator shall make no attempt to remove it or to restrict  
24 its use.

25 2. Upon voluntary termination of existing cable  
26 service by a subscriber, whether or not the subscriber is an owner, a tenant,  
27 or a property manager, or upon initial subscription of cable service by a

1 subscriber with an alternate cable operator, a cable operator shall not  
2 remove the cable home wiring unless the cable operator gives the owner  
3 the opportunity to acquire the wiring at the replacement cost, and the  
4 owner declines. The cost is to be determined based on the replacement cost  
5 per foot of the cabling multiplied by the length in feet of the cable home  
6 wiring. If the owner declines to acquire the cable home wiring within  
7 Thirty (30) days or make no subsequent attempt to remove it or to restrict  
8 its use.

9           3. "Cable home wiring" is defined to be the internal  
10 wiring contained within the premises of a subscriber which begins at the  
11 "demarcation" point. For single unit dwellings, the "demarcation" point is  
12 the point at or about Twelve (12) inches outside of the location where the  
13 cable wire enters the subscriber's premises; for multiple unit dwellings, it is  
14 the interconnection point or junction box between the subscriber's  
15 dwelling unit and the cable operator's distribution system. It does not  
16 include active elements such as amplifiers, converter or decoder boxes, or  
17 remote control units. It does not include loop through or other similar  
18 series cable wiring in multiple unit dwellings, or "F" connectors attaching  
19 the cable wire to the interconnection point.

20           4. Any cable operator disconnecting its cable wire  
21 from the interconnection point shall leave the adapters, jacks, or "F"  
22 connectors attaching the cable wire to the interconnection point intact and  
23 shall not do anything which would otherwise render the cable wire  
24 ineffective or unable to be attached to an alternate cable operator's  
25 interconnection point.

26           5. The provisions of this Section set forth  
27 requirements for the disposition, after a subscriber voluntarily terminates



1 cable service, of that cable home wiring installed by the cable operator or  
2 its contractor within the premises of the subscriber. The provisions do not  
3 apply where the cable home wiring belongs to the subscriber, such as  
4 where the cable operator has transferred ownership to the subscriber, the  
5 cable operator has been treating the wire as belonging to the subscriber for  
6 tax purposes, or the wiring is considered to be a fixture by territorial law.

7                   6. Nothing in this Section shall affect the  
8 cable operator's rights or responsibilities under federal or territorial  
9 laws, rules, or regulations to prevent excessive signal leakage while  
10 providing cable service, or the cable operator's right to access the  
11 subscriber's property or premises.

12           (f) Neither the giving of a notice by the property manager  
13 under subparagraph (c), nor the assertion of a specific claim, nor the  
14 initiation of legal action to enforce such claim, as provided under  
15 subparagraph (d), shall delay or impair the right of the cable  
16 operator to construct or install cable television facilities and  
17 maintain cable television services within or upon any building  
18 described in subparagraph (a) or real estate described in  
19 subparagraph (b).

20           (g) No landlord shall demand or accept payment of any fee,  
21 charge or other thing of value from any cable operator in exchange  
22 for giving the tenants of such landlord access to cable television  
23 service; and no landlord shall demand or accept any such payment  
24 from any tenants in exchange therefor unless the landlord is itself the  
25 provider of the cable television service. Nor shall any landlord  
26 discriminate in rental charges between tenants who receive any such  
27 service and those who do not. Nothing contained herein shall

1 prohibit a landlord from requiring that the cable operator and the  
2 tenant bear the entire cost of the installation, operation or removal  
3 of the facilities incident thereto, or prohibit a landlord from  
4 demanding or accepting reasonable indemnity or security for any  
5 damages caused by such installation, operation or removal, or the  
6 just compensation as provided in subparagraphs (a) and (b) hereof.

7 (h) If any provision of this statute or any application of any  
8 provision thereof to any person or circumstance is held invalid, the  
9 remainder of this statute and the application of such provision and  
10 any remaining provision of this statute to any other person or  
11 circumstance shall not be affected thereby.

12 (i) For purposes of this statute, "cable operator" has the  
13 same meaning as defined in the Cable Television Consumer  
14 Protection and Competition Act of 1992, 47 U.S.C. 522, et seq., as  
15 amended. Should the 1992 Cable Act be repealed, the definition in  
16 the last version of the Cable Act prior to such repeal shall apply.  
17 Notwithstanding the foregoing, for purposes of this statute any  
18 entity which provides cable television as of the time of enactment of  
19 this Act shall be considered a "cable operator."