

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2050 Session of  
2009

INTRODUCED BY REICHLEY, CREIGHTON, GEIST, GILLESPIE, GINGRICH,  
HALUSKA, HORNAMAN, MOUL, MURT, SIPTROTH AND SONNEY,  
OCTOBER 14, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 14, 2009

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in preemptions, providing for  
3 municipal franchise agreements.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 53 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 303. Municipal franchise agreements.

9 (a) General rule.--A municipality which seeks to enter into  
10 or renew a municipal franchise agreement under Subch. V-A of the  
11 Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 521 et  
12 seq.) must, at a minimum, include provisions in the franchise  
13 agreement that sets the amount a cable operator may charge a  
14 subscriber for a cable converter box in accordance with the  
15 following:

16 (1) A cable operator may charge a subscriber a fee for  
17 an initial cable converter box used by the subscriber.

18 (2) A cable operator may not charge subscribers a fee

1 for any additional cable converter boxes used by the  
2 subscriber.

3 (3) A cable operator shall provide, upon the request of  
4 a subscriber, up to five cable converter boxes to a  
5 subscriber.

6 (b) Validity.--A franchise agreement in violation of  
7 subsection (a) is invalid.

8 (c) Definitions.--As used in this section, the following  
9 words and phrases shall have the meanings given to them in this  
10 subsection unless the context clearly indicates otherwise:

11 "Cable converter box." An electronic tuning device rented  
12 from a cable television operator:

13 (1) which converts any of the available channels from a  
14 cable television service to a signal viewable on a  
15 television; and

16 (2) the only function of which is to permit the  
17 conversion of the cable operator's signal for reception on a  
18 subscriber's television.

19 "Cable television operator." A person that provides cable  
20 service over a cable system and that:

21 (1) directly or through one or more affiliates owns an  
22 interest in that cable system; or

23 (2) otherwise controls or is responsible for, through  
24 any arrangement, the management and operation of that cable  
25 system.

26 The term does not include a provider of wireless or direct-to-  
27 home satellite transmission service.

28 "Direct-to-home satellite transmission." The transmission,  
29 distribution or broadcasting of video programming or services by  
30 satellite directly to a subscriber's premises without the use of

ground receiving or distribution equipment, except at the site of the subscriber or in the uplink process to the satellite.

"Person." Any individual, partnership, association, joint stock company, trust, corporation, government entity, limited liability company or any other entity.

"Subscriber." The ultimate consumer of the video programming provided by a video programmer over any means of transmission, other than wireless or direct-to-home satellite transmission. The term does not include a video programmer that purchases video dial tone transport service to provide video programming over a video dial tone system.

"Video dial tone service." A common carrier service for the transport of video programming to subscribers.

"Video programmer." A person that provides video programming to a subscriber.

"Video programming." Video or information programming, whether in digital or analog format, which:

(1) is provided by a cable operator or is generally considered comparable to programming provided by a cable television operator; and

(2) upon which the cable television operator pays a franchise fee.

The term does not include online, interactive information services to the extent that access to those services is accomplished via a dial-up or private telephone line or via wireless or direct-to-home satellite transmission.

"Wireless transmission." The distribution of video programming using radio communications, including terrestrial-based radio systems.

Section 2. This act shall take effect immediately.