

---

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

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

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

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

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

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

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

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

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

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

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

30 Section 2. This act shall take effect immediately.