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#### § 896.1 Purpose

The purpose of this Part is to ensure the delivery of safe, adequate and reliable cable television service to subscribers throughout the State in a manner consistent with subpart K of the rules and regulations of the Federal Communications Commission, *47 C.F.R. section 76.601* et seq. The applicable provisions of the C.F.R. referenced in this Part are available for public inspection and copying at the offices of the Department of Public Service, Three Empire State Plaza, Albany, New York 12223 and the New York State Department of State located at 41 State Street, Albany, New York 12207. *47 C.F.R. 76.601* et seq. was published in the Federal Register, Volume 59, No. 93, May 16, 1994 at pp. 25339-25434 by the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. In furtherance of this objective, the commission intends to exercise its jurisdiction and responsibility to the fullest extent permitted by article 11 of the Public Service Law consistent with applicable federal law and rules.

#### § 896.2 Safe and reliable service

Construction of cable television systems shall comply with all relevant safety codes including electric or other public utility codes for joint use of pole liens or underground facilities. Other local construction codes and municipal and State laws and ordinances may also apply to the construction and maintenance of cable television system. Particular attention is called to appropriate sections of the National Electric Code as published by the National Fire Protection Association concerning the grounding and bonding of subscribers drop cables at building entry points, as referenced in Section 10.3 of this Title.

#### § 896.3 Technical standards; performance tests

(a) Cable television systems are expected to be designed, installed and operated in compliance with the technical standards in *47 C.F.R. section 76.605* and cable television companies are expected to conduct all performance tests as required by *47 C.F.R. 76.601*

(b) Pursuant to *47 C.F.R. section 76.601(a)*, every cable television company shall be prepared to demonstrate to the commission that its system complies with the federal technical standards.

(c) Pursuant to *47 C.F.R. section 76.601(c)*, every cable television company shall maintain performance test data at its local office and shall make such test data available for inspection by the commission upon request.

(d) Pursuant to *47 C.F.R. section 76.601(d)*, the commission may order a cable television company to perform additional tests, repeat tests or tests involving specified subscriber terminals in order to ensure compliance with federal technical standards at all subscriber terminals; provided, however, that no additional testing shall be required except after notice to the cable television company of signal quality problems and the opportunity during a period of 30 days to correct such problems and to come into compliance with applicable rules.

#### § 896.4 Service complaints

(a) Pursuant to *47 C.F.R. section 76.607*, and in accordance with section 890.70 of this title, service complaints from subscribers about the quality of television signals shall be addressed initially to the commission prior to referral to the Federal Communications Commission. Cable television companies shall establish a process for resolving complaints about service quality and shall maintain such complaints for a period of one year. Aggregate data based upon such complaints shall be made available for inspection by the commission and municipal franchising authorities upon request.

§ 896.5 Emergency alert system

(a) All cable television systems are required to meet all applicable federal requirements for the provisions of Emergency Alert System capability in order to alert citizens in the event of emergencies as defined under the rules of the Federal Communications Commission and Federal Emergency Management Agency.

(b) Cable television systems shall activate their Emergency Alert System equipment upon receipt of any official state or local government warning of a direct and immediate threat to life and property in the area served. Such EAS alerts need only be transmitted in the general geographic area of a cable system that is specified in the warning.

(c) The Department of Public Service will monitor the participation of cable television systems in the Emergency Alert System. Activation of the Emergency Alert System shall not constitute a service interruption or service outage for purposes of this title.

§ 896.6 Other records

(a) Cable television systems shall maintain an up to date map or other technical records showing the physical location of all cable routes, service areas, receive sites and other interconnection points. The scale of the maps and other technical information shall be of such detail as to permit a determination of franchise areas and subscribers served.

(b) All cable television systems are required to maintain technical information and records regarding incidents that may have affected public safety. Cable systems shall also maintain a record of all Emergency Alert System tests and alerts received as well as a record of the EAS transmission sent out to the cable system. Records may include automatically generated EAS logs. These records shall be maintained for two years.

(c) All information required to be maintained pursuant to this section shall be available for inspection at the local office of the cable television company upon request of the Department of Public Service or a municipal franchising authority.