

Video/Cable Television Frequently Asked Questions

1. Q. What is the Michigan Public Service Commission's (MPSC) role regarding video/cable television? Does the MPSC regulate cable television?

A. The Commission's authority is limited to that provided by statute (2006 PA 480). In Section 12(1) of the Act, it states: "The Commission's authority to administer this Act is limited to the powers and duties explicitly provided for under this Act, and the Commission shall not have the authority to regulate or control a provider under this Act as a public utility." (emphasis added)

While the Commission's authority is limited, the Commission still has many responsibilities which include, but are not limited to: reviews disputes between customers and providers, providers and providers, and providers and franchise entities (municipalities); construct a standardized uniform agreement form; receive annual reports from providers; administer the formal process to review disputes; submit an annual report (February 1 of each year) to the Governor and Legislature, and order remedies and penalties for violations of the Act.

2. Q. I am having a problem with my video/cable television provider. What can I do?

A. If you are experiencing problems with your provider, you should first contact your provider and attempt to resolve the dispute with them. If you are dissatisfied with the provider's response, or the dispute is not resolved to your satisfaction, you may file a complaint with the MPSC.

3. Q. Can I file a satellite television complaint with the MPSC?

A. No. If you are experiencing a problem with your satellite television, you should contact the Federal Trade Commission (FTC): (877) 382-4357 or www.ftc.gov. You may also contact the Michigan Attorney General's office: (877) 765-8388. The MPSC does not have authority over satellite complaints or inquiries.

4. Q. Is internet service regulated?

A. No. The MPSC does not have the authority to regulate internet services.

5. Q. Are there any alternative providers in my area?

A. If you are inquiring as to what other video/cable providers may be in your area, you should contact your local franchise entity directly. The franchise entity is the local unit of government in which a provider offers video/cable services through a franchise. In most cases, the franchise entity is the township, village, or city that you live in. Since satellite providers do not have franchise agreements, you must contact the satellite providers directly.

6. Q. I would like to have cable service, but the cable company is requiring me to pay a large construction fee to bring the service to my house/business. Are cable companies allowed to require such a fee?

A. Yes. Per Section 76.309(i) of the Federal Communication Commission's (FCC) cable rules: Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system. Therefore, a company can charge a customer a construction fee for any distance extending beyond 125 feet in order to bring the service to a customer's home.

7. Q. I returned equipment and boxes to my cable company and now I have a collection notice for unreturned equipment. What can I do?

A. First, contact your provider. Explain to the provider that you have returned the equipment, and provide them with copies of your return receipts. If you are not able to resolve your complaint, you may submit a complaint to the MPSC for assistance. It is helpful if you know the date and location of where you returned the equipment, and if you still have your receipt that you received when you returned the equipment. *Always request a receipt after returning equipment to your provider.*

8. Q. My cable company damaged my property. What can I do?

A. You should first contact your cable provider and inform the company of the damage and attempt to resolve the issue with them. If you are not able to obtain a resolution, you may submit a complaint to the MPSC. The MPSC can assist you with your complaint but does not have authority to make awards for damage claims. You may also consider filing suit in small claims court or filing a claim with your homeowners insurance.

9. Q. I have a cable line that is either on the ground or hanging very low, causing a public hazard. Who should I contact?

A. You should contact your provider and make them aware of the situation. If the problem is not quickly resolved, you may contact the MPSC to assist you with your complaint. The MPSC will request expedited treatment from the provider.

10. Q. What is a PEG fee? Why am I being charged this?

A. PEG stands for Public, Education, and Government channels. This fee is authorized by your local municipality and is collected by your cable provider and paid to your local municipality, at no profit to the cable provider. PEG fees are used by the local municipality for PEG purposes. You should contact your municipality regarding questions as to how the PEG fee is being used. If you believe your PEG fee on your bill may be inaccurate, you should contact your cable provider.

11. Q. What is a Franchise Fee? Why am I being charged this?

A. Franchise fees, which may appear on your bill, are authorized by your local municipality (Franchise Entity). Franchise Fee amounts may differ among customers due to the differences in the types of services that they may be receiving.

Franchise fees are collected by your cable provider and then paid to the franchise entity. Your municipality is allowed to use the money collected by franchise fees at their discretion.

Extra services such as an HD receiver, On-demand, DVR, pay-per-view, etc. can all impact your franchise fee amount. If you have any questions regarding this fee, please contact your provider or municipality.

12. Q. What is a Broadcast Fee? Is this a legitimate charge on my bill?

A. Broadcast Fees are itemized charges that are intended to offset the costs of retransmitting broadcast television signals. For more information, see Section 76.922 “Rates for the basic service tier and cable programming services tiers” in the Code of Federal Regulations.

13. Q. What is a Regional Sports Network Fee? I don’t watch sports, why am I being charged this?

A. Regional Sports Network Fee is a charge on a customer’s bill associated with the costs of sports network programming. For more information, see Section 76.922 “Rates for the basic service tier and cable programming services tiers” in the Code of Federal Regulations.

14. Q. I live in an apartment and my complex will only allow me to use the cable provider of their choosing. I would like to receive services through a different cable provider. Can my complex prevent me from choosing my own?

A. Apartments, as well as cooperatives, condominium buildings, gated communities, mobile home parks, garden apartments, and other centrally managed residential real estate developments are considered multi dwelling units (MDU’s). If your MDU is serviced by a certain cable provider and you wish to receive service from a different cable provider, you will have to appeal to your landlord or the company that owns the MDU. The MPSC does not have the authority to force an owner of a MDU to allow their tenants to receive service from a different cable provider.

15. Q. I purchased my cable company’s equipment from a website such as EBay through a third party seller. Now my cable company wants to charge me for this equipment that I already paid for. Can they do this?

A. If the equipment is the property of a cable company, then it belongs to the company. If a third party is selling a cable company’s equipment, the consumer should be very cautious. The equipment that is being sold may be considered stolen by the cable

company and it is likely that you may be charged for it by the provider. You may consider contacting the website from which you purchased the equipment in an attempt to obtain monetary reimbursement for your loss if you are charged. Also, consider contacting the Michigan Consumer Protection Division at: 877-765-8388.

16. Q. Can I file a complaint with the MPSC on the behalf of a relative?

A. Yes. However, be advised if you are not an authorized user on the account of the person whom you are filing the complaint for, the company may choose to not speak with you. If you have a relative that would like you to file a complaint on their behalf, then you should have that relative contact the cable provider and add your name to the account as an individual authorized to speak regarding the account. The MPSC does not have any authority over a cable providers' policies and procedures.

17. Q. A cable provider wants to dig on my property, but they do not have my permission to do so. Can they still dig?

A. You should first determine if the cable provider has an easement on your property; if there is one, determine where it begins and ends. The cable provider is allowed to dig within the easement. The MPSC has no authority over easements. You should contact your local municipality for information regarding easements.

18. Q. I filed an informal complaint with the MPSC and I am still dissatisfied with the resolution of my complaint. What can I do?

A. You may notify MPSC Staff that you are dissatisfied with the resolution of your complaint. You may request to have your complaint re-opened and sent back to the provider. However, you also may file a formal complaint. Contact MPSC Staff and request to receive information regarding formal complaints. You may also find formal complaint information online by going to:

http://www.michigan.gov/documents/mpsc/videoformal_340029_7.pdf

19. Q. A cable provider serving our franchise entity is delinquent in paying their Franchise Fees or PEG fees. What can the franchise entity do?

A. First, contact the video service provider and attempt to resolve the dispute with them. If you remain unable to resolve the issue, you may file a complaint with the MPSC.

20. Q. My municipality received a document titled, "Attachment 3" from a cable provider servicing our area. What is this?

A. Pursuant to Section 3(3) of PA 480 of 2006, a Franchising Entity shall have 30 days after the submission date of a completed Uniform Video Services Local Franchise Agreement (Agreement) to approve the Agreement. If you do not notify the provider within 15 business days after receiving a filing of an Agreement regarding the completeness of that Agreement or approve the completed Agreement within 30 days of the submission, the Agreement shall be considered complete and approved. An Attachment 3 document notifies franchising entities and the MPSC of this action.

21. Q. What are the requirements of a franchising entity as it relates to the installation, construction, and maintenance of video service within a public right-of-way?

A. Pursuant to Section 8(1) of PA 480 of 2006, a franchising entity shall allow a video service provider to install, construct, and maintain a video service or communication network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.

Additionally, pursuant to Section 8(2) of Pa 480 of 2006, a franchising entity may not discriminate against a video service provider to provide video service for any of the following:

- The authorization or placement of a video service or communications network in public rights-of-way.
- Access to a building owned by a governmental entity.
- A municipal utility pole attachment.

22. Q. Are permit fees allowed as it relates to the public right-of-way?

A. Pursuant to Section 8(3) of PA 480 of 2006, A franchise entity may impose on a video service provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the franchising entity for issuing the relevant permit. A fee under Section 8 shall not be levied if the video service provider already has paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the video service provider in the public rights-of-way or for general revenue purposes.