

# **LCATV PROCEDURES**

## **1. USE OF FIELD PRODUCTION EQUIPMENT**

**Access Orientation.** Prior to using LCATV equipment, all members must obtain certification by attending an Access Orientation course. Members can attend the course during regularly scheduled session or make an appointment for an individual session. Once the course is completed, the member shall be considered a certified producer and free to use LCATV equipment in accordance with the following procedures.

**Equipment Pick-Up Hours.** The LCATV staff will make all reasonable efforts to make the equipment accessible for pick-up and return at a time convenient for the producer, provided the reservation has been made at least 48 hours in advance. Producers who reserve the equipment with less than 48 hours notice may be required to pick-up and/or return the equipment at times convenient for LCATV staff.

**Equipment Sign-Out Form.** The Equipment Sign-Out Form is available to all trained volunteers. Copies may be picked up at the LCATV office, made available electronically or mailed upon request. The Equipment Sign-Out Form must be completed and approved by the LCATV staff prior to removing equipment from the premises. The reservation request will be approved or disapproved as soon as practically possible.

**Equipment Pick-Up.** The producer may pick up the equipment anytime between the time that day at which it becomes available and a previously-agreed upon pick-up time arranged with the LCATV Staff. If the producer has not arrived to pick up the equipment by 30 minutes past the arranged time and has not contacted the LCATV staff with the reason for the tardiness, his/her reservation will be cancelled, leaving the equipment available to other producers on a first come, first served basis.

**Equipment Sign-Out.** Producers should plan on spending up to 30 minutes signing the equipment out, including any necessary training time. Producers may sign out additional equipment at the time of pick-up provided that the equipment is not reserved and that the additions are approved by the LCATV staff. Both the producer and the LCATV staff must sign the Equipment Sign-Out Form once the desired equipment has been gathered. First-time producers who have not previously used LCATV equipment will be required to show a form of photo identification, to be photocopied and kept on file by LCATV.

**Care of Equipment.** The following list provides an example of the rules that should be followed in the care of LCATV equipment. The list is not all-encompassing. Please refer to LCATV Policy #2, Article II for penalties in the neglect or abuse of equipment.

**i. Temperature:** Keep the camera and other equipment out of extremes of heat and cold. In temperatures below 32°F (0°C) or above 104°F (40°C) use the equipment only for brief periods of time and only if necessary. Allow equipment to warm up/cool down between shoots. The storage area used between shoots should be maintained between 50°F (10°C) and 80°F (27°C).

**ii. Precipitation:** All exterior shoots, therefore, are subject to weather conditions. Do not shoot outdoors if it is raining, hailing, snowing, sleet, etc. Efforts should be made to minimize the exposure of equipment to the elements when transporting it from one location to another.

**iii. Safe Uses:** Always remember that the equipment you are using is the joint property of all LCATV members and to use it accordingly. If certain uses would present a significant risk of damage to the equipment, use your own equipment.

**iv. Secure Storage:** During the time that the equipment is in possession of a volunteer and is not being used for production, it must be stored in a secure location. It should be immediately visible to the producer at all times or completely removed from view. The equipment must be stored in a locked room/closet/apartment. NEVER leave the equipment in a vehicle overnight. If the equipment must be left in an unattended vehicle for a short period of time, it must be removed from sight (i.e. in the trunk).

**Duration of Usage.** Penalties for the failure to return equipment as noted below are outlined in LCATV Policy #2, Article III.

**i. Weekdays.** Equipment will be made available at a time previously arranged with the LCATV staff and, unless alternate arrangements are made, returned by the following weekday before 3pm. Ongoing one-day extensions may be made by contacting LCATV in person or by phone prior to the time at which equipment is due, pending availability and subject to the approval of the LCATV staff.

**ii. Weekends.** Equipment signed before 3pm on Friday is due back Monday before 3pm. Ongoing one-day extensions may be made by contacting LCATV in person or by phone prior to the time at which equipment is due, pending availability and subject to the approval of the LCATV staff.

**iii. Shared Usage.** Two producers may transfer the equipment and the associated responsibility from one producer to another without returning the equipment to the studio in between uses under the following conditions:

**a.** The producers can demonstrate that returning to the studio between shoots would create an unnecessary burden on one or both of them and that transferring the equipment directly between them would alleviate that burden.

**b.** Both individuals are experienced producers in the judgment of the LCATV staff.

**c.** The producer who uses the equipment first must take a copy of the Equipment Sign-Out Form and obtain the signature of the other producer at the time of the transfer. Once the second producer has signed this copy, he/she assumes sole responsibility for the equipment. The signed copy of the Equipment Sign-Out Form should remain in the possession of the first producer. In the event of a dispute over responsibility for damage, loss, or theft of the equipment, the first producer remains solely responsible for all damages until he/she provides the LCATV staff with the signed copy of the Equipment Sign-Out Form, at which point the second producer becomes solely responsible for all damages.

**Equipment Sign-In.** Producers should plan spending up to 30 minutes signing in the equipment. The LCATV staff must verify that the producer has returned every piece of equipment listed on the Equipment Sign-Out Form. All equipment must be in good order and cables must be properly coiled. Once LCATV Staff has checked the equipment, the producer must properly store all items.

## **2. USE OF FACILITIES**

**Access Orientation.** Prior to using LCATV facilities, all members must obtain certification by attending an Access Orientation course. Members can attend the course during regularly scheduled session or make an appointment for an individual session. Once the course is completed, the member shall be considered a certified producer and free to use LCATV facilities in accordance with the following procedures.

**Reserving the Studio.** Producers must arrange with the LCATV staff for all studio productions. Anyone who produces a series studio shoot will not be required to make a separate reservation for each installment in the series. Once arrangements have been made for a regular time slot, that producer will be assured of that time on a regular basis.

**Set-Up and Strike.** All producers are expected to recruit their own production crew for their programs. These crew members need not have completed LCATV's Access Orientation class and their usage of facilities and equipment will be limited to the specific production for which they have been trained. Producers are responsible for setting up the equipment before their production and for striking the equipment when complete. All equipment must be properly stored and any props/sets used for the show should be removed from the studio and/or placed in onsite storage when the production is over.

**Editing Suites.** LCATV editing suites are available to trained producers on a first-come, first-served basis. Members wishing to receive editing training must attend a regularly scheduled class or make special arrangements with the LCATV staff for training. Trained producers may pre-register for the use of an editing suite for a maximum of two hours each day. Extensions will be granted on a case-by-case basis, provided that no other producer has pre-registered for the use of the suite.

## **3. DETERMINING IF CONTENT IS OBSCENE**

The producer must apply the following three part Miller test to determine if the content of the production is or is not potentially obscene bearing in mind that *contemporary community standards* is an objective view of an average person in the national community.

The basic guidelines must be (a) whether the "average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest ..., (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

#### **4. DETERMINING IF CONTENT IS INDECENT OR PROFANE**

The producer must consider the following attitude of the FCC when determining if the content of the production is or is not potentially indecent or profane:

Indecent material contains sexual or excretory material that does not rise to the level of obscenity. Material is indecent if, in context, it depicts or describes sexual or excretory organs or activities in terms patently offensive as measured by contemporary community standards for the broadcast medium. In each case, the FCC must determine whether the material describes or depicts sexual or excretory organs or activities and, if so, whether the material is “patently offensive.” The FCC looks at three primary factors when analyzing broadcast material: (1) whether the description or depiction is explicit or graphic; (2) whether the material dwells on or repeats at length descriptions or depictions of sexual or excretory organs; and (3) whether the material appears to pander or is used to titillate or shock. Context is critical and no single factor is determinative. The FCC weighs and balances these factors because each case presents its own mix of these, and possibly other, factors.

“Profane language” includes those words that are so highly offensive that their mere utterance in the context presented may, in legal terms, amount to a “nuisance.” In its [Golden Globe Awards Order](http://www.fcc.gov/eb/Orders/2004/FCC-04-43A1.html) (<http://www.fcc.gov/eb/Orders/2004/FCC-04-43A1.html>) the FCC warned broadcasters that, depending on the context, it would consider the “F-word” and those words (or variants thereof) that are as highly offensive as the “F-word” to be “profane language.” Offensive words may be profane and/or indecent depending on the context. In the [Golden Globe Awards Order](#), the FCC stated that it would address the legality of broadcast language on a case-by-case basis. Depending on the context presented, use of the “F-word” or other words as highly offensive as the “F-word” may be both indecent and profane, the First Amendment to the U.S. Constitution and Section 326 of the Communications Act prohibit the FCC from censoring broadcasters. The FCC does not, therefore, monitor particular programs or particular performers, but rather enforces the prohibition on obscenity, indecency and profanity in response to complaints.

#### **5. COMPLAINTS**

LCATV has grouped various complaints into three general categories: Technical Issues, Policy Violation and Program Content. Complainants should submit their complaint in writing using the LCATV Complaint Form, to be supplied by LCATV Staff. Following are the individual procedures for these three categories of complaints. Any complaints not covered by these procedures should be directed to the Executive Director and, if necessary, the Board of Directors.

##### ***Technical Issues***

1. Review completed LCATV Complaint Form.
2. Determine the nature and source of problem.
3. If the source of the problem is the program:
  - pull program from current rotation
  - inform producer of problem
  - request good duplicate of program
  - replace in rotation if possible

4. If the source of the problem is LCATV equipment/systems:
  - LCATV staff makes adjustments/repairs, or:
  - Adjustments/repairs made by third party (engineer, technician, vendor, etc.)
5. If the source of the problem is the cable system:
  - refer to *Procedures for Addressing PEG Access Facilities' Issues, Problems and Complaints*
  - place trouble call to cable provider
  - inform cable provider Regulatory Affairs Manager

#### ***Policy Violation***

1. Review completed LCATV Complaint Form.
2. Review policy in question. If the complaint concerns LCATV policy on program content, refer to the Program Content portion of this procedure.
3. LCATV Staff will determine if a violation has occurred and:
  - if so, enforce penalties for violation as outlined in that policy
  - if not, offer evidence of non-violation
4. If question exists about the penalties for violation or the complainant appeals LCATV Staff determination, the complaint will be address by the LCATV Board of Directors at its next regularly scheduled meeting.

#### ***Program Content***

1. Review completed LCATV Complaint Form.
2. Review program in question and refer to LCATV's policy on program content to determine the course of action.
3. If question exists about the course of action or the complainant appeals LCATV Staff determination, the complaint will be addressed by the LCATV Board of Directors at its next regularly scheduled meeting.

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