

RESOLUTION NO. 1558

**A RESOLUTION ADOPTING MT. HOOD CABLE REGULATORY
COMMISSION'S CUSTOMER SERVICE STANDARDS FOR CABLE
FRANCHISES**

The Troutdale City Council finds:

1. The Mt. Hood Cable Regulatory Commission (the "MHCRC") was created by Intergovernmental Agreement (dated December 24, 1992) ("IGA") to carry out cable regulation and administration on behalf of Multnomah County and the cities of Gresham, Fairview, Portland, Troutdale, and Wood Village ("the Jurisdictions"). Among other things, the Commission acts in an advisory capacity to the Jurisdictions in connection with the terms of cable franchises and customer service standards.
2. Currently, applicable customer service and related standards for cable franchises in Troutdale are found in the franchises and the Code of Federal Regulations (the "FCC standards"). The FCC adopted customer service standards in 1992. Because no other jurisdiction besides Portland has enacted customer service standards, the FCC standards have become the standards for the Jurisdictions, with the exception of the City of Portland.
3. In the interest of providing uniform customer service standards for cable service providers in the Jurisdictions, the MHCRC created a Customer Service Standards Task Force. After extensive review, and based on comments from interested parties, the Task Force agreed that the existing FCC standards were generally suitable but should be supplemented and updated. The proposed uniform customer service standards in Exhibit A, which is attached, restate the existing FCC standards and supplement or update them.
4. The following factors make this an opportune time to adopt the proposed uniform customer service standards: 1) the desire for consistent standards within all franchise areas; 2) the passage of time since passage of the FCC; 3) advances in technology and the marketplace since the early 1990's; 4) the transfer of franchises in the MHCRC jurisdiction to AT&T; 5) AT&T's consolidation of its call center to Beaverton; and 6) the existence of new entrants into the local cable market.
5. The MHCRC is recommending that the City of Troutdale adopt the customer service standards in the attached Exhibit A. By adopting the customer service standards, the City of Troutdale will better ensure continued good customer service for it's constituents.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

The customer service standards, as set out in the attached Exhibit A, are hereby adopted.

YEAS:	<u>6</u>
NAYS:	<u>0</u>
ABSTAINED:	<u>0</u>


Paul Thalhofer, Mayor

Dated: 6-13-01

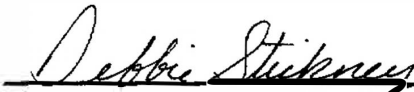

Debbie Stickney, City Recorder
Adopted: 6-12-01

EXHIBIT A

FINAL CUSTOMER SERVICE STANDARDS

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I. DEFINITIONS

A. Normal Business Hours

"Normal Business Hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.

B. Normal Operating Conditions

"Normal Operating Conditions " means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

The listed examples are not meant to be all-inclusive, and operators must adjust their staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within their control.

C. Service Interruption

"Service Interruption" means the loss of picture or sound on one or more cable channels.

II. LOCAL OFFICE AND OFFICE HOURS

Customer service center and bill payment locations shall be open at least during Normal Business Hours and shall be conveniently located.

Cable operator customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays.

As used herein, "adequately staffed" means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

1. To accept payments;
2. To exchange or accept returned converters or other company equipment;
3. To respond to inquiries; and
4. To schedule and conduct service or repair calls.

III. TELEPHONE ANSWERING STANDARDS-

A. Cable system office hours and telephone availability

The cable operator shall maintain a local, toll-free or collect call telephone access line which shall be available to its subscribers 24 hours a day, seven days a week. Cable operators shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to its subscribers.

Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays.

Trained company representatives shall be available to respond to customer telephone inquiries during Normal Business Hours.

After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after Normal Business Hours must be responded to by a trained company representative on the next business day.

B. Telephone Answering Time

Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.

C. Busy Phones

Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

IV. INSTALLATIONS, DISCONNECTIONS, OUTAGES AND SERVICE CALLS

Under Normal Operating Conditions, each of the following standards shall be met no less than ninety five (95) percent of the time measured on a quarterly basis:

Standard installations shall be performed within seven (7) business days after an order has been placed.

Under Normal Operating Conditions the cable operator shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. The cable operator must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging it.

The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours.

The operator may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.

The cable operator shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the cable operator.

A cable operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.

If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

V. NOTICE REQUIREMENTS -

Communications between cable operators and cable subscribers

Notifications to subscribers--

The cable operator shall provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:

- (1) Products and services offered;
- (2) Prices and options for programming services and conditions of subscription to programming and other services;
- (3) Installation and service maintenance policies;
- (4) Instructions on how to use the cable service;
- (5) Channel positions programming carried on the system; and,
- (6) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

Customers shall be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this Section V. Notwithstanding any other provision of Part 76 of the Code of Federal Regulations, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

VI. BILLING

Bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within seven (7) calendar days.

Refunds--Refund checks shall be issued promptly, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier. The cable operator may withhold a refund pending the customer returning the equipment supplied by the cable operator if service is terminated.

Credits--Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

VII. REPORTING

Cable operators shall file reports to the Mt. Hood Cable Regulatory Commission on a quarterly basis showing the performance of their customer service standard obligations under this section. The quarterly reports shall cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports shall be due no later than 30 days following the end of a quarter. The reports shall include, at a minimum, figures and narrative indicating performance of the standards for:

Local office hours;

Telephone call center hours;

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits)