

**CABLE TELEVISION SERVICE AMENDMENT REGULATIONS
2008**

BR 43/2008

TELECOMMUNICATIONS ACT 1986

1986 : 35

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The Minister responsible for Telecommunications, in exercise of the powers conferred by section 59 of the Telecommunications Act 1986, makes the following Regulations:

Citation

1 These Regulations may be cited as the Cable Television Service Amendment Regulations 2008.

Substitutes regulation 12

2 Regulation 12 of the Cable Television Service Regulations 1987 (in these regulations referred to as the “principal Regulations”) is revoked and the following regulation is substituted —

“Local television programmes

12 (1) A licensee may carry on the System television programmes broadcast by a broadcasting radio station licensed in Bermuda.

(2) A broadcasting radio station shall elect for every period of three years commencing 1 November 2008 (in these Regulations referred to as the “election period”) whether they wish their television programmes to be carried on a “must carry” or a “retransmission consent” basis.

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(3) A broadcasting radio station must make its election for the first election period before 1 November 2008, and must make its election for each subsequent election period at least four months prior to the end of the then current election period.

(4) If “must carry” is elected, a licensee shall carry on the System, free of charge, all television programmes broadcast by a broadcasting radio station.

(5) If “retransmission consent” is elected, a licensee must, within 30 days, confirm whether or not they intend to carry the television programmes of a broadcasting radio station.

(6) Where “retransmission consent” is elected under paragraph (5) and a licensee chooses not to carry the television programmes they must within fourteen days inform the public via the public printed media and by direct notice to their customers and must also within that fourteen day period file revised tariff rates with the Commission for the programme tier in which the television programmes will no longer be available.

(7) Where “retransmission consent” is elected under paragraph (5) and a licensee chooses to carry the television programmes on a “retransmission consent” basis and the parties are not able to reach a commercial agreement within sixty days, then either party may refer the matter to the Commission for determination.

(8) The Commission shall, in not more than sixty days or such longer period as the Minister may allow, conclude its deliberations and forward a decision to the parties.

(9) The date of implementation of any new agreement shall be the day following the expiration of the previous election period.

(10) If either party is aggrieved by the decision of the Commission, they may appeal to the Minister in accordance with the procedures outlined under section 25 of the Act.

(11) During an election period in which a licensee has elected “must carry” or “retransmission consent” —

- (a) neither party shall cause the television programmes of the broadcasting radio station to be unavailable on a licensee’s System without the express permission of the Minister;
- (b) television programmes shall be carried without material degradation in quality (within the limitations imposed by the technical state of the art); and

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(c) television programmes shall, at the request of a licensee of a broadcasting radio station licensed in Bermuda, be carried by the System on the channel number on which the broadcasting radio station is transmitting, except where technically not feasible.

(12) Where television programmes are carried by a System pursuant to this regulation, the programmes broadcast shall be carried in full, without deletion or alteration of any portion.”.

Amends Regulation 61

3 Regulation 61 of the principal Regulations is amended in the headnote by deleting “12(2)” and substituting “12”.

Made this 10th day of July 2008

Minister of Energy, Telecommunications and E-Commerce