



Manchester
Public Television

Public Access Policies & Addendum / Updated 2024

Introduction – Public Access Producership Policies, Responsibilities & Privileges

The City of Manchester, in partnership with Manchester Public Television Service, Inc. (MPTS), has instituted a publicly accessible cable television origination system to enable citizens to engage in the creation and presentation of both individual and community-oriented programming. Public Access opportunities explicitly exclude "Government or Education Access". Access to cable television is presently facilitated through the City/Comcast cable franchise agreement. All aspects pertaining to PUBLIC ACCESS, including services and corresponding policies, are duly referenced within this document. The policies and procedures of Manchester Public Television Service, Inc., approved as of July 1, 2010, have been subsequently revised as of January 1, 2024.

In accordance with the Cable Communications Policy Act of 1984 ("Cable Act"), 47 U.S.C. §521 et seq., enacted by the United States Congress, the Cable Act stipulates that a "franchising authority," namely the City of Manchester, is empowered to mandate a cable operator, Comcast, to allocate channel capacity for the purposes of "PEG access programming" within the framework of the franchise agreement under which cable services are provided to the community.

This statutory provision is elucidated in 47 U.S.C. §531. The Cable Act additionally empowers the franchising authority to "establish rules and procedures governing the utilization of the designated channel capacity" for PEG programming and to "enforce any stipulations within any franchise [agreement] concerning the provision or utilization of said channel capacity." Reference is made to Id. §531(b),(c). The cable franchise agreement of the City of Manchester, adopted in October 2000 and subsequently renewed, explicitly outlines that the Access Provider is tasked with formulating the regulations, protocols, and guidelines governing the usage of the PEG Access Channels, as detailed in Article 7.1(5).

Channel 8 on the Comcast cable system within Manchester, New Hampshire, is the designated platform for Public Access. All Comcast subscribers residing within Manchester are afforded access to this channel.

For ease of reference, essential facility information is as follows: The Manchester Public Television Service (MPTS) is situated at 119 Canal Street in Manchester, NH. Operating hours are conveniently accessible via the official website, www.ManchesterTV.org.

Section 1 - Responsibilities and Privileges of Producership

1.01.1 - Producership Qualifications and Conditions

1. A "Producer" assumes the primary role in providing content for the channel. The utilization of public access services through Producership at MPTS necessitates adherence to all stipulations outlined in these Policies & Procedures. This includes but is not limited to: Residency within Manchester, NH; attaining a minimum age of eighteen (18) years; completion of a duly signed Statement of Compliance; and the fulfillment of the requisite fee payment.

1.01.2 - Studio and Production Access

2. Producers, along with their guests, are granted standard access to the designated studio/production space during regular working hours for the purpose of program development.

1.01.3 - Equipment Usage

3. Producers are entitled to utilize designated production equipment on loan, outside the facility premises, for the explicit purpose of creating programs.

1.01.4 - Program Submission and Timeslots

4. All Producers possess the right to submit pre-recorded programming for airing on the channel. Designation for a specific timeslot, however, is solely available to Producers.

1.01.5 - Computer Workstations

5. Producers are authorized to employ designated computer workstations within the facility for the creation of channel programs.

1.01.6 - Technical and Production Assistance

6. Producers are eligible to receive technical and production support from staff members whenever such assistance is available and deemed appropriate.

1.02 - Tiers of Producership

1.02.1 - Access Producer Producerships

1. Producers are entitled to a weekly 30-minute program slot, as well as the opportunity to submit special longer programs as and if the opportunity allows in accordance by Staff assignment. This includes access to studio facilities with staff assistance, and utilization of field production equipment.

1.02.2 - Producership is member-based

2. Producerships are effective for a one-year period, commencing from the initial month of enrollment. Members will receive notifications either in person or via mail pertaining to the renewal of their Producership status.

Section 2 - Programming and Scheduling

Abstract principles such as "First-come" and "Free speech" necessitate practical implementation. Regrettably, space and time constraints impose limitations, preventing simultaneous, indefinite, and unconstrained actions in the same venue. Physical laws govern such endeavors, and access organizations are tasked with reasonable resource allocation. After submission, MPTS staff will arrange programming to maintain a consistent schedule for the Manchester viewership.

2.01 - Individual Accountability

2.01.1 - Content Responsibility

Individuals submitting programming for airing on the access channel assume personal responsibility, indemnifying MPTS from legal action arising from program cablecasting.

2.01.2 - Submission is Compliance

The submission of content implies confirmation that the program does not contain illegal material. This encompasses but is not confined to: a. Unlawful use of copyrighted content b. Advertising promoting commercial products/services c. Material violating local, state, or federal obscenity, indecency, or defamation laws d. Unlawful invasion of privacy

2.02 - Programming Scheduling

2.02.1 - Regular Series Programming

Individual program submissions are allocated a regular cablecast timeslot. Producers must record and deliver their program at least one business day prior to the scheduled playback, aiming for timely presentation.

2.02.2 - Frequency Limit

MPTS will schedule a maximum of one regular series program per producer in a seven-day period.

2.02.3 - Minimum Playback

Each regular series program will be scheduled for at least one playback. Additional playbacks may be arranged if space allows.

2.02.4 - Active Producers

Producers submitting a minimum of two programs per month will be cablecast weekly. Those submitting one or fewer programs may receive a rotating timeslot, cablecast biweekly.

2.03.3 - Responsible Programming

Producers are expected to exercise vigilance in identifying programming that might be unsuitable for younger audiences. MPTS maintains the right to regulate cablecast content containing excessive violence, offensive language, nudity, or explicit sexual material. This is essential for maintaining a safe and inclusive viewing environment for all audience members.

Mild and Strong Adult Content: designed for mature audiences, is permissible between midnight and 5 AM. Such content may include occasional strong language, hard violence, and brief, non-sexual nudity. It closely resembles what viewers typically encounter in stronger MPAA* PG-13 rated material and certain R rated material, or on some network broadcast and cablecast television (TV-MA) after midnight.

Strong Adult content: intended solely for mature audiences, may include constitutionally protected "indecent" speech. This content category may be aired between 1 AM and 4 AM. It includes more frequent and intense depictions of violence or nudity that surpass brief or infrequent uses. This

category is akin to what viewers are accustomed to seeing in stronger MPAA* R, NC-17, and X rated material, or on certain cable TV pay-channels or pay-per-view channels.

2.03.4 - Encouraging Dialogue and Freedom of Expression

MPTS firmly believes that when confronted with controversial yet legal content in programming, the response should prioritize encouraging more discourse over enforcing silence. Additionally, MPTS is bound by legal constraints that prohibit censorship or content control. Those who disagree with a program are encouraged to produce counter-programming or offer an opposing viewpoint. Upon receiving a Request for Cablecast for any program, MPTS retains the right to inform the public of the intent to cablecast a particular program, allowing segments of the community to respond.

2.04.5 - Breach of Adult Programming Guidelines

Violation of the Safe Haven policy regarding adult programming will be classified as a Major Offense (see Section 5.04.5 Failure of Disclosure). The City of Manchester, the cable franchiser, and MPTS emphasize the consideration that cablecast programs reach households across Manchester. Given the possibility of children viewing unsupervised, producers are urged to responsibly decide when to schedule programs containing controversial

content. Producers should make efforts to notify staff of any such content before cablecasting.

Content Categories Requiring Caution:

a. Adult Language: Language or slang alluding to sexual situations or human excretory functions. b. Extreme Violence: Graphic depictions of extreme violence, human or animal mutilation, torture, or death. c. Nudity: Socially unacceptable human nudity. d. Sexual Content: Sexual acts or depictions in any context.

2.04.6 - Prohibited Illegal Programming

It's imperative to note that the courts have established that "XXX" or "hardcore" pornography qualifies as legally obscene and is prohibited from being cablecast on public access. Such constitutionally unprotected material is never permissible on the channel. Producers of such material may face legal action.

Prohibition Examples Include:

a. Information about lotteries, gift enterprises, or similar schemes offering prizes based on chance. b. Material designed to defraud viewers or obtain money fraudulently. c. Indecent or obscene material.

2.04.7 - Copyright Compliance

Producers providing Public Access programming are required to inform MPTS whether their programs involve copyrighted or royalty-bound material. If affirmative, producers might be asked to provide evidence of clearances and agreements with program, copyright, trademark, or service mark owners before producing content in MPTS facilities. See also Section 8.0 of this document for further details.

2.05 - Scheduled Series Programming

2.05.1 - Series Status Allocation Producers submitting shows to MPTS will be granted "series status," ensuring a consistent timeslot throughout the season.

2.05.2 - Duration and Submission Series programming must adhere to specific time limits: half-hour series should not exceed 29 minutes and 30 seconds. Longer programming should not surpass 59 minutes. These programs must be submitted at least one business day prior to their scheduled cablecast.

2.05.3 - Continuous Review of Series Status Series status will be subject to ongoing review. While maintaining a consistent timeslot from season to season or month to month is not guaranteed, MPTS may reallocate timeslots if a producer fails to uphold their minimum series commitment without notice.

2.07 - Live Programming

2.07.01 - Definition and Guidelines Live programming occurs in real-time within MPTS's live studio, with available telephone equipment for call-ins. A brief station ID interruption of up to two minutes may be inserted mid-program. Hosts are responsible for guests, crew, talent, and callers, with a delay system in place for cablecast productions.

a. Default Considerations:

- Lateness (arrival less than 10 minutes before the live studio time).
- Consistent inability to adhere to scheduled timeframes. MPTS may cancel productions of producers in default.

2.07.2 - Call Management Hosts may answer calls with or without screening, with unacceptable behavior leading to call blocking.

2.07.3 - Delay Management Live shows are time-delayed by around 20 seconds. Staff is not responsible for content resulting in delay-errors or lack of response.

2.07.4 - Importance of Live Programming Live programming offers immediate communication with its challenges and benefits. Compliance with policies and consideration for accidental viewers are vital for its success.

2.08 - Program Ownership Producers retain ownership of their program content. MPTS may excerpt cablecast programs for competitions, contests, complaints, or legal review.

2.09 - Re-runs/File Management MPTS may limit or deny re-runs programming within one month of the original broadcast due to storage limitations. Producers wishing to re-run content after this period are encouraged to maintain their own copies for re-submission.

Section 3 - Equipment Usage and Accountability

3.01 - Initial Presentation on MPTS Channel Programs produced using MPTS equipment must have their initial airing on MPTS's channel.

3.02 - Equipment Usage Responsibility Access Producers are solely authorized to use equipment certified for their use and are accountable for any loss or damage. Valid contact information and government-issued identification copies must be on file with MPTS when borrowing equipment.

3.03 - Equipment Reservation a. Equipment reservations follow a first-come, first-served basis and are confirmed upon staff approval. b. Reservations, pickups, and returns adhere to designated hours specified by MPTS.

Section 4 - Ethical Conduct

4.01 - Code of Behavior MPTS facilities operate as a professional workspace and learning environment. All participants (Producers, Members, volunteers, and guests) are expected to conduct themselves responsibly, refrain from interfering with activities, and uphold the orderly conduct of programs. Respect for others and the MPTS environment is essential. Members and guests are urged to contribute to the long-term success of Manchester Public Television Service, Inc. and its objectives.

4.02 - Definitions

4.02.1 - Facility Suspension Facility privileges, including access, studio usage, and equipment use, may be revoked under facility suspension.

4.02.2 - Unacceptable Behavior Actions that disrupt the workspace include:

- Personal attacks or harassment, whether sexual, verbal, or physical.
- Loud and disruptive discussions or yelling.
- Loitering on facility premises.
- Any behavior that disrupts the work environment.

4.03 - Right to Refuse Service

MPTS reserves the right to deny service temporarily or permanently, initiate suspensions, apply disciplinary measures, or pursue legal action against individuals or groups that interfere with MPTS's operations, violate rules, or jeopardize equipment and facilities.

4.04 - Premises Removal Requests

MPTS staff may demand immediate departure under the following conditions:

4.04.1 - Alcohol or Substance Use Individuals using, selling, or dispensing alcohol or illegal substances on MPTS premises.

4.04.2 - Influence or Behavior Individuals under the influence of substances, displaying impaired faculties, or acting in a threatening manner.

4.04.3 - Disruptive Conduct Individuals interfering with MPTS activities, facilities, programs, or displaying inability to operate equipment.

4.05 - Major Offenses

Violations lead to a one-month (30-day) suspension of equipment use and facility access. Repeat offenses can lead

to the forfeiture of Producership and programming rights.
Examples of major offenses:

- Equipment or facility theft, vandalism, or intentional damage.
- Providing false information on forms.
- Unauthorized facility, channel, or equipment use.
- Unauthorized equipment use by non-certified individuals.
- Threats, assault, or harassment.
- False representation as MPTS personnel.
- Unauthorized equipment modification.
- Any violation of MPTS policies.
- Actions deemed illegal by NH law.

4.06 - Financial Accountability

Members are financially liable for lost, damaged, or destroyed equipment in their possession. Full restitution may be required before further facility use is granted.

4.07 - Complaint Resolution

Efforts to resolve issues should begin at the staff level. Any individual or group who wishes to file a complaint with MPTS regarding content of programming on the Public Access Channel is required to meet with the Executive Director of MPTS and identify the content deemed objectionable; and that, such person provide documentation

as to the identity of the complainant and that the residence of the complainant be in the City of Manchester.

Public Access Producers who are subsequently removed for major offenses must await a formal hearing to re-enter premises. Complaints against a Producer undergo review by the Executive Director, with an appeal process as follows:

- Complaint investigation by Executive Director, with written findings within 10 business days.
- Hearing arranged by Chair and Vice-Chair of the Board of Directors within 10 business days of written findings.
- Board's decision is final and binding.

4.08 - Viewer Feedback Procedure

4.08.1 - Viewer comments include complainant details, program description, air date and time, and comment nature. Complainants can receive program producer contact information upon request.

4.08.2 - Illegal Content Handling

For illegal content complaints, MPTS follows a procedure involving review, program submission, and potential legal counsel consultation. Illegal content encompasses libel, obscenity, privacy invasion, and copyright violations.

4.08.3 - Protected Speech

"Hate speech" is constitutionally protected unless presenting imminent harm. Public access channels are obligated to carry it but can engage communities, acknowledge harm, and encourage counter-programming while respecting the First Amendment.

"Freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth." — Justice Louis D. Brandeis

Section 5 - Facility and Operational Information

5.01 - Public Records A public file will be maintained, containing copies of playback request forms and program logs. Appointments can be arranged to inspect these files during regular business hours.

5.03 - Fee Transparency

5.03.1 - List of Fees MPTS shall provide a comprehensive list of applicable fees for access services. This includes Producership fees, tape costs, and special service charges.

5.03.2 - Fee Changes Any alterations to fees will be communicated at least 30 days prior to their effective date.

5.03.3 - Payment Requirement MPTS does not offer credit services. All fees must be settled before service delivery.

5.04 - Misrepresentation Access producers are prohibited from falsely presenting themselves as MPTS employees or authorized spokespersons. Such actions may lead to access privileges suspension.

5.05 - Facility Maintenance All users are expected to clean up after utilizing equipment or facilities.

5.06 - Indemnification Access channel users are obligated to indemnify MPTS, the municipality of Manchester, New Hampshire, and the local cable provider against any liabilities arising from facility/resource use or breaches of Operating Rules and Procedures.

5.07 - Interpretation The Executive Director and designated representatives have the authority to interpret this Access Provider Board's Operating Policies and Procedures.

5.08 - Amendments The MPTS Provider Board retains the right to amend these policies as necessary. Producers, members, volunteers, and staff will receive notifications of any changes. Amendments will be publicly posted within 15 days of approval.

Disclaimers and Addendum

The signing party of the contract assumes liability for program content and guarantees that submitted program(s)

to Manchester Public Television Service, Inc. for cablecast contain none of the following:

- Advertising material aiming to promote products, services, or businesses for profit-making.
- Commercial programming focused on promoting products, services, or businesses for profit-making.
- Direct solicitations or appeals for funds or valuables, except for registered non-profit or charitable agencies in New Hampshire.
- Material deemed obscene as per New Hampshire RSA Chapter(s) 645 and 650:1. Cable operators may decline to transmit portions of public access programs containing obscenity, indecency, or nudity.
- Any programming endorsing or promoting lottery or gambling activities contrary to local laws.
- Material constituting libel, slander, invasion of privacy or publicity rights, unfair competition, trademark or copyright violations, or other unprotected speech that may violate local, state, or federal laws.
- Material with a likelihood of causing immediate danger, property damage, harm to individuals, or public nuisance.
- Material likely to substantially obstruct law enforcement, governmental functions, or services.

ADDENDUM: Legal Understanding: Ownership, Rights, and Content Integrity

A profound understanding of legal principles is pivotal, as it encompasses both knowing the law and asserting one's rights. The concept of ownership and responsibility within Public Access programming is of paramount significance. It is imperative to underscore that the producer of each program retains complete editorial control, responsibility, and ownership over the content. Congress has explicitly restricted cable operators from exerting "editorial control" over PEG programming. However, there exists a provision that empowers cable operators to decline transmission of any public access program containing obscenity, as outlined in Id. §§531(e), 544(d)(1).

Clarification of Obscenity The 1974 landmark case of *Miller vs. California*, 413 U.S. 15.24, has laid out a precise definition of obscenity: a work that meets the criteria of (1) appealing to prurient interests, (2) depicting or describing sexual conduct in a conspicuously offensive manner, and (3) lacking substantial artistic, political, or scientific value.

Crucially, the fulfillment of all three criteria is indispensable for a work to be classified as obscene.

Content Integrity and Compliance TV23 has a resolute stance against any resource under its purview being employed for the creation or cablecasting of material classified as obscene under New Hampshire Title LXII Criminal Code Section 650:5 Obscene matter. Furthermore, any content that willfully infringes upon copyright or libel laws is unequivocally prohibited. These stringent policies align with Section 2.04 of the Policies and Procedures manual.

Cable Communications Policy Act and Producer Rights

The legislative enactment of the Cable Communications Policy Act of 1984 has significant implications. This Act empowers franchising authorities to mandate the availability of channel capacity for "PEG access programming." Importantly, cable operators are restrained from exercising editorial control over any form of public, educational, or governmental use of channel capacity, in line with 47 U.S.C. §531. Notably, *Leach v. Mediacom* [2004] clarifies that Section 531(e) does not confer rights upon producers of public access programs; rather, it enumerates prohibited actions of cable operators. The underlying rights concerning public access channels emanate from franchise agreements established between cable operators and franchising authorities. It is vital to recognize that Section 531 does not

intend to institute a private right of action in federal court to redress the rights of third-party beneficiaries of these franchise agreements.

Safeguarding Copyright The pivotal Title 17 U.S.C. § 101 underscores copyright protection for original works of authorship fixed in tangible mediums of expression. MPTS staunchly adheres to copyright regulations, ensuring that no program produced or shown within its domain violates copyright law. This encompasses the cautious use of copyrighted music, TV, and film clips without appropriate permission. Exceptions are made for instances where the producer can demonstrate "Fair Use," in accordance with Sec. 107 of the US Copyright Code.

Intellectual Property: Understanding and Compliance

The tenet of intellectual property is rooted in the legal realm, governing the protection and utilization of products stemming from the human intellect. This encompasses a wide spectrum, including movies, music, books, art, and documented representations of unique ideas. It's crucial to comprehend that copyright law encompasses various forms of expression, such as words, pictures, movies, music, and software. The ease of accessing materials on the web does not equate to legality. The process of obtaining a copyright is relatively straightforward under U.S. law. The scope of copyright protection extends to any original and creative work, regardless of the medium it is created in. This

protection is immediate and automatic from the moment of creation, be it on paper or electronically.

Navigating Fair Use and Copyright Infringement The notion of Fair Use, as embodied in Sec. 107 of the US Copyright Code, facilitates the limited use of copyrighted material for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. Key factors in determining Fair Use encompass the purpose and character of the use, the nature of the copyrighted work, the amount used, and the impact on the potential market for the copyrighted work. It's important to stress that providing credit to the author or publisher does not absolve copyright infringement.

Legal Considerations for Public Figures and Content Integrity

Understanding the intricacies of the law and asserting your rights is essential, particularly when it comes to matters involving public officials and public figures. The First Amendment places a distinct burden on defamation plaintiffs who fall within these categories. For a public figure plaintiff, proving actual malice or reckless disregard for the truth is imperative.

Heightened Burden for Public Figures Unlike cases involving the general public, where a defamatory statement

must be shown to be objectively false or known as false by a "reasonable person," public figure plaintiffs face a more stringent standard. They are required to demonstrate that the defendant's intent was malicious or exhibited reckless disregard for the truth. This provides defendants an opportunity to establish their genuine intent and efforts as a defense.

Establishing Actual Malice with Convincing Clarity When dealing with public officials, proving actual malice or reckless disregard for the truth necessitates "clear and convincing proof." This robust standard underscores the gravity of establishing such intent.

Defining Public Figures A "public figure" is an individual of significant public prominence, to the extent that discussions or comments about them transcend private matters and assume the character of a "public concern." Notably, this categorization applies specifically to the sphere in which the individual has gained prominence. There are distinct categories of public figures:

- **Involuntary Public Figures:** Individuals who attain public figure status without actively seeking it, often due to their significant involvement in societal matters.
- **Always Public Figures:** Individuals with substantial influence and persuasive power, rendering them public figures in all contexts.

- **Public Figures on Specific Issues:** Individuals who deliberately thrust themselves into particular public controversies with the intention to impact the resolution of those issues.

Navigating the Opinion Defense The First Amendment safeguards expressions of opinion from defamation claims. Distinguishing between opinions and facts relies on various criteria:

- The statement pertains to matters of public concern.
- The statement isn't provably true or false.
- The statement doesn't reasonably convey actual facts about an individual.

The U.S. Supreme Court offers guidelines to discern whether a statement intends to convey factual information or not. Factors include the language's figurative nature, its general context, and its susceptibility to being proven true or false.

Preserving Privacy 'Privacy,' as defined by the right to be left alone, is of paramount importance. Elements of invasion of privacy encompass intrusion upon seclusion, public disclosure of non-newsworthy facts, false light, and misappropriation of name or likeness. The level of privacy expectation can vary based on location.

Addressing Indecency & Obscenity Content Federal Communications Commission (FCC) regulations address

indecent programming and its safe harbor provisions. Indecent content depicts explicit sexual or excretory references, falling short of obscenity. While these standards traditionally apply to broadcasters, it's essential to consider their relevance in cable access TV.

TV23 neither previews nor reviews public access programming, respecting the principle of "prior restraint." Producers are expected to exercise responsibility and report potentially inappropriate content. MPTS retains the right to restrict cablecast programming containing excessive violence, offensive language, nudity, or explicit material. These restrictions typically apply after midnight and before 5:00 AM, aiming to create a safe viewing environment for all audiences.

Source: Adapted from

<http://www.abbottlaw.com/defamation.html>

Content Restrictions and Legal Framework

Within the realm of content regulations, it's important to recognize distinct categories of restricted content and the legal standards that govern them. Upholding community standards and adhering to constitutional parameters are pivotal in maintaining responsible programming.

Mild Adult Content: Targeting mature audiences, this category may be aired between Midnight and 5:00 AM. It

encompasses sporadic profanity, mild violence, and non-sexual/non-erotic brief frontal nudity. Analogous to stronger MPAA PG-13 and some mild R-rated content, this category aligns with certain network broadcast and cablecast TV programming post-Midnight.

Strong Adult Content: Intended for mature audiences, this content may include constitutionally protected indecent speech. Airing between 1:00 AM and 4:00 AM, it involves ultra profane language or persistent depictions of nudity. Comparable to stronger MPAA R, NC-17, and X-rated content, as well as select cable TV pay-channels, this content requires careful handling.

Encouraging Free Speech and Expression: Encountering controversial content should inspire open dialogue rather than censorship. Silence isn't the answer; fostering discourse and counter-programming is. MPTS is constrained by law from imposing censorship or content control. Those who disagree with certain programming are encouraged to produce counter-content presenting opposing viewpoints.

Illegal or Obscene Programming: Constitutional bounds are clear: material classified as legally obscene, such as hardcore pornography (XXX), is strictly prohibited from cablecast on public access channels. This material lacks constitutional protection and its cablecast is unlawful.

Producing or airing such content may result in legal prosecution.

Maintaining Privacy and Community Standards: Privacy expectations vary by location, influencing the degree of intrusion one might experience. Local restrictions and community standards carry significance. Acknowledging community standards as paramount, it's essential to ensure programming aligns with these norms.

The Miller Test: The U.S. Supreme Court devised the Miller test to discern whether speech or expression qualifies as obscene and is thus unprotected by the First Amendment. This test comprises three components:

1. The average person, applying contemporary community standards, perceives the work as appealing to prurient interest.
2. The work portrays sexual conduct or excretory functions in a patently offensive manner as defined by applicable state law.
3. The work lacks serious literary, artistic, political, or scientific value (the SLAPS test).

Community Standards and Free Expression: The Miller test's reliance on community standards allows for local interpretations, acknowledging that what is offensive can vary across different locales. The average person's perspective is key in assessing offensiveness.

First Come, First Served (FCFS) Principle: The FCFS rule, originating from an FCC regulation and existing tacitly in many locales, emphasizes equitable access to public access channels. Ensuring that public access adheres to this principle aligns with the intent behind the Cable Act.

Statement of Non-Discrimination: Upholding inclusivity, no individual or group shall be denied access to MPTS based on factors like race, color, sex, disability, religious or political beliefs, or sexual orientation.

- End of Document -