

SECTION 4A. No cable television company may damage private property on which a utility pole is located without just compensation to the land owner for the damage suffered by the land owners property.

SECTION 4B. No cable television company may install underground wires or other underground equipment on private property without the written consent of the property owner. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined one hundred dollars.

SECTION 5. Any cable television company which shall receive the benefits of operating under the grandfather clauses contained herein shall pay to the county governing body or municipality the same fees as would be charged to a new franchising company by the county or municipality.

SECTION 6. Cable television companies operating in this State shall pay an annual fee of ten dollars per mile of State of South Carolina right of way usage. The revenue derived therefrom shall be designated and used for primary and secondary educational purposes. All such cable television companies shall make available one six megahertz channel for the transmissions of the South Carolina Educational Television Commission.

SECTION 7. Any cable television company franchised and operating in this State shall maintain a complaint service for the purpose of receiving consumer complaints concerning service or any other matter relating to its operations. The company shall keep written records of complaints received, including the name of the complaining party, the nature of the complaint and the disposition of the complaint. Such records shall be subject to inspection by the governing body which issued the franchise.

SECTION 8. No institution of higher learning funded by state appropriations shall enter into any contract with a cable television company franchised pursuant to this act which gives an exclusive right to the cable television company concerned to televise athletic events in which athletic teams of such institution participate to the exclusion of free television.

SECTION 9. This act shall take effect upon approval by the Governor.

SENATE AMENDMENTS AMENDED

June 24, 1976

Calendar No. H. 2510

Introduced by REPS. KNEECE, LaFITTE, McABEE, JAMES E. MOORE, VAN OSDELL and WALLER

Printer's No. 1004—H. Read the first time February 26, 1975.

A BILL

To Provide for Certain Uses of Public Lands, Highways or Public Roads, or Waters of the State by Cable Television Companies, to Provide for Certain Permits Therefor, to Provide for the Franchising of Certain Cable Television Companies, and to Provide Penalties. Amend title to conform.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Any cable television company incorporated under the laws of this State and any such company incorporated under the laws of any other state, upon complying with the laws of this State regulating the doing of business in this State by foreign corporations, may upon the approval of the governing body of the city or county, construct, maintain and operate its cable over or beneath any of the public lands of this State, over, beneath or along any of the highways or public roads of the State, or over or beneath any of the waters of the State; *provided*, that cable television companies shall unless heretofore covered by court decree, where possible and practicable, enter into an agreement with a telephone company or electric power company whereby the cable television company has the right to attach its cables to the poles owned by the telephone company or electric power company, or to bury its cable beneath the ground in conduits owned by the telephone company or electric power company; *provided*, further, that such cable is constructed so as not to endanger the safety of persons or to interfere with the use of such public lands, highways or public roads, or the navigation of such waters; *provided*, further, that the agency charged with the maintenance of such public lands, highways or public roads, or waters of the State shall require that the cable television company obtain a permit prior to placing its cable over, under or along such public lands, highways or public

roads, or waters; and, *provided*, further, that if both electrical and telephone facilities in an area are underground then the cable television lines in that area shall also be placed underground. This proviso does not give any additional rights to public utilities to grant an easement. *Provided*, further, that if the cable is located in such a manner so as to constitute an interference with the right of ingress or egress to land that is subject to the easement, the cable television companies shall obtain the consent of the landowner, his heirs or assigns, from which the original easement was obtained.

SECTION 2. Whenever the agency charged with the maintenance of such public lands, highways or public roads, or waters of the State deems it necessary to move or remove the poles or underground conduits of such telephone company or electric power company, all cable television cables and appurtenances shall be moved or removed at the cost of the cable television company. Whenever damage results to public highways or roads as a result of operations by a cable television company, such cable television company shall repair the highway or road according to department standards and all cost shall be borne by the cable television company.

SECTION 3. (a) The governing body of each municipality and each county in this State shall have the power and authority to regulate the operation of any cable television system which serves customers within its territorial limits by the issuance of franchise licenses after public notice showing the terms of any proposed franchise agreement and public initiation for bids and not inconsistent with the rules and regulations of the Federal Communications Commission.

(b) Six months after the effective date of this act, a cable television system shall not serve customers in any unincorporated area without obtaining a franchise from the county; *provided*, that a cable television system to which this subsection applies may continue to serve customers after the effective date of this act if an application for a franchise is filed at least ninety days prior to the date on which such franchise would otherwise be required and the cable television system and the county have, despite good faith negotiations, not been able to reach agreement upon the terms of such franchise.

(c) A county shall not issue a franchise for any area which is within any municipality.

(d) A franchise shall not be required where line extensions of a cable television system do not serve any customers in the unincorporated area through which such lines are extended or where such line extensions are constructed upon private lands or with easements not obtained from any public body.

(e) The governing body of a county shall not deny to any cable television system a franchise for any area in which such cable television system has wires in place on the effective date of this act or holds a Certificate of Compliance from the Federal Communications Commission. Franchises issued by a municipality or county shall not be inconsistent with the rules and regulations of the Federal Communications Commission.

(f) A franchise shall not be required of a cable television system to erect any tower or transmission cable in an unincorporated area for the purpose of providing service for an incorporated area.

SECTION 3A. Any easement or right-of-way obtained after the effective date of this act by the State or any political subdivision thereof for the purpose of constructing a highway or public road and any easement or right-of-way obtained by any telephone or electric power company from the owner of any land who had previously granted an easement to this State or any political subdivision thereof for the purpose of constructing a highway or public road upon such land to which the easement or right-of-way relates shall clearly set forth the possibility that the easement or right-of-way may be used in the future by cable television companies for the purposes provided in this act.

SECTION 4. Any person erecting or maintaining any such cable in violation of the provisions hereof shall forfeit and pay as a penalty therefore the sum of five dollars per day for each day such default continues after he shall have been given thirty days written notice specifying the default or defect in the manner of erection, construction or maintenance thereof, to be recovered at the suit of any citizen of any county in which such violation occurs, or by the agency charged with the maintenance of the public lands, highways or public roads, or waters of the State. The sum so recovered, after paying therefrom all the expenses incurred in the prosecution of such suit, shall be paid into the treasury of the county in which the violation occurred or, if the violation occurred in more than one county, into the treasury of each county in which the violation occurred on a pro rata basis.