

4. SYSTEM OPERATION

4.1. Cable System Tests and Inspections:

4.1.1. The Franchisee shall perform all tests necessary to demonstrate compliance with the requirements of the Franchise, and to ensure that the Cable System components are operating as required. All tests shall be conducted in accordance with federal rules and any applicable United States National Cable Television Association's Recommended Practices for measurement and testing. In the event that the FCC's technical performance standards are repealed or are no longer applicable to the Cable System, such standards shall remain in force and effect until the Communications Administrator or his designee and the Franchisee agree to new standards.

4.1.2. The Franchisee shall conduct tests as follows:

4.1.2.1. Proof of performance tests on the Cable System at least once every six months or as required by FCC rules, whichever is more often, except as federal law otherwise limits the Franchisee's obligation. In consultation with the Communications Administrator, the Cable System monitor test points shall be established in accordance with good engineering practices and consistent with FCC guidelines; and

4.1.2.2. Special proof of performance tests, as limited by the County, of the Cable System or a segment thereof when Subscriber or User complaints indicate tests are warranted.

4.1.3. Tests shall be supervised by the Franchisee's senior engineer, who shall sign all records of tests provided to the County.

4.1.4. The County shall have the right to witness and/or review all required tests on newly constructed or rebuilt segments of the Cable System. The Franchisee shall provide the County with at least two business days' notice of, and opportunity to observe, any such tests performed on the Cable System.

4.1.5. The Franchisee shall retain written reports of the results of any tests required by the FCC, and such reports shall be submitted to the County upon the County's request. The County shall have the same rights the FCC has to inspect the Franchisee's performance test data.

4.1.6. If any test indicates that any part or component of the Cable System fails to meet applicable requirements, the Franchisee, without requirement of additional notice or request from the County, shall take corrective action, retest the locations and advise the County of the action taken and results achieved, and supply the County with a copy of the results within thirty days from the date corrective action was completed.

4.1.7. The Communications Administrator may, for good cause shown, waive or limit the system test and inspection provisions in this Section.