

Cable Communications

LOB #259:

COMMUNICATIONS INSPECTIONS AND ENFORCEMENT

Purpose

Communications Inspections and Enforcement inspects cable operator construction work sites, issuing violation notices for non-compliance with sound practices and standards, protecting property and County infrastructure. Communications Inspections and Enforcement responds to resident complaints regarding cable plant, construction activity, technical service quality, and service availability and assists County agencies by installing and maintaining video equipment that provides access to news, weather, and emergency information.

Description

Communications Inspections and Enforcement ensures that proper practices are followed and safety precautions are observed. Construction by cable operators must be conducted competently and in accordance with established standards, or risk damaging roads, yards, and buildings, and causing injury to residents. Inspectors receive daily work locations from the cable operators and inspect those work sites. Safety and other violations are noted and reported to the cable operator in non-compliance notices, each of which specifies a deadline by which the problem must be remedied. An inspector may issue a stop work order if necessary. Sites are re-inspected after the deadlines and additional non-compliance notices may be issued as needed.

Residents frequently report problems with aerial lines, ground equipment, service quality, and connection to certain homes or multi-dwelling units. Communications Inspections and Enforcement responds to complaints from residents by making a site visit within one business day. Depending on the circumstances, the inspector may issue a non-compliance notice, assist the resident in resolving a problem with the cable operator, or provide information to help the resident understand the problem.

In the course of visiting work sites or responding to complaints, inspectors may issue non-compliance notices for system defects they find, such as low-hanging or loose aerial lines.

Video service to County facilities allows staff to view Board of Supervisors meetings and news, weather, and emergency information. Communications Inspections and Enforcement advises agencies on the purchase of video display equipment and installs and connects video equipment at County facilities.

Benefits

Communications Inspections and Enforcement helps ensure residents have access to properly functioning communications services.

Ensuring sound construction and maintenance practices supports the *Maintaining Safe and Caring Communities* County Vision Element. Communications Inspections and Enforcement ensures that quality of service does not suffer by identifying system defects the operators have not found.

Communications Inspections and Enforcement provides technical service and support to County agencies; improves access to news, weather, and emergency information.

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Mandates

The County is authorized to regulate cable systems under the Cable Communications Policy Act of 1984 as amended, 47 U.S.C. § 521 *ff.* (“Cable Act”), and Code of Virginia Ann. § 15.2-2108, *Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities*.

Cable companies are governed by the federal Cable Act. Federal law includes technical standards for cable operators, but neither federal nor state law provides for enforcement of those standards, nor enforcement of other applicable standards such as the National Electrical Code. Rather, the federal Cable Act recognizes the role of a local franchising authority in establishing and overseeing relevant standards. *See* 47 U.S.C. § 552(a): “A franchising authority may establish and enforce . . . construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.”

Cable franchising and regulation is governed by Fairfax County Code Chapter 9.1, *Communications*.

Trends and Challenges

Cable operators identified 54,668 cable construction work sites for inspection in FY 2015. In recent years this number has been declining as cable operators meet franchise agreement-specified build-out requirements in the County.

The transition to digital transmission in cable systems results in more complaints and signal problems than with analog transmission. While the digital signal is higher-quality, it is more sensitive to interference and other plant problems, especially at the levels of compression used by cable operators, and the problems are harder to diagnose. The Federal Communications Commission (FCC) has yet to update its technical standards to address digital systems. Since local governments are prohibited by federal law from creating such standards, direct enforcement of digital standards will be limited unless and until the FCC acts.

The cable and telecommunications industry expresses a continuing interest in constraining the benefits that can be obtained by cable franchising and the scope of local oversight at the federal and/or state levels. It is possible that future legislation or rules may reduce the County’s authority.

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Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
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FUNDING			
<u>Expenditures:</u>			
Compensation	\$525,655	\$543,253	\$556,400
Benefits	233,554	253,684	276,772
Operating Expenses	79,735	79,819	962,992
Total Expenditures	\$838,944	\$876,756	\$1,796,164
Total Revenue	\$20,000	\$9,000	\$0
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	9 / 9	9 / 9	9 / 9
Total Positions	9 / 9	9 / 9	9 / 9

Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Cable construction work sites inspected	17,069	14,320	15,268	14,640	14,575
Inspector hours per cable construction work site inspected	0.47	0.61	0.58	0.50	0.58
Number of cable construction violations issued	498	1,146	725	700	700
Homeowner cable construction complaints inspected	225	190	200	210	200

Cable construction work sites inspected

Cable construction work sites inspected by Communications Inspections and Enforcement focuses on whether construction crews are observing proper safety practices and complying with code requirements. Communications Inspections and Enforcement inspected 15,268 work sites in FY 2015.

Inspector hours per cable construction work site inspected

Inspector hours per cable construction work site inspected has increased as cable construction activity has become more spread out over the County, rather than concentrated in primary build-out areas.

Number of cable construction violations issued

The number of cable construction violations issued varies according to the degree to which the cable operators engage in unsafe or unsound practices, as well as the extent to which severe weather or other conditions result in damage to cable plant.

Homeowner cable construction complaints inspected

The number of homeowner cable construction complaints inspected indicates the number of problems that are addressed by Communications Inspections and Enforcement, including property damage, poor reception, and damaged cable plant on private property.