



# CONSUMER RIGHTS FOR CABLE TELEVISION SUBSCRIBERS

**Governor**  
Mitt Romney

---

**Paul G. Afonso**  
Chairman  
**James Connelly, Esq.**  
Commissioner  
**W. Robert Keating**  
Commissioner  
**Eugene J. Sullivan, Jr.**  
Commissioner  
**Dierdre K. Manning**  
Commissioner

Updated: May 3, 2004  
**Cable Television Division**  
**Department of Telecommunications & Energy**  
One South Station  
Boston, MA 02110  
677-305-3580 • 1-888-622-2588  
[www.state.ma.us/dte/catv](http://www.state.ma.us/dte/catv)

## CABLE TELEVISION SUBSCRIBERS' RIGHTS

If you subscribe to cable television service, you have rights concerning billing, rates, fees, disconnection or interruption of service, security deposits, and dispute resolution procedures.

### INSTALLATION

#### ***What information should I receive before I subscribe to cable?***

A cable operator must give subscribers written notice of its billing practices and policies regarding timing of bills, payment requirements, billing dispute resolution procedures, and late payment penalties. The cable operator is also required to provide potential subscribers with notice of its programming services and rates before a subscription agreement is made.

A subscriber must receive the written notice before the scheduled installation. If the subscriber does not receive the notice by mail prior to installation, a cable installer may provide notice at the time of installation as long as the subscriber receives it before the actual installation occurs. The cable operator must follow the practices disclosed in its billing practices notice. A cable operator must also notify all affected subscribers 30 days in advance before implementing a change in its billing practices. Copies of each cable operator's billing practice notice are on file with the Cable Division or may be obtained through your municipality or at the cable operator's local office.

### ADVANCE BILLING

#### ***Is my cable company allowed to bill me in advance for cable services?***

Yes, state regulations allow a cable operator to bill subscribers up to two months in advance; however, most cable operators bill only one month in advance.

#### ***Are there any exceptions to this rule?***

Yes, in some communities, the Cable Division may allow a cable operator to bill seasonal residents more than 2 months in advance. A subscriber may also offer, and a cable operator may agree to accept, payment for services more than two months in advance. If this happens, a cable operator may not pass along any rate increases to a subscriber who has voluntarily paid in advance unless the subscriber has previously agreed to pay for the increases. If a subscriber disconnects service during the advance payment period, the cable operator must give the subscriber a pro rata refund.

### BILLING PROCEDURES

#### ***How much time do I have to pay my cable bill?***

Your cable bill should include a specific due date for payment. The bill may not say "due upon receipt" and the due date may not be less than five business days after the mailing date of the bill. Subscriber payment is due on the due date marked on the bill. However, a subscriber account shall not be considered delinquent

unless payment has not been received by the cable operator at least 30 days after the bill due date.

#### ***What happens if my bill is delinquent?***

A cable operator may send the subscriber a written notice of disconnection. However, a cable operator may not disconnect a subscriber's service unless the account is delinquent, the cable operator has sent a notice of disconnection, and the cable operator has allowed the subscriber at least eight business days from the mailing of the notice to pay the delinquent portion of the bill. If the cable operator has additional requirements in its billing practices notice, it must follow those procedures as well.

#### ***Can the cable company charge me a late fee?***

Yes, before an operator may impose a late charge, however, it must give written notice to the subscriber that the account is delinquent and provide the subscriber eight business days from the date of delinquency to pay the balance due. If a subscriber does not pay the balance due, the cable operator may impose a one-time late charge of up to 5% of the delinquent balance. A cable operator may not charge a late fee or disconnect service where a subscriber has formally disputed a portion of the bill, provided that the subscriber continues to pay the non-disputed portion of the bill.

#### ***Can my cable company charge me a disconnection fee?***

No, however, if a subscriber wants to reconnect after being disconnected for non-payment, the cable operator may charge a reconnect fee and may require payment of the delinquent amount before reconnecting service. In addition, because cable operators bill for services in advance, a disconnected subscriber who wishes to be reconnected may be required to pay for at least one month of service in advance.

### CABLE RATES

#### ***Are my cable rates regulated?***

Under federal law, the Cable Division regulates rates for basic service tier and equipment in Massachusetts communities that have requested rate regulation and that are not subject to effective competition as determined by the Federal Communications Commission. Rates for all other services are unregulated. These unregulated services include the cable programming service tier, and premium and pay-per-view services, which means that a cable operator may charge what the market will bear.

#### ***Is my cable operator required to notify me when it changes its rates or services?***

Yes, Massachusetts regulations require cable operators to provide affected subscribers with 30 days advance written notice of any rate change or any substantial change in services. Notification of a rate change must include both the old and new rates and a description of the rate. Notification of a change in programming services must also describe any new channels or channel changes compared with the old channels. Subscribers who wish to downgrade their service before the new rate or service goes into effect cannot be charged a fee as long as they request the downgrade within the 30-day period following the notice.

## PROGRAMMING

### ***What are my programming options?***

The lowest level of service available is the basic service tier ("BST"). The BST must include local broadcast television channels, local public access channels, and any other programming that the cable operator chooses to include at this level. Subscribers who simply want better reception usually subscribe to basic. The cable programming service tier consists of satellite channels (such as CNN, HGTV, MTV, TBS). Premium and pay-per-view services are offered on a per-channel or per-program basis and may include movie channels, individual movies, and individual sporting events. A cable operator may not require a subscriber to purchase any programming other than the basic tier of service, in order to receive premium services.

### ***How can I get my cable operator to add or delete a channel?***

Federal law prohibits state or local governments from requiring specific programming services on a cable system. However, federal law does require cable operators to carry certain local broadcast stations that request carriage. Subscribers should communicate their programming preferences to the cable operator so that the cable operator can make its programming decisions with the needs of its customers in mind.

## EQUIPMENT

### ***Can my cable operator require me to have a converter box?***

Yes, the cable company may require that you have a cable box to receive its programming. In most cases, cable operators do not require a converter box to receive the basic service tier, however, you may still need a converter box even if your television is "cable ready". The cable operator's converter box is also used to descramble or "decode" the cable programming service tier, premium and pay-per-view services. The cable operator is allowed to scramble these services in order to protect its signal from theft.

### ***Are cable operators allowed to charge for additional outlets?***

Yes, however, under federal law, a cable operator may not charge a fee greater than the actual cost it incurs in providing cable services to each additional outlet. Rates for premium and pay-per-view services are not regulated; therefore, cable operators may charge market rates for providing those services to additional outlets. In addition, cable operators may charge a fee for any necessary equipment and installation of the additional outlets.

### ***Am I responsible for the cable operator's converter box and remote control unit?***

In most cases, when a subscriber signs up for cable service, the subscriber signs a work order assuming responsibility for the cable operator's equipment in the home until it is returned to the cable operator. A subscriber may be held liable for theft, fire damage, or breakage of the equipment. Cable subscribers should retain a

copy of the work order and any receipts for the return of the equipment until the cable subscription is closed and the subscriber is satisfied that the final bill is correct.

### ***Is the cable operator required to give me a credit when my cable service goes out?***

Massachusetts law requires cable operators to credit or provide a rebate to subscribers if all cable service is interrupted for 24 or more consecutive hours.

## SECURITY DEPOSITS

### ***Is the cable operator allowed to charge me a security deposit?***

Yes, a cable operator may collect a security deposit to protect its converters and remote control devices from loss, damage, or theft. A cable operator may not, however, require that the subscriber pay in excess of the cost of the equipment. If a security deposit is held for at least six months, the cable operator must pay the subscriber 7% interest annually, either through direct payment or by a credit on the subscriber's account.

### ***When can I get my security deposit back?***

Within 30 days after the subscriber has returned the equipment, the cable operator must return the security deposit, along with any outstanding interest, to the subscriber. The cable operator may deduct any past due balance owed on the subscriber's account and may also deduct for any damage to the converter beyond normal wear and tear.

## COMPLAINTS AND BILLING DISPUTES

### ***What can I do if I have a billing dispute or a complaint about my cable service?***

Contact your cable operator and try to resolve the problem. Cable operators have customer service representatives available to handle subscriber concerns. If your issue is not resolved, contact your city or town officials. Many municipalities have cable advisory committees or special offices that handle cable-related issues for its residents. If your local officials are unable to resolve the problem, contact our Consumer Division by telephone at 617-305-3531 or toll free at 1-888-392-6066, by email at [consumer.complaints@state.ma.us](mailto:consumer.complaints@state.ma.us), or write to Consumer Division, Department of Telecommunications & Energy, One South Station, Boston, Massachusetts 02110.

### ***How much time do I have to file a complaint?***

A cable operator must give a subscriber at least 30 days from the billing due date to register a complaint. The cable operator must investigate each complaint and report its results to the subscriber within 30 business days after receiving the complaint. While the complaint is being investigated, the subscriber must pay any undisputed portion of the bill.

### ***What if I am not satisfied with the cable operator's response to my complaint?***

If a subscriber is not satisfied with the result of the cable operator's investigation, the subscriber may use any dispute resolution procedures available through their city or town or local cable advisory committee. If the city or town does not have dispute resolution procedures, or if local officials are unable to satisfactorily resolve the complaint, the subscriber may request our Consumer Division's assistance in resolving the dispute.