

STATE OF NEVADA
NEVADA REVISED STATUTES
CHAPTER 711 - VIDEO SERVICE

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GENERAL PROVISIONS

NRS 711.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 711.022](#) to [711.151](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1967, 1232; A 1983, 2005; [2007, 1369](#))

NRS 711.022 "Agreement" defined. "Agreement" means any agreement or contract of any kind.

(Added to NRS by [2007, 1351](#))

NRS 711.024 "Cable operator" defined. "Cable operator" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.

(Added to NRS by [2007, 1351](#))

NRS 711.025 "Cable service" defined. "Cable service" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.

(Added to NRS by [2007, 1352](#))

NRS 711.026 "Cable system" defined. "Cable system" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.

(Added to NRS by [2007, 1352](#))

NRS 711.027 “Certificate of authority” and “certificate” defined. “Certificate of authority” or “certificate” means a certificate issued by the Secretary of State pursuant to this chapter which grants the holder of the certificate a state-issued franchise to provide video service and construct and operate a video service network within the service areas designated in the certificate.

(Added to NRS by [2007, 1352](#))

NRS 711.028 “Commercial mobile service provider” defined. “Commercial mobile service provider” means a person who provides commercial mobile service, as defined in 47 U.S.C. § 332(d), as that section existed on January 1, 2007.

(Added to NRS by [2007, 1352](#))

NRS 711.030 “Community antenna television company” defined.

1. “Community antenna television company” means any person who owns, controls, operates or manages a community antenna television system.

2. The term does not include:

(a) A telecommunication provider or electric utility regulated by the Public Utilities Commission of Nevada where the telecommunication provider or electric utility merely leases or rents to a community antenna television company wires or cables for the redistribution of television signals to or toward subscribers of that company; or

(b) A telecommunication provider regulated by the Public Utilities Commission of Nevada where the telecommunication provider merely provides channels of communication under published tariffs filed with that Commission to a community antenna television company for the redistribution of television signals to or toward subscribers of that company.

(Added to NRS by 1967, 1232; A 1983, 2005; 1987, 738; 1997, 1959; [2007, 1369](#))

NRS 711.040 “Community antenna television system” defined.

1. “Community antenna television system” means any facility, or any component thereof, which is:

(a) Located within this State;

(b) Constructed in whole or in part in, on, under or over any public right-of-way or highway; and

(c) Operated to perform for hire the service of:

(1) Receiving and amplifying the signals broadcast by one or more television stations or provided for public, educational or governmental purposes and redistributing those signals by wire, cable or other means of closed transmission; or

(2) Providing two-way interactive services by wire, cable or other means of closed transmission, including, without limitation, Internet services, intranet services and electronic mail,

↳ to members of the public who subscribe to the service.

2. The term does not include any system which serves:

(a) Fewer than 50 subscribers; or

(b) Only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of those dwellings, if the buildings are separated by not more than one public right-of-way or highway.

3. As used in this section, “apartment dwelling” does not include a hotel, motel, condominium, town house or other similar dwelling.

(Added to NRS by 1967, 1232; A 1983, 2005; [1999, 2716](#); [2007, 1369](#))

NRS 711.060 “Facility” defined. “Facility” means all real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a video service provider to provide service to its subscribers.

(Added to NRS by 1967, 1232; A 1983, 2006; [2007, 1370](#))

NRS 711.061 “Franchise” defined. “Franchise” has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.

(Added to NRS by [2007, 1352](#))

NRS 711.062 “Franchise fee” defined. “Franchise fee” means a franchise fee imposed by a local government on a video service provider for the privilege of providing video service.

(Added to NRS by [2007, 1352](#))

NRS 711.064 “Governing body” defined. “Governing body” means the board or council or other body in which the general legislative powers of a local government are vested.
(Added to NRS by 1983, 2003)

NRS 711.066 “Gross revenue” defined.

1. “Gross revenue” means:

(a) Any revenue a video service provider receives from its subscribers for providing video service to those subscribers, as determined in accordance with generally accepted accounting principles, except for revenue excluded pursuant to subsection 3; and

(b) Any other consideration a video service provider receives from its subscribers for providing video service when it is received in a transaction that would evade imposition of a franchise fee if such consideration is not included in revenue, except for revenue excluded pursuant to subsection 3.

2. The term includes, without limitation:

(a) Recurring monthly charges;

(b) Event-based charges, including, without limitation, charges for pay per view and video on demand;

(c) Charges for the rental of set-top boxes and other equipment;

(d) Service charges, including, without limitation, charges for activation, installation, repair and maintenance;

(e) Administrative charges, including, without limitation, charges for service orders and service termination; and

(f) The amount of any revenue received by a video service provider for providing video service when such service is a component of a bundle of services or products sold for a single price, but only to the extent the revenue received by the video service provider for the bundle of services or products is proportionately allocated among each of the components.

3. The term does not include:

(a) Revenue not actually received, regardless of when it is billed.

(b) Refunds, rebates or discounts made to subscribers.

(c) Revenue from providing service other than video service, including, without limitation, revenue from providing:

(1) Telecommunication service; or

(2) Information service that is not video service.

(d) Any fee imposed on the video service provider that is passed through to and paid by subscribers, including, without limitation, a franchise fee.

(e) Revenue from the sale of video service to any person who purchases the video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

(f) Any tax of general applicability.

(g) The fair market value of free or reduced-cost video service provided without set-off or exchange to any person who is entitled or permitted to receive such service pursuant to this chapter or federal law.

(h) Late payment fees collected from subscribers.

(Added to NRS by [2007, 1352](#))

NRS 711.070 “Highway” defined. “Highway” means every street, road, alley, thoroughfare, way or place of any kind used by the public or open to the use of the public as a matter of right for the purpose of vehicular traffic.

(Added to NRS by 1967, 1232)

NRS 711.071 “Holder of a certificate” and “holder” defined. “Holder of a certificate” or “holder” means a video service provider that has been issued a certificate of authority pursuant to this chapter.

(Added to NRS by [2007, 1353](#))

NRS 711.072 “Incumbent cable operator” defined. “Incumbent cable operator” means any cable operator, community antenna television company or other video service provider that, on June 4, 2007, is providing video service in this State pursuant to a local franchise.

(Added to NRS by [2007, 1353](#))

NRS 711.0723 “Information service” defined. “Information service” has the meaning ascribed to it in 47 U.S.C. § 153(20), as that section existed on January 1, 2007.

(Added to NRS by [2007, 1353](#))

NRS 711.0726 “Interactive computer service” defined. “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(Added to NRS by [2007, 1353](#))

NRS 711.073 “Jurisdiction of a local government” defined. “Jurisdiction of a local government” means:

1. In the case of a city, the corporate limits of the city.
2. In the case of a county, the unincorporated area of the county.

(Added to NRS by [2007, 1353](#))

NRS 711.0737 “Local franchise” defined.

1. “Local franchise” means any franchise, agreement, permit, license or similar authorization, regardless of its name, which:

(a) Permits a person to construct or operate a cable system, community antenna television system or video service network within the jurisdiction of a local government;

(b) Was issued, granted, approved or renewed by the governing body of the local government before June 4, 2007, pursuant to the authority of any federal, state or local law in effect at the time of the issuance, grant, approval or renewal; and

(c) On June 4, 2007, is legally effective and unexpired.

2. The term includes, without limitation, an unexpired local franchise that a local government in a county whose population is less than 100,000 renews or extends the term of pursuant to [NRS 711.480](#) and [711.490](#).

(Added to NRS by [2007, 1353](#))

NRS 711.074 “Local government” defined.

1. “Local government” means any city or county.

2. The term includes, without limitation:

(a) Any entity or agency that is directly or indirectly controlled by any city or county; and

(b) Any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.

(Added to NRS by 1983, 2003; A [2007, 1370](#))

NRS 711.085 “Local law” defined. “Local law” means any charter, code, ordinance, regulation or other law of a local government.

(Added to NRS by [2007, 1353](#))

NRS 711.096 “Multichannel video programming distributor” defined. “Multichannel video programming distributor” has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.

(Added to NRS by [2007, 1353](#))

NRS 711.105 “Service area” defined. “Service area” means the geographical territory in this State within which a video service provider is authorized to provide video service pursuant to a certificate of authority or local franchise.

(Added to NRS by [2007, 1353](#))

NRS 711.115 “Subscriber” defined.

1. “Subscriber” means any person in this State who purchases video service.

2. The term does not include any person who purchases video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

(Added to NRS by [2007, 1353](#))

NRS 711.125 “Telecommunication” defined. “Telecommunication” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the

form or content of the information sent and received, regardless of the facilities, equipment or technology used.

(Added to NRS by [2007, 1353](#))

NRS 711.131 “Telecommunication provider” defined. “Telecommunication provider” means any person required to obtain from the Public Utilities Commission of Nevada a certificate of public convenience and necessity pursuant to [NRS 704.330](#) to provide telecommunication service.

(Added to NRS by [2007, 1354](#))

NRS 711.135 “Telecommunication service” defined. “Telecommunication service” means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.

(Added to NRS by [2007, 1354](#))

NRS 711.141 “Video service” defined.

1. “Video service” means the provision of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis, without regard to the technology used to deliver the video service, including, without limitation, Internet protocol technology or any successor technology.

2. The term includes, without limitation:

- (a) Cable service; and
- (b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content provided solely as part of, and through, a service which enables users to access content, information, electronic mail or other services that are offered via the public Internet.

(b) Direct broadcast satellite service.

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

(Added to NRS by [2007, 1354](#))

NRS 711.145 “Video service network” defined.

1. “Video service network” means a wireline facility, or any component thereof, which is:

- (a) Located in this State;
- (b) Constructed in whole or in part in, on, under or over any public right-of-way or highway; and
- (c) Used to provide video service.

2. The term includes, without limitation:

- (a) A cable system; and
- (b) A community antenna television system.

(Added to NRS by [2007, 1354](#))

NRS 711.151 “Video service provider” and “provider” defined.

1. “Video service provider” or “provider” means any person that provides or offers to provide video service over a video service network to subscribers in this State.

2. The term includes, without limitation:

- (a) An incumbent cable operator or other cable operator;
- (b) A community antenna television company; and
- (c) A multichannel video programming distributor.

(Added to NRS by [2007, 1354](#))

VIDEO SERVICE PROVIDED BY LOCAL GOVERNMENTS

NRS 711.175 Certain local governments prohibited from selling video service to general public; exceptions.

1. Except as otherwise provided in subsection 2 and [NRS 318.1192](#):

(a) The governing body of a county whose population is 50,000 or more, and any entity or agency that is directly or indirectly controlled by such a county, shall not sell video service to the general public.

(b) The governing body of a city whose population is 25,000 or more, and any entity or agency that is directly or indirectly controlled by such a city, shall not sell video service to the general public.

2. If the governing body of a county or city, or any entity or agency that is directly or indirectly controlled by such a county or city, was selling video service to the general public on April 1, 2003, it may continue to sell video service to the general public after that date, regardless of the population of the county or city.

(Added to NRS by 1997, 2749; A [2001, 1999](#); [2003, 1229](#); [2007, 1370](#))

NRS 711.178 Requirements for certain local governments to sell video service to general public in certain areas.

1. If the governing body of a county or city is authorized pursuant to [NRS 711.175](#) to sell video service to the general public, the governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a video service network in any area outside its territorial boundaries unless it:

(a) Obtains a certificate of authority for that portion of the video service network which it constructs, owns, manages or operates outside its territorial boundaries; and

(b) Complies with the same federal, state and local requirements that apply to a privately held video service provider with regard to that portion of the video service network which it constructs, owns, manages or operates outside its territorial boundaries.

2. If the governing body of a county or city is authorized pursuant to [NRS 711.175](#) to sell video service to the general public, the governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a video service network in any area within its territorial boundaries which is governed by another governing body and which is served by one or more privately held video service providers unless it:

(a) Obtains a certificate of authority for that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body;

(b) Is required by the certificate of authority to comply with the same federal, state and local requirements that apply to the privately held video service providers with regard to that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body; and

(c) Is prohibited by the certificate of authority from providing the services of the video service provider, free of charge, to any governmental officer or employee for his personal or household use.

3. The provisions of this section do not require the governing body of a county or city, or any entity or agency that is directly or indirectly controlled by the county or city, to obtain a certificate of authority for a service area if it is providing video service as an incumbent cable operator which holds an unexpired local franchise and which has elected pursuant to [NRS 711.480](#) and [711.490](#) to continue to operate within that service area pursuant to the local franchise.

(Added to NRS by [2003, 1228](#); A [2007, 1370](#))

FRANCHISES GRANTED BY LOCAL GOVERNMENTS

NRS 711.185 Governing body may grant exclusive franchise. Repealed. (See chapter 326, [Statutes of Nevada 2007, at page 1401.](#))

NRS 711.190 Franchise granted by city or county: Conditions; requirements. Repealed. (See chapter 326, [Statutes of Nevada 2007, at page 1401.](#))

NRS 711.200 Fees for franchise. Repealed. (See chapter 326, [Statutes of Nevada 2007, at page 1401.](#))

NRS 711.210 Renewal of franchise. Repealed. (See chapter 326, [Statutes of Nevada 2007, at page 1401.](#))

NRS 711.230 Considerations in granting franchise. Repealed. (See chapter 326, [Statutes of Nevada 2007, at page 1401.](#))

GENERAL STANDARDS AND PRACTICES

NRS 711.240 Unfair trade practices prohibited.

1. Except with respect to reasonable promotional activities, a video service provider shall not advertise, offer to provide or provide any video service to subscribers at a rate, including any rebate, less than the cost to the video service provider to provide that service with the intent to:

(a) Impair fair competition or restrain trade among video service providers which provide video service in the same area; or

(b) Create a monopoly.

2. For the purposes of this section, "cost" means the expense of doing business, including, without limitation, expenses for labor, rent, depreciation, interest, maintenance, delivery of the video service, franchise fees, taxes, insurance and advertising.

3. A violation of subsection 1 constitutes a prohibited act under [NRS 598A.060](#). The Attorney General and any other person may exercise the powers conferred by that chapter to prevent, remedy or punish such a violation. The provisions of [chapter 598A](#) of NRS apply to any such violation.

(Added to NRS by 1983, 2004; A 1987, 738; 1993, 2018; 1997, 1959; [2007, 1371](#))

NRS 711.250 Adoption of ordinance to establish procedure to resolve complaints of subscribers; notice. Repealed. (See chapter 326, [Statutes of Nevada 2007, at page 1401.](#))

NRS 711.255 Video service provided to tenants: Prohibited conduct by landlord; responsibilities of provider; payment of compensation for access; rights and duties regarding construction, installation, repair and purchase of facilities; certain discounts prohibited.

1. A landlord shall not:

(a) Interfere with the receipt of service by a tenant from a video service provider or discriminate against a tenant for receiving service from a video service provider.

(b) Except as otherwise provided in subsection 3, demand or accept payment of any fee, charge or valuable consideration from a video service provider or a tenant in exchange for granting access to the provider to provide service to the tenant.

2. A video service provider which desires to provide service to a tenant shall give 30 days' written notice of that desire to the landlord before the provider takes any action to provide that service. Before authorizing the receipt of such service, a landlord may:

(a) Take such reasonable steps as are necessary to ensure that the safety, function and appearance of the premises and the convenience and safety of persons on the property are not adversely affected by the installation, construction, operation or maintenance of the facilities necessary to provide the service, and is entitled to be reimbursed by the provider for the reasonable expenses incurred;

(b) Require that the cost of the installation, construction, operation, maintenance or removal of the necessary facilities be borne by the provider; and

(c) Require the provider to provide evidence that the provider will indemnify the landlord for any damage caused by the installation, construction, operation, maintenance or removal of the facilities.

3. A landlord is entitled to receive reasonable compensation for any direct adverse economic effect resulting from granting access to a video service provider. There is a rebuttable presumption that the direct adverse economic effect resulting from granting access to the real property of the landlord is \$1,000 or \$1 for each dwelling unit thereon, whichever sum is greater. If a landlord intends to require the payment of such compensation in an amount exceeding that sum, the landlord shall notify the provider in writing of that intention. If the provider does not receive such a notice within 20 days after the landlord is notified by the provider that a tenant has requested the provider to provide service to the tenant on the landlord's premises, the landlord may not require compensation for access to that tenant's dwelling unit in an amount exceeding \$1,000. If within 30 days after receiving a landlord's request for compensation in an amount exceeding \$1,000, the provider has not agreed to pay the requested amount or an amount mutually acceptable to the provider and the landlord, the landlord may petition a court of competent jurisdiction to set a reasonable amount of compensation for the damage of or taking of his real property. Such an action must be filed within 6 months after the date the provider completes construction.

4. In establishing the amount which will constitute reasonable compensation for any damage or taking claim by a landlord in excess of the sum established by rebuttable presumption pursuant to subsection 3, the court shall consider:

- (a) The extent to which the facilities of the video service provider physically occupy the premises;
- (b) The actual long-term damage which the facilities of the video service provider may cause to the premises;
- (c) The extent to which the facilities of the video service provider would interfere with the normal use and enjoyment of the premises; and
- (d) The diminution or enhancement in value of the premises resulting from the availability of the service.

5. The right of a video service provider to construct, install or repair its facilities and maintain its services within and upon the landlord's premises is not affected or impaired because the landlord requests compensation in an amount exceeding the sum established by rebuttable presumption pursuant to subsection 3, or files an action to assert a specific claim against the provider.

6. A video service provider shall not offer a special discount or other benefit to a particular group of tenants as an incentive for those tenants to request service from the provider, unless the same discount or benefit is offered generally in the county.

7. A video service provider and a landlord shall negotiate in good faith for the purchase of the landlord's existing cable facilities rather than for the construction of new facilities on the premises.

8. As used in this section, "landlord" means an owner of real property, or his authorized representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration. The term includes, without limitation, the lessor of a mobile home lot and the lessor or operator of a mobile home park.

(Added to NRS by 1987, 1818; A 1989, 1038; [2007, 1372](#))

UNLAWFUL ACTS; REMEDIES AND PENALTIES

NRS 711.265 Destruction of or interference with certain facilities or transmissions of video service provider prohibited; penalty; civil damages.

1. Any person who:

(a) By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a wire, cable, conduit, line or similar facility of a video service provider or interrupts the transmission of the electric current through such a wire, cable, conduit, line or similar facility;

(b) Willfully interferes with the use of such a wire, cable, conduit, line or similar facility or obstructs or postpones the transmission of any message or signal over such a wire, cable, conduit, line or similar facility; or

(c) Procures or advises any such injury, interference or obstruction,

↳ is guilty of a public offense, as prescribed in [NRS 193.155](#), proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

2. Any person who violates the provisions of subsection 1 is, in addition to the penalty set forth in that subsection, liable to the video service provider injured by such conduct in a civil action for all damages occasioned thereby.

(Added to NRS by [1999, 809](#); A [2007, 1373](#))

NRS 711.270 Unauthorized interception or receipt of program, service or signal of video service provider prohibited; penalties.

1. It is unlawful for a person knowingly, with the intent to intercept or receive a program or other service provided by a video service provider and without the authorization of the provider, to:

(a) Make a connection or attach a device to a line or other facility of the provider;

(b) Purchase or possess a device or kit designed to intercept or receive a program or other service provided by the provider;

(c) Make or maintain a modification to a device installed by or with the authorization of the provider to intercept or receive a program or other service provided by the provider; or

(d) Manufacture, import, distribute, advertise, sell, lease, offer to sell or lease, or possess with the intent to sell or lease a device designed to decode, descramble, intercept or otherwise make intelligible a signal encoded by the provider.

2. Unless a greater penalty is provided in [NRS 711.265](#):

(a) Except as otherwise provided in paragraph (b), a person who violates paragraph (a), (b) or (c) of subsection 1 is guilty of a misdemeanor.

(b) A person who violates paragraph (a), (b) or (c) of subsection 1 for commercial advantage, whether direct or indirect, is guilty of a gross misdemeanor.

(c) A person who violates paragraph (d) of subsection 1:

(1) If the violation involves nine or fewer devices, is guilty of a gross misdemeanor.

(2) If the violation involves 10 or more devices, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

(Added to NRS by 1985, 1827; A 1993, 820; [1999, 810, 2717, 2718; 2007, 1374](#))

NRS 711.280 Civil damages and attorney's fees for violation of [NRS 711.270](#); presumption of defendant's action; injunction.

1. A person who violates paragraph (a), (b) or (c) of subsection 1 of [NRS 711.270](#) is, in addition to being criminally liable pursuant to [NRS 711.270](#), civilly liable to the video service provider injured by the conduct for \$3,500 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

2. A person who violates paragraph (d) of subsection 1 of [NRS 711.270](#) is, in addition to being criminally liable pursuant to [NRS 711.270](#), civilly liable to the video service provider injured by the conduct for \$5,000 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

3. In any action brought pursuant to this section, proof that any of the acts prohibited in subsection 1 were committed on or about the premises occupied by the defendant is prima facie evidence that such acts were committed by the defendant.

4. A video service provider may bring an action to enjoin any violation of [NRS 711.270](#).

(Added to NRS by 1985, 1828; A [1999, 2718; 2007, 1374](#))

NRS 711.285 Recovery by local government of civil penalty from person convicted pursuant to certain provisions of [NRS 711.270](#). A local government may recover from a person who is convicted pursuant to paragraph (b) or (c) of subsection 2 of [NRS 711.270](#) a civil penalty of not more than \$50,000 for the first violation, and for the second or subsequent violation a civil penalty of not more than \$100,000. This penalty is in addition to any other civil or criminal penalty provided in [NRS 711.270](#) or [711.280](#).

(Added to NRS by 1993, 820; A 1995, 1104; [1999, 2718](#))

NRS 711.290 Limitation of actions. A criminal action or proceeding under [NRS 711.270](#) may be commenced at any time within 5 years after the conduct in violation of the section occurs. A civil action or proceeding under [NRS 711.280](#) or [711.285](#) may be commenced at any time within 5 years after the violation occurs or after the injured person sustains the injury, whichever is later.

(Added to NRS by 1985, 1828; A 1993, 820)

VIDEO SERVICE PROVIDERS

Scope of Regulation

NRS 711.400 Preemption of certain local regulation. This chapter occupies the entire field of franchising and regulation of video service and, except as otherwise provided in [NRS 711.640](#) and [711.670](#), preempts any local law or agreement with a local government that:

1. Requires a person to obtain or hold from a local government any franchise, permit, license or similar authorization, regardless of its name, to provide video service or to construct or operate a video service network, unless the person is an incumbent cable operator which holds an unexpired local franchise and which has elected pursuant to [NRS 711.480](#) and [711.490](#) to continue to operate within its service area pursuant to the local franchise.

2. Regulates the provision of video service or the construction or operation of a video service network if such regulation conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. Requires a video service provider to pay any fee to a local government if the payment of such a fee conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

(Added to NRS by [2007, 1354](#))

NRS 711.410 Duties and powers of Secretary of State; regulations; limitations on power of local governments.

1. For the purpose of bringing about fair and reasonable competition for video service, the Secretary of State has the exclusive authority to issue a certificate of authority to a person to provide video service and construct and operate a video service network in any service area in this State.

2. The Secretary of State:

(a) Shall carry out the provisions of this chapter; and

(b) May adopt regulations necessary for the issuance, modification and termination of a certificate of authority, including, without limitation, prescribing any forms related to the application process.

3. On or after June 4, 2007, a local government does not have the authority to:

(a) Issue, grant, approve or renew any franchise, agreement, permit, license or similar authorization, regardless of its name, for the privilege of:

(1) Providing video service within the jurisdiction of the local government; or

(2) Except as otherwise provided in [NRS 711.640](#) and [711.670](#), constructing or operating a video service network within the jurisdiction of the local government,

↳ except that a local government in a county whose population is less than 100,000 may renew or extend the term of an unexpired local franchise of an incumbent cable operator which has elected pursuant to [NRS 711.480](#) and [711.490](#) to continue to operate within its service area pursuant to the local franchise;

(b) Impose any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; or

(c) Except as otherwise provided in [NRS 711.640](#) and [711.670](#), require the payment of any application, document, franchise, service or other fee, tax, charge or assessment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government.

(Added to NRS by [2007, 1355](#))

NRS 711.420 Fees.

1. In carrying out the provisions of this chapter, the Secretary of State shall charge and collect the fees set forth in this section.

2. Except as otherwise provided in subsection 3, the filing fee for accepting any application or notice pursuant to the provisions of this chapter is \$1,000.

3. The filing fee for accepting an original application for a certificate of authority pursuant to [NRS 711.500](#) and [711.510](#):

(a) Is \$250 for a service area located entirely within the territorial boundaries of a county whose population is less than 50,000.

(b) Is \$500 for a service area located in whole or in part within the territorial boundaries of a county whose population is 50,000 or more but less than 100,000, unless the provisions of paragraph (c) apply.

(c) Is \$1,000 for a service area located in whole or in part within a county whose population is 100,000 or more.

4. A person may elect to apply for a certificate of authority that permits, but does not require, the person to provide video service within one or more service areas located anywhere in this State as designated in the application and affidavit filed by the person pursuant to [NRS 711.500](#). If a person applies for such a certificate of authority, the certification fee for issuing the certificate of authority to the person pursuant to [NRS 711.500](#) and [711.510](#) is \$25,000. The Secretary of State may charge and collect the certification fee pursuant to this subsection only once from each such person.

5. If a person elects not to apply for a certificate of authority in accordance with subsection 4, the certification fee for issuing a certificate of authority to the person pursuant to [NRS 711.500](#) and [711.510](#) or for issuing an amended certificate of authority to the person pursuant to [NRS 711.520](#):

(a) Is \$250 for a service area located entirely within the territorial boundaries of a town, township or city whose population is less than 1,000, regardless of the population of the county.

(b) Is \$2,500 for a service area located entirely within the territorial boundaries of a town, township or city whose population is 1,000 or more but less than 50,000, regardless of the population of the county.

(c) Is \$2,500 for a service area located entirely within the territorial boundaries of a county whose population is less than 50,000, unless the provisions of paragraph (a) or (b) apply.

(d) Is \$15,000 for a service area located in whole or in part within the territorial boundaries of a county whose population is 50,000 or more but less than 100,000, unless the provisions of paragraph (a), (b) or (e) apply.

(e) Is \$25,000 for a service area located in whole or in part within the territorial boundaries of a county whose population is 100,000 or more, unless the provisions of paragraph (a) or (b) apply.

6. The Secretary of State shall charge and collect the fees set forth in this section based on:

(a) The information provided in the application and affidavit filed by the person pursuant to paragraph (a) of subsection 2 of [NRS 711.500](#); and

(b) The estimated population of each town, township, city and county in this State as set forth in the most recent annual report issued by the Department of Taxation pursuant to [NRS 360.283](#).

7. The fees imposed by this section may not be passed through to and collected from subscribers of video service.

(Added to NRS by [2007, 1355](#))

NRS 711.430 Application and interpretation of chapter. The provisions of this chapter must not be interpreted to:

1. Authorize the Secretary of State to exercise oversight of video service providers except as provided in this chapter.

2. Prevent a telecommunication provider from exercising any rights or authority that the provider has as a public utility under federal or state law.

(Added to NRS by [2007, 1356](#))

Certificate of Authority

NRS 711.470 Certificate required; exceptions. Except as otherwise provided in this chapter, a person shall not act as a video service provider or construct or operate a video service network in any service area unless the person has obtained a certificate of authority for that service area.

(Added to NRS by [2007, 1357](#))

NRS 711.480 Incumbent cable operator: Election to operate under or terminate local franchise; procedure to terminate local franchise and obtain certificate.

1. If, on June 4, 2007, an incumbent cable operator is providing video service within a service area pursuant to a local franchise, the incumbent cable operator may elect to:

(a) Continue to operate within that service area pursuant to the local franchise in accordance with [NRS 711.490](#); or

(b) Terminate the local franchise within that service area by applying for and obtaining a certificate of authority pursuant to this section.

2. To elect to terminate a local franchise within a service area, an incumbent cable operator must, not later than 6 months after June 4, 2007, apply for a certificate of authority for that service area in the same manner as any other video service provider. If the incumbent cable operator makes such an election and obtains a certificate of authority for that service area:

(a) The local franchise for that service area is deemed to be terminated by operation of law on the date on which the Secretary of State issues the certificate of authority;

(b) Not later than 3 business days after the date on which the Secretary of State issues the certificate of authority, the incumbent cable operator shall file with the clerk of the local government which granted the franchise a written declaration that the incumbent cable operator has obtained a certificate of authority and that the local franchise for that service area has been terminated by operation of law; and

(c) The incumbent cable operator shall operate within that service area thereafter subject only to the same requirements that apply to any other holder of a certificate.

(Added to NRS by [2007, 1357](#))

NRS 711.490 Incumbent cable operator: Procedure to operate under local franchise in lieu of obtaining certificate.

1. Except as otherwise provided in subsection 2, if an incumbent cable operator elects pursuant to [NRS 711.480](#) to continue to operate within a service area pursuant to a local franchise:

(a) The incumbent cable operator must comply with the local franchise and all applicable provisions of this chapter while the local franchise is in effect for that service area;

(b) The local franchise is not effective for that service area on or after the date on which the local franchise expires; and

(c) The local government may not renew or extend the term of the local franchise for that service area.

↳ To operate within that service area on or after the date on which the local franchise expires, the incumbent cable operator must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires.

2. If an incumbent cable operator elects pursuant to [NRS 711.480](#) to continue to operate within a service area pursuant to a local franchise and the service area is located entirely within the territorial boundaries of a county whose population is less than 100,000:

(a) The incumbent cable operator must comply with the local franchise and all applicable provisions of this chapter while the local franchise is in effect for that service area; and

(b) The local government may renew or extend the term of the local franchise for that service area, provided that the terms and conditions of the renewal or extension do not conflict with or are not otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

↳ To operate within that service area on or after the date on which the local franchise expires without renewal or extension, the incumbent cable operator must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires without renewal or extension.

(Added to NRS by [2007, 1357](#))

NRS 711.500 Application for certificate; requirements; fees; form and content; provision of information to local governments.

1. To obtain a certificate of authority, a person must:

(a) File with the Secretary of State an application and affidavit which are signed by one of the principal executive officers or general partners of the applicant and which comply with the provisions of this section; and

(b) Pay any fee required by [NRS 711.420](#).

2. The application and affidavit must be in the form required by the Secretary of State and must contain only the following:

(a) A description of each service area designated by the applicant in which the applicant intends to provide video service and a map of each such service area that shows the territorial boundaries of each local government located, in whole or in part, within the service area.

(b) The location of the principal place of business of the applicant and the names of the principal executive officers or general partners of the applicant.

(c) Certifications that the applicant:

(1) Agrees to comply with all applicable federal and state laws and regulations;

(2) Agrees to comply with all generally applicable, nondiscriminatory local laws regarding the use and occupation of any public right-of-way or highway in the construction, operation, maintenance and repair of a video service network, including, without limitation, any local laws enacted pursuant to the police powers of the local government in which the video service network is located; and

(3) Has filed or will timely file with the Federal Communications Commission all forms required by that agency before offering video service.

3. If the Secretary of State determines that the application and affidavit are incomplete or otherwise deficient, the Secretary of State shall provide written notice to the applicant not later than 15 days after the date on which the application and affidavit are filed. The written notice must:

(a) Explain the incompleteness or deficiency in detail; and

(b) Identify with specificity the information or other items that are necessary to complete the application and affidavit properly.

4. The applicant shall provide a copy of the application and affidavit to the governing body of each local government located, in whole or in part, within each service area designated in the application. The applicant shall provide such a copy:

(a) Not later than 3 business days after the date on which the application and affidavit are first filed with the Secretary of State; and

(b) If a revised application and affidavit are filed, not later than 3 business days after the date on which the revised application and affidavit are filed with the Secretary of State.

5. The copy of the application and affidavit provided by the applicant to a governing body is for informational purposes only, and the governing body may not:

(a) Vote on or take other official action regarding the application and affidavit; or

(b) Require the applicant to obtain the approval of the governing body regarding the application and affidavit.

(Added to NRS by [2007, 1358](#))

NRS 711.510 Issuance of certificate; authority granted by certificate; certain conditions and limitations on certificate prohibited.

1. Not later than 20 days after the date on which an applicant files a completed application and affidavit pursuant to [NRS 711.500](#) and pays any fee required by [NRS 711.420](#), the Secretary of State shall issue a certificate of authority to the applicant.

2. The certificate of authority issued by the Secretary of State is a state-issued franchise granting the holder of the certificate with the authority to:

(a) Provide video service in each service area designated in the application and affidavit filed with the Secretary of State; and

(b) Construct and operate a video service network in compliance with the provisions of this chapter and all local laws that are not in conflict or otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. The Secretary of State may not condition or limit a certificate of authority by imposing on the holder of the certificate any obligations or requirements that are not authorized by the provisions of this chapter, including, without limitation:

(a) Any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment; or

(b) Any requirements to pay any application, document, franchise, service or other fee, tax, charge or assessment that is not authorized by the provisions of this chapter.

(Added to NRS by [2007, 1359](#))

NRS 711.520 Amendment of certificate; procedure; fees.

1. If the holder of a certificate wants to add one or more new service areas to the certificate, the holder must:

(a) File with the Secretary of State an application for an amendment to the certificate to add the new service areas; and

(b) Pay any fee required by [NRS 711.420](#).

2. The application for an amendment to the certificate must contain a description of each new service area designated by the holder and a map of each new service area that shows the territorial boundaries of each local government located, in whole or in part, within the new service area.

3. The application for an amendment to the certificate is subject to the same procedures, requirements and time periods as an application for the issuance of a certificate pursuant to [NRS 711.500](#) and [711.510](#).

(Added to NRS by [2007, 1359](#))

NRS 711.530 Modification of boundaries of service area; procedure; fees.

1. If the holder of a certificate wants to modify the boundaries of an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the modification and pay any fee required by [NRS 711.420](#).

2. The holder may make the modification on the date on which it files the written notice with the Secretary of State.

(Added to NRS by [2007, 1360](#))

NRS 711.540 Termination of service to service area; procedure; fees.

1. If the holder of a certificate wants to terminate service to an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the termination and pay any fee required by section [NRS 711.420](#).

2. The holder may make the termination on the date on which it files the written notice with the Secretary of State.

(Added to NRS by [2007, 1360](#))

NRS 711.550 Transfer of certificate; procedure; fees; conditions.

1. Except as otherwise provided in this section, a certificate of authority is fully transferable to any successor-in-interest of the holder of the certificate whether the transfer to the successor-in-interest arises through merger, sale, assignment, restructuring, change of control or any other type of transaction.

2. The holder shall file with the Secretary of State written notice of the transfer of the certificate to the successor-in-interest and pay any fee required by [NRS 711.420](#) not later than 10 days after the date on which the transfer is completed.

3. Before the holder may transfer its certificate to the successor-in-interest, the successor-in-interest must agree that any collective bargaining agreement entered into by the holder shall continue to be honored, paid or performed by the successor-in-interest to the same extent as would be required if the holder continued to operate under its certificate unless such continued application of the collective bargaining agreement to the successor-in-interest is prohibited or limited by the terms of the agreement or by federal or state law. Any transfer of a certificate of authority that violates the provisions of this subsection is void and unenforceable and is not valid for any purpose.

(Added to NRS by [2007, 1360](#))

NRS 711.560 Holder of certificate: Provision of video service within certain period; revocation of certificate for noncompliance.

1. Not later than 24 months after the date on which the Secretary of State issues a certificate of authority pursuant to [NRS 711.500](#) and [711.510](#) or an amended certificate of authority pursuant to [NRS 711.520](#), the holder of the certificate must have the capability to offer and provide video service to at least one subscriber who resides within the territorial boundaries of each service area authorized by the certificate or the amended certificate.

2. If a holder fails to comply with the provisions of subsection 1, the holder's certificate of authority shall be deemed to be revoked by operation of law without the need for any notice, hearing or action by the Secretary of State.

(Added to NRS by [2007, 1360](#))

NRS 711.570 Holder of certificate: Provision of video service in accordance with certifications made in application. A holder of a certificate shall provide video service in accordance with the certifications made by the holder in each application and affidavit that the holder files with the Secretary of State pursuant to [NRS 711.500](#) or [711.520](#).

(Added to NRS by [2007, 1360](#))

Operations, Facilities and Service

NRS 711.600 Reports regarding construction of facilities and service locations; confidentiality of reports.

1. If a video service provider that is not an incumbent cable operator within the jurisdiction of a local government intends to construct facilities within the jurisdiction of the local government pursuant to a certificate of authority, the video service provider shall, until it has constructed all the facilities intended for the jurisdiction of the local government, prepare and submit to the local government a semiannual report which describes the number of service locations within the jurisdiction of the local government that are capable of receiving video service from the video service provider.

2. The video service provider shall submit the report to the local government not later than 10 business days after the last day of the second and fourth calendar quarters of each year.

3. The information contained in a report that is submitted to a local government pursuant to this section:

(a) Is confidential proprietary information of the video service provider;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the local government unless the video service provider consents to the disclosure or the disclosure is made pursuant to subsection

4.

4. Upon request from the Director of the Legislative Counsel Bureau, a local government shall disclose the information contained in a report that is submitted to the local government pursuant to this section to the Director for confidential use by the Legislature and the Legislative Counsel Bureau. The information that is disclosed to the Director:

- (a) Is confidential proprietary information of the video service provider;
- (b) Is not a public record; and
- (c) Must not be disclosed to any person who is not an officer or employee of the Legislature or the Legislative Counsel Bureau unless the video service provider consents to the disclosure.

(Added to NRS by [2007, 1360](#))

NRS 711.610 Provision of video service in nondiscriminatory manner; compliance with certain standards and federal requirements.

1. A video service provider shall activate and offer video service in a nondiscriminatory manner within each service area and shall not deny access to video service to any group of potential residential subscribers within a particular part of a service area because of the income profile of the persons who reside in that particular part of the service area.

2. In providing video service, a video service provider shall comply with:

- (a) The provisions of 47 U.S.C. § 551, as that section existed on January 1, 2007.
- (b) The provisions of the *National Electrical Safety Code*, as adopted and as may be amended by the Institute of Electrical and Electronics Engineers, Inc., with regard to the video service provider's construction practices and installation of equipment.
- (c) Any technical standards governing the design, construction and operation of a video service network required by federal law.

(d) The provisions of 47 C.F.R. Part 11, as adopted and as may be amended by the Federal Communications Commission, to the extent those provisions require a video service provider to participate in the Emergency Alert System.

(Added to NRS by [2007, 1361](#))

NRS 711.620 Customer service: Compliance with certain federal requirements; duties of video service providers and local governments; procedure regarding subscriber complaints.

1. A video service provider:

(a) Shall comply with the provisions of 47 C.F.R. §§ 76.309, 76.1601 to 76.1604, inclusive, and 76.1618 to 76.1622, inclusive, as adopted and as may be amended by the Federal Communications Commission, with regard to the standards governing the quality of video service and customer service; and

(b) May not be required to comply with more stringent or different customer service obligations than those set forth in paragraph (a).

2. To facilitate the resolution of complaints regarding video service made by subscribers:

(a) A video service provider shall establish and maintain a customer service department and provide each subscriber with instructions for:

(1) Contacting the customer service department if the subscriber has a complaint regarding video service; and

(2) Contacting the local government if the video service provider does not resolve the complaint to the satisfaction of the subscriber.

➤ The video service provider shall provide such instructions to the subscriber in each bill and in any service-related notice or other direct correspondence which the video service provider sends to the subscriber and which is related to that subscriber's video service. For the purposes of this paragraph, "service-related notice or other direct correspondence" does not include general advertising, marketing, promotional or public service materials that the video service provider sends to other subscribers or the public generally.

(b) Each local government which is located in a county whose population is 25,000 or more and which collects a franchise fee pursuant to [NRS 711.670](#) shall establish a process to:

(1) Make available to the public a list of video service providers authorized to provide video service within the jurisdiction of the local government;

(2) Respond to inquiries from subscribers and disseminate information to those subscribers regarding the standards governing the quality of video service and customer service prescribed by

subsection 1 and the procedures available to subscribers to resolve complaints with such video service providers;

(3) Coordinate the resolution of subscriber complaints with the customer service departments of such video service providers;

(4) Facilitate access by subscribers to procedures to seek corrective action or other redress from such video service providers for alleged violations of the customer service standards prescribed by subsection 1; and

(5) Maintain a record of the number and general subject matter of subscriber complaints against each such video service provider. The record must contain a separate listing for each such video provider and must be made available for public inspection.

3. Before a local government may take the action permitted by subsection 4 against a video service provider regarding a complaint from a subscriber:

(a) The subscriber must provide notice of the complaint to the video service provider by contacting the customer service department of the video service provider; and

(b) The video service provider must be given a period of not less than 10 business days after the date on which it receives the notice from the subscriber to resolve the complaint to the satisfaction of the subscriber.

4. If a local government has reasonable cause to believe that a video service provider has committed persistent or repeated violations of the customer service obligations that apply to the video service provider pursuant to this section, the local government may file a written complaint with the Bureau of Consumer Protection in the Office of the Attorney General pursuant to [NRS 711.850](#).

(Added to NRS by [2007, 1361](#))

NRS 711.630 Authority to provide telecommunication service; requirements; limitations on power of local governments regarding telecommunication and interactive computer service.

1. A video service provider may provide telecommunication service pursuant to [chapter 704](#) of NRS and the regulations approved by the Public Utilities Commission of Nevada for telecommunication providers.

2. A video service provider shall obtain a certificate of public convenience and necessity pursuant to [NRS 704.330](#) before providing any telecommunication service that is subject to regulation by the Public Utilities Commission of Nevada.

3. A local government shall not require a video service provider to obtain a franchise from the local government to provide:

(a) Telecommunication service; or

(b) Interactive computer service,

↪ if the video service provider uses its own video service network within the jurisdiction of the local government to provide such service.

(Added to NRS by [2007, 1363](#))

NRS 711.640 Placement of facilities and use of public right-of-way or highway; management by local governments; limitations; permits or licenses; fees; emergency situations.

1. A local government shall not require a video service provider to place its facilities in ducts or conduits or on poles owned or leased by the local government.

2. A local government shall manage the use of any public right-of-way or highway by video service providers in a manner that:

(a) Is consistent with federal and state law and the lawful police powers of the local government; and

(b) Is competitively neutral and does not:

(1) Discriminate among video service providers; or

(2) Discriminate between video service providers and any other users of the public right-of-way or highway for the construction and operation of facilities.

3. In managing any public right-of-way or highway, a local government may:

(a) Require a video service provider that is constructing, installing, working within, maintaining or repairing facilities in, on, under or over any public right-of-way or highway to obtain a construction, encroachment or occupancy permit or license for such work; and

(b) Inspect the construction, installation, maintenance or repair work performed on such facilities.

4. If a video service provider makes a request for such a permit or license, the local government shall act upon the request not later than 10 business days after the date on which the request is made.

5. A local government may charge a video service provider a fee to issue such a permit or license or to perform any inspection authorized by this section. The amount of any fee charged by a local government pursuant to this subsection may not exceed the actual costs incurred by the local government in administering the process of issuing such permits or licenses and performing such inspections.

6. If there is a situation necessitating emergency response work or repair in, on, under or over any public right-of-way or highway, a video service provider may begin that work or repair without prior approval from a local government if the provider notifies the local government as promptly as reasonably possible after learning of the need for that work or repair.

(Added to NRS by [2007, 1363](#))

Franchise Fee

NRS 711.670 Imposition by local governments; requirements, conditions and limitations.

1. For the privilege of providing video service through a video service network that occupies or uses, in whole or in part, any public right-of-way or highway within the jurisdiction of a local government, the local government may require a video service provider to pay a franchise fee to the local government based on the gross revenue that the provider receives from its subscribers within the jurisdiction of the local government.

2. To require the payment of the franchise fee, the governing body of the local government must adopt a nondiscriminatory ordinance or resolution that imposes the franchise fee equally and uniformly on all video service providers operating within the jurisdiction of the local government.

3. The local government shall not require a video service provider to pay a franchise fee for any year in a total amount that exceeds 5 percent of the gross revenue that the provider received during that year from its subscribers within the jurisdiction of the local government.

4. The entire amount of the franchise fee must be paid by a video service provider directly to the local government in legal tender of the United States or in a check, draft or note that is payable in legal tender of the United States.

5. A video service provider may:

(a) Pass the franchise fee through to and collect the franchise fee from its subscribers within the jurisdiction of the local government based on the gross revenue received from each such subscriber; and

(b) Designate the amount of the franchise fee collected from each subscriber as a separate line item on the subscriber's bill.

6. Except as otherwise provided in subsection 7, the franchise fee authorized by this section:

(a) Is the only fee, tax, assessment or other charge that a local government may impose on a video service provider for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; and

(b) Is in lieu of any other fee, tax, assessment or charge that may be imposed by a local government on a video service provider for its occupation or use of any public right-of-way or highway.

7. This section does not restrict the right of a local government to impose on a video service provider:

(a) The fees authorized by subsection 5 of [NRS 711.640](#); and

(b) Any generally applicable and nondiscriminatory fees, ad valorem taxes, sales taxes or other taxes that are lawfully imposed on other businesses within the jurisdiction of the local government.

(Added to NRS by [2007, 1363](#))

NRS 711.680 Review and audit of video service providers; action to recover underpayment or overpayment; period of limitation; payment of costs and attorney's fees.

1. Not more than once every 3 years, a local government may, upon reasonable written notice, review and audit the business records of a video service provider to the extent necessary to ensure payment of a franchise fee pursuant to this chapter. If the results of such a review and audit identify an underpayment of the franchise fee in an amount that requires corrective action, the local government may perform a subsequent compliance review and audit to determine whether the video service provider has corrected the underpayment of the franchise fee. The compliance review and audit must be performed not later than 12 months after the date on which the results of the initial review and audit are submitted to the local government.

2. The local government and the video service provider shall each pay its own costs and fees relating to each review and audit performed pursuant to subsection 1, except that if the video service provider elects to have the local government review and audit the requested business records of the video service provider at a location outside the territorial boundaries of the local government, the video service provider shall pay the per diem allowances and travel expenses incurred by the local government to perform the review and audit at that location.

3. A person who performs a review and audit pursuant to subsection 1 may not receive compensation that is based, in whole or in part, on:

(a) Finding a particular result; or

(b) The amount of any underpayment of the franchise fee that is identified as a result of the review and audit.

4. Any action to recover a disputed underpayment of a franchise fee from a video service provider must be commenced and prosecuted by the Attorney General on behalf of the affected local governments.

5. A video service provider may bring an action against a local government to recover a disputed overpayment of a franchise fee to the local government.

6. Any action to recover a disputed underpayment or overpayment of a franchise fee must be commenced in a district court not later than 4 years after the last day of the tax year to which the disputed underpayment or overpayment relates.

7. Each party shall pay its own costs and attorney's fees in commencing and prosecuting any action involving a disputed underpayment or overpayment of a franchise fee.

(Added to NRS by [2007, 1364](#))

PEG Access Channels

NRS 711.700 Definitions. As used in [NRS 711.700](#) to [711.820](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 711.710](#) to [711.750](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2007, 1365](#))

NRS 711.710 “Hub office” defined. “Hub office” means the facility and related equipment located within a video service network at which video programming is received directly or indirectly from national or international content providers or broadcast networks and combined with local programming and channels for signal distribution to subscribers through central offices and related transmission or transport facilities.

(Added to NRS by [2007, 1365](#))

NRS 711.720 “Locally produced video programming” defined. “Locally produced video programming” means video programming produced for a service area by:

1. One or more natural persons who reside within the service area; or

2. Any local government, educational institution or other public or nonprofit private entity located within the service area.

(Added to NRS by [2007, 1365](#))

NRS 711.730 “Nonrepeat locally produced video programming” defined. “Nonrepeat locally produced video programming” includes, without limitation, the first three videocastings of an official meeting of a local government.

(Added to NRS by [2007, 1365](#))

NRS 711.740 “PEG access channel” defined. “PEG access channel” means a channel that videocasts PEG access programming.

(Added to NRS by [2007, 1365](#))

NRS 711.750 “PEG access programming” defined. “PEG access programming” means noncommercial public, educational and governmental video programming or the capacity for the transmission of such programming.

(Added to NRS by [2007, 1365](#))

NRS 711.760 Circumstances under which PEG access channel deemed “substantially utilized.”

For the purposes of [NRS 711.700](#) to [711.820](#), inclusive, a PEG access channel shall be deemed to be “substantially utilized” if at least 12 hours of PEG access programming, excluding any alpha-numeric programming, is videocast on the PEG access channel each calendar day and at least 80 percent of the PEG access programming on each calendar day is nonrepeat locally produced video programming.

(Added to NRS by [2007, 1365](#))

NRS 711.770 Applicability; requirements for changing channel number assigned to PEG access channel.

1. Except as otherwise provided in subsection 2, the provisions of [NRS 711.700](#) to [711.820](#), inclusive, do not apply to any existing PEG access channel in service on June 4, 2007.

2. The provisions of [NRS 711.700](#) to [711.820](#), inclusive, do not prevent a video service provider from changing the channel number assigned to any PEG access channel, including, without limitation, any existing PEG access channel in service on June 4, 2007. If a video service provider intends to change the channel number assigned to any PEG access channel, the provider:

(a) Shall use good faith efforts to provide the affected local government with written notice of the change, to the extent reasonably practicable, at least 120 days before the date on which the change is to become effective; and

(b) Shall not provide such notice less than 30 days before the date on which the change is to become effective.

(Added to NRS by [2007, 1366](#))

NRS 711.780 Holder of certificate not required to provide certain capacity, services, programming, funds, facilities, staffing or equipment. Except as otherwise provided in [NRS 711.700](#) to [711.820](#), inclusive, a holder of a certificate is not required to:

1. Provide any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building; or

2. Furnish any funds, services, programming, facilities, staffing or equipment related to the use of PEG access channels or the production or videocasting of PEG access programming.

(Added to NRS by [2007, 1366](#))

NRS 711.790 Incumbent cable operator authorized to cease providing certain capacity and services under certain circumstances; reclamation of channels.

1. Not sooner than 12 months after the date on which an incumbent cable operator obtains a certificate of authority, the incumbent cable operator may cease providing any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building.

2. If an incumbent cable operator ceases to provide network or channel capacity to a governmental entity, the incumbent cable operator may reclaim for its own purposes the network or channel capacity that was used by the governmental entity unless:

(a) The governmental entity uses the capacity for PEG access programming pursuant to [NRS 711.700](#) to [711.820](#), inclusive; or

(b) The incumbent cable operator and the governmental entity enter into a commercial agreement regarding the rates, terms and conditions for the governmental entity to continue using the network or channel capacity.

(Added to NRS by [2007, 1366](#))

NRS 711.800 Request for capacity for PEG access programming by local governments; requirements and procedure.

1. On or after the date on which a holder of a certificate first provides video service to at least one subscriber within the service area of a local government, the local government may request that the holder provide capacity for PEG access programming on its video service network on any service tier viewed by more than 50 percent of the subscribers in that service area. Within a reasonable period of not less than 120 days after the date on which the local government submits its request, the holder shall provide the local government with such capacity for PEG access programming subject to the provisions of [NRS 711.700](#) to [711.820](#), inclusive.

2. If a video service provider did not provide capacity for PEG access programming to a local government while operating pursuant to a local franchise, the video service provider shall, after obtaining a certificate of authority, provide capacity for PEG access programming to the local government upon a request made by the local government pursuant to this section.

(Added to NRS by [2007, 1366](#))

NRS 711.810 Designation of PEG access channels; requirements and procedure; reclamation of channels; applicability.

1. A local government that requests capacity for PEG access programming may require a holder of a certificate to designate:

(a) Not more than two PEG access channels, if the population within the jurisdiction of the local government is less than 50,000.

(b) Not more than three PEG access channels, if the population within the jurisdiction of the local government is 50,000 or more.

2. The number of PEG access channels set forth in subsection 1 constitutes the total number of PEG access channels that the holder may be required to designate on any single video service network utilizing a single headend or hub office, or on all commonly owned video service networks that share a common headend or hub office, regardless of the number of local governments served from that headend or hub office. If more than one local government is served by a single or common headend or hub office, the populations within the jurisdictions of all those local governments must be aggregated to determine the total number of PEG access channels under subsection 1.

3. When a local government submits its request for capacity for PEG access programming, the local government must submit information which establishes that each PEG access channel it has requested will be substantially utilized. If one or more of the PEG access channels available under subsection 1 are being used at the headend or hub office when the local government submits its request, the holder is not required to make any of the remaining PEG access channels available to the local government unless the local government submits information which establishes that all existing PEG access channels at the headend or hub office are being substantially utilized.

4. Except as otherwise provided in subsection 5, if a local government does not substantially utilize a PEG access channel made available to it pursuant to this section, the holder may reclaim the channel capacity for its own purposes. After reclaiming the channel capacity, if the local government makes a request for restoration of the PEG access channel and submits to the holder information which establishes that the PEG access channel will be substantially utilized, the holder shall restore the PEG access channel to the local government unless, when the request is submitted to the holder, the maximum number of PEG access channels available under subsection 1 are being used at the headend or hub office which serves the local government. If the restoration can be made within the limits of subsection 1, the holder shall restore the PEG access channel to the local government within a reasonable period of not less than 120 days after the date on which the request is submitted to the holder.

5. The provisions of subsection 4 do not apply to the first PEG access channel which is made available to a local government that does not have a PEG access channel in service on June 4, 2007.

(Added to NRS by [2007, 1367](#))

NRS 711.820 Responsibilities of local governments receiving PEG access channels; requirements regarding interconnection of video service networks for exchange of PEG access programming.

1. A local government receiving the benefit of a PEG access channel, or its designee, is responsible for producing the programming of that channel and for providing that programming to the holder of a certificate. The holder is responsible only for the transmission of the programming to subscribers.

2. A local government, or its designee, shall provide to the holder all programming for a PEG access channel in a manner or form that is:

(a) Capable of being accepted and transmitted by the holder over its video service network without alteration or change in the content or transmission signal; and

(b) Compatible with the technology or protocol utilized by the holder to deliver its video service.

3. A local government shall:

(a) Make the programming for each PEG access channel available in a nondiscriminatory manner to all holders or incumbent cable operators providing video service in the service area of the local government.

(b) Provide all facilities necessary for connectivity to a single PEG access channel distribution point in the service area of the local government, except that the first 200 feet extending from the video service network for the connectivity is the responsibility of the holder.

4. Where necessary and technically feasible, holders or incumbent cable operators shall use reasonable efforts to interconnect their video service networks for the purpose of exchanging PEG access channel programming on mutually acceptable rates, terms and conditions. Interconnection may be accomplished by direct cable microwave link, satellite or other reasonable methods of connection. Holders and incumbent cable operators shall negotiate interconnection in good faith. The person requesting interconnection is responsible for any costs, including, without limitation, signal transmission from the origination point to the point of interconnection.

(Added to NRS by [2007, 1367](#))

Enforcement

NRS 711.850 Filing of complaint alleging violation of chapter; action for enforcement; remedies and penalties; award of attorney's fees and costs; applicability.

1. A video service provider or a local government may file with the Bureau of Consumer Protection a written complaint alleging a violation of the provisions of this chapter.

2. Upon a written complaint filed by a video service provider or a local government pursuant to this section, the Consumer's Advocate may commence in a district court an action to enforce the provisions of this chapter and to seek equitable or declaratory relief.

3. If such an action is commenced against a video service provider and the district court determines that the provider has violated any provision of this chapter, the court shall issue an order to the provider directing the provider to take corrective action within a specified reasonable period and providing for such other equitable or declaratory relief as the court finds necessary, including, without limitation, suspending the certificate of authority held by the video service provider.

4. If the district court orders equitable or declaratory relief in an action brought by the Consumer's Advocate pursuant to this section, the court shall award the Consumer's Advocate, in an amount approved by the court, reasonable attorney's fees and costs incurred by the Consumer's Advocate in bringing the action.

5. The provisions of this section do not:

(a) Apply to any action authorized pursuant to [NRS 711.265](#) to [711.290](#), inclusive, or [711.680](#).

(b) Prevent the Bureau of Consumer Protection from enforcing any applicable provisions of [chapter 598](#) of NRS against a video service provider.

6. As used in this section:

(a) "Bureau of Consumer Protection" means the Bureau of Consumer Protection in the Office of the Attorney General.

(b) "Consumer's Advocate" means the Consumer's Advocate of the Bureau of Consumer Protection.

(Added to NRS by [2007, 1368](#))