Rules and Regulations of the State of Georgia

Department 93 CABLE AND VIDEO SERVICE COMPLAINTS

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 93-1 entitled "Rules of General Applicability" has been adopted. Filed December 7, 2007; effective January 1, 2008, as specified by the Agency.

Cite as Ga. Comp. R. & Regs. R. dept. 93, ADMINISTRATIVE HISTORY

Chapter 93-1. RULES OF GENERAL APPLICABILITY.

Rule 93-1-.01. Definitions.

(1) "Affected local governing authority" means any municipal governing authority when any part of such municipality is located within the service area and any county governing authority when any part of the unincorporated area of such county is located within the service area.

(2) "Cable service" means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. Cable service shall not include any video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. Section 332(d) or video programming provided as part of and via a service that enable users to access content, information, e-mail, or other services offered over the public Internet.

(3) "Cable service provider" means any person or group of persons through a state franchise:

(a) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system; or

(b) Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

(4) "Complaint" means any written or oral communication by a subscriber to an affected local governing authority expressing dissatisfaction with any non-programming aspect of the provider's cable or video service. Complaints shall not include expressions of dissatisfaction with non-cable or non-video products or services that may be bundled with cable services or video services.

(5) "Provider" means a cable service provider or video service provider.

(6) "Subscriber" means any person or entity lawfully receiving video service from a video service provider or cable service from a cable service provider.

(7) "Video service" means the provision of video programming through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including Internet protocol technology. This term shall not include any video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. Section 332(d) or video programming provided as part of and via a service that enables users to access content, information, e-mail, or other services offered over the public Internet.

(8) "Video service provider" means an entity providing video service through a state franchise. This term shall not include a cable service provider.

Cite as Ga. Comp. R. & Regs. R. 93-1-.01
Authority: O.C.G.A Sec. 36-76-7.
History. Original Rule entitled "Definitions" adopted. F. Dec. 7, 2007; eff. Jan. 1, 2008, as specified by the Agency.

Rule 93-1-.02. Customer Service Standards.

A cable service provider or video service provider shall be subject to the following customer service standards, as set forth in 47 C.F.R. 76.309(c):

(1) Cable System Office Hours and Telephone Availability.

(a) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

1. Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

2. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine.

Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(b) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

(c) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

(d) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

(e) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

(2) Installations, Outages and Service Calls.

Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:

(a) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

(b) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

(c) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

(d) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(e) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(3) Communications Between Cable Operators and Cable Subscribers.

(a) Refunds -- Refund checks will be issued promptly, but no later than either --

1. The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

2. The return of the equipment supplied by the cable operator if service is terminated.

(b) Credits -- Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(4) Definitions.

(a) Normal business hours -- The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases,"normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

(b) Normal operating conditions -- The term "normal operating conditions" means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(c) Service interruption -- The term "service interruption" means the loss of picture or sound on one or more cable channels.

Cite as Ga. Comp. R. & Regs. R. 93-1-.02
Authority: O.C.G.A Sec. 36-76-7.
History. Original Rule entitled "Customer Service Standards" adopted. F. Dec. 7, 2007; eff. Jan. 1, 2008, as specified by the Agency.

Rule 93-1-.03. Complaint Resolution.

(1) Required Information.

(a) Each provider shall establish written procedures for:

(1) receiving, acting upon and resolving subscriber complaints; and

(2) crediting and refunding subscriber accounts in accordance with the provider's policies or Rule 93-1-.04, whichever is greater. Complaint resolution procedures and credit and refund policies shall be addressed in the same document. The complaint resolution procedures shall prescribe a simple process by which any subscriber may submit a complaint in person, by telephone, electronic mail or in writing to the provider regarding an alleged violation of the customer service standards contained in Rule 93-1-.02, any terms or conditions of the subscriber's contract with the provider, or reasonable business practices.

1. Each provider shall furnish a copy of its written complaint resolution procedures/credit and refund policies to each affected local governing authority within whose jurisdiction it provides service before it begins offering service in that jurisdiction. A copy of each provider's complaint resolution procedures/credit and refund policies shall be furnished to the Association of County Commissioners of Georgia and the Georgia Municipal Association upon request.

2. Each provider shall furnish a written copy of its complaint resolution procedures/credit and refund policies to each subscriber at the time of initial installation of service, as well as upon a subscriber's request. At least annually, each subscriber shall receive an additional copy of the complaint resolution procedures/credit and refund policies as an insert in a monthly billing statement. A copy of the procedures shall also be available on the provider's web page.

3. If a provider plans to change its written complaint resolution procedures/credit and refund policies, a copy of the amended procedures shall be provided to the affected local governing authority and to each subscriber prior to the effective date of the change.

(b) Each provider shall furnish to the Secretary of State and each affected local governing authority within whose jurisdiction it provides service the name, business address, telephone number and electronic mail address of a single point of contact to accept subscriber complaints. When sending information to affected local governing authorities pursuant to these rules, correspondence shall be sent to the attention of the City or County Clerk or City or County Manager.

(2) Provider Resolution Process.

(a) If an affected local governing authority is contacted directly with a subscriber complaint, it shall notify the provider's single point of contact and shall forward a copy of the complaint to the point of contact by facsimile, electronic or regular mail, so that the provider may attempt a direct resolution with the subscriber.

(b) Each provider shall use its best efforts to resolve subscriber concerns or complaints. Subject to factors outside the provider's direct control, the provider shall have three (3) business days from the date on which it receives a complaint from the local governing authority or its designated agent to contact the subscriber and shall have ten (10) business days from the date on which it receives the complaint from the local governing authority to resolve the complaint directly with the subscriber.

(c) Within three (3) business days after the expiration of the ten (10) business day resolution period, the provider shall issue to the affected local governing authority a complaint resolution report containing the following information: name of the subscriber; the date on which the provider received the complaint; a description of the complaint; a description of the resolution (including, but not limited to, any credits or monetary payments received by the subscriber); and the date of resolution. A copy of the report shall be provided to the subscriber.

(d) A subscriber who is dissatisfied with a provider's resolution may seek additional review by the affected local governing authority. Simultaneous with submission of the complaint resolution report to the affected local governing authority and the subscriber, the provider shall notify the subscriber of the subscriber's right to seek additional complaint review and shall explain the procedures for filing the complaint with the affected local governing authority.

(3) Complaint Review by Affected Local Governing Authority.

(a) Any subscriber who is dissatisfied with a provider's resolution of a complaint or has not received a response from the provider within the ten (10) business day complaint resolution period shall be entitled to have the complaint reviewed by the affected local governing authority. The subscriber may initiate the complaint review process by contacting the affected local governing authority via telephone, letter or electronic mail within fourteen (14) business days of the provider's decision or, if no response was received from the provider, within twenty-four (24) business days of initial notice to the provider of the subscriber's complaint.

(b) Within ten (10) days of receipt of a subscriber's request for complaint review, the affected local governing authority shall contact the subscriber and provider and schedule a non-binding mediation. The mediation shall be held within thirty (30) days of receipt of the request for complaint review, at a location convenient to the subscriber. The affected local governing authority, at its sole discretion, may conduct the mediation internally or utilize the services of an outside mediator. In

the event that an outside mediator is used, the cost of mediation shall be divided equally between the affected local governing authority and the provider.

(c) In the event mediation does not resolve the complaint between the subscriber and the provider, the subscriber may seek final resolution from the affected local governing authority, which review must be initiated within fifteen (15) days of an unsuccessful mediation. As part of the final resolution process, the affected local governing authority may require the provider and subscriber to submit, within fifteen (15) days of notice thereof, a written statement of the facts and argument in support of their respective positions, together with any additional evidence which the affected local governing authority may deem necessary for an understanding and resolution of the complaint.

(d) The affected local governing authority shall review the information provided. In the event the affected local governing authority determines that the provider has offered a reasonable resolution to the subscriber's complaint, the affected local governing authority shall provide written notice of such resolution to the subscriber and the provider with the specific details, at which point the affected local governing authority may terminate the resolution process. In the event the affected local governing authority determines that the provider has not offered a reasonable resolution to the subscriber's complaint, then the affected local governing authority shall provide written notice to the subscriber and the provider with the specific details. The provider shall then have five (5) days to respond to the affected local governing authority, during which time the provider shall have the right to resolve the complaint. If the complaint remains unresolved after five (5) days, then the affected local governing authority shall schedule a hearing to resolve the complaint. The affected local governing authority shall notify the subscriber and the provider in writing of the time and place of such hearing, and the subscriber and provider shall have an opportunity to appear, to present evidence, and to make legal arguments. At the conclusion of the hearing, the affected local governing authority shall issue its final resolution. If the affected local governing authority determines that the subscriber's complaint is valid and that the provider did not offer the subscriber the proper solution and/or credit, it may reverse the provider's decision and/or require the provider to grant a specific solution, for that subscriber, including, but not limited to, pro rata service credits or refunds to the subscriber. The decision of the affected local governing authority is final unless the subscriber or provider, within thirty (30) days of the decision, appeals the decision to the superior court. A party who appeals a decision shall follow the procedures set forth in Article 2 of Chapter 3 of Title 5 of the Official Code of Georgia, and any appeal shall be *de novo*.

(e) The affected local governing authority may extend the time limits contained in Rule 93-1-.03 for reasonable cause.

Cite as Ga. Comp. R. & Regs. R. 93-1-.03
Authority: O.C.G.A Sec. 36-76-7.
History. Original Rule entitled "Complaint Resolution" adopted. F. Dec. 7, 2007; eff. Jan. 1, 2008, as specified by the Agency.

Rule 93-1-.04. Credits and Refunds.

(1) In the event that the provider fails to begin installation of service within the scheduled time period, unless otherwise excused, the subscriber is entitled to a credit equal to the charge for a standard installation. The appointment for a subsequent installation shall be rescheduled for a specific time window that is convenient to the subscriber. In the event that the provider fails to begin installation of service during the time period set for the subsequent appointment, the subscriber shall be entitled to an additional credit in an amount equal to the regular, monthly recurring cost of three months basic cable or video service.

(2) Excluding conditions beyond the control of the provider, in the event that a service interruption occurs and restoration has not begun within twenty-four (24) hours after the provider receives a repair request from the subscriber for repair service, the subscriber is entitled to a credit in an amount equal to the amount that the subscriber was billed for cable or video service during the preceding billing period.

(3) In the event that the provider fails to arrive to correct any outage or make any requested repair at the stated time period, unless otherwise excused, the subscriber is entitled to a $20.00 credit.

(4) In the event that improper termination of service occurs, the subscriber is entitled to a free reconnection of the service that was improperly terminated and a credit in an amount equal to all charges that were billed to such subscriber for the period the subscriber did not have service.

(5) In the event that the provider owes the subscriber a refund or credit and fails to deliver the refund or credit within the time frame set forth in Rule 93-1-.02(3), the provider shall refund or credit to the subscriber an amount equal to twice the amount of the actual refund or credit that was due to the subscriber.

Cite as Ga. Comp. R. & Regs. R. 93-1-.04
Authority: O.C.G.A Sec. 36-76-7.
History. Original Rule entitled "Credits and Refunds" adopted. F. Dec. 7, 2007; eff. Jan. 1, 2008, as specified by the Agency.

Rule 93-1-.05. Billing Disputes.

A provider shall not assess a late charge, penalty or interest on a billing statement or discontinue a subscriber's service solely due to non-payment of the disputed portion of a bill during the pendency of the complaint resolution process provided for in these rules.

Cite as Ga. Comp. R. & Regs. R. 93-1-.05
Authority: O.C.G.A Sec. 36-76-7.
History. Original Rule entitled "Billing Disputes" adopted. F. Dec. 7, 2007; eff. Jan. 1, 2008, as specified by the Agency.