

Pub. L. 98-549, set out as a note under section 521 of this title.

## **§ 552. Consumer protection and customer service**

### **(a) Franchising authority enforcement**

A franchising authority may establish and enforce—

- (1) customer service requirements of the cable operator; and
- (2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.

### **(b) Commission standards**

The Commission shall, within 180 days of October 5, 1992, establish standards by which cable operators may fulfill their customer service requirements. Such standards shall include, at a minimum, requirements governing—

- (1) cable system office hours and telephone availability;
- (2) installations, outages, and service calls; and
- (3) communications between the cable operator and the subscriber (including standards governing bills and refunds).

### **(c) Subscriber notice**

A cable operator may provide notice of service and rate changes to subscribers using any reasonable written means at its sole discretion. Notwithstanding section 543(b)(6) of this title or any other provision of this chapter, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

### **(d) Consumer protection laws and customer service agreements**

#### **(1) Consumer protection laws**

Nothing in this subchapter shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted by this subchapter.

#### **(2) Customer service requirement agreements**

Nothing in this section shall be construed to preclude a franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards established by the Commission under subsection (b). Nothing in this subchapter shall be construed to prevent the establishment or enforcement of any municipal law or regulation, or any State law, concerning customer service that imposes customer service requirements that exceed the standards set by the Commission under this section, or that addresses matters not addressed by the standards set by the Commission under this section.

(June 19, 1934, ch. 652, title VI, §632, as added Pub. L. 98-549, §2, Oct. 30, 1984, 98 Stat. 2796; amended Pub. L. 102-385, §8, Oct. 5, 1992, 106 Stat. 1484; Pub. L. 104-104, title III, §301(g), Feb. 8, 1996, 110 Stat. 117.)

## **Editorial Notes**

### **REFERENCES IN TEXT**

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

### **AMENDMENTS**

1996—Subsecs. (c), (d). Pub. L. 104-104 added subsec. (c) and redesignated former subsec. (c) as (d).

1992—Pub. L. 102-385 amended section generally. Prior to amendment, section read as follows:

“(a) A franchising authority may require, as part of a franchise (including a franchise renewal, subject to section 546 of this title), provisions for enforcement of—

“(1) customer service requirements of the cable operator; and

“(2) construction schedules and other construction-related requirements of the cable operator.

“(b) A franchising authority may enforce any provision, contained in any franchise, relating to requirements described in paragraph (1) or (2) of subsection (a) of this section, to the extent not inconsistent with this subchapter.

“(c) Nothing in this subchapter shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not inconsistent with this subchapter.”

### **Statutory Notes and Related Subsidiaries**

#### **EFFECTIVE DATE OF 1992 AMENDMENT**

Amendment by Pub. L. 102-385 effective 60 days after Oct. 5, 1992, see section 28 of Pub. L. 102-385, set out as a note under section 325 of this title.

#### **EFFECTIVE DATE**

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

## **§ 553. Unauthorized reception of cable service**

### **(a) Unauthorized interception or receipt or assistance in intercepting or receiving service; “assist in intercepting or receiving” defined**

(1) No person shall intercept or receive or assist in intercepting or receiving any communications service offered over a cable system, unless specifically authorized to do so by a cable operator or as may otherwise be specifically authorized by law.

(2) For the purpose of this section, the term “assist in intercepting or receiving” shall include the manufacture or distribution of equipment intended by the manufacturer or distributor (as the case may be) for unauthorized reception of any communications service offered over a cable system in violation of subparagraph (1).

### **(b) Penalties for willful violation**

(1) Any person who willfully violates subsection (a)(1) shall be fined not more than \$1,000 or imprisoned for not more than 6 months, or both.

(2) Any person who violates subsection (a)(1) willfully and for purposes of commercial advantage or private financial gain shall be fined not more than \$50,000 or imprisoned for not more than 2 years, or both, for the first such offense