

WAVE BOADBAND

POLICY CONCERNING INDECENT PROGRAMMING ON COMMERCIAL LEASED ACCESS CHANNELS

As authorized by federal law, it is the policy of Wave Broadband to refuse carriage of indecent programming on commercial leased access channels. Consequently, *leased access users must not transmit, or submit for transmission, any such programming on any full-time or part-time leased access channel on this cable system.*

Wave Broadband does not intend to routinely pre-screen leased access programming for indecency. Rather, Wave Broadband will rely on the leased access channel user's warranty made in the Channel Lease Agreement that the leased access channel user will not transmit, or submit for transmission, any indecent program material. However, Wave Broadband reserves the right to pre-screen leased access programming from time to time, at its discretion. If, in pre-screening leased access programming or through notification from subscribers, officials, community residents or otherwise, Wave Broadband discovers that leased access programming contains indecent material, Wave Broadband shall have the right to prohibit or reschedule transmission of that leased access programming or take other appropriate action. Any leased access user who transmits indecent programming, or submits such programming for transmission over a Wave Broadband cable system, in violation of this policy and/or in breach of the warranties made in its Channel Lease Agreement, will subject the Channel Lease Agreement to immediate termination.

Indecent material is defined by federal law as "programming that the cable operator reasonably believes describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards." 47 U.S.C. §532(h). In evaluating whether material is indecent, Wave Broadband will apply a good faith judgment under this standard, and may look to such explanations published by the FCC or other authority that may come to Wave Broadband's attention.