



2023 FORM TR-PEG SUPPLEMENTAL INSTRUCTIONS

(Forms are available at www.ncdor.gov/local-government/information-unit)

CERTIFICATIONS MUST BE RECEIVED IN THIS OFFICE BY JULY 15, 2023.

SEND CERTIFICATION BY EMAIL TO:

E-mail: localgovt_informationunit@ncdor.gov

**Local Government Division
North Carolina Department of Revenue
P.O. Box 871
Raleigh, N.C. 27602-0871**

DO NOT SUBMIT A COPY OF THESE INSTRUCTIONS.

If you have questions regarding these instructions, please call (919) 814-1129.

On the certification form, each channel must be identified as either a public, educational, or government channel. The certification must include the name of the PEG channel operator for each channel and the signature of an authorized official of the PEG Channel Operator. **A PEG Channel Operator may be included on the certification form of only one local government for each type of PEG channel that it operates.** A PEG channel operator is the entity that:

- 1) produces programming for delivery on the PEG channel, or
- 2) provides facilities for the production of programming or playback of programming for delivery on the PEG channel.

If a local government operates its own government or educational channel and produces or purchases the programming for that channel, or makes its studio available to residents for the production of programming shown on the public access channel, the government should list itself as the PEG Channel Operator. In most other cases, the PEG Channel Operator will be a separate organization, such as a community college, school district, private college, or non-profit organization. The PEG Channel Operator is not to be confused with the cable service provider.

If a channel has more than one PEG Channel Operator, please list all PEG Channel Operators. **Examples of how various PEG channel operating arrangements should be treated on Certification Forms are provided in Appendix A.**

A channel must meet all of the following conditions in order to be certified as a qualified PEG channel:

1. The PEG channel must be provided to the certifying local government under:
 - a) A State cable franchise issued after January 1, 2007, pursuant to SL 2006-151; or
 - b) A local cable franchise agreement that was in effect on January 1, 2007; or
 - c) A local cable franchise that expired before January 1, 2007, if the cable service provider still provided cable service to subscribers in the franchise area on January 1, 2007;
2. The PEG channel must have operated for at least ninety (90) days during the 22-23 fiscal year;
3. The channel must have delivered at least eight hours of programming a day during the 22-23 fiscal year;
4. The PEG channel must have delivered at least six (6) hours forty-five (45) minutes of non-character-generated programming a day during the 22-23 fiscal year; **and**
5. The PEG channel must have repeated no more than fifteen percent (15%) of the content of any other PEG channel provided to the city or county during the 22-23 fiscal year.

For each PEG Channel provided to your government under a State franchise or existing local franchise, please provide the required information about the channel on the form. The form includes boxes in which the PEG Channel's Certifying official must indicate whether or not the channel meets the criteria. **The answers to the qualification questions should be provided by the PEG Channel Operator.** PEG Channel Operators must carefully assess whether their programming for the 22-23 fiscal year met the criteria.

When the Certification Form is received, DOR will determine whether the information on the form is complete and whether the local government has certified that all of the qualifying criteria have been met. If the form is not complete or is unreadable, it will be returned to the local government. The form may be corrected and must be resubmitted before the July 15 deadline.

After July 15, 2023, DOR will check each form against all other submissions to determine whether any of the listed PEG Channel Operators are included on multiple forms for the same channel type. If a PEG Channel Operator is listed more than once for the same channel type, DOR will contact the Channel Operator to determine which certification is correct.

DOR will accept all forms received by July 15, 2023 that are complete, indicate that all qualifying criteria were met, and for which the PEG Channel Operators are listed on only that Certification Form for each channel type, along with appropriate signatures. DOR will deem all PEG Channels on such forms to be certified. **Local governments submitting certification forms after the July 15 due date will not be included in the first PEG Channel distribution.**

APPENDIX A

Examples of PEG Channel Operating Structures and How They Should Be Treated on Certification Forms

These examples are provided as illustrations and are not meant to be an exhaustive list of possible arrangements for the operation of PEG channels. For all examples, it is assumed that the channel meets the programming hour requirements.

A. Issue: A local government or other organization that produces no programming and does not provide related facilities cannot qualify as a PEG channel operator (NCGS 105-164-44J(a)(3))

- Raleigh's Internal Communications Department that produces a schedule of programming for Raleigh's own government Channel (Channel 1).
- The Internal Communication Department is the PEG channel operator for Channel 1.
- The nearby town of Garner is also provided with Channel 1 on the Garner franchise cable system. Garner does not produce its own content, or transmit programming on Channel 1 using Garner's own playback facilities. However Garner's cable operator plays program produced by Raleigh on Garner's Channel 1.
- Garner does not qualify as a PEG channel operator, because it produces no programming and provides no facilities.
- Raleigh Internal Communications Department should be named as the PEG channel operator of Channel 1 on the PEG Channel Certification Form submitted to DOR. Garner should not certify Channel 1 on its Certification Form. **A PEG channel operator may be included on the certification form of only one local government for each type of PEG channel that it operates.** NCGS 105-164-44J(b)(2)

B. Issue: Two operators who provide material for the same station and same local government can certify the channel on their forms, listing themselves as the PEG operator. (NCGS 105-164-44J(b)(2))

- Chapel Hill Communications Department provides a schedule of programming for Chapel Hill Government Channel 1.
- Orange County also provides a schedule of programming with Channel 1 on its cable system. Orange County employees tape the County Commission meetings and other public functions. Orange County provides DVDs of the meetings to the Chapel Hill Communications Department to telecast on Channel 1 as a supplement to Chapel Hill's schedule.
- Because the city and county each produce programming for Channel 1, both Chapel Hill's Communications Department and Orange County are PEG channel operators for Channel 1. Therefore, Chapel Hill should certify Channel 1 on its form with the Communications Department listed as the PEG channel operator, and Orange County should certify Channel 1 on its form, identifying itself as the PEG channel operator.

C. Issue: A PEG channel operator may be included on the certification form of only one local government for each type of PEG (P, E or G) channel that it operates. (NCGS 105-164-44J(b)(2))

- The Town of Selma and the Town of Micro both contract with Open Access, a non-profit organization, to operate a studio for public access programming and to deliver the programming to Selma's **public** access channel (Channel 2) and Micro's **public** access channel (Channel 3).
- Open Access also produces a separate schedule of programming for the Town of Princeton's **government** channel. (Channel 4).

- Open Access is a PEG Channel Operator for all three channels. Nevertheless, it may only be included on one Certification Form as a **public** access channel operator, and therefore Open Access must choose whether to sign the Certification Form of Selma or Micro. ***A PEG channel operator may be included on the certification form of only one local government for each type of PEG channel that it operates***
- Open Access may be included on Princeton's certification as the PEG channel operator of Channel 4 because it is **the only government channel for which Open Access is a PEG channel operator**. A PEG channel operator may be included on the certifications of a different government for each of the different type of channel that it operates.

D. **Issue: A PEG operator may list itself twice on the same form, for the same government entity, for multiple channels, for the same type of programming** Washington is provided with two channels, channel 1 and channel 2 in its franchise agreement and chooses to operate both as **government** channels.

- Washington produces all of the programming for each channel. Washington may list itself as the PEG Channel Operator for both channels, even though they are both government channels, because they are both listed on the same form for the same government entity.
- **The prohibition on a PEG channel operator being listed twice applies only when the same PEG Channel Operator is listed on more than one government's certification forms for the same type of channel (NCGS 105-164.44J(b)2) , or when it repeats more than 15% of the programming content on any other PEG channel provided to the same city or county. (NCGS 105-164-44J(a)4c) A county or city may not certify more than three qualifying PEG Channels. (NCGS 105-164.44J(b))**

E. **Issue: A PEG channel operator that produces the same programming type (i.e. educational) for the same channel in multiple franchise areas may be included on the certification form of only one local government form as for that type of channel (NCGS 105-164-44J(b)2)**

- Mecklenburg County and three of its towns all are provided with Channel 6 on their cable systems as a PEG channel.
- They all choose to operate it as an **educational** channel and pay Mecklenburg Community College to produce the programming for the channel and to deliver the programming to the cable system. The same programming is telecast on the channel in each franchise area.
- Although the community college is the PEG channel operator for Channel 6, it may be listed by only one local government as the PEG Channel Operator of an educational channel. **Mecklenburg Community College, as the PEG channel operator must decide which community's certification form it will sign.**

F. **Issue: Two different PEG channel operators can be listed on the same form, for the same government entity.**

- Carteret County is provided with Channel 7 in its franchise agreement and operates it as a public access channel.
- Because Carteret County is a geographically large county, it operates two studios at which its citizens can produce programming for the **public** access channel. One studio is in the county office building and the other is at a private college at the other end of the county.
- Because both organizations provide facilities for the production of programming on Channel 7, both are its PEG channel operators. **Carteret County should name itself and the college as PEG channel operators on its Certification Form. (NCGS 105-164-44J(b)2)**