



UNITED STATES MARINE CORPS

MARINE CORPS BASE

QUANTICO, VIRGINIA 22134-5001

MCBO 11390.1A

B 034

16 Dec 97

MARINE CORPS BASE ORDER 11390.1A

From: Commanding General  
To: Distribution List

Subj: CABLE TELEVISION

Ref: (a) Franchise Renewal Agreement for MCB Cable Television System of 21 Jun 1991 (NOTAL)

Encl: (1) Copy of Section 18.2-165.1 of Virginia State Code  
(2) Free Cable Television Service Outlets

1. Purpose. This Order concerns the procedures and responsibilities for obtaining cable television services. This Order reflects the terms of reference (a) and is not a contract and is informational in nature.

2. Cancellation. MCBO 11390.1.

3. Background

a. For the purpose of this Order cable television is described as any facility that, in whole or in part, receives directly, or indirectly, over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service.

b. The reference authorizes Jones Communications to provide basic cable television to all family housing to include bachelor officer and enlisted quarters aboard MCB, Quantico. All requirements imposed by the contract for installation to family housing have been satisfied. Future installation is on a case-by-case basis and will require authorization by the Commanding General. Procedures for future installation are discussed in paragraph 5d of this Order.

4. Summary of Revision. This revision contains a significant number of changes and should be reviewed in its entirety.

5. Information

a. Cable Television Officer. The Head, Training and Audiovisual Support Center (TAVSC) Branch, Operations Division, is appointed, as the Command Cable Television Officer by the CG MCB.

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b. QTV. Channel 49 on cable television is used for broadcasting official Marine Corps training and education, or information programs to facilities with CATV subscription services.

c. Construction. Prior to any construction being performed by the cable television company, the following will be accomplished:

(1) Per reference, the current cable television franchise holder will notify the Cable Television Officer 2 weeks in advance, in writing, of the type of construction, the area affected, the time period involved, equipment to be used, etc.

(2) The Cable Television Officer will request in writing the drawings and marking of existing underground utilities from the Director, Facilities Division. He will also request in writing the marking of telephone cables and fiber optic cable from the Director, Communication Electronics Division (CED). The Director, Facilities Division will have 10 days from receipt of the Cable Television Officer's work request to mark all water, sewage, steam, electrical and gas underground utilities. The Director, CED will also have 10 days from receipt of the Cable Television officer's work request to mark all telephone cables and fiber optic cable. Public Works Branch, Facilities Division will contact Miss Utility, 9-1-800-257-7777 for all other services.

(3) The Cable Television Officer will provide written approval of the proposed construction to the cable television company.

(4) The Cable Television Officer will request that the cable company contact him prior to the first day of work.

(5) Breaks or damage to any existing cable or structure will be reported immediately to the Cable Television Officer, extensions 2381/3218.

d. Other Construction

(1) The Director, Facilities Division will notify the Cable Television Officer of any construction being scheduled aboard the command approximately 2 weeks prior to its commencement.

(2) The Cable Television Officer will notify the current cable television franchise holder of the proposed construction.

(3) The current cable television franchise holder will come aboard this Base and mark their cable routes as prescribed by Virginia statute for the marking of cable television.

e. Installation

(1) All requests for installation of cable television into a new area will be addressed in writing to the Head, TAVSC Branch, Operations Division (B 034).

(2) Requests for new installation will be considered on a case-by-case basis. Major factors affecting new installation are the proximity of existing cable, whether it is economically feasible for the cable company and the number of subscribers involved.

(3) Appropriated activities applying for installation of cable television into their areas will be evaluated for mission applicability prior to approval/disapproval of requested service.

(4) Funding for approved installation of cable television by an appropriated fund activity will be provided by that activity.

f. Subscribers

(1) Personnel residing in base housing, bachelor officer quarters and bachelor enlisted quarters seeking cable service should contact the current cable television franchise holder at 730-2225 for information concerning the various services available and charges. The cost of installation will be paid by these subscribers.

(2) If an outlet already exists, it will not be moved to another location within that room. Outlets may be installed in more than one room but only one outlet per room is authorized with installation costs being provided by the subscriber.

(3) All complaints (i.e., rates, billings, reception) concerning cable television should initially be brought to the attention of the cable company.

g. Theft or Tampering with Cable Television Lines and Equipment

(1) Tampering with or unlawfully using cable television is a violation of Articles 109 and 121 of the Uniform Code of Military Justice and a Class 3 Misdemeanor in the state of Virginia, Section 18.2-165.1 of the Virginia State Code.

(2) An individual is violating the law if obtaining cable television service without payment. The following penalties could be administered for such violations:

(a) When the value of service is less than \$200.00, the crime will be a Class 1 Misdemeanor with penalties of 12 months in jail, a \$1,000.00 fine or both.

(b) If service taken is \$200.00 or more, the crime is a Class 6 Felony subject to 5 years in jail, a \$1,000.00 fine or both.

(3) Action may also be taken by the Command against offenders.

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(4) Enclosure (1) gives more detailed information on what is considered as theft and/or tampering.

h. Cable Outlets. Reference (a) allows for MCB to receive 40 free cable outlets. Recipients of these outlets are named in enclosure (2).

6. Action

a. Cable Television Officer

(1) Act independently, but in cooperation with the cable operator and the Commanding General, as the Contracting Officer's Technical Representative of command subscribers in matters dealing with adequacy of type of broadcasts, access to channels, reception problems, rate increase requests, etc.

(2) Carryout all duties and requirements listed in the reference.

(3) Mediate all contract disputes or amendments to existing Franchise Renewal Agreement for MCB, Quantico.

(4) Serve as the liaison officer and coordinator for any new construction aboard the command which deals with the cable company.

(5) Will plan, organize, and execute programming in support of Professional Military Education (PME). PME, current events, and topics of local interest will be broadcast on channel 49, QTV.

b. Cable Television Liaison Officer

(1) Carryout all duties and requirements as assigned by the Cable Television Officer.

(2) Is this Command's POC for organizations requesting cable television.

(3) Is located on the third deck of Bldg. 2009. His telephone number is (703) 784-2381/3218.

c. Director, Facilities Division

(1) Public Works Officer

(a) Notify the Cable Television Officer immediately of any damage to the current cable television franchise holder's equipment and/or cabling which has been caused by contractor work performance.

(b) Inform the Cable Television Officer of any new construction directly involving the current cable television franchise holder's assets or any construction which could affect its equipment or cable.

(2) Maintenance Officer

(a) Notify the Cable Television Officer of any planned or unplanned power outages involving the electrical distribution system on the Command. The following areas are of prime concern, due to the fact that the cable company has power supplies located in them:

300 Block (Lettered apartments & split levels)  
2300 Block (Chamberlain Village)  
2700 Block (Argonne Hills)  
2900 Block (Thomason Park)  
4000 Block (Lyman Park)

If notified, the cable company can use their own power generators to temporarily supply the required power for continued service.

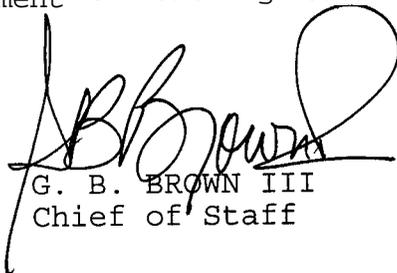
(b) Notify the Cable Television Officer immediately of any damage to cable television equipment or cabling which has been caused by in-house work performance.

(c) On call, provide personnel who can mark existing underground utility cables. The Head, Maintenance Branch, Facilities Division will require a written work request (NAVFAC 9-1104/20) with 10 working days lead time. The cable company will be required to mark their proposed route, prior to Facilities Maintenance marking their utilities.

d. Director, Communication Electronics Division

(1) The Telephone Officer will notify the Cable Television Officer of any planned or unplanned/emergent construction that may be in the vicinity of the current cable television franchise holder's equipment or cable.

(2) Notify the Cable Television Officer immediately of any damage to cable television equipment or cabling caused by in-house or contractor work performance.

  
G. B. BROWN III  
Chief of Staff

DISTRIBUTION: A

**Law Review.** • For survey of Virginia criminal law for the year 1972-1973, see 59 Va. L. Rev. 1458 (1973).

**§ 18.2-165. Unlawful use of, or injury to, television or radio signals and equipment.** • Any person who **shall willfully** or maliciously break, injure or otherwise destroy or damage any of the posts, wires, towers or other materials or fixtures employed in the construction or use of any line of a television coaxial cable, or a microwave radio system, **or willfully** or maliciously interfere with such structure so erected, or in any way attempt to lead **from** its uses or make use of the electrical signal or any portion thereof properly belonging to or in use or in readiness to be made use of for the purpose of using said electrical signal **from** any television coaxial cable company or microwave system or owner of such property, **shall** be guilty of a Class 3 misdemeanor. (Code 1950, **§ 181-157**; 1960, c. 358; 1975, cc. 14, 15.)

**§ 18.2-165.1. Tampering with or unlawful use of cable television service.** • Any person who (i) shall knowingly obtain or attempt to obtain cable television service **from** another by means, artifice, trick, deception or device without the payment to the operator of such service of **all lawful** compensation for each type of service obtained; (ii) **shall** knowingly, and with intent to profit thereby **from** any consideration received or expected, assist or instruct any other person in obtaining or attempting to obtain any cable television service without the payment to the operator of said service of **all lawful** compensation; (iii) **shall** knowingly tamper **or otherwise** interfere with or connect to by any means whether mechanical, electrical, acoustical or other service without authority **from** the operator of such service; or (iv) shall knowingly sell, rent, lend, promote, offer **or** advertise for sale, rental or use any device of any description or any **plan** form making or assembling the same to any person, with knowledge that the person intends to use such device or plan was represented either directly or indirectly by the person distributing it **as** having the ability **to** facilitate the doing of any of the acts herein before **mentioned, shall** be guilty of a Class 6 felony if convicted under clause (ii) or (iv) above and **shall** be guilty of a Class 1 misdemeanor if convicted under clause (iii) above.

As used herein, cable television service **shall** include any ad **all** services provided by or through the facilities of any cable television circuit coaxial cable communications system or any microwave, satellite or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

In any prosecution under this section, the existence on the property in the actual possession of the accused, of any connection, wire, conductor, or any device whatsoever, which permits the use of cable television service without the same being reported for payment to and specifically authorized by the operator of the cable television service shall be prima facie evidence of intent to **violate** and of the violation of this section by the accused.

Nothing contained in this section shall be constructed so as to abrogate or interfere with any contract right or remedy of any person having a contract with the owner of a television coaxial

cable; or a cablevision system, or a microwave radio system, (1978, c 712; 1979, c. 500; 198 1, c. 197; 1991, c. 502.)

**The 1991 amendment**, in the first paragraph, redesignated clauses (1) through (4) as clauses (i) through (iv), deleted “or” at the end of clause (i), in clause (ii) inserted “arid with intent to profit thereby **from** any consideration received or expected,” and **deleted** “or” at the end of the clause, and in **clause** (iv) **inserted “any”** preceding “description,” and substituted “if convicted **un-**der clause (ii) or (iv) above and shall be guilty of a Class 1 misdemeanor,” and in the third paragraph deleted “subsection (1) following “prosecution under,” and substituted “of this section” for “of such subsection.\*”

**§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph or cable television service without payment, ‘penalty; civil liability.** A. **It shall be unlawful** for any person knowingly, - with the intent to **defraud**, to obtain or **attempt** to obtain, for himself or for another, **oil**, electric, gas, water, telephone, telegraph or cable television service by the use of any false information, or in any case where such service has been disconnected by the supplier and notice of disconnection has **been given**.

B. It shall be **unlawful** for any person to obtain or attempt of obtain **oil**, electric, gas, water, telephone, telegraph, or cable television service by the use of any scheme, device, means or method, or- by a false application for service with intent to avoid payment of **lawful** charges therefor.

**B1.** It **shall** be **unlawful** for any person to obtain or attempt to obtain, telecommunication **serv-**ice as defined in **§ 18.2-190.1** by the use of an **unlawful** telecommunication device as defined in **§ 19.2-190.1**.

C. The word **“notice”** as used in subsection A hereof **shall** be notice given in writing to the person to whom the service was assigned. The sending of a notice in writing by **registered** or certified mail in the United States mail, duly stamped and addressed to such person at **his** last known address, requiring delivery to the addressee only with return receipt requested, and the actual signing of the receipt for said mail by the addressee, shall be prima facie evidence that such notice was duly received.

D. Any person who violates **any** provisions of this section, if the value of service, credit or benefit procured is \$200, shall be guilty of a Class 1 misdemeanor. **In** addition, the court may order restitution for the value of the services **unlawfully** used and for all costs. Such costs shall be limited to actual expenses, including and base wages of employees acting as witnesses for the Commonwealth, and suit costs. However, the total amount of allowable costs granted hereunder shall not \$250, excluding the value of the service. (1978, c. 807; 1981, c. 197; 1992, c. 525; 1993, c. 439.)

**The 1992 amendment**, in subsection D, substituted “is less” for “be less” in the first sentence, and added the last three sentences.

**The 1993 amendment** added subsection B 1.

**Aggregation of value** allowed. • Although none of the individual calls appellant made were shown to have a value in excess of \$200, aggregation of the value of individual calls made in violation of this section was permitted to prove that the **unlawful** conduct was a felony. The unlawful calls for which appellant was indicted all occurred within approximately one hour of one

ENCLOSURE (1)

another and were in execution of a general **fraudulent** scheme. **JHA v. Commonwealth**, 18 Va. 349,444 E.E. **2d** 258 (1994).

**Value of services, not loss of phone company, controls.** • Although appellant argued that the indictment alleged that the loss of the value of the calls, \$300.85, was incurred by phone company, and therefore, because the evidence disclosed that phone company's loss **was** only a portion of the \$300.85, appellant company sustained a loss sufficient to prove the felony, the value of the service **fraudulently** obtained was proved to be \$300.85, and the collected, did not reduce the value of the service so obtained. **JHA v. Commonwealth**, 18 **Va.** 349,444 E.E. 2d 258 (1994).

ENCLOSURE (1)

FREE CABLE TV SERVICE OUTLETS

	<u>Location</u>	<u>Qty</u>	<u>Bldg.</u>	<u>Rm</u>
1.	Commanding General, Marine Corps Combat Development Command	1	3300	224
2.	Deputy, Commanding General, Marine Corps Combat Development Command	1	3300	226
3.	Director, Training and Education Division	1	1019	Dir
4.	Commander, Marine Corps Systems Command	1	2033	105
5.	Executive Director, Marine Corps Systems Command	1	2033	Aud
6.	President, Marine Corps University	1	2042	1
7.	Command Duty Officer, Lejeune Hall	1	3250	Qtr Deck
8.	Commanding General, Marine Corps Base	1	3250	201
9.	Chief of Staff, Marine Corps Combat Development Command	1	3300	218
10.	Public Affairs Officer	1	3250	1
11.	Commanding General, Marine Corps Base, Conference Room	1	3250	218
12.	Director, Operations Division	1	3250	214
13.	Commanding Officer, Headquarters and Service Battalion	3	2001 2003 2005	Rec Rec Rec
14.	Commanding Officer, Security Battalion	1	2043	Brf
15.	Director, Amphibious Warfare School	1	2077	CR2
16.	Director, Command and Staff College	1	2076	Aud
17.	Director, Command and Control Systems School	1	2085	252
18.	Director, Staff Noncommissioned Officers Academy	1	3091	Rec
19.	Director, Computer Sciences School	1	3255	210

ENCLOSURE (2)

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20.	Director, Coalition and Special Warfare Division	1	3094	CR1
21.	Director, Warfighting Lab	1	2042	211
22.	Commanding Officer, The Basic School	2	24001 24165	OOD MSH
23.	Commanding Officer, Weapons Training Battalion	2	27266 27211	Rec Rec
24.	Commanding Officer, Marine Security Guard Battalion	1	2007	151
25.	Commanding Officer, Officer Candidates School	1	2116	Rec
26.	Commanding Officer, Marine Corps Air Facility	2	2102 2105	OOD Wet
27.	Commanding Officer, Naval Medical Clinic	1	2200	B02
28.	Head, Training and Audiovisual Support Center Branch	1	2009	Duty
29.	Director, Marine Corps Operational Testing and Evaluation Activity	1	3035	Conf
30.	Director, Reserve Support Unit	1	3035	117
31.	Head, Maintenance Branch, Facilities Division	1	3252	Duty
32.	Commanding Officer, Branch Dental Clinic	1	2004	Wait
33.	Director, Marine Corps Computer and Telecommunications Activity	1	3255	120
34.	Director, Intelligence Activity	1	3300	236
35.	Marine Corps Presentation Team	1	2079	2nd Deck

ENCLOSURE (2)