

THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
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Long Beach, California 90802-4275

(213) 590-5501

**Date:** March 26, 1984

**To:** Presidents

**From:** W. Ann Reynolds  
Chancellor

*W. Ann Reynolds*

**Subject:** Instructional Television Fixed Service Contracts — Executive Order No. 435

I am transmitting to you five copies of Executive Order No. 435, which delegates authority to each President, under specified conditions, to approve contracts concerning the lease or shared use of excess channel capacity of Instructional Television Fixed Service (ITFS) channels. The conditions outlined in the delegation are aimed at preserving the long-term interests of the campus and the CSU through the contract period. I suggest that an effort be made to explore cooperative use of excess channel capacity with other CSU campuses or other educational entities prior to initiating a search for commercial lessees.

Assistance in developing arrangements may be requested through the Office of the Provost and Vice Chancellor, Academic Affairs. The Office of the Vice Chancellor and General Counsel will continue to provide legal advice on the actual contract document.

In accord with The California State University policy, the campus President has the responsibility for implementing Executive Orders where applicable and for maintaining the campus repository and index for all Executive Orders.

WAR:lf

Attachments

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**Distribution:** Vice Presidents for Academic Affairs  
Vice Presidents for Business Affairs or Administration  
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Media Directors  
Business Managers  
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**Executive Order No.:** 435  
**Title:** Instructional Television Fixed Service Contracts  
**Effective Date:** March 26, 1984  
**Supersedes:** No previous Executive Order

This Executive Order is issued pursuant to Education Code Section 89200 and Chapter 3, Section 2, of the Standing Orders of the Board of Trustees. It is established in order to provide delegation to campuses for the approval of agreements and leases involving Instructional Television Fixed Service (ITFS) excess channel capacity.

A ruling of the Federal Communications Commission, under certain conditions, authorizes the use of excess channel capacity by non-educational organizations (see Section 74.931(e) of the Rules and Regulations of the Federal Communications Commission). Decisions about possible commercial use should be made in a manner which preserves the primary educational purpose of ITFS, ensures the integrity of the license, and provides adequate financial consideration to the State University.

Subject to the requirements contained herein, authority is granted to the Presidents to initiate and execute agreements for time-sharing and leasing of excess channel capacity of Instructional Television Fixed Service (ITFS) channels licensed to the Board of Trustees for CSU institutions.

The President shall be responsible for the meeting of the following requirements prior to signing a contractual or lease agreement:

1. Written notification to the Chancellor of the intent to time-share or lease excess channel capacity;
2. Preparation of a five-year plan for the use of the ITFS transmission system by the campus;
3. Selection of lessee through a request for proposals;
4. Preparation of a plan of operation by the potential lessee or time-sharer which includes, but is not limited to, an audited statement of the potential lessee's current operations, an identification of the type(s) of programming that will be offered, acknowledgment of applicable laws and regulations governing the broadcasting enterprise, written evidence of its comprehensive insurance coverage, a proposed monthly subscriber rate, and clear statement of financial and other benefits accruing to the campus;
5. Provision for access by the campus to the leased or shared channels in order that the intended purpose of ITFS is preserved;

6. Provision for reasonable safeguards that lessee's or sub-lessee's programming does not damage the reputation of the campus and the CSU;
7. Guarantee from lessee or time-sharer that transmission signals will not cause unacceptable interference to co-channel or adjacent channel ITFS operators and assumption of responsibility by the lessee for any costs incurred in correcting signal interference;
8. Exploration and analysis of off-campus location of facilities such as transmission facilities and antenna towers (placement of these facilities on campus property should be made only if it represents the optimal use of such property and should occur only after a full analysis of placement alternatives has determined the campus site as the only feasible option);
9. Revision of the campus physical master plan for inclusion of transmission facilities, if any, must receive Board of Trustees approval prior to or concurrent with the execution of an agreement; and
10. Written notification from the President to the Chancellor that the above requirements have been followed. In addition, a copy of the documents developed in satisfaction of the above requirements, i.e., contract, five-year plan, financial statement, etc., shall be forwarded to the Chancellor for informational purposes.

Agreements and leases pertaining to time-sharing or lease of ITFS excess channel capacity which do *not* meet the above requirements must be forwarded to the Chancellor for review and approval.

  
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W. Ann Reynolds, Chancellor

Date: March 26, 1984