

March 15, 1999

Ms. Patsy Esposito
PATSY ESPOSITO, INC.
711 Midland Avenue
Midland, PA 15059

Dear Ms. Esposito:

ISSUE: This is in response to your letter of February 24, 1999 to this office in which you request our permission to change cable companies. You are the holder of a restaurant liquor license and wish to switch to DDS cable television. You express concern, however, about the pay-per-view functions and sporting events that are apparently associated with DDS cable television.

OPINION: The Pennsylvania Liquor Control Board has no jurisdiction over what cable television company you use, or even whether you choose to have a television on your licensed premises. Therefore, you may choose whatever cable company you wish. Be aware, however, that there can be no lewd, immoral or improper entertainment, so the types of programs or shows which would meet that description should not be shown. Pay-per-view sporting events are permissible.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
Chief Counsel

c.c. Pennsylvania State Police
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454
FAX: (717) 787-8820

LCB Advisory Opinion No. 99-087