

FEDERAL REGULATORY UPDATE

2012 ITA Video Conference

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FCC Rules

- 47 C.F.R. Part 76
- Important factors
 - System size
 - Competition
 - Local franchise authority (LFA)
 - FCC definitions

System Registration

- FCC Form 322
 - Registration required to operate a **cable system**
 - Register each **community unit**
 - CUID and PSID

System Registration

- FCC Form 324
 - File w/n 30 days of change of operator or change in operational status

Notice, Notice, Notice

- At least 60 days prior notice by certified mail to all local commercial and noncommercial broadcast stations before commencing service
- Within 60 days of activation of a cable system, list by certified mail identifying all broadcast television stations carried on system and their channel positions to all local commercial and noncommercial broadcast stations



Customer Service Notice

- Customer service notice must be provided
 - at time of installation
 - at least annually to all subs
 - any time, upon sub request
- Customer service notice must be provided even if LFA has not elected to enforce FCC rules

Customer Service Notice

- Customer service notice must include:
 - products and services offered
 - prices and options for programming services and conditions of subscription to programming and other services offered
 - installation and service maintenance policies
 - instructions for using service
 - channel positions for all video programming carried
 - billing and complaint procedures, including LFA contact info



Change in Service Notice

- Notice to subs and to LFA before implementing any changes in rates, programming services or channel positions or any significant change to customer service notice
 - notice at least 30 days in advance – exception if change is not w/n control of the operator and notice given as soon as possible
 - notice of change in rates must include LFA name and contact info



Subscriber Privacy

- Cable Act prohibits collection of personally identifiable information using a cable system and restricts disclosure of such information without the prior written or electronic consent of sub, with narrow exceptions

Subscriber Privacy

- Cable operator must destroy personally identifiable info once the info is no longer necessary for the purpose for which it was collected and there are no pending requests or court orders for access

Subscriber Privacy Notice

- Subscriber privacy notice must be provided
 - at time of entering into agreement to provide service
 - at least annually to all subs
- Notice must be a separate written statement and must be clear and conspicuous

Subscriber Privacy Notice

- Subscriber privacy notice must inform subs of:
 - nature of personally identifiable info collected or to be collected with respect to sub, and the nature of the use of such info
 - nature, frequency and purpose of any disclosure which may be made of such info, including identification of the types of persons with which info is shared
 - the period of time for which such info will be maintained



Subscriber Privacy Notice

- Subscriber privacy notice must inform subs of :
 - the times and places at which subs may have access to such info
 - legal limitations on collection and disclosure of such info and subs legal rights to enforce such limitations



Truth-In-Billing

- Bills must be clear, concise and understandable
- Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges
- Bills must clearly delineate all activity during the billing period, including optional charges, rebates and credits

Truth-In-Billing

- In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days
- LFA may enforce truth-in-billing standards, by providing 90 days written notice of intent to enforce to cable operator

Network Non-Dup and Syndex

- Local broadcast stations may exercise network nonduplication and syndicated exclusivity rights
 - may effectively force you to remove a station and/or blackout syndicated programs shown on other stations during the same time period
 - requires notice in accordance with FCC Rules
 - does not apply to **systems** serving fewer than 1,000 subs



Another Notice

- Within 60 days following the provision of service to 1,000 subs, file notice with the FCC, and serve a copy of that notice on every television station that would be entitled to exercise network non-dup or syndex

Public Inspection File

- Public inspection file must be maintained at principal business office in the community served by a community unit or at other reasonably accessible location

Public File

- For systems <1,000 subs, public file must include:
 - current channel lineup
 - list of all must carry broadcast stations, including call sign, community of license, broadcast channel and cable channel for such stations
 - designation and location of principal headend
 - any operator interest in video programming or vertically integrated services

Public File

- For systems 1,000-5,000 subs, public file must include:
 - all records required for <1,000 subs and
 - info. on political programming
 - info. on political advertising



Public File

- For systems > 5,000 subs, same public file requirements as small to mid-size systems, but also must include in its public file the same reports and records that a mid-size system is required to keep and provide upon request
- See Update included with materials

Other Issues

- Cable copyright
- Equal employment opportunity
- STB and CableCARD
- CALM Act
- Copyright infringement

Emerging Issues

- Cable Act rewrite(?)
- Cable technical and operational requirements
 - NPRM FCC 12-86 (Rel. Aug. 3, 2012)
- Retransmission consent reform (?)
 - NPRM FCC 11-31 (Rel. March 3, 2011)

Emerging Issues

- Content, content, content
 - Verizon Wireless/SpectrumCo
 - Integrated offerings
 - Aereo
 - Google fiber
 - Apple TV
 - Access to video content for multiple platforms
 - Cable carriage and retransmission consent disputes

Thank You

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