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September 20th, 1994

The Honorable
Kenneth Reeves
Cambridge City Hall

Dear Mr. Mayor,

I have the honor to acknowledge receipt of and to thank you for the letter dated September 16, from City Clerk Ms Drury inviting me to attend the PUBLIC HEARING on monday, the 26th instant, scheduled for 7:00 o'clock P.M. at the Cambridge City Council, of Cambridge City Hall, relating to the inclusion of the International Radio and Television program (RTPI) of Portugal in the basic cable package.

Unfortunately, a previous important engagement will not permit me to be present at this highly meaningful meeting, which means so much to the Consulate-General of Portugal in this area under my consular duties jurisdiction.

However, I would like to kindly request of you, dear Mayor Reeves, to make known to all the honorable members of your City Council my personal hope, as acting Consul-General of

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Portugal for Greater Boston and for all the surrounding areas, that they please support all the efforts of the very large portuguese and portuguese-american communities to include the International Radio and Portuguese Television (RTPI) programing in the basic cable package.

Having seen how very much the vast Portuguese Community, headquartered in the City of Cambridge, has accomplished during all these past years, I am sure, Your Honor will be able to rely, another time on the friendly support of the Cambridge City Council so as to turn the just desires of my compatriots into reality !

Sincerely yours,

A handwritten signature in black ink that reads "Maria Teresa Fernandes".

Maria Teresa Fernandes

(Acting Consul-General)

Federal Communications Commission

Field Operations Bureau

Boston Field Office

1 Batterymarch Park

Quincy, Massachusetts 02169-7495

(617) 770-4023

Date: Sept. 20, 1994

TO:

D. Margaret Drury

Margaret:
Neither myself nor Lennie Kepinski,
the Engineer in Charge will be
able to attend the public hearing
on Monday, Sept. 26, 1994. Thank you
for the invitation.

The enclosed material may prove
useful to the City Council
in their efforts to address this
issue.

I have given Isaac Ganes the
name & telephone number of an
FCC, Washington contact person in
the event that one is needed.
A Lemkau, Public Affairs Spec.

The following information has been excerpted from the Federal Communication Commission's Report and Order in Mass Media Docket No. 92-259, 8 FCC Rcd 2965 (1993) as adopted on March 11, 1993.

SEP 21 11 35 57

RETRANSMISSION CONSENT

The 1992 Cable Act provides that, as of 12:01 a.m. on October 6, 1993, "no cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except--(A) with the express authority of the originating station; [i.e. retransmission consent] or (B) pursuant to section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section" [i.e. must-carry]. Broadcasting station includes all commercial television broadcasting stations, radio stations, low power television stations. There are four exceptions to the retransmission consent requirements, discussed more fully below.

Retransmission consent provisions apply, with certain exceptions, to cable systems and other multichannel video programming distributors ("multichannel distributors"). A multichannel distributor is "a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service (MMDS), a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming." All multichannel distributors must, as of October 6, 1993, obtain retransmission consent in order to carry broadcast signals, subject to the exceptions discussed below.

A satellite carrier, as defined in the Satellite Home Viewer Act of 1988, is an entity that uplinks a broadcast signal and retransmits it over satellite facilities that the carrier may own or lease. See 17 U.S.C. §119(d). Satellite carriers' customers are home satellite dish (HSD) households. The carriers themselves sell retransmitted broadcast signals directly to HSD households, but they also license a variety of agents (e.g., program packagers, equipment distributors, and satellite equipment retailers) to sell the signals on their behalf. As noted above, the definition applies to a "television receive-only satellite program distributor." In order to resolve any potential ambiguity regarding responsibility for securing retransmission consent, and in view of the fact that the satellite carrier is the entity entitled to the compulsory license granted by 17 U.S.C. §119, we find that, with respect to HSD sales, the satellite carrier is the multichannel distributor and must secure retransmission consent. Satellite carriers generally also retransmit television signals to cable systems. With respect to cable subscribers, it is the cable operator rather than the satellite carrier that is the multichannel distributor.

Application of the multichannel distributor definition to SMATV, MATV, and MMDS. MMDS is, explicitly included in the statutory definition and is therefore a multichannel distributor. However, the definition is not meant to be exhaustive, and the legislative history clearly indicates that Congress intended SMATV systems to be included. Accordingly, SMATV systems also are multichannel distributors.

Local broadcast signals provided by MATV facilities or VHF/UHF antennas on individual dwellings situated within the station's broadcast service area are not subject to retransmission consent, provided that these signals are available without charge at the residents' option. This applies to standalone MATV facilities, which are not multichannel distributors (provided that the service is not made available "for purchase") and to MATV-SMATV combinations, as well as MMDS-SMATV and MMDS-individual antenna combinations. Our finding is based on an analogy between the installation by an individual of an antenna to receive local broadcast

signals and the installation of a similar antenna by a building owner or by an MMDS operator on behalf of a building owner or individual.

In order to be exempt from retransmission consent, the antenna facilities must be owned by the individual subscriber or building owner. They must not be under the control of the multichannel distributor. The multichannel distributor will therefore be unable to terminate or otherwise limit the availability of local broadcast signals to individual residents.

MMDS and SMATV systems are, of course, multichannel distributors and must, therefore, obtain retransmission consent for any local or distant television broadcast signals (other than superstations) that they deliver via satellite or microwave channels.

Exceptions to the Retransmission Consent Requirement for Cable Operators and Multichannel Distributors

There are four exceptions to the retransmission consent requirement. It does not apply (1) to noncommercial broadcasting stations, (2) to HSD reception of superstations, provided that the signal was retransmitted by a satellite carrier on May 1, 1991, (3) to HSD reception of network stations, provided the reception is by an unserved household, and (4) to superstation retransmission by cable operators or other multichannel distributors, provided that the signal was obtained from a satellite carrier and the originating station was a superstation as of May 1, 1991.

Entire Signal Must be Retransmitted

Subject to the Commission's network nonduplication, syndicated exclusivity, and sports broadcasting rules, cable systems must carry "the entirety of the program schedule" of every television station carried, whether carriage is pursuant to the must-carry rules or pursuant to a retransmission consent agreement. A commercial television station may grant retransmission consent only for the entire signal and not for portions thereof. In other words, if a cable operator acquires any retransmission consent rights from a television station, the rights will be to the entire signal.

Retransmission Consent Contracts

[Retransmission Consent contracts must be in writing.]

The Commission will assert jurisdiction in the case of a direct violation of its retransmission consent rules, for example, in the event that a multichannel distributor retransmits a television signal and has not obtained consent. Commission intervention in such a situation would be consistent with Section 325(a) precedent and we agree that properly documented retransmission of a television signal without consent would be grounds for imposition of a forfeiture. We note that some multichannel distributors (e.g., satellite carriers and SMATV operators) may not be Commission licensees, and our forfeiture authority is limited in those cases. However, the Commission can impose limited forfeiture on non-licensees in certain instances where the party is first notified that the specified behavior violates our rules and the behavior persists. See 47 U.S.C. §503(b)(5).

Exclusive Retransmission Consent Agreements Prohibited

The Commission has been urged to prohibit exclusive retransmission consent agreements, that is, to forbid a television station from agreeing with one multichannel distributor to be carried

by it and to deny carriage rights to other multichannel distributors. The Commission recognizes that exclusivity can be an efficient form of distribution, but, in view of the concerns that led Congress to regulate program access and cable signal carriage agreements, we believe that it is appropriate to extend the same nonexclusivity safeguards to non-cable multichannel distributors with respect to television broadcast signals, at least initially. Accordingly, we will prohibit exclusive retransmission consent agreements between television broadcast stations and cable operators. We will revisit this issue in three years.

The following are the FCC regulations relating to Retransmission Consent, as adopted by the Commission in Mass Media Docket No. 92-259, 8 FCC Rcd 2965 (1993) and can be found at 47 C.F.R. §76.64.

§76.64 Retransmission consent.

(a) After 12:01 A.M. on October 6, 1993, no multichannel video programming distributor shall retransmit the signal of any commercial broadcasting station without the express authority of the originating station, except as provided in paragraph (b) of this section

(b) A commercial broadcast signal may be retransmitted without express authority of the originating station if

(1) The distributor is a cable system and the signal is that of a commercial television station (including a low power television station) that is being carried pursuant to the Commission's must-carry rules set forth in Section 76.56;

(2) The multichannel video programming distributor obtains the signal from a satellite carrier and the originating station was a superstation on May 1, 1991; or

(3) The distributor is a satellite carrier and the signal is transmitted directly to a home satellite antenna, provided that:

(i) The broadcast station is not owned or operated by, or affiliated with, a broadcasting network and its signal was retransmitted by a satellite carrier on May 1, 1991, or

(ii) The broadcast station is owned or operated by, or affiliated with a broadcasting network, and the household receiving the signal is an unserved household.

(c) For purposes of this section, the following definitions apply:

(1) A satellite carrier is an entity that uses the facilities of a satellite or satellite service licensed by the Federal Communications Commission, to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under the Communications Act of 1934, other than for private home viewing;

(2) A superstation is a television broadcast station other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier;

(3) An unserved household with respect to a television network is a household that

(i) Cannot receive, through the use of a conventional outdoor rooftop receiving antenna, an over-the-air signal of grade B intensity of a primary network station affiliated with that network, and

(ii) Has not, within 90 days before the date on which that household subscribes, either initially or on renewal, received secondary transmissions by a satellite carrier of a network station affiliated with that network, subscribed to a cable system that provides the signal of a primary network station affiliated with that network.

(4) A primary network station is a network station that broadcasts or rebroadcasts the basic programming service of a particular national network;

(5) The terms "network station," and "secondary transmission" have the meanings given them in 17 U.S.C. §111(f).

(d) A multichannel video program distributor is an entity such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, a television receive-only satellite program distributor, or a satellite master antenna television system operator, that makes available for purchase, by subscribers or customers, multiple channels of video programming.

(e) Provision of local broadcast signals by master antenna television (MATV) facilities or by VHF/UHF antennas on individual dwellings is not subject to retransmission consent, provided that these signals are available without charge at the residents' option. That is, the antenna facilities must be owned by the individual subscriber or building owner and not under the control of the multichannel video programming distributor.

(f) Commercial television stations are required to make elections between retransmission consent and must-carry status according to the following schedule:

(1) The initial election must be made by June 17, 1993.

(2) Subsequent elections must be made at three year intervals; the second election must be made by October 1, 1996 and will take effect on January 1, 1997; the third election must be made by October 1, 1999 and will take effect on January 1, 2000, etc.

(3) Television stations that fail to make an election by the specified deadline will be deemed to have elected must carry status for the relevant three-year period.

(4) New television stations must make their initial election within 30 days of commencing regular broadcasts; such initial elections shall take effect 90 days after they are made.

(5) Television broadcast stations that become eligible for must carry status with respect to a cable system or systems due to a change in the market definition may, within 30 days of the effective date of the new definition, elect must-carry status with respect to such system or systems. Such elections shall take effect 90 days after they are made.

(g) If one or more franchise areas served by a cable system overlaps with one or more franchise areas served by another cable system, television broadcast stations are required to make the same election for both cable systems.

(h) On or before each must-carry/retransmission consent election deadline, each television broadcast station shall place copies of all of its election statements in the station's public file, and shall send via certified mail to each cable system in the station's defined market a copy of the station's election statement with respect to that operator.

(i) Notwithstanding a television station's election of must-carry status, if a cable operator proposes to retransmit that station's signal without according the station must-carry rights (*i.e.*, pursuant to § 76.56(f)), the operator must obtain the station's express authority prior to retransmitting its signal.

(j) A cable system that changes its technical configuration in such a way as to integrate two formerly separate cable systems must give 90 days notice of its intention to do so to any

television broadcast stations that have elected must-carry status with respect to one system and retransmission consent status with respect to the other. If the system and the station do not agree on a uniform election 45 days prior to integration, the cable system may require the station to make such a uniform election 30 days prior to integration.

(k) Retransmission consent agreements between a commercial broadcast station and a multichannel video programming distributor shall be in writing and shall grant consent for retransmission of the station's entire signal. Broadcasters may assign their retransmission consent rights to another party, provided that the right assigned encompasses retransmission of the entire signal of the broadcast station.

FEDERAL COMMUNICATIONS COMMISSION

FACT SHEET

Information provided by the Office of the Associate
Managing Director for Public Information and Reference Services

March 1994

CABLE TELEVISION FACT SHEET

CABLE CARRIAGE OF BROADCAST STATIONS

The 1992 Cable Act created new rights for broadcast stations and new responsibilities for cable operators. The Act prohibits cable operators and other multichannel video programming distributors from retransmitting commercial television, low power television and radio broadcast signals without first obtaining the broadcaster's consent. In addition, in certain instances, local commercial and noncommercial television broadcast stations can require a cable operator operating in the same market as the broadcaster to carry its signal. Under these circumstances, however, the broadcaster cannot demand compensation. While retransmission consent and must-carry are distinct and function separately, they are related in that broadcasters are required to choose once every three years, on a system-by-system basis, whether to proceed under the mandatory carriage rules or the retransmission consent requirement.

The following document is intended to answer some frequently asked questions concerning the 1992 Cable Act's retransmission consent and must-carry provisions.

Q: Why can't I find the station I want to watch on the channel that it used to be?

A: If you cannot find the station you are looking for on its usual cable channel number, it may have been moved to another channel or dropped. As a result of satisfying its must-carry obligations, the cable company could have changed the television broadcast station's cable channel number. Furthermore, television broadcast stations now have the right to demand payment for carriage of their signals on cable systems, and to refuse permission for carriage in the absence of a satisfactory agreement. If the television broadcast station and your cable company could not reach a satisfactory agreement, then your cable company had to drop the television broadcast station from its programming.

Q: What happens if my cable operator and a particular station did not reach a retransmission consent agreement? How long will it be before I can see the station?

A: Until the cable operator and the station reach an agreement, the cable operator is forbidden from carrying that station's signal. Once an agreement is reached, the station can be put back on the cable system immediately. In addition, every three years broadcast stations must decide whether to demand carriage on local cable systems without receiving compensation or elect to negotiate a retransmission consent agreement. In three years time, therefore, the station may elect must-carry, if this is an option, and be placed back on the cable system at that time.

Q: Can the FCC do something about these problems?

A: Congress has not authorized the FCC to participate in discussions between television stations and cable systems regarding retransmission consent agreements. Furthermore, the Commission cannot tell a cable operator which stations or program services to drop in order to comply with the requirement that they set aside a certain portion of their channels for local must-carry stations. If you have comments regarding the changes in programming offered by your cable company, you should contact your cable operator. Information on how to contact your cable operator is included in your cable bill.

Q: Why was the retransmission consent requirement included in the law?

A: Since 1934, broadcast stations making use of the programming of other broadcast stations have been required to first obtain the prior consent of the originating station. This requirement was intended to allow broadcasters to control the use of their signals, especially when competitors were using their signals. This same requirement has now been applied to cable systems because Congress believed that the absence of this requirement was distorting the video marketplace and threatening the future of over-the-air television broadcasting. Cable operators negotiate for the cable programming services they offer to their customers and Congress believed that programming services which originate from a broadcast station should not be treated differently.

Q: Will my cable bill go up as a result of retransmission consent agreements?

A: In return for allowing a cable system to carry its signal, a television station may, but does not have to, require the payment of a fee or other considerations (for instance, carriage of another programming service or advertising time). The FCC rules, however, prohibit a cable operator from passing through to subscribers any costs of obtaining a television station's permission for carriage until October 6, 1994. After that date, only new or additional costs over those paid on October 6, 1994, may be passed through to consumers.

Q: What happens if a station chooses the must-carry option?

A: Must-carry stations are generally guaranteed carriage on the cable system on a preferred channel number. Local commercial television stations have been given the option of electing must-carry status or retransmission consent status, while local noncommercial television

stations may only seek carriage on a must-carry basis. The must-carry provisions for noncommercial stations have been in effect since December 4, 1992. Cable operators were required to begin carriage of local commercial stations entitled to must-carry status beginning on June 2, 1993, pending implementation of the retransmission consent portion of the new law. Must-carry stations also have the right to be carried on any one of several channel numbers. Under the FCC rules, cable systems had to comply with these requests by October 6, 1993. All must-carry stations may ask to be carried on their over-the-air channel number or the channel on which the cable system carried them on July 19, 1985. Commercial stations are also allowed to request carriage on the channel number where they were carried on January 1, 1992. In addition, television stations may be carried on any channel that is mutually agreed upon by the station and cable operator.

Q: Why has my cable system dropped cable programming services, such as C-SPAN, MTV, USA, etc.?

A: Some local television stations did not choose to negotiate with cable systems for carriage, but instead chose a guaranteed spot on the system. The 1992 Cable Act gives these so-called "must-carry" stations the right to be carried on local cable systems. Cable operators were required to begin carrying must-carry stations on June 2, 1993. In some cases, cable systems had to drop other television stations or cable programming services in order to make room for the must-carry stations. It was your cable operator's right to decide which television stations or cable services to drop in order to comply with the new law.

Q: Why must my cable system carry so many broadcast stations?

A: The 1992 Cable Act requires cable operators to set aside a specified portion of their channels for local commercial and noncommercial television stations. A cable operator with 12 or fewer channels must set aside up to three channels for local commercial television stations and at least one channel for a local noncommercial educational television broadcast station. Cable operators with more than 12 channels must set aside up to one third of their channel capacity for local commercial stations. Cable systems with between 13 and 36 channels must carry at least one, but need not carry more than three, local noncommercial educational television stations. Systems with more than 36 channels must carry all local noncommercial educational television stations requesting carriage with some exceptions for duplicating signals. Local television stations choosing the must-carry option and those that have negotiated agreements for retransmission with the cable system count towards this quota.

Q: Why does my cable system now offer several channels with similar programming formats (for instance, religious, Hispanic, shopping) not previously carried?

A: Some stations may have been added to your system because they are considered local for your area and they have requested, and are entitled to, carriage under the must-carry rules. Commercial stations are considered local if they are assigned to the same television market

as your cable system. Noncommercial stations are considered local if they are licensed to cities within 50 miles of your cable system or their signals meet certain technical engineering standards at the cable system's reception facility. Other channels with these formats may be cable networks, carried at the discretion of the cable operator.

Q: My cable operator has always carried some programming (for instance, local news, sports programming) from a nearby television station, even though the station is not carried on a full-time basis. Why are we no longer able to receive this programming?

A: The 1992 Cable Act and the FCC rules require the carriage of any broadcast signal on a full-time basis. The law generally requires that stations choosing the must-carry option be carried full-time. The FCC extended this requirement to those broadcast stations carried under negotiated retransmission consent agreements. This general rule, however, is subject to the FCC's rules on network nonduplication, syndicated exclusivity and sports broadcasting. In addition, on October 5, 1993, in certain limited situations the FCC granted a stay of this requirement.

Q: What if my cable operator and local broadcaster cannot reach a retransmission consent agreement? May the station then ask to be carried under the must-carry option?

A: No. Television stations may elect must-carry or retransmission consent status once every three years. The FCC set the first election for June 17, 1993, to take effect on October 6, 1993, as required by the Cable Act. Once a station chooses retransmission consent status, it cannot change to must-carry status until the next election. That election will take place on October 1, 1996, and will become effective on January 1, 1997.

Q: Should I expect more changes in the programming on my cable system in the future?

A: Most of the recent changes in cable service are due to the implementation of the 1992 Cable Act. The constitutionality of the Cable Act's must-carry provisions, however, has been challenged before the Supreme Court. Therefore, there may be further changes either due to the constitutionality of the law or due to the FCC's refinement of its must-carry regulations. In either case, the FCC's rules require cable operators to notify subscribers generally 30 days prior to any change in the broadcast stations they carry, or the channel number of the stations they carry. Thus, your cable operator should keep you informed about any changes that will affect your cable service.

Q: Why has my cable system dropped radio services previously offered?

A: The 1992 Cable Act provides that no broadcast station's signal can be retransmitted without that broadcaster's consent. The law does not limit this provision to television stations. The new FCC rules require cable operators to negotiate the same types of agreements with radio stations that they are required to have with television stations. Given the number of radio stations in some markets, this can be a sizable requirement.

FEDERAL COMMUNICATIONS COMMISSION

FACT SHEET

information provided by the Office of the Associate
Managing Director for Public Information and Reference Services

February 22, 1994

QUESTIONS AND ANSWERS ON CERTIFICATION BY FRANCHISING AUTHORITIES TO REGULATE BASIC CABLE RATES

Q: What is "certification" and why should a franchising authority certify to regulate basic rates?

A: Certification is the mechanism through which the FCC authorizes franchising authorities to regulate rates for basic cable service, equipment used to receive basic cable service, and installation and service charges related to basic service. "Basic service" is the lowest level of cable service you can buy, and is the program package that includes signals from local television stations (such as ABC, NBC and CBS affiliates and independent television stations) and public, educational and governmental access channels.

Under the Cable Act of 1992, Congress gave franchising authorities, and not the FCC, primary responsibility for regulating rates for the basic service tier. If the franchising authority does not obtain certification and regulate rates, the rates for basic cable service will normally remain unregulated, and the franchising authority will be unable to order rate refunds or reductions.

Q: What if the franchising authority and the cable system have a franchising agreement forbidding rate regulation?

A: Franchising agreements that forbid rate regulation are void unless executed before July 1, 1990. Agreements between franchising authorities and cable operators in which the franchising authorities promise not to regulate, and "off the books" agreements inconsistent with federal or local obligations under the 1992 Cable Act, are forbidden.

Q: Is there a deadline to request certification?

A: No. Certification can be done at any time. However, the FCC encourages franchising authorities to seek certification as soon as possible for the following reasons:

- A franchising authority may order refunds for rates going back one year from the date it issues a rate decision. The sooner a franchising authority commences regulation, the more likely consumers will get the full benefit of the 1992 Cable Act.

- With regulation, increases in basic service rates are subject to local regulator approval and capped by inflation and changes in external costs. Without local certification, basic service rates will normally remain unregulated.

- Some charges can be reduced now. Under the provisions of the 1992 Cable Act, the charge for "leasing" specific equipment, such as converters and remote controls, must be based on the operator's actual costs of providing the equipment. In many cases this new requirement has already reduced these charges.

Q: Is rate regulation expensive?

A: The FCC is committed to keeping the cost for franchising authorities to regulate at a minimum. Indeed, the 1992 Cable Act mandates minimal administrative burdens of regulation for franchising authorities. The FCC constructed its regulations and certification process with this mandate in mind. Basic cable service regulation need not overwhelm franchising authorities' resources.

In addition, the FCC allows and encourages joint certification as one method to reduce the costs associated with regulation. With joint certification, franchising authorities can pool resources and share the costs of data collection, hold joint hearings and share the administrative burdens associated with regulation. Joint certification is available regardless of whether rates differ in the franchise areas, or even whether different cable operators serve the franchise areas. Most importantly, joint certification does not prevent franchising authorities from issuing independent rate decisions.

Franchising authorities may seek assistance in getting certified and in implementing their regulatory programs from the FCC, as well as various state and national organizations of cities and counties. In addition, the FCC will hold seminars in Boston, Chicago, Kansas City and San Francisco in March and April 1994 that will provide information on the rate regulation process. Materials from the seminars will be available for purchase by those unable to attend. For more information about these seminars, contact Cynthia Ward Jeffries in the Cable Services Bureau at (202) 416-0869.

Q: How does a franchising authority certify?

A: The FCC has designed a quick and simple certification process. To become certified, a franchising authority must complete an FCC Form 328.

This form is a one-page document that asks the franchising authority:

- (1) to certify that it has or will adopt rate regulations consistent with the FCC's rules;
- (2) to certify that it has the legal authority to adopt, and sufficient personnel to administer, such rate regulations;
- (3) to certify that it has or will adopt procedural rules allowing for reasonable opportunity for consideration of views of interested parties; and
- (4) to certify that it reasonably believes that the cable system is not subject to effective competition.

The franchising authority sends the form to the Commission by registered mail, and serves a copy on the cable operator.

Certification becomes effective within 30 days of filing, unless the Commission notifies the franchising authority that certification cannot be granted. If certification is denied, the Commission will send a letter to the franchising authority specifying what it must do to obtain approval.

Once certification is effective, the franchising authority has 120 days to adopt rate regulations consistent with Commission rules and adopt necessary procedural rules if not already in place. A rule stating that the franchising authority will follow the rate regulations promulgated by the Commission will suffice. Once the rules are in place, the franchising authority must notify the cable system of its intention to commence regulation.

Franchising authorities who jointly certify must file an FCC Form 328 in the name of the association of joint authorities, and attach additional sheets for each franchise area listing and certifying to all information requested on the FCC Form 328.

Q: Where do I obtain the form?

A: Call (202) 416-0919 or write to: Federal Communications Commission, Cable Form Request 328, P.O. Box 18238, Washington, D.C. 20036.

Q: Can I call the FCC for assistance if I have questions?

A: Yes. The franchising authority assistance telephone number is (202) 416-0940.

FEDERAL COMMUNICATIONS COMMISSION

FACT SHEET

Information provided by the Office of the Associate
Managing Director for Public Information and Reference Services

March 1994

INFORMATION BULLETIN CABLE TELEVISION

Cable television (also called CATV or community antenna television) was developed in the late 1940's for communities unable to receive TV signals because of terrain or distance from TV stations. Cable television system operators located antennas in areas with good reception, picked up broadcast station signals and then distributed them by coaxial cable to subscribers for a fee.

In 1950, cable systems operated in only 70 communities in the United States. These systems served 14,000 homes. By January 1994 there were over 11,000 systems serving over 57 million subscribers in over 32,000 communities. Cable television systems are operating in every state of the United States and in many other countries, including Austria, Canada, Belgium, Germany, Great Britain, Italy, Japan, Mexico, Spain Sweden and Switzerland.

Most systems are technically capable of offering between 36 and 60 channels. Channel capacity in the industry has increased dramatically in recent years; some systems now operate in excess of 100 channels. Cable operators are now talking about being able to offer as many as 500 channels in the future.

The channel capacity of a cable system makes it possible for cable television operators to provide many services. In addition to over-the-air television broadcast signals, most systems also offer services diverse program services, including, for example, news, weather, business information, movies, sports, special entertainment features, and programming designed for specific audiences such as children, women, and ethnic and racial groups.

Some cable operators also originate their own local programming, and provide access channels for public and institutional uses, as well as leased channels for "rent" to those wishing to show specific programs. Electronic banking, shopping, utility meter reading, home security, and facsimile newspaper and mail services are some of the home services that may be feasible using the two-way transmission capabilities of cable television systems. Additionally, several cable television system operators are experimenting with Personal Communications Systems (PCS) which can duplicate Cellular Radio Telephone Services.

INITIAL JURISDICTION AND RULES

The Federal Communications Commission first established rules in 1965 for cable systems which received signals by microwave antennas. In March 1966, the Commission established rules for all cable systems (whether or not served by microwave). The Supreme Court affirmed the Commission's jurisdiction over cable in United States v. Southwestern Cable Co., 392 U.S. 157 (1968). The Court ruled that "the Commission has reasonably concluded that regulatory authority over CATV is imperative if it is to perform with appropriate effectiveness certain of its responsibilities." The Court found that the Commission needed authority over cable systems to assure the preservation of local broadcast service and to effect an equitable distribution of broadcast services among the various regions of the country.

In March 1972, new rules regarding cable television became effective. These rules required cable television operators to obtain a certificate of compliance from the Commission prior to operating a cable television system or adding a television broadcast signal. The rules applicable to cable operators fell into several broad subject areas -- franchise standards, signal carriage, network program nonduplication and syndicated program exclusivity, nonbroadcast or cablecasting services, cross-ownership, equal employment opportunity, and technical standards. Cable television operators who originated programming were subject to equal time, Fairness Doctrine, sponsorship identification and other provisions similar to rules applicable to broadcasters. Cable operators were also required to maintain certain records and to file annual reports with the Commission concerning general statistics, employment and finances.

In succeeding years, the Commission modified or eliminated many of the rules. Among the more significant actions, the Commission deleted most of the franchise standards in 1977, substituted a registration process for the certificate of compliance application process in 1978, and eliminated the distant signal carriage restrictions and syndicated program exclusivity rules in 1980. In 1983 the Commission deleted its requirement that cable operators file financial information. In addition, court actions led to the deletion of the pay cable programming rules in 1977 and deletion of the cable television access rules in 1979.

1984 CONGRESSIONAL POLICY AND RULES

In October 1984, the U.S. Congress amended the Communications Act of 1934 by adopting the Cable Communications Policy Act of 1984. The 1984 Cable Act established policies in the areas of ownership, channel usage, franchise provisions and renewals, subscriber rates and privacy, obscenity and lockboxes, unauthorized reception of services, equal employment opportunity, and pole attachments. The new law also defined jurisdictional boundaries among federal, state and local authorities for regulating cable television systems. The Commission modified its rules to implement the 1984 Cable Act in April 1985.

1992 CONGRESSIONAL POLICY AND RULES

Following the 1984 Cable Act, the number of households subscribing to cable television systems increased, as did the channel capacity of many cable systems. However, competition among distributors of cable services did not increase, and in many communities the rates for cable services far outpaced inflation. Responding to these problems, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992. The 1992 Cable Act mandated a number of changes in the manner in which cable television is regulated.

In adopting the 1992 Cable Act, Congress stated that it wanted to promote the availability to the public of a diversity of views and information, to rely on the marketplace to the maximum extent feasible to achieve that availability, to ensure that cable operators continue to expand their capacity and program offerings, to ensure that cable operators do not have undue market power, and to ensure consumer interests are protected in the receipt of cable service. The Commission's cable regulations, adopted in 1993 and 1994, implement these goals.

WHAT IS CABLE TELEVISION?

Cable television is a video delivery service provided by a cable operator to subscribers via a coaxial cable or fiber optics. Programming delivered without a wire via satellite or other facilities is not "cable television" under the Commission's definitions.

A **cable operator** is any person or group of persons who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

Cable service is the one-way transmission to subscribers of video programming, or other programming service. This definition includes any subscriber selection required in choosing video programming or other programming service.

A **cable system** is a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community. This term does not include a facility that serves only to retransmit the television signals of one or more television broadcast stations; a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; a facility of a common carrier which is subject in whole or in part, to the provisions of Title II of the Communications Act, except that the facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or any facilities of any electric utility used solely for operating its electric utility system.

Cable services are provided in **tiers**. A tier is a category of cable service or services provided by a cable operator for which a separate rate is charged by the cable operator. There are three types of cable service: basic service, cable programming service, and per-channel or per-program (sometimes called pay-per-view) service. **Basic service** is the lowest level of cable service a subscriber can buy. It includes, at a minimum, all over-the-air television broadcast signals carried pursuant to the Commission's must-carry rules, and any public, educational, or government access channels required by the system's franchise. It may include additional signals chosen by the operator. **Cable programming service** includes all program channels on the cable system that are not included in basic service, but are not separately offered as per-channel or per-program services. There may be one or more tiers of cable programming service. Each tier of cable programming service by definition includes a minimum of two channels. **Per-channel or per-program service** includes those cable services that are provided as single-channel tiers by the cable operator, and individual programs for which a separate rate is charged by the cable operator.

A **multichannel video programming distributor** includes a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.

REGISTRATION OF A CABLE SYSTEM

Before commencing operation, a cable system operator must send the following information to the Secretary of the Commission for each community to be served:

- (1) The legal name of the operator, the entity identification or social security number, and whether the operator is an individual, private association, partnership or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission;
- (2) The assumed name (if any) used for doing business in the community;
- (3) The mailing address, including zip code, and the telephone number to which all communications are to be directed;
- (4) The date the system provided services to 50 or more subscribers;
(In order to comply with the requirements relating to aeronautical frequency usage, a system must register in advance of providing service to any subscribers, so that a subsequent aeronautical notification may be timely filed pursuant to § 76.615(b)).
- (5) The name of the community or area served and the county in which it is located;
- (6) The television broadcast signals to be carried; and

(7) A certification that the applicant is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C., 853a, or, in the case of a non-individual applicant (for instance, a corporation, partnership, or other unincorporated association), that no party to the application is subject to a denial of federal benefits pursuant to that section.

(8) For a cable system (or an employment unit) with five or more full-time employees, a statement of the proposed community unit's equal employment opportunity program, unless such program has previously been filed for the community unit or is not required to be filed based on an anticipated number of fewer than five full-time employees during January, February and March of the year following commencement of operation. An explanation must be submitted if no program statement is filed.

A registration statement must be signed by an authorized representative of the cable television company. The Commission issues a public notice setting forth the details of each registration statement as it is received. The cable television operator is not required to serve the registration statement on any party and may begin operation immediately upon filing the registration statement. However, commencement of operation is entirely at the risk of the system operator. If violations of the rules are subsequently discovered, appropriate regulatory sanctions, including imposition of a monetary forfeitures and or the issuance of a cease and desist order, may be employed.

STATE AND LOCAL REGULATION OF CABLE SYSTEMS

A variety of laws and regulations for cable television exist at the state and local level. Some states regulate cable television on a comprehensive basis through a state agency. In Massachusetts and New York, these agencies are special commissions established for the sole purpose of cable television regulation. In Alaska, Connecticut, Delaware, Nevada, New Jersey, Rhode Island, and Vermont, the agencies are state public utility commissions. In Hawaii, regulation of cable television is the responsibility of the Department of Regulatory Agencies. In addition, at least 30 other states have one or more laws specifically applicable to cable television, dealing most commonly with such subjects as franchising, theft of service, pole attachments, rate regulation and taxation.

The Commission has adopted, and the 1992 Cable Act codified, a regulatory plan allowing local and/or state authorities to select a cable franchisee and to regulate in any areas that the Commission did not preempt. Franchising authorities have adopted laws and/or regulations in areas such as subscriber service requirements, technical standards, public access requirements and franchise renewal standards. Under the 1992 Cable Act, franchising authorities have specific responsibility for regulating basic cable service rates.

The Communications Act requires that no new cable operator may provide service without a franchise and establishes several policies relating to franchising requirements and to fees. The Communications Act authorizes franchising authorities to grant one or more

franchises within their jurisdiction. However, a franchise authority may not grant an exclusive franchise, and may not unreasonably withhold its consent for new service. Included in the grant of a franchise to a cable system are rights relating to the construction of a system, including the franchising authority's authorization to use public rights-of-way, easements, and to establish the areas to be served. In addition, the law requires just compensation to property owners who have suffered damages as a result of a cable operator's construction, operation, installation, or removal of its cable television facilities. Moreover, franchising authorities are required to ensure that access to cable service is not denied any group of potential residential cable subscribers on the basis of income class. The Act also generally precludes the regulation of cable systems as common carriers. It authorizes the Commission, however, to require, if it chooses, the filing of informational tariffs for intrastate communications services, other than cable service, which is provided by a cable system.

Franchising authorities may charge the cable operator a fee for the right to operate in that area; however, the franchise fee paid by the cable system can be no more than five percent of its annual gross revenue. A franchising authority may use the money collected from this fee for any purpose. A cable operator must list any applicable franchise fee as a separate item on a subscribers' bill.

RATES FOR SERVICE

Prior to passage of the 1992 Cable Act, the Commission did not regulate rates for cable television service. Rates for basic cable service were regulated by local franchising authorities.

The 1984 Cable Act permitted local franchising authorities to regulate only if the cable franchise area was served off-the-air by fewer than three unduplicated broadcast signals. In passing the 1992 Cable Act, Congress found that the rates for cable services rose significantly following the 1984 Cable Act. Congress directed the Commission to establish rules to govern rate regulation of cable service tiers offered by cable systems that are not subject to effective competition. These rules are intended to improve service to the cable subscriber and to ensure competitive rates.

Each service tier is regulated in a slightly different manner. Local franchising authorities are responsible for regulating the basic service tier and the FCC is responsible for regulating the programming services tier. Both follow rules set by the FCC, which established a "benchmark" rate based on a number of factors, including the number of subscribers, channels, and a number of other factors. Pay-per-channel and pay-per-view services are not regulated.

Rates for a cable system's basic service tier and associated equipment may be regulated only if the cable system is not subject to effective competition. The 1992 Cable Act establishes three separate tests to establish that effective competition exists: (1) the

households subscribing to a cable system constitute fewer than 30 percent of the households in its franchise area; or (2) (a) there are at least two unaffiliated multichannel video programming distributors (one of which may be the cable system in question), with each offering comparable video programming to at least 50 percent of the households in the franchise area, and (b) the households subscribing to all but the largest multichannel video programming distributor exceed 15 percent of the households in the franchise area; or (3) the franchising authority is itself a multichannel video programming distributor offering video programming to at least 50 percent of the households in the franchise area. In the absence of a demonstration to the contrary, a franchising authority may presume that a cable system is not subject to effective competition.

In order to exercise their authority to regulate basic cable rates, franchising authorities must be certified by the Commission. Unless notified otherwise by the Commission, a franchising authority's certification becomes effective 30 days after it is filed with the Commission. A franchising authority whose request for certification has been denied or revoked may petition the Commission for recertification. The Commission regulates the basic service tier following denial or revocation of certification. In addition, a franchising authority that lacks the resources or legal authority to regulate basic cable service rates may petition the Commission to assume regulatory authority, but the authority must affirmatively demonstrate its inability to regulate to the Commission. The Commission will not intervene to regulate basic cable service rates should a franchising authority choose not to seek certification or choose not to request that the Commission assume jurisdiction. Appeals of local rate decisions will be heard by the Commission or by state or local courts, depending upon the subject matter involved.

The Commission will regulate cable programming services, which include channels that are not on a cable system's basic tier and are not sold on a per-channel or per-program (pay-per-view) basis. Channels sold on a per-channel or per-program basis are not regulated. The Commission will regulate the rates of cable programming services on the basis of written complaints. Subscribers may obtain complaint forms (FCC Form 329) from their franchising authority, from their cable operator, or from the Commission.

CUSTOMER SERVICE STANDARDS

Pursuant to the 1992 Cable Act, the Commission adopted federal standards which provide a guideline for improving the quality of customer service rendered by cable operators. Although the standards were issued by the Commission, local franchising authorities are responsible for adopting and enforcing customer service standards. Franchising authorities may also adopt stricter or additional standards with the consent of the cable operator or through enactment of a state or municipal law.

Subscriber Calls to a Cable System

Under the federal guidelines, each cable system must maintain a local, toll-free or collect-call access line available 24 hours a day, 7 days a week. During normal business hours, company representatives must be available to respond to customer inquiries. After normal business hours, the cable system may use an answering service or machine so long as messages are answered the next business day. In addition, the cable system's customer service center and bill payment locations must be conveniently located and must be open at least during normal business hours (the hours during which most similar businesses in the community are open to serve customers), and should include at least one night per week and/or some weekend hours.

A call to a cable system must be answered -- including time the caller is put on hold -- within 30 seconds after the connection is made. If the call is transferred, the transfer time may not exceed 30 seconds. Also, cable system customers may receive a busy signal no more than three percent of the time. Although no special equipment is required to measure telephone answering and hold time, cable operators should use their best efforts in documenting compliance. These requirements must be met 90 percent of the time, measured quarterly, under normal operating conditions.

Installations, Service Interruptions and Service Calls

Federal guidelines state that standard installations -- which are those located up to 125 feet from the existing distribution system -- must be performed within seven days after an order has been placed. Except during conditions beyond its control, the cable operator must begin working on a service interruption no later than 24 hours after being notified of the problem. A service interruption has occurred if picture or sound on one or more channels has been lost. The cable operator must begin to correct other service problems the next business day after learning of them. Cable operators may schedule appointments for installations and other service calls either at a specific time or, at a maximum, during a four-hour time block during normal business hours. Cable operators may also schedule service calls outside of normal business hours for the convenience of the customer. No appointment cancellations are permitted after the close of business on the business day prior to the scheduled appointment. If the cable installer or technician is running late and will not meet the specified appointment time, he or she must contact the customer and reschedule the appointment at the convenience of the subscriber. These requirements concerning installations, outages and service calls must ordinarily be met at least 95 percent of the time, measured quarterly, under normal operating conditions.

Changes in Rates or Service and Billing Practices

Thirty days advance notice (in writing and through announcements on the cable system) must be given to subscribers of any changes in rates, programming services or channel positions, if the change is within the control of the cable operator. Cable system

bills must be clear, concise and understandable, with full itemization. Cable operators should respond to written complaints about billing matters within 30 days. Refunds must be issued no later than either the customer's next billing cycle or 30 days following resolution of the request, whichever is earlier, or upon the return of equipment when service is terminated. Credits must be issued no later than the billing cycle following the determination that a credit is warranted.

Information to Customers

The following information must be provided to customers at the time of installation and at least annually to all subscribers and at any time upon request: products and services offered; prices and options of programming services and conditions of subscription to programming and other services; installation and service maintenance policies; instructions on how to use the cable service; channel positions of programming carried on the system; and billing and complaint procedures, including the address and telephone number of the local franchise authority's office.

UNAUTHORIZED RECEPTION OF CABLE SERVICES

The 1984 Cable Act provides damages and penalties of up to two years in prison and/or \$50,000 in fines to be assessed against anyone determined to be guilty either of the unauthorized interception or reception of cable television services or of the manufacture or distribution of equipment intended to be utilized for such a purpose. The Commission does not prosecute unauthorized reception of cable services. Rather, cable operators aggrieved by a violation may bring an action in a United States district court or in any other court of competent jurisdiction. Knowledge of violations should be reported directly to the cable system.

SIGNAL CARRIAGE REQUIREMENTS

The 1992 Cable Act established new standards for television broadcast station signal carriage on cable systems. Under these rules, each local commercial television broadcast station was given the option of selecting mandatory carriage (must-carry) or retransmission consent (may carry) for each cable system serving the same market as the commercial television station. The market of a television station is established by its Area of Dominant Influence (ADI), as defined by Arbitron and/or modified by the Commission. Every county in the country is assigned to an ADI, and those cable systems and television stations in the same ADI are considered to be in the same market. Upon the request of a television station or a cable system, the Commission has the authority to change the ADI to which a station is assigned.

Must-Carry/Retransmission Consent Election

Every three years, every local commercial television station has the right to elect for either must-carry or retransmission consent. The initial election was made on June 17, 1993, and was effective on October 6, 1993. The next election will occur on October 1, 1996, and will be effective January 1, 1997. All subsequent elections will occur every three years (October 1 1999, October 1, 2002, etc.).

Must-Carry Election

Generally, if a local commercial television station elects must-carry status, it must be carried by every cable system serving that market. Each cable system with more than 12 channels must set aside up to one-third of its channel capacity for must-carry stations. For example, if a cable system has 60 channels, it must set aside 20 of those channels for must-carry stations. If there are 25 stations in the market which elected must-carry, the cable operator may choose 20 to carry. On the other hand, if only 15 stations elected must-carry in the market, the cable system would have to carry all 15 of these stations. A must-carry station has a statutory right to a channel position, usually its over-the-air channel number, or another channel number on which it has historically been carried.

Retransmission Consent Election

If the local commercial television station elected retransmission consent, the cable system may not carry the signal of that television station without the station's prior consent. In addition, except for "superstations," the cable system may not carry the signal of any television broadcast station that is not located in the same market as the cable system without that broadcaster's consent. Superstations are transmitted via satellite, usually nationwide, and the cable system may carry such stations outside their local market without their consent. The negotiations between a television station and a cable system are privately negotiated agreements which may, but need not, include some form of compensation to the television station such as cash, advertising time or additional channel access.

Noncommercial Educational Television Stations

Every cable system across the country must carry at least one local noncommercial educational (NCE) station. A noncommercial station which places a Grade B signal over a cable system's principal headend, or whose city of license is within fifty miles of the cable system's principal headend, is considered "local" for this purpose. Cable systems with more than 36 channels may be required to carry all local noncommercial television stations which request carriage. Any cable system operating in a market where no local NCE station is available is required to import one NCE station.

Low Power Television Stations

The 1992 Cable Act provides mandatory carriage for "qualified" low power television stations (LPTV) in certain situations. A LPTV station has to meet certain qualification standards specified by the Act, and incorporated into the Commission's Rules, before it is qualified for the right to must-carry. If a LPTV is qualified, it may assert must-carry rights, and provided the cable operator has not met its mandatory carriage obligations, then the LPTV may be carried. Otherwise, a LPTV station must negotiate for carriage under the retransmission consent provisions or under the leased commercial access provisions.

Radio Programming

While the 1992 Cable Act's must-carry provisions only apply to local commercial and noncommercial educational television stations, the Act's retransmission consent provisions apply to all commercial broadcast stations. As a result, no cable system or other multichannel program distributor can retransmit the broadcast signal of commercial AM or FM radio stations without the station's consent.

Manner of Carriage

Subject to the Commission's network nonduplication, syndicated exclusivity and sports broadcasting rules, cable systems must carry the entirety of the program schedule of every television station carried pursuant to the mandatory carriage provisions or the retransmission consent provisions. [On October 5, 1993, the Commission stayed the carriage-in-the-entirety rule with respect to pre-existing arrangements for carriage, as long as retransmission consent had been obtained. The stay is effective until resolution of MM Docket No. 92-259.] The primary video and accompanying audio of all television broadcast stations must be carried in full, without alteration or deletion of their content. Ancillary services such as closed captioning must be carried. However, other information contained in the vertical blanking interval need not be carried.

Syndicated Program Exclusivity Protection

With respect to non-network programming, cable systems that serve at least 1,000 subscribers may be required, upon proper notification, to provide syndicated protection to broadcasters who have contracted with program suppliers for exclusive exhibition rights to certain programs within specific geographic areas, whether or not the cable system affected is carrying the station requesting this protection. However, no cable system is required to delete a program broadcast by a station which is either significantly viewed or which places a Grade B or better contour over the community of the cable system.

Network Program Nonduplication

Both commercial and noncommercial television station licensees are entitled to protect the network programming they have contracted for by exercising nonduplication rights against more distant television broadcast stations carried on a local cable television system

that serves more than 1,000 subscribers. Broadcast stations may assert these nonduplication rights regardless of whether or not their signals are being transmitted by the local cable system and regardless of when, or if, the network programming is scheduled to be broadcast. Generally, the zone of protection for such programming cannot exceed thirty-five miles for stations licensed to a community in the Commission's list of top 100 television markets or fifty-five miles for stations licensed to communities in smaller television markets. In addition, a cable operator does not have to delete the network programming of any station which the Commission has previously recognized as significantly viewed in the cable community.

Sports Programming Blackouts

A cable system located within 35 miles of the city of license of a broadcast station where a sporting event is taking place may not carry the live television broadcast of the sporting event on its system if the event is not available live on a local television broadcast station, if the holder of the broadcast rights to the event, or its agent, requests such a blackout. The holder of the rights is responsible for notifying the cable operator of its request for program deletion at least the Monday preceding the calendar week during which the deletion is desired. If no television broadcast station is licensed to the community in which the sports event is taking place, the 35-mile blackout zone extends from the broadcast station's licensed community with which the sports event or team is identified. If the event or local team is not identified with any particular community (for instance, the New England Patriots), the 35-mile blackout zone extends from the community nearest the sports event which has a licensed broadcast station. The sports blackout rule does not apply to cable television systems serving less than 1,000 subscribers, nor does it require deletion of a sports event on a broadcast station's signal that was carried by a cable system prior to March 31, 1972. The rule does not apply to sports programming carried on nonbroadcast program distribution services such as ESPN.

For example, if the Boston Celtics are playing the Atlanta Hawks at Boston Gardens in a National Basketball Association (NBA) game, and the game is not broadcast live on a Boston television station, and the NBA sends a blackout notice to cable systems within 35 miles of Boston, those systems will have to delete the game which is carried on their systems by "superstation" WTBS from Atlanta. If a sports event is carried, for example, on ESPN or a regional subscription sports network, any blackout will be the result of a private contractual agreement between the holder of the rights to the event and the sports network.

Copyright

The Copyright Act requires cable operators to obtain a compulsory license for the carriage of programming. The cable operator pays the fee to the copyright office, for distribution to the copyright holders of the program material. The fee for each cable system is based on the system's "gross receipts" from the carriage of broadcast signals and the number of "distant signal equivalents" (DSE), a term identifying non-network programming

from distant television stations carried by the system.

Under the Commission's must-carry rules, a cable operator is not required to carry a signal of a television broadcast station if that station would be considered a distant signal under the Copyright Act, unless the station agrees to indemnify the cable operator for any increased copyright liability resulting from carriage of the signal.

The law requires a cable operator to file semi-annually a statement of account, including information about system revenue and signal carriage as well as the royalty fee payment. For further information regarding copyright regulation, contact the Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557; telephone (202) 707-8380.

PROGRAM CONTENT REGULATIONS

With the exception of certain signal carriage requirements, cable television system operators select channels and programs to be distributed to subscribers in response to consumer demands. The Commission does, however, have rules in some areas that are applicable to programming -- called "origination cablecasting" in the rules -- that is subject to the editorial control of the system operator. The rules generally do not apply to the contents of broadcast signals or access channels over which the system operator has no editorial control.

Political Cablecasting

Once a cable system allows a legally qualified candidate for public office to use its facilities, it must afford "equal opportunities" to all other candidates for that office to use its facilities. The cable system may not censor the content of the candidate's material in any way, and may not discriminate between candidates in practices, regulations, facilities or services rendered pursuant to the equal opportunities rules. Candidate appearances which are exempt from the "equal opportunities" rules include appearances on a bona fide newscast, news interview, news documentary, or news event covered on-the-spot.

Cable television systems may charge political candidates only the "lowest unit charge of the station" for the same class and amount of time for the same period, during the 45 days preceding a primary or runoff election and the 60 days preceding a general or special election. Candidates should be charged no more per unit than the system charges its most favored commercial advertisers for the same classes and amounts of time for the same periods. Information concerning the rates, terms, conditions and all discounts and privileges offered to commercial advertisers should be disclosed and made available to candidates.

"Fairness Doctrine"

A cable television system operator engaging in origination cablecasting must afford

reasonable opportunity for the discussion of conflicting views on issues of public importance. Although this requirement still appears in the Commission's Rules, the fairness doctrine in its broadcast application and from which the cable rule are derived, is no longer enforced as a consequence of a Commission proceeding and a court decision.

Personal Attacks

When an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group during origination cablecasting concerning issues of public importance, the cable system must give the person or group attacked, within one week, notification and identification of the cablecast; a script or tape of the attack; and an offer of a reasonable opportunity to respond over the cable facilities. The rule exempts attacks by political candidates and their associates on other candidates and their associates, as well as all attacks that occur during "uses" by candidates and all attacks made during newscasts, news interviews and on-the-spot coverage of news events.

Political Editorials

Once a cable system carries an editorial endorsing or opposing a legally qualified political candidate, it must give opposing candidates (or the candidate opposed in the editorial) an opportunity to respond. Within 24 hours after the political editorial, the cable system must give to the other candidates or the candidate opposed notification and identification of the editorial, a script or tape of the editorial, and an offer of a reasonable opportunity for the candidate or his or her spokesperson to respond over the cable facilities. Where an editorial is cablecast within 72 hours prior to election day, the cable system is obliged to give notice and an opportunity to respond sufficiently far in advance to enable the candidate opposed or not endorsed a reasonable opportunity to prepare a response and to present it in a timely fashion.

Lottery Information

Cable systems are generally prohibited within origination cablecasting from transmitting information or advertisements concerning lotteries or other schemes offering prizes dependent upon chance in exchange for consideration. The rule exempts information about a state lottery cablecast by a system located in that state or another state which conducts a state lottery, or by a system which is integrated with a cable system in such a state, if it is technically unable to terminate the transmission to other states. It also permits the cablecast of information about a lottery or similar scheme that is not prohibited by the state in which it is conducted and which is conducted by a not-for-profit or governmental organization or conducted by a commercial organization and which is clearly occasional and ancillary to the organization's primary business. Information about gaming conducted pursuant to the Indian Gaming Regulatory Act is also exempt.

Sponsorship Identification

The sponsor of any origination cablecast which is presented in exchange for money, service or "other valuable consideration must be identified." All political spots must contain a visual sponsorship identification in letters equal to at least four percent of the screen height and which are on the air for at least four seconds. Where the cablecast advertises commercial products or services, a mention of the corporate or trade name is usually considered sufficient. Sponsorship identification announcements must also be made before and after certain material if inducements are given to the cable system in exchange for cablecasting the material.

Commercial Limits in Children's Programs

Regulations implemented pursuant to the Children's Television Act of 1990 restrict the amount of commercial matter that cable operators may cablecast on programs originally produced and broadcast primarily for children 12 years old and younger. Cable operators may transmit no more than 10.5 minutes of commercial matter per hour during children's programming on weekends and no more than 12 minutes of commercial matter per hour on weekdays. Cable systems must maintain records available for public inspection which document compliance with the rule.

Cigarette Advertising

Advertisements for cigarettes, little cigars and smokeless tobacco are prohibited on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission, including cable. Laws against these types of advertising have criminal penalties and are administered by the U.S. Department of Justice rather than by the Commission.

Obscenity, Indecency and Lock Boxes

Obscene material or speech on any channel is prohibited as obscene speech is not protected by the Constitution of the United States. Various provisions of federal law make it illegal to transmit or knowingly distribute obscene material over any cable system. Indecent material or speech, on the other hand, is protected by the Constitution and may only be regulated under certain conditions.

Cable subscribers may request that the cable operator provide a device, commonly called a "lockbox", which permits the subscriber to block the viewing of certain channels at times selected by the subscriber.

ACCESS AND ORINATION CHANNELS

Access channels typically provide community-oriented programming, such as local news, public announcements and government meetings. They are usually programmed by individuals or groups, on either public, educational or governmental access channels or on commercial leased access channels.

Origination channels are usually programmed by the cable system and may include many types of specialized program packages such as movies, sports, national news and public affairs, feature entertainment, children's programming or programming for specific ethnic or other minority groups.

The Commission's rules do not require cable operators to originate programming. Operators who originate programming, however, are required to comply with the Commission's program content rules.

Channels For Public, Educational, Or Governmental Use

Under the 1984 Cable Act, local franchising authorities may require that cable operators set aside channels for public, educational, or governmental (PEG) use. In addition, franchising authorities may require cable operators to provide services, facilities, and equipment for the use of these channels. Many cable systems include several PEG channels.

In general, cable operators are not permitted to control the content of programming on PEG channels. Cable operators may impose non-content-based requirements, such as minimum production standards, and mandate equipment user training.

PEG channel capacity which is not in use for its designated purpose may, with the franchising authority's permission, be used by the cable operator to provide other services. Under certain conditions, a franchising authority may authorize the use of unused PEG channels to carry low power commercial television stations and local noncommercial educational television stations that are required by law.

Information relating to PEG channels may be obtained directly from the cable system or the local franchising authority.

Leased Commercial Access

The 1992 Cable Act gave the Commission expanded authority to regulate the commercial leasing of cable channels on all systems. Cable operators and commercial leased access users may also negotiate certain terms and conditions of use. Each leased access user may lease only up to one channel's capacity, if there are other users demanding use of the additional designated channels. Various types of leases, such as leasing an hour on a regular leased channel, leasing a whole channel, or leasing a channel for use as a subscription

service, should be accommodated by the cable system.

Channel placement or tier access are left to negotiation between the parties. Factors to be considered in these negotiations are the nature of the service; the relationship between the charge imposed and the desirability of the channel; and the need to provide competition in delivering service and diversity of programming. Cable operators may not apply programming production standards to leased access users that are any higher than those applied to public, educational or governmental access channels. Operators must provide users with the minimal technical support necessary to air their material, for which support the operators may be reimbursed. Cable operators may request reasonable security deposits from users.

The Commission may not require that operators apply the same rates, terms and conditions for the leasing of channel capacity by both affiliated and nonaffiliated programmers. Cable operators are required, however, to provide billing and collection services for leased access users, unless the operator demonstrates the existence of third party billing and collection services which in terms of cost and accessibility offer leased access users an alternative substantially equivalent to that offered comparable non-leased programmers.

Operators with fewer than 36 activated channels are not required to designate channel capacity for commercial use by persons unaffiliated with the operator. Operators with 36 to 54 activated channels must designate 10 percent of their channels which are not otherwise required for use by federal law or regulation. Operators with 55 to 100 activated channels must designate 15 percent of their channels which are not otherwise required for use by federal law or regulation. Operators with more than 100 activated channels must designate 15 percent of all their channels. Any unused channel designated for leased commercial access may be used by the cable system until the channel capacity is leased. Any channel capacity which has been designated for public, educational, or governmental use may not be considered as designated for leased commercial access.

The only exception to the leased commercial access channel set-aside provision requires that up to 33 percent of a system's designated leased commercial access channel capacity may be used for qualified minority or educational programming, purchased by the system operator rather than by leased channel programming. The qualified minority or educational source may be affiliated with the operator.

Any person aggrieved by the failure or the refusal of a cable operator to make commercial channel capacity available or to charge rates as required by Commission rules may file a petition for relief with the Commission within 60 days of the alleged violation. In order to merit relief, the petition must show by clear and convincing evidence that the operator violated the leased access rules or otherwise acted unreasonably or in bad faith. Relief may be in the form of refunds, injunctive relief or forfeitures. The Commission encourages parties to use alternative dispute resolution procedures such as settlement

negotiation, conciliation, facilitation, mediation, fact finding, mini-trials and arbitration. The 1992 Cable Act expressly provides for judicial review of leased commercial access disputes.

RECORD RETENTION

The Commission requires cable operators to maintain various documents and records of their authorization and operation for inspection by the Commission, local franchising authorities and/or the public.

Cable operators must maintain a number of records for public inspection. These include a political file, sponsorship identification records, equal employment opportunities (EEO) records, commercial records for children's programming, records demonstrating compliance with the Commission's leased access provisions, ownership records, and a list of broadcast television stations carried in fulfillment of the Commission's must-carry provisions as well as the designation and location of the cable system's principal headend.

Records required to be maintained primarily for inspection by the Commission or by local franchising authorities include evidence of compliance with the Commission's technical standards, a current list of channels offered to subscribers, proof-of-performance test data, signal leakage logs and repair records, a copy of the Commission's cable television regulations, records of subscribers (aggregate information used for assessing fees), and records of subscriber complaints on signal quality.

In addition to the above-listed files, cable systems with 1,000 subscribers or more must maintain a public inspection file. This file must contain a copy of records to be maintained as part of the political file, sponsorship identification records, EEO documents, commercial records for children's programming, leased access records, required proof-of-performance test data, and required signal leakage and repair logs.

The public inspection file must be kept at the office which the system operator maintains for business purposes, such as the place where the operator ordinarily collects subscriber charges, resolves subscriber complaints and conducts other business, or at any accessible place in the community served by the system (such as a public registry for documents or an attorney's office). The public inspection file must be available for public inspection at any time during regular business hours.

Cable operators must make copies of any materials in the public inspection file available for photocopying at the time of the in person request. Cable operators may charge a reasonable fee for photocopying. Requests for photocopies must be fulfilled at a location specified by the cable operator, within a reasonable time not to exceed seven days. System operators are not required to honor requests for photocopying by mail but may do so at their discretion.

PROTECTION OF SUBSCRIBER PRIVACY

Cable operators generally are prohibited from using their cable systems to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber involved. However, cable operators may collect this information in order to obtain information necessary to render a cable television or other service to the subscriber or to detect unauthorized reception of cable communications.

Although cable operators generally are prohibited from disclosing personally identifiable information without the prior written or electronic consent of the subscriber, there are certain circumstances where the cable operator may do so. For example, a cable operator may disclose this information if such disclosure is necessary to render, or conduct a legitimate business activity related to cable television or other service provided to the subscriber. It may also disclose such information pursuant to a court order authorizing the disclosure. However, in this case, the subscriber must be notified of such an order by the person to whom the order is directed (such as a government agency or the cable operator). Finally, the cable operator may disclose the names and addresses of subscribers, but the cable operator must provide the subscriber the opportunity to prohibit or limit such disclosure. Moreover, the cable operator must ensure that the disclosure does not reveal, directly or indirectly, the extent of any viewing or other use by the subscriber or the nature of any transaction made by the subscriber over the cable system.

At the time of entering into an agreement to provide cable service or any other service to a subscriber, cable operators must notify the subscriber of the nature of any personally identifiable information collected or that will be collected regarding the subscriber and the nature of the use of such information, the nature, frequency, and purpose of any possible disclosure of such information, including an identification of the types of persons to whom the disclosure may be made, the period during which such information will be maintained by the cable operator, the times and place at which the subscriber may gain access to such information, and the limitations with respect to collection and disclosure of information by a cable operator and the right of subscribers to enforce these limitations. Notice to the subscriber must be in the form of a separate, written statement and must be clear and conspicuous. Notice must also be given at least once every year that the agreed upon service is provided. "Personally identifiable information" does not include any record of aggregate data which does not identify particular persons.

Cable operators must provide subscribers access to all personally identifiable information regarding that subscriber. Such information must be made available to the subscriber at reasonable times and at a convenient place designated by the cable operator. Cable subscribers must be provided a reasonable opportunity to correct any error in such information.

Cable operators must destroy personally identifiable information if such information is no longer necessary for the purpose for which it was collected and there are no pending

requests or orders for access to such information.

Any person aggrieved by a cable operator's violation of these provisions may bring a civil action in a United States district court. As a remedy, the court may award actual damages, punitive damages, and reasonable attorneys' fees and other limitation costs reasonably incurred.

Government entities may obtain personally identifiable information concerning a cable subscriber pursuant to a court order only if the entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case. In addition, the subject of the information must be afforded the opportunity to appear and contest the entity's claim.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

The Communications Act of 1934 and the Commission's Rules prohibit cable operators, satellite master antenna television systems and multichannel video programming distributors (wireless cable operators and certain satellite distributors) from discriminating against any job applicant or employee because of the person's race, color, religion, national origin, age or gender. These entities must establish, maintain and execute a continuing program to assure equal employment opportunity. Key areas which this program must address include recruitment of minority and female applicants for job vacancies, promotions of minorities and women to positions of greater responsibility, encouragement of minority and female entrepreneurs to conduct business with all aspects of the system's operations, and assessment of the system's EEO program.

The Commission engages in three levels of review to monitor compliance with the EEO rules. First, entities are subject to an annual certification review which begins when employment units (local cable systems and their headquarters offices) with six or more full-time employees file an Annual Employment Report (FCC Form 395-A) with the Commission by May 1st of each year. The purpose of this review is to determine whether the employment units are engaging in good faith efforts to comply overall with the EEO rules. The Form 395-A requests information about the entity's EEO program, as well as employee profiles, hiring and promotion data, and job title information, by race and gender, for all employees classified among 15 job categories.

The certification process consists of an examination of the information submitted on the form and, if necessary, any additional information that may have been supplied by the operator or requested by the Commission. In addition, the Commission notes any final decisions reached regarding complaints of discrimination by government agencies and courts established to enforce nondiscrimination laws. If the information indicates compliance with the EEO requirements, a certification of compliance is issued for that year. If questions are raised, additional information is requested.

The second method of review requires operators to respond to selected questions from a Supplemental Investigation Sheet (SIS), which requires more detailed information regarding the operator's EEO efforts and employee job classifications. This review is conducted at least once every five years and allows the Commission to evaluate in greater detail each employment unit's employment practices, including the accuracy of its job classifications.

The third method of review is the on-site audit, which allows the Commission to verify the cable operator's EEO program and job classifications. Audits are usually conducted by Commission staff and consist of interviews and a review of documents and employment practices at the main office or work-site of the employment unit.

If an operator violates the cable EEO rules, the Commission has various remedies and sanctions available. Based on the severity and frequency of the violation, the Commission may issue an admonition, impose reporting conditions, or impose a fine. Willful and repeated failure to comply with the EEO rules may also be considered a substantial failure to comply with the law which could, in turn, be a basis for the nonrenewal of a system's franchise.

EEO complaints may be filed by an employee, an applicant for employment or any other interested person. An interested person is an individual who lives within the cable system's franchise area. Complaints must be in writing, sworn and signed and must allege facts raising a prima facie case of non-compliance with the EEO provisions. To be timely, a complaint must be filed within 180 days of the alleged EEO violation.

In processing EEO complaints, the Commission first determines whether the complaint falls within the jurisdiction of the Equal Employment Opportunity Commission (EEOC) or a comparable state or local agency. If it does, the complaint is referred to the appropriate agency and the Commission defers action on the matter until a final decision is reached. If the matter is not referred, the Commission processes the complaint and determines what action or inquiry, if any, is appropriate.

Anyone wishing to file a complaint should write to: Federal Communications Commission, Mass Media Bureau, Enforcement Division, EEO Branch, Stop Code 1800C2, 1919 M Street, N.W., Washington, D.C. 20554. To receive more information about complaint procedures or the cable EEO provisions in general, please contact the EEO Branch at the address above or at (202) 632-7069.

CABLE SYSTEM OWNERSHIP

The Commission rules restrict the ability of television broadcast stations, national television networks, MMDS, and SMATV systems to own or control interests in cable systems. These rules also restrict the ownership interest of cable operators and their ability to own or control video programming services. While there are no prohibitions on foreign ownership of cable television systems, foreign governments or their representatives may not own cable television relay service (CARS) stations.

Telephone Cross-Ownership Restrictions

The Commission rules contain restrictions on telephone companies providing cable television service. In general, telephone companies are prohibited from providing video programming directly to subscribers within their telephone service areas. Any affiliation between a telephone company and a cable company in the telephone company's service area, other than that of common carrier-customer is prohibited. However, telephone companies are allowed to provide cable television service in rural areas (defined as places of fewer than 2500 persons), or where the telephone company is able to show that cable service could not exist unless provided by the telephone company. Waivers can also be granted for other good cause.

The Commission's rules allow telephone companies to provide cable service outside of their telephone service areas. Telephone companies are also allowed to provide video transport service on a common carrier basis (referred to as channel service) to unaffiliated cable operators. Facilities constructed and operated by telephone companies to provide either cable television service or channel service, however, require prior approval under Section 214 of the Communications Act.

In 1987, the Commission initiated an inquiry to review whether or not the telephone company/cable television cross-ownership restrictions of the Cable Act and the Commission's Rules continue to serve the public interest and if they should be modified or repealed. In 1992, the Commission recommended that Congress repeal the telco-cable cross-ownership prohibition, because it found that the risks of anticompetitive conduct by the local telephone companies in connection with direct provision of video programming have been diminished by the enormous growth of the cable industry. A district court recently held that the telco-cable cross-ownership restriction is unconstitutional on First Amendment grounds. This decision is currently on appeal.

Until this restriction is lifted by Congress, the Commission has modified the telco-cable cross-ownership restriction to allow local telephone companies to provide video dialtone services. Specifically, the Commission adopted a regulatory framework that would permit, but not require, local telephone companies to offer a basic platform to end users. The basic platform is a common-carriage transmission service coupled with the means by which consumers can access all video service providers making use of the platform. Video dialtone service at the basic platform level differs from the "channel service" that local telephone companies currently may provide cable television operators, in that local telephone companies must provide sufficient transmission capacity to serve multiple video programmers. In addition, local telephone companies are permitted to provide some additional enhanced (nonregulated) and non-common carrier services to customers of the common carrier platform.

The modified rules also permit local telephone companies to have an increased non-cognizable interest up to 5% in video programmers. The Commission will also continue to

allow local telephone companies to acquire existing cable physical plant for the purpose of leasing those facilities back to the cable operator. However, local telephone companies are not permitted to purchase existing cable facilities in their service area in order to provide video dialtone services.

Cable/Television Broadcast Station Cross-Ownership

The Commission's rules and the Cable Communications Policy Act of 1984 generally prohibit the common ownership of a cable television system and a television broadcast station that serve the same area or overlapping areas. This prohibition was not changed as a result of the 1992 Cable Act.

Cable/National Television Network Cross-Ownership

The Commission revised its rules pertaining to cross-ownership of cable television systems and national television broadcast networks in 1992. Due to cable television's increased availability and use and the broadcast television networks' decreased influence in the multichannel video service marketplace over the past twenty years, the need for a strict prohibition on network-cable cross-ownership has diminished. Whereas network-cable cross-ownership was previously prohibited, the Commission's new rules permit common ownership of television broadcast networks and cable systems under certain limited conditions.

Network-cable cross-ownership is allowed, provided that commonly-owned cable systems do not exceed ten percent of homes-passed (that is, all television households that have access, but do not necessarily subscribe, to cable service) by cable systems nationwide and fifty percent of homes-passed by cable systems within a local market as defined by Arbitrons's Area of Dominant Influence (ADI). The local limit restriction will not apply in cases where a network-cable cross-owned system faces another competing multichannel video delivery system.

Cable/MMDS Cross-Ownership

Commission rules and the Communications Act provisions generally preclude common ownership of a cable television system and a Multichannel Multipoint Distribution Service station (MMDS) or "wireless cable" system that serve the same area.

Multichannel Multipoint Distribution Service, or MMDS, is often referred to as "wireless cable." Under this technology, an omnidirectional microwave signal is sent from an central transmission tower to receiving microwave antennas. The signals involve "line of sight" transmission and, as a result, the signals are subject to degradation when obstructed. On the other hand, absent obstacles, the signals can travel up to 70 miles, providing television pictures comparable to those received via cable television. The microwave signal is a high frequency signal which is converted for television use by a converter located on the subscriber's receiving antenna.

The cross-ownership prohibition applies to areas where overlap exists between the MMDS system and the cable system. The rules define the franchise area as "an area actually passed by a cable system and which can be connected for a standard connection fee." The MMDS service area is defined as the station's "protected service area."

Cable/SMATV Cross-Ownership

Satellite Master Antenna Television (SMATV) is a localized service that operates like a mini-cable system in a multi-unit dwelling such as an apartment complex. The operation of SMATV is almost identical to that of a cable system. A headend, comprised of television receiving antennas, satellite receiving dishes and/or microwave receiving equipment, pulls in signals that are then amplified and distributed to subscribers through a building's wiring system.

The 1992 Cable Act prohibits a cable operator from offering SMATV service "separate and apart from any franchised cable service" within any part of the area served by the cable system. The Commission will allow a cable operator to construct and integrate a SMATV system as part of its cable franchise if all conditions of the cable franchise agreement are satisfied. If these conditions are met, such a system would not be "separate and apart" from the franchised cable system. Rather, it would be part of the cable system and its ownership by a cable operator would not violate the Act's cross-ownership prohibition. Under the rules, existing SMATV-cable combinations are permitted to continue and divestiture of existing interests is not required.

Vertical Ownership Restrictions

To prevent large, vertically integrated cable systems from unduly favoring their affiliated programmers over non-affiliated cable service providers, the Commission imposes a 40% limit on the number of channels which can be occupied by video programmers affiliated with the particular cable system. In this context, vertical integration refers to common ownership of both cable systems and program networks, channels, services or production companies. For purposes of determining common ownership, all interests of 5% or greater are recognized unless there is no possibility of such interests exerting control or influence over the cable system.

National Subscriber Limits

Horizontal concentration in the cable industry is based on the share of subscribers served by an individual cable operator through its ownership or control of local cable systems. The Commission has adopted a 30% subscriber limit on the number of homes-passed nationwide that any one multiple system operator (MSO) can reach through cable systems in which that MSO has an attributable interest. The Commission will permit ownership of additional systems, up to 35% of homes-passed nationwide, provided that the additional systems are minority-controlled. These limits are directed at stemming the

increased horizontal concentration currently present in the cable industry. By limiting the horizontal concentration of the cable industry, the Commission seeks to prevent the concentration of local cable systems into the hands of only a few large operators and to limit the ability of multiple system operators to exercise undue influence in the program acquisition market.

The District Court for the District of Columbia in Daniels Cablevision, Inc. v. United States has ruled that governmentally-mandated subscriber limits are unconstitutional under the First Amendment. In light of this ruling and in order to avoid confusion, the Commission has stayed the effective date of the subscriber-limit rules until final judicial resolution of the District Court's decision.

Tax Certificates and Minority Ownership

In May 1978, the Commission announced that when a licensee transfers or assigns a broadcast station to a minority-owned purchaser, a tax certificate may be issued to the seller, pursuant to Section 1071 of the Internal Revenue Code. Under this section, sellers may defer the payment of the capital gains tax when a sale is deemed necessary or appropriate to effectuate compliance with the Commission policy of fostering minority ownership. In December 1982, as a result of the Report of the FCC Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications, the Commission expanded the use of tax certificates to promote minority ownership in the field of cable television. As a result of this policy expansion, tax certificates to promote minority ownership of cable television facilities are available for the sale of cable television systems to minority-controlled entities. In addition shareholders and certain other investors in a minority-controlled cable entity are eligible for a tax certificate upon the sale of their shares, provided that their interest was acquired to assist in the financing of the acquisition of the facility.

For more information, contact the Commission's Consumer Assistance Branch at (202) 632-7000. A list of certificates granted through this policy is available upon request from the Branch.

Anti-Trafficking Restrictions

The 1992 Cable Act established a three-year holding requirement for cable systems. The three-year holding period will be measured from the date on which service is activated to the first customer in the franchise area for initially constructed systems, and from the effective date of the closing of the transaction transferring control of the system for acquired systems. In multiple system transactions involving subsequent transfers, the subsequent transfers will be considered acquired as of the date of the original transaction and do not require the application of a separate holding requirement.

Transfers of control will be defined generally by reference to the Commission's broadcast assignment and transfer of control standards. Tax-free, pro forma and involuntary

transfers of control are exempt from the three-year holding period. Small systems, with 1000 or fewer subscribers, qualify for a blanket waiver of the three-year holding requirement. Other waivers will be granted in cases involving default, foreclosure, financial distress or if the public interest would be served. Waiver requests involving MSO transfers will be looked upon favorably if two-thirds or more of the subscribers of the systems being transferred are served by systems owned for three years or more.

Local franchising authorities have primary responsibility for monitoring compliance with the anti-trafficking rule, subject to review by the Commission. Cable operators seeking to transfer ownership are required to certify to the local franchising authority that the proposed transfer complies with the anti-trafficking rule, or qualifies for an exemption or waiver. This certification must be submitted simultaneously with a request for transfer approval. If local transfer approval is not required, the certification must be submitted to the franchising authority no later than 30 days in advance of the closing date of the proposed transaction. Certifications must provide the details of the transaction, the date of acquisition and proposed transfer, and a statement of facts relating to any relevant exemptions. For systems held for three years or more, the certification is incorporated into the Commission's standard transfer approval form. The franchising authority must notify the cable operator within 30 days of receipt of a certification if there are any questions as to the accuracy of the certification, or it is deemed accepted. If the franchising authority fails to act upon transfer requests for systems owned for three years or more within 120 days, the transfer request shall be deemed granted, unless the parties agree to an extension of time.

TECHNICAL REQUIREMENTS

Cable systems distribute TV signals either through optical fiber or through coaxial cable strung on existing poles owned by telephone or electric utility companies. Cable operators also may use their own poles, place their cable underground or use transmission facilities or rights-of-way owned or controlled by a utility or municipality. Some may use combinations of these arrangements. Sometimes conflicts arise between cable television systems and utility companies over pole attachment issues, particularly the rates for use of utility facilities. The Communications Act Amendments of 1978 authorize the Commission to resolve such disputes by regulating the rates, terms, and conditions for cable TV pole attachments to ensure they are just and reasonable unless a state regulates such factors.

In 1985, the Commission adopted rules requiring each state to certify that it has issued and made effective rules and regulations implementing the state's regulatory authority over pole attachments, that its rules and regulations include a specific methodology for regulating pole attachments, and that the methodology has been made publicly available in the state. Local requirements may be obtained from local franchising authorities. The amended rules also require that jurisdiction revert to the Commission unless a state acts on a complaint within a certain time. The Commission periodically issues public notices listing the states which have filed certifications.

Technical Standards

To ensure the delivery of satisfactory television signals to cable subscribers, the Commission has adopted various technical performance standards which local franchise authorities are generally authorized to enforce through their franchising process. Cable operators are required to establish a complaint resolution process and to advise their subscribers about it annually.

In addition to establishing new standards for the delivery of color signals and of closed captioned data, the Commission generally preempted conflicting local standards, with several exceptions. The Commission permits cable systems with fewer than 1,000 subscribers, as well as those serving rural areas, to negotiate with their respective franchising authorities for certain lower standards. The Commission also allows franchising authorities seeking to impose more stringent standards to request a waiver of our rules.

Use of Aeronautical Frequencies

The Commission's technical rules include standards to control signal leakage from cable systems. Any cable system, regardless of its size, which intends to use a frequency in the band 108-137 MHz or 225-400 MHz above a power level of 100 microwatts, must first notify the Commission of its intention to do so before using the proposed frequencies. This requirement permits Commission review of proposed frequency usage and insures that cable operations are on frequencies which are offset from the air navigation and communications functions of local aeronautical radio services. The standards used to determine the permissibility of proposed frequency usage are based on frequency separation between the proposed cable frequencies and aeronautical station assignments. Certain logging and leakage monitoring obligations are also imposed on operators using frequencies within the critical bands. The requirements on the use of aeronautical frequencies are contained in 47 C.F.R. §§ 76.611- 76.617. All cable systems using aeronautical frequencies must file a yearly report demonstrating compliance with these rules.

Prohibited Frequencies

No cable television system may utilize a frequency at power levels equal to or exceeding 10 microwatts within 100 kHz plus tolerance of the emergency aircraft locator frequency 121.5 MHz or within 50 kHz plus tolerance of the distress signal frequencies 156.8 MHz and 243.0 MHz.

Microwave Facilities

Cable systems obtain certain signals, sometimes from distances impractical to serve by cable, through microwave relay stations. Microwave systems may also be used by cable operators for distribution of signals within the cable system where it is impractical to run cable due to its cost or due to potential signal deterioration. Cable operators may purchase

microwave relay service from companies providing such common carrier services, or they may operate their own relay stations licensed by the Commission as Cable Television Relay Service (CARS) stations.

The CARS rules also authorize licensing of mobile remote pick-up stations for the transmission of programming from the scenes of events outside a studio back to the cable studio or headend. In addition, they provide for the licensing of studio-to-headend link (SHL) stations.

Applicants must use FCC Form 327 when filing for a license to operate a CARS station. Renewal applicants need file only Schedule A of FCC Form 327 and make a representation that there were no legal or technical changes since the prior license application. If changes were made, a complete FCC Form 327 is required. The CARS rules provide that cable system owners or cooperative enterprises and cable networks with at least 5 million subscribers are eligible to become CARS licensees. The rules add that a CARS licensee also may serve nonaffiliated cable systems based on a cost-sharing, nonprofit arrangement. These arrangements permit the delivery of cable programming where economies might otherwise prevent a small system from using microwave transmission. The CARS rules also allow broadcast microwave facilities to provide signals to cable television systems on a similar nonprofit, cost-sharing basis.

The advent of satellite-earth station transmission capability adds another dimension to microwave communications. The interface between a receive-only earth station and a CARS network now offers greater flexibility in the distribution of programming to cable systems and a relatively inexpensive means of providing a long-haul transmission capability.

The rapid growth of the cable industry has led to increased demand for CARS band frequencies. In 1979, the Commission expanded the band from 12.7-12.95 to 12.7-13.20 GHz. In 1983, the Commission allowed cable systems operators to use frequencies in the 18 GHz area (specifically 17.7-18.58 and 19.26-19.7 GHz). The Commission added the 31 GHz band for microwave services including CARS and provided access by cable operators and networks to the 2 and 6 GHz Bands (specifically 1.990-2.190, 6.425-6.525 and 6.875-7.125 GHz) for CARS mobile use only.

HOME WIRING

Under the Commission's home wiring rules, when a subscriber who does not own the cable wiring within his or her home voluntarily terminates cable service, the cable operator may leave the wiring in place, or notify the consumer that it will remove the home wiring unless the consumer purchases the wire from the operator on a per-foot replacement cost basis. If the consumer declines to purchase the wiring, the cable operator may remove the wiring at no charge to the subscriber within 30 days. If the cable company fails to remove the wiring within the 30 day period, it forfeits its right to remove the wire or restrict its use at any later time. The home wiring rules are intended to encourage competition between

multichannel video delivery services by allowing a consumer who voluntarily terminates cable service to use the wiring to receive a competing multichannel video delivery service, such as direct broadcast satellite, wireless cable (MMDS), or a different cable service, without the expense and inconvenience of installing new wire.

COMPATIBILITY BETWEEN CABLE SYSTEMS AND CONSUMER EQUIPMENT

Televisions and videocassette recorders (VCRs) have many special features and functions that may not work when consumers are connected to cable services. The Commission has proposed regulations to allow consumers to use and enjoy the enhanced features of their TVs and VCRs such as "picture-in picture", viewing a program on one channel while simultaneously recording a program on another channel, and recording two or more consecutive programs that appear on different channels. The proposed rules also allow cable operators to protect their premium services from receipt by non-subscribers.

The proposed rules address both the existing and future world of consumer electronics and cable equipment. With respect to existing equipment, the proposed rules would require cable systems to provide supplementary equipment that will enable subscribers to use the specialized TV and VCR features mentioned above. Further, to assure that subscribers are assessed reasonable fees, the charges for such equipment would be in accordance with the Commission's rate regulation rules.

For new equipment, the proposed rules encompass all consumer electronics equipment marketed as "cable ready." Such equipment would be required to include a built-in specialized port known as a Decoder Interface connector that will enable operators to protect their premium services without disabling features of TVs and VCRs. Additionally, the Commission's proposed new requirements for "cable-ready" equipment would ensure cable system channel compatibility and prevent off-air interference to subscribers' equipment.

The proposed rules would further require cable operators, whenever possible, to provide cable service in a format that will eliminate the need for additional equipment (known as "in the clear" service), or provide the necessary equipment to process scrambled service through the Decoder Interface connector without levying a separate charge to the subscriber.

COMPLAINTS , INVESTIGATIONS AND INQUIRIES

Under the dual jurisdictional approach to cable television regulation, several important areas of consumer concern are administered by franchising authorities rather than by the Commission. These include subscriber rates, installation fees, equipment and customer service, where the local franchising authority has chosen to regulate; bills and billing practices; extension of cable service to individual homes and businesses; repairs; improper wiring; theft of service; and false or misleading advertising concerning the cable system's capabilities. Complainants are urged to make their complaints by letter, directed to local

officials responsible for regulation of their cable system.

The Consumer Protection Division handles both formal and informal complaints, and provides information about cable systems. Complaints related to rates for the programming service tier should be submitted on FCC Form 329. This form can be obtained from local franchising authorities or cable systems, by writing to the Federal Communications Commission, Attention: Cable Form 329, P.O. Box 18238, Washington, D.C. 20036, or by calling (202) 416-0919. The Commission is particularly interested in interference problems to cable service generated by citizens band or amateur radio operations. These problems may be address to either the Commission's Field Operations Bureau, Enforcement Division, at (202) 632-7090, or the Commission field office located closest to the affected cable system.

REQUESTS FOR SPECIAL RELIEF

A cable system operator, broadcaster, franchising authority or any other person may seek special relief or a waiver of any rule relating to cable television. Requests for declaratory orders seeking Commission interpretation to clarify a disputed question about the rules may be treated as petitions for special relief or rulemaking. Generally, any such request also requires submission of a filing fee; however, complaints related to the mandatory carriage provisions are not subject to a filing fee.

A petitioner may submit the request by letter, accompanied by certification that all interested parties who may be directly affected by any Commission action have been given a copy of the request. In addition to stating the relief requested, the petition should contain the facts demonstrating the need for relief and show how granting the request would serve the public interest. An original and two copies of the petition must be filed with the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

Any person may submit comments in opposition to or in support of the petition within 20 days after it is filed. These pleadings also must be served on the petitioner and on all persons listed in the petitioner's certificate of service, and an original and two copies should be submitted to the Secretary. The petitioner may then file reply comments within 10 days after the submission of comments or oppositions.

SHOW CAUSE ORDERS AND FORFEITURE ACTIONS

In response to a petition, or on its own motion, the Commission may issue an order to show cause or initiate a forfeiture proceeding. This action begins a proceeding similar to a civil suit for an injunction; if the complainant prevails at the hearing, the Commission issues a cease and desist order and/or a forfeiture. Such a proceeding may be started by filing an original and two copies of a petition which the Commission subsequently places on public notice. Comments or oppositions may be submitted within 30 days and replies within 20 days. In the case of a forfeiture, a hearing can be held, but in almost all cases, a decision

on a forfeiture is made without a hearing.

Such petitions usually seek to remedy an alleged violation of the Commission's rules. A copy of the petition should be sent to the cable system operator and to other interested parties. It is possible, however, for an individual or group to join a cable system in opposing a request for an order to show cause. Once all the pleadings have been submitted, the Commission reviews the arguments and determines whether an order to show cause should be issued or a forfeiture proceeding should be initiated.

Forfeiture Authority

The Commission has the authority to impose monetary forfeitures on cable television systems or CARS licensees found to be in violation of the Commission's Rules, terms or conditions of a certificate or license, any Commission order, or any provision of the Communications Act. The Commission may impose forfeitures on cable systems by issuing either a notice affording an opportunity for hearing or a notice of apparent liability. The maximum fine imposed on cable system operators for each separate offense is \$25,000 for each day, the total fine not to exceed \$250,000 for each notice of apparent liability or hearing. Each day of a continuing violation is considered a separate offense. In the case of cable television systems, the Commission must issue any such notice within one year of the offense.

RULEMAKING PROCEEDINGS

The Commission is continually in the process of adopting new rules or amending existing ones to ensure that its regulations serve the public interest. Since many of these rules have widespread impact, the public may want to participate. Anyone may petition the Commission to adopt a rule at any time. A petition should include the text or substance of the proposed rule and provide supporting arguments, rationale, and data for the proposed new rule.

If the Commission initiates a rule making proceeding, it will issue a "Notice of Proposed Rulemaking" inviting public comment for a limited time period -- usually 30 days or more. A summary of the notice is published in the Federal Register which is available in many large libraries. In addition, trade publications also report the issuance of rulemaking notices.

The rules require that an original and five copies of all petitions and comments be filed. Participants who want each Commissioner to have a copy may submit 12 copies (an original and 11 copies). Members of the public may participate informally in rulemaking proceedings by submitting a single copy of their comments. This information should be mailed or delivered to the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

The Commission encourages and invites input from the public in all phases of its regulatory proceedings. Persons interested in participating by filing comments who are unfamiliar with Commission procedures may contact the FCC's Consumer Assistance Branch, Room 254, Stop Code 1160A1, 1919 M Street, N.W., Washington, D.C. 20554, telephone (202) 632-7000. The Consumer Assistance Branch serves as a focal point for Commission information and outreach to individual consumers, public interest and consumer organizations, and other interested persons.

CITIZEN PARTICIPATION IN COMMISSION REGULATION

Any member of the public may participate in the Commission's regulatory proceedings. The Consumer Assistance Branch maintains and disseminates general information bulletins on the functions and organization of the Commission, historical information on Commission actions and policies as they relate to its minority ownership policies, and fact sheets that provide concise information on policy changes and information concerning new telecommunications services.

As part of its ongoing outreach activities, the Commission conducts a monthly "brown bag" luncheon series on issues and recent policy changes. It produces other workshops and seminars designed to keep the public informed. It conducts briefings for visitors, colleges and universities with an interest in learning more about the Commission and its regulatory authority.

The Commission's Office of Public Affairs issues public notices of the filings of cable TV registration statements, petitions, comments and Commission actions. Copies of FCC decisions and comments filed may be obtained from the Commission's duplicating contractor, International Transcription Service, telephone (202) 857-3800. Several commercial distributors will send copies of all, or selected, public notices and news releases on a regular basis for a fee. A list of these distributors is available from the Consumer Assistance Branch.

Other sources of information include trade publications, such as Broadcasting, Cablevision, Communications Daily, Television Digest, Electronic Media and Multichannel News.

REPORTS AND FORMS

The Commission uses a variety of forms for specific purposes. Below is a list of the most frequently requested forms relating to cable television, and those which are required to be filed under our rules.

Cable System Forms:

Form 320 - Signal Leakage - At least once annually, every cable system must file a Form 320 which reports the results of signal leakage tests conducted by the operator.

To request a copy of this form, call the Commission at (202) 632-FORM.

- Form 325 - Annual Report** - Although there was a hiatus on the filing of Form 325, the Commission will begin requesting the filing of such reports in 1994. The Commission sends these forms to the operator and requests that they verify the accuracy of information. To request a copy of this form, call the Commission at (202) 632-FORM.
- Form 395A- Employment Report** - At least once annually each cable operator must file an annual employment report. These forms are sent to the operator by the Commission for the operator to verify the accuracy of information. To request a copy of this form, call the Commission at (202) 632-7069.
- Form 393 - Determination of Maximum Initial Permitted Rates for Regulated Cable Programming Services and Equipment** - This form is filed by a cable television system to establish its maximum permitted rates. The form and instructions contain the information necessary to make all calculations. To request a copy of this form, call the Commission at (202) 416-0919.
- Form 394 - Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise** - This form is required to be filed by a cable system with its local franchising authority, for its approval prior to the cable system transferring ownership and/or control. To request a copy of this form, call the Commission at (202) 632-FORM.

Franchise Authority Forms:

- Form 328 - Certification of Franchise Authority to Regulate Basic Service Rates and Initial Finding of Lack of Effective Competition** - This form is required to be filed by any local franchising authority which will regulate basic cable service within the franchise area. The form requests information relating to the cable system to be regulated, requests that the franchise authority certify that there is no effective competition, and requests that the franchise authority certify that it will adopt rate regulations and procedural regulations consistent with those of the Commission. To request a copy of this form, call the Commission at (202) 416-0919. To request assistance in filling out this form, call the Franchising Authority Hotline at (202) 416-0940.

Consumer Form:

- Form 329 - Cable Programming Service Rate Complaint Form** - This form is available for the filing of cable programming services rate complaints. To request a copy of this form, call the Commission at (202) 416-0919. To request assistance in filling out this form, call the Customer Assistance Hotline at

(202) 416-0902.

Cable System Additional Reporting Requirements (No Form Required)

Whenever a change occurs in a system's mailing address, operator legal name or operational status, the operator must notify the Commission of the change within 30 days. The operator must furnish its legal name and type (individual, private association, partnership, corporation), including the Employment Identity number or the Social Security number (if the company is an individual or partnership); the assumed name, if any; the mailing address; the nature of the operational status change; and the names of the system communities affected and their FCC community unit identifier numbers.

Informational Reports

Commission reports based on data collected from cable companies are available to the public. These reports may be obtained through the Commission's duplicating contractor, International Transcription Service, telephone (202) 857-3800, for a per page charge. Some reports are available on microfiche. The National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, is another source of Commission data, available on magnetic tape and microfiche. An NTIS accession number, needed to order a particular computer file, may be obtained by calling (703) 487-4763; orders may be placed by calling (703) 487-4650.

HOW TO OBTAIN THE RULES

Every cable operator serving 1,000 or more subscribers is required by the Commission to have an up-to-date copy of the Cable Television Rules and Regulations (47 C.F.R. Part 76 and 78) and to keep track of Commission actions that might alter the rules. Due to budgetary considerations, the Commission does not supply free copies of its regulations. Copies of the Commission's decisions and specific regulations may be purchased by calling the Commission duplicating contractor, International Transcription Service, at (202) 857-3800. Ask for cable regulations and specify whether you want information regarding rates or other areas. Copies of the new Cable Act, the entire Communications Act, or Commission rules and regulations, may be purchased from the Government Printing Office (GPO) in Washington, D.C. at (202) 783-3238. GPO outlets are also located in many major cities. Another means of keeping informed of rule changes is through the Federal Register, published daily by the Office of Federal Register and distributed by the GPO. Annual subscriptions are available.

OBTAINING FURTHER INFORMATION FROM THE COMMISSION

The Cable Services Bureau is located at 2033 M Street NW in Washington, D.C. General inquiries should be directed to the Federal Communications Commission, Cable Services

Bureau, General Inquiries, P. O. Box 18698, Washington, D.C. 20036. The general telephone number for the Bureau is (202) 416-0856. The Commission's Consumer Assistance Branch also serves as a focal point for information dissemination and outreach to the public. It is located in Room 254, 1919 M Street NW, Washington DC 20554, telephone (202) 632-7000. Commission offices are normally open from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding federal holidays, unless otherwise stated.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

Ms. Maria Teresa Fernandez
Acting Portuguese Consul General
899 Boylston Street
Boston, MA 02116

Dear Ms. Fernandez:

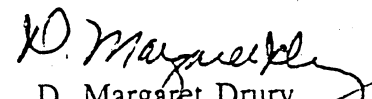
Please be advised that the Cambridge City Council has scheduled a public hearing on Monday, September 26, 1994 at 7:00 P. M. in the Sullivan Chamber, Second Floor, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

You are requested to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

Ms. Frances Renehan
Federal Communications Commission
1 Battery Park
Quincy, Massachusetts 02169-7495

Dear Ms. Renehan:

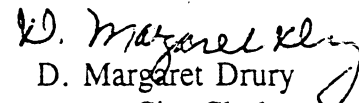
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The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

You are requested to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

The Honorable Joseph E. Kennedy
Suite 605
The Shrafft Center
529 Main Street
Charlestown, MA 02129

Dear Congressman Kennedy:

Please be advised that the Cambridge City Council has scheduled a public hearing on Monday, September 26, 1994 at 7:00 P. M. in the Sullivan Chamber, Second Floor, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

You are requested to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



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CITY OF CAMBRIDGE

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(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

The Honorable Edward Markey
5 High Street
Suite 101
Medford, MA 02155
ATTN: Joseph Dolton

Dear Congressman Markey:

Please be advised that the Cambridge City Council has scheduled a public hearing on Monday, September 26, 1994 at 7:00 P. M. in the Sullivan Chamber, Second Floor, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

Your kind attention in this matter will be greatly appreciated by the City Council.

Thank you for your cooperation in this matter.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

Ms. Joyce Hillcoat
Continental Cablevision
88 Sherman Street
Cambridge, MA 02140

Dear Ms. Hillcoat:

Please be advised that the Cambridge City Council has scheduled a public hearing on Monday, September 26, 1994 at 7:00 P. M. in the Sullivan Chamber, Second Floor, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

Please ensure that representatives of Continental Cablevision attend this hearing and are prepared to discuss the issues raised.

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Margaret Drury".

D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

Mr. Morgan Browman
Cable Services Bureau
Federal Communications Commission
Washington, D. C. 20554

Dear Mr. Browman:

Please be advised that the Cambridge City Council has scheduled a public hearing on Monday, September 26, 1994 at 7:00 P. M. in the Sullivan Chamber, Second Floor, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

You are requested to attend this hearing and be heard.

Thank you for your cooperation in this matter.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

TO: RUSSELL B. HIGLEY
CITY SOLICITOR

FROM: ^{DMD}
D. MARGARET DRURY
CITY CLERK

SUBJECT: HEARING ON RTPI

Please be advised that the City Council has scheduled a public hearing on Monday, September 26, 1994 at 7:00 P. M. in the Sullivan Chamber.

The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

You are requested to attend and be heard.

Thank you for your cooperation in this matter.

c.c. Robert W. Healy, City Manager



OFFICE OF THE CITY CLERK

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(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

September 16, 1994

TO: ROBERT W. HEALY
CITY MANAGER

FROM: ^{DMD} D. MARGARET DRURY
CITY CLERK

SUBJECT: HEARING ON RTPI

Please be advised that the City Council has scheduled a public hearing on Monday, September 26, 1994 at 7:00 P. M. in the Sullivan Chamber.

The purpose of this hearing is to consider the request to include Radio and Television Portuguese International (RTPI) programming for Portuguese speakers in the basic cable package.

You or your designee are requested to attend and be heard.

Thank you for your cooperation in this matter.

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