



Federal Communications Commission  
Washington, D.C. 20554

February 25, 2019

DA 18-1314

## **Small Entity Compliance Guide**

### **Revisions to Cable Television Rate Regulations**

**FCC 18-148**

**MB Docket Nos. 17-105, 02-144; MM Docket Nos. 92-266, 93-215; CS Docket Nos. 94-28, 96-157**

**Released October 23, 2018**

**This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking docket(s). This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.**

**In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:**

**1-888-CALL-FCC (1-888-225-5322)**

**TTY: 1-888-TELL-FCC (1-888-835-5322)**

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**Fax: 1-866-418-0232**

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## **I. OBJECTIVES OF THE PROCEEDING**

In the Report and Order (Order), the Commission (1) eliminates rules and terminates a proceeding that are obsolete due to the sunset of certain cable rate regulations, (2) revises a rule to conform the rule with an adopted but previously uncodified Commission policy,<sup>1</sup> and (3) removes obsolete forms from the Code of Federal Regulations and modifies a rule to direct parties to an online form.

## **II. COMPLIANCE REQUIREMENTS**

*In general.* The actions taken in the Order do not impose on small businesses any requirement or obligation to take any actions, or stop performing any actions, for the purpose of complying with rules adopted.

*A la Carte Packages and New Product Tiers.* Rule Sections 76.986 and 76.987 are eliminated as vestiges of regulations that have sunset.

*Equipment Leasing.* Section 76.923(i) is modified to add a sentence to codify a previously adopted uncodified rule that where a cable operator offers its equipment for sale as well as for lease, the sales price is unregulated.

*Single Tier Small System Headend Upgrades.* Subsection 76.922(g)(7) is removed because it has sunset.

*Uniform Regional Rate Structures.* The Order terminates CS Docket No. 96-157 and removes Section 76.922(n) due to the sunset of regulation.

*Forms 328 and 329.* Copies of two obsolete FCC forms located at the end of Section 76.985 in the Code of Federal Regulations are removed because one (Form 329) is no longer in use and the other (Form 328) has been modified. In addition, Section 76.910 is modified to direct interested parties to the previously modified electronic Form 328 and instructions. The modified Form 328 is available electronically at <http://www.fcc.gov/Forms/Form328/328.pdf>.

## **III. RECORDKEEPING AND REPORTING REQUIREMENTS**

The Order imposes no new reporting or recordkeeping requirements.

## **IV. IMPLEMENTATION DATES**

The rule amendments became effective on December 27, 2018.

## **V. INTERNET LINKS**

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<sup>1</sup> In the Order, the Commission added a sentence to Section 76.923(i) to codify the policy in place since 1993. In 1993, the Commission found that when a cable operator offers the same equipment for lease and for sale, the lease price is subject to rate regulation and the sale price is not. *See* Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket No. 92-266, First Order on Reconsideration, Second Report and Order, and Third Notice of Proposed Rulemaking, 9 FCC Rcd 1164, 1192, n.80 (1993).

A copy of the Order, FCC 18-148, MB Docket Nos. 17-105, 02-144; MM Docket Nos. 92-266, 93-215; CS Docket Nos. 94-28, 96-157, is available at: <https://docs.fcc.gov/public/attachments/FCC-18-148A1.pdf>

A copy of the Federal Register Summary of the Order is available at:  
<https://www.govinfo.gov/content/pkg/FR-2018-11-27/pdf/2018-25326.pdf>