

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Channel Lineup Requirements – Sections 76.1705)	MB Docket No. 18-92
And 76.1700(a)(4))	
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

**COMMENTS OF THE NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND ADVISORS**

I. INTRODUCTION

The National Association of Telecommunications Officers and Advisors (“NATOA”) submits these comments in response to the Notice of Proposed Rulemaking, released April 17, 2018, in the above-entitled proceedings (“NPRM”). NATOA’s membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of communications services for the nation’s local governments. Specifically, NATOA’s members include local franchising authorities (“LFAs”) tasked with administering cable franchise agreements and the related customer service obligations.

As the first number many dissatisfied residents dial, NATOA’s members are acutely aware of the need to ensure that cable subscribers receive the services they paid for and are properly notified of changes to those services. Any updates to existing requirements must continue to ensure these basic protections for subscribers.

II. DISCUSSION

The NPRM proposes to eliminate the requirement in Section 76.1705 of the Federal Communications Commission (“FCC”) rules¹ that cable operators maintain at their local offices a current listing of the channels available on the cable system.² The NPRM also seeks comment on eliminating the requirement in Section 76.1700(a)(4)³ that the channel listing required in Section 76.1705 be included in the online public file of cable operators with 1,000 or more subscribers.⁴

Channel Lineups in Local Offices Likely Are Unnecessary

The primary basis for eliminating Section 76.1705 is that the requirement is “outdated, unnecessary, and inconsistent with the Commission’s recent efforts to improve access to information ... by making this information available online.”⁵ The NPRM also notes that channel lineups are now available from other sources, such as cable operator websites, the on-screen channel guides, paper guides and the Commission’s online public inspection file.⁶

NATOA does not disagree with the assumption that subscribers and potential subscribers are unlikely to go to a cable operator’s local office to view a channel lineup that is readily available and more convenient to access online. Where cable operators provide online access to channel lineups, retention of the same information in the local office should be unnecessary.

As noted above, the NPRM supports the elimination of Section 76.1705 by citing to the online public file requirement, among other things. It would be inappropriate to rely on the online public file requirement in one breath only to eliminate it in the next. As discussed below, we urge the Commission to retain the online public file requirement to promote access and transparency.

¹ 47 C.F.R. § 76.1705.

² See NPRM ¶ 2.

³ 47 C.F.R. § 76.1700(a)(4).

⁴ See NPRM ¶ 5.

⁵ *Id.* at ¶ 3.

⁶ See *id.*

The Online Public File Remains a Valuable Tool

As the NPRM suggests, there may be an economic incentive for cable operators to ensure customers and prospective customers can access channel lineups.⁷ However, there likely is no such incentive to retain historic records to enable subscribers to verify that they got what they paid for. NATOA urges the Commission to retain the online public file and clarify that cable operators must retain in those files histories of their channel lineups over a reasonable period of time.

The benefits of a publicly available history of channel lineups are many. Foremost among them is it promotes the Commission's goal of improving access to cable operator information.⁸ These records would allow customers to easily access their existing channel lineup and review any changes to their programming packages over time. Questions about changes could be answered quickly and without the need to contact a customer service representative.

It also would provide LFAs and the FCC the necessary tools to verify compliance with applicable customer service standards and franchise agreements, and to take enforcement action as needed. For example, FCC rules (and many cable franchise agreements) require cable operators to give subscribers notice of changes to channel positions⁹ and to give subscribers and LFAs notice of the addition or deletion of channels.¹⁰ Retaining a reasonable history of channel lineups in the online public file provides a simple and transparent mechanism to verify compliance with these requirements. Without a readily accessible and auditable record of channel lineup changes, the existing notice requirements are, at best, more difficult to enforce and, at worst, virtually meaningless for lack of enforceability.

⁷ See *id.* at ¶ 4.

⁸ See *id.* at ¶ 3.

⁹ See 47 C.F.R. § 76.1603(b).

¹⁰ See 47 C.F.R. § 76.1603(c).

Because cable operators already are required to provide notice of channel lineup changes and to maintain the current channel lineup in the online public file, there should be little incremental costs to retaining a “paper trail” of changes in the online file. Any costs are more than offset by the benefits of access and transparency outlined above.

III. CONCLUSION

NATOA supports the elimination of truly outdated and unnecessary rules. However, we urge the Commission to protect access, transparency, and subscribers’ ability to understand any changes to their cable channels over time. Online access to the current channel lineup, as well as a reasonable history of the lineup, would serve the public interest without unduly burdening cable operators.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'N. Werner', with a long horizontal flourish extending to the right.

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