

**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 ALLIANCE FOR COMMUNITY MEDIA

I. INTRODUCTION

The Alliance for Community Media (“ACM”) submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”) on Channel Lineup Requirements released on April 17, 2018. ACM is a national membership association representing Public, Educational and Government Access channels carried on cable systems throughout the United States.

While ACM and its members appreciate the Commission’s attempts to modernize media rules to make good sense for consumers and the companies who serve the public, we are also concerned that common sense needs to prevail in proceedings such as this NPRM. Consumers, local and state franchising authorities, the Commission and our members have an interest in making sure that accurate records of cable channel lineups are maintained in online public files.

II. DISCUSSION

The Commission is Correct in Eliminating Local Paper Filing Requirements

We agree with the NPRM’s conclusion that the requirement for every cable operator “to maintain at it local offices a current listing of the cable television channels” serves no useful

purpose, especially given the Commission’s efforts to modernize public files. Providing online access to information that consumers, state and local regulators and the Commission can easily access and audit benefits all parties and reduces costs to consumers.

Promotional Websites Are Not Sufficient for Channel Lineup Reporting

The NPRM raises the further issue of eliminating channel lineup information altogether in online public files. “Absent an online public file requirement, would channel lineup information be available to consumers and others who are not subscribers to the cable system, including those interested in comparing channel offerings by competing providers?” (page 4). The answer is perhaps, but that information would not necessarily be easy to find or accurate and complete.

Cable operators do provide promotional website listings of their channel lineups. But it is incorrect to assume that these websites provide accurate or complete local listings, particularly as it relates to PEG channels or that operators always have an economic incentive to provide accurate information to consumers. Both assumptions can easily be tested by looking at how competitive cable provider websites describe their PEG channel listings – in this case in the Suburban Washington DC area of Montgomery County, MD.

Montgomery County is served by three cable providers: Comcast, Verizon and RCN. Each provider carries a different complement of PEG channels in either Standard or High Definition, so a cable viewer could conceivably view nine SD PEG channels and up to four HD PEG channels depending on the cable system they choose. Each cable provider makes channel lineups available on its websites, searchable by address and zip code. Yet, when a search is made for a sample zip code (in this case “20910”), each cable provider gives wildly different information.

The Comcast search results provide no local program information for the PEG channels in the county.¹ The Verizon search results provide only HD channel lineups for the area, and since the PEG channels are only carried in Standard Definition on Verizon's system, a search shows no PEG channels for the entire county.² Only RCN's channel lineup search provides accurate listings for the zip code.³

Why would cable operators provide incomplete information to consumers? Perhaps it is an economic incentive: to discourage viewing of channels from which they derive no direct revenue. More certainly, the websites promote specific services and different bundles to purchase to serve consumer interests and tastes. In the Verizon example, no SD channel listings appeared as the website promotes HD packages. Regardless of the motivation, this example provides a clear illustration why promotional websites should not be used as the sole evidence of the business practices of cable operators or information reporting for regulators.

While correcting the accuracy of promotional websites is beyond the scope of this proceeding, we suggest that cable operators should provide complete and accurate channel lineups for consumers, state and local regulators and the Commission to evaluate in their online public files. This would particularly ensure that consumers can identify all their options, not merely those that have been identified by the operator or subject to a periodical promotion. Retaining a reasonably recent history of the lineup would allow ensure easy compliance with both FCC and local franchise rules which require adequate advance consumer notice for lineup changes.

¹ As found through <https://www.xfinity.com/support/local-channel-lineup/>

² <https://www.verizon.com/info/channel-lineup/>

³ <https://www.rcn.com/dc-metro/digital-cable-tv/channel-lineups-montgomery-county/#channel-lineups-header>

III. CONCLUSION

Modernization of the Commission's rules should allow for the examination of whether common sense is being used in media regulation. Eliminating local file retention of paper copies of channel lineups meets that test, but reliance solely on promotional materials from companies to determine how operators comply with reasonable rules does not. Channel lineups should be placed in online public files and they should be accurate and complete. Consumers deserve this common-sense provision.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Wassenaar", with a long horizontal flourish extending to the right.

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