

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA)¹ hereby submits comments in the above-captioned proceeding.² As proposed in the *Notice*, the Commission should eliminate the requirements that cable operators (1) maintain channel lineups locally and (2) include channel lineups in cable system online public inspection files. Today, cable channel lineups are conveniently accessible in a variety of ways, making such regulations outdated, unnecessary, and unduly burdensome.

DISCUSSION

Section 76.1705 of the Commission’s rules requires every cable operator “to maintain at its local office a current listing of the cable television channels” delivered by the system to its

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving approximately 85 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of broadband service after investing more than \$275 billion over the last two decades to deploy and continually upgrade hybrid fiber-coaxial cable (HFC) networks and other infrastructure. Cable companies also provide state-of-the-art competitive voice service to more than 30 million customers.

² See *In re Channel Lineup Requirements – Sections 76. and 76.1700(a)(4), Modernization of Media Regulation Initiative*, Notice of Proposed Rulemaking, FCC 18-47, MB Dkt. Nos. 18-92 & 17-105 (rel. Apr. 17, 2018) (“*Notice*”).

subscribers.³ This rule is a relic of the Commission’s earliest cable technical standards,⁴ and has long outlived its usefulness. Customers and regulators have many means of accessing this information today. Channel lineups now are available in numerous places, including on “the websites of the operator, on-screen electronic program guides, [and] paper guides.”⁵ In light of the myriad ways in which consumers can access this information, it comes as no surprise that, as indicated in the *Notice*, “few, if any, consumers interested in channel lineup information currently access this information by visiting an operator’s local office as other sources of channel information can be viewed far more quickly and easily.”⁶ Thus, we agree with the *Notice*’s tentative conclusion that “the requirement to maintain a channel lineup locally is outdated, unnecessary, and inconsistent with the Commission’s recent efforts to improve access to information about regulated entities by making this information available online.”⁷

Regulation in this area is “unnecessary because cable operators have the economic incentive to ensure that customers and prospective customers are able to find out which channels they deliver.”⁸ Indeed, cable operators know best how to provide such information to consumers—and they do so in numerous ways.⁹ As described by Chairman Pai, in today’s

³ 47 C.F.R. § 76.1705.

⁴ *See In re Amendment of Part 74, Subpart K, of the Commission’s Rules and Regulations Relative to Community Antenna Television Systems, et al.*, Report & Order, 36 FCC 2d 143, 244 (1972).

⁵ *Notice* ¶ 3. The *Notice* also references the Commission-hosted online public inspection file as a source of this information, but, as explained herein, there is no reason to continue to include the channel lineup information in the public file.

⁶ *Id.*

⁷ *Notice* ¶ 3.

⁸ *Id.*; *see also id.* ¶ 8.

⁹ *See* Comments of NCTA – The Internet & Television Association, MB Dkt. No. 17-105, at 27 (filed July 5, 2017) (“Consumers and others looking for current channel lineup information can look to a number of sources, including on-screen electronic programming guides, guide channels, cable operator and third-party websites and apps, and paper lineups provided by cable operators.”).

world, “it is bizarre that the FCC still requires every cable operator to maintain at its local office a current listing of its cable television channels.”¹⁰

The requirement to include this information in the Commission-hosted public file¹¹ is equally unwarranted and should be eliminated. The rule does not benefit consumers, who, as noted above, have multiple other options for obtaining this information (many, if not most of which are far more convenient than accessing the information by searching the Commission’s online public file system). In fact, it is unlikely that customers seeking information about channel lineups for their specific cable system would look for such information on the FCC website.

As is the case with the requirement to include channel lineup information in a local office, the public file requirement is unnecessary because cable operators have the economic incentive to ensure that customers and prospective customers can easily obtain relevant channel information. This economic incentive compels cable operators, just like their unregulated Direct Broadcast Satellite (DBS) competitors,¹² to voluntarily offer detailed information about channel lineups in interactive programming guides and online. Keeping this material on a company website or in an interactive guide enables operators to provide more relevant, accurate, and up-to-date information on its programming content than any regulatory requirement could achieve.

Moreover, as the *Notice* explains, the Commission’s rules separately require cable operators to provide information to subscribers regarding “the channel positions of programming carried on the system’ and ‘products and services offered’ at the time of

¹⁰ *Notice* at Statement of Chairman Ajit Pai.

¹¹ *See* 47 C.F.R. § 76.1700(a)(4).

¹² Even in the absence of a regulatory requirement, DBS providers include channel lineup information online and in on-screen interactive programming guides. *See, e.g.,* DIRECTV, *Guide*, <https://www.directv.com/guide> (last visited May 30, 2018).

installation, at least annually, and at any time upon request.”¹³ Currently these provisions are additional ways that consumers can access channel lineup information.

Finally, in the dynamic and competitive multichannel video marketplace, the answer to whether “channel lineup information [would] be available to consumers and others who are not subscribers to the cable system” in the absence of the public file requirement, is a resounding yes.¹⁴ All multichannel video programming distributors (MVPDs) have strong economic incentives to ensure that current and potential subscribers are well aware of the channel offerings available to them.

Consistent with the foregoing, the Commission should eliminate its rules requiring channel lineups to be maintained locally, and to be maintained in the Commission’s online public files.

Respectfully submitted,

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¹³ See Notice ¶ 7 (citing 47 C.F.R. §76.1602(b)(1), (5)). We have recently proposed that these requirements be further modernized to grant cable operators the flexibility to provide this information to subscribers via electronic means. See Comments of NCTA – The Internet & Television Association, MB Dkt. Nos. 17-317 & 17-105, at 8-10 (filed Feb. 15, 2018).

¹⁴ Notice ¶ 8.