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September 19, 2018

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Communication of the American Cable Association; Modernization of Media Regulation Initiative, MB Docket No. 17-105; FCC Form 325 Data Collection, MB Docket No. 17-290

Dear Ms. Dortch:

The American Cable Association (“ACA”) wishes to express its support for the draft Report and Order in the above-referenced dockets that was released on September 5, 2018, and on which the Commission is scheduled to vote on September 26, 2018.

In comments filed last February, ACA urged the Commission to eliminate Form 325, as it no longer serves the purpose for which it was originally intended, and because it creates an unnecessary burden for cable operators, especially small operators with limited resources. ACA explained that Form 325’s original purpose was to help the Commission make informed decisions about the regulation of a still-young and rapidly changing industry.¹ While the Commission has periodically reviewed Form 325, making changes to the submission process,² and taking steps to relieve some of the burdens of submitting the form (including by eliminating the annual filing requirement for systems with fewer than 20,000 subscribers, and replacing it with the current system wherein the Commission selects a random sampling

¹ *Form 325 Data Collection*, MB Docket No. 17-290, Comments of the American Cable Association at 4 (filed Feb. 12, 2018) (“ACA Comments”).

² *See Amendment of Part 76 of the Commission’s Rules and Regulations to Alter Cable Television Reporting Requirements*, Order, 61 F.C.C.2d 1014 (1976) (modifying the process by having the FCC send a pre-populated form for cable operators to correct and return within 60 days); *Amendment of the Commission’s Rules for Implementation of its Cable Operations and Licensing System (COALS) to Allow for Electronic Filing of Licensing Applications, Forms, Registrations and Notifications in the Multichannel Video and Cable Television Service and the Cable Television Relay Service*, Report and Order, 18 FCC Rcd 5162 (2003) (requiring Form 325 to be submitted electronically via COALS).

of such systems to submit the form each year),³ it has been nearly twenty years since the Commission has taken a close look at the utility of Form 325.

As the record in this proceeding clearly demonstrates, the public benefits of Form 325's data collection no longer outweigh the significant burdens that the requirement imposes, especially on small operators.⁴ ACA members have reported that they spend roughly three to five times the man-hours that the Commission has estimated that completing Form 325 should require, largely because much of the information requested in the form is often not readily available. Additionally, because the information requested is varied in nature, compiling the necessary data requires input from multiple business segments that often do not interact on a regular basis. Further, the seemingly simple act of manually filling out the form is surprisingly onerous.

Although cable operators expend considerable effort to provide the Commission with the information collected by Form 325, the record shows that the value of these data to the Commission is fairly minimal.⁵ To the extent that the Commission does use such information, that data can be collected more efficiently from alternative sources.⁶

For these reasons, ACA supports the Commission's proposal to eliminate Form 325, and urges the Commission to adopt the draft Report and Order.

Sincerely,



Mary C. Lovejoy

Cc: The Honorable Ajit Pai
The Honorable Michael O'Rielly
The Honorable Brendan Carr
The Honorable Jessica Rosenworcel

³ 1998 Biennial Regulatory Review – “Annual Report of Cable Television Systems,” Form 325, Filed Pursuant to Section 76.403 of the Commission's Rules, Report and Order, 14 FCC Rcd 4720 (1999).

⁴ As ACA explained in its comments, although small cable systems are not required to submit Form 325 every year, the existing requirement is still burdensome for smaller operators, some of whom are selected at random to submit the form nearly every year. See ACA Comments at 9-11.

⁵ *Id.* at 5-9.

⁶ *Id.*