

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

In the Matter of)	
)	
Electronic Delivery of MVPD)	MB Docket No. 17-317
Communications)	
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

**COMMENTS OF
NCTA – THE INTERNET & TELEVISION ASSOCIATION**

NCTA – The Internet & Television Association (“NCTA”)¹ submits these comments in response to the *Further Notice of Proposed Rulemaking* (“FNPRM”) in the above-captioned proceedings.² NCTA applauds the Commission’s recent efforts to modernize the carriage election regime by requiring commercial and noncommercial full-power and Class A television stations to post their carriage election statements online and send notices to MVPDs by e-mail only when changing their carriage election status. The Commission should harmonize its entire carriage election regime by similarly modernizing the election notification rules that apply to non-Class A low-power television (“LPTV”) stations and qualified noncommercial educational (“NCE”) translator stations.

¹ NCTA is the principal trade association of the cable television industry in the United States, which is a leading provider of residential broadband service to U.S. households. Its members include owners and operators of cable television systems serving nearly 80 percent of the nation’s cable television customers, as well as more than 200 cable program networks. Cable service providers have invested more than \$290 billion over the last two decades to deploy and continually upgrade networks and other infrastructure—including building some of the nation’s largest Wi-Fi networks.

² *Electronic Delivery of MVPD Communications; Modernization of Media Regulation Initiative*, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd. 5922 (2019) (“*Report and Order & FNPRM*”).

DISCUSSION

The Commission's *Report and Order* in this proceeding took much-needed action to update the Commission's carriage election regime, streamlining it and moving it online to reflect the way businesses communicate today. As part of this update, the Commission required each commercial full-power and Class A television station to, among other things, (i) upload a single triennial carriage election statement to its online public file covering all MVPDs by which it is carried; and (ii) send a notice by e-mail to MVPDs only if it changes its carriage election, with a copy of the notice e-mailed to the Commission and attached to the election statement in the station's public file.³ The Commission also required each NCE full-power and Class A television station to place a carriage statement into its public file no later than the next carriage election deadline.⁴ The above broadcasters were further required to provide an e-mail address and phone number in their public files for carriage-related questions no later than July 31, 2020.⁵ In the *FNPRM*, the Commission asks whether it should expand its new electronic election notification framework to non-Class A LPTV stations and qualified NCE translator stations, even though those stations do not maintain online public files.⁶ The answer is yes.

The election notification framework the Commission adopted in the *Report and Order* is a vast improvement over the old rules. By streamlining carriage election statements, eliminating redundant election notifications and carriage requests, and requiring e-mail notice of only changed elections, the Commission's new framework greatly reduces administrative burdens while promoting certainty for MVPDs and stations alike. The Commission should make these

³ See *Report and Order & FNPRM* ¶¶ 12-13.

⁴ See *id.* ¶ 16. This requirement is specific to NCE station requests for carriage by Direct Broadcast Satellite providers.

⁵ See *id.* ¶ 17.

⁶ See *id.* ¶ 29.

benefits available to *all* stations subject to its carriage election rules. Non-Class A LPTV stations’ and qualified NCE translator stations’ more restrictive carriage rights are no reason to exclude them from the new election notification framework. Indeed, the NCE stations the Commission addressed in the *Report and Order* also have limited carriage rights; nevertheless, the Commission rightly found that “application of the . . . framework to these stations will result in a significant and meaningful reduction in their overall regulatory burdens.”⁷ Retaining the current carriage election rules for non-Class A LPTV stations and qualified NCE translator stations would also undermine the Commission’s goal of reducing regulatory burdens for MVPDs, as MVPDs would be forced to maintain two systems for monitoring and responding to carriage election notices and questions.

It would best “serve the public interest and enhance administrative efficiency to have a unified approach for carriage election notices”⁸—one that includes non-Class A LPTV stations and qualified NCE translator stations. As these stations are not required to maintain public files, the Commission should establish a means for these stations to post an e-mail address, phone number, and any required election statements or notices with the Commission.⁹ In addition, any station entitled to change its election status should be required to e-mail a change notice to the relevant MVPDs with a carbon copy to the Commission, using the process specified in the *Report and Order*. Because implementing all changes to the carriage election regime together will help ensure a successful transition, the Commission should put this expanded framework

⁷ See *id.* ¶ 17.

⁸ See *id.* ¶ 10.

⁹ Posting this information in a centralized, Commission-established location—as opposed to requiring stations to post the information on their company websites—is the least burdensome approach for all parties. Many non-Class A LPTV stations and qualified NCE translator stations do not maintain company websites, and a centralized repository would ensure that MVPDs are not saddled with the burden and uncertainty of having to search for them.

into effect for the 2021-2023 carriage election cycle and further require non-Class A LPTV stations and qualified NCE translator stations that qualify for must-carry to provide an e-mail address and phone number to the Commission no later than July 31, 2020.

CONCLUSION

The Commission should continue its laudable efforts to modernize its rules and eliminate outdated and burdensome requirements by further streamlining the carriage election regime and applying its electronic election notification framework to non-Class A LPTV stations and qualified NCE translator stations.

Respectfully submitted,

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