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UNITED STATES CATHOLIC CONFERENCE

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Ref: In the Matter of
Implementation of the Cable
Television Consumer Protection
and Competition Act of 1992:
Rate Regulation
MM Docket No. 92-266

Dear Ms. Searcy:

The United States Catholic Conference ("USCC" or "Conference") submits the following informal reply comments in the above-captioned Notice of Proposed Rulemaking ("Notice"), released December 10, 1992, by the Federal Communications Commission ("FCC" or "the Commission").

The USCC has long been involved in matters of communications policy, particularly those which address the diversity of sources of information and entertainment available to the public. We support regulatory initiatives that protect the public's right to receive access on fair terms to diverse viewpoints over cable television.

We write in support of the principles set forth in the comments of the Center for Media Education (CME) et al., filed on January 27, 1993.

The 1984 Cable Act established leased access channels so that consumers would have access to diverse sources of programming and programmers would have an outlet for their programming. As CME points out, because cable operators were permitted to set rates, terms and conditions, and the process for resolving disputes was cumbersome, access channels were rarely used. A 1991 study on leased access conducted by the Annenberg Washington Program likewise concluded that under the 1984 Act, cable operators' discretion, coupled with no economic incentive to offer access to competitors, has resulted

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in little use of leased access.[1] Such a result is antithetical to First Amendment goals of diversity of information services, the report stated. Congress adopted the 1992 Cable Act to remedy this problem by directing the FCC to establish maximum reasonable rates and reasonable terms and conditions for leased access and to adopt procedures for dispute resolution. USCC supports CME's proposals to make leased access widely available, especially to non-profits.

The USCC urges the Commission to adopt CME's proposal and establish maximum reasonable rates for non-profit entities which will be lower than those charged for other entities. USCC supports CME's conclusion that Congress intended in the 1992 and 1984 Cable Acts that cable operators charge different rates to different types of programmers, and that non-profit programmers should be encouraged in order to provide the diversity of viewpoints required by the First Amendment. USCC shares CME's concerns that either a cost-of-service or benchmark rate-setting method would establish a uniform rate, a rate out of reach for non-profit entities. The goal of diversity of sources of programming on each cable system is furthered by promoting the entry of non-profit programmers to leased access channels. CME's proposal for lower non-profit rates for leased access will promote such entity.

We further agree that neither a cost-of-service based rate nor a marketplace rate are appropriate alternatives.

We also support CME's suggestion that a certain percentage of access channels be reserved for non-profit use. As the FCC and the educational community have agreed in the context of Instructional Television Fixed Service, educational entities need a longer period of time to raise the funds needed to launch a new service. Non-profits should therefore be afforded additional time by having access to a portion of leased access channels reserved for their use.

USCC agrees that a simple complaint resolution process, such as that proposed by the Commission and CME, to resolve disputes between leased access users and cable operators, should be adopted.

Respectfully Submitted,

Miriam A. Crawford

Miriam A. Crawford
Director

[1] D. Lampert, Cable Television: *Does Leased Access Mean Least Access?* in CABLE TELEVISION LEASED ACCESS, 1991 (Annenberg Washington Program, Communications Policy Studies), pp. 12-13.