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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB 16 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of Section 22)
of the Cable Television)
Consumer Protection and)
Competition Act of 1992)
)
Equal Employment Opportunities)

MM Docket No. 92-261

COMMENTS OF BELL ATLANTIC¹

The 1992 Act's equal employment opportunity ("EEO") provisions apply only to "cable operator[s]" and other "multichannel video programming distributor[s]." ² Under the Act, a video programming distributor is an entity that provides programming directly to subscribers -- i.e., a video programmer. ³ As the Commission has previously recognized, common carriers providing video dial tone service do not qualify as multichannel

¹ The Bell Atlantic telephone companies ("Bell Atlantic") are The Bell Telephone Company of Pennsylvania, the four Chesapeake and Potomac telephone companies, The Diamond State Telephone Company and New Jersey Bell Telephone Company.

² 47 U.S.C. § 554(h)(1).

³ 47 U.S.C. § 522(12) ("the term 'multichannel video programming distributor' means a person ... who makes available for purchase, by subscribers or customers, multiple channels of video programming").

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video programming distributors,⁴ nor are they "cable operators."⁵

Accordingly, the Commission should expressly provide that any rules implementing the Act's EEO provisions do not apply to common carriers providing video dial tone service. This will conform the Commission's rules to the statute,⁶ will avoid imposing redundant regulatory burdens on common carriers which are already subject to EEO rules, and will create regulatory parity by imposing the obligation to comply with the Act on cable operators and other multichannel video programming distributors at the "same distribution level."⁷

⁴ Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues, 7 FCC Rcd 8055 at ¶ 42 (1992).

⁵ Telephone Company-Cable Television Cross-Ownership Rules, 7 FCC Rcd 300, 324-28 (1991), aff'd on recon. 7 FCC Rcd 5069, 5072 (1992), appeal pending, Nat'l Cable Television Ass'n v. FCC, No. 91-1649 (D.C. Cir.).

⁶ See supra n. 3.

⁷ See supra n. 4.

Respectfully submitted,



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