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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 11, 1993

Federal Communications Commission
1919 M Street, NW
Washington D.C. 20554

Attention: Secretary FCC
Re: Reply Comment Regarding Program Access Regulations
MM Docket 92-265

Dear Mr. Secretary:

We hereby submit these reply comments regarding the Program Access Regulations currently being drafted for promulgation by the Commission under MM Docket 92-265.

Provo Cable Company is a franchised, independent Multi-Channel Provider doing business under the auspices of the Cable Franchising Authority in Provo, Utah. Provo Cable is in direct competition with TCI in Provo and is currently in the process of overbuilding their system.

Obviously, certain problems are to be expected when a small company enters into competition with the industry giant. TCI is able to buy programming at a much lower rate due to their size and position. Despite this fact, we at Provo Cable have found a niche by providing a low-cost alternative to subscribers who may not otherwise be able to afford cable, or who are unwilling to pay the higher rates charged by our competitor. We have, however, encountered a serious impediment due to a certain exclusive contract entered into by TCI with the sports channel, ESPN. This contract gives TCI exclusive right to all NFL games aired on ESPN. When those games air, our screen is blanked out.

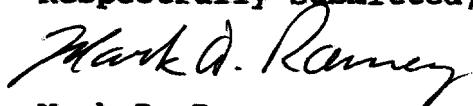
This creates a special problem for us in the highly competitive area of apartment bulk accounts. Since TCI can afford to match any price we can offer to an apartment owner, and since they carry more channels on their system, any further disadvantage, such as unavailability of NFL games on ESPN, makes it that much more difficult for us to procure such accounts.

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We believe, for this reason, that the Program Access Regulations are extremely important to the issue of competitive cable television in this country. It is our understanding that, in large part, the 1992 Cable Act is aimed specifically at the inducement and nourishment of competition in the Cable Television market. If this is true, then we feel that it is imperative that all cable providers have the same access to available programming.

We hereby offer the following recommendations regarding Programming Access Regulations: That in the interest of fairness and the promotion of competition in the cable television industry, contractual arrangements between programming suppliers and cable providers which provide for exclusive rights to programming should be eliminated and all cable providers should have access to all available programming at reasonable rates.

Respectfully submitted,



Mark D. Ramey
Vice President
Provo Cable Company

MDR/br

cc: Sen. Robert F. Bennett, U.S. Senate, Washington D.C. 20510
Sen. Orin Hatch, U.S. Senate, Washington D.C. 20510
Rep. William Orten, 51 S. University Ave. Provo, UT 84601