

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

In the Matter of:)	
)	
StogMedia)	
)	MB Docket 12-1
Vs:)	
)	CSR-____-L
Cox Communications Las Vegas, Inc.)	
)	
Petition for Cable Special Relief)	
)	
To: The Chief, Mass Media Bureau)	

PETITION FOR RELIEF

1. Introduction and Summary.

Pursuant to 47 CFR Section 76.7, StogMedia (“petitioner”) herein submit this petition for cable special relief to compel Cox Communications Las Vegas, Inc. (“Cox”) to comply with the letter and spirit of the “Leased Access Rules” of 47 CFR 76.970 through 76.977 and provide StogMedia and/or its affiliates with Leased Access Carriage on its system. Specifically, StogMedia believes that Cox is in violation of the Rules contained in Section 76.971 (d) with respect to insurance coverage requirements by requiring additional named insured/coverage outside the scope of reasonable, without providing any of the requested burden of proof that rest on the operator to prove the reasonableness of its insurance requirements. Cox also demanded excessive credit and security requirements, even though StogMedia told them that payment would be made in advance. Further, Stogmedia believes that Cox is in violation of Section 76.971 (e) where in the beginning Cox made

excessive and forceful demands regarding content as if to exercise editorial control, disregarding (not replying to) where StogMedia pointed out the prohibition of such.

It would also appear that Cox is in violation of Section 76.971(h) where an operator may

not prohibit the resale of leased access capacity. *(See in the Cox agreement, 3. CHANNEL USE. LESSEE shall use the Channel solely in strict accordance with the provisions of this agreement for the distribution of the Programming. (a) CONTROL OVER PROGRAMMING AND CHANNEL. LESSEE must remain in full control over the Programming and the Channel and may not sublease or delegate control, directly or indirectly, in whole or in part, over the Channel during the Leased Time to any third party).*

After a long and drawn out negotiation over the leased access contract, terms, conditions and requirements, Cox has refused and terminated discussion (due to insurance issues, see near end of email string) to provide StogMedia with the requested leased access carriage over its Las Vegas cable that it is entitled to under all applicable FCC rules and Section 612 of the Communications Act. Such refusal has caused harm to StogMedia and its affiliate and has forced this filing for special relief.

By this petition, StogMedia contends that Cox acted in bad faith in the entire activity of seeking carriage, while interfering deeply in the content in violation of the rules, that operators are not to 'exercise any degree of control over content' and have made excessive demands on insurance, while never responding to StogMedia pointing out FCC says the operator has the responsibility of proving their insurance requirements. StogMedia submits

an e-mail string of its discussion with Cox from March, 2017 till September 15, 2017 to demonstrate the behavior of Cox in its negotiations for leased access carriage. StogMedia respectfully requests that the Commission review this e-mail chain to determine if Cox has acted or is acting in violation of the Commercial Leased Access rules and ask for the required proof to determine if the insurance requirements are reasonable. If Cox has gone beyond such reasonableness, StogMedia asks the Commission to direct Cox to provide the requested carriage with established reasonable insurance requirements. Furthermore, if the Commission determines that Cox behavior is “egregious” that the Commission consider imposing penalties or forfeitures that it determines as necessary.

In support of its claims, StogMedia has included the e-mail string, the leased access agreement that Cox has demanded that StogMedia sign and a copy of the StogMedia insurance policy which it has used to secure carriage on many other cable systems.

I, Charles H. Stogner, Senior Partner of StogMedia, by submission of this Petition do hereby attest that I have reviewed this Petition for Relief and the attachment (s) within and that the information contained in such, is true and accurate to the best of my knowledge and belief.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Charles Stogner".

Charles H. Stogner
StogMedia

CERTIFICATE OF SERVICE

I, Charles Stogner, under penalty of perjury, do hereby attest that I have sent or caused to have sent a copy of this Petition for Special Relief and the email string attachment and insurance policy attachment by electronic means ("email") to the following person (s) and e-mail address (s) on this 14th day of November , 2017.

Philpott, Joiava (CCI-Atlanta-LD) Joiava.Philpott@cox.com

Hightower, Jennifer (CCI-Atlanta-LD) Jennifer.Hightower@cox.com

I have also caused to be sent a hard copy of the petition and attachments by First Class U.S. Mail, postage prepaid, sent certified with return receipt requested on the 15th day of November. 2017 to the following:

Joiava Philpott
Vice President. Regulatory Affairs
Cox Communications
6205-B Peachtree Dunwoody Rd.
Atlanta, GA 30328