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FEDERAL COMMUNICATIONS COMMISSION
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Honorable Barney Frank
House of Representatives
2404 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Frank:

Thank you for your letter expressing concern about how cable communities located near state borders are being affected by their cable operators' interpretation of the must-carry provisions of the 1992 Cable Act. In particular, you describe communities in Bristol County, Massachusetts, that risk losing cable carriage of popular in-state stations in favor of closer out-of-state stations.

On March 11, 1993, the Commission adopted must-carry rules (see enclosure) which provide that television stations located in the same Arbitron-assigned Area of Dominant Influence (ADI) as the cable system generally qualify for must-carry status. If a cable system serves communities in more than one county and those counties are assigned to different ADIs, the cable system will be subject to different must-carry obligations depending on the location of the community served. Where it is technically able to do so, the cable operator may offer different must-carry line-ups in different communities based on their locations. However, if the cable system is not able to alter its channel line-up on a community-by-community basis, the commercial television stations in both ADIs will be considered local for must-carry purposes. ADI designations will be set for a three-year period designed to coincide with the must-carry/retransmission consent election schedule.

In the Bristol County cable system case you describe, where the cable system

Honorable Barney Frank

2.

The 1992 Cable Act also provides that the Commission may add or subtract communities from a broadcast station's television market upon written request. We will consider requests for such market modifications submitted either by a television station or a cable system using the special relief procedures of 47 C.F.R. § 76.7. We will begin accepting these petitions following the publication of the must-carry/retransmission consent order in the Federal Register. Moreover, as provided in the statute, we will require that the status quo be maintained with respect to a station that is the subject of a petition before us during the pendency of our consideration of the matter.

I trust that the foregoing is informative.

Sincerely,

A handwritten signature in black ink, reading "James H. Quello". The signature is written in a cursive, flowing style with a large initial "J".

James H. Quello
Chairman

Enclosure

Congress of the United States
House of Representatives

Washington, DC 20515

March 8, 1993

Mr. James Quello
Acting Chair
Federal Communications Comm.
1919 M Street, N.W.
Suite 802
Washington, D.C. 20554

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Dear Mr. Quello:

I am concerned about certain signal carriage issues that I understand are to be addressed at your next scheduled meeting. Constituents in that part of my district, Bristol County, which is currently included in the Providence, Rhode Island ADI, are afraid that in the future they might not receive both Providence and Boston television. Bristol County is a part of Massachusetts, and its residents clearly want both Boston and Providence stations. They do not want their cable system to have to choose Providence over Boston, or vice versa.

It is important for you to know that there is fear that, absent changes in the current reliance on ADI, or the ambiguous interpretation of the intersection between must carry, retransmission and network non-duplication policies, the cable system servicing Bristol could be required to carry only Providence television, rather than and to the exclusion of the equally desired Boston stations.

It would appear that there are two distinct manners in which the FCC could better accomodate these and similarly situated consumers' interests. First, in determining whether to rely exclusively on ADI, the FCC should fashion rules which provide for more flexibility, not the least of which should be the ability to address consumers' interests.

Second, if ADI is strictly adhered to, the petition for waiver provided for in Section 614(h)(C)(i) should be interpreted to provide relief from a rigid definition of ADI which requires carrying the Providence stations exclusively. It does not make good sense to follow a definition of ADI which requires cable operators to drop signals customers want to continue viewing.