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JUN 17 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notification of Exempt Ex Parte Presentation
MM Docket No. 92-259, et al.

Dear Ms. Searcy:

Viacom International Inc. ("Viacom"), by its attorneys and pursuant to Section 1.1206(b) of the Commission's rules, hereby submits an original and one copy of this memorandum regarding an exempt ex parte presentation to the Commission's staff. The information was filed at the request of the Commission's staff and related to Viacom's comments, reply comments and further reply comments filed in response to the Notices of Proposed Rule Making released by the Commission which sought comment on the implementation of the Cable Television Consumer Protection and Competition Act of 1992.

Relevant to this matter, a copy of the attached document was delivered on this date to James Coltharp, William Johnson, John Hollar, Robert Corn-Revere, Alexandra Wilson, Jacqueline Chorney and Lauren Belvin of the Mass Media Bureau. It should be noted that, although as an exempt ex parte presentation the provisions of Section 1.1203 do not apply (see 47 CFR § 1.1203(b)), to the extent any of the material contained herein could be construed as applying to MM Docket No. 92-264, the information was submitted to the aforementioned individuals prior to the release of the "Sunshine Agenda" in that docket.

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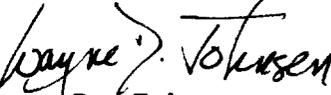
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Ms. Donna R. Searcy
June 17, 1993
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Kindly direct any questions regarding this matter to
the undersigned.

Respectfully submitted,


Wayne D. Johnsen

WDJ/rr

Enclosure

cc: James Coltharp
William Johnson
John Hollar
Robert Corn-Revere
Alexandra Wilson
Jacqueline Chorney
Lauren Belvin

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June 17 1993

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VIACOM CABLE - C-SPAN

Deciding which existing services to drop in order to make room for must carry broadcasters was (and continues to be) difficult. In addition to examining customer preference, balancing our contract obligations, and considering the overall mix of programming on each system, Viacom faced the following conflicting factors:

1. Preserving the "no frills" broadcast basic service while continuing the ability to voluntarily implement tier buy-through in all Viacom systems.
2. Building contingency plans not only for "must carries" identified as of June 2, but also for qualified non-commercial stations which could elect after June 2.

For example, in the East Bay system, Viacom identified four stations which (based on the information then available) had to be added on June 2, plus an additional 3 which might have to be added after June 2, if they requested and qualified for must carry. Therefore, we developed contingency plans for adding up to seven broadcasters, and eliminating up to seven existing services, in the East Bay system. Depending on which contingency actually occurs, each particular service faced with the possibility of deletion or channel sharing may or may not be affected.

Viacom currently carries C-SPAN I part time in three systems and full time in the rest. Viacom's goals specifically regarding C-SPAN were first, to keep it on at least part time in all Viacom systems, and second, to carry it as part of the same tier of service where customers currently find C-SPAN.

At present, the carriage and positioning of C-SPAN has not changed from that prior to June 2, and C-SPAN is not sharing with Playboy in any Viacom system. This is due either to the effect of Viacom's TRO, or the fact that we have not had to move far enough down the list of contingent plans in any system to pick up this option.

While C-SPAN, like each service Viacom carries, has loyal fans, it is not highly rated overall, compared to other services. Yet C-SPAN provides a valuable public service, representing the cable industry's commitment to national public affairs programming. In systems where must carry has a large impact, C-SPAN and other niche services (including several pay-per-view channels) were identified as potential drops or for shared channels. Viacom decided, as a matter of policy, to preserve C-SPAN at least part time in all systems.

Doing this mechanically in those systems where C-SPAN is currently part of the basic tier, while preserving both the broadcast basic tier and the ability of customers to purchase premium services directly from the basic tier, presents unique problems. C-SPAN could share with another satellite cable service, but then it would have to be placed on a trapped upper tier, not broadcast basic. So Viacom had to find a service carried outside of the traps, which was a part time service. Playboy meets the definition; it is an evenings only scrambled service which enables the primary daytime portion of C-SPAN to be carried during the rest of the day. C-SPAN can't share with a broadcast signal, because Viacom is required to carry broadcasters full time.

Therefore, the best "fit" which enables part time carriage of C-SPAN on broadcast basic, is to pair it with a part time, scrambled premium service such as Playboy. All customers get the C-SPAN signal during its prime daytime (often live) hours. They can tape it for later viewing at their convenience. At the start of Playboy's evening feed, the shared channel scrambles, and only those customers who subscribe to Playboy can receive that signal.

For your information, Playboy already shares channels in a number of Viacom systems; for example, with the California Channel in East Bay, with KCSM (a PBS station) in Pittsburg, with CNBC in Dayton, and with Sneak Preview and American Disabilities Channel in San Francisco. A complete list of all services which share with Playboy is attached.

**Viacom Cable
Services Shared With Playboy**

SYSTEM	SEPT 92	MAY 93	MUST CARRY
San Francisco	ADC/TSN/TRAV	ADC/TSN/SNEAK (2)	CSPAN
East Bay	CNBC	CAL CHAN	CAL CHAN
Castro Valley	CNBC	CAL CHAN	CAL CHAN
Napa	SNEAK (2)	SNEAK (2)	SNEAK (2)
Pittsburg	KCSM	KCSM	[not shared]
Redding	[not carried]	PREVUE (1)	PREVUE (1)
Salem	CNBC	CSPAN 2 (3)	CSPAN 2 (3)
Puget North	CNBC (4)	CNBC (4)	CNBC (4)
Puget Central	CNBC (4)	CNBC (4)	CNBC (4)
Puget South	PREVUE (1)	PREVUE (1)	PREVUE (1)
Dayton	CNBC	CNBC	CNBC

- Notes:
- (1) PREVUE also carried full time on its own channel
 - (2) SNEAK also carried full time on its own channel
 - (3) CSPAN 2 also shared with CNBC
 - (4) CNBC also shared with PSNW

kb/June 16, 1993