

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of Sections 11 and 13)
of the Cable Television Consumer)
Protection and Competition Act of 1992)
)
Horizontal and Vertical Ownership)
Limits, Cross-Ownership Limitations)
and Anti-Trafficking Provisions)

MM Docket No. 92-264

TO: The Commission

**OPPOSITION OF
BLACK ENTERTAINMENT TELEVISION, INC.
TO COMMENTS OF VIACOM INTERNATIONAL, INC.**

Black Entertainment Television, Inc. ("BET") hereby opposes the "Comments on the Petition for Reconsideration" filed by Viacom International, Inc. ("Viacom") in this proceeding. Viacom has asked the Commission to reduce its horizontal ownership limit from 30% to 15% or, alternatively, to reduce the channel occupancy limit from 40% to 20% for cable operators who reach at least 15% of all cable homes passed nationwide.

Reduction of the Commission's channel occupancy limit would adversely affect BET and would thereby adversely affect the public interest. As BET informed the Commission in its initial comments in this proceeding, and as the Commission itself recognized in its Further Notice of Proposed Rulemaking, "MSO investment has been essential to the creation of the most innovative and popular cable programming" such as BET and that it "is common for several MSO's to acquire minority interests in a new programming service in order to spread the risk associated with launching such services" Further

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Notice, ¶ 201, n. 196. Indeed, cable investment has been critical to establishing BET as a viable and valuable programming service. Adoption of more stringent channel occupancy rules that would discourage carriage of BET solely on the basis of MSO investment in that service would dissuade the very purpose of the Commission's channel occupancy limits to "increase the diversity of sources of cable programming." Further Notice, ¶ 168. BET is a minority-controlled programming source that also provides programming targeted to a minority audience, and thus, cable carriage of BET furthers the purpose of the Commission's rules. If the Commission were to further reduce its channel occupancy limits as proposed by Viacom, cable subscribers would be the real losers.

Accordingly, BET hereby requests the Commission to dismiss or deny the "Comments on Petition for Reconsideration" filed by Viacom International, Inc. in this proceeding.

Respectfully submitted,

BLACK ENTERTAINMENT TELEVISION, INC.

By: Maurita K. Coley (DMS)
Maurita K. Coley
Vice President, Legal Affairs

By: David M. Silverman
David M. Silverman
COLE, RAYWID & BRAVERMAN
1919 Pennsylvania Ave., N.W.
Washington, D.C. 20006
(202) 659-9750

February 22, 1994

CERTIFICATE OF SERVICE

I, Sharon K. Mathis, a secretary with the law firm of Cole, Raywid & Braverman, do hereby certify that on this 22nd day of February, 1994, copies of the foregoing were sent via first-class, postage prepaid, United States mail, to the following:

Angela J. Campbell
Institute for Public Representation
Citizens Communications Center Project
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, D.C. 20001

Michael E. Glover
The Bell Atlantic Companies
1710 K Street, N.W.
Washington, D.C. 20006

Michael H. Hammer
Willkie, Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Suite 600
Washington, D.C. 20036-3384

George Shapiro
Robert Primosch
Arent, Fox, Kintner, Plotkin
& Kahn
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5339

Bruce D. Sokler
Lisa W. Schoenthaler
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Ave., N.W.
Suite 900
Washington, D.C. 20004



Sharon K. Mathis