

Phone 712/754-2519
SIBLEY, IOWA 51249

DOCKET FILE COPY ORIGINAL

July 20, 1994

RECEIVED

AUG 2 1994

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Rm. 814
Washington, DC 20554

RE: Cable Competition Report CS Docket No. 94-48

Dear Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) regarding Implementation of Section 19 of the Cable Television Consumer Protection & Competition in the Market for Delivery of Video Programming, CS Docket No. 94-48.

As a distributor of the DIRECTV™ direct broadcast satellite (DBS) television service our cooperative is involved in the distribution of satellite television to our rural consumers. Our cooperative's ability to compete in the local marketplace is disabled by our lack of access to programming owned by Time Warner & Viacom despite the passage of the 1992 Cable Act. Programming such as HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others are available only to our competitor, the United States Satellite Broadcasting Co. (USSB), due to a contract signed between USSB and Time Warner/Viacom. Please be aware that the programming distribution contracts by DIRECTV™ are exclusive in nature, and USSB has obtained rights to distribute on any of the channels available.

Mr. Hundt, our cooperative agrees with NRTC that these exclusive programmin contracts hinder the intent of the 1992 Cable Act. Our cooperative believe that the Act prohibits any arrangement that prevents any distribution from gaining access to programming to serve non-cabled rural areas. Currently our DIRECTV customer who wishes to subscribe to a Time Warner/Viacom product has to purchase a second subscription to the USSB service. This hinders effective competition and our consumer pays a higher price for Time Warner/Viacom channels. This has also created confusion at the retail level.

At this point in time not having access to Time Warner/Viacom services has affected our ability to compete against other sources for television in our area. Many of our customers wonder why they can't purchase HBO and Showtime from us, or many customers passing up rural TV due to the fact that HBO/Showtime are not available.

No. of Copies rec'd _____
List ABCDE _____

0



The Honorable Reed Hundt
Page 2

We strongly believe that the 1992 Cable Act prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. Therefore, we support the Tauzin Amendment, embodied in Section 19 of the Act.

We hope the FCC will correct these problems so that the effective competition requirements of Section 19 become a reality in rural America. Please banish the type of arrangements represented by the USSB/Time Warner/Viacom deal.

Sincerely,

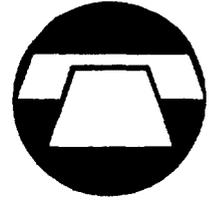


Leroy Ten Napel, Manager

cc: William F. Caton, Secretary
The Hon. James H. Quello
✓ The Hon. Andrew C. Barrett
The Hon. Susan Ness
The Hon. Rachelle B. Chong

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL



DILLER TELEPHONE CO.

William P. Sandman, Manager

P.O. Box 218
Diller, Nebraska 68342
Telephone (402) 793-5330

RECEIVED

July 20, 1994

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, D.C. 20554

RE: Cable Competition Report
CS Docket No.94-48

Dear Chairman Hundt:

I am writing this letter in support of the comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the the Delivery of Video Programming, CS Docket No. 94-48.

As a rural telephone company and member of NRTC, we have begun to distribute DIRECTV (TM) and DBS television service to customers in S.E Nebraska and N.E. Kansas.

However, despite passage of the 1992 Cable Act, our company finds it difficult to compete in our local marketplace because of a lack of access to programming owned by Time Warner and Viacom. Access to programming from these huge providers would make our offerings more complete and consumer satisfaction would also increase in areas where cable-type services were not available previously.

Time Warner and Viacom supply very popular networks like HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon, and others with programming. Their programming is available only to our principal competitor in DBS, The United States Satellite Broadcasting Co.(USSB), as a result of an "exclusive" contract signed between USSB and Time Warner/Viacom.

In contrast, none of the programming distribution contracts signed by DIRECTV (TM) are exclusive in nature, and USSB is free to obtain distribution rights for any of the channels available on the service we offer.

No. of Copies rec'd
List ABCDE

0

Mr. Hundt, Diller Telephone agrees with the NRTC that these exclusive programming contracts run counter to the intent of the 1992 Cable Act. The Act, in my opinion, was designed to prohibit any arrangement that prevents any distributor from gaining access to programming to serve non-cabled rural areas. Under the present circumstances, if one or our DIRECTV subscribers wants to receive Time Warner/Viacom programming, that subscriber must purchase a second subscription to the USSB service. To get Time Warner/Viacom programming there is no other choice and effective competition is being hindered. At our local level there is quite a bit of consumers confusion concerning where to get programming because of this.

Not having access to services such as HBO, Showtime, and Cinemax etc. has adversely affected our ability to compete against other sources in the area such as PRIMESTAR and microwave towers. They call themselves "Country Cable" and have access to Time Warner/Viacom programming. With access to the programming in question, our DIRECTV service will have no barriers to freely compete in the non-cabled areas which we serve. Our customers have expressed a desire to purchase all of their programming needs from us because of our local reputation for quality service and pricing. It is extremely difficult for our sales representatives to explain to the consumer why they cannot purchase all of their DBS programming from us, especially since the passage of the 1992 Cable Act.

We believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve non-cabled rural areas. That is why NRTC supported the Tauzin Amendment, embodied in Section 19 of the Act.

We ask the FCC to remedy these problems so that the effective competition requirements of the Act become reality in rural America. We strongly urge you to banish exclusive arrangements like the ones between Time Warner/Viacom and USSB.

Thank you for your time and consideration in this matter.

Sincerely,
Diller Telephone Company


William R. Sandman
William R. Sandman
President

cc: The Honorable Representative Doug Berueter
The Honorable Senator Robert Kerrey
The Honorable Senator Jim Exxon
William F. Caton, Secretary
The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Susan Ness
The Honorable Rachelle B. Chong

WRS/jj

**SANTEE
SATELLITE
SYSTEMS, INC.**

P.O. Box 1164 / Kingstree, SC 29556 / (803) 354-6187



July 18, 1994

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Rm. 814
Washington, DC 20554

RECEIVED

AUG 2 1994

Dear Chairman Hundt:

I am writing this letter to support the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

Santee Satellite Systems, Inc. is a wholly owned subsidiary of Santee Electric Cooperative, Inc. and a member investor in the DIRECTV project delivering television programming to the thousands of rural consumers who are not served by cable. Santee Electric Cooperative formed Santee Satellite Systems to bring cable television programming to these people just as the electric cooperative brought electricity to these people some 55 years ago.

To be competitive in our local marketplace, Santee Satellite Systems needs complete access to all programming at fair rates, comparable to those paid by our competition. It was our understanding that this problem had been solved by Congress two years ago with the passage of the 1992 Cable Act.

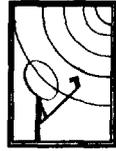
Santee Satellite Systems does not currently have DBS distribution rights for Time Warner and Viacom programming, like HBO, Showtime, Cinemax, The Movie Channel, VH-1, MTV and Nickelodeon because of the "exclusive" distribution arrangements they have made with United States Satellite Broadcasting Co. Inc. (USSB). Because of the name recognition that these above mentioned services carry, it is and has been very detrimental to our business and hindered our ability to compete in our local marketplace. Santee Satellite Systems has made a very large investment in the DBS project and our desire to provide competitive services at competitive prices is even larger. It seems very unfair to us that services like PrimeStar, wireless, and cable have access to HBO and Showtime and we do not.

None of the programming contracts signed with DIRECTV are exclusive and USSB could offer the same services if it wished to do so. Why then should DIRECTV consumers have to subscribe to two separate, competing packages?

No. of Copies rec'd 0
List ABCDE

**SANTEE
SATELLITE
SYSTEMS, INC.**

P.O. Box 1164 / Kingstree, SC 29556 / (803) 354-6187



Mr. Hundt, Santee Satellite Systems strongly agrees with the NRTC that these exclusive programming contracts run counter to the intent of the 1992 Cable Act. We believe that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non-cabled rural areas. We believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve non-cabled rural areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We respectfully ask the FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. I strongly urge you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Stan A. Williamson".

Stan A. Williamson

cc:

The Hon. Representative Arthur Ravenel, Jr.
The Hon. Representative James E. Clyburn
The Hon. Senator Strom Thurmond
The Hon. Senator Ernest F. Hollings
William F. Caton, Secretary
The Hon. James H. Quello
The Hon. Andrew C. Barrett
The Hon. Susan Ness
The Hon. Rachelle B. Chong

Ganado Telephone Company, Inc.

"still offering good old fashion service" 800-395-1499

Local Exchange Carrier - Fiber Optic Transport - GTE Mobilnet Cellular Agent - DBS Direct TV Agent

Monday, July 20th, 1994

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
1919 M St., NW, Rm. 826
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Commissioner Barrett:

I am writing this letter in support of the comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

Our company has been providing local telephone service for over 40 years. We have also aligned ourselves with the NRTC to be a distributor of the DIRECTV™ direct broadcast satellite (DBS) television service. Our company is directly involved in bringing satellite television to rural customers.

After the passage of the 1992 Cable Act, we thought we would be on a level playing field with all video service providers to secure programming our customers asked for. Lately, our ability to compete in our own local marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom.

These programmers have selected to make their programming available to *only* our principal competitor, the United States Satellite Broadcasting Company (USSB) as the result of an "exclusive" contract signed between USSB and Time Warner Viacom. This means that in order for a customer to have access to services such as HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others, they *must* deal with USSB.

When DIRECTV™ pursued programming contracts, we signed no contracts that were exclusive in nature, leaving USSB free to obtain distribution rights for any of the channels available on DIRECTV.

Mr. Barrett, our company agrees with the NRTC that these exclusive contracts are

No. of Copies rec'd 0
List ABCDE

not at all what the 1992 Cable Act intended, and in our opinion are quite the contrary. I believe that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non-cabled areas. In order for any of our customers to gain access to premium movie services, they must purchase a second subscription to the USSB service. This not only hinders effective competition, but also keeps the price of the Time Warner/Viacom channels unnecessarily high. It also increases customer confusion at the retail level.

The lack of the Time Warner/Viacom channels has also hurt our ability to compete against a brand new wireless television broadcaster in our area. Upon learning that I can not offer HBO or Showtime for example, many customers have opted to purchase older technology with a fewer number of channels but a more "complete" programming package. These folks just don't understand why I can't make these channels available to them, and honestly, neither can I.

We believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve non-cabled areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We are asking the FCC to remedy these problems and put us on even ground with other programming distributors. Only then, we believe, the effective competition requirements of Section 19 can become a reality in rural America. I strongly urge you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in the matter.

Sincerely,



Bill Rakowitz
Assistant Manager
Ganado Telephone Company

cc: The Hon. Representative Greg Laughlin
The Hon. Senator Phil Gramm
The Hon. Senator Kay Bailey Hutchinson
The Hon. Reed Hundt
The Hon. James H. Quello
The Hon. Andrew C. Barrett
The Hon. Susan Ness
The Hon. Rachelle B. Chong
William F. Caton, Secretary

McCULLOCH ELECTRIC COOPERATIVE, INC.



Electricity for the Rural Area

July 25, 1994

The Honorable Reed Hundt
 Chairman
 Federal Communications Commission
 1919 M Street, NW, Rm. 814
 Washington, D.C. 20554

Re: Cable Competition Report
 CS Docket No. 94-48

Dear Chairman Hundt:

I want to voice my support of the Comments filed by the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

McCulloch Electric Cooperative is a rural electric utility which is a member of NRTC and is directly involved in the distribution of C-band satellite television programming to over 300 consumers. The umbrella organization, of which we are a member, serves close to 5,400 consumers. The number of new consumers requesting service increases daily.

Currently, our umbrella group, Texas VI Satellite, Inc., is forced to pay significantly more for access to popular cable and broadcast programming than comparably sized cable companies in our area. The fact that we are forced to pay inflated rates for program access means we must in turn charge consumers more for our service, a fact which has already had a detrimental effect on our ability to compete in our local marketplace.

The number of consumers disconnecting service is as great as those new consumers requesting service. The reason for disconnections is pricing and packaging. We are not afforded the same pricing and packaging advantages as that given the cable companies. We have great loyalty from our consumers, but the cost of service sways even the strongest supporter and causes everyone to drop programming they want so they can stay within a budget. This unfair pricing is hurting the service we provide and the consumers. Our consumers live in remote areas not served by cable and off-air television. They have no other choice for multichannel television programming other than satellite.

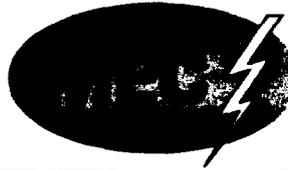
RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF SECRETARY

No. of Copies rec'd
 List ABCDE

0



It was my impression that, in the 1992 Cable Act, Congress had mandated that all distributors (cable, satellite and otherwise) should be granted equal access to cable and broadcast programming services at non-discriminatory rates. If this is the case, why are we still paying more for many programming services than comparably sized cable companies?

While it is true that some programmers have lowered their rates since the implementation of the 1992 Cable Act, we must have fair and equal access to all programming at rates comparable to those paid by cable or we will be unable to offer satellite television at prices acceptable to rural consumers.

In that regard, McCulloch Electric Cooperative, Inc., joins NRTC in calling on the FCC to monitor and combat the problems that I have mentioned above and to ensure that the intentions of Congress are being upheld with regard to the 1992 Cable Act.

Specifically, I feel that the FCC must prohibit abuses of the program access provisions of the 1992 Cable Act by rule and make it clear that damages will be awarded for program access violations.

I thank you for your attention on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jeanagayle Behrens". The signature is written in dark ink and is positioned above the typed name.

Jeanagayle Behrens
Director of Member Services

JB/

cc: Secretary FCC
FCC Commissioners

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
1919 M Street, NW, Rm. 826
Washington, DC 20554

Dear Commissioner Barrett,

This letter is in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

I am on the Board of Directors for Dunn County Electric Cooperative and an NRTC member delivering television programming to rural consumers who are largely un-served by cable.

With my consumers living in the rural areas that are sparsely populated, cable many times refuses to provide service and will pass-up these individuals. These rural families have little choice other than satellite for receiving television service.

I need complete access to all programming at fair rates, comparable to those paid by cable, in order to provide comparable service to these rural tax payers.

I believe that Congress has already solved the problem two years ago with the passage of the 1992 Cable Act. Yet we are currently being charged significantly more for broadcast programming than comparatively sized cable companies in our local area. This discriminatory pricing has been detrimental to our business and is not providing the "healthy" competition that I believe was designed into the 1992 Cable Act. Why should cable companies continue to enjoy a "monopoly" by paying less for their programming than our organization? How can this be fair? And what or how will the FCC "police" the activities of the cable companies?

This discriminatory pricing hurts both our business but most importantly the consumer, the average American looking for reasonable television programming at a fair, just price, while I'm unable to compete in my own local marketplace.

I agree whole-heartedly with NRTC's position that the FCC should act to enforce the wishes of Congress as put forth in the 1992 Cable Act. Most importantly, the FCC needs to monitor and act upon violations of these Program Access Violations.

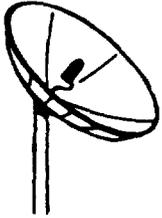
Best Regards,



Ed Hartung
Director-DCEC

No. of Copies rec'd _____
List ABCDE

0



DOCKET FILE COPY ORIGINAL

EX PARTE OR LATE FILED

Skyway Rural Communications

CS 94-48

P. O. Box 221
EAST CORINTH, VERMONT 05040

(802) 439-5622

RECEIVED

JUL 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

July 25, 1994

The Honorable Bernard Sanders
United States House of Representatives
Washington, DC 205150

Dear Representative Sanders:

I am writing this letter to voice a concern I have regarding the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

As a distributor of C-band satellite television programming, equal access to cable and broadcast programming at fair rates, something which we are not currently receiving, is essential for Skyway Rural Communications to be competitive in our local marketplace.

The 1992 Cable Act I assumed guaranteed equal access to cable and broadcast programming for all distributors. However, satellite distributors and consumers continue to be treated unfairly by the cable industry.

I would greatly appreciate your assistance on behalf of rural consumers in Vermont in encouraging the FCC to correct this inequity.

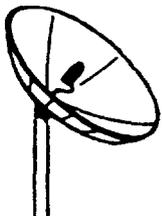
Sincerely,

Brenda Hutchinson
Manager

bh

No. of Copies rec'd
List ABCDE

0



BUCKET FILE COPY ORIGINAL

CS 94-48
EX PARTE OR LATE FILED

Skyway Rural Communications

P. O. Box 221
EAST CORINTH, VERMONT 05040

(802) 439-5622

RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

July 25, 1994

The Honorable Senator James Jeffords
United States Senate
Washington, DC 20510

Dear Senator Jeffords:

I am writing this letter to voice a concern I have regarding the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

As a distributor of C-band satellite television programming, equal access to cable and broadcast programming at fair rates, something which we are not currently receiving, is essential for Skyway Rural Communications to be competitive in our local marketplace.

The 1992 Cable Act I assumed guaranteed equal access to cable and broadcast programming for all distributors. However, satellite distributors and consumers continue to be treated unfairly by the cable industry.

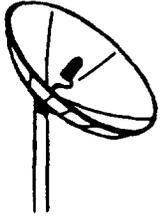
I would greatly appreciate your assistance on behalf of rural consumers in Vermont in encouraging the FCC to correct this inequity.

Sincerely,

Brenda Hutchinson
Manager

bh

No. of Copies rec'd 0
List ABCDE



DUCKET FILE COPY ORIGINAL

CS 94-48
EX PARTE OR LATE FILED

Skyway Rural Communications

P.O. Box 221
EAST CORINTH, VERMONT 05040

(802) 439-5622

July 25, 1994

RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Senator Patrick J. Leahy
United States Senate
Washington, DC 20510

Dear Senator Leahy:

I am writing this letter to voice a concern I have regarding the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

As a distributor of C-band satellite television programming, equal access to cable and broadcast programming at fair rates, something which we are not currently receiving, is essential for Skyway Rural Communications to be competitive in our local marketplace.

The 1992 Cable Act I assumed guaranteed equal access to cable and broadcast programming for all distributors. However, satellite distributors and consumers continue to be treated unfairly by the cable industry.

I would greatly appreciate your assistance on behalf of rural consumers in Vermont in encouraging the FCC to correct this inequity.

Sincerely,

Brenda Hutchinson
Manager

bh

No. of Copies rec'd _____
List ABCDE

0

JADE Direct Broadcast Services, Inc.
211 La Veta
Alamosa, Colorado 81101
719-589-0255
FAX 719-589-5977

DOCKET FILE COPY ORIGINAL

July 18, 1994

RECEIVED

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
1919 M Street, NW, Rm. 825
Washington, DC 20554

EX PARTE OR LATE FILED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

RE: Cable Competition Report
CS Docket No. 94-48

Dear Commissioner Barrett:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

As a rural telephone member of NRTC and distributor of the DIRECTV (TM) direct broadcast satellite (DBS) television service, my company is directly involved in bringing satellite television to rural consumers. In our part of the country, there are many households that go unserved by cable TV. There only means of any quality signals is via satellite.

Despite passage of the 1992 Cable Act, our ability to compete in our local marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom. I am not able to understand why PrimeStar and other distributors have access to this programming and yet we do not.

This programming, which includes some of the most popular cable networks, like HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others, is available only to my principal competitor, the United States Broadcasting Co. (USSB), as a result of an "exclusive" contract signed between USSB and Time Warner/Viacom. In contrast, none of the programming distribution contracts signed by DIRECTV are exclusive in nature, and USSB is free to obtain distribution rights for any of the channels available on DIRECTV.

Mr. Hundt, my organization agrees with the NRTC that these exclusive programming contracts run counter to the intent of the 1992 Cable Act. I believe that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non-cabled rural areas. I believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We ask the FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. I strongly urge you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,

David W. Ashe

David Ashe
President

No. of Copies rec'd _____
List ABCDE

0

RECEIVED

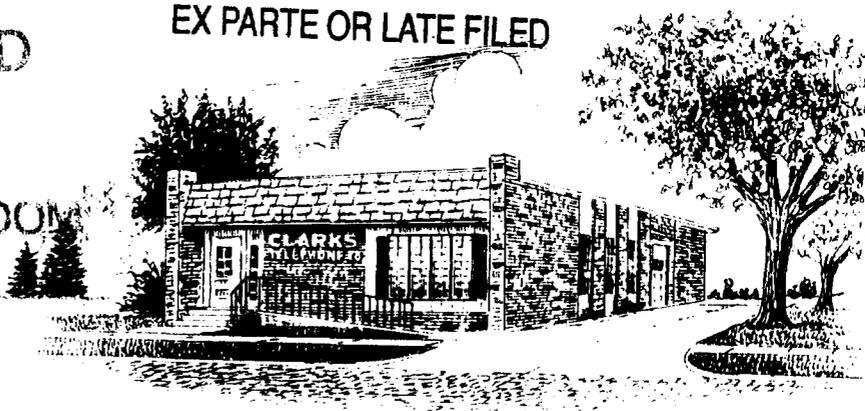
EX PARTE OR LATE FILED

AUG 02 1994

FCC MAIL ROOM



P.O. BOX 126
CLARKS, NE 68628
(308) 548-2251



The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Rm. 814
Washington, DC 20554

July 27, 1994

DOCKET FILE COPY ORIGINAL

Dear Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer protection and Competition Act of 1992, Annual assessment of the Status of Competition in the Market for the Delivery of Video Programming, DX Docket No. 94-48.

As a rural telephone member, and affiliate, of NRTC and distributor of the DIRECTV direct broadcast satellite (DBS) television service, Clarks Telephone is directly involved in bringing satellite television to rural consumers.

However, despite passage of the 1992 Cable Act, Clarks Telephone's ability to compete in our local marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom.

This programming, which includes some of the most popular cable networks like HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others, is available only to my principal competitor, The United States Satellite Broadcasting Co. (USSB), as a result of an "exclusive" contract signed between USSB and Time Warner/Viacom.

In contrast, none of the programming distribution contracts signed by DIRECTV are exclusive in nature, and USSB is free to obtain distribution rights for any of the channels available on DIRECTV.

Mr. Hundt, my organization agrees with the NRTC that these exclusive programming contracts run counter to the intent of the 1992 Cable Act. I believe that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non-cabled rural areas. Under the present circumstance, if one of my DIRECTV subscribers also wishes to receive TimeWarner/Viacom product, that subscriber must purchase a second subscription to the USSB service. This hinders

No. of Copies rec'd _____
List ABCDE

0

effective competition, and as a consequence keeps the price of the Time Warner/Viacom channels unnecessarily high. It also increases consumer confusion at the retail level.

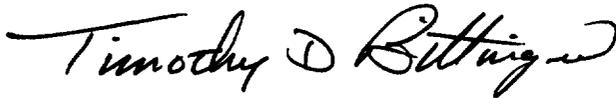
Not having access to the Time Warner/Viacom services has also adversely affected my ability to compete against other sources for television in my area. When we have been showing the satellite television people are questioning why they are not able to get HBO or Showtime when it is movie channels that they are wanting.

We believe very strongly that the 1992 Cable Act Flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We ask the FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. I strongly urge you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Timothy D. Bittinger". The signature is written in a cursive style with a large, sweeping initial "T".

Timothy D. Bittinger
Clarks Telephone/ President

cc:

The Hon. Representative Doug Bereuter
The Hon. Senator J. Robert Kerrey
William F. Caton, Secretary
The Hon. James H. Quello
The Hon. Andrew C. Barrett
The Hon. Susan Ness
The Hon. Rachelle B. Chong

EX PARTE OR LATE FILED

Northeast →

RURAL SERVICES, INC.

DOCKET FILE COPY ORIGINAL

Subsidiary of Northeast Oklahoma Electric Cooperative, Inc.

RECEIVED

AUG 02 1994

FCC MAIL ROOM

July 27, 1994

William F. Caton, Secretary
Federal Communications Commission
1919 M St., NW, Rm. 222
Washington DC 20554

Dear Secretary Caton:

Please find enclosed a copy of the letter sent to Honorable Reed Hundt, Chairman of the Federal Communications Commission. It is concerning the Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, CS Docket No. 94-48.

Your consideration on this issue would be greatly appreciated.

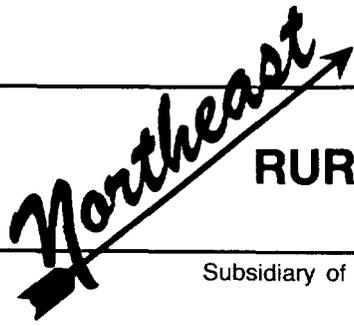
Sincerely,



Larry Love
Assistant Manager

Enclosure

No. of Copies rec'd 0
List ABCDE



RURAL SERVICES, INC.

Subsidiary of Northeast Oklahoma Electric Cooperative, Inc.

July 27, 1994

RECEIVED

AUG 02 1994

FCC MAIL ROOM

The Honorable Reed Hundt, Chairman
Federal Communications Commission
1919 M Street, NW, Rm. 814
Washington, DC 20554

RE: Cable Competition Report
DS Docket No. 94-48

Dear Chairman Hundt:

This letter is to inform you of our support of the National Rural Telecommunications Cooperative's (NRTC) comments in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

Northeast Rural Services, Inc. (NRS), is a member of NRTC and a distributor of both DIRECTV™ direct broadcast satellite (DBS) television service and C-Band satellite programming. NRS provides programming services for most of Northeast Oklahoma, and has been directly involved in bringing satellite television to rural consumers for over 5 years.

Unfortunately, we are already facing programming access limitations on the new DBS service, as we continue to have with the existing C-Band service. We are frequently asked by potential DBS consumers about the availability of HBO, Cinemax, Showtime and The Movie Channel. It is confusing to the consumer when we tell them we cannot offer these services.

Despite the passage of the 1992 Cable Act, which we believe addressed this rural issue, NRS is still hindered in its ability to compete in the local marketplace because of the lack of access and the higher prices that we are required to pay for programming in comparison to cable rates.

NRS agrees with NRTC that the FCC should enforce the wishes of Congress as set forth in the 1992 Cable Act, which prohibits any exclusive contract that denies NRTC access to cable programming for rural areas. Also, we are asking that you monitor the programming access and rates issues as mentioned above and impose penalties on those that are in violation of the Cable Act.

Sincerely,

A handwritten signature in black ink that reads "Larry Love". The signature is written in a cursive, flowing style.

Larry Love
Assistant Manager

cc: William F. Caton, Secretary, FCC
The Honorable James H Quello, Commissioner, FCC
The Honorable Rachelle B. Chong, Commissioner, FCC
The Honorable Andrew C. Barrett, Commissioner, FCC
The Honorable Susan Ness, Commissioner, FCC
The Honorable Congressman James M. Inhofe
The Honorable Congressman Dave McCurdy
The Honorable Congressman Bill Brewster
The Honorable Congressman Glenn English
The Honorable Congressman Ernest J. Istook, Jr.
The Honorable Congressman Mike Synar
The Honorable Senator David L. Boren
The Honorable Senator Don Nickles

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

DEEP EAST TEXAS TELECOMMUNICATIONS, INC.

202 Tenaha Street - P. O. Box 708

Center, Texas 75935

(409) 598-2000 - Fax (409) 598-2003

RECEIVED

AUG 02 1994

FCC MAIL ROOM

July 25 1994

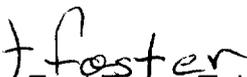
William F. Caton
Secretary
Federal Communications Commission
1919 M Street, NW, Rm. 222
Washington, DC 20554

Dear Mr. Caton:

We would like to make you aware of our concerns on the Comments of the National Rural Telecommunications Cooperative (NRTC). We have enclosed a copy of a letter to Chairman Reed Hundt of the Federal Communications Commission.

We appreciate your review of this letter and your attention to this matter.

Sincerely,


Deep East Texas Telecommunications, Inc.
Tolbert Foster, President

No. of Copies rec'd _____
List ABOVE _____

0

EX PARTE OR LATE FILED

DEEP EAST TEXAS TELECOMMUNICATIONS, INC.

202 Tenaha Street - P. O. Box 708

Center, Texas 75935

(409) 598-2000 - Fax (409) 598-2003

RECEIVED

AUG 02 1994

FCC MAIL ROOM

July 25, 1994

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Rm. 814
Washington, DC 20554

Dear Chairman Hundt:

We are writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, C S Docket No. 94-48.

We are an NRTC member in the DIRECTV project delivering television programming to rural consumers who are largely not served by cable. Most of our consumers live in rural areas that are too sparsely populated to receive Cable TV. These households have very little choice other than satellite for receiving television service.

Therefore, we need complete access to all programming at fair rates, comparable to those paid by our competition, in order to compete in our local marketplace. We believed that Congress had already solved this problem two years ago with the passage of the 1992 Cable Act.

We currently do not have DBS distribution rights for some of the most popular programming, like HBO, Showtime, Cinemax, The Movie Channel, VH-1, MTV, Nickelodeon, ect., because of the "exclusive" distribution arrangements they have made with United States Satellite Broadcasting Co. Inc. (USSB). Consequently, consumers interested in receiving this programming must subscribe to two separate packages. If these services were offered by both DIRECTV and USSB, our consumers would have a choice about their service provider. None of the programming contracts signed with DIRECTV are exclusive and USSB could offer those services if it wanted to.

We agree with NRTC's position that the FCC should act to enforce the wishes of Congress as put forth in the 1992 Cable Act. This flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas.

Mr. Hundt, we strongly urge you to monitor and combat the problems we have called attention to by banishing the type of exclusionary arrangements represented by the USB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Tolbert Foster". The signature is written in a cursive style with a large, prominent initial "T".

Deep East Texas Telecommunications, Inc.
Tolbert Foster, President

CC: William F. Caton, Secretary
The Hon. James H. Quello
The Hon. Rachelle B. Chong
The Hon. Andrew C. Barrett
The Hon. Susan Ness
The Hon. Charles Wilson
The Hon. Phil Gramm
The Hon. Kay Bailey Hutchison



Iowa Lakes Electric Cooperative

1724 Central Avenue
Estherville, Iowa 51334-0077
(712) 362-2694

Address Reply to: P. O. Box 77, Estherville, IA 51334-0077

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

RECEIVED

AUG 02 1994

FCC MAIL ROOM

J. Bruce Bosworth
General Manager

July 29, 1994

Mr. William F Caton
Secretary
Federal Communications Commission
1919 M Street, NW Rm 222
Washington, D.C. 20554

RE: Cable Competition Report
CS Docker No. 94-48

Dear Secretary Caton:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

Iowa Lakes Electric Cooperative (ILEC) is a rural electric cooperative member of NRTC and a distributor of the DIRECTV direct broadcast satellite (DBS) television service. Iowa Lakes has been directly involved in bringing satellite television to rural consumers in eight rural Northwest Iowa counties since September 1987.

ILEC is very concerned that despite passage of the 1992 Cable Act, our ability to compete in our local marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom.

This programming, which includes some of the most popular cable networks like HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others, is available only to our principal competitor, the United States Satellite Broadcasting Co. (USSB), as a result of a so called "exclusive" contract signed between USSB and Time Warner/Viacom. On the other hand, none of the programming distribution contracts signed by DIRECTV are exclusive in nature, and USSB is free to obtain distribution rights for any of the channels available on DIRECTV.

No. of Copies rec'd
List ABCDE

Orig.



RECEIVED

AUG 02 1994

FCC MAIL ROOM

page Two

Mr. Caton, ILEC agrees with the NRTC that these exclusive programming contracts run counter to the clear intent of the 1992 Cable Act. We believe that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non-cabled rural areas. Under the present circumstances, if one of my DIRECTV subscribers also wishes to receive Time Warner/Viacom product, that subscriber must purchase a second subscription to the USSB service.

We believe this "exclusive" contract arrangement between USSB and Time Warner/Viacom has been designed to hinder effective competition, and as a consequence keeps the price of the Time Warner/Viacom channels unnecessarily high. It also increases consumer confusion at the retail level over the availability of HBO, MTV, etc., since there is no reason we can not offer these programs other than this "exclusive" contract arrangement. We currently offer them under a C-Band satellite package marketed as "Rural TV", but are prohibited from doing so as a part of our DIRECTV package.

ILEC believes very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to rural non-cabled area. This is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

ILEC is asking the FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. ILEC strongly urges you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,



Markus I Bryant
Assistant General Manager

cc:

The Honorable Representative Fred Grandy
The Honorable Senator Charles Grassley
The Honorable Senator Tom Harkin
The Honorable Reed Hunt, Chairman
The Honorable James H Quello
The Honorable Andrew C Barrett
The Honorable Susan Ness
The Honorable Rachelle B Chong

Original letter to follow