



EX PARTE OR LATE FILED

214 W. Whitfield Street
 P.O. Box 730
 Enfield, NC 27823-0730
 (919) 445-4411
 1-800-775-0068

COPY ORIGINAL

July 29, 1994

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

RECEIVED
 AUG 2 1994
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF SECRETARY

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

Dear Chairman Hundt:

The purpose of this letter is to document support of the comments of the National Rural Communications 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 delivery of Video Programming, CS Docket No. 94-48.

PrimeWatch, Inc., is a subsidiary of a rural electric member of NRTC and a distributor for DirecTV Tm direct broadcast satellite (DBS) television service. We are involved in bringing satellite television to rural consumers throughout North Carolina. (PrimeWatch has no relationship to PrimeStar who is named in related correspondence and the similarity is totally coincidental.)

When the Cable Act of 1992 was passed, we felt that the "playing field had been leveled" and our access to all programming at a fair price was a reality. But today we are still at a competitive disadvantage since we don't have reasonable access to programming owned by Time Warner and Viacom.

Under the new DBS technology, some of the most popular programming such as HBO and Showtime distribution is controlled by an exclusive deal between United States Satellite Broadcasting (USSB) and Time Warner/Viacom. It was our understanding that the new act prohibited such exclusivity. In comparison, none of DirecTV's arrangements are exclusive and USSB has full access, if desired.

Our consumers are confused and rightfully so - they cannot understand why they can't buy everything they need from us.

No. of Copies rec'd
 List ABCDE 1



214 W. Whitfield Street
P.O. Box 730
Enfield, NC 27823-0730
(919) 445-4411
1-800-775-0068

For example if they want CNN (from us) and HBO (from them), they have to buy two packages from two sources. Quite an aggravation for the consumer!

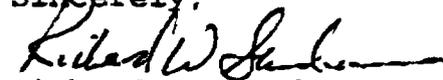
As we have started to build our DBS business, we have had a lot of consumers who refuse to buy (hardware or programming) from us because we don't have access to those products. This is a complex business even when the playing field is level. The confusion and inconvenience being forced on rural America is totally unnecessary.

We believe very strongly that the 1992 cable Act absolutely 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.

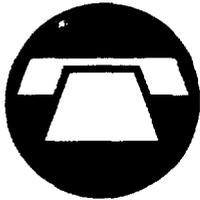
Sincerely,


Richard W. Sanderson
Assistant General Manager

via facsimile & U.S. mail

cc:

The Honorable Representative Eva M. Clayton
The Honorable Senator Lauch Faircloth
The Honorable Senator Jesse Helms
William R. Caton, Secretary
The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Susan Ness
The Honorable Rachelle B. Chong



EX PARTE OR LATE FILED

THE MONON TELEPHONE CO. INC.

315 N. MARKET ST.
P.O. Box 625
MONON, IN. 47959
219 / 253-6601

DOCKET FILE COPY ORIGINAL

July 22, 1994

RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

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 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™ direct broadcast satellite (DBS) television service, my company is directly involved in bringing satellite television to rural consumers.

However, despite passage of the 1992 Cable Act, my company'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 Time Warner/Viacom product, that subscriber must purchase a second subscription to the USSB service. This hinders effective competition, and as a consequence keeps the price of the Time Warner/Viacom

No. of Copies rec'd _____
List ABCDE _____

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. The local cable companies in our area offer these selections when we cannot get them for our customers. It is one of the first questions asked, "Do you have Showtime and HBO?"

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,

THE MONON TELEPHONE COMPANY, INC.



Bruce T. Hanway
Vice President

BTH/pah

cc:

The Hon. Representative Steve Buyer
The Hon. Senator Richard G. Lugar
William F. Caton, Secretary
The Hon. James H. Quello
The Hon. Andrew C. Barrett ✓
The Hon. Susan Ness
The Hon. Rachelle B. Chong

DOCKET FILE COPY ORIGINAL

EX PARTE OR LATE FILED

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

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

RECEIVED
AUG 2 1994
FEDERAL COMMUNICATIONS COMMISSION

Dear Commissioner Barrett:

I am writing this letter in 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.

As a rural electric cooperative member of NRTC, South Alabama Electric Cooperative is directly involved in the distribution of C-band satellite television programming to over 500 rural consumers in Alabama.

Currently, South Alabama Electric Cooperative, doing business as South Alabama Marketing, is being put into the situation of paying significantly more for access to popular cable and broadcast programming than that of local cable companies comparable in size in our area. The fact that we are forced to pay inflated rates for program access means we must in turn charge our consumers more for their service. This situation has already had a detrimental effect on our ability to be competitive in our local marketplace. In the past six months we have had over 20 consumers to leave our service in order to receive cable. When asked the reason for switching to cable, the answer in almost every case is that cable is cheaper.

In addition, most of our consumers that we serve live in remote areas that do not have access to cable and off-air television. Therefore, these people have no other choice for multichannel television programming other than by satellite and are furthermore forced to pay higher rates for access to television than their counterparts with access to cable.

Through my interpretation of the 1992 Cable Act, it was my impression that 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 those of comparably sized cable companies ?

No. of Copies rec'd _____
List ABCDE _____

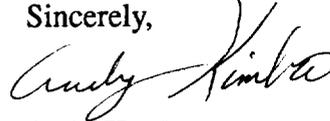
While it is true that some programmers have lowered their rates since the implementation of the 1992 Cable Act, unless there is fair and equal access to *all* programming at rates comparable to those paid by cable companies we will not be able to remain competitive in offering satellite television at prices that will be acceptable to our rural consumers.

In that regard, South Alabama Marketing joins NRTC in calling on the FCC to review and address the problems that I have mentioned above and as well as ensuring that the intentions of Congress are being upheld in accord with the 1992 Cable Act.

Specifically, I hold to the belief that the FCC must prohibit abuses of the program access provisions of the 1992 Cable Act by rule and that any violations of such will be liable for damages.

I thank you for your attention on this matter.

Sincerely,

A handwritten signature in black ink that reads "Andy Kimbro". The signature is written in a cursive style with a large, sweeping initial "A".

Andy Kimbro



EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

IOWA ASSOCIATION OF ELECTRIC COOPERATIVES

July 29, 1994

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

RECEIVED
 AUG - 2 1994
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF SECRETARY

Dear Chairman Hundt:

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.

The Iowa Association of Electric Cooperatives is a member of NRTC and our members are delivering television programming to rural Iowans by satellite. Rural Iowans do not receive or have access to cable television services and must rely upon satellite communications to receive this programming.

Rural residents have a right to have complete access to all programming at fair rates, comparable to those paid by cable subscribers. We concluded that this problem had been resolved two years ago when Congress enacted the 1992 Cable Act.

Satellite subscribers in Iowa continue to be charged significantly more for cable and broadcast programming than do local cable companies. This discriminatory pricing continues to hurt rural consumers with no other choice for programming other than satellite and are continuing to be forced to pay higher rates than urban customers who have access to cable.

Exclusive arrangements currently used by cable programmers are a way to control new competitors and continue discriminatory practices against the public who do not have access to cable television services. We believe it was the intent of Congress to eliminate these practices when the 1992 Cable Act was passed.

No. of Copies rec'd /
 List ABCDE

We ask the Federal Communications Commission to implement the 1992 Cable Act as it was intended by Congress with the passage of the law. Until that is done, rural Americans will continue to be subjected to discriminatory pricing.

Sincerely,



Burnette E. Koebernick
Director of Government Relations

cc: Mr. William F. Caton
The Honorable James H. Quello
The Honorable Rachelle B. Chong
The Honorable Andrew C. Barrett
The Honorable Susan Ness
Senator Charles Grassley
Senator Tom Harkin
Congressman Jim Leach
Congressman Jim Nussle
Congressman Jim Lightfoot
Congressman Neal Smith
Congressman Fred Grandy

EX PARTE OR LATE FILED



DOCKET FILE COPY ORIGINAL

IOWA ASSOCIATION OF ELECTRIC COOPERATIVES

July 29, 1994

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

RECEIVED
 AUG - 2 1994
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF SECRETARY

Dear Chairman Hundt:

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.

The Iowa Association of Electric Cooperatives is a member of NRTC and our members are delivering television programming to rural Iowans by satellite. Rural Iowans do not receive or have access to cable television services and must rely upon satellite communications to receive this programming.

Rural residents have a right to have complete access to all programming at fair rates, comparable to those paid by cable subscribers. We concluded that this problem had been resolved two years ago when Congress enacted the 1992 Cable Act.

Satellite subscribers in Iowa continue to be charged significantly more for cable and broadcast programming than do local cable companies. This discriminatory pricing continues to hurt rural consumers with no other choice for programming other than satellite and are continuing to be forced to pay higher rates than urban customers who have access to cable.

Exclusive arrangements currently used by cable programmers are a way to control new competitors and continue discriminatory practices against the public who do not have access to cable television services. We believe it was the intent of Congress to eliminate these practices when the 1992 Cable Act was passed.

No. of Copies rec'd _____
 List ABCDE _____

We ask the Federal Communications Commission to implement the 1992 Cable Act as it was intended by Congress with the passage of the law. Until that is done, rural Americans will continue to be subjected to discriminatory pricing.

Sincerely,

Burnette E. Koebernick
Director of Government Relations

cc: Mr. William F. Caton
The Honorable James H. Quello
The Honorable Rachelle B. Chong
The Honorable Andrew C. Barrett
The Honorable Susan Ness
Senator Charles Grassley
Senator Tom Harkin
Congressman Jim Leach
Congressman Jim Nussle
Congressman Jim Lightfoot
Congressman Neal Smith
Congressman Fred Grandy

**PIONEER
ELECTRIC
COOPERATIVE**

EX PARTE OR LATE FILED

CS 94-48



DOCKET FILE COPY ORIGINAL

POST OFFICE BOX 468 • 300 HERBERT STREET • GREENVILLE, ALABAMA 36037
TELEPHONE 205/382-6636 • AL WATS 1-800-239-3092 • FAX 205/382-8641

July 26, 1994

RECEIVED

AUG 2 1994

COPY
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

Dear Chairman Hundt:

As President of the National Rural Telecommunications Cooperative (NRTC) and General Manager of an electric cooperative which is the largest distributor of C-Band subscriptions in the State of Alabama, I feel compelled to write you regarding the implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992 (Cable Act). I completely support the comments of the NRTC regarding the above act, and request that the FCC take action along the guidelines set out therein.

It was our understanding that the Cable Act was going to assure fair pricing and access to all providers of television programming, whether cable, C-Band, KU-Band, or DBS. Presently, we have not reaped the benefits of significant price reductions, and do not have access to major programming (e.g., Time Warner and Viacom) through DirecTV, our DBS affiliate. It appears that the above stated problems are either in violation of the Cable Act, or have slipped in through unintended loop-holes which are violations of the spirit of the law.

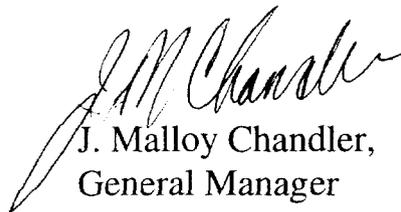
Since we have not enjoyed reduced pricing, and are not allowed to have access to the Time Warner and Viacom Programming, our customers, being mainly rural and poor, are being denied competitive pricing, one of the benefits of free-trade and competition, insured by the Cable Act.

No. of Copies rec'd _____
List ABCDE _____

Honorable Reed Hundt, Chairman
Federal Communications Commission
Page 2
July 26, 1994

We urge the FCC to enforce the wishes of Congress as put forth in the 1992 Cable Act and appreciate all efforts on behalf of you and the FCC toward that end.

Sincerely,



J. Malloy Chandler,
General Manager

JMC/CP:km

cc: Mr. William F. Caton, Secretary (FCC)
Hon. James H. Quello, Commissioner (FCC)
Hon. Rachelle B. Chong, Commissioner (FCC)
Hon. Andrew C. Barrett, Commissioner (FCC)
Hon. Susan Ness, Commissioner (FCC)



PENASCO TELECOM SYSTEMS

Cellular Telephones/Access • Paging
2-Way Radio • Mobile Telephone
Business Telephone Systems
Direct Broadcast Satellite TV

A Subsidiary of Penasco Valley Telephone Cooperative, Inc.

DOCKET FILE COPY ORIGINAL

EX PARTE OR LATE FILED

RECEIVED

July 28, 1994

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

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 Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

Penasco Telecom Systems, Inc. is a wholly owned subsidiary of Penasco Valley Telephone Cooperative, Inc. As a Rural Telephone member of NRTC and feeling a need to provide another needed service to rural consumers, Penasco Telecom System invested in the Direct Broadcast Satellite Television Service (DBS) to distribute DIRECTV™ programming to our rural consumers.

However, despite passage of the 1992 Cable Act, Penasco Telecom Systems' 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™.

No. of Copies rec'd _____
List ABCDE _____

Chairman Hundt

Page -2-

July 28, 1994

Mr. Hundt, our organization 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. Under the present circumstance, if one of our DIRECTV™ subscribers also wishes to receive Time Warner/Viacom product, that subscriber must purchase a second subscription to the USSB service. This hinders 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.

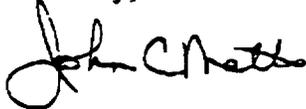
Not having access to the Time Warner/Viacom services has also adversely affected our ability to compete against other sources for television in my area. TCI, Post-Newsweek Cable, and other cable competitors in the area are able to offer more complete programming packages because they have access to programming which we are currently restricted from, at least at comparable costs. Consumers do not understand why they cannot get certain programming from us, and go elsewhere. This situation does not enhance competition.

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 FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. We 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,



John C. Metts
Executive Vice President/General Manager

JCM:hcs

cc:

The Honorable Representative Bill Richardson
The Honorable Representative Joe Skeen
The Honorable Representative Steve Schiff
The Honorable Senator Pete Domenici
The Honorable Senator Jeff Bingaman
William F. Caton, Secretary
The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Susan Ness
The Honorable Rachelle B. Chong

CHIPPewa VALLEY Electric

DOCKET FILE COPY ORIGINAL



COOPERATIVE - P.O. BOX 575 CORNELL, WISCONSIN 54732 (715) 239-6800

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

EX PARTE OR LATE FILED

RECEIVED

AUG - 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

RE: Cable Competition Report
CS Docket No. 94-98

July 28, 1994

Dear Chairman Hundt:

I am writing this letter in 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. 94-98.

As a rural electric member of NRTC, Chippewa Valley Electric Cooperative is directly involved in the distribution of direct broadcast satellite television programming to consumers in three counties in northern Wisconsin.

Currently, Chippewa Valley is forced to pay significantly more for access to popular cable and broadcast programming than comparably sized cable companies in our area. We are also denied access to some other programming. The fact that we are forced to pay inflated rates for program access means we must in turn charge consumers more for our service. The fact that we are denied access to some programming means of course, that our customers are also denied the opportunity to enjoy these services.

In addition, most of the consumers we serve live in rural areas not served by cable and off-air television. Since these consumers have no other choice for multichannel television programming other than satellite, they are forced to pay higher rates for access to television than their counterparts with access to cable.

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 comparable sized cable companies? Also, why are some programming services denied us altogether by exclusive broadcast rights given to selected programming distributors in our area?

While it is true that some programmers have lowered their rates since 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 customers.

No. of Copies rec'd _____
List ABCDE _____

In that regard, Chippewa Valley Electric Cooperative joins NRTC in calling on the FCC to monitor and combat the problems 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 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 and fines levied for program access violations.

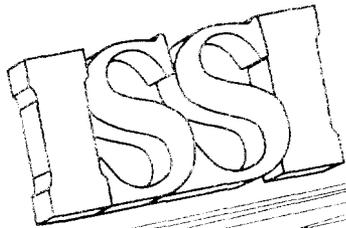
I thank you for your attention in this matter.

Sincerely,

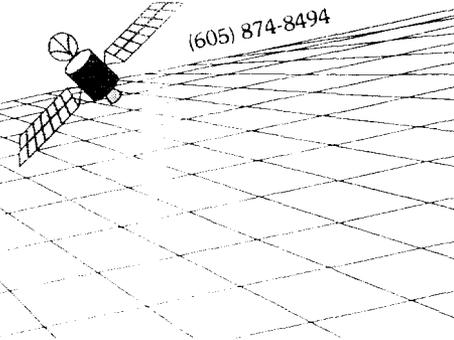
A handwritten signature in cursive script that reads "Raymond Guthman".

Raymond Guthman
GM, Chippewa Valley Electric Cooperative

EX PARTE OR LATE FILED



Interstate Satellite Services, Inc.
305 3rd Ave. S. - P. O. Box 1008
Clear Lake, South Dakota 57226-1008



July 20, 1994

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

DOCKET FILE COPY ORIGINAL

RECEIVED

AUG 2 1994

Dear Chairman Hundt:

I am writing this letter to confirm 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.

I have a vested interest in this docket as I am the General Manager of a telephone cooperative that formed a wholly owned subsidiary for the purpose of providing DIRECTV to rural residents in eastern South Dakota and western Minnesota. These rural customers do not and will not have access to cable TV plus their current off-air reception using roof-top antenna's varies from very poor to somewhat adequate. Even though the offerings we will be able to provide far surpass what these households currently receive, we, as yet, cannot provide these households with the same programming that their relatives and friends can obtain just because they live in a nearby community that has cable TV. This fact of life exists because we do not have access to all of the programmers the cable TV companies do. These folks simply want the same opportunity and you and the Commissioners can and must provide this.

The have-nots cannot receive the Time Warner and Viacom programming, like HBO, Showtime, Cinemax, The Movie Channel, and other similar type programming because of the "exclusive" distribution arrangements that were made with United States Satellite Broadcasting Co., Inc. (USSB). It is unbelievable these rural households can finally have high quality TV programming delivered to their house at an affordable price and then they are excluded from many choices because of exclusivity. Can you imagine waiting 15-20 years for TV programming like their small town acquaintances have and then be denied full selectivity!

I have been told that none of the DIRECTV programming contracts are exclusive contracts and they shouldn't be. Likewise, USSB

No. of Copies rec'd
List ABCDE

1

should not be able to have exclusive programming rights. I ask you to examine this problem as soon as possible, take whatever action is necessary to correct the problem, and let's get on with providing rural folks the maximum choices available. Anything less is unacceptable.

Sincerely,

Dean E. Anderson
General Manager

cc: Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M St., NW, Room 222
Washington, DC 20554

The Honorable James H. Quello
Commissioner
Federal Communications Commission
1919 M St., NW, Room 802
Washington, DC 20554

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

The Honorable Susan Ness
Federal Communications Commission
1919 M St., NW, Room 832
Washington, DC 20554

The Honorable Rachelle B Chong
Commissioner
Federal Communications Commission
1919 M St., NW, Room 844
Washington, DC 20554

HOOSIER TELCOM, INC.

SUBSIDIARY OF SOUTHEASTERN INDIANA RURAL TELEPHONE

RECEIVED

DOCKET FILE COPY ORIGINAL

AUG 2 1994

July 19, 1994

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Room 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) 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/Direct Broadcast Satellite (DBS) television service for the "uncabled homes" in six surrounding counties and for all homes in another local county here in Southeastern Indiana, my company is directly involved in bringing affordable satellite television to rural consumers that have been "passed over" by the cable companies and can't afford the more expensive C-Band or "Big Dish" systems.

Yet, despite passage of the 1992 Cable Act, my company's ability to compete and offer comparable services to those of the cable companies and C-Band Satellite dealers in the local marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom.

This programming, which includes cable network favorites like HBO, Showtime, Cinemax, The Movie Channel, Nickelodeon and others, is available only to my principal competitor, the United States Satellite Broadcasting Company (USSB), as the 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.

14005 U.S. 50 - P. O. BOX 7
DILLSBORO, IN 47018
PH: (812) 667-6500 / (812) 873-6500
800-327-3474
(800-DBS-DISH)
FAX: (812) 667-4700

No. of Copies rec'd _____
List ABCDE _____

Page 2
CABLE COMPETITION REPORT
July 19, 1994

Mr. Hundt, my organization agrees with the NRTC that these "exclusive" programming contracts run counter to the intent of the 1992 Cable Act and that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non-cabled rural areas. Under the present situation, if one of my customers wants to have access to a Time Warner/Viacom product, that subscriber must purchase a completely different "programming package/subscription". Not only does this hinder competition, but as a consequence, it keeps the price of the Time Warner/Viacom channels unnecessarily high, increases consumer confusion at the retail level and limits the opportunity for "rural" consumers to enjoy the same types of cable programming as consumers lucky enough to have access to cable.

Not having access to the Time Warner/Viacom services has already adversely affected my ability to compete against both the cable companies and C-Band Dealers in my area. During the past two weeks while we were displaying our product at two area county fairs, one of the first questions asked by potential customers almost always was, "Do you have HBO?" "Where's Showtime?" or "My kids really love Nickelodeon, why don't you have it?" Not only are these types of questions hard to explain to the average consumer who doesn't know the way satellite programming and the business in general operates, but it paints a picture that our service is "inferior" or we're "not as good" a company as the local cable company or satellite dealer because we can't offer one or two of their favorite channels.

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 and give rural Americans everywhere, access to affordable cable programming.

Thank you for your time and consideration in this matter.

Sincerely,



Leroy Corya
General Manager

Page 3
CABLE COMPETITION REPORT
July 19, 1994

cc: William F. Caton
Secretary
Federal Communciatons Commission

The Honorable James H. Quello
Commissioner
Federal Communications Commission

The Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission

The Honorable Susan Ness
Commissioner
Federal Communications Commission

**SOUTHWEST TEXAS
COMMUNICATIONS, INC.**

P.O. Box 347
Rocksprings, TX 78880
Phone: (210)683-2326

EX PARTE OR LATE FILED
DOCKET FILE COPY ORIGINAL

RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

July 22, 1994

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

Dear Commissioner Barrett:

Attached please find a copy of the letter I have sent to Chairman Reed Hundt concerning Section 19 of the 1992 Cable Act. As a rural telephone member of the National Rural Telecommunications Cooperative (NRTC), Southwest Texas Communications is a distributor of Direct Broadcast Satellite (DBS) television programming services to rural consumers. We would appreciate our opinion being strongly voiced concerning the matter addressed in the attached letter.

Thank you for your attention in this matter.

Sincerely,



Steven Smart
General Manager

No. of Copies rec'd 1
List ABCDE

Your Authorized **DIRECTV** Distributor

JULY 22, 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

RECEIVED
AUG 3 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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, CS Docket No. 94-48.

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

However, despite passage of the 1992 Cable Act, my company'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 Time Warner/Viacom product, that subscriber must purchase a second subscription to the USSB service. This hinders 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 adversely affected my ability to compete against other sources for television in my area.

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, appearing to read "Steven Smart", written in a cursive style.

Steven Smart

cc:

The Honorable Representative Henry Bonilla

The Honorable Senator Kay Hutchison

William F. Caton, Secretary

The Hon. James H. Quello

The Hon. Andrew C. Barrett

The Hon. Susan Ness

The Hon. Rachelle B. Chong

Cumby Telephone Cooperative, Inc.

KAREN ZIMMERMAN
MANAGER

P.O. BOX 619 • 200 FRISCO
PHONE (903) 994-2211
CUMBY, TEXAS 75433

RECEIVED

AUG 2 1994

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

July 21, 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) 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.

Cumby Telephone Cooperative, Inc. is an NRTC rural telephone member and an investor in the DIRECTV project delivering television programming to the rural consumers in our area. A great many of these people are not served by cable.

The only alternative for these people to receive quality television programming is through satellite. However, despite passage of the 1992 Cable Act, my company'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 includes some of the most popular cable networks such as HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon, and others. These networks are only available 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 comparison, none of the programming distribution contracts signed by DIRECTV are exclusive in nature, and USSB is free to gain distribution rights for any of the channels available on DIRECTV.

There are other competitors in our area such as PrimeStar that has access to the Time Warner/Viacom programming and I don't understand how this can be a fair way of competing or to give our customers a choice of providers which would give them lower prices and improved service.

No. of Copies rec'd _____
List ABCDE _____