

EX PARTE OR LATE FILED

VIPNA

Video Information Providers for Non-discriminatory Access

DEC 13 1996

FCC MAIL ROOM

December 4, 1996

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, DC 20554

Re: Ex Parte Presentation in MM Docket 92-266

Dear Mr. Caton:

Pursuant to 47 C.F.R. § 1.1206, VIPNA (Video Information Providers for Non-discriminatory Access), submits this original and one copy of a letter and survey sent to the Commissioners and Rodney Macdonald, Cable Services Bureau.

Yours truly,

VIPNA

by *Karen M. Director*
Karen M. Director

Enclosure

cc: Reed Hundt
Susan Ness
Rachelle Chong
James Quello
Rodney Macdonald, Cable Services Bureau

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P.O. Box 4591
Chico, CA 95927
916.891.8410
Fax.891.8443

<http://www.videomaker.com/edit/distrib/>

EX PARTE OR LATE FILED

VIPNA

Video Information Providers for Non-discriminatory Access

RECEIVED

December 9, 1996 **DEC 13 1996**

FCC MAIL ROOM

Mr. Reed Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Re: Ex Parte Presentation in MM Docket 92-266

Dear Mr. Hundt:

I have enclosed the data we gathered from a recent survey (copy attached) of the top cable systems in the country. Our initial goal was to test the FCC's new 7-day time limit on cable operator responses to leased access requests. Although we received a reasonable percentage of responses, we found the content of those responses to be indicative of the cable operators' objective to limit competition in the leased access field. For example:

- Of the 149 systems queried, 23% did not respond to our request for rates. This indifference to FCC regulations should not be tolerated.
- 89 operators quoted fees that are higher than the implicit fee--an average of 507% higher than the legally mandated maximum.
- 82% of the operators require leased access programmers to purchase \$1,000,000 insurance policies. No other cable programmer or broadcaster, affiliated or not, is required to indemnify cable operators from liability. This tactic is clearly intended to obstruct leased access.
- Finally, only 8% of cable operators indicated that they are currently leasing capacity. This is not surprising when weighed against the exorbitant fees cable operators attempt to charge leased access programmers.

We urge the Commission to take a serious look at the results of this survey and consider meaningful rules that will make leased access the independent outlet that Congress intended. To continue to allow the cable operators to violate a federal mandate so flagrantly must not be tolerated.

Yours truly,

VIPNA

by

Karen M. Director

Enclosure

cc: Susan Ness
Rachel Chong
James Quello
William Caton
Rodney Macdonald, Cable Services Bureau

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DEC 13 1996
FCC MAIL ROOM

September 26, 1996

We would like to purchase leased access channel capacity on your cable system. Please send us the following information within seven business days of your receipt of this request:

1. a complete schedule of your full-time and part-time leased access rates;
2. how much of your leased access set-aside capacity is available;
3. rates associated with technical and studio costs; and
4. a sample leased access contract.

For items 1 through 3 above, please provide information for each of three program categories:

1. programming for which a per-event or per-channel charge is made;
2. programming more than 50% of the capacity of which is used to sell products directly to customers; and
3. all other programming.

If you are unfamiliar with the FCC's terms and conditions regarding commercial leased access, please refer to the Code of Federal Regulations, Title 47, Part 76, Subpart N, §76.970-76.977.

Thank you for your prompt reply.

Very Truly Yours,



Karen Director
Videomaker, Inc.