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

Federal Communications Commission  
Office of Secretary

In the Matter of	)	
	)	
1998 Biennial Regulatory Review	)	CS Docket No. 98-61
	)	
"Annual Report of Cable Television	)	
System", Form 325, filed pursuant to	)	
Section 76.403 of the Commission's Rules	)	

**REPLY COMMENTS OF AMERITECH**

Ameritech New Media, Inc. ("Ameritech"), hereby replies to the comments of the National Association of Broadcasters ("NAB") and the National Cable Television Association ("NCTA") filed on June 30, 1998, with respect to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above captioned proceeding.<sup>1</sup>

In the NPRM the Commission has proposed to eliminate or modify the collection of Form 325, "Annual Report of Cable Television Systems," as required by Section 76.403 of the Commission's Rules. Ameritech supports the elimination of Form 325 in its entirety because the data collection process is overly burdensome on the Commission and the cable industry and is unnecessary in that the key information required in the form is available from alternative sources. NCTA's Comments further support the elimination of Form 325 on these grounds.

Only the NAB "caution[s]" the Commission to refrain from dispensing with the collection of Form 325 because it fears that "reliable" data regarding cable usage and capacity will not be available to the Commission in the context of the forthcoming digital

<sup>1</sup>In the Matter of 1998 Biennial Review: "Annual Report of Cable Television System", Form 325, filed pursuant to Section 76.403 of the Commission's Rules, CS Docket. No. 98-61, Notice of Proposed Rulemaking, FCC 98-79 (rel. April 30, 1998) ("NPRM").

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television (“DTV”) must carry proceeding.<sup>2</sup> NAB’s fears are groundless and its request for immediate submission of cable system information on Form 325 is wholly unnecessary.

As Ameritech and NCTA have demonstrated, key information collected on Form 325 is available from alternative private sources, including A.C. Nielsen and Warren Publishing. The Commission’s reliance on the data collected by these private sources to support its analyses in its annual cable competition report to Congress<sup>3</sup> is evidence of the confidence the Commission has in accuracy of the data collected by these companies. Indeed, because the companies can compile cable system information on a quarterly basis, it may be more current, and thus more reliable, than the information that the Commission could gather on an annual basis through Form 325.<sup>4</sup>

To the extent the specific information sought by NAB regarding cable system capacity, in megahertz, and the systems’ compression of signals, is not reported in any commercial database, the FCC can request such information, should it be deemed necessary, in the context of the DTV must carry rulemaking. In addition, if such information proves necessary to the implementation of any, new must-carry obligation, the Commission can require cable systems to provide the information to broadcast stations in its final order.<sup>5</sup>

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<sup>2</sup> Comments of NAB at 1-2.

<sup>3</sup> *Fourth Annual Report, Annual Assessment of the Status of Competition in the Markets for the Delivery of Video Programming*, FCC 97-423 (rel. Jan. 13, 1998).

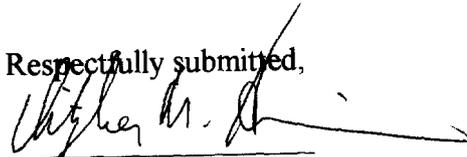
<sup>4</sup> Comments of NCTA at 8.

<sup>5</sup> See *Report and Order, Implementation of the Cable Television Consumer Protection and Competition Act of 1992*, FCC 93-144 (rel. March 29, 1993).

It would be highly inefficient for the Commission to retain Form 325, and the burdens the collection of this form imposes on the Commission and the cable industry, to support the limited purpose proposed by NAB. NAB's request is inconsistent with the mandate of the Paperwork Reduction Act and the deregulatory objectives of the 1996 Act, which support more targeted information collection requirements.<sup>6</sup>

For the reasons set forth above, the Commission should deny NAB's request and eliminate Form 325.

Respectfully submitted,



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July 15, 1998

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<sup>6</sup> Comments of Ameritech at 4-5.

CERTIFICATE OF SERVICE

I, Anisa A. Latif, do hereby certify that a copy of the foregoing Reply Comments of Ameritech New Media, Inc. has been served on the parties listed below, via first-class mail, postage prepaid, on this 15th day of July 1998.

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