

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
1998 Biennial Regulatory Review –)	CS Docket No. 98-132
Streamlining of Cable Television)	
Services Part 76 Public File and)	
Notice Requirements)	

REPLY COMMENTS OF
THE NATIONAL CABLE TELEVISION ASSOCIATION

The National Cable Television Association (“NCTA”), by its attorneys, submits the following Reply Comments in response to the comments submitted in the above-captioned proceeding.

I. THE COMMISSION SHOULD ADOPT CATA’S PROPOSAL TO RELOCATE PUBLIC FILE, NOTICE AND REPORTING REQUIREMENTS WITHIN PART 76

In its comments, NCTA endorsed the proposal of the Cable Telecommunications Association (“CATA”) to reorganize the Part 76 public file, notice and reporting requirements. NCTA noted these regulations are scattered throughout Part 76. As a result, it is unnecessarily difficult for interested parties to locate the regulations as they are needed. By reorganizing the identified regulations within Part 76 as proposed by CATA, the Commission will facilitate the use of these regulations by all interested parties.

Virtually all commenting parties endorse CATA’s proposal. They recognize that the adoption of CATA’s proposal will facilitate the use of the regulations by interested parties.

The one party objecting to the proposed changes, Morality in Media, does not explain its opposition. Rather, it merely “objects to any change in the provisions of Part 76 relating to the

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public inspection file as not in the public interest.”¹ This conclusory observation does not overcome the record established by the comments of other parties.

The adoption of the CATA proposal will result in the *relocation* of numerous rule sections into a rational set of categories. The proposed reorganization will assist cable operators, franchising authorities and others in locating the regulations. But it will not substantively alter any of the rules. Since the relocation of the regulations into rational categories will not substantively change the regulations, Morality in Media’s concern is entirely misplaced.

II. CABLE OPERATORS SHOULD BE GIVEN THE OPTION TO PRODUCE PUBLIC FILE INFORMATION, INSTEAD OF MAINTAINING SPECIFIC PUBLIC FILES

The Commission proposes to grant cable operators the option of producing public file information in response to a request, instead of requiring the maintenance of a specific public file. The Commission should adopt this proposal.

In support of the proposal, TCI contends that this rule change would significantly reduce the costs incurred by cable operators of complying with the Commission’s regulations. The change is particularly warranted because the information kept by cable operators in the public file “is rarely, if ever, sought.”² And, according to TCI, the goals of the public file requirement will be achieved because cable operators will still be required to make this information available to the public upon request.

The biennial review process requires that the Commission balance the benefits derived from particular regulatory process against their costs. It is clear that maintaining rarely used public files imposes significant costs upon cable operators without achieving any corresponding

¹ Comments of Morality in Media, Inc., CS Docket No. 98-132, Sept. 10, 1998, at 1.

² Comments of Tele-Communications, Inc., CS Docket No. 98-132, Sept. 10, 1998, at 3 (citation omitted).

benefits. By replacing the public file requirement with a procedure that enables interested parties to obtain public file information upon request, the Commission will remove a significant regulatory burden while at the same time ensuring that the information will be available whenever it is necessary to those who need it.

III. PLACEMENT OF PUBLIC FILE INFORMATION ON THE INTERNET SHOULD BE DISCRETIONARY, NOT MANDATORY

Ameritech New Media (“Ameritech”) endorses a proposal described in the Notice under which cable operators would place public file information on the Internet. Ameritech contends that the provision of public file information on an electronic basis may be a cost-effective means of enabling cable subscribers to access these files. In its comments, the company asks that cable operators be given the option, “in lieu of maintaining ‘hard copy’ public files, of posting these, enumerated public inspection records in electronic format on the company’s web site.”³ CATA opposes any obligation to provide public file information on the Internet, but supports the optional provision of public file data via these means.⁴

Media One Group (“Media One”) opposes Ameritech’s proposal as described in the Notice. It points out that while establishing an Internet web site for these purposes may have some facial appeal, maintaining a site for public file records that must be constantly updated requires substantial resources. As Media One observes,

These resources are not inexpensive and are currently in high demand. Providing on-line access to many of the records required under the Commission’s rules will be extremely difficult as they come from a variety of sources and in formats which do not lend themselves to placement directly on a web site. Making such documents compatible with access via the Internet will require significant reformatting, retyping or document scanning, all of which add significant administrative costs

³ Comments of Ameritech, CS Docket No. 98-132, Sept. 10, 1998, at 4.

⁴ Comments of the Cable Telecommunications Association, CS Docket No. 98-132, Sept. 10, 1998, at 2.

and overhead. Additionally, the creation and updating of an Internet web site requires specialized training and knowledge. Many cable operators, especially small ones, do not have the resources or expertise in-house to maintain or establish such a web site⁵

Media One further points out that Ameritech's proposal, if implemented, will place significant new burdens on cable operators, and these burdens will be particularly costly and onerous for small operators, many of whom do not maintain their own website, or have the resources to identify, collect, scan and organize a website. Moreover, many customers may not yet have access to the Internet.

Consequently, and consistent with the goal of reducing administrative burdens while improving access to information, the Commission should permit but not require the provision of Part 76 public file information on a company's website.

CONCLUSION

For the foregoing reasons, the Commission should adopt regulations and policies as proposed herein.

Respectfully submitted,



Daniel L. Brenner
David L. Nicoll
1724 Massachusetts Avenue, NW
Washington, DC 20036
(202) 775-3664

Counsel for the National Cable Television
Association

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⁵ Comments of Media One Group, Inc., CS Docket No. 98-132, Sept. 10, 1998, at 9.