

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

RECEIVED

OCT 13 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Carriage of the Transmissions)
of Digital Television Broadcast Stations)

CS Docket No. 98-120

Comments of A&E Television Networks

Nickolas Davatzes
President and
Chief Executive Officer
A&E Television Networks
235 East 45th Street
New York, NY 10017
(212) 210-1400

October 13, 1998

No. of Copies rec'd
List ABCDE

019

TABLE OF CONTENTS

	Page
Executive Summary.....	iii
I. OVERVIEW: THE PUBLIC INTEREST IN PERSPECTIVE	5
A. Cable Programming and the Public Interest.....	6
B. The Public Interest and Digital Must Carry Requirements.....	13
C. Statutory and Policy Considerations Affecting the Public Interest	16
1. Purposes of Must Carry Under the 1992 Cable Act.....	16
2. Policies Underlying the Conversion to Digital Television	19
D. Digital Must Carry Proposals are Unsupported by Statutory Policies	21
1. None of the 1992 Act's Policies Are Relevant to Digital Must Carry	22
2. Digital Must Carry Directly Conflicts With the Purposes of Analog Must Carry	23
3. Congress Has Never Concluded that Digital Must Carry is Necessary or Would Serve the Public Interest.....	27
II. THE COMMISSION HAS NO LEGAL BASIS FOR IMPOSING DIGITAL MUST CARRY REQUIREMENTS.....	30
A. There is No Statutory Authorization for Digital Must Carry	30
B. Digital Must Carry Rules Would Violate the First Amendment	33
1. Litigation Over Must Carry Rules Established Heightened Scrutiny as the Relevant First Amendment Standard and Did Not Address the Constitutionality of Carriage Requirements Outside the Analog Context.....	33

2.	The Commission Faces a Heavy Burden to Prove That The Need For Digital Must Carry Is Real And Not Conjectural.	35
3.	The Commission Faces a Heavy Burden to Prove That Digital Must Carry Rules Will Serve the Asserted Interests in a Direct and Material Way.....	37
4.	The Commission Faces a Heavy Burden to Prove That Digital Must Carry Requirements Do Not Impose an Excessive Burden on the Speech of Others.....	39
III.	DTV MUST CARRY REQUIREMENTS WOULD NOT BE SOUND PUBLIC POLICY	42
A.	Digital Must Carry Would be Fundamentally Unfair.....	42
B.	Digital Must Carry Would Not Benefit Consumers.....	43
	CONCLUSIONS	45

Executive Summary

In any must carry scheme, “[b]roadcasters, which transmit over the airwaves, are favored, while cable programmers, which do not, are disfavored.” *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 645 (1994). In seeking comments on the various must carry proposals for digital broadcast signals, the Commission is, in essence, asking cable programming networks to consent to second class status under the law. A&E Television Networks believes that such diminished status is both unjust and unjustified.

Despite the inherent ambiguity of the Commission’s statutory mandate to serve the “public interest,” it has never been doubted that the emergence of cable television programming networks, such as A&E Network and The History Channel, has enriched the marketplace for video programming. The development of such networks serves the Commission’s traditional notions of the public interest, and recent studies demonstrate that cable programming networks have vastly expanded the amount and diversity of public interest programming. The Commission repeatedly has recognized the important public interest value of encouraging the growth and development of cable programming, and has adjusted its policies to avoid undermining its availability. However, notwithstanding such clear benefits, the Commission in this proceeding is placing the future viability of cable programming at risk, with no demonstrable public interest benefit in return from must carry requirements.

The statutory goals of must carry in the 1992 Cable Act will not be served by digital must carry requirements. Congress adopted must carry requirements in 1992

in order to preserve the system of free over-the-air broadcasting, to ensure a multiplicity of sources of video programming, and to promote fair competition among providers of video programming. When it adopted digital broadcasting policies, on the other hand, the FCC claimed as its objectives encouraging the provision of new technologies and services to the public through the introduction of digital broadcasting, ensuring that the rules encourage technological innovation and competition, minimizing regulation, and promoting the smooth introduction of digital service. Whether or not these are worthy policy goals, it must be acknowledged that none of the statutory purposes articulated in the 1992 Cable Act are among them. Whereas the overriding purpose of analog must carry rules was to help the least affluent television viewers, the purpose of digital must carry would be to promote a form of television service that will initially be available only to the very richest in the audience. Similarly, while analog must carry sought to protect the most marginal broadcasters, the digital broadcasting transition schedule focuses on implementation in the largest markets first by affiliates of the largest broadcast networks.

Perhaps more significantly, must carry rights for digital broadcast transmissions would actually undermine the policy goals of the 1992 Cable Act. The central purpose of analog must carry, in addition to preserving access by noncable households, was to increase the availability of video voices and to preserve competition in the video services market. However, by reducing the number of channels available for carriage of cable programming networks, digital must carry would cause a marked reduction in the number of voices to reach the public. This impact on the availability of

cable programming is far more pronounced in the digital context than it was in the case of analog must carry. The FCC has acknowledged that during the transition period to digital there will be twice as many stations as are now in operation or will be in operation after the transition. Must carry requirements will make the market for video programming less competitive, not more so, contrary to the purpose of the 1992 Cable Act.

Additionally, cable subscribers whose existing channel line-ups would be disrupted by digital must carry obligations would not receive more and different programming in exchange. Quite to the contrary, they would receive far less, since digital signals initially will be received in only a few households. And even in that minority of homes that are equipped with new, expensive digital receivers, there will be a huge reduction in the diversity of information provided because the content provided on the digital and analog channels increasingly will be simulcast, as required by FCC rules. Accordingly, requiring the replacement of valuable cable networks with redundant digital broadcast signals would be antithetical to the express policies of the 1992 Cable Act.

The inconsistency between digital must carry and the policies of the 1992 Act demonstrates that the Commission lacks statutory authority to adopt digital carriage requirements. Although Section 614(b)(4)(B) of the Cable Act requires the FCC to initiate a proceeding, both the statutory language and the legislative history indicate that the provision relates to technical standards and signal quality. There is nothing to suggest that Congress intended to empower the FCC to double the current must carry

obligation, particularly since other provisions of the 1992 Act directly contradict the digital broadcasting requirements. For example, the non-duplication requirements of Sections 614 and 615 of the 1992 Act undercut any arguments in favor of digital must carry.

In addition, any digital must carry requirements would be likely to fail First Amendment scrutiny. The Supreme Court established the principle that must carry regulations are subject to heightened First Amendment scrutiny, and that the government has the burden of proof to justify new rules. In adopting any must carry requirements, the government is obligated to prove that any such rules will serve the stated interest in a direct and material way and the rules cannot restrict more speech than necessary to serve the stated interest. Here, there is little reason to believe that mandatory carriage requirements are necessary to serve the government's stated interests. Not only would digital must carry requirements fail to serve statutory goals, as noted above, but non-regulatory solutions make regulatory intervention unnecessary. Technical and market factors will play the most significant role in the success or failure of digital broadcasting, making any reliance on must carry superfluous.

To the extent such non-regulatory means are available to serve the government's interest, any burden on the speech of cable programmers is excessive. Moreover, the Commission has warned that under a digital must carry requirement cable operators could be required to carry double the amount of television stations, that will eventually carry identical content, while having to drop various and varied cable

programming services where channel capacity is limited. It is clear that granting full must carry rights to eligible broadcasters would require the sacrifice of a staggering number of existing cable networks. In the New York market alone, 584 channels would be needed to satisfy the demand for digital must carry. Since only 130 open channels are currently available in the various local cable franchises, 454 existing cable channels now carried in the New York DMA would have to be cut, assuming all broadcasters are accommodated. In the top 10 broadcast markets, 5790 existing channels would be lost. These estimates assume that all broadcast stations would gain must carry rights for both their analog and digital signals. Such damage may be mitigated to the extent must carry obligations are reduced by statutory limits on the number of channels devoted to must carry, but this would also diminish any purported benefit to digital broadcasting.

Apart from constitutional and statutory concerns, digital must carry obligations would be bad public policy. Granting must carry rights to broadcasters for their digital transmissions in addition to their existing analog must carry rights would severely disadvantage cable networks compared to broadcasters. Unlike broadcast stations, which are licensed by the government to transmit directly to the public, cable networks have no alternative way to reach the public. Perpetuating such unequal treatment is both unnecessary and unjust. Worse still, it is doubtful that digital must carry requirements would provide a meaningful benefit even to those viewers that the rules would be designed to serve. As a matter of established regulatory policy, the Commission considers the desires of cable subscribers to be irrelevant to the

application of the [must carry] rules.” *Quincy Cable TV, Inc. v. FCC*, 768 F.2d 1434, 1453 (D.C. Cir. 1985), *cert. denied*, 476 U.S. 1169 (1986). This stands in sharp contrast to the Commission's usual public interest mantra, that it is “the right of the viewers and listeners . . . which is paramount.” *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969).

programs and specials. Over 80 percent of A&E's prime time schedule consists of original productions. In addition, *A&E Classroom* was cited by Vice President Al Gore for its innovative, and educational role in supporting Cable in the Classroom.^{3/} A&E's original productions, such as the two-part, four-hour special *The Rise of Christianity: The First Thousand Years*, scheduled for November, underscore the network's commitment to education. In addition, A&E is producing a record number of original films. Original A&E productions scheduled to premiere in 1999 include *Dash and Lilly*, an original film about writer Dorothy Parker starring Bebe Neuwirth; a mini-series on the life of P.T. Barnum; *Murder in a Small Town*, starring Gene Wilder; and Edgar Allen Poe's *The Murders in the Rue Morgue*.

On January 1, 1995, AETN launched The History Channel. The History Channel is a unique, high-quality programming service featuring historical documentaries, movies and miniseries placed in historical perspective. Audiences have responded to the quality nature of the programming: History now has over 50 million subscribers. History is noted for its original programming. Currently, 75 percent of the prime time schedule consists of original programming -- an increase of 88 percent since 1997. Recent original programs include specials such as *The Mercury 13: Secret Astronauts*, premiering October 13, which examines why America's first female astronaut corps never had a chance to go into space; *Coming Home: The Veteran Experience in America*, a two-hour documentary which debuts November 8; and *The Century: America's Time*, a fifteen and

^{3/} Remarks of Vice President Al Gore, National Cable Television Association Convention, Los Angeles, California, April 29, 1996.

one-half hour historical journey through the 20th Century, which premieres in Spring 1999. Information on these and other high quality original programs is contained in Appendix I.

AETN's Position in This Proceeding: In the *Notice* in this proceeding, the Commission concluded that it has "broad authority to define the scope of a cable operator's signal carriage requirements" during the transition to digital broadcasting, *Notice* at ¶ 13, and it proposed seven alternative plans, all but one of which would impose some form of must carry. In seeking comments on all but the "no must carry" option, the Commission is, in essence, asking cable programming networks to consent to second class status under the law. For reasons described more fully below, AETN believes that such diminished status is both unjust and unjustified.

There is no question about what must carry means to cable programmers. The Supreme Court described the issue succinctly -- that "[b]roadcasters, which transmit over the airwaves, are favored [in a must carry scheme], while cable programmers, which do not, are disfavored." *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 645 (1994) ("*Turner I*"). Indeed, Justice O'Connor pointed out that the must carry requirement of the 1992 Cable Act "deprives a certain class of video programmers -- those who operate cable channels rather than broadcast stations -- of access to over one-third of an entire medium," and that the rules "ensure[] that in most cases it will be a cable programmer who is dropped and a broadcaster who is retained." *Id.* at 675 (O'Connor, J., concurring in part and dissenting in part). This leads to the sacrifice of cable programming services "in favor of a broadcaster that is less appealing to the viewers." *Id.*

Thus, from the perspective of cable networks, “[t]he controversial judgment at the heart of [must carry] is not that broadcast television has some value -- obviously it does -- but that broadcasters should be preferred over cable programmers.” *Id.* at 679. Whatever else may be at issue in this proceeding, AETN cannot agree that the public interest supports a policy that forces it and all other cable speakers to the “back of the bus” on any video delivery system.

In addition, AETN believes that there are fundamental public policy questions at issue here that should lead the Commission to rethink its tentative conclusion that must carry requirements are authorized -- or even would be helpful -- during the transition to digital broadcasting. The policies underlying analog must carry rules and the transition to digital television (“DTV”) are completely at odds. First, while analog must carry rules were adopted primarily to help television viewers who cannot afford subscription television, DTV is aimed at affluent “early adopters” who can afford to spend thousands of dollars on a new television set. Second, whereas must carry rules were justified based on the needs of marginal television stations, the early phase-in of DTV focuses on the largest network affiliates in the large metropolitan markets. For these and other reasons, the policy justifications for analog must carry rules are not relevant, and in some instances are undermined by, the current proposals for digital must carry. Accordingly, it is extremely doubtful that digital must carry requirements are within the existing statutory mandate, or would be constitutional if adopted. Finally, there is no indication that must carry requirements will be effective in the digital context. Many other factors will determine the success or failure of DTV, beginning with the actions of the

broadcasters themselves. In these circumstances, there is no basis for the Commission to conclude that digital must carry requirements would serve the public interest.

I. OVERVIEW: THE PUBLIC INTEREST IN PERSPECTIVE

Chairman Kennard recently confirmed what is implicit in the Communications Act: The FCC “must ensure that the public interest is paramount” in resolving regulatory issues relating to digital television, including the current questions involving possible must carry rules. ^{4/} Unfortunately, reference to the “public interest” does not necessarily provide clear guidance, since this statutory standard suffers from a pronounced “eye-of-the-beholder” problem. Former FCC Commissioner Glen O. Robinson has noted the frequent criticism that the public interest standard “is vague to the point of vacuousness, adding that “[w]hat the act itself does not define, the legislative history does not illuminate.” ^{5/} Similarly, prominent communications lawyers have suggested that “[p]erhaps no single area of communications policy has generated as much scholarly discourse, judicial analysis, and political debate over the course of the last 70 years as has that simple directive to regulate in ‘the public interest.’” ^{6/} This ambiguity regarding where the public interest lies is reflected in the instant proceeding

^{4/} Remarks of William E. Kennard, Chairman, Federal Communications Commission, at the International Radio and Television Society, New York City, Sept. 15, 1998.

^{5/} Glen O. Robinson, *The Federal Communications Act: An Essay on Origins and Regulatory Purpose* in A LEGISLATIVE HISTORY OF THE COMMUNICATIONS ACT OF 1934 (Max Paglin, ed. 1989) p. 14.

^{6/} Erwin G. Krasnow and Jack N. Goodman, *The “Public Interest” Standard: The Elusive Search for the Holy Grail*, FED. COMM. L. J. 605, 606 (May 1998).

regarding carriage obligations for digital broadcasting. As the Commission has recognized, this proceeding presents a host of competing public interest considerations. *Notice* ¶ 16. Such ambiguity notwithstanding, the FCC has long understood that “the ‘public interest’ standard necessarily invites reference to First Amendment principles,” ^{7/} and that Commission policies should seek to encourage an abundance of quality programming from multiple sources. ^{8/} In this regard, the emergence of cable television programming networks has been responsible for a rebirth of the concept of public interest programming. Consequently, at a minimum, the Commission should resolve to “do no harm” ^{9/} in this proceeding to those entities that provide an indisputable contribution to the public interest -- programming networks.

A. Cable Programming and the Public Interest

The concepts of “quality programming” and “diversity” are frequently invoked in FCC proceedings, but have not always been well defined or described in terms of the real world. Consequently, to avoid this problem in the current proceeding, it is incumbent upon all participants, including the Commission, to specifically set out what they mean by the “public interest” and to explain how it will be served by the policies they

^{7/} *CBS, Inc. v. Democratic National Committee*, 412 U.S. 94, 122 (1973).

^{8/} *WNCN Listener's Guild*, 450 U.S. 582, 595-566 (1981) (such public interest determinations may rely on market forces).

^{9/} *Cf. Denver Area Educational Telecommunications Consortium v. FCC*, 116 S. Ct. 2379, 2403 (1996) (Souter, J., concurring).

advocate. 10/ Here, the public interest value of cable programming is best understood by discussing illustrative examples instead of abstract policy goals.

In this regard, there is no dispute but that the emergence of cable television programming networks, such as A&E Network and The History Channel, has enriched the marketplace for video programming and that this development serves the Commission's traditional notions of the public interest. This was documented in a recent study of cable television systems by Professor Eli Noam of Columbia University, who found that public interest programming (defined as programming that goes beyond pure entertainment and provide a cultural, civic, informational or educational function) "has been growing at a rapid rate." 11/ Professor Noam identified a significant number of cable television networks that provide what he considered to be public interest programming, including A&E, The History Channel, Bravo, C-SPAN, CNN, CNBC, Court TV, Disney, Discovery, The Fox News Channel, The Learning Channel, The Weather Channel, Mind Extension University and others, including regional news channels. In total, the number of channels

10/ See *HBO, Inc. v. FCC*, 567 F.2d 9, 28 (D.C. Cir. 1977) (citation omitted) ("Insofar as the Commission places reliance on such conclusory phrases as 'enhance the integrity of broadcast signals,' we think it has crossed 'the line from the tolerably terse to the intolerably mute.'"). In the EEO context, the United States Court of Appeals for the D.C. Circuit noted that the FCC "never defines exactly what it means by 'diverse programming,'" and described the government's formulation of the interest as "too abstract to be meaningful." *Lutheran Church-Missouri Synod v. FCC*, 141 F.3d 344, 354 (D.C. Cir. 1998), *rehearing denied*, ___ F.3d ___, 1998 WL 611112 (D.C. Cir. 1998).

11/ Eli Noam, *Public Interest Programming by American Commercial Television* at 39 (Paper presented at the Future of Public TV conference, New York City, March 6, 1998) at 1. The study examined the growth of public interest programming available on cable television systems in New York City between 1969 and 1997. See *Role of Commercial TV in Public Interest Programming Hotly Debated*, COMMUNICATIONS DAILY (March 9, 1998).

found to provide “primarily public interest programming” was considered to be quite large, representing almost half of the available cable channels considered in the study. 12/ As Justice O’Connor noted in *Turner I*, such cable programming networks have “as much claim as PBS to being educational or related to public affairs.” 13/

Professor Noam also attempted to quantify the growth rate of “public interest” programming availability, and found that the annual growth rates for various programming categories were “extraordinarily high,” such as 12.86 percent for news programs, 13 percent for documentary and magazine programs, 12.4 percent for health/medical programs, 12.7 percent for programs on science and nature, 8.8 percent for cultural programs, 7.62 percent for quality children’s programming, 9.41 percent for programs devoted to education, 8.8 percent for religious programming, and 9.48 percent for foreign language programming. 14/ Overall, he found that the share of public interest programming hours compared to total program hours grew from 28.2 percent to 43 percent between 1969 and 1997. 15/

12/ *Id.* at 44.

13/ *Turner I*, 512 U.S. at 681 (O’Connor, J., concurring in part and dissenting in part). See also *City of Los Angeles v. Preferred Communications, Inc.*, 476 U.S. 488, 494 (1986) (cable programmers and operators “[s]eek to communicate messages on a wide variety of topics and in a wide variety of formats”); *Quincy Cable TV, Inc. v. FCC*, 768 F.2d 1434, 1452 (D.C. Cir. 1985) (“operators now select from ‘a rich variety’ of additional options, including locally originated cablecasts”).

14/ Noam, *supra* at 41.

15/ *Id.* at 43.

It is important to note that this meritorious programming developed in the cable television marketplace without any federal regulatory requirements mandating the transmission of “public interest programming.” This stands in sharp contrast to the broadcast experience in which there is a history of federal content regulation. ^{16/} And, despite regulatory requirements for broadcasters, it was never suggested during the must carry litigation that “broadcast programming is any more ‘local’ or ‘educational’ than cable programming.” *Turner I*, 512 U.S. at 648. See, e.g., Notice ¶ 16 (“Broadcasting may not be the only source of local programming as cable operators have developed local news channels and public, educational, and governmental access channels, which provide highly localized content, have multiplied in the past six years.”).

The Commission repeatedly has recognized the important public interest value of encouraging the growth and development of cable programming, and has adjusted its policies to avoid undermining its availability. For example, rate regulations adopted pursuant to the 1992 Cable Act, initially failed to incorporate provisions that would encourage operators to add new channels to their systems. ^{17/} When the

^{16/} As the Supreme Court pointed out in *Turner I*, “broadcast programming, unlike cable programming, is subject to certain limited content constraints imposed by statute and FCC regulation.” The Court identified educational programming requirements, restrictions on indecent broadcasts, reasonable access requirements for federal political candidates, personal attack rules and general public interest requirements as examples of broadcast content controls. 512 U.S. at 649-650 & n.7 (emphasis added).

^{17/} Under the FCC's initial rate regulations, the only vehicle for operators to recover costs of adding new channels was the unwieldy cost-of-service methodology, which was unavailable to many operators because of the structure of the cost-of-service rules. The rules had created an artificial bottleneck that was stalling new launches and stifling existing services.

Commission became aware of this problem, it took remedial action. Specifically, the FCC developed “going-forward” rules to provide incentives for cable operators to add channels to their systems. Citing its concern that then-current rules “may not provide sufficient incentives for systems with more than 12 current channels to add new channels,” the FCC revised its rules “[b]ecause appropriate incentives for adding new channels serves the statutory goal of ‘promot[ing] the availability to the public of a diversity of views and information.’” 18/ The revised “going-forward” rules were designed to “benefit consumers by assuring that operators will have incentives to add new services” 19/

Also as part of the “going forward” rules, the Commission created “new product tiers” (“NPTs”), tiers consisting exclusively of new services (and other services already carried on other tiers). NPTs were designed to “provide additional incentives for operators to provide new services to consumers because operators will be permitted to price these tiers as they choose.” 20/ When the FCC created NPTs, it acknowledged the shortage of channel capacity for new services and ruled that the public interest would be served by policies that seek to “create additional capacity for new services” on cable systems. It sought to help programmers “establish an audience for their new channels.” 21/

18/ *Rate Regulation, Sixth Order on Reconsideration, Fifth Report and Order, and Seventh Notice of Proposed Rulemaking*, 10 FCC Rcd 1226 at ¶ 8 (1995).

19/ *Id.* at 1248.

20/ *Id.* at 1234.

21/ *Id.* at 1235-36. The FCC also adopted special rate regulations for small operators to encourage the addition of channels. Specifically, small system operators were

In addition to modifying the "going forward" rules to coincide with the goal of promoting diversity, the FCC has issued a number of declaratory rulings and waivers crafted to facilitate launches of new programming services. For example, the FCC waived the rules to permit cable operators to pass through immediately the launch costs for one new service where the rules would have otherwise required a waiting period before those costs could have been recovered by cable operators. 22/

In another effort to relieve disincentives to add new programming networks to cable systems, the FCC developed the concept of flexible "social contracts." The Commission entered into social contracts with a number of cable operators for the purpose of resolving rate complaints, many of which provide for the creation of migrated product tiers ("MPTs"). 23/ The FCC created NPTs and MPTs "to expand the programming choices available for subscribers." 24/ The FCC was willing to offer

permitted to use a streamlined cost-of-service methodology to justify rate increases based on channel additions. *Id.* at 1257-59.

22/ *Letter to Robert Corn-Revere from Alexandra M. Wilson* (released April 19, 1994). In another ruling, the FCC determined that marketing expenses for which cable operators were reimbursed by a programmer did not have to be offset against increases in programming costs for calculation of external cost pass-throughs. *Letter to Frederick Kuperberg from Kathleen M. H. Wallman*, 9 FCC Rcd. 7762 (CSB 1994). The FCC also relaxed notice requirements to facilitate new launches. *See, e.g., Letter to Michael Ruger from Meredith J. Jones*, 10 FCC Rcd. 3207 (CSB 1995).

23/ *See, e.g., Cox Communications, Inc. Social Contract*, 11 FCC Rcd. 1972, 1985 (1996).

24/ *Id.* Migrated product tiers permit operators more flexibility than "new product tiers" because programming services may be moved from a regulated tier to a migrated product tier. New product tiers, on the other hand, consist only of new services and services carried duplicatively from other tiers.

operators the flexibility to combine established anchor programmers with new programmers to create a more attractive package, and to apply a relaxed level of rate regulation to these packages, again demonstrating a commitment to fostering diversity on the part of the FCC.

The “social contracts” that resolved rate regulation disputes are an example of serving the public interest by forbearing from imposing regulatory mandates. The Commission concluded that it “may conduct its proceedings in such a manner as will best conduce to the proper dispatch of business and to the ends of justice. . . .” 25/ The Commission found that its goals to “simplify” regulation and “afford adequate protection for subscribers [and others]” were served by a flexible approach, rather than by strict application of regulation. 26/

The Commission similarly implemented the same type of balancing in implementing new rules for leased access channels. The Cable Services Bureau had initially proposed to use a cost/market-based approach to establish maximum permitted rates for leased access channels. 27/ However, the Commission ultimately opted to base leased access rates on the average implicit fee for similar channels. 28/ In its decision to

25/ *Comcast Cable Communications, Inc., Final Resolution of Cable Programming Service Rate Complaints, Order*, 11 FCC Rcd. 4029 (1996), citing Communications Act § 4(j), 47 U.S.C. § 154(j).

26/ *Id.* at 4033.

27/ *Order on Reconsideration of the First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd. 16934, 16953 (1996).

28/ *Second Report and Order and Second Order on Reconsideration of the First Report and Order*, 12 FCC Rcd. 5267, 5282 (1997).

reject the cost/market-based rate setting methodology, the Commission cited both its desire to promote the “growth and continued development of cable systems,” and its desire to avoid “requiring the operator to bump existing programming.”^{29/} This regulatory action exemplifies the type of flexible rulemaking that takes into account the potential detrimental effect of FCC rules on cable television programming.

B. The Public Interest and Digital Must Carry Requirements

The *NPRM* in this proceeding is premised on the assumption that the Commission has “broad authority to define the scope of a cable operator’s signal carriage requirements during the period of change from analog to digital broadcasting.” *Notice* at ¶ 13. Based on this assumption, the FCC asked for comment on seven distinct policy options:

- **The Immediate Carriage Proposal.** This would require all cable systems, regardless of channel capacity constraints, to carry all digital commercial television stations up to the one-third capacity limit of the statute. The *NPRM* states that this would assure digital broadcasters of reaching the audience they are licensed to serve, but notes that significant cable channel disruptions may occur as operators would have to drop existing cable programming services to accommodate the carriage of digital television signals.
- **The System Upgrade Proposal.** This alternative would require that only higher channel capacity systems add television stations as they commence digital operations. The *Notice* asks whether the carriage obligation should be triggered when systems reach 750 MHz, or some lesser capacity (e.g., 450 MHz). The *Notice* seeks information on the expected growth rate for cable channel capacity between now and 2003, when most digital television stations are required to commence operation.
- **The Phase-In Proposal.** Noting that an immediate carriage requirement could be “highly disruptive to cable subscribers,” the “phase-in” option would require cable systems commence some carriage of digital broadcast stations as they begin transmission, but limit that number to avoid excessive disruption. Under

^{29/} *Id.* at 5281.

this option, the Commission proposes that 3-5 channels be added each year until all digital television stations are carried. The *Notice* seeks comment on various aspects of this proposal, including how to determine which digital television stations would have priority.

- **The Either-Or Proposal.** This option would require broadcasters to choose mandatory carriage for either the analog signal or the digital transmission, but not both during the early years of the transition period. In the year 2005, when the 100% simulcast rule goes into effect, the mandatory carriage option would default to the digital transmission.
- **The Equipment Penetration Proposal.** Under this option, the Commission asks the extent to which any carriage obligation should be triggered before any significant number of consumers have digital receivers or converter boxes. It asks for a comment on what level of penetration (e.g., 5% or 10%) should trigger any obligation.
- **The Deferral Proposal.** Under this option, the FCC would defer implementation of mandatory digital broadcast carriage requirements during the transition period. It suggests one possible date for implementation as May 1, 2002, which coincides with the date that non-network affiliates and stations in smaller markets are required to initiate digital service. The Commission notes that this option would allow cable operators and broadcasters to find a successful business model for digital television and would provide time for voluntary negotiations over carriage. It would also provide some time for the price of digital televisions to drop.
- **The No Must Carry Proposal.** Under this option, must carry requirements would not apply at all during the digital transition period. Under this approach, digital broadcasters would not have must carry rights until the transition period ended.

The common theme running through all of the regulatory options listed in the *Notice* is the assumption that the Commission must strike a balance between the public interest value inherent in cable programming services and the need to promote digital broadcasting. At one end of the spectrum, the "immediate carriage proposal," the Commission assumes that significant disruption of established programming services would occur, but that the development of digital television would be worth the cost. At the other end, the the Commission assumes that "no must carry proposal" would fail to serve

the public interest or would exact too high a price. The options in between -- the "system upgrade proposal," the "phase-in proposal," the "either-or proposal," the "equipment penetration proposal," and the "deferral proposal" -- seek to split the difference in terms of costs and benefits.

The Commission's approach in the *NPRM* assumes that the public interest tradeoffs contemplated in the alternative must carry options are based on values that are clearly established as a matter of law and policy. However, it is far from clear that this conclusion is warranted. By its previous actions, the FCC has demonstrated its commitment to the public interest value of cable television programming. And it has done so in the face of countervailing regulatory demands, even when the regulations at issue were prescribed by statute. In certain cases, those values, such as a desire for competitive rates for cable television service, were fully articulated by Congress. By sharp contrast, the interests underlying possible carriage requirements for digital broadcast signals have not been well articulated, nor have they been adopted by Congress. Here, there is no basis for trading off the clear benefits provided by established programming services for the vague and uncertain values to be served by the various proposed carriage mandates. Accordingly, the public interest presumption should be against carriage requirements, not in their favor. This conclusion is reinforced by careful examination of the policy justifications for analog must carry, as contrasted with the FCC's justifications for digital television.

C. Statutory and Policy Considerations Affecting the Public Interest

In the *NPRM* the Commission concluded that it has statutory authority to define the scope of a cable operator's signal carriage requirements for digital broadcasting. Notice at ¶ 13. However, in order to understand how, or even whether, the DTV carriage proposals would address established policy interests, as well as the strength of those interests, it is necessary to examine the underlying purposes of the existing must carry requirements as well as the goals of the digital television proceeding.

1. Purposes of Must Carry Under the 1992 Cable Act.

In the 1992 Cable Act, Congress adopted must carry requirements to serve a specific purpose. Congress articulated the following interests in support of analog must carry requirements:

- To preserve the system of free over-the-air broadcasting;
- To ensure a multiplicity of sources of video programming; and
- To promote fair competition among providers of video programming.

Conf. Rpt. 102-862, 102nd Cong., 2d Sess. (1992) at 58. These purposes were recited in the text of the Cable Act itself. See Cable Television Consumer Protection and Competition Act of 1992, §§ 2(a)(1) - (21); *Turner Broadcasting System, Inc. v. FCC*, 117 S. Ct. 1174, 1186 (1997) ("*Turner II*"); *Turner I*, 512 U.S. at 662. In a nutshell, must carry was created by Congress to help preserve marginal television stations that could not take advantage of retransmission consent opportunities, and to assist television viewers that rely on free over-the-air television for their video delivery service.

The Supreme Court's review of the Cable Act and its legislative purpose led it to conclude that "Congress' *overriding objective* in enacting must-carry" was "to

preserve access to free television programming for the 40 percent of Americans without cable.” ^{30/} The government’s stated interest in adopting must carry was to protect noncable households “from loss of *regular* television broadcasting service.” *Turner II*, 117 S. Ct. at 1186 (emphasis added). The manifest purpose of the law was to preserve a source of programming to less affluent television viewers. Quoting the legislative findings, the Supreme Court pointed to the substantial governmental interest “in promoting the continued availability of such free television programming, *especially for viewers who are unable to afford other means of receiving programming.*” *Turner I*, 512 U.S. at 646 (emphasis added) (quoting Cable Act § 2(a)(12)). See also *id.* at 647 (same), 649 (purpose of must carry rules was “to ensure that all Americans, *especially those unable to subscribe to cable, have access to free television programming*”) (emphasis added). This, according to the Court, was the “overriding congressional purpose” of must carry. ^{31/}

Similarly, from a business perspective, must carry rules were intended to assist the poorest broadcasters. The Supreme Court noted that must carry rules were designed to serve the perceived needs of the weakest broadcasters. *Turner I*, 512 U.S. at 673 (Stevens, J., concurring) (must carry primarily “assist[s] those broadcasters who

^{30/} *Turner I*, 512 U.S. at 646 (emphasis added); *Id.* at 663 (citation omitted) (“nearly 40 percent of American households still rely on broadcast stations as their exclusive source of television programming”).

^{31/} *Id.* at 647. Even before the 1992 Act, must carry rules were justified to help viewers “who could not afford the more expensive video services.” *Quincy Cable TV*, 768 F.2d at 1444.

are most in jeopardy;" "those broadcasters who gain access [to cable systems] via the . . . must-carry route are apt to be the most economically vulnerable ones").

Congress was concerned about increasing the number of voices in the video marketplace, and specifically took notice of "barriers to entry for new programmers and a reduction in the number of media voices available to consumers." *Turner I*, 512 U.S. at 634 (quoting Cable Act, § 2(a)(4)). ^{32/} It based its support for must carry requirements upon the belief that the broadcast industry was in "economic peril." *Id.* at 658. Although Congress sought to "preserve the existing structure of the Nation's broadcast television medium," it also intended to permit "the concomitant expansion and development of cable television." *Turner I*, 512 U.S. at 652. This interest in diversity is further reflected in statutory restrictions on the duplication of broadcast signals. Thus, Sections 614(b)(2)(B) and 615(b)(2)(C) expressly preclude such signal duplication. 47 U.S.C. §§ 534(b)(2)(B); 535(b)(2)(C). See *Turner I*, 512 U.S. at 631 n.3.

In addition, the rules contemplate requiring must carry only in markets in which subscribers are in fact served by the broadcaster that demands carriage. Section 614(h)(1)(C) of the Cable Act thus empowers the FCC to modify carriage requirements based on geographic markets where a station does not actually serve viewers in the local market. See 47 U.S.C. § 534(h)(1)(C). This provision, which allows forbearance from

^{32/} Assuring that the public has access to "a multiplicity of information sources is a governmental purpose of the highest order," the Court found, because "it promotes values central to the First Amendment." *Turner I*, 512 U.S. at 663 (citation omitted). See *Turner II*, 117 S. Ct. at 1188 ("the Cable Act's findings reflect a concern that congressional action was necessary to prevent 'a reduction in the number of media voices available to consumers.'") (quoting Cable Act § 2(a)(4)).

must carry requirements where the audience is not really served by a particular broadcast station, was adopted “to better effectuate the purposes of the Act.” *Turner I*, 512 U.S. at 630 n.1.

2. Policies Underlying the Conversion to Digital Television

The policies articulated by the FCC supporting the conversion to digital television are quite different from the purposes underlying the must carry requirements of the 1992 Cable Act. When it adopted the DTV standard, the FCC claimed as its objectives:

- Encouraging the provision of new technologies and services to the public through the introduction of digital broadcasting;
- Ensuring that the rules encourage technological innovation and competition;
- Minimizing regulation and ensuring that regulations are in effect no longer than necessary; and
- Ensuring that all affected parties have sufficient confidence and certainty in order to promote the smooth introduction of DTV service. 33/

In accordance with these policy goals, DTV implementation starts with the largest networks in the largest markets. Only those stations affiliated with the four largest broadcast networks in the top ten markets must construct DTV facilities by May 1, 1999. 34/ After that, large network station affiliates in the thirty largest markets are required to build DTV facilities by November 1, 1999. 35/ All other commercial stations

33/ *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Fourth Report and Order*, 11 FCC Rcd. 17771 (1996).

34/ *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Fifth Report & Order*, 12 FCC Rcd. 12809, 12840-41 (1997).

35/ *Id.* at 12841.

have until May 1, 2002 to construct DTV facilities, and non-commercial broadcasters were given until May 1, 2003 to construct digital facilities. 36/

The DTV rules not only permit, but require duplication of analog and digital television transmissions. The Commission established a simulcasting phase-in schedule for the transition, whereby stations must broadcast the same programming in both analog and digital formats. DTV channels must simulcast fifty percent of the video programming of their analog channel by April 21, 2003; seventy five percent by April 21, 2004; and one hundred percent by April, 1 2005. *Fifth Report and Order*, 12 FCC Rcd. at 12832. Even during the transition period, broadcasters have indicated their intent to simulcast on their analog and digital stations. *Id.*

To whatever extent the policy goals of DTV may be compared to those espoused for must carry, it is noteworthy that the Commission pursued a policy of flexibility and reliance on market developments, not mandates. For example, in recognition of the technical challenges and market uncertainties affecting the transition to digital, broadcasters are not required to provide high definition DTV service. Licensees also have the option to provide multicasting, software distribution, interactive services, non-broadcast data transmission and other services to the public. The Commission confined its rulemaking to procedural and technical issues and deferred resolving issues related to the public interest obligations and must-carry requirements for DTV broadcasters.

36/ *Id.* at 12832.

Congress reinforced this flexible approach. Although broadcasters may be required to return one of two assigned channels to the Commission by 2006, Congress decided that this mandate will be triggered only if DTV has sufficient market penetration. As set out in the Balanced Budget Act of 1997, broadcast stations may retain their analog channels past December 31, 2006 if (1) one or more major network affiliates in a particular market is not broadcasting in digital; (2) digital to analog converter technology is not generally available in that market; or (3) 15 percent or more of the television households in a market do not subscribe to a multichannel video programming distributor that makes available digital broadcast transmissions and lack means of receiving and/or converting the off-air digital signal. ^{37/} Thus, Congress acknowledged that marketplace developments inevitably will play a major role in the transition to digital television.

D. Digital Must Carry Proposals are Unsupported by Statutory Policies

The legitimacy of any must carry requirements must be analyzed in terms of the statutory purposes of the 1992 Cable Act. See *Turner II*, 117 S. Ct. at 1187 (declining to consider rationales that are “inconsistent with Congress’ stated interests in enacting must carry” in reviewing the rules’ constitutionality). In this regard, it is evident that the governmental purposes articulated for analog must carry are not interchangeable with those proposed for DTV carriage requirements. “A regulation perfectly reasonable and appropriate in the face of a given problem may be highly capricious if that problem does

^{37/} 47 U.S.C. § 309(j)(14).

not exist.” *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 36 (D.C. Cir. 1977) (citation omitted).

1. None of the 1992 Act’s Policies Are Relevant to Digital Must Carry

Although some commenters in this proceeding no doubt will describe a range of public interest values that purportedly would be served by the adoption of some form of DTV must carry, it must be acknowledged that none of the goals espoused by Congress in the 1992 Act are among them. Digital must carry rules are not needed to preserve the system of free over-the-air broadcasting, to ensure a multiplicity of sources of video programming, or to promote fair competition among providers of video programming. Quite to the contrary, as noted below, must carry rules will actually thwart some of these policy goals. First, however, the Commission should note that the policies supporting the transition to digital broadcasting are fundamentally different from those identified by Congress in support of analog must carry requirements.

Whereas the overriding purpose of analog must carry rules was to help the least affluent television viewers -- “especially . . . viewers who are unable to afford other means of receiving programming” 38/ -- the purpose of digital must carry would be to promote a form of television service that will initially be available only to the very richest viewers who can afford to spend several thousand dollars on a new television. 39/ The

38/ *Turner I*, 512 U.S. at 646 (citation omitted).

39/ Equipment manufacturers have predicted from the beginning that, initially, advanced television sets would cost 50 to 300 percent more than their NTSC counterparts. *E.g.*, *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Third Report and Order*, 7 FCC Rcd. 6924, 6961 (1992). These estimates appear to have been quite conservative.

government's stated interest in adopting must carry was to protect noncable households "from loss of regular television broadcasting service". *Turner II*, 117 S. Ct. at 1186 (emphasis added). Here, however, the government is attempting to add a new type of service to the most affluent cable homes, as well as non-cable homes. ^{40/} Whether or not there may be a public interest benefit from such a policy, there is no connection to the situation that prompted Congress to adopt must carry rules in the first place.

Similarly, the DTV transition schedule focuses on implementation in the largest markets first by affiliates of the largest broadcast networks. This is far different from the purposes served by analog must carry, which sought to protect the most marginal broadcasters who could not take advantage of the retransmission consent provisions of the 1992 Act. Once again, there is no relationship between the interests served by analog must carry and those relating to digital must carry proposals.

2. Digital Must Carry Directly Conflicts With the Purposes of Analog Must Carry

Not only do the purposes addressed by this proceeding fail to match the government's interests as articulated in the 1992 Cable Act, any digital must carry requirement would be contrary to congressional purposes. As noted above, the central purpose of analog must carry, in addition to preserving access by noncable households,

^{40/} Reviewing courts have rejected FCC cable television regulations that were predicated on the potential loss of programming "for those too poor to purchase cable television" where the rules "taken as a whole scarcely demonstrate a consistent solicitude for the poor." *HBO, Inc.*, 567 F.2d at 39-40. Such potential inconsistency certainly is evident here. *Cf. CBS, Inc. v. Democratic Nat'l Committee*, 412 U.S. at 123 ("The . . . public interest in providing access to the marketplace of 'ideas and experiences' would scarcely be served by a system . . . heavily weighted in favor of the financially affluent, or those with access to wealth.").

was to increase the availability of video voices and to preserve competition in the video services market. The Cable Act's findings show that Congress sought "to prevent 'a reduction in the number of media voices available to consumers.'" *Turner II*, 117 S. Ct. at 1188 (quoting Cable Act § 2(a)(4)). However, digital must carry rules would reduce the number of independent voices, and would give the subscribers no tangible benefit.

The Supreme Court has acknowledged that must carry rules restrict speech by reducing the number of channels over which cable operators may exert control and by making it "more difficult for cable programmers to compete for carriage on the limited channels remaining." *Turner I*, 512 U.S. at 637; *id.* at 645 ("must carry provisions also burden cable programmers by reducing the number of channels for which they can compete"). The reason underlying this special burden is simple: "There are only so many channels that any cable system can carry. If there are fewer channels than programmers who want to use the system, some programmers will have to be dropped." *Id.* at 674 (O'Connor, J., concurring in part and dissenting in part).

This impact on the availability of cable programming is far more pronounced in the digital context than it was in the case of analog must carry. The FCC acknowledged that during the transition period to digital there will be "twice as many stations as are now in operation or will be in operation after the transition". Indeed, AETN's informal analysis found that granting must carry rights to all eligible broadcast stations for a second channel would potentially cause the sacrifice of 5790 instances of

carriage of cable programming networks in just the top 10 broadcast markets. ^{41/} This is nearly the same burden that was imposed nationwide by analog must carry requirements. *See Turner II*, 117 S. Ct. at 1198-99 (Broadcast stations gained carriage on 5,880 channels as a result of must carry. The 5,880 channels occupied by broadcasters “represent the actual burden of the regulatory scheme.”). This estimate assumes that all eligible broadcasters would be guaranteed space for their digital and analog signals on cable systems. ^{42/} If all eligible broadcasters are not carried, however, there is no coherent rationale for imposing must carry requirements.

Even more significantly, cable subscribers whose existing channel line-ups would be disrupted by DTV must carry obligations would not receive more and different programming in exchange. Quite to the contrary, they would receive far less. Cable operators would be required to displace existing valuable programming services for digital

^{41/} See Appendix II. This figure was derived by looking at the number of channels that would be required to meet a full must carry requirement in each of the local cable franchises within the top ten broadcast DMAs, using figures from the 1998 TELEVISION & CABLE FACTBOOK. The estimates takes into account, and deducts from the total those individual systems that have available channel capacity. The estimate of 5790 lost channels in the top 10 markets is conservative, since information was not available for every cable system. In the New York market alone, information was not available on the channels that would be lost in eighteen local franchises. The estimates in Appendix II do not take into account the Cable Act limitation on carriage for commercial stations equal to 1/3 of activated channels. That limit, and its impact on the effectiveness of any digital must carry rule, is examined in Appendix III.

^{42/} However, the Cable Act provides that a cable operator must carry local commercial broadcast stations up to one-third of the aggregate activated channels. 47 U.S.C. § 534(b)(1)(B). If this cap restricts the channels available for digital must carry requirements, it will reduce the burden imposed on cable operators, but it will also undermine the purpose of any digital must carry rule. As noted in Appendix III, most systems will have no space for carriage of all digital broadcast channels under the 1/3 cap.

signals that may be received in only a few households. Consequently, for most television households, a must carry requirement will effectively black out channels and provide nothing in return. And even in that minority of homes that are equipped with new, expensive digital receivers, there will be a huge reduction in the diversity of information provided. This is because the content provided on the digital and analog channels increasingly will be identical. 43/

It is beyond dispute that “there will be an increasing redundancy of basic content between analog and digital stations.” *Notice* at ¶ 39. As a result, the Commission warned that under a digital must carry requirement “cable operators could be required to carry double the amount of television stations, that will eventually carry identical content, while having to drop various and varied cable programming services where channel capacity is limited. *Id.* Consequently, unlike the analog situation, there would be a “net decrease in the amount of available speech” 44/ if the Commission adopts some form of digital must carry obligation. Such a result is antithetical to the purpose for which Congress adopted analog must carry requirements in 1992. *See, e.g., Quincy Cable TV, Inc.*, 768 F.2d at 1442-43, 1455-56 (shift in regulatory purpose undermines the validity of must carry rules).

For the same reason, must carry rules in the digital context would be contrary to the congressional objective of promoting fair competition among providers of

43/ DTV channels must simulcast fifty percent of the video programming of their analog channel by April 21, 2003; seventy five percent by April 21, 2004; and one hundred percent by April, 1 2005. *Fifth Report and Order*, 12 FCC Rcd. at 12832.

44/ *Turner I*, 512 U.S. at 647.

video programming. The must carry rules fail to serve their purported purpose when divorced from the alleged practices (e.g., dropping marginal or unpopular analog broadcast signals) that motivated Congress to adopt the carriage requirements in 1992. In fact, the rules have the opposite effect. As the D.C. Circuit pointed out in *Quincy Cable TV*, must carry rules create “artificially stiff competition” for cable networks because of “the limited number of channels that remain available for non-mandatory transmissions.” 768 F.2d at 1445. Far from promoting “fair competition,” as Congress intended for analog must carry rules, DTV must carry requirements would thwart competition. *Id.* (“inevitable consequence” of must carry rules “is to create an overwhelming competitive advantage over cable programmers”).

3. Congress Has Never Concluded that Digital Must Carry is Necessary or Would Serve the Public Interest

It is highly significant to the public interest analysis of this proceeding that the “substantial governmental interest” to be promoted by digital must carry obligations would be the creation of an administrative agency rather than Congress. Indeed, Congress has expressly avoided taking a position on digital must carry requirements or building any record of findings to support such rules. For example, in the Telecommunications Act of 1996, Congress expressly declined to mandate must carry status on advanced television or other video services offered on an ancillary or supplementary basis. 45/ In declining to adopt a requirement, Congress noted that the question of digital must carry would be addressed, in the first instance, by the FCC. 46/

45/ 47 U.S.C. § 336(b)(3).

46/ Conf. Rpt. 104-230, 104th Cong., 2d Sess. at 161.

Similarly, Congress avoided any suggestion in the Balanced Budget Act of 1997 that it was requiring digital must carry, and stated that any such rule is a decision “for the Commission to make at some point in the future.” 47/

As review of the 1992 Cable Act’s must carry requirements amply demonstrated, congressional findings and accompanying statutory purposes are essential to the legitimacy of any must carry requirement. 48/ The absence of congressional attention to the digital must carry question draws a sharp distinction between the analog situation and the current proposals. On review of the analog rules the Supreme Court pointed out that Congress enacted the 1992 Act after conducting three years of hearings on the structure and operation of the cable television industry. 49/ The Court described the legislative findings as “unusually detailed,” *Turner I*, 512 U.S. at

47/ H.R. Conf. Rep., 105th Cong., 2d Sess. 577 (1997).

48/ See generally, *Turner II*, 117 S. Ct. at 1189-1196. The Supreme Court narrowly upheld the must carry requirements in *Turner II*. The majority opinion, written by Justice Kennedy, began where *Turner I* left off, with the assumption that intermediate constitutional scrutiny was appropriate. The balance of the opinion was devoted to finding that the record, both before Congress, and as established in the litigation, supported the government’s interest in must carry rules, and that the obligation burdened no more speech than necessary. 117 S. Ct. at 1186. The four dissenting Justices, in an opinion written by Justice O’Connor, disputed the contention that must carry rules are content neutral or narrowly tailored, or that the government had proven the need for the requirement. The decision was narrow, and it was heavily dependent upon the specific factual findings reached in that case.

49/ *Turner I*, 512 U.S. at 632; *id.* at 674 (Stevens, J., concurring) (Congress conducted a “lengthy investigation of the relationship between the cable and broadcasting industries”); *Turner II*, 117 S. Ct. at 1191 (Congress adopted analog must carry only after “hearing years of testimony, and reviewing volumes of documentary evidence and studies”). See S. Rep. No. 102-92 at 3-4 (describing hearings); H.R. Rep. No. 102-628 at 74 (1992), U.S. Code Cong. & Admin. News 1992 at 1133, 1135-36.

646, and noted that the legislative record was supplemented by an additional 18 months of factual development in the courts “yielding a record of tens of thousands of pages of evidence” that included congressional findings, expert submissions, sworn declarations and industry documents. *Turner II*, 117 S. Ct. at 1185. It is these findings that define -- and circumscribe -- the purposes for which must carry may be imposed. *Id.* at 1188-1197 (reviewing the record in terms of the stated interests). 50/

There is no comparable record here. And even if there was, none of the congressional findings from 1992 are relevant to this proceeding, since Congress was concerned with different policy issues. Nor is it likely that the Commission in the current proceeding can compile a record to match the “unusually detailed findings” that led to the adoption of digital must carry rules. In making predictions about the transition to digital television, the Commission cannot rely on studies of past practices, as it did with analog must carry. *See, e.g., Turner II*, 117 S. Ct. at 1192-93. The two situations simply are not the same.

Although the Commission, by this proceeding, may build a factual record in an effort to support whichever must carry option it chooses to implement, it is well-established that administrative judgments are not entitled to the same level of deference as legislative findings. *Turner II*, 117 S. Ct. at 1189. *See also Turner I*, 512 U.S. at 671 n.2 (Stevens, J., concurring). That is particularly true where an agency declines to “allow a period of unregulated experimentation in which data could be generated that could form

50/ Even when Congress builds a record before it acts, it must base its conclusions upon substantial evidence where the measures it enacts may affect First Amendment rights. *Turner II*, 117 S. Ct. at 1189. *See also Turner I*, 512 U.S. at 663-665.

a predicate for informed agency action.” *HBO, Inc.*, 567 F.2d at 37 n.60. In such circumstances, reviewing courts “are disinclined to give the Commission the ‘benefit of the doubt.’” *Id.* (citation omitted).

II. THE COMMISSION HAS NO LEGAL BASIS FOR IMPOSING DIGITAL MUST CARRY REQUIREMENTS

A. There is No Statutory Authorization for Digital Must Carry

A primary question addressed in this proceeding will be the extent of any statutory requirement for must carry. In this regard, Section 614(b)(4)(B) of the Cable Act (in a section relating to “signal quality”) states that:

At such time as the Commission prescribes modification of the standards for television broadcast signals, the Commission shall initiate a proceeding to establish any changes in the signal carriage requirements of cable television systems necessary to ensure cable carriage of such broadcast signals of local commercial television stations which have been changed to conform with such modified standards.

Although some have read this as an affirmative must carry requirement, the matter is far from clear. The Commission has acknowledged that Congress was not expansive in discussing the meaning of this provision. See Notice at ¶ 2 n.1 (“There is little discussion of this provision in the Act’s legislative history.”). The limited discussion that took place suggests that the proceeding described in Section 614 relates to technical standards, and not new must carry mandates. ^{51/} In this regard, it is important to note that Section

^{51/} See, e.g., H.R. Rep. No. 102-628, 102d Cong., 2d Sess. at 94 (1992) (“The Committee recognizes that the Commission may, in the future, modify the technical standards applicable to television broadcast signals. In the event of such modifications, the Commission is instructed to initiate a proceeding to establish technical standards for

614(b)(4)(A) of the 1992 Act requires cable operators to carry the analog broadcast signal “without material degradation.” 47 U.S.C. § 534(b)(4)(A). It is logical that Section 614(b)(4)(B) likewise relates to signal quality, and, for reasons set out below, illogical to read the provision as creating a wholly new must carry mandate.

The broadcast industry, as well as the Commission, understands that a digital must carry rule would create must carry rights in twice the number of broadcast stations as before any such rule. See Notice ¶¶ 34 & n.93 (broadcasters argue that “separate must carry/retransmission consent elections should be allowed for each transmission mode”). In the absence of any discussion of such broad implications in the 1992 Act or the legislative history, it is highly unlikely that Congress intended to create digital must carry rights in addition to analog must carry. The Commission should not simply presume it has the statutory authority to create new must carry requirements. Such circumspection is particularly appropriate in this proceeding, where the Commission has acknowledged that “cable operators would be required to carry double the amount of television stations, that will eventually carry identical content, while having to drop various and varied cable programming services where channel capacity is limited.” *Notice* at ¶¶ 39. The proposed rules represent a significant expansion of its authority, and the FCC can act only if it has clear congressional direction to do so. *FCC v. Midwest Video Corp.*, 440 U.S. 689, 708-709 (1979). See also *Brown & Williamson Tobacco Co. v. FDA*, 1998 WL 473320 (4th Cir. 1998); *Iowa Utilities Board v. FCC*, 123 F.3d 753 (8th Cir. 1997).

cable carriage of such broadcast signals which have been changed to conform to such modified signals.”).

To whatever extent the FCC is empowered to impose a must carry requirement it must be "in accordance with the objectives of this new section 614." S. Rep. No. 102-92, p. 85. However, as noted above, the congressional objectives that underlie must carry are inconsistent with the policies behind DTV: Must carry was designed to assist those who could not afford cable television, yet DTV must carry would assist only the richest consumers, if it helps anyone at all; Analog must carry was designed to protect the weakest broadcasters, while DTV implementation relies on actions, at least initially, by the strongest network affiliates.

Other must carry provisions directly contradict the digital broadcasting requirements. The non-duplication requirements of Sections 614 and 615 of the 1992 Act further undercut any arguments in favor of DTV must carry. Section 614(b)(5) provides that "a cable operator shall not be required to carry the signal of any local commercial television station that substantially duplicates the signal of another local commercial television station which is carried on its cable system, or to carry the signals of more than one local commercial television station affiliated with a particular broadcast network." Section 615(b)(2)(C) provides that cable operators shall not be required to carry the signal of a public station that "substantially duplicates" the programming carried by another qualified noncommercial station. 47 U.S.C. § 535(b)(2)(C). In sharp contrast, the DTV rules expressly require simulcasting during the digital transition. *Fifth Report and Order*, 12 FCC Rcd. at 12832.

Similarly, the market modification procedure authorized by Section 614(h)(1)(C) of the Cable Act further undercuts the logic of imposing must carry requirements during the DTV transition period. Under this procedure, analog must carry

requirements may be eliminated if the broadcast station in question does not actually serve a given television market. Yet in this proceeding, the Commission is considering requiring carriage -- at the expense of existing channels -- of digital signals that may be received by only a small fraction of the broadcast audience, and which, as noted above, will largely be duplicative. Such a requirement would be utterly inconsistent with the analog must carry rules adopted pursuant to the 1992 Cable Act.

B. Digital Must Carry Rules Would Violate the First Amendment

1. Litigation Over Must Carry Rules Established Heightened Scrutiny as the Relevant First Amendment Standard and Did Not Address the Constitutionality of Carriage Requirements Outside the Analog Context.

Although some commenters will no doubt argue that the constitutionality of must carry has already been resolved, the Supreme Court's ruling must be understood in the specific context in which it was reached. The *Turner* cases established the principle that cable television regulations are subject to heightened First Amendment scrutiny, and that the government has the burden of proof to justify new rules. ^{52/} As the D.C. Circuit pointed out in *Century Communications Corp.*, 835 F.2d at 299, "*Quincy Cable TV* supplies the structural framework for our analysis" but "the new must carry rules are to be evaluated on their own terms." By the same token, *Turner* -- which adopted the same First Amendment standard as was applied in *Quincy* -- provides the framework for analysis here, and the government must demonstrate that digital must carry meets the

^{52/} The "mere assertion of dysfunction or failure in a speech market" is not sufficient to "shield a speech regulation from the First Amendment standards applicable to nonbroadcast media." *Turner I*, 512 U.S. at 640.

applicable test on its own terms. ^{53/} See *Notice* at ¶ 15 (“Noting that *Turner II* did not address the mandatory carriage of the broadcaster’s digital television signal, we ask how the Court’s reasoning and conclusions would apply in the context of this proceeding.”). Cf. *HBO, Inc.*, 567 F.2d at 44 n.79 (“any assessment of First Amendment gains and losses must be made on the basis of the record in front of us today and not on the basis of legal precedent”).

The Commission acknowledges the constitutional difficulties that may face a digital must carry rule, and concludes that any requirements “must be carefully crafted to permit them to be sustained in the face of a constitutional challenge.” *Id.* In this regard, it agrees that the government must demonstrate that the “recited harms are real, not merely conjectural,” and that the issues as they relate to digital must carry requirements have not yet been considered by the Supreme Court. In adopting any must carry rule, the government is obligated to prove that any such rules will serve the stated interest “in a direct and material way” and the rules cannot restrict more speech than necessary to serve the stated interest. Given the applicable constitutional standard and the requisite burden of proof, presumption goes against the validity of digital must carry rules unless the Commission can prove their necessity and lack of intrusiveness. ^{54/}

^{53/} The Supreme Court in *Turner I* emphasized that “[t]here can be no disagreement” that “[c]able programmers and cable operators engage in and transmit speech, and they are entitled to the protection of the speech and press provisions of the First Amendment.” 512 U.S. at 636. The Court found that “must carry provisions impose special obligations upon cable operators and special burdens upon cable programmers, [so that] some measure of heightened First Amendment scrutiny is demanded.” *Id.* at 641.

^{54/} In matters that involve First Amendment questions, courts must engage in an “independent judgment of the facts bearing on an issue of constitutional law.” *Turner I*, 512 U.S. at 666. Deference to congressional judgments is more appropriate where

2. The Commission Faces a Heavy Burden to Prove That The Need For Digital Must Carry Is Real And Not Conjectural.

The holding of the *Turner* decisions cannot be applied directly to this proceeding, since the outcome depended heavily on congressional findings and specific factual showings. In the case of DTV requirements, there are no comparable policy interests or findings that will support imposing rules. In any event, as detailed above, the policies underlying must carry are not consistent with the policies underlying DTV. There is no factual history of dealings between broadcasters and the cable industry in the digital context such as that relied on by the Supreme Court in *Turner II*. This is the beginning of a new technology, and many of the conclusions upon which must carry proposals rest are necessarily based on speculation.

As described above in Section I, none of the policy purposes articulated by Congress to support analog must carry are relevant to this proceeding, and in certain significant respects, the policies are in conflict. If history is any guide, such lack of support will be fatal to any digital requirements. For example, absent congressional findings on which to rely, the D.C. Circuit twice struck down must carry rules. *Quincy Cable TV, Inc. v. FCC*, 768 F.2d 1434 (D.C. Cir. 1985); *Century Communications Corp. v. FCC*, 835 F.2d 292 (D.C. Cir. 1987). It is noteworthy that the *Quincy* court struck down

Congress has engaged in "sustained deliberations," *id.* at 671 (Stevens, J., concurring), and has "compiled an extensive record in the course of reaching its judgment." *Id.* at 669 (Blackmun, J., concurring). *Accord, Reno v. ACLU*, 117 S. Ct. 2329, 2348 (1997) (restrictions on speech enacted without sustained congressional deliberations are suspect); *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 129 (1989) (same).

must carry rules after noting that the rationale as presented by the FCC in that case was inconsistent with other recent regulatory initiatives of the Commission. 55/

Moreover, there is little reason to believe that mandatory carriage requirements are necessary to serve the government's stated interests. Non-regulatory solutions are an integral part of DTV policies, and should play a major role in determining the success or failure of the technology. For example, the *Notice* points out that use of antennas for television reception has been made easier and more convenient, and that legal barriers to such reception have been reduced. It also notes that "A/B" switches may now be built into television receivers and easily controlled by remote control devices. *Notice* at ¶ 16. The high-powered DBS industry, which represents one of the most successful introductions of a new technology in history, has placed great reliance on A/B switch technology. 56/

In addition, prior experience with must carry provides the FCC with a strong reason to reconsider the necessity of carriage obligations in the digital context. The

55/ It is not sufficient that the rationales underlying DTV must carry may be considered to be important governmental interests "in the abstract." *Turner I*, 512 U.S. at 663. It is incumbent upon the Commission to demonstrate their substantiality. Thus, the government must do more than simply "posit the existence of the disease sought to be cured." *Turner I*, 512 U.S. at 664 (quoting *Quincy Cable TV, Inc. v. FCC*, 768 F.2d 1434, 1455 (D.C. Cir. 1985)).

56/ All direct-to-home satellite television services incorporate such a switch into their systems, which allow them to be operated via remote control. As Stanley E. Hubbard (president and CEO of U.S. Satellite Broadcasting) stated in an interview that his company is "reminding consumers that with an antenna, they get all their local stations. They get them with better picture and sound quality than cable delivers and they get them free and every DSS system has an A/B switch built right into it to switch easily between your satellite choices and your local stations." *Nightly Business Report* (Federal Document Clearing House), Interview, January 6, 1998.

Commission has noted, for example, that approximately 80% of commercial television broadcasters elected retransmission consent rather than must carry during the 1993-96 election cycle. *Notice* at ¶ 33. It further pointed out that if the general retransmission consent pattern is repeated, stations scheduled to commence digital broadcasting through the beginning of the year 2000 “are most likely to exercise retransmission consent . . . even if there were digital must carry requirements in place.” *Id.* Television stations that are most likely to rely on digital must carry requirements “will not commence digital operations until the year 2002.” *Id.* In these circumstances, there is no basis to conclude that mandatory carriage requirements are necessary.

3. The Commission Faces a Heavy Burden to Prove That Digital Must Carry Rules Will Serve the Asserted Interests in a Direct and Material Way.

It will be very difficult for the FCC to demonstrate that DTV must carry rules will serve its asserted interests in a “direct and material way,” as *Turner* requires. This is true because the outcome of the DTV proceeding itself depends on so many disparate factors, such as consumer demand, the price of digital television sets, the programming and format decisions made by broadcasters, etc. In other words, even if the Commission adopted immediate must carry requirements for all eligible broadcast stations, it would have no idea whether digital television would succeed or fail, or whether the rules would have any effect on expediting the transition to digital broadcasting. The Commission’s burden of proof is made even more difficult by the fact that the statute restricts the number of channels that may be required for must carry. See Appendix III.

Technical and market factors will play the most significant role in the success or failure of DTV. A wide variety of factors will determine the extent to which the

FCC's DTV policy will succeed. Many of these issues are within the control of the broadcast industry itself, while others cannot be known until we gain more experience under the policy. There are a number of technical problems to overcome, including transmission and coverage issues and equipment compatibility issues. To the extent this is true, there are many factors that might be considered technical "bottlenecks" to the future success of DTV. 57/

There are also obvious market issues that are unknowable, such as the anticipated level of consumer demand for DTV. There is little evidence to demonstrate public awareness or acceptance of DTV. This is made more complicated by the high cost (e.g., \$5,000) of the first generation DTV sets. "CEMA literature reports that 'price estimates [for the first available sets] range from \$2,000-\$5,000 over current set prices for comparable sizes; other estimates are as high as \$8,000-\$10,000 for HDTVs.'" Carolyn Giardina, "Fact, Fiction & Opinion," *Shoot at S6* (July 3, 1998). "One manufacturer is now offering a 56-inch, HD-compatible projection-TV/monitor, with an NTSC-to-480p scan converter, that costs more than \$5,000. A 36-inch 4:3 TV/multiscan monitor is about half that price and an all-format set-top decoder is about \$1,700." Louis Libin, "Washington Gets the Jitters," *Broadcast Engineering* (Aug. 30, 1998). No policy in the world can succeed if consumer demand fails to materialize.

57/ "There is going to be a lot of technical suicide . . . It's a major, major issue . . . [The] hardware is not there yet when you try to put together a system that is going to satisfy all the networks." Carolyn Giardina, "Fact, Fiction & Opinion," *Shoot at S6* (July 3, 1998) (quoting Ron Burdett, President/CEO, Sunset Post & past chairman of International Teleproduction Society).

The question of consumer demand is related to the level of flexibility accorded broadcasters under the DTV policy. Broadcasters were given the choice to provide multicasting, software distribution, interactive services, non-broadcast data transmission and other services because the FCC could not predict which services will catch on with the public. But the broadcasters cannot predict this, either, and have been reluctant to commit to specific plans. Consequently, it is not possible to assert that the public will embrace DTV if it is guaranteed broad access to the transmissions, since no one knows what type of transmissions they want to receive.

4. The Commission Faces a Heavy Burden to Prove That Digital Must Carry Requirements Do Not Impose an Excessive Burden on the Speech of Others.

The government bears the burden of demonstrating that carriage requirements do not burden substantially more speech than necessary to further the stated interests. *Turner I*, 512 U.S. at 665. Here, it will be very difficult for the FCC to prove that DTV must carry does not restrict more speech than necessary to serve its interest of promoting the development of digital television. Not only do less restrictive options exist that likely will be far more effective in serving the FCC's interest, but the rules at issue will be far more burdensome than were analog must carry rules.

Any burden on the speech of cable programmers is excessive if non-regulatory means are available that would serve the government's interest. In this regard, it is noteworthy that analog must carry rules were upheld based on findings that "[m]ost subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services."

Turner I, 512 U.S. at 633 (quoting Cable Act, § 2(a)(17)). Here, however, the Commission noted that use of antennas for television reception has been made easier and more convenient, and that legal barriers to such reception have been reduced. See *Notice* at ¶ 16 (“A/B” switches may now be built in to television receivers and easily controlled by remote control devices). Thus, unlike the analog context, in which the Supreme Court found that cable operators could “silence the voice of competing speakers with a mere flick of the switch,” *Turner I*, 512 U.S. at 656, television viewers in the digital environment can assure access to alternative sources of programming with a mere flick of the A/B switch.

Not only is burdening the speech of cable operators and programmers unnecessary in light of available technical solutions, it will be far more pronounced than it was in the case of analog must carry. The conclusion the Court reached in *Turner II*, for example, that must carry rules had not imposed an undue burden on cable programmers, was necessarily dependent on the facts as they relate to the analog environment only. Thus, the Court’s understanding that “most cable systems had not been required to add any broadcast stations since the [must carry] rules were adopted,” 117 S. Ct. at 1185, proves nothing about what would occur if the Commission adopted DTV must carry requirements.

Any DTV must carry requirements will be inherently more intrusive on the First Amendment interests of cable operators and cable networks than was analog must carry. The FCC acknowledged that during the transition period to digital there will be “twice as many stations as are now in operation or will be in operation after the transition”.

It also noted that “there will be an increasing redundancy of basic content between analog and digital stations.” *Id.* at ¶ 39. As a result, the Commission warned that under a digital must carry requirement “cable operators could be required to carry double the amount of television stations, that will eventually carry identical content, while having to drop various and varied cable programming services where channel capacity is limited.”

Id.

The effect is especially pronounced here. As set out in Appendix II, granting full must carry rights to eligible broadcasters would require the sacrifice of a staggering number of existing cable networks. In the New York market alone, 584 channels would be needed to satisfy the demand for digital must carry. Since only 130 open channels are currently available in the various local cable franchises, 454 existing cable channels now carried in the New York DMA would have to be cut, assuming all broadcasters are accommodated. In the top 10 broadcast markets, 5790 existing channels would be lost. 58/

58/ Of course, if not all broadcasters are accommodated because of statutory limits on the extent of must carry, it will be extremely difficult for the Commission to demonstrate that digital must carry will serve its asserted interests in a “direct and material way,” as *Turner* requires.

III. DTV MUST CARRY REQUIREMENTS WOULD NOT BE SOUND PUBLIC POLICY

A. Digital Must Carry Would be Fundamentally Unfair

As an increasing number of television viewers rely on cable television, direct broadcast satellites and other sources of video programming, it is important to ask why broadcasters should receive special rights that have the effect of disfavoring other programmers. Not only have broadcasters received the grant of an additional 6 MHz of spectrum for digital broadcasting, they are now demanding more expansive carriage rights. Such a scheme is fundamentally unfair.

Must carry rules “are explicitly designed to ‘favor[] certain classes of speakers over others.’” *Quincy Cable TV, Inc.*, 768 F.2d at 1451 (quoting *HBO, Inc. v. FCC*, 567 F.2d at 48). The Supreme Court noted that “[b]roadcasters, which transmit over the airwaves, are favored, while cable programmers, which do not, are disfavored” in a must carry scheme. *Turner I*, 512 U.S. at 645. *See id.* at 679 (O’Connor, J., concurring in part and dissenting in part) (must carry requires “that broadcasters should be preferred over cable programmers”); *see also Quincy Cable TV, Inc.*, 768 F.2d at 1448 (must carry rules place cable programmers on an “unequal footing”) (citation omitted). Yet as the D.C. Circuit noted when it struck down FCC-created must carry rules, “[t]he concept that government may restrict speech in some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.”

AETN opposes the imposition of digital must carry requirements because such requirements would be fundamentally unfair to cable programmers who depend on carriage by operators in order to reach viewers. Unlike broadcast stations, which are

licensed by the government to transmit directly to the public, cable networks have no alternative way to reach the public. The Court of Appeals noted that “local broadcasters . . . already have a delivery mechanism granted by the government without cost and capable of bypassing the cable system altogether.” *Quincy Cable TV*, 768 F.2d at 1452-53. This is particularly true with digital television, which is just now developing, and is doing so in an environment conducive to technological, as opposed to regulatory, solutions. But while broadcasters may have more options now for reaching viewers, cable networks that are sacrificed to digital must carry requirements face the same disparity as under analog rules -- “cable programmers are shut out entirely from the only forum capable of conveying their programming.” ^{59/} Granting must carry rights to broadcasters for their digital transmissions, in addition to their existing analog must carry rights, would reinforce cable networks’ second class status. Perpetuating such unequal treatment is as unnecessary as it is unjust.

B. Digital Must Carry Would Not Benefit Consumers

It is doubtful that any digital must carry requirement would provide a meaningful benefit to more than a small fraction of television viewers. Subscribers who do not purchase a digital television or who lack a compatible converter box will not receive a digital signal, even if the cable operator is required to carry it. At the same time,

^{59/} *Quincy Cable TV*, 768 F.2d at 1451-52. See *id.* at 1445 (“the rules operate to deprive programmers of any opportunity at all to sell their services”); 1446 n.24 (“the operator could not possibly purchase any [cable] programming”); 1453 (“the rules prevent cable programmers from reaching their intended audience”).

must carry requirements will force cable operators to drop carriage of cable networks that subscribers currently enjoy. Digital must-carry obligations could more than double the burden imposed on cable operators because broadcasters may opt to provide a single high definition channel or a number of "multiplex" channels with the additional spectrum they have been given. Moreover, broadcasters have selected different digital formats, some of which use far more bandwidth than others. Given the different technical scenarios, it is highly doubtful that a cable operator could transmit all signals from all local television stations within the 1/3 capacity limit imposed by the 1992 Cable Act. 60/

Accordingly, it is uncertain that digital must carry rules would provide a meaningful benefit even to those viewers that rules would be designed to serve. But audience preferences are not the point of must carry rules, except in a very abstract sense. Although the Commission has expressed concern for the possible welfare of audiences at some future time if cable operators decline to carry certain broadcast signals, the rules demonstrate a remarkable disregard for the interests of current viewers. "Indeed, as a matter of established regulatory policy, the Commission considers the desires of cable subscribers to be irrelevant to the application of the [must carry]

60/ See Appendix III. This chart estimates the number of digital broadcast stations that would be excluded from must carry rights on local cable franchises in the top 10 broadcast markets because of the Cable Act limit on the number of channels that must be devoted to commercial broadcast stations. This figure was derived by looking at the number of channels that would be required to meet a full must carry requirement using figures from the 1998 TELEVISION & CABLE FACTBOOK, and comparing it to the Cable Act limit that applies to each franchise. In particular markets, such as Detroit, almost all broadcast stations can be accommodated, which means that a larger number of cable program networks will be sacrificed. In many other markets, however, a large number of digital broadcasters will be excluded from must carry, which means that any rule the Commission adopts will be ineffective.

rules.”^{61/} This stands in sharp contrast to the Commission’s usual public interest mantra, that it is “the right of the viewers and listeners . . . which is paramount.” *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969). And the contradiction in public policy values is particularly extreme in the case of digital must carry, where valuable cable programming will not be replaced by less popular broadcast fare, but by a blank screen for the vast majority of viewers.

Conclusions

As the foregoing comments demonstrate, “no must carry” is the only policy option set out in the *Notice* that is consistent with the Cable Act, the First Amendment and the public interest. None of the must carry proposals is supported by the statutory purposes for which must carry was adopted, and all of the options would exact a public interest cost that is paid at the expense of cable programming networks. It may be true that the cost varies among the options, but that is far different from a claim that the must carry proposals would actually serve the public interest.

The “Immediate Carriage Proposal” would impose the most extreme loss, as the Commission has recognized. But others would have similar drawbacks. For example, the “System Upgrade Proposal,” which would give digital broadcast signals first priority as cable systems add capacity, would necessarily disadvantage cable networks as they seek carriage, with the most obvious impact on new networks. Similarly, the

^{61/} *Quincy Cable TV*, 768 F.2d at 1453 (must carry rules require the elimination of cable programming “even if that result directly contravenes the preference of cable subscribers”).

“Phase-In Proposal,” which would require digital must carry on 3 to 5 new channels per year, would impose the disruption more gradually -- but the loss of cable networks would still occur. The “Equipment Penetration Proposal” would also cause such disruption, since it would impose must carry rights when most viewers (90-95%) still would lack the ability to receive digital transmissions. The “Either-Or Proposal,” which would give the broadcaster the right to demand carriage either for its analog or its digital signal might avoid the loss of channels, but would serve no coherent purpose. It would create a patchwork of carriage of digital versus analog channels and would potentially cause loss of service to most subscribers where the broadcaster opts for carriage of its digital signal.

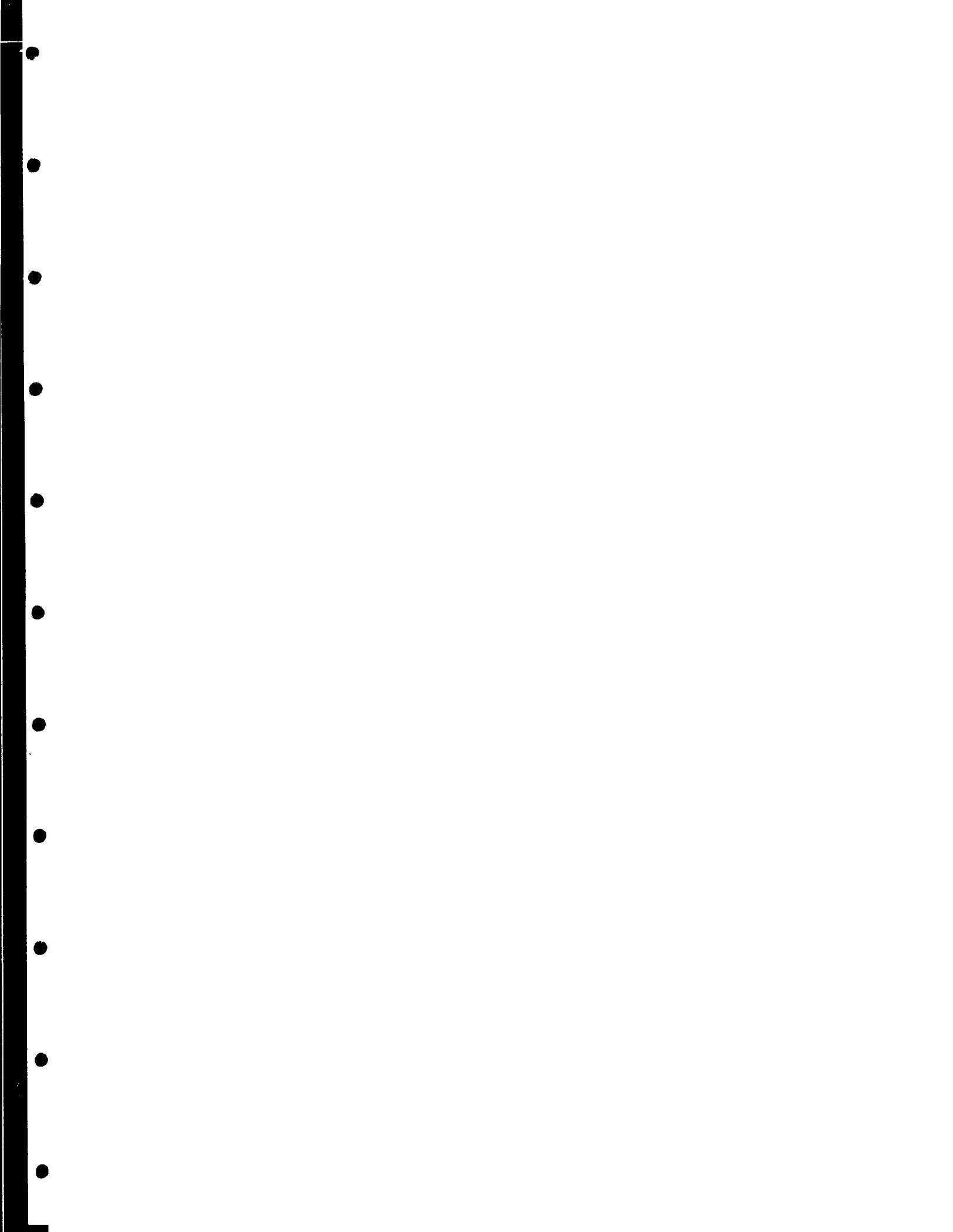
Only the “Deferral Proposal” shows much promise of avoiding the drawbacks described above, but not as the Commission has formulated it. The difficult issue is not when to impose must carry requirements, but whether it makes any sense to do so at all. Thus, a decision to defer this proceeding until 2002 or some later date would be reasonable, since only then will the Commission have some actual experience with the digital television transition. But there is no rational reason to adopt some form of must carry now, only to be implemented later, for all of the reasons set out in these comments.

Respectfully submitted,

A&E TELEVISION NETWORKS

By 
Nickolas Davatzes
President and
Chief Executive Officer
(212) 210-1400

October 13, 1998



FOR IMMEDIATE RELEASE:

Press contact: Marlea Willis / 212-210-1327

E-mail: marleaw@aetvn.com

"You can lead a horticulture, but you can't make her think."

—Dorothy Parker

BEBE NEUWIRTH TO PLAY DOROTHY PARKER
IN THE A&E ORIGINAL MOVIE "DASH AND LILLY"
DIRECTED BY KATHY BATES
STARRING SAM SHEPARD AND JUDY DAVIS

Executive Produced by Emmy Award-Winner Stan Margulies

NEW YORK, SEPTEMBER 21, 1998 — Multiple Emmy and Tony Award winner Bebe Neuwirth ("Cheers", *Chicago*) will play the role of writer Dorothy Parker, whose brilliant stories illuminated the dreams and despair of the Jazz Age, in the upcoming A&E/Granada Media original movie **DASH AND LILLY**, it was announced today by Brooke Bailey Johnson, Executive Vice President/General Manager, A&E Network.

DASH AND LILLY, executive produced by Emmy Award-winner, Stan Margulies, stars Oscar nominees Sam Shepard and Judy Davis as Dashiell Hammett and Lillian Hellman, and marks the feature-length directorial debut for Oscar winner Kathy Bates. **DASH AND LILLY**, which traces the passionate and ultimately tragic love affair between these two literary titans, Ms. Hellman (*The Little Foxes*, *The Children's Hour*) and Mr. Hammett (*The Maltese Falcon*, *The Thin Man*), is slated to air on A&E in 1999.

Dorothy Parker was a ranking member, and one of the few women welcomed, at the legendary razor-tongued Algonquin Round Table, trading blistering insults and biting social commentary with tablemates like Groucho Marx and Noel Coward. After lunch, Dorothy Parker achieved professional success — but little personal happiness — for her insightful, often caustic penning of life during the 1920s and 1930s, including her screenplay for the original *A Star is Born* movie, short stories and magazine articles.

Bebe Neuwirth, who won 1990 and 1991 Emmy Awards for Outstanding Supporting Actress in a Comedy, for her portrayal of the acerbic Lilith on "Cheers," also garnered a 1995 Emmy nomination for her noted special guest appearance on "Frasier." In addition to her television awards, Ms. Neuwirth also won Tony Awards for *Sweet Charity* and *Chicago*. Her film acting credits include: the upcoming Spike Lee film, *Summer of Sam*; *Celebrity*, *Jumanji*; and *Bugsy*. Ms. Neuwirth is repped by Risa Shapiro and Aleen Kashishian at ICM.

-MORE-

BEBE NEUWIRTH TO PLAY DOROTHY PARKER/Page 2

DASH AND LILLY is executive produced by Stan Margulies, the executive producer of two of television's most memorable miniseries, *Roots* and *The Thorn Birds*, and was penned by Jerry Ludwig. Delia Fine is the executive producer for A&E, and Antony Root is the executive producer for Granada Media.

Other upcoming A&E original movies slated for the 1999 season include: the A&E/Granada Media co-production, *Murder in a Small Town* starring Gene Wilder.; the miniseries, *P.T. Barnum*, based on the extraordinary life of the showman who once staged his own death just so he could read his obituary; and the mystery thriller, *The Murders in the Rue Morgue*, Edgar Allan Poe's classic detective story of a woman found brutally murdered behind locked doors, with no clues and no suspects. *P.T. Barnum* and *The Murders in the Rue Morgue* are Robert Halmi Sr./Hallmark Entertainment co-productions.

The Emmy Award-winning A&E Network, offers discerning viewers a unique blend of original programming featuring its signature series **BIOGRAPHY®**, intriguing mysteries, literary adaptations and engaging documentaries.

#

A&E NOVEMBER 1998 HIGHLIGHTS

	ET/PT
A&E SPECIAL PRESENTATION	
A&E's LIVE BY REQUEST	
STARRING GLORIA ESTEFAN	November 3 9pm/10pm
CULTS AND NEW RELIGIONS	November 8 9pm/10pm
THE AMERICAN FILM INSTITUTE SALUTE TO ROBERT WISE	November 21 9pm/10pm
HOLIDAY AT THE POPS! (1998)	November 26 8pm/9pm
THE RISE OF CHRISTIANITY: THE FIRST THOUSAND YEARS	
PART I	November 29 9pm/10pm
PART II	November 30 9pm/10pm
 BIOGRAPHY®	
CLAUS VON BULOW: A REASONABLE DOUBT	November 1 8pm/9pm
CLARE BOOTHE LUCE: HELL ON HEELS	November 2 8pm/9pm
JOHN WAYNE: THE UNQUIET AMERICAN	November 9 8pm/9pm
CHESTY PULLER: THE MARINE'S MARINE	November 10 8pm/9pm
BURT REYNOLDS	November 15 8pm/9pm
HALSTON	November 16 8pm/9pm
THE HUSTONS:	
HOLLYWOOD'S MAVERICK DYNASTY	November 22 8pm/9pm
TED KENNEDY	November 23 8pm/9pm
JOE BONANNO: THE LAST GODFATHER	November 25 8pm/9pm
ROBERT SCHULLER: THE POSSIBILITY PREACHER	November 29 8pm/9pm
BEETHOVEN: THE SOUND AND THE FURY	November 30 8pm/9pm
 INVESTIGATIVE REPORTS	
INSIDE THE FBI	November 1 9pm/10pm
JONESTOWN: WAS IT A COVER-UP?	November 9 9pm/10pm
THE LONG ARM OF THE RUSSIAN MOB	November 23 9pm/10pm
 A&E MYSTERIES	
DALZIEL AND PASCOE: CHILD'S PLAY	
PART I	November 6 10pm/11pm
PART II	November 13 10pm/11pm
 INSIDE STORY	
LIFE IN A WAR ZONE	November 24 9pm/10pm
 AMERICAN JUSTICE®	
DEATH ROW PROSTITUTE	November 18 9pm/10pm
 THE UNEXPLAINED®	
VOODOO RITUALS	November 5 9pm/10pm

THE NEW EXPLORERS

INCA GOLD

November 27

9pm/10pm

TREASURE!

SEARCH FOR THE LOST CONFEDERATE GOLD

November 21

11pm/8pm

AMERICA'S CASTLES®

MAVERICKS OF MEDICINE

November 8

11pm/8pm

MOVIE PALACES

November 22

11pm/8pm

ANCIENT MYSTERIES

THE MARVELS OF ROMAN ROADS

November 29

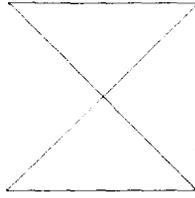
7pm/4pm

BIOGRAPHY INTERNATIONAL

HO CHI MINH: VIETNAM'S ENIGMA

November 7

11am/8am



NOVEMBER 1998 HIGHLIGHTS

BIOGRAPHY:

CLAUS VON BULOW: A REASONABLE DOUBT

He was the leading character in one of the "trials of the century." "Social Climbers" week begins on A&E with *BIOGRAPHY: CLAUS VON BULOW: A REASONABLE DOUBT* chronicles the life and the trials of the man accused of attempting to murder his wife. Even though he was acquitted — after his conviction in the first trial was appealed — there has remained a shadow of doubt about his innocence. He was born in Copenhagen in 1926, the son of a noted playwright; was well educated at private boarding schools and at Cambridge where he received a law degree. He worked for oil billionaire John Paul Getty; and there, at a party at the Getty estate, he met Princess Sunny von Auersperg. Claus fell in love with Sunny, who was unhappy in her marriage. She soon divorced and married Claus. They seemed a fairy tale couple — rich, handsome, cultured. But soon after the birth of their daughter Cosima the marriage began to disintegrate. Claus complained publicly about his dissatisfaction and began an affair with a former actress. The actress insisted Claus seek a divorce, but that would have left him with a fraction of the wealth he enjoyed with Sunny.

BIOGRAPHY: CLAUS VON BULOW: A REASONABLE DOUBT recounts how in December 1979 and again a year later, Sunny fell into coma — the second one was irreversible. After the second coma, Sunny's children began an investigation of Claus which led to an indictment for attempted murder. After he was acquitted in the second trial, he moved back to England. The story is told through interviews with Claus himself, attorney Alan Dershowitz, reporter Lynn Sherr, writer Taki Theodoracopulos, friends, a medical expert, authors, a prosecutor, a defense attorney, journalists, and a retired state police officer.

PREMIERE: November 1 at 8pm/12am ET (5pm/9am PT)

LENGTH: 1 hour

PRODUCED BY: ABC News Productions for A&E Network

****WORLD PREMIERE**

[TV G]

**INVESTIGATIVE REPORTS:
INSIDE THE FBI**

Agents who are trained to live in an insular, remote world that's not even shared with their families speak for the first time about life inside the FBI in New York City. INVESTIGATIVE REPORTS: INSIDE THE FBI explores cases about espionage, counter-terrorism, organized crime, large drug operations, high-tech crime and kidnapers. It is the first in-depth look at the modern operations of the FBI and close-ups of the real agents who make it happen. Viewers meet the highest paid spy in U.S. history and the people who stopped terrorists from blowing up New York. Agents share their horror-filled experiences during the TWA disaster and give the first public look at the FBI secret war room.

INVESTIGATIVE REPORTS spent five months inside the FBI's NYC office chronicling the day-to-day life of some of the 1,200 agents who make up the nation's largest FBI force. A third are age 29 or younger with two years or less on the job. Included in the reports from those who make up the program are assistant directors, special agents, intelligence officers, counter intelligence specialists, members of the NYPD terrorism task force, fugitive task force members, and drug squad members. (This program will be Closed-Captioned -- cc.)

PREMIERE: November 1 at 9pm/1am ET (6pm/10pm PT)

LENGTH: 2 hours

HOST: Bill Kurtis

PRODUCED BY: Barbara Newman Productions for A&E Network

****WORLD PREMIERE**

[NR]

**BIOGRAPHY:
CLARE BOOTHE LUCE: HELL ON HEELS**

As "Social Climbers" week continues on A&E, *BIOGRAPHY: CLARE BOOTH LUCE: HELL ON HEELS* chronicles the life of one the century's most remarkable women. She was born the illegitimate child of a New York showgirl and rose to become a much-touted magazine editor, member of Congress, and America's first female ambassador. She also married one of the century's most powerful men, *Time* magazine founder Henry Luce. At age 20 she had married onto Manhattan's A-list and proceeded to "hostess and cocktail" her way into Manhattan's elite. But she became bored and volunteered to work for *Vogue*. She was asked to stay and after a stint as a caption writer, moved to *Vanity Fair* and in a matter of months became the first female managing editor, and the youngest. She also wrote plays for the theater; her most famous, *The Women*, was made into a major motion picture.

BIOGRAPHY: CLARE BOOTHE LUCE: HELL ON HEELS relates how Henry Luce was thunderstruck when he met Clare at a party for Cole Porter in 1934. Within days he professed his intent to leave his wife and family and marry her. Clare used her new cachet as Mrs. Luce to report from war-torn Europe. Glamorous as ever, she poked her way around Parisian cafes and soldier's barracks and met with leading generals for *Time*, *Life* and her book *Europe in the Spring*. She went into politics by entering the race for a Connecticut seat in the House of Representatives. She won two terms and became a voluble campaigner for fellow Republicans. She and Henry heartily supported President Eisenhower personally and in the pages of *Time*. She was appointed ambassador to Italy, America's first female ambassador. After Henry's death in 1967, Clare served under presidents Nixon and Reagan. She died in 1987 at the age of 84. Those interviewed for the program include William F. Buckley, Jr., John Kenneth Galbraith, Henry Luce III, biographers Wilfrid Sheed Sylvia Jukes Morris, *Time* editor Hugh Sidey and former defense secretary Caspar Weinberger.

PREMIERE: November 2 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

PRODUCED BY: History Television Network Productions, H-TV for A&E Network

****WORLD PREMIERE**

[TV G]

**A&E SPECIAL PRESENTATION:
A&E'S LIVE BY REQUEST STARRING GLORIA ESTEFAN**

This A&E SPECIAL PRESENTATION: A&E'S LIVE BY REQUEST STARRING GLORIA ESTEFAN gives viewers the chance to make live requests to one of music's most exciting, inspirational artists, Gloria Estefan. The internationally renowned star is among the most multi-talented performers in music. She will be taking requests in both English and Spanish from fans by telephone and e-mail.

A&E'S LIVE BY REQUEST STARRING GLORIA ESTEFAN will be telecast before a live, invitation-only audience in Manhattan. The entire program will also be simulcast on radio and in certain areas of South America as well as webcast on the World Wide Web. Viewers can request songs by a toll-free 800 number and over the Internet at www.station.sony.com. The program will be hosted by Mark McEwen of *CBS This Morning*.

PREMIERE: November 3 at 9pm/1am ET (6pm/10pm PT)

LENGTH: 2 hours

REPEAT DATE: November 7 at 9pm/1am ET (6pm/10pm PT)

HOST: Mark McEwen

PRODUCED BY: Sony Music Entertainment for A&E Network

****WORLD PREMIERE**

[TV G]

**THE UNEXPLAINED:
VOODOO RITUALS**

THE UNEXPLAINED: VODOO RITUALS explores the ancient system of rituals that has fascinated and terrified the world. As one of the millions who still put their faith in rituals where they believe life's secrets can be found in a realm where only the dead reside, Yuseff Abdulla ventured into the swamplands of South Carolina in 1976 in search of his spiritual fulfillment. He found his way to the Oyotunji African Village 65 miles South of Charleston. It was modeled after the Yoruba culture in West Africa. There Yuseff found abundant pageantry to both celebrate and call upon the spirits. He decided to undergo the rites of passage and become a voodoo priest. After 20 years, he became a high voodoo priest and started another odyssey to West Africa. He wanted to confirm that the traditions he had devoted his life to reflected those practiced by his ancestors. THE UNEXPLAINED: VODOO RITUALS takes viewers on the journey into his ancestral home and the forbidden world of voodoo. Sacred rituals rarely seen by the uninitiated are performed — snake deification, purification, animal sacrifice and spirit possession. Members of the South Carolina African village as well as members from Benin, West Africa, are interviewed for the program. Also American professors of psychology, philosophy and religion share their views and insights on the subject.

PREMIERE: November 5 at 9pm/1am ET (6pm/10pm PT)

LENGTH: 1 hour

PRODUCED BY: Towers Productions, Inc. for A&E Network

****WORLD PREMIERE**

[TV G]

**A&E MYSTERIES:
CHILD'S PLAY: DALZIEL AND PASCOE**

In A&E MYSTERIES: CHILD'S PLAY: DALZIEL AND PASCOE, the family of Gwen Huby gathers for her funeral on a drab and cold day. She had left her estate to her son Alexander who had disappeared in Italy during WWII. If he son doesn't claim the inheritance by 2010, the money will go to a charity with dubious politics. After the long-lost son arrives on the scene, he is called an impostor by the family. But there are those who are not so sure. The quest for the truth leads Dalziel and Pascoe into uncovering some dark family secrets that were better left buried — including an actual skeleton in a closet. The search also leads to murder, betrayal, mad dogs, gay bars, young love, and a revealing birthmark.

PREMIERE: Part I: November 6 at 10pm/2am ET (7pm/11pm PT)
Part II: November 13 at 10pm/2am ET (7pm/11pm PT)

LENGTH: 2 X 1 hour

STARS: Warren Clarke, Colin Buchanan, David Royle

PRODUCED BY: BBC/TV Portobello Pictures Production in association with A&E Network

YEAR: 1997

****NORTH AMERICAN PREMIERE**

[TV PG]

***BIOGRAPHY INTERNATIONAL:*
HO CHI MINH: VIETNAM'S ENIGMA**

Ho Chi Minh was small, even by Vietnamese standards. Only 4 feet 11 inches and barely 100 pounds, he appeared frail. But inside this gentle man with the wispy white beard was an unshakable will of steel that helped liberate a country and humble a superpower.

BIOGRAPHY INTERNATIONAL: HO CHI MINH: VIETNAM'S ENIGMA shows a man who was a master organizer, strategist and politician. His victory over the French at Dien Bien Phu marked the first time a European power had been defeated by a former colony since the American Revolution. The legacy of Ho Chi Minh far exceeds that of a man who liberated his own small nation, though that is certainly significant. By helping to defeat the U.S. in the Vietnam War, Ho showed the limits of a modern superpower's reach. Perhaps no leader in history has resisted an enemy as stubbornly or as long as this little man. He was one of the most capable and most misunderstood leaders of the 20th century. Interviews for the program include the former South Vietnamese Ambassador to the U.S. Bui Diem, authors of histories about the conflict, professors of Asia and Vietnamese studies and former OSS operative Carleton Swift.

PREMIERE: November 7 at 11am ET (8am PT)

LENGTH: 1 hour

PRODUCED BY: Actuality Productions, Inc. for A&E Network

****NORTH AMERICAN PREMIERE**

[TV G]

**A&E SPECIAL PRESENTATION:
CULTS AND NEW RELIGIONS**

This two-hour A&E SPECIAL PRESENTATION: CULTS AND NEW RELIGIONS examines the growth of new religious movements and sects, a surprising and sometimes worrying phenomenon little understood by the general public. Drawing on interviews with those who have first-hand experience of these religions, other witnesses, expert observers, and archival records, the program sheds light on the new religious landscape and looks into some important issues. What motivates people from all walks of life to join unconventional religious movements? How do these religions give new meaning the lives of their followers? Why do some of these groups drift off course while others become more and more mainstream?

CULTS AND NEW RELIGIONS casts an objective, unprejudiced eye on an unsettling phenomenon that forces us to re-examine our most deeply held religious and democratic values. Those interviewed include the Dalai Lama, professors of religion, history and philosophy, and past and present members of various religious organizations. (This program will be Closed-Captioned -- cc.)

PREMIERE: November 8 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 2 hours

PRODUCED BY: Verseau International in co-production with V.S.P. Production for A&E Network

****NORTH AMERICAN PREMIERE**

[TV G]

**AMERICA'S CASTLES:
MAVERICKS OF MEDICINE**

AMERICA'S CASTLES: MAVERICKS OF MEDICINE takes viewers to the spectacular estates of three pioneers of medicine.

- J.K. Lily Jr. helped Eli Lilly & Company become one of the world's largest companies. It specialized in the manufacturing and marketing of such life-saving drugs as insulin and penicillin. J.K.'s success was rewarded with his incredible country estate just outside Indianapolis, Indiana.
- The Miles Medical Company became famous for such over-the-counter drugs as Alka Seltzer and One-a-Day vitamins. At the turn of the century, marketing genius A.R. Beardsley helped create a huge demand for the companies' products and became a wealthy man. His magnificent Beaux Arts Castle in Elkhart, Indiana is a testament of that success.
- The brothers Charles and William Mayo made the legendary Mayo Clinic into one of the most respected medical facilities and research centers in the world. To escape from the pressures of his hectic work schedule, Charles Mayo designed and built his own sprawling country estate in Rochester, Minnesota.

Their medical expertise and advances have saved the lives of millions and there is perhaps no better tribute to their legacy than these great castles.

PREMIERE: November 8 at 11pm/3am ET (8pm/12am PT)

LENGTH: 1 hour

PRODUCED BY: Cinetel Productions in association with A&E Network

****WORLD PREMIERE**

[TV G]

BIOGRAPHY:
JOHN WAYNE: THE UNQUIET AMERICAN

For 25 years, John Wayne topped Hollywood box offices. No one else has ever come close. Perhaps because he always played the same character, a man of rugged independence who pits his individuality against the forces of evil, a true American embodying the virtues of bravery, honor and enterprise. *BIOGRAPHY: JOHN WAYNE: THE UNQUIET AMERICAN* recounts how these virtues were more than scripted ideas: they were beliefs that he himself embraced. He translated these principles into a political code, and was a gunslinger for the Right for most of his life. He was a passionate supporter of Goldwater, Nixon and Reagan, and headed the Motion Picture Association for the Preservation of American ideals. It was an organization that thought the blacklist did no go far enough. Wayne also opposed the Civil Rights Movement and was in favor of the Vietnam War.

BIOGRAPHY: JOHN WAYNE: THE UNQUIET AMERICAN shows that beneath the white Stetson was no son of the Wild West. His father failed as a druggist and took his family to farm in the California desert — unsuccessfully. Nor was he part of a happy family. His mother disliked him, allegedly because she almost died in childbirth. All his attempts to be a perfect son were rejected, but he never gave up trying. His own attempts at family life were also unsuccessful. He was married three times. And he never actually fought in the war. He kept postponing his enlistment until "after the next film." Ironically, John Wayne died of cancer, possibly contracted while filming in Yucca Valley, Utah, once the site of nuclear testing and at the time still full of radioactive dust. Those interviewed for the program include his widow Pilar Wayne, film director Oliver Stone, daughter Aissa Wayne, actor Charlton Heston, actress Maureen O'Hara, authors, Garry Wills and George Plimpton and movie extra Big Yellow.

PREMIERE: November 9 at 8pm/12am ET (5pm/9m PT)

LENGTH: 1 hour

PRODUCED BY: BBC TV in association with A&E Network

****NORTH AMERICAN PREMIERE**

[TV G]

INVESTIGATIVE REPORTS:
JONESTOWN: WAS IT A COVER-UP?

Twenty years after the horror of the Jonestown mass suicide, new evidence has surfaced that could change history as we know it. *INVESTIGATIVE REPORTS: JONESTOWN: WAS IT A COVER-UP?* examines the new evidence and presents some shocking new possibilities. Based on 50,000 documents recently secured under the Freedom of Information Act, dozens of interviews on three continents, photographs, diaries and video footage, as well as an audio tape of that fateful night, investigators now believe that the horrible incident may have been a mass murder, not a suicide. The new evidence indicates most of the 900 victims were held down and injected against their will.

INVESTIGATIVE REPORTS: JONESTOWN: WAS IT A COVER-UP? speaks to Tim Carter who describes returning to the camp in the middle of the massacre. Tim describes how he found his child already dead of cyanide and how his wife died in his arms. He was given a suitcase containing over a million dollars and told to take it to the Soviet embassy. Another member of the group describes escaping past armed guards and returning later to hear Jones shot. (This program will be Closed-Captioned -- cc.)

PREMIERE: November 9 at 9pm/1am ET (6pm/10pm PT)

LENGTH: 1 hour

NARRATOR: Bill Kurtis

PRODUCED BY: Fulcrum Production for Channel Four in association with A&E Network and Primetime Entertainment Inc.

****NORTH AMERICAN PREMIERE**

[NR]

BIOGRAPHY:
CHESTY PULLER: THE MARINE'S MARINE

He was the Marine every other Marine wanted to be like. *BIOGRAPHY: CHESTER PULLER: THE MARINE'S MARINE* relates how they called him Chesty because he had a chest like a battering ram. The myth was that the original chest had been shot away and that this one was a steel plate. In amphibious attacks, they said, he didn't need a landing craft because he walked on water. With Chesty Puller you never knew where the myth ended and the real man began. Only this was certain: from the jungles of the Banana Wars and Guadalcanal, from Peleliu to the Chosin Reservoir, Puller compiled a fighting record that needed every inch of the broad chest for medals of valor. He was the only Marine to win the Navy Cross five times for heroism and gallantry in combat.

Puller was not a great strategist. Some said his tactics of, "Hi diddle diddle, straight up the middle," wasted lives. But he gratefully ignored anything that kept him away from the front lines where his beloved Marines could watch him out-shout the gunfire as he bawled commands past the stubby pipe that was never out of his mouth. Those who share their first-hand experiences and memories of Puller include his two daughters, other members of his family, and eleven Marines ranging in rank from major general to sergeant who knew and served with him.

PREMIERE: November 10 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

PRODUCED BY: Lou Reda Productions, Inc. for A&E Network

****WORLD PREMIERE**

[TV G]

BIOGRAPHY:
BURT REYNOLDS

A&E kicks off "'70s Fever" week with the decade's hottest star. *BIOGRAPHY: BURT REYNOLDS* chronicles the life of a boy who fulfilled the American dream twice. He rose from humble beginnings to become one of the most popular personalities in Hollywood, only to fall from grace professionally and financially and then rise again to a new life of critical acclaim and personal happiness.

BIOGRAPHY: BURT REYNOLDS recounts how young Burt worshipped his 6-foot-3 father who was drafted in World War II and was among the first wave to land on D-Day in 1945. Big Burt survived the war and moved his family to Florida. In high school, young Burt became a football star; he attended Florida State on a scholarship. Then, on Christmas Eve 1955, he was in a devastating car accident that ended his football career and nearly ended his life. But Burt had become interested in acting. He won a statewide prize for acting, and his fate was cast. He moved to New York and regional theater where he worked with a young actress named Joanne Woodward. She put a New York agent on his trail and soon Burt was on stage in a revival of *Mister Roberts*. Hollywood beckoned in 1958 and he began appearing in TV. He also met Dinah Shore, 19 years his senior, and romance flourished. Johnny Carson had him on his *Tonight Show* both as a guest and as a host. And director John Boorman cast Reynolds in *Deliverance* and Helen Gurley Brown made him the first male nude centerfold. His career expanded. He could command a million-dollar payday for each movie and he turned out films such as *Smokey and the Bandit*, while passing up roles in *Mash*, *Arthur* and *Terms of Endearment*. He also fell in love with Sally Field but was not able to commit to being a father. In 1988, Burt married Loni Anderson and they adopted a son, Quinton. The marriage ended six years later and Burt's career went south, along with his finances. But, at age 62, he has recovered his star quality with critical acclaim for his performance in *Striptease* and *Boogie Nights*. His finances are in order. He's about to marry his longtime girlfriend Pam Seals. Reynolds's story is illuminated with interviews that include Charles Nelson Reilly, Charles Durning, and Ossie Davis.

PREMIERE: November 15 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

PRODUCED BY: ABC News Productions for A&E Network

****WORLD PREMIERE**

[TV G]

**BIOGRAPHY:
HALSTON**

He was born on April 23, 1932 in Des Moines, Iowa, the son of a bookkeeper and a housewife. *BIOGRAPHY: HALSTON* chronicles the life of America's most celebrated and most glamorous fashion designer. Even as a boy he showed a talent for making hats for his sister and mother. As a teen he was attracted to luxury and style. He started his career as a milliner in Chicago at age 20 and then moved onto New York City and Bergdorf Goodman, where he showed great talent and charm in attracting new clients. He received international recognition when he created Jacqueline Kennedy's pillbox hat. He soon decided to design an entire line of clothes. His career skyrocketed through the 1970s. He dressed stars and socialites and became known as the designer who created clothes for the modern American woman. With a style that was elegant, clean and luxurious, his designs were internationally acclaimed. He traveled in the most glamorous circles — with Andy Warhol and Bianca Jagger, dancing through the night at Studio 54.

BIOGRAPHY: HALSTON recounts how the designer's hard work and hard play finally caught up with him. Pressed to create more and more new Halston products, he wore out. Leveraged buyouts of in the 80s cost him the right to use his own name. A falling out with partners cost him his company. In late 1989, ill with AIDS, he moved to California to be with his family. Halston had always lived by the philosophy that every day should be an event, and never stopped living that way. He died on March 26, 1990 at age 57. Interviewed are friends and relatives including his brothers and sister, fashion designer Isaac Mizrahi and fashion editor Carrie Donovan.

PREMIERE: November 16 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

PRODUCED BY: ABC News Productions for A&E Network

****WORLD PREMIERE**

[TV G]

**AMERICAN JUSTICE:
DEATH ROW PROSTITUTE**

On January 31, 1992, self-described "highway hooker," Aileen Wuornos was sentenced to death for the first of seven men she robbed and killed. *AMERICAN JUSTICE: DEATH ROW PROSTITUTE* recounts how her killing spree, which occurred over the course of a year, is the first to fit the profile of a predatory female serial killer. There had been female serial killers in the past, but none who had sought out their victims. Aileen Wuornos's past provided all the evidence anyone needed to figure out her motive. Her childhood was characterized by abuse both physical and emotional. The only job she ever had was as a prostitute. Wuornos's adult life was a string of bitter disappointments, betrayals, and violent episodes which culminated in a final indignity: Her lesbian lover, with whom she had shared everything, including the money she stole from the men she killed, turned state's evidence and became the star witness for the prosecution. Those interviewed for the program include the jury foreperson, defense attorneys, a state attorney, a psychiatrist, a victim's relative and a childhood friend of Aileen.

PREMIERE: November 18 at 9pm/1am ET (6pm/10am PT)

LENGTH: 1 hour

HOST: Bill Kurtis

PRODUCED BY: Kurtis Productions, Ltd. and Towers Productions, Inc. for A&E Network

****WORLD PREMIERE**

[TV PG]

**A&E SPECIAL PRESENTATION:
THE AMERICAN FILM INSTITUTE SALUTE TO ROBERT WISE**

A&E once again presents a two-hour version of the star studded one-hour network TV tribute from the American Film Institute. This year's honoree is veteran director and producer Robert Wise. Among his credits are *Star Trek: The Motion Picture*, *Sound of Music*, *West Side Story*, *The Sand Pebbles*, *The Andromeda Strain*, *The Day the Earth Stood Still* and *The Curse of the Cat People*. Wise's career spanned 50 years.

PREMIERE: November 21 at 9pm/1am ET (6pm/10pm PT)

LENGTH: 2 hours

PRODUCED BY: The American Film Institute

****WORLD PREMIERE**

[TV G]

**TREASURE!:
THE SEARCH FOR LOST CONFEDERATE GOLD**

In the final days of the Civil War, Jefferson Davis gathered the remains of his government and made a desperate attempt to escape the Federal armies that pursued him. Hoping to fight on, he took the last of the South's treasury — three quarters of a million dollars in gold and silver. His frantic odyssey lasted less than a month. We know what happened to Davis and the others. But what of the treasure? Some say it was spent and vanished with the Confederacy. But others are convinced much of it still lies buried near the small Georgia town that witnessed the death of the Southern dream. **TREASURE! THE SEARCH FOR LOST CONFEDERATE GOLD** explores the mystery with informed opinions from authors and historians.

PREMIERE: November 21 at 11pm/3am ET (8pm/12am PT)

LENGTH: 1 hour

PRODUCED BY: Greystone Communications, Inc. for A&E Network

****WORLD PREMIERE**

[TV G]

**BIOGRAPHY:
THE HUSTONS: HOLLYWOOD'S MAVERICK DYNASTY**

Gamblers, actors, lovers, directors, painters, con-artists — a family that has lived lives as exciting as their art. This two-hour *BIOGRAPHY: THE HUSTONS: HOLLYWOOD'S MAVERICK DYNASTY* is a comprehensive documentary about the lives of the Hustons: Walter, John and Anjelica.

Walter Huston, the most respected actor of his age, gambled on life by running away from home to join the vaudeville circuit. It took twenty years before his bet paid off and the middle-aged troubadour became the toast of Broadway in Eugene O'Neill's *Desire Under the Elms*. Walter's son John inherited his father's itchy feet. Walter told him, "You're either going to really *be* something, or, you're going to amount to nothing." For John's first 30 years, it looked like the latter prediction would hold. He was an adventurer and a romantic — weaned on dime-store novels and postcards from an errant father. Weekends with his mother were spent at the track, where she taught, "Money's for gambling, and the hell with the odds." By age 30, John had married twice and divorced once, had been a prizefighter in L.A., a painter in Paris, and a bum in London. He rode with the Mexican cavalry to add more stories to his endless repertoire. Meanwhile, Walter had found success late in life, and reveled in the critical esteem of Broadway, and the fat checks of Hollywood. But while Walter scaled the heights, his son was nothing more than a spoiled child, who bored easily and moved on quickly. Wives, lovers, and jobs came and went — until John the writer talked his way into becoming John the director — and made one of the most impressive first films in the history of the movies — *The Maltese Falcon*. And so began the career of one of America's great directors, the man responsible for *The African Queen*, *The Misfits*, *Moby Dick* and the film that won both John and Walter Academy Awards — *The Treasure of the Sierra Madre*. Father and son faced popping flashbulbs and clutched their Oscars with the broad grins of men who knew they were at the top of their game. For Anjelica Huston's seventeenth birthday, John gave her a starring role in his new picture. But she wasn't ready and the picture was a disaster. The experience scared the young woman away from acting for many years. After moving to New York and modeling for Richard Avedon in *Vogue*, she found a new relationship to remind her of her true calling — Jack Nicholson. Soon she was acting again: *The Grifters*, *Enemies: A Love Story*, *Crimes and Misdemeanors* and *The Addams Family*. The film *Prizzi's Honor*, directed by her father, won Anjelica an Academy Award. John Huston will probably remain the only director to have won Oscars for both his father and his daughter. When John died, his passing was felt by lovers, friends and cohorts across the world. But the epitaph that he would have wished for most came from one of the film crew, his extended family: "The sun never sets on a conversation about John Huston." The program features a rare interview with Paul Newman, plus exclusive interviews with Michael Caine, Nancy Reagan, sons Tony and Danny, third wife Evelyn Keyes, Jacqueline Bisset, Danny's mother Zoe Sallis, writers John Milius and Ivan Moffat, plus many more.

PREMIERE: November 22 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 2 hours

PRODUCED BY: Peter Jones Productions, Inc. for A&E Network

****WORLD PREMIERE**

[TV G]

**AMERICA'S CASTLES:
MOVIE PALACES**

As the 20th century dawned, America embraced its most spectacular new invention — the motion picture. Movie moguls with names like Fox, Warner and Graumann created grand palaces to showcase their creations. **AMERICA'S CASTLES: MOVIE PALACES** begins with one of the grandest palaces of entertainment, *The New Amsterdam* in New York City. The first theater to embrace Art Nouveau architecture, it is a jewel of fantasy and storybook detail. As movies grew more popular, William Fox began building MOVIE PALACES across the country. In *Atlanta* he helped build a theater the size of a city block whose ceiling replicated a Moroccan sky and audiences were special guests in a Bedouin village. In *Hollywood*, Sid Graumann built a theater that became the most famous theater in the world, the *Chinese Theater*, with the footprints of famous stars and an exotic interior. The program concludes with a stunning look at the new architecture of the 20th century — Art Deco — and the *Wilburn Theater* in Los Angeles. No buildings in America have been as audaciously romantic and wonderfully original as MOVIE PALACES.

PREMIERE: November 22 at 11pm/3am ET (8pm/12am PT)

LENGTH: 1 hour

PRODUCED BY: Cinetel Productions in association with A&E Network

****WORLD PREMIERE**

[TV G]

**BIOGRAPHY:
TED KENNEDY**

Born into a family of great wealth and privilege, Ted was the ninth and last child of Rose and Joseph Kennedy, patriarchs of the closest thing America had to a Royal Family. **BIOGRAPHY: TED KENNEDY** chronicles the life of the son who survived the tragic and untimely deaths of his three older brothers. Joe, Sr. had hoped that his eldest son Joe, Jr. would ascend to the presidency. But after Joe was killed in WWII, those hopes were channeled to John. After JFK was gunned down in Dallas, the torch was passed to Robert. And when Robert was assassinated in 1968, Ted Kennedy stood alone as the keeper of the family flame — the weight of a daunting political dynasty resting on his shoulders.

BIOGRAPHY: TED KENNEDY recounts how the pressure often seemed too great for Kennedy. His public displays of drunkenness and womanizing showed a man on a collision course with himself. The year after Robert's assassination, Ted became involved in the most disgraceful event of his life and in ways the most defining. Mary Jo Kopechne, a young woman who had worked in Bobby's campaign was a passenger in Ted's car as they drove to the ferry after a party on Chappaquiddick Island. Ted drove the car off a bridge and the young woman drowned. Kennedy escaped but didn't report the accident until the next morning. The death marked the end of any hope Ted would have of being president. In a life marked by tragedy and trauma, sometimes from outside forces, sometimes from forces within, Edward Kennedy has managed to survive and even thrive. He would make an indelible mark in U.S. politics. After nearly 40 years as a U.S. Senator, Ted Kennedy has earned a reputation as one of the most influential political figures of his generation and one of the most effective lawmakers of this century. Interviews with cousin Joe Gargan, nephew Bobby Kennedy Jr., newsman Roger Mudd, and other close friends, family members, political colleagues and opponents shed light and unique perspective on the life of the senior senator from Massachusetts.

PREMIERE: November 23 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

PRODUCED BY: ABC News Productions for A&E Network

****WORLD PREMIERE**

[TV G]

**INVESTIGATIVE REPORTS:
THE LONG ARM OF THE RUSSIAN MOB**

Since the collapse of the former Soviet Union, the power of organized crime has exploded. INVESTIGATIVE REPORTS: THE LONG ARM OF THE RUSSIAN MOB reports that the mob today has a virtual stranglehold on the Russian economy. Violent crime has skyrocketed. And, most disturbing of all, the Russian Mafia's tentacles are spreading across the world. This episode of INVESTIGATIVE REPORTS: THE LONG ARM OF THE RUSSIAN MOB, tracks the Russian gangsters and their crimes — from the streets of Moscow to the United States and Israel. (This program will be Closed Captioned for the Hearing Impaired: cc.)

PREMIERE: November 23 at 9pm/1am ET (6pm/10m PT)

LENGTH: 1 hour

HOST: Bill Kurtis

PRODUCED BY: BBC

****NORTH AMERICAN PREMIERE**

[NR]

**INSIDE STORY:
LIFE IN A WAR ZONE**

The Bornsteins and the Nachmans are typical American families who are looking for a better life. But these two families are not looking here in America for that life, but in a small patch of land that is rife with turmoil, danger and political upheaval. INSIDE STORY: LIFE IN A WAR ZONE accompanies the Bornsteins and the Nachmans to a place that for 50 years has been at the center of many of the world's most deadly conflicts. The West Bank of Israel. It's where the playgrounds are ringed in barbed wire and soldiers are armed with machine guns at the city gates. These extraordinary personal journeys offer a human perspective to viewers who are used to thinking of conflicts in the Middle East as little more than headlines on the evening news. While the anticipation of the move seemed exciting and adventurous to the families, the reality of surviving in a world where outside the city walls is open season on people who find themselves on the front lines of a never-ending holy war.

INSIDE STORY: LIFE IN A WAR ZONE also introduces viewers to the people most affected by what the Bornsteins and Nachmans consider a courageous move: the Israeli guards who defend them and the Palestinians they've displaced. With the 50th Anniversary of the State of Israel, tensions have heated up.

PREMIERE: November 24 at 9pm/1am ET (6pm/10m PT)

LENGTH: 1 hour

HOST: Bill Kurtis

PRODUCED BY: Co-produced by Broadcast News Networks and NOGA Productions for A&E Network

****NORTH AMERICAN PREMIERE**

[TV PG]

BIOGRAPHY:
JOE BONANNO: THE LAST GODFATHER

BIOGRAPHY: JOE BONANNO: THE LAST GODFATHER tells the story of a life that spans almost a century of Mafia history. Born into a prominent Mafia family in Sicily, and a founding member of the original Mafia commission in 1931, Joe Bonanno witnessed the rise and fall of a secret, violent world and lived to tell the tale. For thirty years he quietly built a Mafia family dynasty without ever having his name mentioned in the papers. When Bonanno presided over the wedding of his son Bill to Rosalie Profaci, he was arguably the most powerful Mafia chieftain in the world.

BIOGRAPHY: JOE BONANNO: THE LAST GODFATHER relates how, in the early sixties, Bonanno's world went spiraling out of control. Joe moved his son Bill into a leadership position in the Family, and the commission he had founded turned against him. Bill Bonanno could not be the man his father had been because times had changed. With former family members trying to kill him on one side — and law enforcement hounding him on the other — Bill had inherited a sinking ship. In less than a decade, kidnapping, betrayal and murder ultimately forced the Bonanno godfather and his son into exile. Remarkably, Joe Bonanno outlived all his enemies. In 1983, he became the first and only godfather to publish his memoirs. The program features interviews with Joe Bonanno, his son Bill, author Gay Talese, Bill's wife Rosalie Bonanno, former U. S. attorney Mayor Rudy Giuliani, journalists and Mafia investigators.

PREMIERE: November 25 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

PRODUCED BY: Towers Productions, Inc. for A&E Network

****WORLD PREMIERE**

[TV PG]

A&E SPECIAL PRESENTATION:
HOLIDAY AT POPS! (1998)

The A&E holiday tradition continues. In collaboration with WCVB-TV and The Boston Pops, HOLIDAY AT POPS! will be telecast live on Thanksgiving night from Symphony Hall in Boston. Keith Lockhart will conduct, with special guests: world renown opera star Frederica von Stade, jazz singer/guitarist John Pizzarelli, Baritone Mark Oswald, The Tanglewood Festival Chorus and the PALs Childrens Chorus.

PREMIERE: November 26 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 2 hours

HOST: Jack Perkins and Mary Richardson

PRODUCED BY: WCVB-Boston in association with A&E Network

****WORLD PREMIERE**

[TV G]

**THE NEW EXPLORERS:
INCA GOLD**

Legend has it that a general was on his way to pay ransom in gold for the Incan king Atahualpa when he heard of the king's death at the hands of the Spanish. The general then hid the 750 thousand pounds of gold in the rugged Llanganati mountains of Ecuador. The search has been on ever since.

In THE NEW EXPLORERS: INCA GOLD, archeologist John Rick and "electronic whiz" Roger Vickers are combining the basics of archeology with the latest computer technology to try to find the lost treasure and unlock the mystery of Atahualpa's gold. Dr. Rick uses fieldwork to identify areas of the Llanganati mountains where the treasure is likely to be. Then Dr. Vickers flies over these areas in a plane packed with hi-tech equipment. This radar survey will gather data for a virtual reality "map" of the jungle, and sensors on board will penetrate the ground looking for large metal deposits. The treasure has eluded legions of hunters for hundreds of years. Can science today provide the answers? This program will highlight once again the wonders of scientific adventure.

PREMIERE: November 27 at 9pm/1am ET (6pm/10pm PT)

LENGTH: 1 hour

HOST: Bill Kurtis

PRODUCED BY: Kurtis Productions, Ltd. for A&E Network

****WORLD PREMIERE**

[TV G]

**ANCIENT MYSTERIES WITH LEONARD NIMOY:
THE MARVELS OF ROMAN ROADS**

Two thousand years ago, a stone-paved highway system of over 50,000 miles ensnared the known world in a web of power that radiated from ancient Rome. It was a brilliant achievement almost beyond modern comprehension, built on the back of oppression and awash with the blood of conquest.

ANCIENT MYSTERIES WITH LEONARD NIMOY: THE MARVELS OF ROMAN ROADS recounts how the roads sliced across three continents and slashed away at other cultures. But they were also instruments in the process of building a cosmopolitan society of unprecedented success. The Roman Empire was, and is, a force to be reckoned with inhuman history. There is no greater symbol of its power and breadth than its roads. But were the Roman roads also the road to ruin for the world's mightiest empire?

PREMIERE: November 29 at 7pm/11pm ET (4pm/8pm PT)

LENGTH: 1 hour

HOST: Leonard Nimoy

PRODUCED BY: Greystone Communications, Inc. for A&E Network

****WORLD PREMIERE**

[TV G]

BIOGRAPHY:
ROBERT SCHULLER: THE POSSIBILITY PREACHER

The last of five children in an Iowa farm family, as a child Robert Schuller often preached to the cows rather than milk them. At age 4, Robert had set his lifetime goal.

BIOGRAPHY: ROBERT SCHULLER: THE POSSIBILITY PREACHER chronicles the path Robert Schuller took as he left Iowa and finished his education in 1950 at the Western Theological Seminary in Michigan. While substituting as pastor in his hometown church, he fell in love with the organist, Arvella DeHaan, and married her. They moved to Chicago and Robert turned a small neighborhood congregation of 40 into a thriving family-oriented church of 400. But the challenge wasn't big enough for the ambitious minister. Robert and Arvella moved to Garden Grove, California. He needed a place to hold his Sunday service and ended up renting a drive-in movie theater. By the summer of 1957, 2,000 cars jammed the freeway. In 1961, Schuller purchased land and built what he called "a shopping center for God." Californians came in droves. He then took his message to the Los Angeles air waves with "The Hour of Power." In 1976, Schuller broke ground for what he hoped would become the ultimate monument to God. He hired world-renowned architect Philip Johnson to design it. Schuller appealed to his TV audience and made personal appearances in the homes of the wealthy to pay for it. In 1980, the Crystal Cathedral opened debt free. The preacher's prominence continued to grow and has had a personal connection with every U.S. president for the past two decades, as well as with Arafat, Gorbachev and the Pope. Next, Rev. Schuller plans to build a food court and an entertainment center on his Crystal Cathedral campus. His "Hour of Power" is the most watched religious program and airs in 44 countries. Schuller intends to be a force in shaping religion for all people in the next millennium.

PREMIERE: November 29 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

PRODUCED BY: ABC News Productions for A&E Network

****WORLD PREMIERE**

[TV G]

**A&E SPECIAL PRESENTATION:
THE RISE OF CHRISTIANITY: THE FIRST THOUSAND YEARS**

In the West, the holidays of Christmas and Easter have made the life story of Jesus well known, even among non-Christians and the nonreligious. And there is general knowledge of today's Christian religions — from the Pope in Rome to the preacher in an urban ghetto storefront. But what of the dawn of Christianity? How did the life story of Jesus from Christmas to Easter get translated and spread across the known world during the first 1,000 years after Christ?

This two-part, four-hour A&E SPECIAL PRESENTATION: THE RISE OF CHRISTIANITY: THE FIRST THOUSAND YEARS tells how the Christian religion began, the obstacles it overcame, how it spread, flourished, and faced renewed threats from within and without. Part I. The story begins 50 days after Jesus' crucifixion, when wind and tongues of fire descend upon the followers of Jesus and filled them "with the Holy Spirit" and they began to speak in other languages. Thus started the religion called Christianity. One of its converts, Saul of Tarsus, began as a persecutor and became a proponent after seeing a vision of Jesus. Under his new name, Paul, he preached to the Gentiles throughout the Mediterranean. While Rome began a systematic campaign to destroy the new religion, great thinkers began to apply classical logic and rhetoric to the new faith. The new religion continued to grow. Even as the worst persecution began, Christianity was about to experience a reversal from persecuted faith to the religion of an Emperor. In 312 AD, the Emperor Constantine converted and saved the religion and changed an empire. Constantine's church officials began to narrow down dozens of gospels, letters, stories, sayings and "secret teachings" of Jesus, creating the New Testament we recognize today. But within a generation of Constantine's death, the Roman Empire was in trouble. The West, centered in Rome, grew increasingly distant from the East, centered in Constantinople. In addition, new hoards of barbarians were moving into Europe, plundering as they came.

Part II. Though Rome "fell" to the barbarians in 476, the Empire did not. The Eastern Roman Empire, centered in Constantinople, survived in splendor for another thousand years. The Emperor Justinian and his wife Theodora were crowned in 527 AD. Under their reign, Christianity flourished from the Balkans to Persia. But soon, in the sands of Arabia, a man named Mohammed received a call from God. Within a century of Mohammed's death, the religion of Islam swept across the southern shore of the Mediterranean and into Europe. Half of Christendom had been conquered. Europe had entered the Dark Ages, but Saint Patrick had converted the Irish, and his followers created a network of monasteries throughout the British Isles. The monks copied the Bible and the great works of Classical literature for future preservation, making Ireland the center of learning for the continent. On January 1, 800 AD, Pope Gregory placed a crown upon the head of the Frankish king Charlemagne, declaring him the new Holy Roman Emperor. Charlemagne began a systematic campaign to bring learning, organization, religion and morality to the continent. A new Christian Europe emerged from the Dark Ages. The East too began to see a renewed effort to convert the entire world, as monks created an alphabet so the Bible could be translated into the Slavic tongues. By the year 1000, all Europe suddenly seemed to convert. Missionary diplomacy conquered Viking and Magyar hordes when armies could not. A thousand years after the death of Jesus, all of European could be considered part of "Christendom." (This program will be Closed-Captioned -- cc.)

PREMIERE: Part I: November 29 at 9pm/1am ET (6pm/10pm PT)

Part II: November 30 at 9pm/1am ET (6pm/10pm PT)

LENGTH: 2 X 2 hours

PRODUCED BY: FilmRoos, Inc. for A&E Network

****WORLD PREMIERE**

[TV G]

BIOGRAPHY:
BEETHOVEN: THE SOUND AND FURY

BIOGRAPHY: BEETHOVEN: THE SOUND AND THE FURY chronicles the life of the man who made some of the most powerful and inspiring music ever created. His nine symphonies and countless small works made him a giant in his day — the late 18th and early 19th centuries. But the pressures of fame also made this temperamental and fragile soul go through extreme anguish and raging self-doubts. For Beethoven's personality was as intense, unwieldy and extreme as his music. He was filled with contradictions. For example, though he grew to be incredibly rich, he dressed like a pauper and scorned the delicate social mores of his aristocratic patrons.

BIOGRAPHY: BEETHOVEN: THE SOUND AND THE FURY recounts how though he was supportive of populist anti-aristocratic causes, he spent a good part of his fortune in court in a failed attempt to prove he had a noble heritage. And most tragic of all, the man who gave the world such powerful music became totally deaf by the time he was 40. A gloomy failure in romance, erratic and bombastic with his patrons and fans, often isolated and lonely, Beethoven's personality is as complex as his creative output was profound. The program features interviews with experts including violinist Isaac Stern, conductor Kurt Masur, violinist Anne-Sophie Mutter, Eugene Drucker and Philip Setzer of the Emerson String Quartet, the director of the Center for Beethoven Studies, musicologists from Juilliard and UCLA among others, authors and performers. The program also features concert performances by the Eos Orchestra, the New York Philharmonic, the Emerson String Quartet and the Vienna Philharmonic.

PREMIERE: November 30 at 8pm/12am ET (5pm/9pm PT)

LENGTH: 1 hour

NARRATOR: Ron Perlman

PRODUCED BY: History Television Network Productions, H-TV for A&E Network

****WORLD PREMIERE**

[TV G]

###

FOR IMMEDIATE RELEASE
CONTACT: Debra Fazio
(212) 210-9108

They had the right stuff, but were the wrong sex...

IN SEARCH OF HISTORY
THE MERCURY 13: SECRET ASTRONAUTS

**The History Channel® examines why America's first
female astronaut corps never had a chance to go into space**

Friday, October 23 at 8 pm ET/ 9 pm PT

New York, NY, September 28, 1998 — On October 29, 77-year-old John Glenn, an original Mercury Seven astronaut and the first American to orbit the Earth, is scheduled to return to space for the first time in 35 years in order to test the effects of space flight on a senior citizen. Among those watching with interest will be 67-year-old Jerrie Cobb. For nearly four decades, Cobb has dreamt of soaring above the clouds, and she hopes that Glenn's flight will open a door for her that was slammed shut years before. In 1961, she was one of thirteen women pilots who had qualified to become astronauts. The story of their losing battle for equality in the skies is chronicled on *IN SEARCH OF HISTORY*'s presentation of **THE MERCURY 13: SECRET ASTRONAUTS**, premiering **Friday, October 23 at 8 pm ET/ 9 pm PT**.

THE MERCURY 13: SECRET ASTRONAUTS traces the 70-year struggle for American female pilots to achieve respect. The documentary features commentary from members of the Mercury 13, including Kay Cagle, Gene Nora Jessen and Irene Leverton, as well as current female astronauts and test pilots, including Bonnie Dunbar, Pam Melroy and Tamara Jernigan.

Project Mercury began shortly after the Soviets shocked Americans by launching Sputnik in 1957. Its goal was to put an American into space before the Russians. Jackie Cochran, the most respected—and best—female pilot of the 1950s (she was the first woman to break the sound barrier), was equally determined to include women in the battle to beat the Russians.

Six months after the Mercury Seven were introduced to the public, Dr. Randy Lovelace, who ran the New Mexico clinic at which extensive medical tests were conducted on astronaut candidates, learned that the Russians were considering putting a woman into space. He became curious about how women would perform on the same tests he had administered on the Mercury Seven.

He found his test candidate in Jerrie Cobb, a 28-year-old pilot from Oklahoma and the most accomplished female pilot in the U.S. next to Jackie Cochran.

- more -

Cobb endured 75 different tests and performed as good as, and in some cases, better than the men. Six months after the secret tests were conducted, Lovelace announced publicly that Jerrie Cobb was qualified for space, turning Cobb into a celebrity.

Lovelace felt he needed to know if Cobb was an exception to the rule, or if other females could test just as well. With the help of Cochran, who paid for much of the testing out of her own pocket, he recruited twenty women to take the same tests that had been given to men like Alan Shepard and John Glenn. Twelve women passed the tests.

On April 12, 1961, the Soviets beat the Americans in the race to get the first man into space. Cobb appealed to NASA that the U.S. had a perfect opportunity to beat the Russians by putting the first woman in space—and she expected to be that woman. The only qualification that Cobb and the rest of the Mercury 13 lacked was experience flying a jet. Two days before the training was to begin, the Navy withdrew its support. Despite extensive lobbying efforts in Washington, the program came to a halt, and the Mercury 13 lost their chance to become space heroines. One year later, on June 16, 1963, Soviet cosmonaut Valentina Tereshkova, a non-pilot, became the first woman in space.

America's first woman in space didn't occur until June 18, 1983 when Dr. Sally Ride flew aboard the Space Shuttle Challenger. Since Ride's historic first journey into space in 1983, women have played greater and greater roles in subsequent shuttle missions. To date, twenty-eight American female astronauts have flown on the Shuttle. In 1995, Eileen Collins, an experienced Air Force test pilot, became the first female astronaut to pilot an American spacecraft. In 1996, Shannon Lucid broke the record for the longest time spent in space while aboard the Russian Space Station Mir.

Will John Glenn's ride into the skies open the door for Jerrie Cobb to finally make it into space? **THE MERCURY 13: SECRET ASTRONAUTS** shows how the experience of participating in the astronaut program affected these women's lives and how they still have dreams of soaring into the heavens.

THE MERCURY 13: SECRET ASTRONAUTS is a production of Creative Production Group for The History Channel. It is produced and directed by Robert Lihani. Executive producers are Alan Ett and James Cross. It is written by Robert Lihani and James Cross. Executive Producer for The History Channel is Susan Werbe.

Winner of two George Foster Peabody Awards, The History Channel® reveals the power and passion of history. An inviting place where people experience history personally and connect their own lives to the great lives and events of the past. Now enjoyed in more than 51.1 million homes, The History Channel® is the only place "*Where the Past Comes Alive.*" Visit us on the World Wide Web at HistoryChannel.com.

###

FOR IMMEDIATE RELEASE

CONTACT: LaDebra Moore Fletcher
(212) 210-1328

A History Channel® Special Presentation

**COMING HOME:
THE VETERAN EXPERIENCE IN AMERICA**

The History Channel® looks at how returning veterans have adjusted to life back home

World Premieres Sunday, November 8 at 9 pm ET/ 10 pm PT
repeats Wednesday, November 11 at 3 pm ET/ 12 noon PT
and Wednesday, November 11 at 10 pm ET/ 11 pm PT
and Saturday, November 14 at 5 pm ET/ 2 pm PT
and Saturday, December 12 at 9:30 pm ET/ 10:30 pm PT

Featuring interviews with General Colin Powell, Senator John McCain and other well-known vets

New York, NY, September 9, 1998 — Many a documentary has told the story of the valor of America's fighting forces in combat. But when these conflicts are over, another battle begins—the battle to fit back into everyday life. The story of the adjustment of vets upon returning to their roots unfolds on **COMING HOME: THE VETERAN EXPERIENCE IN AMERICA**.

The two-hour World Premiere special presentation debuts Sunday, November 8 at 9 pm ET/ 10 pm PT and *repeats* Wednesday, November 11 at 3 pm ET/ 12 noon PT *and* Wednesday, November 11 at 10 pm ET/ 11 pm PT *and* Saturday, November 14 at 5 pm ET/ 2 pm PT *and* Saturday, December 12 at 9:30 pm ET/ 10:30 pm PT.

What was it like to return home to the bride you left behind, the children you hardly recognized, and a country that moved on without you? **COMING HOME: THE VETERAN EXPERIENCE IN AMERICA** spans over 200 years of American military history to chronicle how the war experience changed the lives of millions of young men and women, many of whom, upon returning home, felt a sense of displacement and bewilderment on one hand, but also patriotism and camaraderie on the other.

- more -

COMING HOME: THE VETERAN EXPERIENCE IN AMERICA features interviews with veterans of America's wars who describe their unique coming home experiences, including Senator John McCain, who spent several years in a North Vietnamese POW camp; General Colin Powell, whose coming home experiences from Korea and Vietnam were much different from that of the Persian Gulf War; Harold Russell, who lost both hands during WWII but won an Oscar for his role in *The Best Days of Our Lives*; Senator Daniel Inouye; and ABC news correspondent Jack Smith.

The documentary makes use of letters and diary entries written by veterans from the American Revolution to the Persian Gulf War. The special examines how veterans have tried to fit back into civilian life, many rising to great triumphs, others struggling to find jobs, earn respect, and overcome physical and emotional wounds. It looks at the creation of such organizations as the American Legion and how the G.I. Bill transformed veterans' lives and American colleges after WWII. It focuses on the many problems veterans faced, such as continued prejudice against African-American vets following the Civil War and World War I, the Bonus March on Washington by WWI vets, the debilitating effects of post-traumatic stress disorder and Agent Orange, and the public's less than enthusiastic response to returning Korean War and Vietnam vets. It shows how the country has tried to heal the wounds of Vietnam after the fact with belated homecoming parades and memorials.

Whether they were honored by ticker tape parades or whether they returned home alone and unnoticed, combat veterans share a common bond that civilians can never fully comprehend. **COMING HOME: THE VETERAN EXPERIENCE IN AMERICA** captures the emotions felt by these men and women as they returned home to the families they left behind and the country that they put their lives on the line to defend.

COMING HOME: THE VETERAN EXPERIENCE IN AMERICA is an **H-TV Network Production for The History Channel**. Producers are Michael Penland and Alison Guss. Executive Producer for The History Channel is Susan Werbe.

Winner of two George Foster Peabody Awards, The History Channel® reveals the power and passion of history. An inviting place where people experience history personally and connect their own lives to the great lives and events of the past. Now enjoyed in more than 51.1 million homes, The History Channel® is the only place "*Where the Past Comes Alive.*" Visit us on the World Wide Web at HistoryChannel.com.

###

FOR IMMEDIATE RELEASE

CONTACT: Gary Morgenstein 212-210-1321
LaDebra Moore Fletcher 212-210-1328

**THE HISTORY CHANNEL® TO PRESENT
MOST AMBITIOUS PROJECT IN NETWORK HISTORY,
FIFTEEN-AND-A-HALF HOUR**

THE CENTURY: AMERICA'S TIME

ANCHORED BY PETER JENNINGS OF ABC NEWS

WORLD PREMIERES IN SPRING 1999

As Cornerstone Of Millennium Programming

**Monday, April 12 – Friday, April 30 at 9 pm ET/ 10 pm PT
and *REPEATS* Saturdays from May 8 – June 26 at 10 pm ET/ 11 pm PT**

New York, September 24, 1998 – The History Channel® will present the most ambitious project in its three-year history. A **World Premiere, fifteen-and-a-half hour sweeping historical journey through the 20th Century, THE CENTURY: AMERICA'S TIME**, will air **Monday, April 12 – Friday, April 30 at 9 pm ET/ 10 pm PT** and *repeat* Saturdays from **May 8 – June 26 at 10 pm ET/ 11 pm PT**, as the cornerstone of the network's millennium programming.

THE CENTURY: AMERICA'S TIME is a co-production with ABC News and will be anchored by Peter Jennings of ABC News.

“As the only television network devoted exclusively to historical programming, The History Channel has become the place viewers turn to for quality, historical documentaries,” said Dan Davids, Executive Vice President and General Manager, The History Channel. *“This extraordinary program, co-produced with the outstanding news organization of ABC News, will designate The History Channel as the network for millennium programming.”*

Over five years in the making and drawing from more than 3,000 hours of archival footage and 500 original interviews, **THE CENTURY: AMERICA'S TIME** will take viewers from the early years of the century when President Teddy Roosevelt wielded his big stick, through America's entrance into World War I; Woodrow Wilson's failure to bring the country into the League of Nations; the flamboyance of the Roaring 20s and the devastation of The Great Depression; FDR and the New Deal; Pearl Harbor and World War II, the Cold War, McCarthyism and the New Frontier; followed by the seismic quakes of the 60s, the aftermath of Vietnam, the Reagan years and into the 1990s.

- more -

The 20th century documentary retrospective also will include home video cassette collections for both home and school, a companion book, a massive educational outreach program and accompanying materials on The History Channel® website www.HistoryChannel.com.

Since its launch in January 1995, The History Channel has documented powerful events of all centuries, including the presentation THE GREAT DEPRESSION, hosted by former New York Governor Mario Cuomo, and a two-hour special commemorating the 50th anniversary of ISRAEL: BIRTH OF A NATION, hosted by historian Sir Martin Gilbert.

Winner of two George Foster Peabody Awards, The History Channel® reveals the power and passion of history. An inviting place where people experience history personally and connect their own lives to the great lives and events of the past. Now enjoyed in more than 51.1 million homes, The History Channel® is the only place "*Where the Past Comes Alive.*" Visit us on the World Wide Web at HistoryChannel.com.

###

NOVEMBER 1998 PRIMETIME HIGHLIGHTS

<u>TALES OF THE GUN</u>		<u>ET/PT</u>
• THE MAKING OF A GUN	NOV 1	8pm/9pm
• GERMAN SMALL ARMS OF WORLD WAR II	NOV 8	8pm/9pm
• GUNS OF WINCHESTER	NOV 15	8pm/9pm
• WOMEN AND GUNS	NOV 22	8pm/9pm
• GUNS OF THE CIVIL WAR	NOV 29	8pm/9pm
<u>SWORN TO SECRECY</u>		
• THE INVASION OF PANAMA	NOV 1	9pm/10pm
• VIETNAM: HIDDEN IN PLAIN SIGHT	NOV 22	9pm/10pm
• GERMAN INTELLIGENCE IN WORLD WAR II	NOV 29	9pm/10pm
<u>HISTORY UNDERCOVER</u>		
THE DOOMSDAY FLU	NOV 1	10pm/11pm
POPE PIUS XII AND THE HOLOCAUST	NOV 15	10pm/11pm
MISSING EVIDENCE: THE JFK ASSASSINATION	NOV 22	10pm/11pm
<u>SPECIAL PRESENTATIONS</u>		
COMING HOME: THE VETERAN EXPERIENCE IN AMERICA	NOV 8	9pm/10pm
A LOOK AT THE 70'S	NOV 16	9pm/10pm
THE HISTORY OF TOYS AND GAMES	NOV 21	8pm/9pm
Home for the Holidays: The History of Thanksgiving	NOV 26	8pm/9pm
<u>IN SEARCH OF HISTORY</u>		
SECRETS OF THE OVAL OFFICE	NOV 3	8pm/9pm
<u>HISTORY ON TRIAL WEEK:</u>		
• THE TRUE STORY OF SACCO AND VANZETTI	NOV 9	8pm/9pm
• The Monkey Trial	NOV 10	8pm/9pm
• Joan of Arc: Soul on Fire	NOV 11	8pm/9pm
• BORN KILLERS: LEOPOLD AND LOEB	NOV 12	8pm/9pm
• SALEM WITCH TRIALS	NOV 13	8pm/9pm
<u>FRIDAY the 13th:</u>		
• Legends of the Werewolves	NOV 13	9pm/10pm
• The Real Dracula	NOV 13	10pm/11pm
• Abominable Snowman	NOV 13	11pm/12am
THE TRUE STORY OF THE MOLLY MAGUIRES	NOV 23	8pm/9pm

- more -

NOVEMBER 1998 PRIMETIME HIGHLIGHTS

(page 2)

HISTORY ALIVE

EMPIRES OF INDUSTRY:

- | | | |
|--------------------------------|-------|----------|
| • LEAVES OF GOLD | NOV 2 | 9pm/10pm |
| • WAR PLANES OF WORLD WAR II | NOV 3 | 9pm/10pm |
| • TIMBER! | NOV 4 | 9pm/10pm |
| • BLACK GOLD: THE STORY OF OIL | NOV 5 | 9pm/10pm |

WARHORSE:

- | | | |
|-----------------------|--------|----------|
| • A BEAST FOR HEROES | NOV 9 | 9pm/10pm |
| • THE IRON HORSE | NOV 10 | 9pm/10pm |
| • IN THE FACE OF FIRE | NOV 11 | 9pm/10pm |
| • THE LAST CHARGE | NOV 12 | 9pm/10pm |

MODERN MARVELS

- | | | |
|--------------------------|--------|-----------|
| • SPORTS TECH: EQUIPMENT | NOV 3 | 10pm/11pm |
| • BOMBS | NOV 9 | 10pm/11pm |
| • PROSTHETICS | NOV 23 | 10pm/11pm |

MOVIES IN TIME

DEAD AHEAD: THE EXXON VALDEZ DISASTER	NOV 20	9pm/10pm
---------------------------------------	--------	----------

AS IT HAPPENED

AMERICA HELD HOSTAGE: 444 DAYS TO FREEDOM	NOV 7	8pm/9pm
---	-------	---------

**FOR FURTHER PROGRAM or LISTINGS INFORMATION,
CONTACT LaDEBRA MOORE FLETCHER (212) 210-1328 OR EILEEN FITZPATRICK (212) 210-1329**

TALES OF THE GUN

Like it or not, the gun has changed history – and carries with it its own history of craft and skill, of hit men and the men who have drawn their weapons for good and ill. This mini-series targets distinctive weapons and their role in society. November's episodes include:

- **THE MAKING OF A GUN (November 1):** Forged from simple raw materials, the gun is so durable it can last 100 years. It has few moving parts, but its design requires complex engineering. Its purpose is basic – and it performs it well as one of the most powerful destructive devices ever invented. Here is how it works.
- **GERMAN SMALL ARMS OF WORLD WAR II (November 8):** When Nazi Germany advanced on Europe in 1939, its soldiers carried weapons whose names would soon become frighteningly familiar: Luger and Mauser, Karabiner K98k and P38s, the Schmeizer. Showing the factories that produced these hated weapons and reveals their use from North Africa to Russia, this episode traces how Germany secretly re-armed itself after World War I, producing rifles and pistols for use everywhere from the battlefield to the concentration camp to Hitler's suicide.
- **GUNS OF WINCHESTER (November 15):** The Winchester is the lever-action rifle familiar in the hands of John Wayne, Buffalo Bill Cody and Annie Oakley. It was the first reliable repeating rifle and came with American settlers as they moved west to seek their fortunes. Prized by Civil War soldiers who were lucky enough to have it, Winchesters were also preferred by lawmen like the Texas Rangers and outlaws like Billy the Kid. Strangely, Oliver Winchester, the man for whom the gun is named, started out as a shirt manufacturer. Today, Winchester firearms command upwards of \$100,000.00 from collectors trying to own a piece of the old West.
- **WOMEN AND GUNS (November 22):** Since the invention of gunpowder, women have demonstrated an amazing proficiency with firearms. Against tradition, sometimes at the risk of imprisonment, women have disguised themselves as men in order to bear arms to defend their nations. On the frontier, they learned to shoot to survive. Some became famous for their skills, others achieved infamy as outlaws. Throughout history, the fairer sex has been armed and sometimes dangerous.
- **GUNS OF THE CIVIL WAR (November 29):** It was a war in which brother fought brother. Where battlefields became slaughterhouses. Where the astonishing technology and ingenuity of a country in the midst of an industrial revolution was put to the task of making the most destructive killing machines the world had ever seen. As a result, more Americans were killed in the Civil War than in all other American wars combined. Ominously foreshadowing the horrors of the First World War, the guns of Civil War were the first truly modern weapons.

Airs: Sundays, November 1, 8, 15, 22, 29 at 8 pm ET/ 9 pm PT
Repeats: Saturdays, November 7, 14, 21 at 12 pm ET/ 9 am PT
Length: 1 hour nightly
Host: Roger Mudd
Producer: Greystone Communications

SWORN TO SECRECY

Outstanding new documentary specials narrated by actor Charlton Heston dig into undiscovered aspects of this century's most terrible conflicts.

Premiere!

THE INVASION OF PANAMA (November 1): This is a behind-the-scenes account of General Manuel Noriega's odyssey after the U.S. Army launched its largest operation since Vietnam to find the notorious dictator. The story includes the surprise invasion of Panama in December 1989, the secret buildup to the attack, the classified mission by Special Forces to rescue an American hostage and the manhunt for a dictator who pushed his luck too far. Among the details revealed: the day before the invasion, Noriega received a phone call from one of his most trusted American friends in Washington who told him not to worry. This phone call was the last betrayal of Noriega. The program also tells the incredible story of prisoner Kurt Muse, an American undercover agent who, with the support of the CIA, used a transmitter to conduct psychological operations against the Noriega regime. His rescue was a top priority in Washington, and the mission was given to the top secret US Army Delta Force.

Airs: Sunday, November 1 at 9 pm ET/ 10 pm PT
Length: 1 hour
Narrator: Charlton Heston
Producer: Documedia Group

Premiere!

VIETNAM: HIDDEN IN PLAIN SIGHT (November 22): This program details the Viet Cong's secret methods of foiling America's attempt to seal off South Vietnam. From the Ho Chi Minh Trail to the tunnels of Cu Chi, this is the remarkable story of hidden supply highways, underground cities, covert camps and double agents. One secret Viet Cong site, the Cu Chi complex, was a 155-mile system that honeycombed the area from the Cambodian border to within 22 miles of Saigon. Begun in 1948, the huge interconnected tunnels supported the Viet Cong's ability to attack and hide at will. The program also reveals one of the war's best-kept secrets, a brilliant spin fabricated to conceal the true relationship between the Viet Cong National Liberation Front, (the NLF) a supposed insurgent group native to the South and the North Vietnamese communist leaders in Hanoi. The program claims that in reality there was only one party, one army, and one system of leadership.

Airs: Sunday, November 22 at 9 pm ET/ 10 pm PT
Length: 1 hour
Narrator: Charlton Heston
Producer: Documedia Group

GERMAN INTELLIGENCE IN WORLD WAR II (November 29): This program explores the Axis intelligence operations and the secret feuds among the leaders of the military and Nazi spy operations. They were the top spy masters in the Third Reich...two rivals who were shrouded in mystery and sworn to secrecy. With thousands of agents at their command, they were entrusted with Germany's most sensitive intelligence operations in World War Two. In the end, one man would kill for Hitler, the other would betray him. Hitler's most trusted master spy, Admiral Wilhelm Canaris, Chief of the German Military Intelligence Agency (the Abwehr), conspired to overthrow the Fuhrer in 1938. He also plotted *against* Hitler throughout the war. Hitler's other top spy, Reinhard Heydrich, was the Chief of the SS's Intelligence Agency. He was also the chief architect of "The Final Solution." But he always faced a lingering accusation that he was of Jewish descent, which bothered him tremendously.

Airs: Sunday, November 29 at 9 pm ET/ 10 pm PT
Length: 1 hour
Narrator: Charlton Heston
Producer: Documedia Group

HISTORY UNDERCOVER

This intriguing series scrutinizes espionage and political subterfuge--the derring-do, deal-making and secret alliances that shape the underside of history. Documentaries delve into everything from America's most sensational spy cases to secret Soviet involvement in the Korean War to Japan's brutal treatment of its enemies in World War II.

World Premiere!

THE DOOMSDAY FLU (November 1): Over the course of just 120 terrifying days, an innocuous seasonal disease mutated into a monster that killed 22 million people around the world – one million more than World War I saw dead by bayonet, shell, gas and machine gun in four years. Scientists estimate that, had the disease maintained its rate of acceleration, it would have wiped out all humankind in months. This program tells the terrible story of the Spanish Flu, which during the final week of October 1918 alone killed 21,000 in America. The disease struck quickly: in minutes, a person feeling perfectly well would be overcome by crushing fatigue and nearly instantly felled by raging fever, a throat and mouth turned flaming red, paralyzed eye muscles, and lungs that hemorrhaged and filled with strangling pus. As this flu raged across Europe, Asia, Australia and the Americas, it seemed to pick the young and the strong; in army camps, it was the farm boys who fell and not the wizened city dwellers. As this program reveals, the flue nearly brought the Great War to a halt, turning troop ships into death ships. City

dwellers used face masks to avoid the virus; schools, churches and other public places were closed. If you coughed or spit in public, you could go to prison. Yet nothing helped; the disease mutated too swiftly.

Airs: Sunday, November 1 at 10 pm ET/ 11 pm PT
Length: 1 hour
Producer: Lou Reda Productions

World Premiere!

POPE PIUS XII AND THE HOLOCAUST (November 15): In the same year that Hitler unleashed World War II, Eugenio Pacelli, Bishop of Padua, was elected Pope. As Pius XII, he vainly strived to maintain peace in Europe. Although he damned Nazism as a “cancerous ulcer,” he did not protest openly and urgently against the persecution of the Jews. Did he fear for the fate of the Church in the face of Fascism and National Socialism? Investigating the record left by this controversial Pope, this program explores questions of survival as they clashed with the Church’s Christian ideals.

Airs: Sunday, November 15 at 10 pm ET/ 11 pm PT
Length: 1 hour
Producer: MPR Films

World Premiere!

MISSING FILES: THE JFK ASSASSINATION (November 22): This provocative program presents new evidence about the 1963 assassination of President John F. Kennedy. Examining rare photographs and recently uncovered news film never seen by the public, it presents historically significant new information and features interviews with experts on both sides of a 35-year controversy: Did Lee Harvey Oswald act alone? Intriguing clips include:

- Vice President Lyndon Johnson minutes after hearing the news of Kennedy’s death;
- Jack Ruby on the night of the assassination, standing very close to Oswald during a news conference at the Dallas Police station (no one knows how he got in);
- Newly discovered, the only footage ever shot from the sixth-floor window (Oswald’s “sniper’s nest”) of the Texas School Book Depository, just minutes after the killing;
- Footage of the assassination aftermath, rescued from the trash of a local Dallas TV station by the cameraman who took the pictures.

Missing Files: The JFK Assassination also delves into recently declassified government files, including the CIA’s controversial dossier on Lee Harvey Oswald, a report on Oswald’s mysterious trip to Mexico City in 1963, and the unpublished diary of Clay Shaw, the only man ever tried for the killing of the president.

Airs: Sunday, November 22 at 10 pm ET/ 11 pm PT
Length: 1 hour
Producer: Indigo Films

SPECIAL PRESENTATIONS

World Premiere!

COMING HOME: THE VETERAN EXPERIENCE IN AMERICA

(November 8): This important two-hour special is the rarely told story of what happened when Johnny came marching home – from all of America’s major conflicts. Examining how soldiers are changed by war and how those soldiers changed America when they got home, **Coming Home: The Veteran Experience in America** describes the aftermath of the Revolutionary War, the Civil War, World Wars I and II, Korea, Vietnam and the Gulf War. Though it spans more than 200 years, its story is one of surprising similarities, of a sense of displacement and bewilderment on the one hand and of patriotism and camaraderie on the other. Veterans tell it like it is, among them Senator Daniel Inouye (WWII), General Colin Powell (Vietnam and the Gulf War), Senator John McCain (a Vietnam pilot and POW), Ed McMahon (Korea), Harold Russell (Academy Award winner for *The Best Years of Our Lives*). National Public Radio’s Alex Chadwick and ABC News Correspondent Jack Smith also share their experiences as veterans of Vietnam.

Among the revelations of **Coming Home: The Veteran Experience in America**:

- Revolutionary War veterans limped home after a lengthy conflict, half starved and penniless;
- After the Civil War, Northern veterans were hailed as conquerors but stigmatized for having fighting in such an ugly and brutal conflict;
- Southerners returned angry and frustrated to a decimated land, but were heroes in the eyes of the vanquished Confederacy;
- Korean War veterans suffered through the first war the U.S. didn’t win, and were branded as cowards or Communists.

Airs: Sunday, November 8 at 9 pm ET/ 10 pm PT
Repeats: Sunday, November 11 at 10 am ET/ 7 am PT **and** 10 pm ET 11 pm PT
Repeats: Saturday, November 14 at 5 pm ET/ 2 pm PT
Length: 2 hours
Producer: H-TV Productions

Premiere!

A LOOK AT THE 70S (November 16): It was a decade of eccentric highs – disco, streaking, roller skating and the Billy Jean King-Bobby Riggs tennis match. It was a decade of serious lows – Vietnam, Watergate, Attica, the oil crisis. Whether you loved polyester or hated Alice Cooper, the 70s are hard to forget. In one lively hour, this special captures the major trends, news events and celebrities of the 1970s. Featuring extensive news and entertainment footage and playing that distinctive 70s sound, **A Look at the 70s** looks at the people of politics (Martha Mitchell, “Hanoi Jane” Fonda, Jimmy Carter, Anita Bryant, Daniel Ellsberg) and the politics of people (the women’s movement, religious movements, the rise of porn).

Airs: Monday, November 16 at 9 pm ET/ 10 pm PT
Repeats: Friday, November 20 at 11 pm ET/ midnight PT and
Sunday, November 22 at 4 pm ET/ 1 pm PT
Length: 1 hour
Producer: Tralfamador Productions

World Premiere!

THE HISTORY OF TOYS AND GAMES (November 21): Actor John Ritter (“Three’s Company”) **hosts** this fun look at America’s favorite playthings. From the humble, hand-crafted objects that occupied Colonial children to the complex video games of the ‘90s, toys and games hold a special place in the nation’s collective heart. Archaeological digs have turned up little wooden tops, whistles and corn-husk dolls that once gave children a way to cope with harsh everyday realities. Today children still love their now mass-produced delights. **The History of Toys and Games** follows the progress of fun pastimes and introduces the fascinating inventors who’ve created and marketed this century’s most popular toys – including Barbie, Lionel Trains, Crayola Crayons, Erector Sets, Hot Wheels, Play Doh, PEZ and Mr. Potato Head.

Airs: Saturday, November 21 at 8 pm ET/ 9 pm PT
Repeats: Sunday, November 22 at 5 pm ET/ 2 pm PT
Length: 2 hours
Host: John Ritter
Producer: Weller/Grossman Productions

Home for the Holidays: The History of Thanksgiving (November 26): Hosted by Harry Smith of “CBS This Morning,” this program shows how the quintessential American holiday has refused to go commercial. Once a celebration of Puritan harvest, Thanksgiving is now about feasting, family and football. The first, in 1620, was a rare display of mirth by the pious Puritans as they shared their bounty with the Native Americans who taught them how to farm the Massachusetts soil. Settlers brought this New England holiday westward, and Lincoln declared Thanksgiving a national holiday in 1863. Familiar rituals such as football and the Macy’s parade emerged in the 1920s. But it’s not a holiday for all: Native Americans consider Thanksgiving to be a day of mourning.

Airs: Thursday, November 26 at 8 pm ET/ 9 pm PT
Length: 1 hour
Host: Harry Smith
Producer: History Television Network Productions, H-TV

IN SEARCH OF HISTORY

This nightly signature series journeys from ancient times to the present, probing history’s hidden stories – its tales of intrigue and adventure. These are the people, places and events that have intrigued history lovers throughout time. Highlights are:

World Premiere!

SECRETS OF THE OVAL OFFICE (November 3): President Clinton's "inappropriate behavior" and his attempt to, um, soften its edges are nothing new in American history. This Election Day program reports on 200 years of similar shenanigans involving sex, money, corruption or just plain bad behavior. In fact the only thing that's changed about White House scandal is the depth of media coverage and the public's attitude towards what's acceptable. This lively hours covers such infamous episodes as Andrew Johnson's drunken inaugural speech, Warren Harding's mysterious background, Grover Cleveland's disappearance, Andrew Jackson's affairs, and James Buchanan's traitorous cabinet member. Going behind the scenes at the White House and on the campaign trail to uncover the truth, this program looks at the rumors, half-truths and lies that have swirled about many of our Chief Executives.

Airs: Tuesday, November 3 at 8 pm ET/ 9 pm PT

Length: 1 hour

Producer: Pangolin Pictures

History on Trial Week (November 9-13):

- **THE TRUE STORY OF SACCO AND VANZETTI (November 9):** This *World Premiere* program is a full account of the spectacular double-murder trial that resulted in the execution of two Italian immigrants, Nicola Sacco and Bartolomeo Vanzetti, despite a jailhouse confession by another man. Arrested in Massachusetts in 1920, Sacco and Vanzetti were thought by some to have been picked up because of their anarchist views. Their trial sparked demonstrations around the world; newspapers went wild. In 1925, another prisoner confessed to the murders – yet Sacco and Vanzetti were executed still in April 1927. The debate continued for decades: Was this a case of false identification or really a political trial? Did Massachusetts put two innocent men to death? (*Producer: Triage Entertainment*)
- **The Monkey Trial (November 10):** In the summer of 1925, history was made in overheated Dayton, Tennessee. After the state passed a law forbidding the teaching of anything other than Creationism, the fledgling American Civil Liberties Union made a test case out of the trial of John Scopes, a young high-school math and gym teacher who only briefly taught Darwinism as a substitute biology teacher. The quiet procedural matter exploded into a media carnival when two great lawyers arrived to argue the case: William Jennings Bryan, the great orator, three-times presidential candidate and self-proclaimed Bible expert, for the prosecution, and Clarence Darrow, the nation's most celebrated lawyer and an avowed agnostic, in Scopes' defense. Reporters from around the world descended on this tiny Bible belt town to watch the action; Chicago radio station WGN presented the first live broadcast of a trial. After Darrow called Bryan to the stand to punch holes in the literal accuracy of the Bible, the jury convicted Scopes anyway. And the battle between Darwinism and Creationism goes on in a nation in which its fundamental laws must separate church and state. (*Producer: FilmRoos*)

- **Joan of Arc: Soul on Fire (November 11):** In 1492, Joan of Arc appeared as if out of nowhere and tipped the balance of power in a struggle that France and England had waged for 70 years. During that time, the English had managed to gain control over nearly half of France through force of arms and diplomacy. Joan led the French loyalists to their first major victories in generations. Even so, her foes found this teenage girl so dangerous that they decided to burn her at the stake. Why did her executioners believe she was a witch? How did an illiterate peasant girl take command of an army and place a King upon the throne of France? *(Producer: FilmRoos)*
- **BORN KILLERS: LEOPOLD & LOEB (November 12):** This *World Premiere* program tells the story of the Simpson trial of its time, involving a bizarre murder by two brilliant young students who decided to carry out “the perfect crime.” In Chicago in 1924, Richard Loeb and Nathan Leopold, misfits with a history of petty crimes, spent months planning the evil deed – establishing credit under a false name, renting a car under that name, stealing a typewriter to type a ransom note. They then kidnapped and murdered Loeb’s 14-year-old cousin, Bobby Franks. Caught early, Leopold and Loeb had a highly publicized trial – and were defended by Clarence Darrow, who turned the case into a national forum on the death penalty. Pleading guilty, would these young men be executed or spend their lives in prison? *(Producer: Triage Entertainment)*
- **SALEM WITCH TRIALS (November 13):** This *World Premiere* program unearths surprising information about a notorious period in early American history. No one was burned at the stake after the 1693 Salem Witch Trials, but 19 people were hanged and one was “pressed” to death, all on accusations from young girls. At the peak of the hysteria, some 150 people, male and female, were accused of being witches. A year after the trials, the hysteria subsided; in 1711, some financial restitution was paid to the families of the dead. This program describes what happened and why, presenting original accounts of the sorrow the jurors and others felt after the trials were over. *(Producer: Weller/Grossman Productions)*

Airs: Monday-Friday, November 9-13 at **8 pm ET/ 9 pm PT**
Length: 1 hour nightly

<p>FRIDAY the 13th <i>IN SEARCH OF HISTORY</i></p>
--

Beware black cats, lock your doors, grab the garlic and head for the couch as In Search of History explore’s the supernatural:

Legends of the Werewolves (November 13): Long before Hollywood turned actor Lon Chaney into a man-beast, world folklore told stories of men-turned-wolf. A werewolf is a man who turns into a wolf at night and devours animal, people and corpses but returns to human form by day. From ancient Greece and Rome to early Scandinavia, from “Little Red Riding

Hood” to the Inquisition, legends of the werewolve persisted and grew. In France, the hysteria reached epic proportions in the 16th and 16th centuries, when 30,000 people were accused of being werewolves. This program traces the stories from past to present, including clips from Hollywood’s famed monster movies and contemporary comic books and a popular Gen-X game, “Werewolf, the Apocalypse.” It also looks at possible scientific and medical bases for centuries of werewolf sightings. *(Weller/Grossman Productions)*

Airs: Friday, November 13 at 9 pm ET/10 pm PT
Length: 1 hour

The Real Dracula (November 13): Vampire-type creations first appeared in Jewish folklore 3,000 years ago. From ancient Egypt and Rome to pre-Columbus America, each culture has had its own Dracula-like character. Bram Stoker based his 1897 novel on the real Vlad The Impaler, a 15th-century Romanian ruler who signed his name Draculya (its root is the word for “devil”). Vlad’s grizzly exploits and taste for his enemies’ blood became legendary, coming to life in Stoker’s work and the many films that followed. *(Weller/Grossman Productions)*

Airs: Friday, November 13 at 10 pm ET/11 pm PT
Length: 1 hour

The Abominable Snowman (November 13): Something lurks deep in the Himalayas. It has many names – Yeti, Kangmi, Yeren – but it is best known to the Western world as the Abominable Snowman. Experts sift through historical evidence, scientific conjecture and video footage of a purported Yeti to make an educated guess as to the existence of this legendary creature. Does this hairy, half-human, eight-foot-tall creature really roam the Himalayas, or is it just a creature of folklore? *(FilmRoos, Inc.)*

Airs: Friday, November 13 at 11 pm ET/ midnight PT
Length: 1 hour

World Premiere!

THE TRUE STORY OF THE MOLLY MAGUIRES (November 23): An emotional debate still rages over the guilt or innocence of the “Molly Maguires,” 30 Irish immigrants executed in Pennsylvania’s coal-mining country during the 1870s. Their crime: the murder of 16 men, mainly mine officials. Were the “Mollies” bloodthirsty gangsters or the innocent victims of spies, detectives and railroad barons? One thing is sure: Along with those men died a shadowy movement born in Ireland in the early 1800s to earn justice for poor tenant farmers, which resurfaced after the mass Irish immigration to America in the face of oppressive labor conditions. When labor disputes between owners and workers escalated to violence, a series of murders was said to be perpetrated by the secret society known as the Molly Maguires. The media fanned the flames of hostility against the Irish Catholic miners, and the legal system was manipulated to favor the corporate interests of the railroad magnates. This program investigates what happened and visits with the still-passionate descendants of the Molly Maguires. *(Weller/Grossman Productions)*

Airs: Monday, November 23 at 8 pm ET/ 9 pm PT
Length: 1 hour

HISTORY ALIVE

Noted journalist Roger Mudd is the host of this prime-time showcase for original and exclusive documentaries bringing history to life, with everything from great stories of American and world history, to lively visits to the places history was made, to studies of major events in politics, entertainment and social history.

World Premiere Episodes!

EMPIRES OF INDUSTRY (November 2-5): This original mini-series celebrates American industry's spirit of invention and progress, from its agricultural roots to its aviation genius, from a timber business that changed the landscape and built a nation, to the mining of "black gold." From ruthless business leaders who amassed great fortunes to the common laborer engaged in a bitter struggle to survive, American industry has had its winners and sinners, victors and losers to enliven the drama of Empires of Industry. Four World Premiere episodes in this well-received series show how America rose from an underdeveloped backwater on the outskirts of Western civilization to the dominant economic power on the globe. Outstanding new photography of restored historic sites and modern production facilities accompanies interviews with some of country's foremost industrial experts and historians.

- **LEAVES OF GOLD (November 2):** Tobacco wealth helped make planters like Washington and Jefferson the leaders of a new nation, but it also brought slavery to American shores. The industry virtually built the state of North Carolina, and launched some of advertising's best-known trademarks and slogans. This is the story of how farmer's sons turned a national addiction into an industrial empire that continues to fan the flames of controversy.
- **WAR PLANES OF WORLD WAR II (November 3):** World War II turned the American aviation industry into a huge, high-tech giant. The war spurred the production of more than 300,000 warplanes, among them some of the greatest planes of all time: the C-47 transport (the "Goony Bird"); the rugged B-17 Flying Fortress; the B-24 Liberator, mass-produced by Ford on the world's longest assembly line; the P-51 Mustang, the greatest prop-driven fighter; and the scrappy Grumman "Iron Works" output – Wildcats and Hellcats that leapt from the decks of U.S. aircraft carriers to maul the Japanese air force. This program includes modern footage of restored aircraft and history footage from factory floor to mile-high dogfights, capturing the urgency and adrenaline of World War II.
- **TIMBER! (November 4):** From the Pilgrims' first settlements on the eastern seaboard, to the log cabins of the 1800s, to modern America's affluent suburbs, the continent's vast expanse of natural resources has helped to build a great nation. This program describes the rugged individualists and great industrialists who turned America's wilderness into empire.

From the legendary Paul Bunyan and his trusty ox Babe, to timber barons such as Frederick Weyerhaeuser and Owen Cheatham, this program visits logging camps and timber mills, tracking de-forestation and re-forestation in a country now attempting to renew its natural resources.

- **BLACK GOLD: THE STORY OF OIL (November 5):** The most valuable substance on earth has brought wealth to poor nations and nearly bankrupted wealthy ones. It has brought nations into war, created entire towns overnight and destroyed them just as quickly. Burning at the heart of the modern age, oil has made those who control it the wealthiest and most powerful men on earth. This is their story: the story of men like John D. Rockefeller and William Mellon, and the empires they built that dominated American industry. And it's the story of a resource that continues to cause global flare-ups, as recently as the 1991 Persian Gulf War.

Airs: Monday-Thursday, November 2-5 at 9 pm ET/ 10 pm PT

Repeats: Sunday, November 8 at 1:30-5:30 pm ET/ 10:30 am -2:30 pm PT

Length: 1 hour nightly

Host: Roger Mudd

Producer: Jupiter Entertainment Inc. in association with The History Channel

World Premiere!

WARHORSE (November 9-12): How does a timid beast made for flight become a weapon for fight? For almost 4,000 the horse has been a partner for the world's greatest warriors. From ancient Egypt to Nazi-occupied Europe, this original mini-series plows through the evidence of how horses have been used in combat. Hannibal, Attila the Hun, Caesar's armored horse and the deadly chariots of Boadicea, Barbarossa and Genghis Khan – these were all masters of cavalry. The Apache, Comanche and Sioux in North America, as well as England's Light Brigade in the Crimea, also made for colorful adventures. And in this century, the Polish Lancers relied on their mounts when they charged Nazi Panzer tanks in 1929. Bringing history to life through re-enactments and film clips, **Warhorse** includes four original episodes:

- **A BEAST FOR HEROES (November 9):** Travels to Armageddon, the site of the first recorded battle to use horses in combat. The chariot was the first combat use of the horse; in the shadows of Egypt's great pyramids, **Warhorse** recreates its use. It also shows how today's Spanish Riding School in Vienna uses some of Alexander the Great's horse-training techniques. A recent discovery of a saddle dating back to Roman times throws new light on the Roman cavalry. A new saddle, based on the original was created for the program and demonstrated for the first time.
- **THE IRON HORSE (November 10):** This program focuses on the horse in the Middle Ages, when the mounted knight in armor took center stage. The 1066 Battle of Hastings is recreated to show the effective combination of cavalry and infantry. The episode

also looks at Spain's bullfighting horses, descendants of war horses bred for aggression, as well as the traditional "fantasia" performed here by Moroccans to recall wild, fast cavalry attacks on nomad ancestors. Turning to the East, it looks at Genghis Khan's Mongol hordes, who literally lived on horseback. The advent of the long bow inspired heavier armor, in turn leading to the need for heavier horses. As a result, the heavily armored horse and knight became more of a tournament spectacle than a war weapon, riding at the head of armies as terrifying lead figures.

- **IN THE FACE OF FIRE (November 11):** Even the 19th century introduction of guns didn't stop the warhorse, kept alive by aristocrats -- the only people who could afford the colorful cavalry uniforms of the European armies. America saw a different turn of events: the advent of perhaps the best horse warrior in history, the North American Indian. New weapons such as the Colt revolver were developed for the horse warrior. In the American Civil War, the South had strong horsemanship skills, but the North created a cavalry force that even without infantry penetrated deep into the South. This type of light cavalry earned notoriety in the Charge of the British Light Brigade against Russian cannons in the Crimean War. Despite this disaster, cavalry charges continued, used by British and Australians in World War I in the Middle East. The episode features Lt. Col. Douglas Grey, who survived the very last cavalry charge in history, in the Sudan, North Africa in 1942.
- **THE LAST CHARGE? (November 12):** King Gustavus Adolphus of Sweden developed the horse in the face of artillery after learning how effective the horse could be as an impact weapon while musketeers and artillery reloaded, which often took well over a minute. During the English Civil War, Oliver Cromwell's army drilled its horse soldiers -- instilling a new discipline that rejuvenated the warhorse. Europe began to import Arabian and Turkish breeds for their speed and vitality; many of these were ancestors of today's top race horses. The horse was also increasingly used for communication on the battlefield, especially during siege warfare. The program shows how Frederick the Great of Prussia developed the military aspect of "high school riding." **WARHORSE** shows how the British Household Cavalry still uses Frederick's tactics. Napoleon's defeat in Russia and at Waterloo were the beginning of the end for the warhorse, especially on battlefields with heavy artillery and machine guns.

Airs: Monday-Thursday, November 9-12 at 9 pm ET/ 10 pm PT
Repeats: Sunday, November 15 at 1-5 pm ET/ 10 am-2 pm PT
Length: 1 hour nightly
Producer: OR Media

MODERN MARVELS

This exclusive documentary series pays tribute to the massive, ambitious and imaginative structures that grace our globe. It also salutes the inventions that have shaped the modern world, including the camera, computer, television, and Edison's electric light.

World Premiere!

SPORTS TECH: EQUIPMENT (November 3): Run faster, jump higher, play longer. Every athlete strives to push harder, but what happens when training and preparation run their course? Then it's time for science and technology – to augment the sweat of the player with the brains of the engineer. This original program explores technological advances in such critical gear as athletic shoes and skiing and football equipment. It also looks to the future, which may be filled with radar-enhanced baseballs, spring-loaded inline skates, and virtual-reality stadiums.

Airs: Tuesday, November 3 at 10 pm ET/ 11 pm PT
Length: 1 hour
Producer: Actuality Productions

World Premiere!

BOMBS (November 9): Bombs can blow us away – literally wipe the human race off the face of the earth. The most powerful and feared weapon in any nation's arsenal, bombs actually trace their history back to ancient wars. This program follows their evolution from the time when armies flung flaming, diseased carcasses over castle walls. The 7th century witnessed the bomb's evolution into incendiary "Greek Fire." In the 13th century, the advent of gunpowder opened the door for the first "real" bombs, fused grenades. By the 19th century, percussion caps replaced fuses as a detonating device; by World War I, bombs had grown in size and power, revolutionizing aerial combat. The discovery of nuclear fission and fusion early in this century changed the world forever, resulting in the creation of the atomic bomb. The program includes a look at modern "smart" bombs, small and eerily accurate weapons of war.

Airs: Monday, November 9 at 10 pm ET/ 11 pm PT
Length: 1 hour
Producer: Actuality Productions

World Premiere!

PROSTHETICS (November 23): Early prostheses were little more than wooden pegs or metal bars but with the rise of the Roman Empire came well-crafted, aesthetically pleasing hands and legs. The Medieval approach to amputation was to crush the limb with large pliers, remove the limb with a saw and then cauterize the stump by dipping it into boiling oil. By the mid-1800's, articulated joints and wire controlled limbs became the norm. From the mid-1850's to the turn of the 20th century, more than 250 patents on artificial limbs were filed in the U.S. alone, a proliferation due in large part to the American Civil War. As medical procedures became more refined and antibiotics were developed to fight infection, amputation became less necessary. 20th century warfare and mine fields have fueled the need for better prosthetics. Today's plastics and space-age materials now make for amazingly sophisticated artificial limbs. Inventions as the Sense of Feel and the Sabolich Hot and Cold System allows amputees to recapture not just the function and appearance but also the actual sensations of their missing parts.

Airs: Monday, November 23 at 10 pm ET/ 11 pm PT
Length: 1 hour
Producer: Actuality Productions

MOVIES IN TIME

MOVIES IN TIME shines the spotlight on outstanding historical dramas: the movies and mini-series that depict the past in human terms. Guest historians and journalists discuss the facts and fiction in each film. Quizzed by journalist Sander Vanocur, they set the context for exciting historical dramas such as *Young Winston*, *Sunrise at Campobello* and *Merrill's Marauders*.

DEAD AHEAD:THE EXXON VALDEZ DISASTER (November 20): This bold investigative drama vividly tracks the devastating oil spill from the massive Exxon Valdez tanker, also looking at why it was allowed to spread unchecked for three days, damaging one of the world's most pristine wilderness areas. From power struggles in the board rooms of Exxon and the Alaska oil consortium, to angry protests by local residents, the film dramatizes how the clean-up was stalled on all sides by bickering, confusion and fear.

Joining Sander Vanocur is guest (TBA).....

Airs: Friday, November 20 at 9 pm ET/ 10 pm PT
Repeats: Sunday, November 22 at 11 am ET/ 8 am PT
Length: 2 hours
Host: Sander Vanocur
Producer: HBO/ BBC

AS IT HAPPENED

AS IT HAPPENED follows the singular events of modern history, drawing on news footage and commentary to follow the action as it unfolded – giving viewers a sense of watching history in the making.

World Premiere!

AMERICA HELD HOSTAGE: 444 DAYS TO FREEDOM (November 7):

This special **two and half-hour** program about the 1979-81 U.S. hostage crisis in Iran tells the inside story of a siege that shaped our times. Aired when America and Iran are hinting at renewed dialogue after 20 years of unbending hostility, it tells the intimate human story of a global crisis. Both the American hostages and their Iranian captors reveal for the first time what really happened when radical Islamic students seized the U.S. Embassy, seizing 52 hostages and defying a superpower. Filmed in Iran, America and France, this program follows the story in compelling and sometimes terrifying detail of interrogation, solitary confinement and mock execution. Dramatic and harrowing, this original documentary conveys the frustrations of secret

top-level negotiators and gives the inside story of the failed helicopter rescue mission that cost the lives of eight Americans.

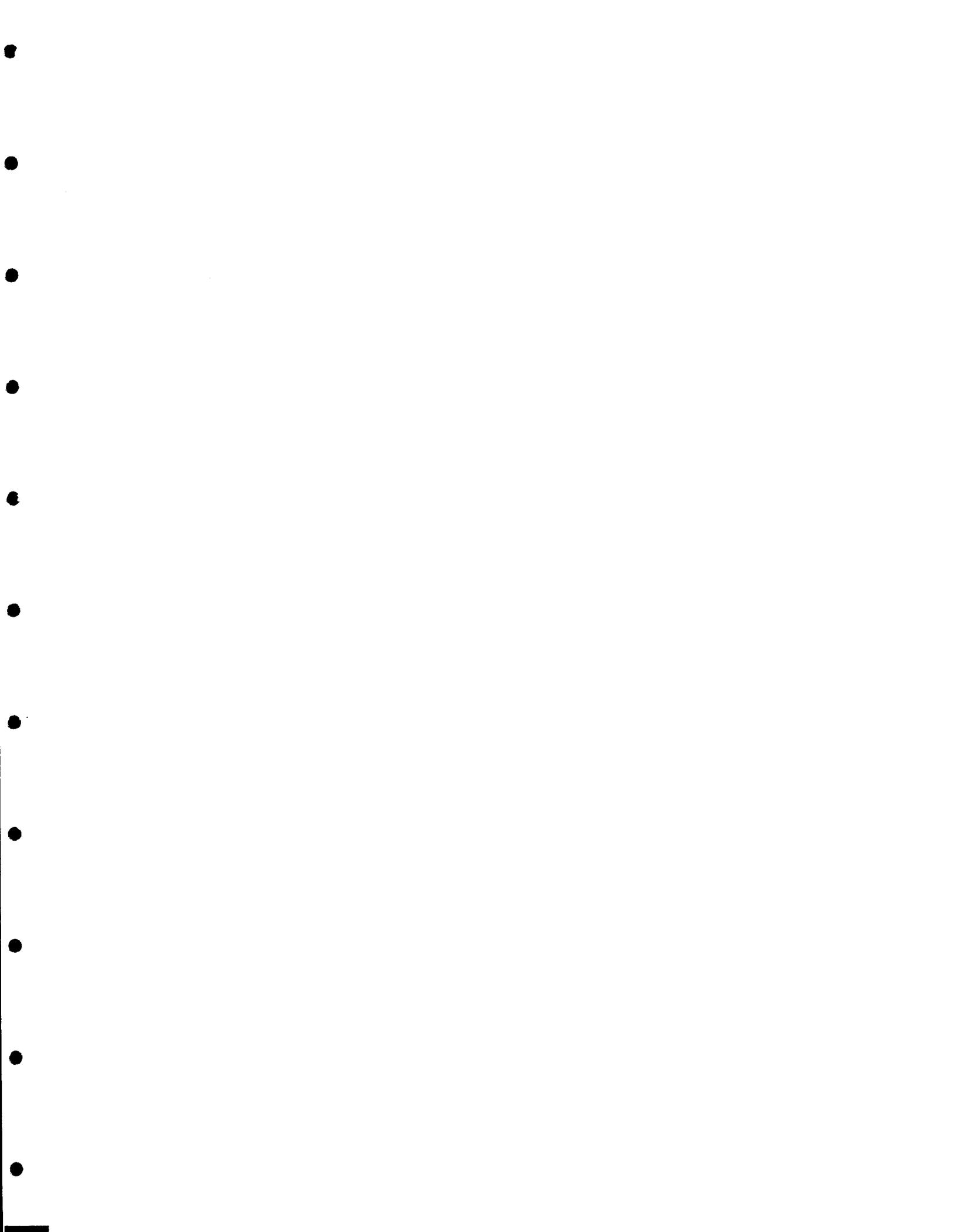
Drawing and rare archive material, including dramatic footage retrieved from inside Iran, the program also tells the story through the eyes of the Iranians who carried out the Embassy siege. Former students, Ayatollahs and leading politicians talk frankly for the first time about the passions that inspired them, their doubts and fears, and their relationships with the hostages during the 14-month-long crisis. The varying convergence and divergence of the American and Iranian stories offer unusual insight into this important period, a siege that forced the world to recognize the power of Radical Islam.

Airs: Saturday, November 7 at 8 pm ET/ 9 pm PT

Repeats: Sunday, November 8 at 5:30 pm ET/ 2:30 pm PT

Length: 2.5 hours

Producer: Antelope Productions



Appendix II

APPROXIMATE NUMBER OF CHANNELS LOST ¹ IN TOP TEN DMAS ² IF DIGITAL MUST-CARRY IS ADOPTED

(BASED ON TELEVISION & CABLE FACTBOOK 1998) ³

Market: New York City ⁴ **Rank: 1**
NTSC Broadcast Stations in ADI: ⁵ 23

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
MediaOne (Beacon)	63	0	23
Cablevision (Brooklyn)	75	18	5
Americable International (Governors Island)	63	10	13
A-R Cable Services (Lynbrook)	80	24	0
A-R Cable Services (Mt. Kisco)	36	0	23
Time Warner Cable (New York)	77	0	23
MediaOne (Ossining)	42	0	23
Cablevision (Port Chester)	54	0	23
TKR Cable (Ramapo)	80	0	23
TKR Cable (Rockland)	62	0	23
Staten Island Cable (Staten Island)	96	16	7

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Cablevision (Suffolk County)	80	3	20
Americable International (Surfside Condos)	52	19	4
TKR Cable (Warwick)	42	0	23
Cablevision (Woodbury)	57	1	22
Cablevision (Yonkers)	43	0	23
Cablevision (Bayonne, NJ)	40	0	23
Cablevision (Bergenfield, NJ)	42	0	23
C-TEC Cable (Chester, NJ)	54	2	21
TKR Cable Co. (Dover, NJ)	62	2	21
Comcast Cable Communications (East Windsor, NJ)	44	0	23
TKR Cable (Elizabeth, NJ)	38	0	23
Cablevision (Hoboken, NJ)	39	0	23
Service Electric (Hunterdon, NJ)	79	0	23
Comcast Cablevision (Jersey City, NJ)	82	0	23

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Bridge Cable TV (Lambertville, NJ)	62	2	21
Cablevision (Millstone, NJ)	78	22	1
Cablevision (Newark, NJ)	54	10	13
Time Warner (Palisades Park, NJ)	45	0	23
TCI (Paterson, NJ)	83	1	22
Service Electric (Sparta, NJ)	77	0	23
TOTAL	1881	—	584

Market: Los Angeles ⁶
NTSC Broadcast Stations in ADI: 25

Rank: 2

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Falcon Cablevision (Agoura Hills)	36	0	25
Century Communications (Anaheim)	52	0	25
Insight Cablevision (Artesia)	64	7	18
Insight Cablevision (Bell)	64	7	18

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Falcon Cablevision (Big Bear Lake)	35	0	25
Falcon Cablevision (Box Canyon)	59	9	16
Falcon Cablevision (Calabasas)	95	33	0
CalaVision (Calabasas Park)	62	15	10
Time Warner Cable (Canyon Country)	60	0	25
MediaOne (Cathedral City)	76	25	0
GTE Americast (Cerritos)	78	0	25
Century Communications (Chino)	60	6	19
Insight Cablevision (Claremont)	64	5	20
TCI Cablevision (Colton)	41	0	25
MediaOne (Corona)	60	9	16
MediaOne (Costa Mesa)	91	20	5
MediaOne (Covina)	54	2	23
MediaOne (Cypress)	54	0	25

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Jones Intercable Inc. (Diamond Bar)	57	0	25
Charter Communications (Duarte)	64	0	25
TCI of East San Fernando Valley LP (East San Fernando Valley)	78	0	25
Liberty Cable (El Monte)	60	1	24
Marcus Cable (Glendale)	78	0	25
Foot Hills Cablevision (Glendora)	38	0	25
TCI Cablevision (Hacienda Heights)	62	0	25
Inland Valley Cablevision (Hemet)	62	5	20
Century Communications (Hermosa Beach)	55	0	25
Falcon Cable Systems (Hesperia)	43	0	25
Falcon Cablevision (Hidden Hills)	59	9	16
Cox Communications Inc. (Irvine)	35	0	25
Falcon Cablevision (Lake Arrowhead)	36	0	25

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
MediaOne (Lake Elsinore)	42	0	25
MediaOne (Lakewood)	120	50	0
Americable International (Long Beach Naval Base)	63	13	12
MediaOne (Los Angeles)	60	0	25
MediaOne (Los Angeles, <i>Hollywood- Wilshire</i>)	54	1	24
MediaOne (Los Angeles, <i>South Central Portion</i>)	60	3	22
MediaOne (Los Angeles, <i>Western Portion</i>)	54	1	24
Falcon Cablevision (Lost Hills)	53	0	25
Falcon Cablevision (Malibu)	95	42	0
Falcon Cable TV (Malibu 2)	54	2	23
Cox Communications (Orange County)	110	41	0
Cox Cable (Palos Verdes Peninsula)	54	5	20
Charter Communications (Pasadena)	56	0	25

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Falcon Cablevision (Phelan)	36	0	25
MediaOne (Pomona)	60	10	15
TCI Cablevision (Redlands)	41	0	25
Charter Communication (Riverside)	57	0	25
Mark's Cablevision (San Bernardino)	64	0	25
Southwestern Cable TV (San Diego)	78	1	24
CVI West Valley (San Fernando)	60	10	15
American Cablevision (San Marino)	40	9	16
MediaOne (Santa Clarita)	78	25	0
American Cablevision (South Pasadena)	50	0	25
Cox Cable (Sun City)	55	0	25
TCI (Thousand Oaks)	79	29	0
Falcon Cablevision (Thousand Oaks)	60	15	10
Paragon Communications (Torrance)	68	0	25

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
MediaOne (Tuston)	60	8	17
West Valley Cablevision (W. San Fernando Valley)	61	0	25
Marcus Cable (Whittier)	35	0	25
MediaOne (Wilmington)	60	0	25
Jones Spacelink (Yorba Linda)	72	11	14
TOTAL	3821	—	1216

Market: Chicago ⁷
NTSC Broadcast Stations in ADI: 16

Rank: 3

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Telenois Inc. (Arlington Heights)	59	3	13
Multimedia Cablevision (Barrington Hills)	59	16	0
Multimedia Cablevision (Batavia)	59	6	10
Chicago Cable (Chicago, I)	62	0	16
Prime Cable (Chicago, 2&3)	60	0	16
Chicago Cable TV) (Chicago, IV)	62	1	15

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Chicago Cable TV (Chicago, V)	62	0	16
TCI Great Lakes (Chicago Heights)	60	19	0
Jones Intercable (Elgin)	54	3	13
MediaOne (Elmhurst)	57	0	16
TCI of Illinois (Glenview)	59	4	12
TCI of Illinois (Great Lakes Naval Training Ctr.)	54	13	3
TCI of Illinois (Harvey)	59	6	10
Jones Intercable (Lake Zurich)	54	9	7
Jones Intercable (Lansing)	50	0	16
Multimedia Cablevision (Lisle)	65	0	16
Jones Intercable (Matteson)	54	3	13
TCI (McHenry)	35	0	16
Telenois Inc. (Mt. Prospect)	120	17	0
Cable TV Fund (Naperville)	61	0	16

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
TCI (Oak Forest)	56	6	10
Multimedia Cablevision (Oak Lawn)	65	6	10
Jones Intercable (Orland Park)	54	2	14
Jones Intercable (Park Forest)	54	0	16
MediaOne (Romeoville)	61	0	16
Telenois Inc. (Schaumburg)	59	5	11
Telenois Inc. (Skokie)	54	3	13
TCI of Illinois (S. Holland)	59	6	10
Telenois Inc. (Streamwood)	59	5	11
Jones Intercable (Vernon Hills)	36	3	13
Multimedia Cablevision (Villa Park)	62	2	14
US Cable (Waukegan)	54	0	16
Jones Intercable (West Chicago)	56	0	16
Jones Intercable (Western Springs)	54	1	15

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Carillon Cablevision (Will County)	75	42	0
Cablevision Assoc. (Gary, IN)	35	0	16
United Cable (Hammond, IN)	54	1	15
Multimedia Cablevision (La Porte, IN)	68	2	14
US Cable (Lake of the Four Seasons, IN)	64	36	0
US Cable (Michigan City, IN)	54	0	16
TOTAL	2338	—	470

Market: Philadelphia⁸
NTSC Broadcast Stations in ADI: 20

Rank: 4

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Comcast Cable Communications (East Windsor, NJ)	44	0	20
South Jersey Cablevision (Franklinville, NJ)	66	4	16
TKR Cable (Gloucester City, NJ)	61	1	19
TKR Cable (Hamilton, NJ)	52	0	20

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Service Electric (Hunterdon, NJ)	79	0	20
Americable International (Lakehurst Naval Air Station, NJ)	63	25	0
Cablevision (Lakewood, NJ)	57	0	20
Bridge Cable TV (Lambertville, NJ)	62	2	18
TKR Cable (Maple Shade, NJ)	35	0	20
Cablevision (Millstone, NJ)	78	22	0
Suburban Cable (Salem, NJ)	52	14	4
Suburban Cable (Vineland, NJ)	54	12	8
Cablevision (Wall Twp., NJ)	80	3	17
Suburban Cable (Washington, NJ)	62	0	20
Comcast Cable (Willingboro, NJ)	36	0	20
Service Electric (Allentown)	79	0	20
Service Electric (Birdsboro)	60	1	19
Suburban Cable (Chester Co.)	62	0	20

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Suburban Cable (Bucks Co.)	35	10	10
Suburban Cable (Holland)	62	0	20
Suburban Cable (Jamison)	54	0	20
Harron Cablevision (Kennett Square)	52	5	15
Suburban Cable (King of Prussia)	52	2	18
Adelphia Cable (Lansdale)	36	0	20
Lower Bucks Cablevision (Levittown)	77	7	13
Harron Communications (Malvern)	57	0	20
Adelphia Cable (Montgomery)	40	0	20
Suburban Cable (Newtown)	52	11	9
Suburban Cable (Newtown Twp.)	36	0	20
Greater Philadelphia Cablevision, Inc. (Philadelphia)	81	0	20
Wade Cable (Philadelphia)	82	1	19
Comcast Cablevision (Philadelphia, 3)	84	2	18

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Suburban Cable (Pottstown)	42	0	20
Suburban Cable (Sellersville)	52	0	20
Suburban Cable (Wallingford)	50	0	20
Comcast Cablevision (Willow Grove)	37	0	20
Suburban Cable (Wilmington, DE)	54	0	20
TOTAL	2117	—	623

CHANGE SAN FRAN!

Market: San Francisco-Oakland-San Jose ⁹ Rank: 5
NTSC Broadcast Stations in ADI: 23

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Matrix Cablevision Inc. (Aldercroft Heights)	60	24	0
TCI (Burlingame)	54	0	23
Concord TV Cable (Concord)	54	0	23
TCI Cablevision (Daly City)	56	26	0
Century Communications (Fairfield)	42	0	23
Falcon Cable Systems (Gilroy)	35	0	23

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Falcon Cable Systems (Gilroy(2))	35	0	23
Coastside Cable TV Inc. (Half Moon Bay)	39	0	23
Horizon Cable TV Inc. (Hamilton AFB)	36	1	22
Horizon Cablevision (Inverness)	35	15	8
Televents of East County (Knightsen)	41	0	23
Sun Country Cable (Los Altos Hills)	60	15	8
South Bay Cablevision (Los Gatos)	83	10	13
Americable International (Mare Island Naval Station)	63	14	9
TCI Western Division (Marin County)	37	0	23
Televents of East County (Marsh Creek MHP)	12	0	23
Matrix Cablevision Inc. (Menlo Park)	78	30	0
South Bay Cablevision (Milpitas)	83	10	13
Americable International-Moffett (Moffett Field Naval Air Station)	63	9	14

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
South Bay Cablevision (Mountain View)	61	0	23
South Bay Cablevision (Newark)	61	7	16
Chambers Cable (Novato)	37	0	23
Cable Oakland (Oakland)	60	0	23
Americable International (Oakland U.S. Naval Hospital)	63	14	9
Cable Communications Cooperative (Palo Alto)	78	0	23
Americable International (Petaluma Coast Guard Station)	63	25	0
TCI Pinole (Pinole)	36	0	23
TCI Western Division (Pittsburgh)	40	0	23
Televents Inc. (Pleasant Hill)	44	1	22
TCI Cablevision (Richmond)	64	0	23
Century Communications (Rohnert Park)	42	0	23
City of San Bruno Municipal Cable TV (San Bruno)	60	6	17

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
TCI (San Francisco)	54	2	21
TCI Cablevision (San Mateo)	78	1	22
South Bay Cablevision (Saratoga)	83	10	13
TCI (Sonoma County)	32	1	22
Western TV Cable (South San Francisco)	42	2	21
TCI Cable (Tri-Valley)	82	0	23
TCI (Union City)	60	5	18
TCI Cablevision (Vallejo)	104	26	0
UACC Midwest Inc. (Walnut Creek)	63	3	20
Sonic Cable Leasing (Watsonville)	36	0	23
TOTAL	2309	—	725

Market: Boston ¹⁰
NTSC Broadcast Stations in ADI: 20

Rank: 6

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
New England Cablevision (Amesbury)	54	0	20

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
MediaOne (Amherst)	61	11	9
MediaOne (Andover)	55	0	20
Amrac Clear View (Belchertown)	44	0	20
MediaOne (Beverly)	61	2	18
Cablevision (Boston)	104	10	10
Cablevision (Braintree)	60	2	18
MediaOne (Brockton)	70	2	18
MediaOne (Cambridge)	77	7	13
Pegasus Cable (Charlton)	64	2	18
Massachusetts Cablevision (Foxborough)	60	2	18
Cablevision (Framingham)	62	1	19
New England Cablevision (Gloucester)	54	0	20
Cablevision (Haverhill)	78	17	3
MediaOne (Lawrence)	78	17	3

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
A-R Cable Services (Lexington)	80	26	0
MediaOne (Lowell)	76	12	8
Time Warner (Lynn)	80	1	19
MediaOne (Marlborough)	54	11	9
Adelphia Cable (Marshfield)	62	0	20
Time Warner (Medford)	80	1	19
Time Warner (Melrose)	80	19	1
Time Warner (Milford)	53	6	14
MediaOne (Natick)	52	1	19
MediaOne (Newton)	61	0	20
MediaOne (N. Andover)	35	0	20
TCI Cablevision (N. Attleboro)	54	3	17
A-R Cable (Norwood)	54	5	15
Time Warner (Orange)	78	24	0

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
A-R Cable (Peabody)	54	3	17
Harron Cablevision (Pembroke)	64	0	20
Charter Communications (Pepperell)	62	3	17
Adelphia Cable (Plymouth)	42	0	20
Harron Cablevision (Rockland)	64	0	20
Charter Communications (Rutland)	62	3	17
Time Warner (Salem)	80	1	19
MediaOne (Saugus)	62	3	17
Community Cablevision (Shrewsbury)	80	12	8
MediaOne (Stoughton)	60	1	19
Charter Communications (Oxbridge)	62	2	18
Time Warner (Wakefield)	61	0	20
MediaOne (Waltham)	61	5	15
MediaOne (Watertown)	61	5	15

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
MediaOne (Weymouth)	52	0	20
MediaOne (Woburn)	60	0	20
Greater Media (Worcester)	78	18	2
Community TV (Deerfield, NH)	60	20	0
Adelphia Cable (Greenville, NH)	60	22	0
Harron Cablevision (Londonderry, NH)	62	5	15
Americable (Merrimack, NH)	20	11	9
Time Warner (Nashua)	63	0	20
Community TV (New Boston, NH)	40	1	19
MediaOne (Portsmouth, NH)	36	0	20
Cox Cable (Lincoln, RI)	60	0	20
Cox Cable (Pawtucket, RI)	62	0	20
Cox Cable (Providence, RI)	60	1	19
TOTAL	3469	—	834

Market: Washington, DC ¹¹
NTSC Broadcast Stations in ADI: 18

Rank: 7

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Bay Cable (U.S. Soldiers' & Airmen's Home)	42	0	18
District Cablevision (Washington)	68	0	18
Jones Intercable (Anne Arundel Co., MD)	64	0	18
United Cable (Baltimore, MD)	86	8	10
Jones Intercable (Calvert Co., MD)	42	0	18
Prestige Cable (Carroll Co., MD)	62	0	18
Frederick Cablevision (Frederick, MD)	60	0	18
Western Shore Cable (Hollywood, MD)	41	0	18
OnePoint Communications (Howard Co., MD)	78	28	0
InterMedia Cable (Millersville, MD)	80	8	10
Cable TV Montgomery (Montgomery Co., MD)	72	0	18
Jones Communications (Prince George's Co.- North, MD)	88	0	18

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Comcast Cablevision (Towson, MD)	46	0	18
Jones Communications (Waldorf, MD)	42	0	18
Jones Intercable (Alexandria, VA)	51	0	18
CableTV Arlington (Arlington, VA)	62	0	18
MediaGeneral (Fairfax Co., VA)	120	0	18
Jones Communications (Ft. Belvior, VA)	64	0	18
Cablevision (Loudoun Co., VA)	85	0	18
Jones Communications (Manassas, VA)	64	0	18
Jones Communications (Pr. William Co., VA)	82	4	14
Prestige Cable (Spotsylvania, VA)	54	3	15
TOTAL	1453	-	355

Market: Dallas-Fort Worth ¹²
NTSC Broadcast Stations in ADI: 18

Rank: 8

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
TCI Cablevision (Allen)	36	0	18

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
TCI (Arlington)	53	0	18
Friendship Cable (Balch Springs)	42	2	16
Friendship Cable (Caddo Peak)	36	5	13
Marcus Cable (Carrollton)	55	4	14
Marcus Cable (Cleburne)	35	0	18
Paragon Cable (Coppell)	61	0	18
Torrence Cablevision (Country Club Shores)	36	21	0
Torrance Cablevision (Cresson)	36	21	0
TCI (Dallas)	100	15	3
TCI TKR (De Soto)	40	0	18
Marcus Cable (Denton)	60	5	13
Marcus Cable (Duncanville)	78	0	18
Signet Cablevision (Ennis)	60	16	2
Marcus Cable (Ft. Worth)	61	5	13

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
North Texas Cablevision (Granbury)	35	14	4
TCI Cablevision (Grand Prairie)	39	0	18
Paragon Cable (Grapevine)	61	0	18
Regional Cable (Green Acres)	36	21	0
Paragon Cable (Irving)	61	0	18
Willow Park Cable (Johnson Co.)	36	6	12
Northland Cable (Kaufman)	35	9	9
TCI TKR (Lancaster)	40	0	18
Las Colinas Assoc. (Las Colinas)	54	0	18
Paragon Cable (Lewisville)	64	0	18
Friendship Cable (Lowry Crossing)	54	1	17
TCI Cablevision (McKinney)	36	0	18
TCI Cablevision (Mesquite)	92	13	5
Torrence Cablevision (Paradise)	36	21	0

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Friendship Cable (Plum Grove)	36	1	17
Friendship Cable (Quinlan)	54	10	8
Friendship Cable (Reno)	36	8	10
TCI (Richardson)	124	3	15
Regional Cable TV (Rio Vista)	36	19	0
Willow Park Cable TV (River Oaks)	54	23	0
Mission Cable (Rockwall)	61	0	18
Friendship Cable (Royse City)	41	0	18
Marcus Cable (S. Weatherford)	36	8	10
Torrence Cablevision (St. Francis Village)	35	17	1
TCI Cablevision (Stonebridge Ranch)	62	22	0
Marcus Cable (University Park)	77	0	18
Willow Park Cable TV (Willow Park)	36	5	13
Action Cable (Wilmer)	36	9	9

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
TCI Cablevision (Wylie)	36	5	13
TOTAL	2228	—	505

Market: Detroit ¹³
NTSC Broadcast Stations in ADI: 10

Rank: 9

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
MediaOne (Ann Arbor)	77	10	0
Comcast Cablevision (Detroit)	78	12	0
Comcast Cablevision (Garden City)	65	5	5
Grosse Pointe Cable TV (Grosse Pointe Woods)	35	1	9
Multi-Cablevision Co. (Hamburg Twp.)	54	0	10
MediaOne (Hazel Park)	56	14	0
Mid-Lakes Cable-Com (Highland Park)	52	14	0
Comcast of Inkster, LP (Inkster)	54	12	0
Tribune United Cable Communications (Lake Orion)	60	0	10

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Monroe Cablevision Inc. (Monroe)	64	5	5
Concord Telecommunications (Oxford)	54	5	5
MediaOne (Plymouth)	52	5	5
Time Warner Cable (Redford)	57	1	9
Tribune United Cable Communications (Royal Oak)	120	30	0
MediaOne (Saline)	54	0	10
North Oakland Cablevision (Springfield Twp.)	62	8	2
Comcast of Taylor (Taylor)	55	0	10
United Cable Television Corp. of Michigan (Woodhaven)	62	0	10
Wyandotte Municipal Services (Wyandotte)	57	0	10
Televista Communications (York Twp.)	62	13	0
TOTAL	1230	—	100

Market: Atlanta ¹⁴
NTSC Broadcast Stations in ADI: 13

Rank: 10

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Galaxy Cablevision (Butts County)	36	0	13
ComCast Cablevision of the South (Calhoun)	29	0	13
Canton Cable TV (Canton)	54	8	5
Prestige Cable TV (Cartersville)	54	2	11
Falcon Cablevision (Cave Spring)	36	0	13
Falcon Cablevision (Cedartwon)	50	1	13
Comcast Cablevisionof the South (Chamblee)	54	4	9
Helicon Cablevision (Chatsworth)	40	2	11
Time Warner Cable (Cobb County)	54	0	13
Prestige Cable TV Inc. (Cumming)	53	2	11
Comcast Communications (Dallas)	56	0	13
Falcon First Inc. (Dalton)	61	0	13

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Peach State Cablevision (Fairburn)	35	0	13
InterMedia Cable (Gainesville)	33	0	13
Robin Cable Systems LP (Grantville)	35	12	1
Insight Communications (Griffin)	54	7	6
Cablevision (Gwinnette County)	61	0	13
Charter Communications (Henry County)	54	0	13
Comcast Cablevision (Hickory Level)	42	0	13
Comcast Cablevision (La Fayette)	21	0	13
Charter Communications Inc. (Locust Grove)	40	3	10
Charter Communications Inc. (McDonough)	62	7	6
Charter Communications Inc. (Newnan)	36	0	13
Peach State Cablevision (Powder Springs)	35	2	11
3D Cable Inc. (Ranger)	60	30	0

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Channels Available</i>	<i>Approximate Number of Lost Channels</i>
Falcon Community Ventures (Rockmart)	50	1	12
Comcast Cablevision of the South (Rome)	60	4	9
Comcast Cablevision of the South (Rossville)	78	0	13
Cablevision (Roswell)	61	0	13
Smyrna Cable TV (Smyrna)	54	7	6
Galaxy Cablevision (Spring Creek)	42	0	13
Comcast Cablevision of the South (Tallapoosa)	31	0	13
Enstar Income/Growth Program (Villa Rica)	35	0	13
Comcast Cablevision of the South (Whitesburg)	42	0	13
Lake Cablevision Inc. (Winder)	35	3	10
TOTAL	1633	—	378
TOTALS for Top 10 Markets	22479	—	5790

¹ The approximate number of lost channels was calculated by subtracting the number of available channels on the relevant cable system from the total number of stations licensed to the relevant DMA. If this would result in a number less than zero, no cable channels would be lost and a zero is listed. This calculation assumes that cable systems would be required to carry no more than one additional signal per each broadcast station in a relevant market under any possible set of digital must-carry rules.

² Because the markets of immediate interest are those in which digital television is required to be first introduced, the top ten television broadcast -- not cable -- markets are highlighted in this table.

³ Because the cable markets described in the Television & Cable Factbook are based on mileage, and not ADI, and because certain broadcast stations or cable systems may have modified their ADIs for must-carry purposes under the Commission's Rules, the list compiled above may include systems that may not be required to carry certain or all of the broadcast stations in the subject ADI. In addition, the list above may include cable systems that are not subject to must-carry requirements because they do not use public rights of way or do not serve at least 300 subscribers (*see* Sections 76.5(a) & 76.56(b)(1)). Also, the list above may include television stations that, because of signal strength, program duplication, or other issues, may not be able to demand carriage on any or all the cable systems listed. Finally, the list above assumes that the Commission eliminates any type of cap, so that all cable systems, regarding of the number of channels they carry, would be compelled to carry one digital and one analog signal per broadcast station in their ADI. With these assumptions in mind, the above list provides an informal analysis of the disruption to current cable service that would be incurred by cable systems in the television markets in which digital television is to be first introduced should compulsory carriage of one (and only one) digital signal of each broadcast station be adopted.

⁴ Television & Cable Factbook lacks information relating to the following cable systems that are listed within the New York market: Cablevision (Bronx), MediaOne (Haverstraw), Time Warner (Highland Falls), TCI Cable of Westchester (Mamaroneck), Cablevision(Yorktown), Comcast Cablevision (Eatontown, NJ), C-TEC Cable (Hillsborough, NJ), Comcast Cablevision (Freehold, NJ), C-TEC Cable (Hunterdon, NJ), C-Tec Cable (Long Hill, NJ), Comcast Cablevision (N. Plainfield, NJ), TCI (Oakland, NJ),TKR Cable (Piscataway, NJ), Comcast Cablevision (Port Murray, NJ), C-TEC Cable (Princeton, NJ), Comcast Cablevision (Trenton, NJ), and Comcast Cablevision (Union, NJ).

⁵ The number of broadcast stations licensed to an ADI assumes that all NTSC stations, commercial and noncommercial, listed in the Nielsen DMA Market Atlas, in Broadcasting & Cable 1998 for the relevant market, will receive must-carry rights with regard to each cable system listed. As noted above, this tally may count as separate stations that carry substantially duplicative programming.

⁶ Television & Cable Factbook lacks information relating to the following cable systems that are listed within the Los Angeles market: Charter Communications (Alhambra), Charter Communications (Azusa), MediaOne (Banning), Century Cable (Brea), Comcast Cablevision (Buena Park), MediaOne (Carson), MediaOne (Compton), MediaOne (Downey), Coast Cable Communications (El Toro Estates), Yucaipa Cable Corp. (Forrest Falls), Cablevision Industries (Long Beach), Buena Vision Telecommunications (Los Angeles), Century Southwest Cable (Los Angeles), Comcast Cablevision (Newport Beach), Comcast Cablevision (Ontario), Time Warner (Orange County), TCI Cablevision (Perris), United Cable TV of Los Angeles (Pico Rivera), Century Cable (Redondo Beach), Coast Cable Communications (Riverside Meadows), TCI Cablevision (San Bernardino), Comcast Cablevision (San Bernardino), Comcast Cablevision (Santa Ana), Comcast Cablevision (Seal Beach), Cablevision (Sierra Madre), and Comcast Cablevision (Simi Valley).

⁷ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Chicago's market: Jones Intercable (Aurora), United Cable Television (Carpentersville), MediaOne (Dolton), Time Warner (Glendale Heights), TCI (Highland Park), Cable TV Fund (Libertyville), Manhattan Cable (Manhattan), TCI (Maywood), MediaOne (Morton Grove), Cablevision (Oak Park), Time Warner (Palos Hills), Triax Cablevision (Palos Park), MediaOne (Peotone), US Cable (Robbins), MediaOne (Rolling Meadows), TCI (Wilmington), US Cable (Merrillville, IN) and Time Warner (Portage, IN).

⁸ Television & Cable Factbook lacks information relating to the following cable systems that are listed within this city's market: Garden State Cable TV (Audubon, NJ), Clear Cablevision (Berkeley Twp., NJ), Manchester Cablevision (Crestwood Village, NJ), C-TEC Cable (Hunterdon, NJ), Cablevision (Jackson, NJ), C-TEC Cable (Princeton, NJ), Comcast Cablevision (Trenton, NJ), Comcast Cable (Woodbury, NJ), Suburban Cable (Bensalem Twp), Comcast Cablevision, (Lower Merion), Suburban Cable (Norristown), and Comcast Cablevision (Philadelphia, 4).

⁹ Television & Cable Factbook lacks information relating to the following cable systems that are listed within San Francisco's market: TCI Cable (Adobe Wells Mobile Home Park), United Cable Television (Alameda), TCI Cable (Belmont), Central Cable (Benicia), TCI Cablevision (Cape Cod Mobile Home Park), TCI Cablevision (Casa De Amigos MHP), TCI Cablevision (Concord Naval Weapons Station), United Cable Television (Cupertino), TCI (Foster City), TCI Cablevision (Franciscan MHP), TCI Cablevision (Fremont), TCI Cablevision (Georgian Manor MHP), TCI Cablevision (Glenwood), San Leandro Cable Television (Hayward), TCI Cablevision (Los Trancos Woods), TCI Cablevision (Mission Bay MHP), TCI Western Division (Napa), TCI Cablevision (Pacifica), TCI Cablevision (Rio Vista), Heritage Cablevision (San Jose), Century Cable (San Pablo), South Bay Cablevision (Santa Clara), United Cable Television (Santa Cruz), TCI Cablevision (Spanish Ranch MHP), West Marin Cablevision (Stinson Beach), TCI Cablevision (Sunnyvale), UACC Midwest Inc.(Tracy), TCI Cablevision (Travis AFB), TCI Cablevision (Treasure Island Naval Station), and TCI Cablevision (Willow Ranch MHP).

¹⁰ Television & Cable Factbook lacks information relating to the following cable systems that are listed within this Boston's market: MediaOne (Attleboro), Cablevision (Danvers), MediaOne (Dedham), Americable International (Fort Devens), MediaOne (Holland), MediaOne (Hopkinton), A-R Cable Services (Maynard), Cablevision (N. Brookfield), MediaOne (Phillipston), MediaOne (Quincy), MediaOne (Sterling), A-R Cable (Westford), MediaOne (Winchedon), MediaOne (Derry, NH), MediaOne (Hampstead, NH), and MediaOne (Manchester, NH).

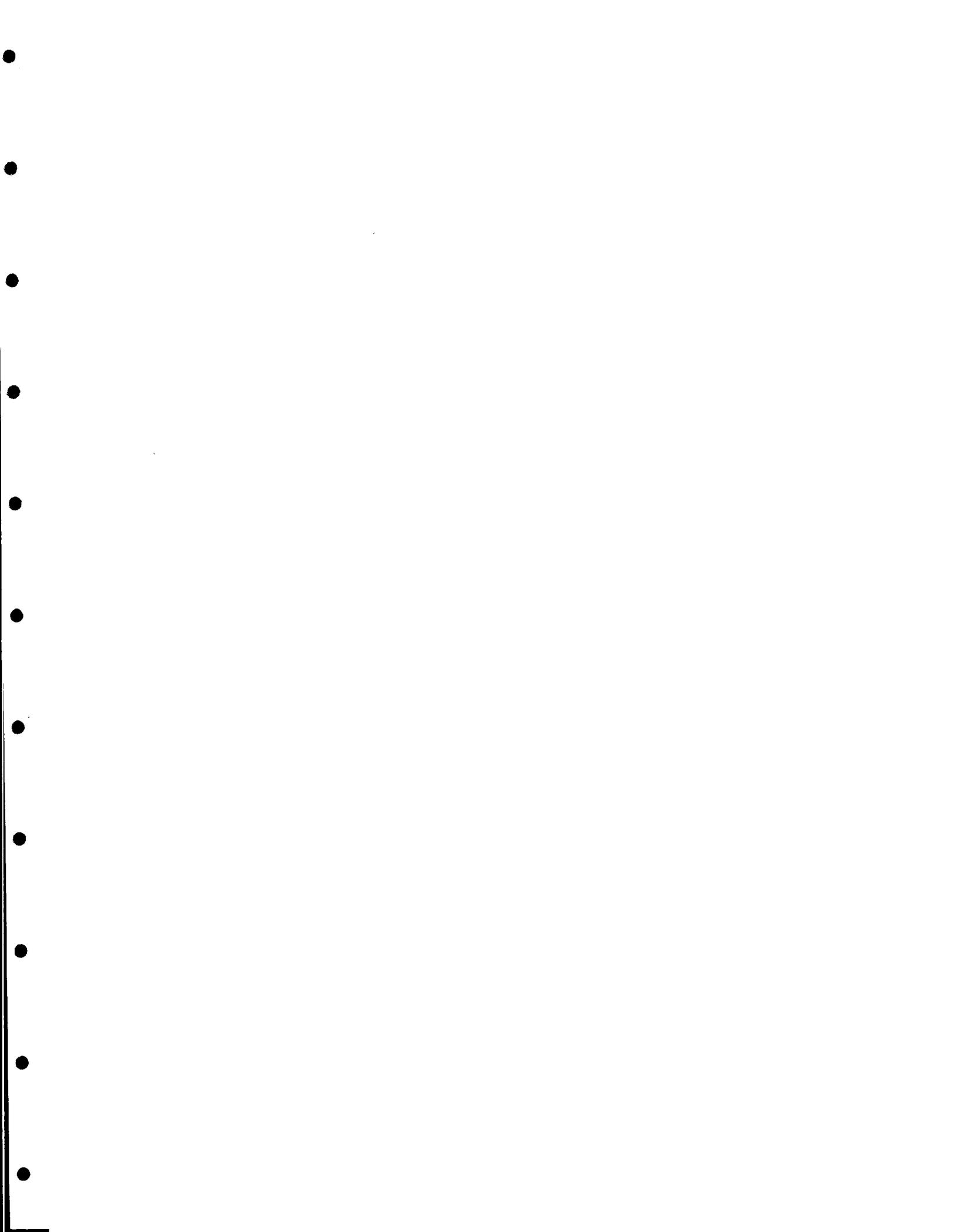
¹¹ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Washington, D.C.'s market: OnePoint Communications (Bolling AFB), Jones Intercable (Annapolis, MD), American Cable (Lexington Park), American Cable (North Beach, MD), Jones Communications (Prince George's Co.-South, MD), and Jones Intercable (Reston, VA).

¹² Television & Cable Factbook lacks information relating to the following cable systems that are listed within Dallas's market: Marcus Cable (Alvarado), Friendship Cable (Anna), Brookridge Cable (Argyle), N. Texas Cablevision (Azle), TCI TKR (Bedford), Brookridge Cable (Boyd), TCI TKR (Carrollton), Marcus Cable (Crandall), Marcus Cable (Ellis County), TCI Cablevision (Farmers Branch), Communications Services Inc. (Flower Mound), TCI Cablevision (Garland), Galaxie Cable (Hackberry), Friendship Cable (Heath), North Texas Cablevision (Joshua), Friendship Cable (Krum), Friendship Cable (Lucas), Marcus Cable (Mansfield), Northland Cable (Oak Grove), Brookridge Cable Special Purpose Partnership (Pelican Bay), TCI (Plano), Brookridge Cable Special Purpose Partnership (Ponder), Regional Cable (Remuda), Brookridge Cable Special Purpose Partnership (Rheme), Southwest Cablevision (Springtown), Friendship Cable (Terrell), TCI Cablevision (The

Colony), Marcus Cable (Trophy Club), Time Warner Cable (Trumbull), Marcus Cable (Waxahachie), and Marcus Cable (Weatherford)

¹³ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Detroit's market: Booth Communications (Birmingham), Tribune United Cable Communications (Clarkston), Comcast Cablevision (Clinton Twp.), Community Cable Television (Commerce Twp.), Time Warner Cable (Dearborn), MediaOne (Dearborn Heights), Comcast Cablevision (East Detroit), Time Warner Cable (Farmington), Time Warner Cable (Livonia), MediaOne (Madison Heights), River Raison Television Inc. (Monroe), Harron Cable TV (New Haven), Comcast Cable Investors (Pontiac), MediaOne (Romulus), MediaOne (Roseville), Comcast Corp. (Shelby Twp.), Horizon Cablevision (South Lyon), MediaOne (Southfield), Comcast Cable Investors (St. Clair Shores), Comcast Corp. (Sterling Heights), Comcast Cablevision (Warren), Time Warner Cable (Wayne), and MediaOne (West Bloomfield Twp.).

¹⁴ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Atlanta's market: Media One (Atlanta), Covington Cable TV (Covington), Gulf American Cable Group (Draketown), Menlo Cable TV (Menlo), Peach State Cablevision (Peachtree City), Clear-Vu Cable TV (Summerville), and Comcast Cablevision (Walton County).



Appendix III

**APPROXIMATE NUMBER OF BROADCAST SIGNALS ¹
IN TOP TEN DMAS ²
THAT WOULD NOT BE MUST-CARRIED IN LIGHT OF STATUTORY CAP**

(BASED ON TELEVISION & CABLE FACTBOOK 1998) ³

Market: New York City ⁴ Rank: 1
NTSC Commercial Broadcast Stations in ADI: ⁵ 16
Total Number of Must-Carry Eligible Stations in ADI: ⁶ 32

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
MediaOne (Beacon)	63	21	11
Cablevision (Brooklyn)	75	25	7
Americable International (Governors Island)	63	21	11
A-R Cable Services (Lynbrook)	80	26	6
A-R Cable Services (Mt. Kisco)	36	12	20
Time Warner Cable (New York)	77	25	7
MediaOne (Ossining)	42	14	18
Cablevision (Port Chester)	54	18	140
TKR Cable (Ramapo)	80	28	4
TKR Cable (Rockland)	62	20	12

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Staten Island Cable (Staten Island)	96	32	0
Cablevision (Suffolk County)	80	26	6
Americable International (Surfside Condos)	52	17	15
TKR Cable (Warwick)	42	14	18
Cablevision (Woodbury)	57	29	3
Cablevision (Yonkers)	43	14	18
Cablevision (Bayonne, NJ)	40	13	19
Cablevision (Bergenfield, NJ)	42	14	18
C-TEC Cable (Chester, NJ)	54	18	14
TKR Cable Co. (Dover, NJ)	62	20	12
Comcast Cable Communications (East Windsor, NJ)	44	14	18
TKR Cable (Elizabeth, NJ)	38	12	20
Cablevision (Hoboken, NJ)	39	13	19

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Service Electric (Hunterdon, NJ)	79	26	6
Comcast Cablevision (Jersey City, NJ)	82	27	5
Bridge Cable TV (Lambertville, NJ)	62	20	12
Cablevision (Millstone, NJ)	78	26	6
Cablevision (Newark, NJ)	54	18	14
Time Warner (Palisades Park, NJ)	45	15	17
TCI (Paterson, NJ)	83	27	5
Service Electric (Sparta, NJ)	77	25	7
TOTAL	1881	-	488

Market: Los Angeles ⁷ Rank: 2
NTSC Commercial Broadcast Stations in ADI: 20
Total Number of Must-Carry Eligible Stations in ADI: 40

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Falcon Cablevision (Agoura Hills)	36	12	28

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Century Communications (Anaheim)	52	17	23
Insight Cablevision (Artesia)	64	21	19
Insight Cablevision (Bell)	64	21	19
Falcon Cablevision (Big Bear Lake)	35	11	29
Falcon Cablevision (Box Canyon)	59	19	21
Falcon Cablevision (Calabasas)	95	31	9
CalaVision (Calabasas Park)	62	20	20
Time Warner Cable (Canyon Country)	60	20	20
MediaOne (Cathedral City)	76	25	15
GTE Americast (Cerritos)	78	26	14
Century Communications (Chino)	60	20	20
Insight Cablevision (Claremont)	64	21	19
TCI Cablevision (Colton)	41	13	27
MediaOne (Corona)	60	20	20

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
MediaOne (Costa Mesa)	91	30	10
MediaOne (Covina)	54	18	22
MediaOne (Cypress)	54	18	22
Jones Intercable Inc. (Diamond Bar)	57	19	21
Charter Communications (Duarte)	64	21	19
TCI of East San Fernando Valley LP (East San Fernando Valley)	78	26	14
Liberty Cable (El Monte)	60	20	20
Marcus Cable (Glendale)	78	26	14
Foot Hills Cablevision (Glendora)	38	12	28
TCI Cablevision (Hacienda Heights)	62	20	20
Inland Valley Cablevision (Hemet)	62	20	20
Century Communications (Hermosa Beach)	55	18	22
Falcon Cable Systems (Hesperia)	43	14	26

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Falcon Cablevision (Hidden Hills)	59	19	21
Cox Communications Inc. (Irvine)	35	11	29
Falcon Cablevision (Lake Arrowhead)	36	12	28
MediaOne (Lake Elsinore)	42	14	26
MediaOne (Lakewood)	120	40	0
Americable International (Long Beach Naval Base)	63	21	19
MediaOne (Los Angeles)	60	20	20
MediaOne (Los Angeles, <i>Hollywood- Wilshire</i>)	54	18	22
MediaOne (Los Angeles, <i>South Central Portion</i>)	60	20	20
MediaOne (Los Angeles, <i>Western Portion</i>)	54	18	22
Falcon Cablevision (Lost Hills)	53	17	23
Falcon Cablevision (Malibu)	95	31	9
Falcon Cable TV (Malibu 2)	54	18	22

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Cox Communications (Orange County)	110	36	4
Cox Cable (Palos Verdes Peninsula)	54	18	22
Charter Communications (Pasadena)	56	18	22
Falcon Cablevision (Phelan)	36	12	28
MediaOne (Pomona)	60	20	20
TCI Cablevision (Redlands)	41	13	27
Charter Communication (Riverside)	57	19	21
Mark's Cablevision (San Bernardino)	64	21	19
Southwestern Cable TV (San Diego)	78	26	14
CVI West Valley (San Fernando)	60	20	20
American Cablevision (San Marino)	40	13	27
MediaOne (Santa Clarita)	78	26	14
American Cablevision (South Pasadena)	50	16	24
Cox Cable (Sun City)	55	18	22

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
TCI (Thousand Oaks)	79	26	14
Falcon Cablevision (Thousand Oaks)	60	20	20
Paragon Communications (Torrance)	68	22	18
MediaOne (Tuston)	60	20	20
West Valley Cablevision (W. San Fernando Valley)	61	20	20
Marcus Cable (Whittier)	35	11	29
MediaOne (Wilmington)	60	20	20
Jones Spacelink (Yorba Linda)	72	24	16
TOTAL	3821		1263

Market: Chicago ⁸

Rank: 3

NTSC Commercial Broadcast Stations in ADI:

13

Total Number of Must-Carry Eligible Stations in ADI:

26

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Telenois Inc. (Arlington Heights)	59	19	7
Multimedia Cablevision (Barrington Hills)	59	19	7
Multimedia Cablevision (Batavia)	59	19	7
Chicago Cable (Chicago, I)	62	20	6
Prime Cable (Chicago, 2&3)	60	20	6
Chicago Cable TV) (Chicago, IV)	62	20	6
Chicago Cable TV (Chicago, V)	62	20	6
TCI Great Lakes (Chicago Heights)	60	20	6
Jones Intercable (Elgin)	54	18	8
MediaOne (Elmhurst)	57	19	7
TCI of Illinois (Glenview)	59	19	7
TCI of Illinois (Great Lakes Naval Training Ctr.)	54	18	8

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
TCI of Illinois (Harvey)	59	19	7
Jones Intercable (Lake Zurich)	54	18	8
Jones Intercable (Lansing)	50	16	10
Multimedia Cablevision (Lisle)	65	21	5
Jones Intercable (Matteson)	54	18	8
TCI (McHenry)	35	11	15
Telenois Inc. (Mt. Prospect)	120	40	0
Cable TV Fund (Naperville)	61	20	6
TCI (Oak Forest)	56	18	8
Multimedia Cablevision (Oak Lawn)	65	21	5
Jones Intercable (Orland Park)	54	18	8
Jones Intercable (Park Forest)	54	18	8
MediaOne (Romeoville)	61	20	6
Telenois Inc. (Schaumburg)	59	19	7

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Telenois Inc. (Skokie)	54	18	8
TCI of Illinois (S. Holland)	59	19	7
Telenois Inc. (Streamwood)	59	19	7
Jones Intercable (Vernon Hills)	36	12	16
Multimedia Cablevision (Villa Park)	62	20	6
US Cable (Waukegan)	54	18	8
Jones Intercable (West Chicago)	56	18	8
Jones Intercable (Western Springs)	54	18	8
Carillon Cablevision (Will County)	75	25	1
Cablevision Assoc. (Gary, IN)	35	11	15
United Cable (Hammond, IN)	54	18	8
Multimedia Cablevision (La Porte, IN)	68	22	4
US Cable (Lake of the Four Seasons, IN)	64	21	5

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
US Cable (Michigan City, IN)	54	18	8
TOTAL	2338	—	291

Market: Philadelphia ⁹ Rank: 4
NTSC Commercial Broadcast Stations in ADI: 15
Total Number of Must-Carry Eligible Stations in ADI: 30

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Comcast Cable Communications (East Windsor, NJ)	44	14	16
South Jersey Cablevision (Franklinville, NJ)	66	22	8
TKR Cable (Gloucester City, NJ)	61	20	10
TKR Cable (Hamilton, NJ)	52	17	13
Service Electric (Hunterdon, NJ)	79	26	4
Americable International (Lakehurst Naval Air Station, NJ)	63	21	9
Cablevision (Lakewood, NJ)	57	19	11

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Bridge Cable TV (Lambertville, NJ)	62	20	10
TKR Cable (Maple Shade, NJ)	35	11	19
Cablevision (Millstone, NJ)	78	26	4
Suburban Cable (Salem, NJ)	52	17	13
Suburban Cable (Vineland, NJ)	54	18	12
Cablevision (Wall Twp., NJ)	80	26	4
Suburban Cable (Washington, NJ)	62	20	10
Comcast Cable (Willingboro, NJ)	36	12	18
Service Electric (Allentown)	79	26	4
Service Electric (Birdsboro)	60	20	10
Suburban Cable (Chester Co.)	62	20	10
Suburban Cable (Bucks Co.)	35	11	19
Suburban Cable (Holland)	62	20	10
Suburban Cable (Jamison)	54	18	12

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Harron Cablevision (Kennett Square)	52	17	13
Suburban Cable (King of Prussia)	52	17	13
Adelphia Cable (Lansdale)	36	12	18
Lower Bucks Cablevision (Levittown)	77	25	5
Harron Communications (Malvern)	57	19	11
Adelphia Cable (Montgomery)	40	13	17
Suburban Cable (Newtown)	52	17	13
Suburban Cable (Newtown Twp.)	36	12	18
Greater Philadelphia Cablevision, Inc. (Philadelphia)	81	27	3
Wade Cable (Philadelphia)	82	27	3
Comcast Cablevision (Philadelphia, 3)	84	28	2
Suburban Cable (Pottstown)	42	14	16
Suburban Cable (Sellersville)	52	17	13

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Suburban Cable (Wallingford)	50	16	14
Comcast Cablevision (Willow Grove)	37	12	18
Suburban Cable (Wilmington, DE)	54	18	12
TOTAL	2117	—	415

Market: San Francisco-Oakland-San Jose ¹⁰ **Rank: 5**
NTSC Commercial Broadcast Stations in ADI: 18
Total Number of Must-Carry Eligible Stations in ADI: 36

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Matrix Cablevision Inc. (Aldercroft Heights)	60	20	16
TCI (Burlingame)	54	18	18
Concord TV Cable (Concord)	54	18	18
TCI Cablevision (Daly City)	56	18	18
Century Communications (Fairfield)	42	14	22

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Falcon Cable Systems (Gilroy)	35	11	25
Falcon Cable Systems (Gilroy(2))	35	11	25
Coastside Cable TV Inc. (Half Moon Bay)	39	13	23
Horizon Cable TV Inc. (Hamilton AFB)	36	12	24
Horizon Cablevision (Inverness)	35	11	25
Televents of East County (Knightsen)	41	13	23
Sun Country Cable (Los Altos Hills)	60	20	16
South Bay Cablevision (Los Gatos)	83	27	9
Americable International (Mare Island Naval Station)	63	21	15
TCI Western Division (Marin County)	37	12	24
Televents of East County (Marsh Creek MHP)	12	3*	33
Matrix Cablevision Inc. (Menlo Park)	78	26	10
South Bay Cablevision (Milpitas)	83	27	9

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Americable International-Moffett (Moffett Field Naval Air Station)	63	21	15
South Bay Cablevision (Mountain View)	61	20	16
South Bay Cablevision (Newark)	61	20	16
Chambers Cable (Novato)	37	20	16
Cable Oakland (Oakland)	60	20	16
Americable International (Oakland U.S. Naval Hospital)	63	21	15
Cable Communications Cooperative (Palo Alto)	78	26	10
Americable International (Petaluma Coast Guard Station)	63	21	15
TCI Pinole (Pinole)	36	12	24
TCI Western Division (Pittsburgh)	40	13	23
Televents Inc. (Pleasant Hill)	44	14	22
TCI Cablevision (Richmond)	64	21	15

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Century Communications (Rohnert Park)	42	14	22
City of San Bruno Municipal Cable TV (San Bruno)	60	20	16
TCI (San Francisco)	54	18	18
TCI Cablevision (San Mateo)	78	26	10
South Bay Cablevision (Saratoga)	83	27	9
TCI (Sonoma County)	32	10	26
Western TV Cable (South San Francisco)	42	14	22
TCI Cable (Tri-Valley)	82	27	9
TCI (Union City)	60	20	16
TCI Cablevision (Vallejo)	104	34	2
UACC Midwest Inc. (Walnut Creek)	63	21	15
Sonic Cable Leasing (Watsonville)	36	12	24
TOTAL	2309	—	745

Market: Boston ¹¹ **Rank: 6**
NTSC Commercial Broadcast Stations in ADI: 15
Total Number of Must-Carry Eligible Stations in ADI: 30

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
New England Cablevision (Amesbury)	54	18	12
MediaOne (Amherst)	61	20	10
MediaOne (Andover)	55	18	12
Amrac Clear View (Belchertown)	44	14	16
MediaOne (Beverly)	61	20	10
Cablevision (Boston)	104	34	0
Cablevision (Braintree)	60	20	10
MediaOne (Brockton)	70	23	7
MediaOne (Cambridge)	77	26	4
Pegasus Cable (Charlton)	64	21	9
Massachusetts Cablevision (Foxborough)	60	20	10

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Cablevision (Framingham)	62	20	10
New England Cablevision (Gloucester)	54	18	12
Cablevision (Haverhill)	78	26	4
MediaOne (Lawrence)	78	26	4
A-R Cable Services (Lexington)	80	26	4
MediaOne (Lowell)	76	25	5
Time Warner (Lynn)	80	26	4
MediaOne (Marlborough)	54	18	12
Adelphia Cable (Marshfield)	62	20	10
Time Warner (Medford)	80	26	4
Time Warner (Melrose)	80	26	4
Time Warner (Milford)	53	17	13
MediaOne (Natick)	52	17	13

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
MediaOne (Newton)	61	20	10
MediaOne (N. Andover)	35	11	19
TCI Cablevision (N. Attleboro)	54	18	12
A-R Cable (Norwood)	54	18	12
Time Warner (Orange)	78	26	4
A-R Cable (Peabody)	54	18	12
Harron Cablevision (Pembroke)	64	21	9
Charter Communications (Pepperell)	62	20	10
Adelphia Cable (Plymouth)	42	14	16
Harron Cablevision (Rockland)	64	21	9
Charter Communications (Rutland)	62	20	10
Time Warner (Salem)	80	26	4
MediaOne (Saugus)	62	20	10
Community Cablevision (Shrewsbury)	80	26	4

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
MediaOne (Stoughton)	60	20	10
Charter Communications (Oxbridge)	62	20	10
Time Warner (Wakefield)	61	20	10
MediaOne (Waltham)	61	20	10
MediaOne (Watertown)	61	20	10
MediaOne (Weymouth)	52	17	13
MediaOne (Woburn)	60	20	10
Greater Media (Worcester)	78	26	4
Community TV (Deerfield, NH)	60	20	10
Adelphia Cable (Greenville, NH)	60	20	10
Harron Cablevision (Londonderry, NH)	62	20	10
Americable (Merrimack, NH)	20	6	24
Time Warner (Nashua)	63	21	9
Community TV (New Boston, NH)	40	13	17

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Jones Intercable (Calvert Co., MD)	42	14	10
Prestige Cable (Carroll Co., MD)	62	20	4
Frederick Cablevision (Frederick, MD)	60	20	4
Western Shore Cable (Hollywood, MD)	41	13	11
OnePoint Communications (Howard Co., MD)	78	26	0
InterMedia Cable (Millersville, MD)	80	26	0
Cable TV Montgomery (Montgomery Co., MD)	72	24	0
Jones Communications (Prince George's Co.- North, MD)	88	29	0
Comcast Cablevision (Towson, MD)	46	15	9
Jones Communications (Waldorf, MD)	42	14	10
Jones Intercable (Alexandria, VA)	51	17	7
CableTV Arlington (Arlington, VA)	62	20	4
MediaGeneral (Fairfax Co., VA)	120	40	0

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Marcus Cable (Carrollton)	55	18	14
Marcus Cable (Cleburne)	35	11	21
Paragon Cable (Coppell)	61	20	12
Torrance Cablevision (Country Club Shores)	36	12	20
Torrance Cablevision (Cresson)	36	12	20
TCI (Dallas)	100	33	0
TCI TKR (De Soto)	40	13	19
Marcus Cable (Denton)	60	20	12
Marcus Cable (Duncanville)	78	26	6
Signet Cablevision (Ennis)	60	20	12
Marcus Cable (Ft. Worth)	61	20	12
North Texas Cablevision (Granbury)	35	11	21
TCI Cablevision (Grand Prairie)	39	13	19
Paragon Cable (Grapevine)	61	20	12

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Regional Cable (Green Acres)	36	12	20
Paragon Cable (Irving)	61	20	12
Willow Park Cable (Johnson Co.)	36	12	20
Northland Cable (Kaufman)	35	11	21
TCI TKR (Lancaster)	40	13	19
Las Colinas Assoc. (Las Colinas)	54	18	14
Paragon Cable (Lewisville)	64	21	11
Friendship Cable (Lowry Crossing)	54	18	14
TCI Cablevision (McKinney)	36	12	20
TCI Cablevision (Mesquite)	92	30	2
Torrence Cablevision (Paradise)	36	12	20
Friendship Cable (Plum Grove)	36	12	20
Friendship Cable (Quinlan)	54	18	14
Friendship Cable (Reno)	36	12	20

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
TCI (Richardson)	124	41	0
Regional Cable TV (Rio Vista)	36	12	20
Willow Park Cable TV (River Oaks)	54	18	14
Mission Cable (Rockwall)	61	20	12
Friendship Cable (Royse City)	41	13	19
Marcus Cable (S. Weatherford)	36	12	20
Torrence Cablevision (St. Francis Village)	35	11	21
TCI Cablevision (Stonebridge Ranch)	62	20	12
Marcus Cable (University Park)	77	25	7
Willow Park Cable TV (Willow Park)	36	12	20
Action Cable (Wilmer)	36	12	20
TCI Cablevision (Wylie)	36	12	20
TOTAL	2228	—	685

Market: Detroit ¹⁴ **Rank: 9**
NTSC Commercial Broadcast Stations in ADI: 8
Total Number of Must-Carry Eligible Stations in ADI: 16

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
MediaOne (Ann Arbor)	77	25	0
Comcast Cablevision (Detroit)	78	26	0
Comcast Cablevision (Garden City)	65	21	0
Grosse Pointe Cable TV (Grosse Pointe Woods)	35	11	5
Multi-Cablevision Co. (Hamburg Twp.)	54	18	0
MediaOne (Hazel Park)	56	18	0
Mid-Lakes Cable-Com (Highland Park)	52	17	0
Comcast of Inkster, LP (Inkster)	54	18	0
Tribune United Cable Communications (Lake Orion)	60	20	0
Monroe Cablevision Inc. (Monroe)	64	21	0
Concord Telecommunications (Oxford)	54	18	0

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
MediaOne (Plymouth)	52	17	0
Time Warner Cable (Redford)	57	19	0
Tribune United Cable Communications (Royal Oak)	120	40	0
MediaOne (Saline)	54	18	0
North Oakland Cablevision (Springfield Twp.)	62	20	0
Comcast of Taylor (Taylor)	55	18	0
United Cable Television Corp. of Michigan (Woodhaven)	62	20	0
Wyandotte Municipal Services (Wyandotte)	57	19	0
Televista Communications (York Twp.)	62	20	0
TOTAL	1230		5

Market: Atlanta ¹⁵ Rank: 10
NTSC Commercial Broadcast Stations in ADI: 11
Total Number of Must-Carry Eligible Stations in ADI: 22

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Galaxy Cablevision (Butts County)	36	12	10
ComCast Cablevision of the South (Calhoun)	29	9	13
Canton Cable TV (Canton)	54	18	4
Prestige Cable TV (Cartersville)	54	18	4
Falcon Cablevision (Cave Spring)	36	12	10
Falcon Cablevision (Cedartwon)	50	16	6
Comcast Cablevision of the South (Chamblee)	54	18	4
Helicon Cablevision (Chatsworth)	40	13	9
Time Warner Cable (Cobb County)	54	18	4
Prestige Cable TV Inc. (Cumming)	53	17	5
Comcast Communications (Dallas)	56	18	4

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
Falcon First Inc. (Dalton)	61	20	2
Peach State Cablevision (Fairburn)	35	11	11
InterMedia Cable (Gainesville)	33	11	11
Robin Cable Systems LP (Grantville)	35	11	11
Insight Communications (Griffin)	54	18	4
Cablevision (Gwinnette County)	61	20	2
Charter Communications (Henry County)	54	18	4
Comcast Cablevision (Hickory Level)	42	14	8
Comcast Cablevision (La Fayette)	21	7	15
Charter Communications Inc. (Locust Grove)	40	13	9
Charter Communications Inc. (McDonough)	62	20	2
Charter Communications Inc. (Newnan)	36	12	10
Peach State Cablevision (Powder Springs)	35	11	11

<i>Cable System (Location)</i>	<i>Total # of Channels</i>	<i># of Signals System Is To Must-Carry</i>	<i>Approximate Number of Signals Ineligible for Compulsory Carriage Per Statutory Cap</i>
3D Cable Inc. (Ranger)	60	20	2
Falcon Community Ventures (Rockmart)	50	16	6
Comcast Cablevision of the South (Rome)	60	20	2
Comcast Cablevision of the South (Rossville)	78	26	0
Cablevision (Roswell)	61	20	2
Smyrna Cable TV (Smyrna)	54	18	4
Galaxy Cablevision (Spring Creek)	42	14	8
Comcast Cablevision of the South (Tallapoosa)	31	10	12
Enstar Income/Growth Program (Villa Rica)	35	11	11
Comcast Cablevision of the South (Whitesburg)	42	14	8
Lake Cablevision Inc. (Winder)	35	11	11
TOTAL	1633		239

TOTALS
for Top 10 Markets

22479

-

4762

¹ For purposes of this table, the number of broadcast signals that would be eligible for must-carry rights were assumed to equal to two times the number of *commercial* broadcast stations licensed to the DMA. Because, as noted below, the statute relating to must-carry has separate limits for commercial and noncommercial stations, only commercial stations were considered in this table. For each system listed, the number of channels that must be expended on must-carry eligible stations was calculated by dividing the total number of channels on each system by three. Then, the number of eligible broadcast signals that would be denied carriage in light of the statutory cap was calculated by taking the number of broadcast signals eligible for must-carry if digital must-carry is adopted and subtracting from it the number of "must-carry" channels allowed by statute. If the resulting number were less than zero, all eligible channels could receive carriage and a zero was entered into the last column. Where the resulting number is greater than zero, it equals the number of must-carry eligible commercial stations that would not qualify for compulsory carriage on the system in question because of the one-third statutory cap.

² Because the markets of immediate interest are those in which digital television is required to be first introduced, the top ten television broadcast -- not cable -- markets are highlighted in the following table.

³ Because the cable markets described in the Television & Cable Factbook are based on mileage, and not ADI, and because certain broadcast stations or cable systems may have modified their ADIs for must-carry purposes under the Commission's Rules, the list compiled above may include systems that may not be required to carry certain or all of the broadcast stations in the subject ADI. In addition, the list above may include cable systems that are not subject to must-carry requirements because they do not use public rights of way or do not serve at least 300 subscribers (*see* Sections 76.5(a) & 76.56(b)(1)). Also, the list above may include television stations that, because of signal strength, program duplication, or other issues, may not be able to demand carriage on any or all the cable systems listed. With these assumptions in mind, the above list provides a comprehensive sketch of the disruption to current cable service that would be incurred by cable systems in the television markets in which digital television is to be first introduced should compulsory carriage of one (and only one) digital signal of each broadcast station be adopted.

⁴ Television & Cable Factbook lacks information relating to the following cable systems that are listed within the New York market: Cablevision (Bronx), MediaOne (Haverstraw), Time Warner (Highland Falls), TCI Cable of Westchester (Mamaroneck), Cablevision(Yorktown), Comcast Cablevision (Eatontown, NJ), C-TEC Cable (Hillsborough, NJ), Comcast Cablevision (Freehold, NJ), C-TEC Cable (Hunterdon, NJ), C-Tec Cable (Long Hill, NJ), Comcast Cablevision (N. Plainfield, NJ), TCI (Oakland, NJ),TKR Cable (Piscataway, NJ), Comcast Cablevision (Port Murray, NJ), C-TEC Cable (Princeton, NJ), Comcast Cablevision (Trenton, NJ), and Comcast Cablevision (Union, NJ).

⁵ The number of commercial broadcast stations licensed to an ADI assumes that all stations listed in the Nielsen DMA Market Atlas in Broadcasting & Cable 1998 for the relevant market will receive must-carry rights with regard to each cable system listed. As noted above, this tally may count as separate stations that carry substantially duplicative programming, but does not include noncommercial stations, as they are not counted against the statutory cap limiting the number of channels cable systems must devote to must-carriage.

⁶ This number is an estimate of the total number of eligible commercial signals that will exist once every existing NTSC station in an ADI broadcasts an NTSC and a DTV signal, and was calculated by taking the number of commercial stations in the ADI and multiplying by 2.

⁷ Television & Cable Factbook lacks information relating to the following cable systems that are listed within the Los Angeles market: Charter Communications (Alhambra), Charter Communications (Azusa), MediaOne (Banning), Century Cable (Brea), Comcast Cablevision (Buena Park), MediaOne (Carson), MediaOne (Compton), MediaOne (Downey), Coast Cable Communications (El Toro Estates), Yucaipa Cable Corp. (Forrest Falls), Cablevision Industries (Long Beach), Buena Vision Telecommunications (Los Angeles), Century Southwest Cable (Los Angeles), Comcast Cablevision (Newport Beach), Comcast Cablevision (Ontario), Time Warner (Orange County), TCI Cablevision (Perris), United Cable TV of Los Angeles (Pico Rivera), Century Cable (Redondo Beach), Coast Cable Communications (Riverside Meadows), TCI Cablevision (San Bernardino), Comcast Cablevision (San Bernardino), Comcast Cablevision (Santa Ana), Comcast Cablevision (Seal Beach), Cablevision (Sierra Madre), Comcast Cablevision (Simi Valley).

⁸ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Chicago's market: Jones Intercable (Aurora), United Cable Television (Carpentersville), MediaOne (Dolton), Time Warner (Glendale Heights), TCI (Highland Park), Cable TV Fund (Libertyville), Manhattan Cable (Manhattan), TCI (Maywood), MediaOne (Morton Grove), Cablevision (Oak Park), Time Warner (Palos Hills), Triax Cablevision (Palos Park), MediaOne (Peotone), US Cable (Robbins), MediaOne (Rolling Meadows), TCI (Wilmington), US Cable (Merrillville, IN) and Time Warner (Portage, IN).

⁹ Television & Cable Factbook lacks information relating to the following cable systems that are listed within this city's market: Garden State Cable TV (Audubon, NJ), Clear Cablevision (Berkeley Twp., NJ), Manchester Cablevision (Crestwood Village, NJ), C-TEC Cable (Hunterdon, NJ), Cablevision (Jackson, NJ), C-TEC Cable (Princeton, NJ), Comcast Cablevision (Trenton, NJ), Comcast Cable (Woodbury, NJ), Suburban Cable (Bensalem Twp), Comcast Cablevision, (Lower Merion), Suburban Cable (Norristown), and Comcast Cablevision (Philadelphia, 4).

¹⁰ Television & Cable Factbook lacks information relating to the following cable systems that are listed within San Francisco's market: TCI Cable (Adobe Wells Mobile Home Park), United Cable Television (Alameda), TCI Cable (Belmont), Central Cable (Benicia), TCI Cablevision (Cape Cod Mobile Home Park), TCI Cablevision (Casa De Amigos MHP), TCI Cablevision (Concord Naval Weapons Station), United Cable Television (Cupertino), TCI (Foster City), TCI Cablevision (Franciscan MHP), TCI Cablevision (Fremont), TCI Cablevision (Georgian Manor MHP), TCI Cablevision (Glenwood), San Leandro Cable Television (Hayward), TCI Cablevision (Los Trancos Woods), TCI Cablevision (Mission Bay MHP), TCI Western Division (Napa), TCI Cablevision (Pacifica), TCI Cablevision (Rio Vista), Heritage Cablevision (San Jose), Century Cable (San Pablo), South Bay Cablevision (Santa Clara), United Cable Television (Santa Cruz), TCI Cablevision (Spanish Ranch MHP), West Marin Cablevision (Stinson Beach), TCI Cablevision (Sunnyvale), UACC Midwest Inc.(Tracy), TCI Cablevision (Travis AFB), TCI Cablevision (Treasure Island Naval Station), and TCI Cablevision (Willow Ranch MHP).

¹¹ Television & Cable Factbook lacks information relating to the following cable systems that are listed within this Boston's market: MediaOne (Attleboro), Cablevision (Danvers), MediaOne (Dedham), Americable International (Fort Devens), MediaOne (Holland), MediaOne (Hopkinton), A-R Cable Services (Maynard), Cablevision (N. Brookfield), MediaOne (Phillipston), MediaOne (Quincy), MediaOne (Sterling), A-R Cable (Westford), MediaOne (Winchedon), MediaOne (Derry, NH), MediaOne (Hampstead, NH), and MediaOne (Manchester, NH).

¹² Television & Cable Factbook lacks information relating to the following cable systems that are listed within Washington, D.C.'s market: OnePoint Communications (Bolling AFB), Jones Intercable (Annapolis, MD), American Cable (Lexington Park), American Cable (North Beach, MD), Jones Communications (Prince George's Co.-South, MD), and Jones Intercable (Reston, VA).

¹³ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Dallas's market: Marcus Cable (Alvarado), Friendship Cable (Anna), Brookridge Cable (Argyle), N. Texas Cablevision (Azle), TCI TKR (Bedford), Brookridge Cable (Boyd), TCI TKR (Carrollton), Marcus Cable (Crandall), Marcus Cable (Ellis County), TCI Cablevision (Farmers Branch), Communications Services Inc. (Flower Mound), TCI Cablevision (Garland), Galaxie Cable (Hackberry), Friendship Cable (Heath), North Texas Cablevision (Joshua), Friendship Cable (Krum), Friendship Cable (Lucas), Marcus Cable (Mansfield), Northland Cable (Oak Grove), Brookridge Cable Special Purpose Partnership (Pelican Bay), TCI (Plano), Brookridge Cable Special Purpose Partnership (Ponder), Regional Cable (Remuda), Brookridge Cable Special Purpose Partnership (Rhome), Southwest Cablevision (Springtown), Friendship Cable (Terrell), TCI Cablevision (The Colony), Marcus Cable (Trophy Club), Time Warner Cable (Trumbull), Marcus Cable (Waxahachie), and Marcus Cable (Weatherford)

¹⁴ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Detroit's market: Booth Communications (Birmingham), Tribune United Cable Communications (Clarkston), Comcast Cablevision (Clinton Twp.), Community Cable Television (Commerce Twp.), Time Warner Cable (Dearborn), MediaOne (Dearborn Heights), Comcast Cablevision (East Detroit), Time Warner Cable (Farmington), Time Warner Cable (Livonia), MediaOne (Madison Heights), River Raison Television Inc. (Monroe), Harron Cable TV (New Haven), Comcast Cable Investors (Pontiac), MediaOne (Romulus), MediaOne (Roseville), Comcast Corp. (Shelby Twp.), Horizon Cablevision (South Lyon), MediaOne (Southfield), Comcast Cable Investors (St. Clair Shores), Comcast Corp. (Sterling Heights), Comcast Cablevision (Warren), Time Warner Cable (Wayne), and MediaOne (West Bloomfield Twp.).

¹⁵ Television & Cable Factbook lacks information relating to the following cable systems that are listed within Atlanta's market: Media One (Atlanta), Covington Cable TV (Covington), Gulf American Cable Group (Draketown), Menlo Cable TV (Menlo), Peach State Cablevision (Peachtree City), Clear-Vu Cable TV (Summerville), and Comcast Cablevision (Walton County).