

EX PARTE OR LATE FILED

National Cable Television Association

Program Network Policy

1724 Massachusetts Avenue, Northwest
Washington, D.C. 20036-1969
202 775-1070 Fax: 202 775-1079

November 12, 1998

RECEIVED

NOV 12 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

Re: Ex-parte Submission in CS Docket No. 98-120

Today, November 12, 1998, NCTA delivered the attached letter and attachments to Chairman Kennard, Commissioners Ness, Powell, Furchtgott-Roth and Tristani, as well as Deborah Lathen, Chief of the Cable Service Bureau. If you have any questions, please do not hesitate to call.

Sincerely,



Jill Lockett
Vice President
Program Network Policy

Enclosures

File of Submissions 021
DATE



NATIONAL CABLE TELEVISION ASSOCIATION

DECKER ANSTROM
PRESIDENT & CHIEF EXECUTIVE OFFICER

November 12, 1998

The Honorable William Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Chairman:

Several weeks ago, in a speech before the International Radio and Television Society, you posed the following question to those broadcasters who are demanding mandated cable carriage of digital broadcast signals:

“As cable operators create local programming, particularly news and public affairs shows, and with almost three quarters of Americans actually paying to receive these channels, what remains that makes broadcasters unique? And is this uniqueness significantly tangible, demonstrable, and assured to justify requiring cable carriage?”

To help answer this question, we looked at television coverage of Election '98 in the nation's capital last Tuesday, November 3. As you can see from the attached materials, cable's election night coverage was far more extensive than that of the local broadcast stations.

- Two local stations had no election coverage between 6:30 PM and 12:30 AM (ET).
- The three public broadcast stations had only minimal coverage during these hours.
- And no local station had more than an hour and a half of exclusive election coverage.

By comparison, five national cable networks (CNN, CSPAN, MSNBC, CNBC, and Fox News Channel) had continuous election coverage during most of the night. In addition, News Channel 8, a regional cable news channel, covered the elections all evening – with heavy emphasis on local elections.

Print journalists were quick to pick up on the difference in this coverage. In the November 9 Electronic Media, Lee Hall wrote, “While the broadcast networks blew off

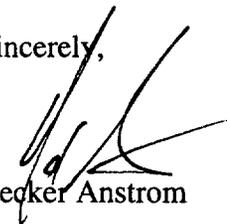
The Honorable William Kennard
November 12, 1998
Page 2

election night coverage for the most part, cable news networks more than picked up the slack." Similar stories appeared in the Wall Street Journal, the Washington Post, the Washington Times and the New York Post.

Clearly, Mr. Chairman, it was cable, not broadcasting, that played a "tangible, demonstrable, and assured" unique role in meeting the public interest on Election Night '98 here in Washington, D.C. The role cable has taken in covering our local and national elections is just one more example – in addition to the legal, constitutional and public policy arguments we have outlined in the Commission's current must carry proceeding – of why there is no rationale for mandating a "double dose" of must carry during the transition from analog to digital television and for putting *every* broadcast station in line ahead of *any* cable network.

Thank you for your ongoing consideration of this important issue.

Sincerely,



Decker Anstrom

Enclosures

cc: Commissioner Susan Ness
Commissioner Michael Powell
Commissioner Harold Furchtgott-Roth
Commissioner Gloria Tristani
Deborah Lathen, Chief, Cable Service Bureau
Magalie Salas, Secretary

**Election Night Coverage
Washington D.C.**

LOCAL BROADCAST STATIONS

	WRC (NBC)	WTTG (FOX)	WJLA (ABC)	WUSA (CBS)	WDCA (UPN)
6:30 pm	Local News (last 1/2 hr)	The Simpsons	ABC World News Tonight	Local News	The Nanny
7:00 pm	NBC Nightly News	Friends	Wheel of Fortune	CBS Evening News	Frasier
7:30 pm	Access Hollywood	Seinfeld	Jeopardy!	Entertainment Tonight	Home Improvement
8:00 pm	Mad About You	King of the Hill	Home Improvement	JAG	Moesha
8:30 pm	Just Shoot Me	King of the Hill	The Hughleys		Clueless (Part 2)
9:00 pm	Just Shoot Me	Guinness	Spin City	48 Hours Justice	America's Greatest
9:30 pm	Working	World Records	Spin City	for All	Reunited
10:00 pm		Local News			Star Trek: Voyager
10:30 pm		Geobon Returns			The Next Generation
11:00 pm	Local News	Friends	Local News	Local News	Frasier
11:30 pm	Tonight Show	M*A*S*H			Mad About You
12:00 am		Jenny Jones	Extra	Late Show with Letterman	The Nanny
12:30 am	Late Night O'Brien		Politically Incorrect		Martin

CABLE NETWORKS

	CNN	CSPAN	MSNBC
7:00 pm			
7:30 pm			
8:00 pm			
8:30 pm			
9:00 pm			
10:00 pm			
11:00 pm			
11:30 pm			
12:00 am			
12:30 am			

KEY:



- Regularly scheduled programming.
- Regularly scheduled programming provided some coverage of local and/or national Election returns.
- Special Election programming coverage.

Note: WRC (NBC), WJLA (ABC) and WUSA (CBS) aired periodic election updates during their regularly-scheduled program

What They're Saying About Election '98 News Coverage

Cable Scoops TV Networks

"The fact that the [broadcast] networks waited until 10 o'clock to air their reports is a clear sign that competitive network news is a thing of the past. They're sitting back and letting cable TV run away with news. If the goal of any self-respecting news organization is to report a story first, then the network news business was clobbered by cable TV last night."

- Adam Buckman
New York Post, 11/4/98

TV Guide: For the Latest, Turn to Cable

"With no presidential race this year, the TV networks are going light. The Big Three won't interrupt programming until 10 p.m. ET for their election reports, except to call some races in short reports. The cable news networks plan far more expansive coverage."

- Elizabeth Crowley
Wall Street Journal, 11/3/98

Publisher's Column

"Tuning in CNN's informative and ambitious coverage was reminiscent of tuning in to ABC, CBS and NBC back when the major broadcast networks really covered national elections."

- Ron Alridge
Electronic Media, 11/9/98

Networks to cut back on election coverage

"Don't look for extravagant election night coverage on CBS, NBC and ABC this year. On Nov. 3, each has winnowed its programming to a mere hour, leaving in-depth fare to cable networks like CNN."

- Jennifer Harper
The Washington Times, 10/21/98

Viewers elect for cable news

"While the broadcast networks blew off election night coverage for the most part, cable news networks more than picked up the slack."

- Lee Hall
Electronic Media, 11/9/98

The TV Column

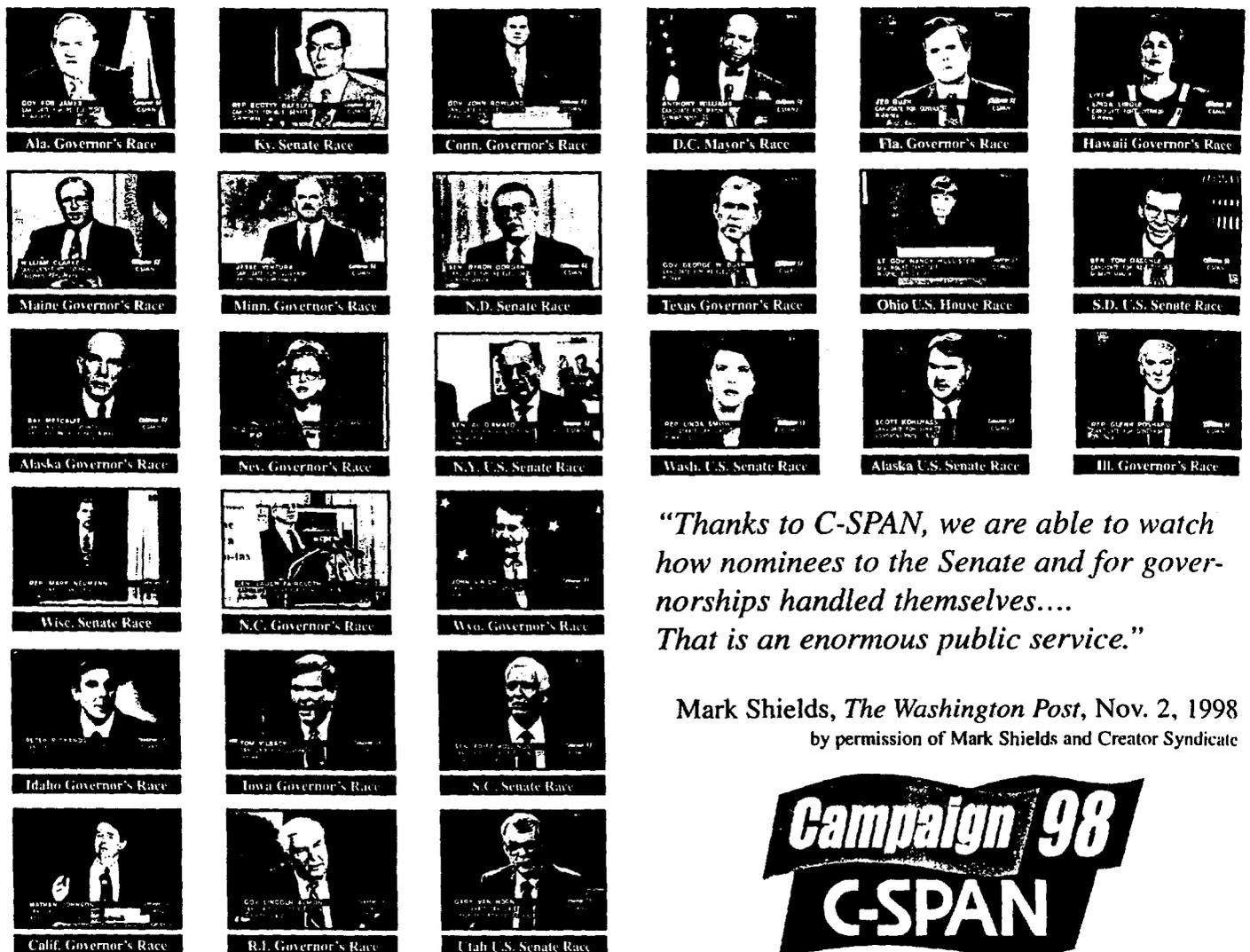
"The cable news networks are, not surprisingly, taking the lead on today's election coverage."

- Lisa de Moraes
The Washington Post, 11/3/98

8,100 131 CONGRESSIONAL AND GOVERNORS' DEBATES MINUTES OF "FREE AIR TIME" FOR CANDIDATES COURTESY OF CABLE TV AND C-SPAN

This fall, with help from local television stations across the country, C-SPAN aired 131 political debates—in prime time. In some cities, C-SPAN was the only place where people could watch local candidates sound out the issues during prime time.

131 debates. 8,100 minutes of “free air time” for political candidates and their issues. That’s exactly the kind of public service the cable industry had in mind when it created C-SPAN more than 20 years ago.



“Thanks to C-SPAN, we are able to watch how nominees to the Senate and for governorships handled themselves.... That is an enormous public service.”

Mark Shields, *The Washington Post*, Nov. 2, 1998
by permission of Mark Shields and Creator Syndicate



TWENTY YEARS OF PUBLIC AFFAIRS PROGRAMMING. CREATED BY AMERICA'S CABLE COMPANIES.