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Lisa M. Chandler

March 1, 1999

VIA COURIER

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

Re: Initial Regulatory Flexibility Analysis Comments of the Small Cable Business Association ("IRFA Comments"); MM Docket Nos. 98-204 and 96-16

Dear Ms. Salas.

On behalf of the Small Cable Business Association ("SCBA"), we enclose twelve (12) copies of the above-referenced IRFA Comments. We request that each Commissioner receive a copy of SCBA's IRFA Comments.

In addition, we provide a "FILE COPY." We ask that you date-stamp and return it to the courier.

If you have any questions, please call us.

Very truly yours,

Lisa M Chandler

Lisa M. Chandler

Enclosures

cc: Small Cable Business Association

No. of Copies rec'd of 12
List A B C D E

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Review of the Commission's)	
Broadcast and Cable)	MM Docket No. 98-204
Equal Employment Opportunity)	
Rules and Policies)	
and Termination of the)	MM Docket No. 96-16
EEO Streamlining Proceeding)	

To: The Commission

**INITIAL REGULATORY FLEXIBILITY ANALYSIS
COMMENTS OF THE
SMALL CABLE BUSINESS ASSOCIATION**

The Small Cable Business Association ("SCBA") submits these comments to address a critical deficiency in the Commission's Initial Regulatory Flexibility Analysis ("IRFA") in this rulemaking proceeding. SCBA, with approximately 300 members serving more than two million subscribers nationwide, remains the only voice solely dedicated to representing the interests of smaller, independently owned cable businesses. Because of the far-reaching impact of the changes proposed in this rulemaking proceeding,¹ SCBA takes this opportunity to file its comments.

The Regulatory Flexibility Act ("RFA") requires the Commission, in its initial regulatory flexibility analysis, to "describe the impact of the proposed rule on small

¹ See *In the Matter of Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding*, Notice of Proposed Rule Making in MM Docket Nos. 98-204, 96-16, FCC 98-305 (released November 20, 1998) ("NPRM").

entities.”² The *IRFA* must “contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.”³ Such alternatives include “the establishment of differing compliance or reporting requirements . . . that take into account the resources available to small entities,” or “an exemption from coverage of the rule, or any part thereof, for such small entities.”⁴

The *IRFA* states that “the proposed rule changes would . . . affect small cable entities.”⁵ It provides quantitative estimates regarding the number of small cable entities impacted.⁶ The *IRFA*, however, fails to comment on the alternatives considered and steps taken to minimize the impact on small cable,⁷ instead referring to the discussion contained in the *NPRM*.

The *NPRM* also fails to suggest differentiated treatment for small cable, as it does for small broadcasters. Consequently, the Commission does not consider alternatives available to minimize the economic harm to small cable. This omission, however, conflicts with the Commission’s obligations under RFA

² 5 U.S.C.S. § 603(a).

³ 5 U.S.C.S. § 603(c).

⁴ *Id.*

⁵ See *NPRM*, Appendix D, Section D.3.

⁶ See *NPRM*, Appendix D, Section D.3.

⁷ See *NPRM*, Appendix D, Section E.

Several of the proposed rule changes concerning the cable equal employment opportunity rules would substantially impact small cable. For example, specifying the type and number of resources a cable operator must contact for each job vacancy may establish benchmarks impossible for small cable to meet. Small systems often serve rural communities and smaller markets. Small systems also have limited financial and administrative resources. The number and types of resources available in smaller towns and rural areas for recruiting vary greatly. To dictate the quantity and types of recruitment resources needed to ensure compliance ignores the realities for many small system operators.

Similarly, the costs related to EEO recruiting, recordkeeping and reporting further strain small systems' limited financial and administrative resources. The Commission recognizes this concern as it relates to small broadcasters⁸ but ignores the fact that small cable shares this reality.

Small cable's economic and administrative realities require the Commission to contemplate alternative treatment, similar to that it proposes for small broadcasters. In the Comments it contemporaneously filed in this proceeding,⁹ SCBA proposes several ways to accommodate the unique needs of small cable. SCBA urges the Commission to give consideration to those proposals.

⁸ See *NPRM* at ¶ 84 (discussing the impact of EEO reporting and recordkeeping obligations on small broadcasters).

⁹ See Comments of the Small Cable Business Association in MM Docket Nos. 98-204 and 96-16 (filed March 1, 1999) ("Comments"). SCBA incorporates by reference those Comments

SCBA reminds the Commission of its statutory obligation to consider the impact any Commission action would have on small entities. Because of the impact to small cable discussed above, the Commission must address these issues and include a comprehensive discussion of the impact its actions will have on small cable in its Final Regulatory Flexibility Analysis.

Respectfully submitted,

SMALL CABLE BUSINESS ASSOCIATION

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