

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

In the Matter of)
)
Carriage of Digital Television Broadcast) CS Docket No. 98-120
Signals)
)
Amendments to Part 76)
of the Commission's Rules)

To: The Commission

GEMSTAR OPPOSITION TO PETITION FOR RECONSIDERATION

Gemstar-TV Guide International, Inc. ("Gemstar") opposes the position taken by Time Warner Cable ("TWC"), in its Petition for Reconsideration of the *DTV Must-Carry Order*,¹ that there should be no mandatory carriage obligation for "program-related" material in the digital context.² TWC erroneously contends that, because Section 614(b)(3) requires carriage of program-related material "carried in the vertical blanking interval" and there is no vertical blanking interval ("VBI") associated with digital signals, there should be no carriage obligation for digital program-related material. The TWC Petition ignores Section 614(b)(4)(B) of the Communications Act, 47 U.S.C. § 534(b)(4)(B), which clearly gives the Commission authority

¹ First Report and Order and Further Notice of Proposed Rulemaking, *In re Carriage of Digital Television Broadcast Signals, Amendments to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues, Application of Network Non-Duplication, Syndicated Exclusivity and Sports Blackout Rules to Satellite Retransmission of Broadcast Signals*, CS Docket Nos. 98-120, 00-96 and 00-2, FCC 01-22 (rel. Jan. 23, 2001) ("*DTV Must-Carry Order*").

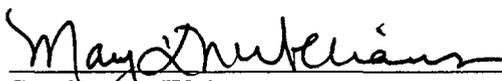
² See Time Warner Cable's Petition for Reconsideration, CS Docket No. 98-120, at 3 (April 25, 2001) ("*TWC Petition*").

to adapt the cable carriage rules to the digital environment. In opposing TWC's specious argument, Gemstar fully supports the arguments of the Association for Maximum Service Television ("MSTV"), the National Association of Broadcasters ("NAB"), and the Association of Local Television Stations, Inc. ("ALTV") in the MSTV/NAB/ALTV Opposition to Petitions for Reconsideration in this proceeding. Gemstar also notes that the Commission's decision to require carriage of program-related material in digital television signals was based on sound policy considerations. Consumers – cable subscribers and over-the-air viewers alike – expect to (and should) receive the entire free program service offered by their local television broadcaster, not merely the bits and pieces of the service that a gatekeeper multichannel video programming provider chooses to pass through its system.

Accordingly, the Commission should deny TWC's Petition for Reconsideration of the conclusion in the *DTV Must-Carry Order* that cable carriage obligations for digital signals should include program-related material.

Respectfully submitted,

GEMSTAR-TV GUIDE INTERNATIONAL, INC.



Stephen A. Weiswasser
Mary Newcomer Williams
COVINGTON & BURLING
1201 Pennsylvania Avenue NW
Washington, DC 20004-2401
Tel.: 202-662-6000
Fax: 202-662-6291

Its Attorneys

May 25, 2001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Gemstar Opposition to Petitions for Reconsideration was hand-delivered this 25th day of May, 2001, to:

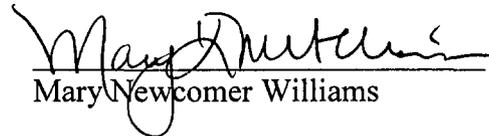
Daniel L. Brenner
Michael S. Schooler
Diane B. Burstein
Counsel for the National Cable Television Association
1724 Massachusetts Avenue, NW
Washington, DC 20036

Stuart F. Feldstein
Lisa C. Cordell
FLEISCHMAN AND WALSH, L.L.P.
Attorneys for Adelphia Communications Corporation
1400 Sixteenth Street, NW
Washington, DC 20036

Henk Brands
KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.
Counsel for Time Warner Cable
1615 M Street, NW
Suite 400
Washington, DC 20036

I further certify that a copy of the aforesaid document was also mailed, First Class Mail, postage prepaid, to:

Adelphia Communications Corporation
One North Main Street
Coudersport, PA 16915


Mary Newcomer Williams