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# PUBLIC NOTICE

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FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET, S.W.  
WASHINGTON, D.C. 20554

DA 01-2374

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

October 12, 2001

**COMMISSION SEEKS COMMENT ON THE  
FURTHER NOTICE OF PROPOSED RULEMAKING REGARDING  
THE CABLE HORIZONTAL AND VERTICAL OWNERSHIP LIMITS  
AND ASPECTS OF THE CABLE, BROADCAST AND MDS ATTRIBUTION RULES**

**CS DOCKET NOS. 98-82, 96-85  
MM DOCKET NOS. 92-264, 94-150, 92-51, 87-154**

**PLEADING CYCLE ESTABLISHED**

**COMMENTS: December 26, 2001**

**REPLY COMMENTS: January 25, 2002**

On September 21, 2001, the Federal Communications Commission released the *Further Notice of Proposed Rulemaking*<sup>1</sup> following the decision of the U.S. Court of Appeals for the D.C. Circuit in *Time Warner Entertainment Co. v. FCC*.<sup>2</sup> In *Time Warner*, the court reversed and remanded the Commission's cable horizontal and vertical ownership limits and vacated two aspects of the Commission's cable attribution rules (the elimination of the single majority shareholder exemption and the application of the limited partnership rule barring sales of video programming by a limited partner to the partnership). The *Further Notice of Proposed Rulemaking* seeks to fulfill the Commission's statutory responsibilities and respond to the court's concerns by reexamining and soliciting comment on the cable ownership rules as affected by the *Time Warner* decision. The *Further Notice of Proposed Rulemaking* also solicits comment on the Commission's elimination of the single majority shareholder exemption in the broadcast and multipoint distribution service areas, which followed the Commission's elimination of the cable exemption.

The *Further Notice of Proposed Rulemaking* was published in the Federal Register at **66 Fed. Reg. 51905 (October 11, 2001)**. Interested parties may file comments on or before **December 26, 2001**; reply comments on or before **January 25, 2002**. Comments may be filed using the Commission's Electronic Filing System (ECFS), at <http://www.fcc.gov/e-file/ecfs.html>, or by filing paper copies. All

<sup>1</sup> *Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992, Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, Commission's Cable Horizontal and Vertical Limits and Attribution Rules, Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests, Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry, Reexamination of the Commission's Cross-Interest Policy, Further Notice of Proposed Rulemaking, FCC 01-263, CS Docket Nos. 98-82, 96-85, MM Docket Nos. 92-264, 94-150, 92-51, 87-154 (rel. Sept. 21, 2001).*

<sup>2</sup> 240 F.3d 1126 (D.C. Cir. 2001).

filings must reference **CS Docket Nos. 98-82, 96-85, MM Docket Nos. 92-264, 94-150, 92-51 and 87-154.**

Commenters filing paper copies must send an original and four copies, and twelve additional copies (two copies for each additional docket that appears in the caption) to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12<sup>th</sup> Street, SW, Suite TW-A325, Washington, DC 20554. Parties must also file an additional copy of each filing with the following offices: (1) Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CT-B402, Washington, DC 20554; and (2) Ava Holly Berland, Cable Services Bureau, 445 12<sup>th</sup> Street, SW, Room 3-A832, Washington, DC 20554. Additionally, five copies of each filing must be filed with Linda Senecal, Cable Services Bureau, 445 12<sup>th</sup> Street, SW, Room 3-A729, Washington, DC 20554.

Commenters using the ECFS must file six copies of electronic submissions (one for each docket referenced in the caption). In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable dockets. Commenters may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply.

This is a "permit-but-disclose" proceeding for purposes of the Commission's *ex parte* rules.<sup>3</sup> As a "permit-but-disclose" proceeding, *ex parte* communications will be governed by section 1.1206(b) of the Commission's rules.<sup>4</sup>

For further information, the media contact for this proceeding is Michelle Russo at (202) 418-0270. The Cable Services Bureau contacts are Daniel Hodes, Kiran Duwadi, Ava Holly Berland or Andrew Wise at (202) 418-7200, TTY at (202) 418-7365 or (888) 835-5322, or at [dhodes@fcc.gov](mailto:dhodes@fcc.gov), [kduwadi@fcc.gov](mailto:kduwadi@fcc.gov), [hberland@fcc.gov](mailto:hberland@fcc.gov), [awise@fcc.gov](mailto:awise@fcc.gov).

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<sup>3</sup> See generally 47 C.F.R. §§ 1.1200-1.1216.

<sup>4</sup> 47 C.F.R. § 1.1206(b).