

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

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

**REPLY COMMENTS OF COMCAST CORPORATION**

Comcast Corporation (“Comcast”) hereby replies to the comments filed in response to the above-captioned Further Notice of Proposed Rulemaking (“*Further Notice*”).<sup>1</sup> The comments demonstrate that the broadcast digital television (“DTV”) transition should not be further imperiled by adding to the unnecessary, unauthorized, and unconstitutional burdens that the Commission has already imposed on cable operators.

The broadcast DTV transition is now in its most critical phase, with the “hard date” for discontinuance of full-power analog broadcasting exactly 11 months away as of today. There is no room for further dithering on the things that must be done, and no time for additional detours or missteps. At this juncture, imposing any additional burdens on cable operators is entirely unwarranted, and to do so would materially increase the likelihood that significant elements of the Commission’s regime will be undone on judicial review. Regrettably, the Association for Maximum Service Television (“MSTV”) and the National Association of Broadcasters (“NAB”)

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<sup>1</sup> *In re Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission’s Rules, Third Report & Order and Third Further Notice of Proposed Rulemaking*, 22 FCC Rcd. 21064 (2007) (“*Further Notice*” or “*Order*”, as appropriate), *appeal docketed sub nom., C-SPAN v. FCC*, No. 08-1045 (D.C. Cir. Feb. 4, 2008) (“*C-SPAN Petition for Review*”).

persist in their efforts to have the Commission encumber cable operators with still more regulation that is as unnecessary as it is unlawful.<sup>2</sup>

*Channel Placement.* Having succeeded in persuading the Commission to adopt requirements that will force many cable systems to carry *three separate versions* of each broadcaster's primary video signal (in analog, in standard-definition ("SD"), and in high-definition ("HD")),<sup>3</sup> MSTV/NAB now ask the Commission to require cable operators to make all of these versions "appear on the same channel."<sup>4</sup> They hypothesize, without support, that "this would be possible on most digital cable systems."<sup>5</sup> They are mistaken, as the National Cable & Telecommunications Association ("NCTA") explains in its comments.<sup>6</sup>

Just as importantly, any such requirement would cause unnecessary confusion for consumers, in contravention of the Commission's -- and broadcasters' -- professed desire to have a seamless transition. For example, Comcast's HD subscribers in Washington, D.C. already know that they can find WJLA-HD on Channel 210 and WRC-HD on Channel 211. They also know that the 200-series of channels is where they can find all the other HD channels, both broadcast and non-broadcast, as well as multicast digital broadcast channels such as WJLA Local Point (205) and NBC Weather Plus (208), all conveniently grouped. There is no reason for the Commission to disrupt these arrangements with which consumers are already familiar.

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<sup>2</sup> See generally MSTV/NAB Comments; see also NBC Universal Comments (seeking even more onerous requirements than MSTV/NAB in some instances). For purposes herein, unless otherwise designated, all citations to comments are to filings made in CS Docket No. 98-120 on March 3, 2008.

<sup>3</sup> See Order ¶ 15.

<sup>4</sup> MSTV/NAB Comments at 2.

<sup>5</sup> *Id.*

<sup>6</sup> See Nat'l Cable & Telecomm. Ass'n ("NCTA") Comments at 3-4 (explaining that analog versions of broadcasters' signals will be carried consistent with broadcasters' channel positioning rights, and SD versions of those signals can be mapped to the same channels, but HD versions must be physically and logically separate).

*Format.* Nor is there any policy or legal reason to create new legal requirements with respect to the formatting of HD broadcast signals for purposes of analog or SD carriage. If and to the extent that a broadcaster transmits programming in a 16-by-9 aspect ratio, and cable operators must deliver versions of that programming to viewers in SD or analog formats (both of which are 4-by-3), the programming necessarily must be reformatted. MSTV/NAB ask the Commission to require that “broadcasters and viewers -- not cable operators -- be in control of this process.”<sup>7</sup> But they identify no practical means by which this can be accomplished in the near term. Despite their references to active format description (“AFD”) as a consumer-friendly technology, they fail to note that AFD is less than a year old, is not deployed by the vast majority of broadcasters, and is not a commercial reality. Notably, they propose no requirement that broadcasters purchase and deploy AFD technology, and they make no commitment to paying the costs of cable operators’ deployment of this technology (when, and if, it becomes available).<sup>8</sup>

Cable operators have powerful commercial and competitive incentives to deliver a quality viewing experience to their customers. Consistent with those incentives, Comcast will make the following commitments. If a broadcaster provides Comcast with an over-the-air SD feed, Comcast will use that version of the signal (whether “center cut” or “letterbox”) for the SD and analog versions that are delivered to its customers. The Commission has no reason and no authority to require cable operators to make any greater accommodation than this; in fact, it has already overstepped its authority by requiring carriage of multiple versions of the same signal.<sup>9</sup>

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<sup>7</sup> MSTV/NAB Comments at 4.

<sup>8</sup> NBC Universal properly acknowledges that the Commission has declined to require broadcasters to purchase and use equipment that utilizes AFD technology. *See* NBC Universal Comments at 5. The Consumer Electronics Ass’n (“CEA”) nonsensically proposes that cable converter boxes be required to respond to AFD even as it endorses the notion that any broadcaster transmission of AFD should be “voluntary.” CEA Comments at 2-3.

<sup>9</sup> *See C-SPAN Petition for Review.*

Nonetheless, if the broadcaster does not supply Comcast with an SD signal, and Comcast must convert that HD signal to SD and analog versions, Comcast will, whenever feasible, work with the broadcaster to determine whether a “center cut” or “letterbox” format would work best for the majority of the broadcaster’s programming and then apply that format to all of the broadcaster’s programming that is carried in SD and analog.

*Material Degradation.* The Commission should reject efforts by MSTV/NAB to expand the prohibition on material degradation from must-carry to retransmission consent stations. As NCTA explains, this argument is squarely foreclosed by the language of Section 325, and in any event “retransmission consent stations are more than able to protect their own interests.”<sup>10</sup>

*Notice.* Finally, with regard to the consumer notice issue raised in the *Further Notice*, even MSTV/NAB did not endorse the imposition of any additional requirements -- underscoring that no such requirements are needed. Moreover, in the interim, the Commission adopted consumer education requirements in a separate docket.<sup>11</sup> Accordingly, the issue is moot here.

In sum, the broadcast DTV transition should not be further imperiled by adding to the unnecessary and unlawful burdens that the Commission has already imposed on cable operators.

Respectfully submitted,

/s/ Kathryn A. Zachem

Kathryn A. Zachem

James R. Coltharp

COMCAST CORPORATION

2001 Pennsylvania Avenue, N.W. Suite 500

Washington, D.C. 20006

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<sup>10</sup> NCTA Comments at 9-10.

<sup>11</sup> *See In re DTV Consumer Education Initiative*, Report & Order, FCC 08-56 (Mar. 3, 2008); *Erratum* (Mar. 7, 2008) (revising required notices to consumers).