

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

In the Matter of)
)
The Future of Media and Information Needs)
of Communities In A Digital Age) GN Docket No. 10-25
)

**COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA)¹ hereby submits its comments in response to the Public Notice issued by the Commission in the above-captioned proceeding.² We welcome the opportunity to describe the wide variety of news and information content available on cable, which significantly benefits consumers and “enable[s] them to enrich their lives, their communities and our democracy.”³

Cable offers a wealth of content that serves the informational needs of communities and citizens, including programming networks dedicated to news, on both the national and local levels. On a typical cable system, subscribers may view news content on linear programming networks or on-demand. In addition, cable provides consumers access to countless news sources via their broadband connections.

National cable programming networks that focus on news and information include CNN, Fox News, MSNBC, HLN, Bloomberg Television, CNBC, Fox Business Network, The Weather

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of high-speed Internet service (“broadband”) after investing over \$145 billion since 1996 to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to over 20 million customers.

² See *FCC Launches Examination of the Future of Media and Information Needs of Communities in a Digital Age*, Public Notice, 25 FCC Rcd 384 (2010) (“*Public Notice*”).

³ *Id.* at 384.

Channel, ESPNNews, BBC World News, C-SPAN, C-SPAN2, C-SPAN3, Current Television, and many more.⁴ These programming networks play an important role in providing the public with essential information, including information necessary to maintain an informed electorate. As the Pew Project for Excellence in Journalism reported, in recent years “cable TV news was the place to see the most coverage of politics.”⁵

Cable also provides numerous local and regional news and information programming networks. For example, in 1986, Cablevision Systems Corporation launched News 12 Long Island, a 24-hour local news service dedicated to covering the counties of Nassau and Suffolk, and the first local 24-hour cable television news channel of its kind.⁶ As of its last video competition report, the Commission counted more than fifty local and regional cable news channels across the country.⁷ Some of these channels focus on news and information of interest to a region or a state, such as New England Cable News⁸ or the Ohio News Network,⁹ while

⁴ See generally NCTA, *Cable Networks*, at <http://www.ncta.com/Organizations.aspx?type=orgtyp2&contentId=2907> (last visited May 3, 2010).

⁵ Pew Project for Excellence in Journalism, *The State of the News Media 2010* (Mar. 15, 2010), at http://www.stateofthemediamedia.org/2010/year_sectorhighlights.php#cable (last visited May 3, 2010).

Once again, in 2009, cable TV news was the place to see the most coverage of politics. For the year, 9% of time on cable was devoted to politics, compared to 5% for the media studied over all. This was more than any other media sector, but not nearly as much as in the presidential election year of 2008, when fully 56% of cable’s coverage was focused on politics. . . . Health care, the most politically polarizing domestic issue of the year, was a prime topic for cable. Cable news devoted 13% of its news [w]hole to the health care debate. From July, when the story really took off, through the end of the year, that number for cable jumped to 25%. . . . Cable also spent more time on other politically charged issues than other media such as evaluations of the Obama administration and his leadership and ideology (7% versus 5% in the media over all) and the debates surrounding domestic terrorism (6% versus 4% in the media over all). *Id.*

⁶ See News 12 Long Island, *About News 12*, at http://www.news12.com/news/aboutus_LI?news_type=About Us (last visited May 3, 2010).

⁷ See *In re Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Thirteenth Annual Report, 24 FCC Rcd 542 ¶ 227 & Table C-3 (2009) (“*Thirteenth Annual Report*”).

⁸ See New England Cable News, *About NECN*, at <http://www.necn.com/pages/about> (last visited May 3, 2010) (“New England Cable News (NECN) is the largest 24-hour regional news network in the country, specializing in long-form journalism and serving more than 3.7 million subscribers in more than 1,050 cities and towns in all six New England states.”).

⁹ See ONN: *Ohio's Channel for News*, at http://www.onntv.com/live/content/onntvstation/about_onn.html (last visited May 3, 2010) (“ONN is the channel Ohioans can turn to for rich, in-depth reporting of their news,

others provide hyper-local news coverage, such as the News 12 networks, which have created separate versions of the channel tailored to smaller portions of the New York metropolitan area, including Long Island, New Jersey, Westchester, Hudson Valley, Connecticut, the Bronx, and Brooklyn.¹⁰ Based on the needs of their communities, several cable operators are providing separate Spanish language local news networks, including Central Florida News 13 en Español, Bay 9 News en Español, and New York 1 Noticias.¹¹ Many local and regional news networks provide substantial amounts of news and information on their websites.¹²

One of the cable industry's most important contributions to keeping Americans informed is its extensive coverage of national, state, and local government proceedings on the C-SPAN networks and comparable regional and local networks. The cable industry created C-SPAN – recently described as “The Other Washington Monument”¹³ – and substantially funds its operations. The C-SPAN networks are offered as a public service “to provide access to balanced, commercial-free coverage of the American political process.”¹⁴ C-SPAN was launched in 1979 to provide live, gavel-to-gavel coverage of the U.S. House of Representatives; C-SPAN2 was launched in 1986 to similarly cover the U.S. Senate; C-SPAN3, launched in 2001,

weather and sports, 24 hours a day, 7 days a week, 365 days a year. ONN launched its 24-hour news service in May 1997, becoming the first statewide news channel in the country. . . . ONN brings to Ohio a revolutionary approach to television news and the media industry: a comprehensive, 24-hour service covering the localism of each town and city and the regionalism of an entire state.”)

¹⁰ See News 12, *About Us*, at <https://www.news12.com/aboutus> (last visited May 3, 2010).

¹¹ See Bright House Networks, *Exclusive Local Programming*, at <http://brighthouse.com/central-florida/shop/tv/programming/local> (last visited May 3, 2010); *Thirteenth Annual Report* ¶ 227.

¹² See, e.g., Central Florida News 13, LLC, *Central Florida News 13*, at <http://www.cfnews13.com/> (last visited May 3, 2010); New England Cable News, *Featured News*, at http://www.necn.com/pages/section_newengland (last visited May 3, 2010).

¹³ *Executive Session with Brian Lamb, C-SPAN: The Other Washington Monument*, TVNewsCheck, Apr. 20, 2010, available at <http://www.tvnewscheck.com/articles/2010/04/20/daily.5/>.

¹⁴ Nat'l Cable Satellite Corp., *C-SPAN Viewer's Guide 3*, available at <http://www.c-span.org/PDF/ViewersGuide.pdf> (“C-SPAN Viewer's Guide”).

provides additional public affairs programming.¹⁵ The C-SPAN networks also provide other information and education services, including c-span.org, C-SPAN Radio, C-SPAN Classroom, and the C-SPAN Civics Buses.¹⁶ Recently, as an extension of its substantial public service commitment, C-SPAN announced that it uploaded virtually the entirety of its video archives to the Internet:

Researchers, political satirists and partisan mudslingers, take note: C-SPAN has uploaded virtually every minute of its video archives to the Internet. The archives, at C-SPANVideo.org, cover 23 years of history and five presidential administrations and are sure to provide new fodder for pundits and politicians alike.¹⁷

The archives consist of over 160,000 hours of C-SPAN footage, and are available for free to journalists and anyone else interested in viewing the content.¹⁸

Similarly, cable operators distribute and provide substantial financial and operational support to services that offer extensive coverage of state and local governments. For example, programming on Michigan Government Television, a network financed by the cable industry through cable subscription fees, includes state House and Senate legislative sessions and committee meetings, commission and agency hearings from the executive branch of state government, and taped oral arguments before Michigan's Supreme Court.¹⁹ Likewise, PCN, also funded by the cable industry, carries unedited live and same-day coverage of Pennsylvania

¹⁵ *See id.* A recent poll found that “52 percent of voters said they watched [C-SPAN] at least once in a while.” Brian Stelter, *C-SPAN Puts Full Archives on the Web*, N.Y. Times, Mar. 16, 2010 (citing a recent poll by Fairleigh Dickinson University), available at <http://www.nytimes.com/2010/03/16/arts/television/16cspan.html>.

¹⁶ *C-SPAN Viewer's Guide* at 3. C-SPAN Classroom, launched in 1987, is dedicated to helping middle and high school civics and government teachers to use C-SPAN programming in their teaching or research. The free service has been used by thousands of teachers across the country. *See id.* at 16.

¹⁷ *See Stelter, supra* note 15.

¹⁸ *See id.* (“Journalists can feast on it.”) (quoting C-SPAN founder, Brian Lamb).

¹⁹ *See Michigan Government Television, Frequently Asked Questions*, at <http://www.mgtv.org/faq.html> (last visited May 3, 2010).

Senate and House floor proceedings and other public forums and events.²⁰ San Diego's County Television Network, a network funded by fees paid by San Diego County cable companies, provides live coverage and taped replays of all County Board of Supervisors' meetings, "giving viewers a unique window into the workings of local government and the track records of our elected officials."²¹

Some news and information content cable operators are making available on linear channels is also being offered on-demand, so consumers can watch the programming at their convenience. In addition, cable operators are offering even more news and information programming exclusively on an on-demand basis. For example, on its Southern California systems, Time Warner Cable offers several hours of local news and information content on its video on demand ("VOD") platform.²² Time Warner Cable's Southern California systems also recently launched "My Government on Demand," a service providing programming related to state and local government activity.²³

Finally, on top of all the news and information content cable operators offer on national, regional, and local cable program networks, cable operators also carry news and information provided by local commercial and public broadcast stations.²⁴ And many of NCTA's cable

²⁰ See PCN, *Frequently Asked Questions*, at http://www.pcntv.com/about_faqs.html (last visited May 3, 2010).

²¹ County of San Diego, *About CTN*, at <http://www.sdcounty.ca.gov/ctn/aboutctn.html> (last visited May 3, 2010).

²² See Time Warner Cable, Inc., *Local Programming*, at <http://www.timewarnercable.com/SoCal/learn/programming/local/default.html> (last visited May 3, 2010) (listing a variety of sources of local news and information).

²³ See Bob Strauss, *Government Ready at the Touch of a Channel Changer*, L.A. Daily News, Mar. 8, 2010, at D 1, 14, available at http://www.dailynews.com/news/ci_14630776. Programming content, such as committee hearings, school board meetings, and statements by politicians, is arranged in individual VOD folders dedicated to particular Southern California communities on a topical basis (early topic examples include education, upcoming elections, and the census). See *id.*

²⁴ On January 31, 2005, NCTA reached agreement with the Association of Public Television Stations (APTS) to distribute up to four streams of digital programming from each local public TV station on systems serving the vast majority of cable subscribers across the nation. See Letter from John Lawson, President and CEO, APTS, and Robert Sachs, President and CEO, NCTA, to Michael K. Powell, Chairman, FCC, filed in CS Docket No.

operator members support and distribute public, educational, and governmental (“PEG”) channels, which may offer some news and information to the communities they serve.

New and innovative ways to deliver news and information are quickly evolving in the digital environment, and the cable industry is adapting to this environment and meeting the demands and needs of its customers. Imposing new regulations on cable operators or programmers is not necessary at this time, and, as we recently explained to the Commission, the Communications Act and the First Amendment strictly constrain the Commission’s authority to regulate cable content.²⁵ We appreciate that the *Public Notice* makes clear that the “starting point is the First Amendment” in this proceeding, and that “many of the challenges encountered in today’s media environment will be addressed by the private for-profit and non-profit sectors, without government intervention.”²⁶ We agree. In such a dynamic environment, the Commission should proceed cautiously as it moves forward and let the marketplace address these challenges.

Respectfully submitted,

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May 7, 2010

98-120 & MB Docket No. 03-15 (Jan. 31, 2005).

²⁵ See Comments of the National Cable & Telecommunications Association, filed in MB Docket No. 09-194, at 20-21 (Feb. 24, 2010).

²⁶ *Public Notice* at 385.