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AUG 10 2011
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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Section 3 of the Cable Television Consumer Protection and Competition Act of 1992	)	MM Docket No. 92-266
	)	
Statistical Report on Average Rates for Basic Service, Cable Programming Service, and Equipment	)	

ORDER

Adopted: July 28, 2011 **Released: August 5, 2011**

Responses Due: September 30, 2011

By the Chief, Media Bureau:

I. INTRODUCTION

1. Section 623(k) of the Communications Act, as amended by the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"),[1] requires the Commission to publish annually a statistical report on average rates for basic cable service, cable programming service, and equipment.[2] The Act also requires the Commission to compare the average rates of cable operators found to be subject to effective competition with those of operators not subject to effective competition.[3]

2. To implement the requirements of Section 623(k), the Commission is directing certain cable operators to respond to a price survey questionnaire designed to solicit information concerning rates

[1] Section 623(k) was adopted as Section 3(k) of the 1992 Cable Act, Pub. L. No. 102-385, 106 Stat. 1460, codified at 47 U.S.C. § 543(k).

[2] 47 U.S.C. § 543(k). The 1992 Cable Act defines basic cable service as that tier of service that includes the retransmission of local television broadcast signals. *See* 47 U.S.C. § 543(b)(7). Cable programming service is defined as any video programming other than (A) video programming carried on the basic service tier, and (B) video programming offered on a per channel or per program basis. *See* 47 U.S.C. § 543(k)(1)(2). Equipment refers to a converter box, remote control, and other equipment necessary to access programming. *See* 47 U.S.C. § 543(b)(3).

[3] Effective competition exists where the Commission has found that a multi-channel video programming distributor ("MVPD") meets one of four tests within its franchise area: (1) fewer than 30% of households subscribe to the service of the cable system (the "low penetration test"); (2) at least two MVPDs serve 50% or more of households and at least 15% of those households take service other than from the largest MVPD (the "overbuild test"); (3) a municipal MVPD offers service to at least 50% of households (the "municipal test"); (4) a local exchange carrier ("LEC") or its affiliate (or any MVPD using the facilities of the LEC or its affiliate) offers video programming service (other than direct broadcast satellite service) comparable to the service of an unaffiliated MVPD (the "LEC test"). *See* 47 U.S.C. § 543(k)(1)(1)(A-D).

for basic service, cable programming service, and equipment used to receive such services. Instructions for completing the questionnaire are attached to this Order as Appendix B. The cable operators selected for our sample must complete and file the questionnaire no later than September 30, 2011.

3. The survey asks questions about an operator's monthly charge for basic service and expanded basic service as of two dates: January 1, 2010, and January 1, 2011. In addition, the survey requests information on other factors such as the monthly charge for equipment, the number of subscribers, and the installation charges, as well as information concerning the number of channels offered on each level of service, the availability of advanced services such as Internet access, the availability of a "family tier" of service, and channel lineups.[4]

4. Our survey sample includes a random sample of cable operators serving communities where the Commission has granted a petition for effective competition, and a random sample of operators serving other communities nationwide. A completed questionnaire is required for each community selected in our sample. If more than one community is selected from any cable system, the cable operator should complete a separate questionnaire for each community unit identification ("CUID") number selected.

5. Data submitted in response to this survey will be made available to the public in aggregate form as averages representing segments of the industry. Survey data also is subject to requests for public release filed pursuant to the Freedom of Information Act ("FOIA"). Nothing in this Order shall be construed as a resolution on the merits of a FOIA request. If individual respondents wish to request confidential treatment of any data provided in connection with this survey, in accordance with Sections 0.457 and 0.459 of the Commission's rules,[5] they should request such confidentiality in writing and identify clearly the specific information they wish to protect. They also should provide, as required by the rules, a complete explanation of why such treatment is appropriate. This request for confidentiality should be sent to the cable price survey team in an e-mail addressed to cablesurvey@fcc.gov.

6. Accordingly, IT IS ORDERED pursuant to Section 623(k) of the Communications Act of 1934, as amended, 47 U.S.C. § 543(k), and Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), that cable operators subject to the price survey requirement described herein shall complete and file the price survey questionnaire no later than September 30, 2011.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

[4] We are mindful of the need to limit administrative burdens associated with this price survey. We anticipate that the burdens faced by responding cable operators should be limited, as the information requested is of the type that should be readily available to operators. Suggestions for reducing the burden may be sent to the Commission. For further information, see the notice contained in Appendix A of this Order regarding the Privacy Act and Paperwork Reduction Act.

[5] 47 C.F.R. §§ 0.457, 0.459.

APPENDIX A

2011 Cable Industry Price Survey

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of information in this survey form is authorized by Section 623(k) of the Communications Act, as amended. The Commission will use the information collected on this form to compare prices charged for basic cable service, cable programming service, and equipment by cable operators that are found to be subject to effective competition with those not subject to effective competition. This form has been approved by the Office of Management and Budget, under OMB control number 3060-0647 (expiration date: August 31, 2013).

The public reporting burden for this information collection is estimated to average 6.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and entering the data needed, and completing and reviewing the questionnaire. Suggestions for reducing the burden may be sent to the Commission in an e-mail addressed to cablesurvey@fcc.gov with "Suggestions for Reducing Burden" in the "subject" line. Alternatively, send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Records Management Division, Federal Communications Commission, Washington, D.C. 20554.

The above notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, 88 Stat. 1897, codified at 5 U.S.C. § 552a(e)(3), and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 109 Stat. 163, codified at 44 U.S.C. § 3507.

APPENDIX B

2011 Cable Industry Price Survey

INSTRUCTIONS FOR COMPLETING FCC CABLE INDUSTRY PRICE SURVEY

General Information: Please read these instructions before completing the survey. In addition, refer to the questionnaire for guidance on answering specific questions. Special attention to the instructions and questionnaire is important because it is essential that all operators use the same definition for each question. Please complete a questionnaire for each CUID listed in the attachment to the letter accompanying this Order.

The survey questionnaire requests information on the availability and prices charged for certain services and equipment at the community level. When providing pricing information, respondents should report the standard, regular retail rate for the type of programming or equipment identified in the question and should not report prices that are limited-term offers, prices that are available only to new subscribers or prices that are available only within a portion of the franchise area.

For questions pertaining to number of subscribers, the survey requests information at the smallest local system level for which you maintain subscriber information. This survey requests system-level information for certain questions because we have found that cable operators responding to this survey are more likely to maintain, or are better able to estimate, certain information at the system level than for a specific community.

Background: The 1992 Cable Act requires the Commission to publish annually a statistical report on average rates for basic cable service, cable programming service, and equipment. The report must compare the prices charged by cable operators found to be subject to effective competition with those that are not subject to effective competition. This survey is intended to collect the data needed to fulfill that statutory requirement.

The questionnaire asks about an operator's monthly charge for basic service and expanded basic service as of two dates: January 1, 2010 and January 1, 2011. In addition, the survey asks for information on other factors such as the number of subscribers, the number of channels offered, the monthly charge for equipment, the availability of a "family tier" of service, and channel lineups.

Service Definitions: Basic Service is the package of channels (or tier) that includes the retransmission of local broadcast stations; public, educational and governmental (PEG) channels; commercial leased access; and other local stations. It sometimes may include a few satellite or regional channels.

The "expanded basic" service, "next most-subscribed" and "family" service are any package or tier of channels other than the Basic Service. Section B of the questionnaire further defines the basic, expanded basic, next most-subscribed and family services for the purpose of this survey.

Responding Officials: Please complete the questionnaire to the best of your ability. A company official who is familiar with the services offered and rates charged by the cable system should be responsible for the completion of this survey and should be identified as the "contact person" in Section A of the questionnaire. A second company official should certify, in Section A of the questionnaire, that the information provided is complete and accurate to the best of his or her knowledge.

How to Access the Survey on the Commission's Internet Site: You can access the questionnaire at http://www.fcc.gov/guides/2011-cable-industry-price-survey-download-site. After completing a login

process, which includes an FCC Registration Number (FRN) and a password of your choosing, you can proceed to answer the questions directly on the Internet site. If you do not have an FRN, you can obtain one by clicking on the link "FCC Registration Page." Enter your FRN and Password and the Main Menu will come up. Further instructions for completing the web-based survey are provided under the link for "Instructions." Paper filings will not be accepted. If you do not have access to the Internet, please call the cable price survey team, Media Bureau, at 202-418-2330.

Confidentiality: Your responses will be protected to ensure that after being received by the FCC they are secure from unauthorized access. Only FCC employees participating in the analysis of these surveys will have access to your responses. Survey data also is subject to requests for public release filed pursuant to the Freedom of Information Act ("FOIA"). Nothing in this Order shall be construed as a resolution on the merits of a FOIA request. If any individual respondent to this survey wishes to request confidential treatment of any data provided in connection with the survey, in accordance with Sections 0.457 or 0.459 of the Commission's rules, the respondent should request such confidentiality in writing and identify clearly the specific information to be protected. The respondent also should provide, as required by the rules, a complete explanation of why such treatment is appropriate. You should make your request for confidentiality in an e-mail addressed to cablesurvey@fcc.gov with "Request for Confidentiality" and the relevant CUID or company name in the "subject" line.

Comments: There is no longer a "Notes" section at the end of the survey. If you would like to comment on the survey in general or on any particular question, or would like to elaborate or explain any of your answers, please send us your comments in an e-mail addressed to cablesurvey@fcc.gov with "Comments" and the relevant CUID or company name in the "subject" line.

If You Need Help: If you have any questions regarding the content of this questionnaire, the definitions to be used in answering specific questions, or the method of filing, please call the cable price survey team at (202) 418-2330, Monday through Friday, between 9:00 a.m. and 5:30 p.m. (ET), for assistance. You may also e-mail cablesurvey@fcc.gov with questions.