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May 17, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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

Dear Ms. Dortch:

Cable industry commenters in the above-referenced proceeding have explained in detail the legal and policy reasons why the Commission's "viewability" obligation – the effect of which requires dual or even triple carriage of certain "must carry" broadcast stations – should sunset in June 2012 as intended.¹ Cable operators agreed to that three-year obligation to carry must-carry signals in analog and digital format in order to minimize any disruption to consumers resulting from the broadcasters' digital transition. But as we have explained in our comments, the statute does not require that digital signals be down-converted to analog format in order to be "viewable" by analog-only customers. All that is required is that equipment for converting and viewing digital signals on analog sets be readily available to such customers.

There is no reason to doubt that if the requirement to carry duplicate versions of must carry signals in analog were to sunset, and if cable operators chose to provide only digital versions of must carry signals, such equipment *would* be readily available to their analog customers. As a practical matter, the cable industry has a strong interest in ensuring that any changes in its carriage line-ups cause the least disruption to customers. Cable operators have already begun providing some *non-broadcast* basic service tier signals only in digital format and have taken steps to help ensure that analog-only customers can easily obtain equipment to access such signals.² Similar steps will ensure the viewability of digital must-carry signals.

¹ See, e.g., NCTA Comments and Reply Comments (filed Mar. 13, 2012 and Mar. 22, 2012); Time Warner Cable Comments (filed Mar. 13, 2012); Bright House Networks Reply Comments (filed Mar. 22, 2012).

² For example, Comcast has provided customers, as part of digitization efforts, with Digital Transport Adapters ("DTA"). Other cable operators have made other low cost options available to their customers when providing services in digital. See also, e.g., Time Warner Cable Ex Parte Letter, CS Docket No. 98-120 (filed May 7, 2012) (explaining TWC low cost DTA offers); Bright House Network Ex Parte Letter, CS Docket No. 98-120 (filed May 14, 2012) (explaining low cost set-top box option); Cox Communications Ex Parte Letter, MB Docket No. 09-13, CSR-8126 (filed May 23, 2011) (explaining set-top box offers when PEG channels were digitized).

Ms. Marlene H. Dortch

May 17, 2012

Page 2

To further assure the Commission that this will be the case, the eight largest incumbent cable operators,³ who collectively serve more than seventy percent of all analog-only cable customers, commit to take certain measures to assist their customers in cases where that operator chooses to no longer carry an analog version of a must carry broadcast station's digital signal.⁴ On their hybrid (mixed analog/digital) systems, operators who wish to stop carrying the analog version of a must-carry station's signal will make available to analog-only households, upon request, low-cost set-top devices capable of displaying basic service tier signals on analog television sets. Such cable systems will also provide ample notice to affected subscribers of these set-top box offers. They commit to provide such notice at least 30 days in advance of the broadcast station no longer being carried in analog.

The above commitments will minimize any disruption while enabling cable operators to reclaim valuable analog channel capacity that will permit them to continue expanding and improving the digital services that consumers value, such as faster broadband, more HD offerings, and additional programming targeted to niche audiences.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

³ This commitment from NCTA's largest members is not meant to imply that other NCTA members will not provide similar low cost options to customers to enable them to obtain digital must carry stations.

⁴ Carriage of public television stations by NCTA members is subject to a separate agreement.