

**JUDY CHU, Ph.D.**  
32ND DISTRICT, CALIFORNIA

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**June 6, 2012**

**The Honorable Julius Genachowski**  
**Chairman**  
**Federal Communications Commission**  
**445 Twelfth Street SW**  
**Washington, DC 20554**

*MB*  
*Must Carry*  
*752*

**Dear Chairman Genachowski:**

**On February 10, the FCC issued a Fourth Further Notice of Proposed Rulemaking (NPRM) and Declaratory Order, Carriage of Digital Television Broadcast Signals. The NPRM proposed to extend the Viewability Rule for an additional three years. This extension would allow analog-only television households to continue to receive all their local broadcast stations, which was Congress' intent when it passed the 1992 Cable Act.**

**I am concerned that the Commission may now be reversing course and considering a sunset of the Viewability Rule within six months. In its place, I understand, would be a voluntary agreement that would require many consumers to purchase or lease additional equipment in order to view certain broadcast stations.**

**The impact to consumers would be significant -- how significant is not entirely clear since a voluntary agreement and its implications has not been the subject of public comment.**

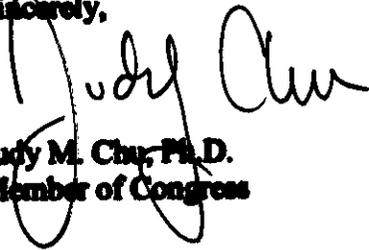
**Not only would sunset of the rule result in the effective repeal of must-carry for 20% of cable households, but it would also shift the burden from cable operators to consumers to ensure that broadcast stations are "viewable" on every set in the home. These analog-only cable subscribers are among the least able to afford additional fees, with the average annual incomes of such subscribers being under \$50,000. In addition, it seems unrealistic to expect consumers to lease equipment to get only a few must-carry stations. In fact, with less than 60 days notice before such a change, most viewers won't even know that additional equipment is required. Some of these stations will simply go dark.**

JUN 2012 RCUD

**While not all cable systems have transitioned to digital, more are doing so every year. Given that, there seems not to be a compelling reason to sunset the Viewability Rule and subject so many viewers to the loss of broadcasting choices and local diversity.**

**It is for the reasons outlined above that I urge the Commission to extend the Viewability Rule for another three years, as originally proposed on November 10, 2012.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Judy Chu". The signature is fluid and cursive, with the first name "Judy" and last name "Chu" clearly distinguishable.

**Judy M. Chu, Ph.D.  
Member of Congress**



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Judy Chu  
U.S. House of Representatives  
2265 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Chu:

Thank you for your letter concerning the Commission's proceeding to evaluate its "viewability" rule. I appreciate your interest in this matter and have directed the Chief of the Media Bureau's Office of Communications and Industry Information to look into this matter. I am pleased to provide the enclosed correspondence discussing the disposition of this proceeding.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "JG", followed by a period.

Julius Genachowski



Federal Communications Commission  
Washington, D.C. 20554

July 26, 2012

IN REPLY REFER TO:  
CN-1200752

The Honorable Judy Chu  
U.S. House of Representatives  
1520 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Chu:

Thank you for your letter concerning the Commission's proceeding to review its rule governing the "viewability" of must-carry television broadcast stations to consumers who subscribe to analog and hybrid cable television service. Your views are very important and a copy of your letter will be included in the record of the proceeding.

As you may know, on June 11, 2012, the Commission unanimously adopted a *Fifth Report and Order* which concluded that, based on significant changes in the marketplace and technology, it would be in the public interest to allow the "viewability" rule adopted in 2007 to sunset. The Commission also determined that eliminating the rule would result in substantial benefits by providing cable television system operators with increased flexibility to meet consumer demands for high-definition digital programming and high-speed broadband services.

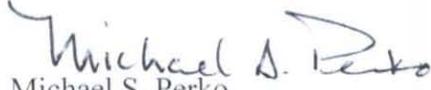
The Commission adopted several measures to help ensure that consumers who subscribe to hybrid cable television service will continue to have access to the programming provided by must-carry broadcast stations.

- *Transition Period:* Hybrid cable systems will continue to carry the analog versions of must-carry broadcast stations until December 12, 2012 to provide consumers, cable operators, and broadcasters with time to prepare for digital-only service.
- *Available and Affordable Equipment:* If a hybrid cable system decides to carry any must-carry broadcast stations in digital-only, we expect it will offer the necessary equipment to analog subscribers either at no charge or at an affordable rate that does not substantially deter use of the equipment.
- *Notice:* Cable television operators have committed to enhance their required 30-day written notice concerning service changes by: (1) informing affected subscribers that equipment will be necessary to view the must-carry signals and how the equipment may be obtained; and (2) providing broadcasters a minimum of 90 days notice before initiating any carriage changes to allow stations to help educate viewers on how to continue to access the stations' programming.

Finally, it is important to note that, while the Commission allowed its viewability rule to sunset, the statutory requirement to make must-carry stations “viewable” remains in effect. Therefore, a must-carry broadcaster who believes that a cable television system operator has failed to satisfy its carriage obligations may file a complaint with the Commission. In addition, the Commission will consider informal consumer complaints when evaluating whether a particular cable television system operator is complying with the statutory viewability requirement.

I hope this information is helpful, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Michael S. Perko". The signature is written in a cursive style with a large, sweeping initial "M".

Michael S. Perko

Chief, Office of Communications and Industry Information  
Media Bureau