

**Before the  
FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Cable Television Technical and Operational	)	MB Docket No. 12-217
Requirements	)	
	)	
	)	

**COMMENTS OF THE CITY OF NEW YORK**

Introduction

The City of New York (“City”) hereby submits the following comments in response to the Notice of Proposed Rulemaking released by the Federal Communications Commission, *In the Matter of Cable Television Technical and Operational Requirements*, Notice of Proposed Rulemaking, MB Docket No. 12-217 (rel. Aug. 3, 2011) (“*Notice*”). In general, the City strongly supports the Commission’s proposal to establish standards for digital-based cable systems. In particular, the City supports most of the specific standards described in the Notice, but respectfully opposes the Commission’s proposal regarding the number of test points for large franchising areas with large populations.

General Comments

Since 1970, the City has entered into franchise agreements with cable operators. Based on franchise agreements with Time Warner Cable of New York City (“Time Warner”) and Cablevision Systems New York City Corporation (“Cablevision”), virtually every

household in the City has had access to at least one cable operator for well over a decade. Based on a 2008 franchise agreement with Verizon, City residents throughout the five boroughs will by 2014 have access to a second, competing, cable operator. In addition, the City has an open video system agreement with RCN Telecom Services of New York, Inc. (“RCN”), which means that residents in certain parts of the City currently can choose among three competing cable operators.

The City encourages this competition and understands its value to consumers. Cable consumers expect high quality service from cable operators and the City anticipates that competition in the cable market will improve service.

Nevertheless, switching cable providers has costs – monetary and otherwise. Initial service contracts are often subject to cash deposits and minimum subscription commitments, and switching cable providers usually involves staying home to wait for the new service provider’s technician. Also, if a customer has opted for a triple-play package, the customer’s e-mail and phone number are linked to the current cable operator, further adding to the cost of switching providers.

Therefore, the City believes that even in a competitive cable market, there is a need for minimum service standards and that franchising authorities should continue to enforce these standards to ensure quality service.

With the continuous evolution of digital cable television technology, it is important for the FCC to continue to update applicable standards and tests, while being careful to not lock in technology which may become dated. The City’s current monitoring of service quality has been effective, but the move to update national performance standards, test protocols and recording requirements for any new cable television technology has the

potential to offer other benefits such as a better gauge for consumers of how cable operators are doing vis à vis one another.

### Specific Comments

For the reasons above, the City, in general, supports the FCC's effort, as stated in its notice, to revise its rules to reflect the reality of the industry's transition to digital technology. However, we find a few specific areas deserving further discussion.

- *Number of test points.* On the issue of test points, the City agrees with the Commission's statement that local franchising authorities "have a much closer relationship with their cable operators and cable customers than does the Commission." The City also supports the Commission's proposal to ensure that even when a cable operator has region-wide facilities, such as Verizon's FiOS system, each local franchising authority ("LFA") has the ability to assess the service quality received by consumers within that LFA. However, the City recommends that the number of test points per LFA be based on population density similar to the current rule. With its dense population and varying topography, one test point alone could not possibly be representative of the quality of service received by millions of customers throughout New York City. The City recommends that the number of test points be at least one test point per designated franchise area per provider within the overall LFA area with, at the LFA's option, additional test points based on population density similar to the current rule.
- *New digital technologies.* The City anticipates that the new performance standards proposed by the Commission will cover all QAM-based digital systems,

including FiOS, but the City recommends that the new standards be flexible enough to allow deployment of new digital and QAM-based technologies as they are developed.

- *Aeronautical channels.* As proposed in the Notice, the City, in the interests of public safety, supports adjusting the Commission's signal leakage thresholds and modifying its procedures of systems utilizing digital transmissions so as to provide adequate protection for aeronautical channels.
- *Recordkeeping and transparency.* The City also supports the Commission's proposal to adopt recordkeeping obligations for digital cable operators that are identical to those placed on analog cable operators. In addition, because the City also understands the value transparency and disclosure have to competition and consumer choice, the City would recommend the cable operators be required to file the results with the Commission and that the Commission publish these test results on the FCC web site.
- *Subscriber experience/subscriber premises equipment.* The Commission in its notice sought input on the extent to which testing standards should, in addition to revising long-established methodologies so that they are better applicable to the digital environment, be supplemented with additional aspects that may more effectively capture aspects of the current cable service environment from a consumer point of view. The City endorses the concept that new digital testing needs to recognize the near-ubiquity of set-top boxes and/or CableCARDS as increasingly essential elements of a subscribers' reception of cable service. Digital testing standards that fail to capture the quality and reliability of the subscriber experience after the signal has passed through such premises

equipment cannot be considered a complete solution to the need for digital technical standards. We therefore urge the Commission to assure that technical standards and testing protocols, applied under real-world conditions, appropriately evaluate quality and reliability of signals being output by company-supplied subscriber premises equipment such as set top boxes and CableCARDS.

- *Timeframe for periodic review of digital testing requirements.* In addition to supporting the Commission's proposal to update the technical and operational requirements for cable, the City strongly urges the Commission to establish a timeframe for periodic review of these requirements. New York City competes with other cities worldwide to have a modern technology infrastructure for its residents and businesses. With transmission technologies and the cable industry evolving at such a rapid pace, it will benefit all concerned to know that the new requirements will be reviewed at regular intervals. Such reviews will provide an opportunity to assess the effectiveness and also ongoing need for various requirements and help prevent the possibility of being inadvertently locked into outdated technical standards and/or testing protocols.

### Conclusion

In short, the City endorses the Commission's Notice as described, but recommends that the number of test points be based on population density and set by the LFA and also recommends a fixed timeframe for review of any new requirements that the Commission will establish in the instant proceeding.

Respectfully submitted,

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