



Michael D. Basile  
T: +1 202 776 2556  
mdbasile@cooley.com

**REDACTED FOR PUBLIC INSPECTION**  
**VIA ECFS**

June 10, 2014

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**RE: Submission for the Record, MB Docket No. 13-317 (CSR 8866-N)**

Dear Ms. Dortch:

In a status conference held on May 21, 2014, Media Bureau staff requested that Buckeye Cablevision, Inc. ("Buckeye") submit the following two pieces of additional information for the record in the above-referenced proceeding.

First, staff asked Buckeye to detail its "best practices" going forward for ensuring that any future "test feed" of licensed programming occurs only when necessary, for the shortest possible duration, and, when applicable, with required non-duplication blocking in place. Buckeye has taken two steps to ensure that the events that led to the complaint in this proceeding do not recur. In January 2014, Buckeye informed each of its engineers that any future "test feed" must be subject to a thorough pre-approval review using Buckeye's Method of Procedure ("MOPs") process.

Attached is a copy of Buckeye's MOPs document, which must be submitted before any engineering work can be performed on Buckeye's live system.<sup>1</sup> The MOPs process is intended to safeguard the performance of the network and the overall customer experience, and to ensure that the network operates at all times within the laws and rules governing Buckeye's cable system. Fundamental to the MOPs process is a peer review and cross functional review performed by Buckeye's line engineers, which analyzes the effect of the proposed engineering work on the network and on what customers will actually see. Following this initial review, all MOPs proposals must be approved by management level engineers. All Buckeye's engineers have been informed that any MOPs proposal that involves the creation of a "test feed" must be

---

<sup>1</sup> See Attachment 1. Buckeye submits its MOPs document pursuant to a request for confidential treatment pursuant to Section 0.457(d) and 0.459 of the Commission's rules. 47 C.F.R. §§ 0.457(d); 0.459. The MOPs document would not normally be disclosed to the public and evidences internal procedures that would be valuable to Buckeye's rivals in the highly competitive market for multichannel video programming services. Accordingly, Attachments satisfies Exemption 4 of the Freedom of Information Act and should be withheld from public disclosure. See 5 U.S.C. §552(b)(4). A redacted version of this document is being filed via ECFS in accordance with Section 0.459(a)(2) of the Commission's rules. 47 C.F.R. §0.459(a)(2).



Ms. Marlene H. Dortch  
June 10, 2014  
Page 2

REDACTED FOR PUBLIC INSPECTION

personally approved by Buckeye's Vice President of Engineering, Jim Brown. Subjecting creation of a "test feed" to the MOPs process will ensure that all Buckeye's engineers are aware of the testing and that the oversight that led to this matter will not be repeated.

In addition, Buckeye now has established a laboratory environment at its Toledo headend that will permit the type of signal testing that led to this proceeding. Testing can now be performed without sending a "test feed" over the customer-accessible cable network. In most cases, Buckeye's new laboratory environment will obviate the need for establishment of a "test feed" that can be viewed by customers scanning for channels that are not advertised or intended for customer viewing, as occurred in this case.<sup>2</sup> If a case should arise in the future where the laboratory environment is insufficient for a particular case and establishing a "test feed" becomes necessary, approval for that test feed would be required under the MOPs process described above.

Buckeye is confident that the efforts it has undertaken to establish "best practices" going forward will ensure that the events that led to the complaint in this matter will not occur in the future.

Second, staff requested information regarding how frequently Buckeye has established "test feeds" in the past and whether doing so was a common occurrence in the cable industry. Buckeye cannot speak with certainty about how other cable operators perform the type of signal testing that Buckeye was conducting when it established the "test feed" at issue here. Buckeye expects that most larger cable operators likely perform this type of signal testing in a laboratory environment like the one that Buckeye has now established. Buckeye also has reviewed its records and consulted with its engineering staff and has not identified another instance of a "test feed" being established on Buckeye's Toledo cable system for signal testing purposes.

Please do not hesitate to contact me if any questions should arise with respect to this matter.

Respectfully submitted,

/s/

Michael D. Basile  
Jason E. Rademacher  
Counsel for Buckeye Cablevision, Inc.

Attachments

---

<sup>2</sup> The laboratory environment went online following Buckeye's answer to Sinclair's complaint in this matter but prior to the May 21, 2014 status conference. The undersigned did not become aware of this encouraging development until after the status conference occurred.



Ms. Marlene H. Dortch  
June 10, 2014  
Page 3

REDACTED FOR PUBLIC INSPECTION

cc (via electronic mail and hand delivery):

Steven Broeckaert  
Mary Beth Murphy  
Nancy Murphy  
Evan Baranoff  
Raelyn Remy

cc (via electronic mail and First Class Mail):

Clifford M. Harrington

# ATTACHMENT

1

**REDACTED**

**DECLARATION OF JAMES R. BROWN**

1. My name is James R. Brown, and I am the Vice President of Engineering for Buckeye Cablevision, Inc. ("Buckeye"). I have been employed by Buckeye for 30 years.
2. As part of my duties with Buckeye, I oversee all aspects of the engineering of Buckeye's cable system serving customers in and around Toledo, Ohio.
3. I have reviewed the foregoing letter regarding Status Update in MB Docket No. 13-317 (CSR-8866-N). The facts contained therein and in this Declaration are true and correct to the best of my knowledge, information, and belief formed after reasonable inquiry.
4. I declare under penalty of perjury that the foregoing is true and correct.



James R. Brown ~  
Vice President of Engineering  
Buckeye Cablevision, Inc.  
4818 Angola Road  
Toledo, OH 43615  
419-724-3820

Executed on: June 9, 2014