

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
)  
Petition for Rulemaking filed by the )  
Campaign Legal Center, Common Cause and ) MB Docket No. 14-127  
The Sunlight Foundation Seeking Expansion )  
of Online Public File Obligations to Cable and )  
Satellite TV Operators )

**REPLY COMMENTS OF THE  
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA)<sup>1</sup> hereby responds to the comments filed in the above-referenced proceeding.<sup>2</sup>

As noted in our comments, if the Commission decides to open a proceeding to consider requiring that cable operator public inspection files be posted online, it should examine how to tailor any online posting requirements to cable television’s specific public file obligations. NAB is mistaken in claiming that “[t]here is no reasoned basis for treating the public/political files of cable and DBS providers differently [than broadcast television stations].”<sup>3</sup> Among other things, the requirement for television stations to post their public files online arose in part from the broadcast licensing process under the Communications Act – statutory provisions not applicable

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<sup>1</sup> NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of broadband service after investing over \$210 billion since 1996 to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to more than 27 million customers.

<sup>2</sup> See FCC, Public Notice, *Media Bureau Seeks Comment on Petition for Rulemaking filed by the Campaign Legal Center, Common Cause and The Sunlight Foundation Seeking Expansion of Online Public File Obligations to Cable and Satellite TV Operators*, MB Dkt. No. 14-127, DA 14-1149 (Aug. 7, 2014).

<sup>3</sup> NAB Comments at 2.

to cable.<sup>4</sup> Although cable operators and broadcasters have some disclosure obligations in common, any upcoming proceeding should examine the differences in the statutory backdrop for each public inspection file requirement and how those differences relate to any proposed online posting rules.<sup>5</sup>

The Commission should also seek to minimize undue burdens on cable operators.<sup>6</sup> This step is particularly important in light of comments that describe problems television stations have experienced with the existing online database. For broadcast television stations that have already moved online, commenters explained that “[t]heir experience in implementing and maintaining their online public file has not been as [sic] nearly as easy or uncomplicated as had been hoped and predicted in Commission statements.”<sup>7</sup>

Commenters also pointed out that the true test is yet to come of the database’s ability to handle uploads from the expanded universe of covered television stations. As NAB explained, “during peak political seasons, such as the upcoming fall mid-term election, many radio and television stations are taking advertising orders (and modifying existing orders) on a daily basis

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<sup>4</sup> *See In re Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children’s Television Programming Report FCC Form 398*), Second Report & Order, 27 FCC Rcd 4535 ¶¶ 4-6, 12 (2012) (explaining that posting the public file online should “facilitate public access and foster increased public participation in the licensing process”).

<sup>5</sup> NAB is also mistaken that “extending the online public/political file requirements to cable and satellite systems would be fairly simple because the database already has been created.” NAB Comments at 4. Our comments described several reasons why the existing database would need to be altered before it could be used to host cable public inspection files. *See* NCTA Comments at 3-6 (among other things, explaining that cable and broadcast public inspection files consist of different components, and that cable public files cannot be organized by call sign).

<sup>6</sup> As the Commission looks toward consideration of any rulemaking proposal, it should recognize the restrictions on unnecessary and duplicative requirements imposed by the Paperwork Reduction Act and provide sufficient disclosure of the mechanics of any proposed requirements to permit meaningful comment on the costs and benefits involved.

<sup>7</sup> Missouri Broadcasters Ass’n & California Broadcasters Ass’n Comments at 2. Broadcasters noted that the “burden on television stations has not been minimal,” citing to “posting glitches” and “outages of the online public file system.” *Id.* at 5.

until the November 4 election” and reported that, “[f]or the past two years, television broadcasters have faced congestion bandwidth in uploading files during peak periods.”<sup>8</sup> Real world experience with the impact of the increased volume of television station activity on the Commission’s database during the fall 2014 political advertising season would be valuable prior to considering expanding the rules to new filings from thousands of cable systems, satellite providers, and radio stations.<sup>9</sup>

Finally, as noted in our comments, the Commission should also seek comment on what additional action can be taken to lessen the burdens imposed on smaller entities.<sup>10</sup> According to NAB, “[p]articularly for smaller entities . . . the resources required to immediately update political files, as required by Commission rules, has been significant.”<sup>11</sup>

### **CONCLUSION**

If the Commission decides to launch a proceeding considering the online posting of cable operator public inspection files, it should seek to develop a record consistent with the foregoing.

Respectfully submitted,

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<sup>8</sup> NAB Comments at 5.

<sup>9</sup> *See id.* at 4 (noting that “the sheer number of radio and television stations, along with cable and DBS, could place a strain on the Commission’s existing database, particularly during high volume filing times”).

<sup>10</sup> *See* NCTA Comments at 6.

<sup>11</sup> NAB Comments at 6-7.