

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

In the Matter of)
)
Implementation of Section 3 of the Cable)
Television Consumer Protection and Competition) MM Docket No. 92-266
Act of 1992)
)
Statistical Report on Average Rates for Basic)
Service, Cable Programming Services and)
Equipment)

ORDER

Adopted: June 29, 2000

Released: July 3, 2000

Responses Due: August 15, 2000

By the Chief, Cable Services Bureau:

1. On October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act").

2. In Section 623(k) of the Communications Act, Congress directed the Commission to prepare annual statistical reports on average prices "for basic cable service and other programming, and for converter boxes, remote control units, and other equipment" of systems subject to competition and systems not subject to competition.

1 Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), 47 U.S.C. § 534 (1992) ("1992 Cable Act").

2 Communications Act, § 623(k), 47 U.S.C. § 543(k).

3 Section 623(k) provides: "The Commission shall annually publish statistical reports on the average rates for basic cable service and other cable programming, and for converter boxes, remote control units, and other equipment of --

(1) cable systems that the Commission has found are subject to effective competition under subsection (a)(2) [of Section 623 of the Communications Act], compared with (2) cable systems that the Commission has found are not subject to such effective competition.

whether the rates charged for basic and cable programming services by cable systems not subject to effective competition are reasonable compared to the rates charged by systems subject to effective competition.⁴

3. To implement the requirements of Section 623(k), the Commission is directing certain cable operators to respond to a price survey questionnaire designed to solicit information concerning rates for basic and cable programming services, and equipment used to receive such services. A copy of this questionnaire is attached to this Order as Appendix A.

4. We are mindful of the need to limit administrative burdens associated with this price survey. We anticipate that the burdens faced by responding operators should be quite limited as the information requested is the type of data that should be readily available to operators without additional calculation.

5. The survey asks questions about an operator's regulatory status and seeks information regarding the monthly charge for the basic service tier (BST) and cable programming services tiers (CPSTs), the monthly charge for equipment, installation fees, disconnect and reconnect fees, and tier change charges. The survey asks for the number of subscribers taking each type of equipment and each tier of service, and also seeks information concerning revenues from advertising and other sources, the availability of "life-line" and digital services, and leased access programming. The survey requires cable operators to provide each of these pieces of information as of July 1, 1999 and July 1, 2000. The survey also seeks information that would explain the causes of any changes in monthly subscriber charges during the 12-month periods ending July 1, 1999 and July 1, 2000.

6. This questionnaire will be sent to a selected group of cable community units to obtain the necessary information on a franchise basis. To effectuate comparisons between competitive and noncompetitive systems, the data will be collected from a randomly selected group of cable community units facing effective competition as well as from their competitors in those communities, and a randomly selected group of cable community units not subject to effective competition. The group facing effective competition includes 352 franchise areas. The group not facing effective competition includes 460 franchise areas.

7. The systems selected in our sampling of community units must complete and return the questionnaire no later than August 15, 2000, in accordance with the associated instructions. Systems are required to complete a questionnaire for the specific CUID selected for the survey. If more than one CUID is selected from any system, then that system should complete a separate questionnaire for each selected CUID. All data submitted in response to this survey will be considered part of the public record and will be provided upon request without identifying information.

8. The survey questionnaire and instructions may be downloaded from the Commission's Internet site. Diskettes, which contain the survey questionnaire and instructions, may also be purchased from ITS (International Transcription Service) at (202) 857-3800.

9. Operators obtaining the survey either via Internet or from ITS are required to return their completed surveys on diskettes. We strongly encourage operators to file on diskettes, to ease the burden on both the Commission and respondents. Operators should mail to the Commission a diskette and one paper copy for each selected CUID. For those operators who cannot file on diskette, a paper filing will be

⁴ Communications Act, §§ 623(b)(1) and 623(c)(2)(B). 47 U.S.C. §§ 543(b)(1) and 543(c)(2)(B).

accepted. If filing on paper, an original and two copies of the completed questionnaire must be mailed. Regardless of the method selected for filing, mail the completed diskettes and paper copies to the **Cable Services Bureau, Attn. Price Survey, Federal Communications Commission, Washington, DC 20554**. Responses must be received no later than August 15, 2000.

10. Accordingly, IT IS ORDERED, pursuant to Section 3 of the 1992 Cable Act (Section 623(k) of the Communications Act of 1934, 47 U.S.C. Section 543(k), and Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. Section 154(i)), that cable systems subject to the price survey requirements described herein shall complete and return the questionnaire set forth in the attached Appendix A no later than August 15, 2000.

FEDERAL COMMUNICATIONS COMMISSION

Deborah Lathen
Chief, Cable Services Bureau