

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

In the Matter of)	
)	
AT&T Broadband, LLC)	
)	CSR-5725
Petition for Special Relief)	
from the Requirement to File an Annual FCC Form)	
320 for All Individual Community Units Served by)	
a Common Cable System)	
)	

ORDER

Adopted: October 29, 2001

Released: October 31, 2001

By the Chief, Cable Services Bureau:

I. INTRODUCTION

1. We have before us a Petition for Special Relief (“Petition”) filed pursuant to Section 76.7(a)(1) of the Commission’s Rules¹ by AT&T Broadband, LLC, (“AT&T”) requesting that it be allowed to file a single Form 320 for each of its physical systems, identifying the community units served by the system. In so doing AT&T would be relieved of the requirement to file a Basic Signal Leakage Report, Form 320, for each and every community unit served by a cable system, thus reducing the number of Forms 320 it is required to file annually. AT&T asserts that the relief it requests is the very same as the Commission granted in *In re Time Warner Cable*, DA 00-1880, 2000 WL 1166248 (F.C.C.) (2000). We grant the relief requested.

II. BACKGROUND

2. Protecting the aeronautical frequencies² from harmful interference is of paramount importance to the Commission.³ In order to enable cable systems maximum frequency use, however, the

¹ 47 C.F.R. § 76.7(a)(1).

² The aeronautical bands are 108-137 MHz and 225-400 MHz. These frequencies encompass both radionavigation frequencies, 108–118 MHz and 328.6–335.4MHz, and communications frequencies, 118–137 MHz and 225–328.6 MHz and 335.4–400 MHz. These bands include the international distress and calling frequencies 121.5 MHz, 156.8 MHz, and 243 MHz. See 47 C.F.R. §76.616. These frequencies are critical for Search and Rescue Operations and are used by Emergency Locator Transmitters (ELT) on planes and Emergency Position Indicating Radio Beacons (EPIRB) on boats. See generally 47 C.F.R. Part 80, Subpart V and 47 C.F.R. §§ 87.193–87.199.

³ Harmful Interference is any interference that “endangers the functioning of a radionavigation service or of other safety services.” See 47 C.F.R. §§2.1 & 76.613(a).

Commission's Rules allow cable systems to use the aeronautical frequencies so long as they satisfy signal leakage and channel frequency offset standards.⁴ An important component of these standards is the basic signal leakage performance criteria or Cumulative Leakage Index ("CLI") for each system. We not only require a CLI report as a prerequisite for operation on aeronautical frequencies, but we also require annual measurement of each system's CLI to demonstrate a minimum level of interference potential in the airspace above the cable plant.⁵ The results of the measurement are reported to us by Form 320 for each community unit.⁶

III. DISCUSSION

3. The basic administrative unit for cable systems is the system community unit, which is assigned a Community Unit Identifier ("CUID").⁷ The Commission also uses "physical system" as a classification to facilitate some processes.⁸ Physical plant may be organized into discrete components that serve multiple community units. We assign each physical system a separate identification number ("PSID"). A physical system generally is identical to the system as defined in Section 76.5(a) of the Rules.⁹ It is often defined as the cable strand associated with a headend.¹⁰ Although CLI is measured or calculated for a physical system, the operator must file a separate Form 320 for each CUID. Operators, however, need only file the measurement exhibits for the lead community.

4. AT&T states that it filed approximately 3540 Forms 320 in 2001.¹¹ It further states that, increasingly, it is filing these Forms for fewer physical systems as it collapses headends.¹² AT&T suggests that it can reduce the number of Forms 320 it files to approximately 582, if we grant the relief requested.¹³ AT&T asserts that this would generate a significant savings for itself and suggests that a significant reduction in cost to the Commission would result as well.¹⁴

5. AT&T expresses its intent to be consistent with our requirements in *Time Warner Cable*. We remind AT&T, however, that it may only combine distinct cable service areas that are contiguous and

⁴ See Amendment of Part 76 of the Commission's Rules to Add Frequency Channelling Requirements and restrictions and to require Monitoring for Signal Leakage from Cable Television Systems, 101 F.C.C.2d 117 (1985).

⁵ 47 C.F.R. § 76.611(a).

⁶ 47 C.F.R. § 76.615(a).

⁷ See 47 C.F.R. § 76.12.

⁸ See, e.g., 47 C.F.R. §§ 76.605(a)(11) & 76.610-76.617.

⁹ 47 C.F.R. § 76.5(a).

¹⁰ We also treat, for certain CLI testing purposes, as a single system multiple coaxial cable strands that are not mechanically connected to, but technically integrated with a common headend; for example, those connected by microwave link. See 47 C.F.R. §§ 76.5(kk), 76.601(c)(1), & 76.901(c).

¹¹ Petition, at 2.

¹² Petition, at 3.

¹³ *Id.*

¹⁴ Petition, at 1-2.

served by the same generation equipment when calculating CLI for consolidated physical systems.¹⁵

IV. CONCLUSION

6. We find that AT&T presents essentially the same circumstances under which we granted relief to Time Warner Cable. AT&T proposes to meet the same requirements as imposed on Time Warner. The resource savings for both AT&T and the Commission will be substantial. We also expect that there will be no adverse impact on air safety. Nevertheless, the grant will be made on condition that no intolerable negative effect on air safety ensues.

7. We will grant, therefore, the Petition subject to the following conditions. AT&T may file a consolidated Form 320, including all required Exhibits, for each of its PSIDs assigned by the Commission instead of individual Forms 320 for each CUID.¹⁶ This Form 320 must be for the lead community and must have attached an additional exhibit—"Exhibit 1"—which will list the PSID and the lead community name and all its associated CUIDs. Exhibit 1 also will contain a table with the CUIDs served in one column (sorted alphanumerically), the community served by each CUID in the same row in the adjacent column, and an identification of the legal name used by the operator in that community. Exhibit 1 will further include a separately signed statement verifying that all communities listed are included in the comprehensive CLI calculation. To avoid confusion, the consolidated Form 320 will be accepted for filing only if all CUIDs on Exhibit 1 have the same PSID in current Commission records. Any change in PSIDs will require a separate filing, as required by Section 76.1610 of the Commission's Rules,¹⁷ before filing of these Forms 320. We will expect all of the Forms 320 filed by AT&T to conform to the sample Exhibit 1 provided with the Petition.

V. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to Sections 0.321 and 76.7(i) of the Commission's Rules, 47 C.F.R. §§ 0.321 and 76.7(i), that the relief requested by AT&T Communications, Inc. IS GRANTED to the extent indicated above.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Cable Services Bureau

¹⁵ Time Warner Cable ¶ 6. See Petition, note 3.

¹⁶ AT&T acknowledges the importance, as expressed by us in *Time Warner Cable*, when calculating CLI that "it must 'combine distinct cable service areas that are contiguous and served by the the same generation equipment.'" Petition, at n. 3.

¹⁷ 47 C.F.R. § 76.1610.