



September 6, 2007

VIA ELECTRONIC FILING

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Ensuring Cable Subscribers' Ability To View Local Broadcast Signals
CS Docket No. 98-120**

Dear Chairman Martin:

The Association for Maximum Service Television, Inc. ("MSTV") and National Association of Broadcasters ("NAB") reiterate their support for the Commission's proposal to prevent cable subscribers from losing access to local broadcast signals. The cable industry is leading the American public to believe that the digital transition will be "seamless" for cable subscribers, who will receive local broadcast signals after the transition using their existing equipment. But if cable has its way, it will fail to live up to that expectation.

Cable's statutory obligation to make digital broadcast signals viewable to all subscribers ensures that consumers will not be disenfranchised after the industry completes the switch to digital broadcasting.¹ Cable subscribers are entitled to have access to the local and national news and entertainment programming their local broadcasters provide regardless of the equipment they use to receive video service. For many cable subscribers, local broadcasts are their only source for local information on a daily basis and in times of emergency.

Cable has created an expectation that its subscribers will continue to receive local broadcast signals after the transition. On a consumer-focused website developed by the National Cable and Telecommunications Association, the cable industry tells consumers, "Your cable provider will take care of the transition for you!" The web site continues, "your cable company already has technology in place to handle DTV.... As long as your TV sets are connected to cable, they'll display local DTV stations...." (See attached screenshot.) An NCTA-sponsored

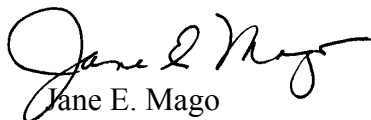
¹ 47 U.S.C. § 534(b)(7).

video advertisement targeted at senior citizens features an elderly woman who tells viewers, "Every TV set you have that's hooked up to cable will still work just fine" after the transition. She also applauds the cable industry, which she says has "taken care of that transition stuff for us."

Similarly, the FCC has required consumer electronics retailers to label analog-only receivers with a notice that "[a]nalog-only TVs should continue to work as before with cable . . . TV services." Consumers who subscribe to cable therefore believe that they need not worry about purchasing digital receivers. The American public understands that, as long as they subscribe to cable, they will continue to receive local broadcast signals when they wake up on February 18, 2009. That understanding is directly at odds with the plans that the cable industry has articulated to the Commission.

The cable industry now seeks to undermine the consumer expectations that it and the Commission have created by opposing the Commission's proposal that cable operators make local broadcast signals "viewable" by all cable subscribers consistent with statutory direction. The advice provided in cable's public relations efforts is plainly inconsistent with the industry's opposition to the Commission's proposal. Blocking these subscribers' access to local broadcasts – particularly after telling them that they need not be concerned about the digital transition – would cause serious harm and would run directly counter to both the explicit obligation created by the statutory viewability requirement and the policy underlying it. The Commission should accordingly give effect to consumers' expectations and adopt its proposal to ensure viewability of local broadcast signals by all cable subscribers.

Respectfully submitted,



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cc: The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

Enclosure

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Cable Helps You Transition to Digital TV

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I am a cable TV customer?

If you are a cable customer, you may have to do little or nothing to enjoy your favorite programming after the switch to digital TV (DTV). Your cable provider will take care of the transition for you!

That's because your cable company already has technology in place to handle DTV. It does this by capturing these digital signals and sending them to your home through the same cable connection that delivers popular national channels like ESPN, CNN, HBO and hundreds of others. As long as your TV sets are connected to cable, they'll display local DTV stations, along with the many other stations cable has to offer.

And, if you've signed up for Digital Cable, you're already enjoying all the benefits of digital TV, including more channel choices, and better quality picture and sound. And even better, if you have a high-definition TV (HDTV), you can ask to be connected to Digital Cable with HDTV. You'll get lots of national and



Home

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TV spots



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