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CLIENT UPDATE
February 1, 2008

Political Advertising

With the election season underway, cable operators may receive requests from candidates for advertising time. Federal law and FCC regulations govern the rates and terms for candidate advertising. Key provisions of the FCC's regulations include:

- Cable operators are not obligated to provide political candidates access to cable systems. That said, if the operator does provide access to a candidate, it must afford "equal opportunities to all other candidates for that office."
- Candidate appearances on a bona fide newscast, bona fide news interview, bona fide news documentary (if the appearance of the candidate is incidental to the subject of the documentary), or on-the-spot coverage of bona fide news events (including political conventions) does not trigger the equal opportunity requirements.
- For candidate advertising, except for periods before a primary or general or special election, the system shall charge no more than the rates for comparable use of the system by commercial advertisers. Discounts and other terms offered commercial advertisers must be disclosed and offered to political advertisers.
- During the 45 days before a primary, and the 60 days before a general or special election, the cable system may charge legally qualified candidates for public office no more than the "lowest unit charge" for advertising time. The "lowest unit charge" is the amount that the system charges "its most favored commercial advertisers for the same classes and amounts of time for the same periods." In calculating the lowest unit charge, cable operators must take into account any practices offered to commercial advertisers that enhance the value of advertising spots, such as bonus spots, time-sensitive make goods and preemption priorities.
- Cable systems providing political advertising must maintain a political advertising file of all candidate requests for time and the disposition of those requests. Any records maintained in the file must be kept for two years.

Political advertising issues - especially calculating the lowest unit charge - can be tricky. If you have questions about political advertising, please call Nicole Paolini-Subramanya or Emily Denney at 312-372-3930.

CPNI Officer's Certificate Due On or Before March 1st

The FCC's CPNI rules require that an officer of an interconnected VoIP provider annually file a certificate with the Commission stating that the officer has personal knowledge that the provider has established operating procedures that are adequate to ensure compliance with FCC's CPNI rules. The provider must provide a statement accompanying the certificate explaining how its operating procedures

ensure that it is or is not in compliance with the FCC's CPNI rules. In addition, the provider must include an explanation of any actions taken against data brokers, and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI.

Interconnected VoIP providers' officer's certificates must be filed on or before March 1, 2008 in EB Docket No. 06-36, for data pertaining to the previous calendar year.

If you have any questions about the March 1st filing, or about CPNI compliance in general, please call Nicole Paolini-Subramanya at 312-372-3930.

Please visit our website at www.cinnamonmueller.com to learn more about our lawyers and practice. You can reach Cinnamon Mueller at 312-372-3930. *This update is provided by the law firm of Cinnamon Mueller. The document is intended for informational purposes only as a service to clients of Cinnamon Mueller and to the members of the American Cable Association. It is not intended to provide specific legal advice or to substitute obtaining appropriate legal counsel. We encourage you to consult with counsel to address special compliance issues and for assistance in negotiating or handling any such matter referred to in the update.*