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**CLIENT UPDATE**  
**August 23, 2006**

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We summarize below upcoming deadlines and FCC reminders that should be of interest to our clients in the cable television industry.

**FCC AND COPYRIGHT FILING DEADLINES**

**AUGUST 29 DEADLINE – Copyright Statements.** Your company will need to file one of the following forms by August 29, 2006:

SA1-2 Short Form - For use by cable television systems whose semiannual gross receipts are less than \$527,600.

SA3 Long Form - For use by cable television systems whose semiannual gross receipts are over \$527,600.

Please also note the following: you must file an original and a copy of each form. If you have recently acquired new systems, you may need to consider how the system's location may impact your future copyright royalty payments. Your copyright royalty payments may also be impacted by how you launch DTV signals.

Access the forms and instructions at [www.copyright.gov/forms](http://www.copyright.gov/forms). If you have questions concerning copyright compliance, please contact Chris Cinnamon or Ly Chhay at 312-372-3930.

**SEPTEMBER 1 DEADLINE – FCC Form 477.** If your company provides local exchange services or facilities-based broadband connections (more than 200 kbps in at least one direction), you will need to file FCC Form 477 on or before September 1, 2006. The FCC uses Form 477 to collect information about broadband deployment and local telephone competition. The form covers information about broadband and local telephone services as of June 30, 2006. The Form 477 is now available electronically on the FCC's website. You can obtain the form and detailed instructions at <http://www.fcc.gov/Forms/Form477/477.xls> and <http://www.fcc.gov/Forms/Form477/477instr.pdf>. If you have questions or need assistance filing Form 477, please contact Ly Chhay at 312-372-3930.

**SEPTEMBER 19 DEADLINE – REGULATORY FEES.** The FCC will accept FY 2006 regulatory fees beginning September 6 through 11:59 PM on September 19, 2006, but payments may be sent before Sept. 6. Cable television systems or CARS facilities operating on October 1, 2005 must pay a regulatory fee per subscriber or per CARS license. Please note the following guidelines:

- Regulatory fees are \$0.79/subscriber and CARS licenses are \$175/license.
- All payments must include an FCC Registration Number (FRN) and a Form 159 or 159W.
- Payments may be made by check, money order, credit card (online, by mail or fax), ACH debit from bank account (online), CIP/ACH Debit, or wire transfers.
- All payments must be received at the Commission's Pittsburgh, Pennsylvania address, at Mellon Bank or via the FCC's website Fee Filer by 11:59 PM on September 19 to avoid the 25% penalty. Go to <http://www.fcc.gov/fees/regfees.html#how> for more details.
- Go to [www.fccfees.com](http://www.fccfees.com) and click on the "View fee information" link to view your company's fee amounts, fee codes, facility identification number and other pertinent information or to update your subscriber count.

For more information, please contact Emily Denney or Ly Chhay at 312-372-3930.

**OCTOBER 2 DEADLINE - EEO FCC Form 396-C.** The FCC's Multi-Channel Video Programming Distributor EEO Program Annual Report must be submitted electronically by midnight on October 2. Cable operators with fewer than six

full time employees must file *only if they have never filed before*. Cable operators with six or more full time employees must file the form. To complete the form, login to the Media Bureau's Consolidated Database System at <http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.hts>. Paper versions of the form will not be accepted unless accompanied by an appropriate required for a waiver of the electronic filing requirement. If you have questions about EEO compliance, please call Nicole Paolini-Subramanya or Emily Denney at 312-372-3930.

### **Providers of VoIP and Broadband Internet Access Services Must File Systems Security and Integrity Plan with FCC**

Within the next few months, providers of interconnected VoIP and broadband Internet access services will need to file with the FCC their policies and procedures for compliance with the systems security and integrity requirements of the Communications Assistance for Law Enforcement Act ("CALEA"). This document is known as a Systems Security and Integrity Plan.

CALEA and the FCC's new regulations set out detailed security procedures to be followed by a provider and included in its Systems Security and Integrity Plan. Just a few of the requirements:

- Providers must appoint a senior officer or employee responsible for CALEA compliance.
- Compliance personnel must ensure that the provider has received appropriate authorization (such as a court order) before allowing the interception of information.
- Providers must maintain secure, accurate and detailed records of CALEA interceptions.
- Providers must report to law enforcement unauthorized access to interceptions and any unlawful surveillance.

The FCC regulations implementing this requirement were not approved by the OMB as quickly as expected, so the exact deadline for filing the plans is still TBD. We will let you know when the deadline is set. For information on preparing and filing a Systems Security and Integrity Plan, please contact Nicole Paolini-Subramanya at 312-372-3930.

### **Emergency Information Must Be Made Accessible to Persons with Hearing or Visual Disabilities**

The FCC recently issued a reminder to cable operators and other video service distributors of their obligation to make emergency information accessible to persons with hearing or vision disabilities. For persons with hearing disabilities, emergency information provided in the audio portions of the program must also be presented using closed captioning or other methods of visual presentation such as onscreen open captioning, crawls or scrolls. For persons with visual disabilities, emergency information in a newscast should be provided aurally by distributors, similar to "open" video description. If emergency information is provided in a video program that is not a newscast, the information must be accompanied by an aural tone. The tone is meant to alert persons with visual disabilities that the video programming distributor is providing emergency information and such persons should tune into another source, such as a radio, for information.

All cable operators are required to pass through any captions they receive from the originating source and must maintain their equipment to ensure accurate transmission of the closed captions for digital and analog programming.

The Commission may take possible enforcement actions to address complaints alleging violations of the access to emergency information rules. In evaluating whether a cable operator has complied with the closed captioning rules, the Commission will not consider any lack of captioning that results from a "de minimis" or reasonable failure to capture emergency information, so long as critical emergency information is provided through some method of visual presentation. What is considered de minimis or reasonable may be affected by the nature and extent of the emergency situation. The Commission will not second-guess determinations made in emergency situations so long as the determinations were made in good faith.

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Please visit our website at [www.cinnamonmueller.com](http://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 Client Update.*