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CLIENT UPDATE
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FCC requires cable operators to submit 70/70 data

The FCC recently released its 2006 report on the status of competition in the market for delivery of video programming. In the report, the FCC required cable operators to submit certain 70/70 data within 60 days after OMB approves the information collection and survey form. The Commission also opened a proceeding requesting comment on the proposed form.

Under Section 612(g) of the Communications Act, the Commission may “promulgate any additional rules necessary to provide diversity of information sources” when cable systems with 36 or more activated channels are (i) available to 70% of U.S. households and (ii) subscribed to by 70% of the households to which such systems are available. The Commission seeks data to review whether the second condition has been met.

Each cable operator must submit the following information for 2006 and 2007 for each system on a zip code basis within 60 days of OMB approval:

1. Total number of homes the cable operator currently passes;
2. Total number of homes the cable operator currently passes with 36 or more activated channels;
3. Total number of actual subscribers, including all subscribers in MDUs; and
4. Total number of subscribers with 36 or more activated channels.

The FCC will announce the filing deadline in a subsequent Public Notice. If you have any questions regarding this information, please call Emily Denney 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.