

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

In the Matter of)	
)	
Time Warner Cable)	
)	CSR-5533
Petition for Special Relief)	
)	
)	
)	
)	

ORDER

Adopted: August 11, 2000

Released: August 18, 2000

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 Time Warner Cable (“TWC”) requesting that it be allowed to file a single Form 320 for each system, identifying the community units served by the system. In so doing TWC 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. 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 Commission’s Rules allow for a careful balance of minimal signal leakage, channel frequency offset, and annual assessment of the cable system’s electromagnetic interference potential as viewed from the airspace

¹ 47 C.F.R. §76.6(a)(i).

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. Deserving particular protection are 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 including use 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 includes 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).

over it.⁴ To this end, the Commission established basic signal leakage and aeronautical frequency usage standards for all systems. An important component of these rules 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 320⁶ for each community unit.

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 It recognizes that physical plant is organized into discrete components that serve multiple community units. We assign each physical system a separate identification number (“PSID”). A physical system is generally 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 As pointed out by TWC, although CLI is measured or calculated for a physical system, the operator must file a separate Form 320 for each CUID, but it need only file the measurement exhibits for the lead community.¹¹

4. TWC states that it files approximately 5,000 Forms 320 per year at an estimated cost of \$2 million.¹² It further states that, increasingly, it is filing these Forms for fewer physical systems as it collapses headends.¹³ TWC suggests that it can reduce the number of Forms 320 it files to 500 should we grant the relief requested.¹⁴ TWC also suggests that a significant reduction in cost to the Commission would result as well.¹⁵

5. TWC proposes to file a complete Form 320, including all required Exhibits,¹⁶ for each separate cable system operated by it. This Form 320 would have attached an additional exhibit—“Exhibit

⁴ See Memorandum Opinion and Order, 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, Docket No. 21006, 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. §

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 4.

¹² Petition, at 4–5.

¹³ Petition, at 5.

¹⁴ *Id.*

¹⁵ Petition at 6 & n.8.

¹⁶ A and B or C.

1”–instead of Items 2 and 3 of Section 1 of the form. Exhibit 1 would give the lead community for the PSID and list by community name and CUID every community served by the system. Exhibit 1 would also include a statement verifying that the leakage measurements filed with the comprehensive Form 320 cover all communities of the system.

6. There is some ambiguity, perhaps unintentional, in the Petition concerning for which cable systems a comprehensive Form 320 will be filed. In the introductory paragraphs the Petition refers to “multi-community ‘cable system’, as defined in Section 76.5(a) of the Commission’s Rules.”¹⁷ Later, in the proposal the Petition suggests filing a Form 320 “for each separate ‘cable system’ operated by TWC.”¹⁸ The discussion then mentions “collapsing headends and eliminating separate ‘physical systems’ as identified by PSID.”¹⁹ This is particularly significant as TWC speaks of the elimination of headends resulting in systems that serve 50 to 100 distinct community units.²⁰ When calculating CLI, it is imperative to combine distinct cable service areas that are contiguous and served from the same signal generation equipment. The signals on these systems have the same frequency and phase. Leaks from each of these areas will have an additive effect on the CLI. Generally, the CUIDs associated with a PSID meet this criterion. On the other hand, there can be a cable system serving a group of areas that meets the definition of a system as defined by Section 76.5, but that transmits services to subscribers such that each area transmits to subscribers signals with different frequencies and phases from those used in the other areas. From a technical perspective, these systems should treat each area of the system as a discrete interference facility. Therefore, to protect the integrity of the basic signal leakage criteria in assuring safety of air traffic, we may find it necessary to retain separate areas for CLI calculations.²¹

IV. CONCLUSION

7. We agree that, with the implementation of the Commission’s new software, our data processing facilities have sufficiently evolved to accommodate the request of TWC.²² The resource savings for both TWC and the Commission are certainly worthwhile. 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. We will, therefore, grant the Petition with two clarifications. First, TWC will file a Form 320 for each an every PSID assigned by the Commission. Second, the verification statement in Exhibit 1 must be signed separately in Exhibit 1. The Exhibit 1 then will include the PSID number, a table with the CUIDs served in one column (sorted alphanumerically) and the community served by each CUID in the same row in the adjacent column, and a signed statement verifying that all communities listed are included in the comprehensive CLI calculation.

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 Time Warner Cable IS

¹⁷ Petition, at 1.

¹⁸ Petition, at 5.

¹⁹ *Id.*

²⁰ Petition, n. 9.

²¹ For example, when a cable system uses fiber optic cable as a trunk to provide signals to hubs. These hubs may serve subscribers with signals that are technically discrete such as having different frequency or phase.

²² Petition, n. 12.

GRANTED to the extent indicated above and SUBJECT TO RECONSIDERATION should an adverse impact on air safety result from the grant.

FEDERAL COMMUNICATIONS COMMISSION

Deborah A. Lathen
Chief, Cable Services Bureau