



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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DA 01-158

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CABLE SERVICES BUREAU ACTION

January 24, 2001

FCC ANNOUNCES NEW SUBSCRIBER COUNT FOR THE DEFINITION OF SMALL CABLE OPERATOR

The Commission has determined that there are 67.7 million cable subscribers in the United States using the most reliable source publicly available. *See Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, CS Docket No. 00-132, Seventh Annual Report, FCC 01-1 (released January 8, 2001), Table C-1. For purposes of defining a small cable operator under section 76.901(f), 47 C.F.R. § 76.901(f), a cable operator that serves fewer than 677,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator.

Section 76.901(f) of the Commission's rules defines a small cable operator as an operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000. For purposes of this definition, an operator shall be deemed affiliated with another entity if that entity holds a 20 percent or greater equity interest (not including truly passive investment) in the operator or exercises de jure or de facto control over the operator. *See Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996*, CS Docket No. 96-85, Report and Order, 14 FCC Rcd 5296 (1999), ¶ 65.

Note 1 to section 76.901(f) states that, using the most reliable sources publicly available, the Commission periodically will determine and give public notice of the subscriber count that will serve as the 1 percent threshold until a new number is calculated. Accordingly, by this Public Notice, the Commission establishes the threshold for determining whether a cable operator meets the definition of small cable operator at 677,000 subscribers. This threshold will remain in effect until the Commission issues a superceding Public Notice.

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