



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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REMINDER OF TIER BUY-THROUGH REQUIREMENTS FOR CABLE OPERATORS

Section 623(b)(8) of the Communications Act, as amended by the Cable Act of 1992, generally prohibits cable operators from requiring subscribers to purchase a particular service tier, other than the basic service tier, in order to obtain access to video programming offered on a per-channel or per-program basis.

Cable systems lacking addressable set top boxes, or subject to other technological limitations, were afforded a ten year grace period to come into compliance with the tier buy through requirement. This ten year period ends October 5, 2002. The tier buy through requirement does not apply to cable systems facing "effective competition" as that term is defined in the Act. 47 U.S.C. § 543(l)(1)(A)-(D).

In addition, waivers may be granted in compliance with Section 623(b)(8)(C) of the Act which provides:

If, in any proceeding initiated at the request of any cable operator, the Commission determines that compliance with the requirements of subparagraph (A) would require the cable operator to increase its rates, the Commission may, to the extent consistent with the public interest, grant such cable operator a waiver from such requirements for such specified period as the Commission determines reasonable and appropriate.

This Public Notice is to remind cable operators of the requirements of the law and of the Commission's rules. As of October 5, 2002, cable operators no longer will be able to require subscribers to purchase cable programming service tiers in order to access premium or pay-per-view channels based on the lack of addressable converter boxes or other technological limitations. In the absence of effective competition or a waiver, all cable operators will be subject to this requirement.

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