



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

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News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

CABLE SERVICES BUREAU ACTION

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ADVISORY TO CABLE OPERATORS CONCERNING SECTION 504 OF THE COMMUNICATIONS DECENCY ACT 1996

The Communications Decency Act was adopted as part of the landmark Telecommunications Act of 1996. Section 504 of the Communications Decency Act of 1996 (47 U.S.C. § 560), upon the request of a cable subscriber, requires cable television system operators to fully scramble or block the audio and video programming of any channel or service not subscribed to by the household. The cable operator is required to fulfill any request that meets the requirements of this provision with no charge to the subscriber.

The cable television industry invests significant resources to protect its programming services from theft and unauthorized reception. Typically, cable television companies encrypt or scramble the signal of channels that the subscriber has not purchased so that only persons who have paid for the service will be able to receive and view it. However, some scrambling techniques employed by cable operators may not always adequately block the audio and video of each channel. As a result, a consumer who has not subscribed to a specific channel or service may be able to hear the audio and/or view the channel for brief periods. This phenomenon of being able to access the audio and/or the video portions of a channel which the person has not purchased is often referred to as "signal bleed."

Signal bleed may enable a cable subscriber to inadvertently access programming that contains objectionable content or material. To address this specific concern, Congress enacted Section 504 of the Communications Decency Act of 1996 which requires a cable operator to fully scramble or block the audio and video portions of programming services not specifically subscribed to by a household. As noted above, the cable operator must fully scramble or block the programming in question upon the request of the subscriber and at no charge to the subscriber. Section 504 does not require that the program contain a specific type of content in order for the subscriber to request that it be blocked by the cable operator. Rather, Section 504 simply requires the cable operator to block the channel when the household does not subscribe to the service and the subscriber requests blocking.

The Commission expects cable television operators to respond to legitimate subscriber requests to block a service in a timely manner. For example, the Commission's customer service standards (47 C.F.R. §76.309) require standard cable installations to occur within seven (7) business days after an order has been placed. This timeframe also would appear appropriate for an operator to respond to a subscriber's request to address a signal bleed concern.

The Commission recognizes that Section 504 does not require cable television operators to notify or inform subscribers (or potential subscribers) about their right to block channels to which they do not subscribe. It has been suggested, however, that if Section 504 is publicized in an adequate manner, it

could be a more effective mechanism for cable subscribers to prevent the viewing of objectionable programming. See, e.g., *U.S. v. Playboy Entertainment Group, Inc.*, 529 U.S. 803 (2000).

The Commission strongly encourages cable television operators to inform subscribers of their rights set forth in Section 504 on a regular basis. Existing Commission rules require that cable operators provide certain information to subscribers. For example, 47 C.F.R. §76.1602 requires that cable operators provide subscribers with written notice concerning the products and services offered; the company's rates; installation and maintenance policies; instructions on how to use the cable system; and channel positions for programming. The cable operator is required to provide this notice to the subscriber at the time of service installation; at least annually; and at any time upon request. A cable operator easily could include information about Section 504 as part of this required notice without incurring any significant additional expense. In addition, or as an alternative, subscribers could be informed about their rights to block programming to which they do not subscribe in a bill insert, a separate mailing, or any other reasonable form of written communication, such as a notice or advertisement in a local newspaper. Cable operators also could provide information about Section 504 on a local community access channel. Regardless of the method used to convey the information, cable operators are strongly encouraged to use plain language that emphasizes the customer's right to request blocking of channels to which the customer does not subscribe, and that such blocking will be accomplished without any charge to the customer.

The Commission believes the availability of this information concerning Section 504 will be of great interest and assistance to subscribers who wish to ensure that certain types of programming cannot be accessed in their homes.

Media Contact: Michelle Russo at (202) 418-7200

Cable Services Bureau Contact: Margo Domon Davenport or Michael Perko at (202) 418-7200

TTY: (202) 418-7172