

**OPEN VIDEO  
SYSTEM  
NOTICE  
OF INTENT**

**ATTENTION:  
MEDIA BUREAU**



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<sup>1</sup> UTC Video Concepts, LLC received certification to operate an open video system in the projected service areas on November 10, 2003. See *UTC Video Concepts, LLC*, Memorandum Opinion and Order, DA 03-3615 (Nov. 10, 2003).

3. **Projected Channel Capacity.** UTC projects that its channel capacity will be 150 digital switched channels. The head end for the UTC's OVS is located in Glasgow, Kentucky, where signals are aggregated. Local signal collection points are also located at Mt. Herman and Buffalo, Kentucky. In general, signals on the OVS are delivered on a protected fiber ring to an ATM switch and then out to numerous Broadband Digital Terminals ("BDTs"). From the BDTs, the signals are then distributed to subscribers via fiber-to-the-curb or fiber-to-the-neighborhood and then ADSL II or VDSL to the residence.

4. **Carriage Applications and Inquiries.** Potential video programming providers interested in carriage on UTC's open video system may obtain additional information about the system by completing the attached OVS Information Request Form (Attachment 1) and mailing it to Herbert R. Bivens at UTC Video Concepts, LLC, 120 Taylor Street, Chapel Hill, Tennessee, 37034. If a potential video program provider has questions concerning the completion of this form, Mr. Bivens can be reached by telephone at (931) 364-2289.

Pursuant to Section 76.1503(b)(2) of the Commission's Rules, UTC will provide a potential video programming provider with additional information regarding the OVS system within five (5) business days after UTC's receipt by mail of a completed OVS Information Request Form. The potential video programming provider will be furnished at that time with additional information regarding carriage on the UTC OVS system. This information will include application forms that must be completed, technical information, equipment requirements, rate estimates, application fees and reservation deposits, and qualification requirements.

5. **Initial Enrollment Period.** The initial enrollment period for video programming providers seeking carriage on UTC's OVS system will commence on the date the FCC issues a

Public Notice of the filing of this Notice of Intent and end ninety days after the Commission places this Notice of Intent on Public Notice.

6. **Allocation of Capacity.** In accordance with Section 76.1503(c), if the total demand for carriage by all video programming providers exceeds the activated channel capacity of UTC's OVS system, then UTC and its affiliates will only select video programming for no more than one-third of its system capacity. The remaining capacity will be allocated, first, to carry "must carry" local television stations (§ 75.1506) and public, educational and governmental ("PEG") access channels (§ 74.1505), and then offered to unaffiliated video programming providers proportionally in accordance with the process in Attachment 2.

7. **Notification Requirements.** UTC has complied with all relevant notification requirements under Section 76.1506 of the Commission's open video system regulations concerning must-carry and retransmission consent. A list of all local commercial and non-commercial television stations served is included as Attachment 3. Also included, as Attachment 4, is a Certificate of Service showing that this Notice of Intent has been served on all local cable franchising authorities entitled to establish requirements concerning the designation of channels for public, educational and governmental use.

Respectfully submitted,

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Pantelis Michalopoulos  
Carlos Nalda  
Chung Hsiang Mah  
Steptoe & Johnson LLP  
1330 Connecticut Avenue NW  
Washington, DC 20036  
Tel: (202) 429-3000  
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*Counsel for UTC Video Concepts LLC*

Dated: February 4, 2004

**UTC VIDEO CONCEPTS, LLC  
OPEN VIDEO SYSTEM INFORMATION REQUEST FORM**

**SECTION I: Identification of Potential Video Programming Provider**

Name of Entity: \_\_\_\_\_

Address of Entity: \_\_\_\_\_

\_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Facsimile No.: \_\_\_\_\_

**SECTION II: Carriage Information**

Total amount of capacity requested: \_\_\_\_\_ channels

**SECTION III: Certification and Non-Disclosure Statement**

The undersigned video programming provider ("VPP") represents that it has the right under the Copyright Laws to select and contract for carriage of specific video programming on the UTC Video Concepts, LLC ("UTC") open video system, and that it has no formal or informal affiliation (as defined by Section 76.1500(g) of the FCC Rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within UTC's open video system service area, and that the capacity requested will be used only for the operation of a video program distribution service. The VPP and its affiliates, employees and agents agree not to disclose to any other party the information provided by UTC in response to this request, except for information that was previously in the public domain and except as provided in Section 76.1513(j) of the FCC Rules, and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in UTC's open video system and the subsequent activation of such enrollment, if any.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

Date \_\_\_\_\_

Please mail to:  
Herbert R. Bivens  
General Manager  
UTC Video Concepts, LLC  
120 Taylor Street

Chapel Hill, Tennessee 37034

UTC VIDEO CONCEPTS, LLC

OPEN VIDEO SYSTEM

CHANNEL ALLOCATION PROCESS

UTC Video Concepts, LLC's ("UTC") total system capacity on its open video system is 150 switched digital channels. This channel allocation process applies when total demand for carriage exceeds UTC's channel capacity.

UTC encourages Video Programming Providers ("VPPs") to submit initial capacity requests within 90 days of the this Notice of Intent being placed on public notice by the Commission. At that time, the total number of channels requested from all VPPs will be calculated. If sufficient capacity exists to fill all requests, each VPP will be allocated channel capacity equal to its request.

If the sum of all channels requested exceeds available channel capacity, UTC will select the VPPs for 50 channels. Channels will then be allocated to "must carry" local television stations, and to public, educational and governmental ("PEG") access channels.

Allocation of capacity to other VPPs will be as follows. Each VPP requesting fewer than 3 channels will receive its requested channels. VPP's requesting 3 or more channels will receive a minimum of 3 channels (capacity permitting). If there is any capacity left over, that capacity will be allocated proportionally based on the

ratio between the total number of remaining channels divided by the total number of outstanding channels requested by VPPs. Each VPP's outstanding channel requests are then multiplied by the ratio to determine the additional channels (rounded down) allocated to that VPP. Any channels left over because of rounding will be allocated by lottery among the VPPs that still have outstanding channel requests.

The following example illustrates how this process would work. After the allocation of UTC's 50 channels and 6 "must-carry" and PEG channels, there are 94 channels left for allocation. Suppose that 5 VPPs request a total of 120 channels: A and B request 2 channels each, C and D request 25 channels each, and E requests 66 channels. Under this allocation process, A and B would receive 2 channels each, and C, D and E would receive their minimum of up to 3 channels (a total of 13 channels allocated). This leaves 107 channels requested and 81 channels available for allocation. The ratio of available channels to requested channels is therefore  $81/107 = 0.76$ . Each of the VPPs outstanding channel requests is then multiplied by this ratio to obtain the number of additional channels each would receive. C and D each have 22 outstanding channel requests, so each

will receive an addition allocation of  $22 \times 0.76 = 16$  channels each (rounded down). E has 63 outstanding channel requests and would receive 47 channels (rounded down). Total channels allocated is now 79 channels. The remaining two available channels will then be allocated among C, D and E by lottery.

UTC will mail a notification to each VPP to confirm the channel allocation within 2 weeks of the close of the initial enrollment period. Any VPP that is allocated fewer channels than it initially requested may withdraw its channel capacity request by notifying UTC by mail. Cancellations must be received within five (5) business days of receipt of the channel capacity allocation notification. Channel capacity made available through the withdrawal of one or more VPPs will be reallocated on a proportional basis to the remaining VPPs who did not receive their full request. If channels are reallocated in this way, UTC will mail a notification to each remaining VPP to confirm the final channel capacity allocation within five weeks of the initial channel capacity allocation notification.

CERTIFICATION

I, Cheryl Bowman, hereby certify that before February 3, 2004, must-carry-retransmission consent election notifications were sent to all commercial and noncommercial television stations operating within UTC Video Concepts, LLC's open video system service area, as listed below. Each of them has already responded to the notification.

**Letters Sent**

**Response Received**

Mr. Mike Sechrist/Ms. Michelle Dube  
Program Director  
WKRN-Channel 2  
441 Murfreesboro Rd.  
Nashville, TN 37210

March 20, 2003

Mr. Steve Ramsey/Mike Nichols  
General Manager  
WSMV 4  
5700 Knob Road  
Nashville, TN 37209

January 21, 2003

Ms Cheryl Tolbert/Deborah F. Turner  
WTVF/News Channel 5  
474 James Robertson Pkwy.  
Nashville, TN 37219

April 1, 2003

Mr. David Birdsong/Mark Dillion  
WZTV-Fox 17 & WUXP UPN -30  
631 Mainstream Drive  
Nashville, TN 37228

August 7, 2003

Mr. Steve Bass  
Nashville Public Television Channel 8 (WNPT)  
161 Rains Ave.  
Nashville, TN 37203

July 22, 2003

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Cheryl Bowman  
Customer Service Supervisor

CERTIFICATE OF SERVICE

I, Herbert R. Bivens, hereby certify that I mailed on February 4, 2004, the foregoing NOTICE OF INTENT TO ESTABLISH AN OPEN VIDEO SYSTEM by first class U.S. mail, postage prepaid, to the following officials of the local cable franchising authorities within UTC's certified open video system area:

Patrick Willard Davidson County Mayor's Office 107 Metro Courthouse Nashville, TN 37201	Nancy Thompson Clerk of Maury County 41 Public Square Columbia, TN 38401
Bobby Schloesser County Attorney Williamson County C/- Buerger Moseley & Carson, PLC 306 Public Square Franklin Tennessee 37064	Peggy Gettis Metropolitan and County Executive of Moore County Public Square County Court House P.O. Box 206 Lynchburg, TN 37352
Monty Adams Mayor of Franklin County 1 S Jefferson Street Winchester, TN 37398	Nancy Allen County Executive of Rutherford County County Courthouse Murfreesboro, TN 37130
Terry Wallace County Executive of Marshall County 1108 Court House Annex Lewisburg, TN 37091-3353	

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[Example of Letter to Cable Franchising Authority]

[UTC Video Concepts, LLC letterhead]

February 4, 2004

[Name]

[Title]

[Address]

[Address]

Re: **UTC Video Concepts, LLC**  
**Notice of Intent to Establish an Open Video Systems**

Dear Sir or Madam

Please find attached a copy of UTC Video Concepts, LLC's ("UTC") Notice of Intent to Establish an Open Video System filed with the Federal Communications Commission ("FCC") today. UTC will begin service your county, starting with portions of the county, and will offer its subscribers up to 150 channels of television programming.

Under FCC rules, this notice is required to be served on the County in its capacity as the local cable franchising authority entitled to establish requirements concerning the designation of channels for public, educational and governmental use. Looking forward, we would very much like to work with you in a constructive spirit and discuss reasonable requirements that you believe may be appropriate, including the payment of a fee comparable to the franchise fee payable by the local cable operator.

Please contact me at 931/364-4322 if you have any questions about this notice.

Sincerely,

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Herbert R. Bivens  
General Manager  
UTC Video Concepts, LLC