

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

In the Matter of:)	
)	
U. S. Cable Casters)	
)	
v.)	CSR 6146-L
)	
Media Com, Fairfield, Iowa)	
)	
Petition For Commercial Leased Access)	

ORDER

Adopted: February 10, 2004

Released: February 13, 2004

By the Deputy Chief, Policy Division, Media Bureau:

1. On February 25, 2003, U. S. Cable Casters ("Cable Casters") filed the captioned Complaint pursuant to Section 76.975 of the Commission’s rules,¹ alleging that it had made arrangements, including equipment acquisitions, for the provision of a commercial leased access channel on Media Com’s cable system in Fairfield, Iowa, and that Media Com subsequently informed Cable Casters that a proposed lessee must obtain errors and omissions liability insurance. Cable Casters further alleged that the cost of the required insurance was determined to exceed \$3,500, and that such requirement represents a significant barrier to small independent program producers gaining access to a cable system.

2. Cable Casters states that it has been trying “to get on the air since late September 2002, but has not been able to do so because it “could not obtain errors and omission insurance.” Cable Casters complaint will be dismissed as untimely filed, because it was not filed within the sixty days of the violation, which allegedly occurred before “late September” 2002, as required by Section 76.975(d) of the Commission’s rules.² Cable Casters also failed to show that its complaint was served on Media Com, as required by section 76.975(c) of the Commission’s rules.³ We also note that the Commission has previously held that requiring a leased access programmer to obtain reasonable liability insurance coverage does not constitute a violation of the leased assess regulations.⁴

¹47 C.F.R. §76.975.

²47 C.F.R. §76.975(d) (Petitions not concerning unreasonable leased access rates must be filed within sixty days of the alleged violation).

³ 47 C.F.R. § 76.975(c) (complainant must certify that complaint was served on cable operator).

⁴ See *Anthony Giannotti v. Cablevision Systems Corporation*, 11 FCC Rcd 10441 (CSB 1996) (Operator’s right to require reasonable liability insurance coverage for leased access programming confirmed); See also *Implementation of the Cable Television Consumer Protection and Competition Act of 1992*, 12 FCC Rcd 5267, 5324 (1997) (*Second Report*).

3. Accordingly, **IT IS HEREBY ORDERED**, pursuant to authority delegated by Section 0.283 of the Commission's rules that the petition for relief filed by U.S. Cable Casters in File No. CSR 6146-L **IS HEREBY DISMISED**.⁵

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Deputy Chief, Policy Division
Media Bureau

⁵47 C.F.R. § 0.283.