

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

In the Matter of:)	
)	
Matthew Tyree)	
)	
v.)	CSR 6236-L
)	
Comcast Cable Communications)	
)	
Petition For Commercial Leased Access)	

ORDER

Adopted: February 10, 2004

Released: February 13, 2004

By the Deputy Chief, Policy Division, Media Bureau:

1. On June 6, 2003, Matthew Tyree ("Tyree") filed the captioned Complaint pursuant to Section 76.975 of the Commission's rules¹ alleging that on February 21, 2003, he received from Comcast Cable Communications ("Comcast") a packet identifying proposed rates for commercial lease of a channel on Comcast's Vineland/Pleasantville, New Jersey cable system and a proposed commercial leased channel agreement. Tyree states the offered contract contains a clause requiring a proposed lessee to obtain general comprehensive and errors and omissions liability insurance. Tyree further alleged that the combined premiums for the required insurance were determined to exceed \$5,000, and that Media Professional Insurance declined to provide errors and omissions coverage for the stated reason that "Potential liabilities are greater than our ability to generate adequate premium and deductible levels."²

2. Tyree contends that Comcast violated the Commission's commercial leased access regulations by requiring insurance that is unreasonable, costly and unattainable by individuals, and thus prevented individuals from gaining access to its cable system.

3. Tyree admits that he received from Comcast the lease access information about which he complains on February 21, 2003. However, he waited until June 6, 2003 to submit his complaint to the Commission. Therefore, Tyree's complaint will be dismissed as untimely filed, because it was not filed within the sixty days of the alleged violation as required by Section 76.975(d) of the Commission's rules.³ We also note that the Commission has previously held that requiring a leased access programmer to

¹47 C.F.R. §76.975.

² Tyree Complaint

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

obtain reasonable liability insurance coverage does not constitute a violation of the leased access regulations.⁴

4. 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 Mathew Tyree in File No. CSR 6236-L **IS HEREBY DISMISED**.⁵

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broecker,
Deputy Chief, Policy Division
Media Bureau

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*).

⁵47 C.F.R. § 0.283.