



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

DA 04-897

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

MEDIA BUREAU ACTION

March 31, 2004

Tier Buy-Through Complaint Filed With the Commission CSR 6313-B

Section 623(b)(8) of the Communications Act, as amended by the Cable Television Consumer Protection and Competition Act of 1992, generally prohibits cable television 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.

The Cable Advisory Council of Enfield, Connecticut (“CAC”) has filed a tier buy-through complaint against Cox Communications. The cable operator is franchised to provide cable television service to the towns of East Granby, East Windsor, Enfield, Granby, Hartland, Somers, Stafford, Suffield, Union, and Windsor Locks, Connecticut.

CAC claims that Cox requires its subscribers to purchase a digital gateway tier, which includes digital music service “Music Choice” and an interactive program guide (“IPG”), in order to purchase Home Box Office (“HBO”) and other per channel video programming services. CAC argues that Cox’s requirement violates Section 623(b)(8) and the Commission’s rules because the operator requires subscribers to purchase the digital gateway tier in addition to the basic service tier before being able to purchase a la carte programming.

For purposes of the Commission’s *ex parte* rules, this proceeding will be considered as non-restricted pursuant to Section 1.1206 (“permit-but-disclose proceeding”). Comments and oppositions are due within 30 days from the date of this public notice. Please place the case identifier, CSR 6313-B, on all filings. Comments and oppositions sent via e-mail to the Commission will be considered informal and are not part of the official record. In addition, comments and oppositions filed must indicate that they have been served on the petitioner. All comments and oppositions must be served on petitioner at:

Alec Fraser
Chairman – Cable Advisory Council
1440 North Street
Suffield, CT 06078

In addition, an original and two copies of all comments and oppositions must be filed with the Commission:

Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Petitioner's reply is due 20 days thereafter. Electronic filing is not available at this time. The petition and comments are available for public inspection in the Commission's Reference Information Center:

445 12th Street, S.W.
Washington, D.C. 20554
202-418-7092

Accessible Formats

To request materials in **accessible formats for people with disabilities** (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0531 (voice), 202-418-7365 (tty).

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