



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 15-1481**

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## **Release of Cable Television Survey Data to General Accountability Office**

The U.S. General Accountability Office (GAO), pursuant to a requirement in Section 107 of the STELA Reauthorization Act of 2014 (“STELAR”), is conducting a study of the potential impact of a phase-out of the statutory copyright licenses for the retransmission of broadcast programming.<sup>1</sup> For purposes of that study, GAO has requested access to certain data about cable prices and cable television systems that the Commission has collected for the time period from 2010 to 2014. In particular, GAO has requested Cable Service Price Survey (Form 333) data for years 2010-2014 and Annual Report of Cable Systems (Form 325) data for years 2010-2014.

GAO’s request for the survey data is made pursuant to 31 U.S.C. § 716, under which federal agencies must provide GAO with access to records held by such agencies. GAO notes in its request that it is required by that section to maintain the same level of confidentiality for records provided as is required of the head of the agency from which they are obtained, and that GAO is precluded by 18 U.S.C. § 1905 from disclosing proprietary or confidential business information to any extent not authorized by law. While the statutory proscription does not preclude disclosure to Congress, *see* 31 U.S.C. § 716(e)(3), or in response to a court order, GAO states that its policy is to protect such information in a manner consistent with its reporting responsibilities. In the event that transmittal of this information becomes necessary, GAO states that it will notify the Commission of the request and provide it with the opportunity to express any concerns it may have to the requestor or the court prior to disclosure, except where the requestor or court directs otherwise. In addition, if the requested information is asserted to be covered by 18 U.S.C. § 1905, GAO states that it will notify the recipient of the records of the sensitivity of the material, where appropriate. Finally, GAO states that its policy is not to disclose records in its files to the public that have originated in another agency, and that it will refer any such requests to the originating agency.

Commission rules provide that proprietary and commercially sensitive information will be withheld from public disclosure, subject to the public’s right to seek disclosure under the Freedom of Information Act, 5 U.S.C. § 552. *See* 47 C.F.R. §§ 0.457(d), 0.459(d)(3). Consistent with those rules and the cable operators’ expectations that identification of the sources of particular data will be protected, we have requested that GAO not disclose the sources of particular data collected by the Commission in the surveys.

Commission rules permit disclosure of records submitted to the agency in confidence to the Comptroller General (*i.e.*, GAO) without prior notification and provide that parties shall be notified of the disclosure of those records to GAO. 47 C.F.R. § 0.442(d)(3). Accordingly, this notice is being provided to inform cable operators that have submitted data in response to the Commission’s surveys regarding cable prices and cable operations. For questions about cable price survey data (Form 333), please contact

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<sup>1</sup> *See* STELA Reauthorization Act of 2014, Pub. L. 113-200, 128 Stat. 2064, § 107 (2014).

John Scott at 202-418-2330 or [John.Scott@fcc.gov](mailto:John.Scott@fcc.gov). For questions about cable operator survey data (Form 325), please contact John Kiefer at 202-418-2934 or [John.Kiefer@fcc.gov](mailto:John.Kiefer@fcc.gov).

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