



PUBLIC NOTICE

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DA 18-93

Released: January 31, 2018

MEDIA BUREAU ACTION

ESTABLISHMENT OF “PERMIT-BUT-DISCLOSE” *EX PARTE* PROCEDURES FOR STARZ ENTERTAINMENT, LLC’S COMPLAINT AGAINST ALTICE USA, INC.

MB DOCKET NO. 18-9 CSR 8950-Z

On January 8, 2018, Starz Entertainment, LLC (Starz) filed the above-captioned complaint against Altice USA, Inc. and its subsidiary Cablevision Systems Corporation (collectively, Altice).¹ Starz alleges that Altice violated a Commission rule that requires cable operators to notify their subscribers and local franchise authorities in the event of service changes.² Namely, Starz alleges that Altice did not provide the required notice before Altice ceased carriage of 16 Starz channels.³ Starz also alleges that Altice violated a Commission rule that requires cable operators to adhere to certain customer service requirements because Altice did not have sufficient customer support via telephone to respond to subscriber inquiries about the channel deletions.⁴ On January 23, 2018, Starz filed an emergency petition that asks us to order Altice to correct those alleged violations and to “reinstate carriage of the Starz Channels on all Cablevision systems on which they were carried prior to January 1, 2018, on the terms that were then applicable to their carriage.”⁵ In response to that petition, each party had *ex parte* communications with Commission staff pursuant to Sections 1.1204(a)(10) and (11) of the Commission’s rules.⁶

¹ Petition for Declaratory Ruling, Enforcement Order, and Further Relief, MB Docket No. 18-9 (filed January 8, 2018).

² *Id.* at 9-11 (alleging violations of 47 CFR § 76.1603).

³ *Id.*

⁴ *Id.* at 11-12.

⁵ Emergency Petition for Injunctive Relief, MB Docket No. 18-9, at 21 (filed January 23, 2018).

⁶ Letter from R. Michael Senkowski, Counsel to Starz, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 18-9 (filed January 18, 2018); Letter from Seth A. Davidson, Counsel to Altice, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 18-9 (filed January 26, 2018). Starz also claims that its presentation was made pursuant to Section 1.1204(a)(3).

For *ex parte* purposes, the complaint that Starz filed is not exempt under Section 1.1204(b) of the Commission's rules, nor is it permit-but-disclose under Section 1.1206(a) of the Commission's rules. Therefore, we would ordinarily treat it as a "restricted" proceeding in which *ex parte* presentations are generally prohibited pursuant to Section 1.1208 of the Commission's rules.⁷ Under Section 1.1200(a), however, the Commission may adopt modified *ex parte* procedures "where the public interest so requires."⁸ To assure the staff's ability to discuss and obtain the information necessary to resolve these issues, adoption of modified *ex parte* procedures is appropriate in this case.⁹ We shall therefore treat this proceeding as "permit-but-disclose" for *ex parte* purposes subject to the procedural requirements of Section 1.1206.¹⁰

Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities: 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 202-418-0530 (voice), 202-418-0432 (TTY).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573.

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⁷ 47 C.F.R. § 1.1208.

⁸ 47 C.F.R. § 1.1200(a).

⁹ We note that the Commission has changed the *ex parte* status in similar disputes to "permit-but-disclose." *Establishment of "Permit-But-Disclose" Ex Parte Procedures for Mediacom Communications Corporation's Retransmission Consent Complaint and Petition for an Emergency Order Granting Interim Carriage Rights*, Public Notice, 24 FCC Rcd 13675 (MB 2009).

¹⁰ 47 C.F.R. § 1.1206.