



# PUBLIC NOTICE

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## FCC ANNOUNCES UPDATED SUBSCRIBER THRESHOLD FOR THE DEFINITION OF SMALL CABLE OPERATOR

Section 76.901(e) of the Commission's rules define a small cable operator as an operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000.<sup>1</sup> For purposes of this definition, an operator shall be deemed affiliated with another entity if that entity holds a 20 percent or greater equity interest (not including truly passive investment) in the operator or exercises *de jure* or *de facto* control over the operator.<sup>2</sup> Section 76.901(e)(1) states that, using the most reliable sources publicly available, the Commission periodically will determine and give public notice of the subscriber count that will serve as the 1 percent threshold until a new number is calculated.<sup>3</sup>

The Commission has determined that there are 49.8 million cable subscribers in the United States using the most reliable source publicly available.<sup>4</sup> Accordingly, by this Public Notice, the Commission establishes the threshold for determining whether a cable operator meets the definition of small cable operator at 498,000 subscribers. For purposes of defining a small cable operator under section 76.901(e), a cable operator that serves fewer than 498,000 subscribers, either directly or through affiliates, and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000, will meet the definition of a small cable operator. This threshold will remain in effect until the Commission issues a superseding Public Notice.

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<sup>1</sup> See 47 CFR § 76.901(e); see also 47 U.S.C. § 543(m)(2).

<sup>2</sup> See 47 CFR § 76.901(e); see also *Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996*, CS Docket No. 96-85, Report and Order, 14 FCC Rcd 5296 (1999), at para. 65.

<sup>3</sup> See, e.g., *FCC Announces New Subscriber Count for the Definition of Small Cable Operator*, Public Notice, 16 FCC Rcd 2225 (CSB 2001).

<sup>4</sup> See 2022 *Communications Marketplace Report*, GN Docket No. 22-203, FCC 22-103 (released Dec. 30, 2022), Fig. II.E.1, at para. 218. The total of 49.8 million cable subscribers includes subscribers to video services provided by both cable and telephone companies as identified in the Communications Marketplace Report.