



# NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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FOR IMMEDIATE RELEASE  
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## FCC RESOLVES DUAL AND MULTICAST CARRIAGE ISSUES

*Washington, DC* – The Federal Communications Commission (FCC) today resolved two significant issues related to digital cable carriage in a *Second Report and Order and First Order on Reconsideration* (CS Docket No. 98-120). The Order: (1) affirms the Commission’s tentative conclusion not to impose a “dual carriage” requirement on cable operators (which would have required them to simultaneously carry broadcasters’ analog and digital signals); and (2) affirms the Commission’s prior determination that cable operators are not required to carry more than a single digital programming stream from any particular broadcaster.

The *Order* found that mandatory dual carriage is not necessary either to advance the governmental interests as identified by Congress and the Supreme Court, or to achieve the digital television transition.

With regard to the digital multicasting issue, the Commission affirmed its earlier conclusion and declined to require cable operators to carry any more than one programming stream of a digital television station. Although the Commission found that the operative statutory language at issue is ambiguous on the subject of multicast must carry, it also found on the current record, that such a requirement is not necessary to further the purposes of the must carry statute, as defined by the Supreme Court.

In the *First Report and Order and Further Notice of Proposed Rulemaking* (CS Docket No. 98-120) adopted January 2001, the Commission concluded that the statute neither requires nor prohibits the carriage of both a television station’s digital and analog signals, but left the issue of dual carriage to the discretion of the FCC. The FCC sought comment on its tentative conclusion that a dual carriage requirement would violate the First Amendment rights of cable operators.

In the *First Report and Order* the Commission also found that the statutory requirement that cable providers carry the ‘primary video’ of broadcasters meant that broadcasters were entitled to carriage of one digital programming stream, and not multiple programming streams (i.e. “multicasting”).

Action by the Commission February 10, 2005, by Second Report and Order and First Order on Reconsideration (FCC 05-27). Chairman Powell, Commissioners Abernathy and Adelstein, with Commissioner Copps concurring, and Commissioner Martin approving and dissenting in part. Separate statements issued by Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein.

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