



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 6, 2009

The Honorable Steven R. Rothman  
U.S. House of Representatives  
2303 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Rothman:

Thank you for your July 8, 2009 letter regarding the availability of digital programming content to consumers who subscribe to cable television service. Specifically, you are concerned that cable television system operators have moved a number of program services to a digital programming service tier, and consumers may need to obtain additional equipment to continue to have access to the programming.

As a wide variety of technologies transition from analog to digital, we find that many consumers are experiencing what they consider to be unwelcome changes to familiar services, and sometimes finding themselves confused, angry, or even bewildered by the scope of the changes affecting their lives. I can appreciate, in particular, the impact of the federally-mandated broadcast digital television (DTV) transition on the nation's viewers. That most cable television operators have been implementing digital technology concurrently with the DTV transition is impacting a significant segment of the population that relies on television for news and entertainment. I appreciate this opportunity to provide you with some legal and regulatory information relevant to this issue.

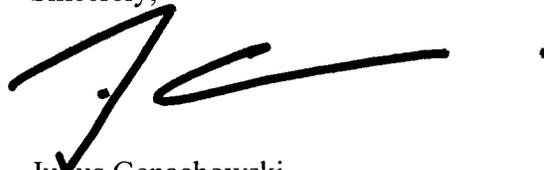
There is no general federal mandate that requires the cable television industry to deploy digital technology, and cable television system operators were not subject to the broadcast DTV transition deadline of June 12, 2009. However, the migration from analog to digital television technology in the cable television industry has been underway for several years. There are a variety of reasons for cable television system operators to begin their digital transitions. Some, for instance, may be required to upgrade their networks by local franchise agreements, while other operators are electing to deploy digital technology in order to compete more effectively with alternative video programming providers, such as satellite television carriers. By deploying digital technology, cable television operators are able to offer consumers more programming services and choices along with improved picture and sound quality. The deployment of digital technology also has allowed cable television operators to free up capacity to introduce new non-video services such as telephone services and broadband Internet access service, all using the same network facilities.

The Communications Act and the Commission's rules provide cable television system operators broad discretion in deploying technology and marketing services. Cable operators typically make these decisions based on business judgments and imperatives, the technical capabilities of the cable system, as well as customer preferences. However, cable television operators generally are required to provide subscribers thirty days written notice prior to implementing changes in rates or programming.

Under current law, authority to oversee the rates charged for – and the equipment used to receive – basic cable television service, falls to local franchise authorities unless the cable system is found to be subject to “effective competition,” as defined in the Communications Act. According to Commission records, the New Jersey Board of Public Utilities is certified to regulate the rates charged and equipment used for basic cable service in the areas of New Jersey that are not subject to “effective competition.”

I appreciate your interest in this important matter, and I hope that this information has been useful. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line and a small dot at the end.

Julius Genachowski  
Chairman