

Media Contact:

Janice Wise, (202) 418-8165
janice.wise@fcc.gov

For Immediate Release

**FCC SEEKS FURTHER COMMENT ON PROPOSALS TO REDUCE
BARRIERS TO INFRASTRUCTURE INVESTMENT**

WASHINGTON, September 25, 2018—The Federal Communications Commission adopted a Second Further Notice of Proposed Rulemaking (FNPRM) yesterday to address how local franchising authorities' (LFAs) may regulate cable operators. Specifically, the Second FNPRM addresses two issues raised by a remand from the U.S. Court of Appeals for the Sixth Circuit in *Montgomery County, MD. v. FCC*.

In the Second FNPRM, the FCC advances proposals that are intended to place new entrants and incumbent cable operators on an equal regulatory footing and remove obstacles to the deployment of broadband.

The Second FNPRM tentatively concludes, with certain limited exceptions, that cable-related, in-kind contributions required under a franchise agreement, such as free or discounted cable service to local governments, should be treated as "franchise fees" subject to the statutory five percent cap on such fees.

The item also tentatively concludes that LFAs are prohibited by federal law from using their video franchising authority to regulate most non-cable services offered over cable systems by incumbent cable operators, including information services, such as broadband Internet access service. Under this proposal, LFAs would not be precluded from regulating institutional networks.

In addition, the Second FNPRM seeks comment on whether to apply the proposals and tentative conclusions discussed in the Second FNPRM, as well as prior Commission decisions addressing LFA regulation of cable operators, to state-level franchising actions and state regulations that impose requirements on local franchising.

###

Office of Media Relations: (202) 418-0500
ASL Videophone: (844) 432-2275
TTY: (888) 835-5322
Twitter: @FCC
www.fcc.gov/media-relations

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).