



NEWS

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See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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FCC ADOPTS SUPPLEMENTAL NOTICE OF INQUIRY FOR FOURTEENTH ANNUAL REPORT TO CONGRESS ON VIDEO COMPETITION FOR YEARS 2008 AND 2009

Washington, D.C. – The Federal Communications Commission (FCC) today adopted a *Supplemental Notice of Inquiry* for its Fourteenth Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, as required by Congress. The *Supplemental Notice of Inquiry* (“*Supplemental NOI*”) continues the process of preparing the Commission’s next Annual Report to Congress on the state of video competition.

The Thirteenth Annual Report, released on January 16, 2009, covered a period ending in June 2006. At the same time, the Commission released a *Notice of Inquiry* (“*2007 NOI*”) soliciting comment and information as of June 30, 2007 for the next report. The *Supplemental NOI*, in conjunction with the *2007 NOI*, will permit the Commission to collect information for a combined report for 2007, 2008, and 2009 and will allow us to bring our reporting up to date.

The *Supplemental NOI* asks commenters to provide updated information on all of the questions and issues raised in the *2007 NOI*. It requests data, where possible, as of June 30, 2008, and June 30, 2009. It also asks questions and requests information about significant developments since June 30, 2007. Among these are:

- The impact that the current economic environment has on broadcasters’ and MVPDs’ ability to invest in new programming and services.
- The impact of the broadcast digital television transition on services offered by broadcasters and their ability to compete with MVPDs.
- The impact of shifts in advertising shares from traditional cable and broadcast television to the Internet.
- The competitive effect of the increased penetration of Verizon’s FiOS and AT&T’s U-Verse video services and the response of incumbent cable operators to this competition.
- The significance of voice and data service offerings on competition among MVPDs and the bundling of these offerings as double, triple and even quadruple plays.
- The degree that cable systems are migrating programming from analog to digital tiers.
- The impact of the increased availability of video over the Internet on competition as well as broadband deployment.

The Supplemental NOI establishes May 20, 2009 and June 20, 2009, respectively, as the deadlines for filing comments and reply comments for 2008. For 2009 data, comments are due July 29, 2009 and reply comments on August 28, 2009.

On February 23, 2009, the FCC released an Order extending the comment dates for the 2007 NOI to allow commenters to file 2007 and 2008 data at the same time, following the release of a *Supplemental NOI*. Because the filing dates for 2007 data adopted in the February Order do not coincide with the 2008 filing deadlines set forth in the *Supplemental NOI*, the Media Bureau today is issuing an Order that further extends the 2007 deadlines to allow commenters to file data for 2007 and 2008 simultaneously.

The *Notices of Inquiry*, which seek comment and information on competition in the video programming market, are designed to assist the FCC with its annual Video Competition Report. In the annual Video Competition Report, the FCC reports on changes in the competitive environment. The *NOIs* seek information that will allow the FCC to evaluate the status of competition in the video marketplace, changes in the marketplace, prospects for new entrants, factors that have facilitated or impeded competition, and the effect these factors are having on consumers' access to video programming.

The *Supplemental NOI* solicits updated information and comment on the questions and issues raised in the 2007 *NOI*. Commenters are asked to provide data on video programming distributors, including: 1) cable systems; 2) direct-to-home satellite services, including direct broadcast satellite ("DBS") services and large home satellite dish ("C-Band") providers; 3) other wireline providers, including local exchange carriers ("LECs"), broadband service providers ("BSPs"), open video systems ("OVS"), and utility-operated systems; 4) over-the-air broadcast television stations; 5) other wireless service providers, including commercial mobile radio services ("CMRS") as well as wireless cable systems using frequencies in the broadband radio and educational broadband services; 6) private cable operators ("PCO" systems), also known as satellite master antenna television ("SMATV") systems; and 7) the Internet and Internet Protocol ("IP") networks.

Action by the Commission April 8, 2009 by *Notice of Inquiry* (FCC 09-32). Acting Chairman Copps, Commissioners Adelstein, and McDowell. Separate statements issued by Acting Chairman Copps, Commissioners Adelstein, and McDowell.

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