

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

Petition for Rulemaking to Amend the	)	
Commission's Rules to Promote Expanded Free	)	
Access to Local Broadcast Television Stations	)	RM - 11752
Via Over-the-Air Reception, Internet Streaming,	)	
Or Other Means	)	

**OPPOSITION OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

**August 14, 2015**

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## **SUMMARY**

Mediacom, a company that appears to make special effort to provide dismal customer service, has come to the Commission, hat in hand, asking yet again for the government's help to grow its already hefty bottom line. For a host of reasons, including the fact that its petition is based on a wholly false premise, the Commission should swiftly dismiss its plea. Instead of entertaining this self-serving petition, the Commission should look squarely at the anti-consumer behavior of Mediacom itself and consider how to finally help pay TV customers that have suffered far too long from high prices and deplorable customer service.

The petition can be dismissed on multiple grounds: (1) it is based on a demonstrably false presupposition; (2) it proposes a rule that would violate the Communications Act; and (3) it will do more to harm to the public interest than to promote it.

Mediacom's unsubstantiated and ridiculous premise that broadcasters -- after spending billions of dollars to upgrade their transmission facilities to digital -- are purposefully eroding their free over-the-air television service to gain leverage in retransmission consent negotiations can be thoroughly disproven, as this opposition does below. Further, the "remedy" that Mediacom proposes -- forced carriage of broadcast signals on pay TV systems -- both clearly violates Section 325(b) of the Communications Act and unnecessarily and unwisely intrudes into a balanced marketplace. Mediacom, hoping for a windfall from its proposal, makes absolutely no claim that it would pass any savings onto its customers, invest more money to upgrade its facilities or improve its customer service. Instead, Mediacom is asking the Commission to stuff more cash into its already stretched

pockets. The Commission should reject this latest attempt in Mediacom's clear "if we throw enough stuff against the wall, some of it will stick" approach at the FCC.

Finally, as shown below, Mediacom's customers are the ones that really need the Commission's help. Mediacom stands before the Commission with an unparalleled record of customer service futility. Consumer Reports yet again ranked Mediacom dead last for customer satisfaction among all pay TV providers, a group that collectively ranks lower than the airlines. A quick online search for Mediacom reviews reveals a daily-growing chorus of angry customers that have, for too long, been abused by a company that provides minimal service for maximum price. The Commission can and should do more to help these customers. Section 623 of the Communications Act provides the Commission clear authority (as may other provisions of Title VI and Title II of the Act) to promulgate rules guarding against predatory pay TV practices. We encourage the Commission to look past Mediacom's silly petition and ask what it can do to truly help ill-treated pay TV customers.

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**OPPOSITION OF THE  
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**I. INTRODUCTION**

The National Association of Broadcasters (NAB)<sup>1</sup> hereby submits this opposition to Mediacom's latest attempt<sup>2</sup> to use the Federal Communications Commission (FCC) to tip the scales of a free market negotiation in its favor. Mediacom's petition is filled with a litany of unsubstantiated assertions that have no basis in reality and should be quickly rejected by the Commission.

The Commission can dismiss Mediacom's petition on multiple grounds. First, the underlying premise of the petition is incorrect. Second, forced retransmission consent as proposed in the petition would directly violate Section 325 of the Communications Act. And third, coupled with its unsurprisingly contemporaneous retransmission consent impasse

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<sup>1</sup> The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

<sup>2</sup> Petition for Rulemaking of Mediacom Comm. Corp. (July 7, 2015), RM-11752 ("petition" or "Mediacom Petition"); Public Notice, Consumer & Governmental Affairs Bureau, Reference Information Center, Petition for Rulemaking Filed, Report No. 3024 (July 15, 2015).

(now resolved without government intervention), Mediacom's petition is little more than a cynical ploy to curry favorable governmental treatment to lower its costs and help its bottom line. The petition has absolutely nothing to do with the public interest and will not result in better, cheaper or more innovative television service for American consumers.

If the Commission truly wants to improve the plight of pay TV subscribers, then it should look squarely at the anti-consumer behavior of Mediacom itself. Multiple recent consumer surveys and studies put Mediacom dead last in consumer satisfaction among pay-TV providers<sup>3</sup> – a group that collectively has already distinguished itself with one of the worst, if not *the* worst, customer service records of any industry. Put another way, Mediacom is the worst of the worst. Instead of wasting time on Mediacom's ill-conceived petition, the Commission should consider whether to modernize its cable TV customer service rules, or whether it has other authority, under Title II or Title VI of the Communications Act, to help pay TV customers that, for too long, have had to suffer from deplorable and increasingly expensive service from companies like Mediacom.

## **II. MEDIACOM'S PETITION IS GROUNDED IN MULTIPLE UNSUPPORTED AND INACCURATE ASSERTIONS**

Mediacom's petition reads like a cable lobbyist's fever dream – filled with fantastic and unsubstantiated “facts” about broadcasters and their motivations. Their comical plea might as well have been delivered to the Commission on the back of a unicorn. The thrust of the petition – that broadcasters are purposefully eroding free over-the-air (OTA) television service to gain more leverage in retransmission consent negotiations – is nonsense. Even if

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<sup>3</sup> See, e.g., Daniel Frankel, “Mediacom wins race to bottom of customer service rankings for bundled services, edging TWC,” FierceCable.com (June 1, 2015) (citing a Consumer Reports consumer survey on telecommunications services that found “20 out of 24 pay-TV service providers had the lowest scores for value”).

Mediacom provided any evidence that broadcasters are motivated to decrease the reach and quality of OTA service – which they do not – there is a mountain of evidence proving otherwise.

Mediacom’s bald assertion that “the broadcast industry has not sought *in any material way* to expand the free availability of local television stations to in-market viewers”<sup>4</sup> is perhaps the most egregious claim in a petition filled with them, and it is, of course, completely unsubstantiated. Even though their entire argument rests on this premise, Mediacom could not muster even one shred of evidence showing that broadcasters, after investing billions of dollars to upgrade their transmission facilities for the DTV transition, have collectively determined that OTA service is no longer central to their business model.

The truth belies Mediacom’s fantasy. Since the DTV transition, broadcasters have aggressively made investments to expand and fill-in OTA service areas. For example, full-power broadcasters built more than 150 digital replacement translators, or DRTs, to “fill-in” certain loss areas that inevitably resulted from the transition to digital distribution.<sup>5</sup> In adopting new rules to allow for the licensing of DRTs, the Commission noted in 2009 that “some of these ‘loss’ areas are a result of unavoidable engineering changes that stations were required to implement in order to avoid interference or other problems on their post-transition digital channel.”<sup>6</sup> Many other broadcasters, especially those operating on VHF channels, asked for and received permission to increase their operating power to help

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<sup>4</sup> Mediacom Petition at 3 (emphasis added).

<sup>5</sup> See Report and Order, *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268 (rel. June 2, 2014), at ¶ 242.

<sup>6</sup> Report and Order, *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for the Replacement of Digital Low Power Television Translator Stations*, 24 FCC Rcd 5931, 5932 (2009).

resolve any reception issues.<sup>7</sup> And Mediacom completely ignores the massive network of thousands of TV translators latticed across the country that provide critical OTA service to mainly rural and mountainous communities. According to the FCC, more than 80 percent of those translators have been converted to support digital transmissions, again showing that broadcasters and their partners have invested significant capital to expand the reach of their free TV service.<sup>8</sup> Additionally, broadcasters are continuing to work with antenna providers to publicize free OTA service and give away thousands of free antennas to consumers across the country.<sup>9</sup>

If that's not enough, Mediacom also ignores the impact – and broadcast industry's reaction to – the OTA disruption that will result from the forthcoming incentive auction. First, station service areas, and any attempt broadcasters make to improve them, are effectively frozen by FCC order for the next few years as the Commission plans and conducts the auction and the subsequent repacking.<sup>10</sup> So even broadcasters that want to expand their OTA service areas cannot do so until long after the incentive auction is completed. Second,

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<sup>7</sup> See, e.g., Letter from Barbara Kreisman, Chief of the Video Division, Media Bureau, to ABC, Inc. and Freedom Broadcasting of New York Licensee, LLC, ref. no. 1800E3-JLB (March 16, 2011) (granting stations WPVI-TV and WRGB minor modifications to operate facilities that exceed the maximum power and antenna height to resolve VHF reception issues).

<sup>8</sup> Third Notice of Proposed Rulemaking, *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185 (rel. Oct. 10, 2014), at ¶ 6.

<sup>9</sup> See, e.g., John Eggerton, "Antenna Giveaway Comes to D.C.," *Broadcasting & Cable* (Nov. 18, 2014).

<sup>10</sup> See, e.g., "Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate," Public Notice, 28 FCC Rcd 4364 (rel. April 5, 2013) (finding that "the imposition of limits on the filing and processing of modification applications is now appropriate to facilitate analysis of repacking methodologies and to assure that the objectives of the broadcast television incentive auction are not frustrated"); see also, "Freeze on the Filing of Applications for Digital Replacement Translator Stations and Displacement Applications," Public Notice, DA 14-808 (rel. June 11, 2014).



as a result of the incentive auction, many broadcasters will be forced onto new channels within a smaller TV band that may have more interference constraints than exist today, a point which the Commission has acknowledged.<sup>11</sup> Finally, again contradicting Mediacom's unsubstantiated claim that broadcasters are no longer concerned about their OTA service, broadcasters mounted a serious, but ultimately unsuccessful, court challenge to the Commission's decision to alter its methodology for determining broadcaster coverage areas and population served for purposes of the incentive auction.<sup>12</sup> The entire thrust of the lawsuit was based on the Commission's "failure to preserve coverage area and population served [that would] likely lead to decreased viewership and revenue" for broadcasters.<sup>13</sup>

In sharp contrast to the petition's empty assertions, these collective facts disprove the central tenet of Mediacom's argument. They also show the fundamental unfairness of the proposed rule, which some broadcasters may not be able to follow and which would force broadcasters to surrender a congressionally-granted right - the right to control retransmission of their signal - as a condition of license renewal. Accordingly, the Commission should dismiss the petition.

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<sup>11</sup> Third Notice of Proposed Rulemaking, *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185 (rel. Oct. 10, 2014), at ¶ 30 (noting that "there may be some instances in which a station may not be able to fully replicate its pre-auction service area because, like some stations transitioning to digital during the DTV transition, it is unable to build its assigned channel at its current tower site as a result of technical or legal issues").

<sup>12</sup> *Nat'l Ass'n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015).

<sup>13</sup> See "Joint Opening Brief for Petitions National Association of Broadcasters and Sinclair Broadcasting Group, Inc." at 31, *Nat'l Ass'n of Broadcasters v. FCC*, No. 14-1154, (D.C. Cir. Nov. 7, 2014).

### III. **MEDIACOM'S PROPOSAL WOULD BE AN ILLEGAL AND ILL-ADVISED INTERJECTION INTO THE FREE MARKETPLACE BETWEEN BROADCASTERS AND PAY TV OPERATORS**

If the facts do not provide the Commission enough reason to dismiss Mediacom's frivolous petition, the applicable law certainly does. The Commission simply does not have the authority to force broadcasters to consent to carriage of their signals by cable operators. Furthermore, even if it could somehow defy statutory limitations, it should not interject itself into a balanced marketplace in a way that would provide no benefit to consumers and would serve only to fatten the already substantial profit margins of pay TV operators.

While NAB has made the argument in countless proceedings in the past, including to rebut a similar Mediacom petition last year,<sup>14</sup> it is worth repeating that Section 325 of the Communications Act prevents the Commission from adopting rules that would force broadcasters to grant carriage of their signals by cable operators after a retransmission consent agreement has expired. Specifically, Section 325(b) of the Communications Act unequivocally prohibits a cable system or other MVPD from retransmitting a television broadcast station's signal without the station's express consent. The Act plainly states that no MVPD "shall retransmit the signal of a broadcasting station" except "with the express authority of the originating station."<sup>15</sup> When interpreting statutory language, the Supreme Court has stated "[we] must presume that a legislature says in a statute what it means and means in a statute what it says there."<sup>16</sup> The language of the Act is unambiguous: MVPDs do

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<sup>14</sup> See Opposition of the National Association of Broadcasters to Petition for Rulemaking, RM-11728, at 9 (filed Sept. 29, 2014).

<sup>15</sup> 47 U.S.C. § 325(b)(1)(A). *Implementation of Satellite Home Viewer Improvement Act of 1999, Retransmission Consent Issues: Good Faith Negotiation and Exclusivity*, First Report and Order, 15 FCC Rcd 5445 at ¶60 (2000) (holding that Section 325(b) of the Act prevents a MVPD "from retransmitting a broadcaster's signal if it has not obtained express retransmission consent").

<sup>16</sup> *Connecticut Nat'l Bank v. Germain*, 503 U.S. 249, 253-54 (1992).

not have any rights to distribute a broadcast signal – even for an interim or short period of time – unless the broadcaster has provided consent to do so. Given this clear statutory directive, the FCC cannot step into the shoes of a broadcaster to grant a MVPD the right to retransmit a station’s signal over the broadcaster’s objections, as Mediacom’s proposal would have the Commission do.

Mediacom conveniently ignores the plain language of the statute and makes a tortured and ultimately futile attempt to diminish Section 325’s clear prohibition of forced carriage by citing carefully clipped quotes from an obscure 1992 Commission Order and Notice of Apparent Liability that concerns a challenge to the license renewals of several radio stations (a challenge the Commission denied).<sup>17</sup> The citation is nonsensical, having absolutely nothing to do with retransmission consent or OTA service. Although it is far from clear, Mediacom appears to be arguing that broadcasters’ “private interest” in its right to control retransmission of its signal somehow poses a “significant risk of serious harm” to the public, even though Congress itself granted broadcasters that right. The Commission, moreover, has previously stated that “serious harm” under this standard includes only gross misconduct like purposeful news distortion.<sup>18</sup> There is certainly no legal, nor logical, support for the proposition that forced carriage would somehow prevent “serious harm” to the public.

Mediacom’s more generalized argument that its proposal would advance the “public interest” is likewise unsupported by the law and built on a factual house of cards. If the

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<sup>17</sup> Mediacom Petition at 14-15 (citing *In re Applications of Certain Broadcast Stations Serving Communities in the State of Louisiana*, Memorandum Opinion and Order and Notice of Apparent Liability, 7 FCC Rcd 1503, 1507 (1992)).

<sup>18</sup> *In re Applications of Certain Broadcast Stations Serving Communities in the State of Louisiana*, Memorandum Opinion and Order and Notice of Apparent Liability, 7 FCC Rcd 1503, 1507 (1992).

Commission determines that a broadcaster is somehow failing in its obligation to provide a free over-the-air signal to its community, the FCC already has the power under existing rules to pursue enforcement action against that station. There is absolutely no reason – beyond a big giveaway to major cable operators – to link that concern, if such a concern might arise, to retransmission consent negotiations.

Further, Mediacom’s unsubstantiated claim that broadcasters are gaming the retransmission consent system by purposefully limiting the availability of their free signals to their communities is equally illogical. Local broadcast stations’ primary business is selling advertising.<sup>19</sup> Broadcasters, and local advertisers, are strongly motivated to ensure that broadcast signals reach as many eyeballs as possible. In fact, that’s the primary reason 99 percent of retransmission consent agreements are completed without an impasse that results in a signal becoming temporarily unavailable via an MVPD. It is also the reason, as detailed in the previous section, why broadcasters have made substantial efforts to ensure the strength and reach of their OTA signals.

To believe Mediacom’s assertions, one would have to believe that pay TV operators alone suffer financially when a station is not made available on a pay TV system. In fact, pay TV operators only suffer when subscribers jump to another service as a result of an impasse, which would likely take months and, due to suffocating contracts, can be very expensive for consumers. In contrast, broadcasters suffer immediately from loss of viewership and

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<sup>19</sup> According to a recent SNL Kagan report, advertising revenue accounted for 76 percent of the average broadcaster’s total revenue in 2014. See “The Economics of Broadcast TV Retransmission Consent Revenue: 2015 Edition” at 8, SNL Kagan (July 9, 2015) (noting also, at p. 21, that there were more publically announced retransmission consent deals in 2014 and fewer overall impasses compared to previous years).

advertising revenue, especially in markets where one MVPD dominates, as Mediacom does, for example, in the Des Moines, IA Designated Market Area.

Mediacom, uncharacteristically recognizing the plight of its customers, correctly if somewhat surprisingly, notes that it is “neither cheap nor easy” for pay TV customers to switch to another service.<sup>20</sup> The biggest reason for this is, of course, the pay TV operators themselves. Onerous early termination fees (ETFs), for example, make the prospect of switching to another provider cost prohibitive for many pay TV subscribers, to say nothing of the cost of new installation or the cost of renting or buying new equipment needed to access the service. Mediacom’s ETF, for example, is \$240 for a two or three year contract.<sup>21</sup> Even moving to another community where Mediacom does not offer service does not relieve customers of having to pay the draconian ETF.<sup>22</sup>

Wiped clean of its false “public interest” patina, Mediacom’s petition is revealed for what it really is – a cynical and transparent ploy by a successful pay TV operator to use the government to artificially lower its costs of doing business. Mediacom even contradicts itself on this point. On the one hand it argues that its proposal would “not ‘dictat[e] the outcome” of retransmission consent negotiations.<sup>23</sup> But on the other, it concedes that the proposal

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<sup>20</sup> Mediacom Petition at 10.

<sup>21</sup> See Mediacom’s “SERVICE COMMITMENT AGREEMENT,” available at: [https://mediacomcable.com/site/legal.html?page=legal\\_promotional\\_text.html](https://mediacomcable.com/site/legal.html?page=legal_promotional_text.html) (“**Early Termination Fees.** If you terminate this Commitment Agreement by cancelling any Service or all of the Services or if the Services are terminated based on non-payment or other cause before the end of the Term, you agree to pay Mediacom an early termination fee (“Early Termination Fee” or “ETF”) of up to \$240.00 for two and three year agreements [and] up to \$120 for one-year agreements.”)

<sup>22</sup> *Id.* (“**Relocation ETF.** If you relocate to an area where Mediacom does not serve or does not offer the Services, then this Commitment Agreement may be cancelled *and you will be charged an ETF.* If you relocate within an area where Mediacom provides the Services this Commitment Agreement remains in effect and you may be charged a transfer fee, not to exceed \$29, in addition to any other installation or other related charges at the new location.”) (emphasis added).

<sup>23</sup> Mediacom Petition at 15.

could have a “moderating effect” on retransmission consent fees.<sup>24</sup> Of course, Mediacom offers zero guarantee that the cost savings it would reap from this rule change would be passed to the consumer and not used to fatten its already substantial bottom line.<sup>25</sup> The Commission should see past this ploy and quickly dismiss Mediacom’s petition.

**IV. TO TRULY HELP PAY TV CONSUMERS, THE COMMISSION SHOULD STUDY MEDIACOM’S ANTI-CONSUMER BEHAVIOR AND CONSIDER WHETHER MODERNIZED CUSTOMER SERVICE RULES COULD HELP ALLEVIATE THE PLIGHT OF PAY TV CUSTOMERS**

According to a host of sources, Mediacom is a company that shows little regard for its customers – making this petition purportedly filed on behalf of consumers all that more ridiculous. A quick Internet search for “Mediacom Customer Service” reveals a treasure trove of complaints from frustrated consumers that feel trapped, belittled and generally ignored by the Mediacom machine. And the complaints come almost daily. On the website ConsumerAffairs.com, for example, Mediacom customers provided 24 detailed comments about Mediacom’s service in the month of July alone, a remarkably high number for a mid-sized cable company.<sup>26</sup> Every single one of those commenters gave Mediacom the lowest possible score for customer service (1 out of 5 stars).

Many of the complaints detail not just one instance of a customer service issue with Mediacom, but a clear pattern of consumer abuse. On July 29, for example, “Chase of Valdosta, GA,” noted that “Mediacom specifically places themselves in regions where Internet providers are limited so their poor services and customer service don't [sic] matter

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<sup>24</sup> *Id.* at 11.

<sup>25</sup> According to SNL Kagan, in 2014 Mediacom enjoyed cash flow margins of 39.4 percent and revenues of \$1,660,000,000. See Tony Lenoir, “Cable posts 5<sup>th</sup> consecutive year of mid-single digit revenue growth in 2014,” SNL Kagan (Mar. 24, 2015).

<sup>26</sup> ConsumerAffairs.com, available at: [http://www.consumeraffairs.com/cable\\_tv/mediacom.html](http://www.consumeraffairs.com/cable_tv/mediacom.html).

... You can ask any citizen what they think about Mediacom and I promise you they will have quite a bit to say and none of it will be good.”<sup>27</sup> “Tiger of Lillian, AL” said on July 20 that Mediacom’s “prices went up and up and it got harder and harder to get anyone to come out and fix any problems.”<sup>28</sup> “Mallory of West Des Moines, IA” on July 15 called Mediacom’s customer service a “nightmare.” She described spotty Internet service – outages once or twice a month that would last days – and bills that would “magically creep up by a few dollars with no breakdown or explanation.”<sup>29</sup> “Kyle of Daphne, AL” said plainly on July 8: “Just do yourself a favor and DO NOT get Mediacom.”<sup>30</sup>

On CustomerServiceScoreboard.com, another website that tracks consumer feedback, Mediacom scored 26.35 out of a possible 200 points, according to the website’s calculations, which rates their customer service and customer support as “Terrible,” the lowest possible score, below disappointing, acceptable, satisfying and excellent.<sup>31</sup> According to the site, 634 Mediacom customers have provided specific comments about Mediacom and a whopping 614 of those comments were negative compared to only 20 positive reviews.

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> CustomerServiceScoreboard.com, Mediacom specific page available at: <http://www.customerservicescoreboard.com/Mediacom>.

**NEGATIVE Comments**

614 Negative Comments out of 634 Total Comments is 96.85%.

**POSITIVE Comments**

20 Positive Comments out of 634 Total Comments is 3.15%.

**Out of 10**

Issue Resolution	Reachability	Cancellation	Friendliness	Product Knowledge
16	25	20	32	24

**Overall Rating** (out of 200 possible)

Terrible Disappointing Acceptable Satisfying Excellent

standards, Mediacom’s online reviews are extraordinarily low. Additionally, nationally recognized and respected organizations like Consumer Reports, whose recently completed survey of telecom services rated Mediacom dead last among all pay TV providers, notes that “[a]long with death and taxes, lousy cable service seems to be one of life’s certainties.”<sup>32</sup>

<sup>32</sup> See “Cable-TV and Internet subscribers remain unhappy customers, new Consumer Reports survey says,” Consumer Reports (May 29, 2015), available at: <http://www.consumerreports.org/cro/news/2015/05/cable-tv-customer-dissatisfaction/index.htm>.

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have not been updated since 1993.<sup>34</sup> The Commission should strongly consider a new proceeding to modernize and expand those rules to account for the many new and creative ways the cable industry has found to marginalize its customers.<sup>35</sup> The Commission may also consider whether it has additional authority under Title VI, or even new authority under Title II in light of its reclassification of broadband services, to institute updated rules that provide for the pay TV industry's rise as all-in-one telecommunications providers.

While local franchise authorities bear the responsibility of enforcing cable customer service rules on the local level, the Commission has reserved the right to enforce standards in the event of “systemic abuses that undermine statutory objectives.”<sup>36</sup> After a decade of mega-mergers that have seen pay TV operators grow from small regional companies into nationwide behemoths, piecemeal enforcement of customer service standards at the local level no longer provides enough protection against cable and other pay TV operators that have steadily increased their grip on consumers and their pocketbooks through the combination of TV, Internet and phone services. If the abundance of complaints against companies like Mediacom are any indication, the Commission should, after 22 years of silence, finally come to the aid of the American consumer.

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<sup>34</sup> *Implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992*, Report and Order, 8 FCC Rcd 2892 (1993) (“Cable Customer Service Rules Order”).

<sup>35</sup> The Commission has clear authority under Section 632 to expand its customer service standards for the cable industry. See 47 U.S.C. § 552(b) (stating that these “standards shall include, at a *minimum*,” the listed requirements) (emphasis added).

<sup>36</sup> *Id.* at ¶ 19 (“[W]e conclude that the customer service standards we adopt today should be enforced by local franchise authorities. However, consistent with our overall obligation to effectuate the reforms mandated by the 1992 Cable Act, we retain the authority to address, as necessary, systemic abuses that undermine the statutory objectives.”).

## V. CONCLUSION

Mediacom's self-serving petition is nothing more than a ploy to use governmental intervention to lower its costs and fatten its bottom line. The Commission can reject this vacuous appeal on multiple grounds. The proposal contained within is illegal, based on a demonstrably false premise and is far more likely to harm the public interest than promote it. Accordingly, the Commission should summarily dismiss the petition.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

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A handwritten signature in dark ink, appearing to read 'Rick Kaplan', with a long horizontal line extending to the right.

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Rick Kaplan  
Jerianne Timmerman  
Erin Dozier  
Scott Goodwin

August 14, 2015

## CERTIFICATE OF SERVICE

I, Scott Goodwin, Associate General Counsel of the National Association of Broadcasters, certify that on this 14<sup>th</sup> day of August, 2015, a copy of the foregoing Opposition was sent by first-class U.S. mail, postage prepaid to the following:

Seth A. Davidson  
Mintz Levin Cohn Ferris Glovsky and Popeo PC  
701 Pennsylvania Ave. NW  
Washington, DC 20004

A handwritten signature in black ink, appearing to read "Scott Goodwin", written in a cursive style.

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Scott Goodwin