

Hockey League and the Commissioner of Baseball (BROADCASTING, Sept. 1), faulted the rule for not providing adequate protection to cover the entire market from which a game draws its audience. The National Association of Broadcasters, Kaiser Broadcasting Co. and ABC echoed similar misgivings and were especially concerned with cable siphoning from UHF stations.

The commission did make several refinements to the so-called "same-game rule" however. Cable systems will not be permitted to carry a substitute signal in cases where the normally carried station is blacked out because of the sports rule. Before they had to leave that channel black.

The notification process by which sports teams alert cable operators of blacked-out games has also been changed. Previously, the sports team had to notify cable operators as to which stations were carrying the game. Since that determination was sometimes made at the last minute, depending on whether or not a game was sold out, proper notification was not always possible. Now, a team need only alert a cable operator to the team's schedule of home games. The change was intended to circumvent situations similar to the one that occurred last month in the Buffalo, N.Y., area, where a cable system brought in a blacked-out game to hometown subscribers (BROADCASTING, Oct. 27).

## Cable presses for tiered regulation in comments in definition proceeding

Comments on the FCC's rulemaking on the definition of a cable system continued to arrive at the FCC last week, and in them, cable operators, as in earlier filings (BROADCASTING, Nov. 3), continued to make use of the occasion to ask for looser regulation of CATV.

Various cable operators including: Central New York Cable TV, the Florida Cable TV Association and Booth American Co. urged the commission to adopt a headend formula for counting cable systems. The present rules, which are based on a "separate but distinct community" definition, keep cable out of underpopulated areas, contended Central New York Cable TV. Such areas cannot support a new system headend on their own and older systems often are not allowed to extend into new areas, the company claimed.

Several proposals were advanced by cable groups that would establish different regulatory categories of systems with correspondingly different levels of FCC rule responsibilities. Systems with less than 1,000 subscribers would be totally exempt from the FCC's cable jurisdiction; systems with between 1,000 and 3,500 subscribers would be held to less stringent requirements (that would include the elimination of nonduplication requirements) and

larger systems would be regulated under the current framework.

When a system grows from one class to another, said the Arizona Cable Television Association, the FCC should allow "considerable time" to comply with the more stringent regulations of the larger system class.

Cox Cable Communications, Sammons Communications, Televents Inc. and others in a joint filing urged the FCC to adopt a six-tier classification. Categories would range from 20-channel broadband systems to 12-channel reception-only systems to those with less than 250 subscribers, which would be exempt from all FCC rules. The graduated categories

would correspond with different levels of rule requirements and be based on a cable system's size and function.

Gill Cable Inc., with systems in San Jose and Campbell, Calif., was opposed to any exemptions that would impair the ability of systems in major markets to compete on a fair basis with small systems that might be exempt from any FCC restrictions. If the commission allows non-regulated cable systems that are improperly constructed to spring up, said Gill, it might cause serious injury to CATV systems that have fulfilled or exceeded FCC requirements.

Citizens for Cable Awareness in Pennsylvania and the Philadelphia Community

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