

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

In the Matter of)	
)	
Annual Assessment of the Status of)	MB Docket No. 06-189
Competition in the Market for the)	
Delivery of Video Programming)	

**REPLY COMMENTS
of the
ORGANIZATION FOR THE PROMOTION AND
ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES**

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SUMMARY

Small carriers continue to expand video offerings to consumers, often using innovative new technologies to do so. This not only provides the advantages of competitive choices to video customers, but also spurs further deployment of broadband services, especially in rural areas. In a recent survey of independent carriers, 73 percent of respondents reported providing video using digital subscriber line or fiber technology.

Yet significant barriers to entry into the video market by rural carriers remain, and continue to impede the Commission's goals of increased video competition and more widespread broadband deployment. Restricted access to programming content at affordable rates and under reasonable conditions hinders rural carriers' ability to provide video services.

The retransmission consent regime and the practice of tying arrangements, also known as forced carriage, also impedes rural carriers' abilities to provide video. Mandatory non-disclosure terms skew the competitive marketplace, and small carriers using economical shared head-ends are facing potential restrictions or even loss of access to content. Predatory pricing by large cable providers further discourages market entry by rural carriers.

There are specific actions the Commission can take in order to alleviate a number of the obstacles faced by small carriers. The Commission should:

- Extend the prohibition against exclusive contracts for programming;
- Grant the American Cable Association's petition on retransmission consent, and adopt suggested rule changes;
- Examine the impacts of forced carriage on video competition, and recognize that such tying constitutes an unfair trade practice that hinders the provision of video services;

- Liberalize discovery rules to provide carriers with the ability to demonstrate unfair practices;
- Clarify that the use of shared head-ends cannot be used as an excuse to deny access to content nor impose unwarranted and burdensome financial or technological obligations; and
- Re-examine the interpretation of “effective competition” to reduce abusive predatory pricing practices.

By taking these steps, the Commission will provide at least a measure of relief to small carriers that are attempting to provide, or are considering providing, competitive video services, which also spur additional broadband deployment in rural areas.

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ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES**

I. INTRODUCTION

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) hereby submits these reply comments in the above-captioned proceeding.¹ OPASTCO is a national trade association representing over 550 small telecommunications carriers serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve over 3.5 million customers. All OPASTCO members are rural telephone companies as defined in 47 U.S.C. §153(37).

Video services are an increasingly important part of OPASTCO members' service offerings. Half of OPASTCO's members operate small cable television companies in their rural service areas. Often these communities are not lucrative enough to attract larger providers. Other OPASTCO members offer video services via digital subscriber

¹*Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 06-189, Notice of Inquiry, 21 FCC Rcd 12229 (2006) (NOI).

line (DSL) technology in their service area, and/or in neighboring territories where they have overbuilt facilities in order to provide superior service to consumers. Also, some OPASTCO members provide video satellite services, while an increasing number have deployed fiber-to-the-home (FTTH) in an effort to offer an array of high-speed and advanced voice, video, and data services to consumers.

However, access to necessary video content at reasonable rates and under reasonable terms continues to pose a challenge to rural local exchange carriers (LECs) wishing to provide video services. This, in turn, impedes the ability of these carriers to further extend broadband services to more consumers.²

II. SMALL CARRIERS CONTINUE TO EXPAND VIDEO OFFERINGS, OFTEN USING INNOVATIVE NEW TECHNOLOGIES

The NOI seeks general data regarding the video market,³ including information on small, rural LECs that serve as multichannel video programming distributors (MVPDs).⁴ In order to provide the Commission with recent data regarding the status of rural LECs' video efforts, OPASTCO conducted a joint survey with Viodi LLC, a firm that specializes in video content acquisition and marketing for rural telephone companies.⁵ The results demonstrate that despite significant obstacles, a growing number of rural LECs, either directly or through affiliates and/or subsidiaries, are becoming MVPDs using newer technologies.

² OPASTCO was gratified by Chairman's Martin's recent remarks that echoed a point OPASTCO has made for several years when he stated that the "ability to deploy broadband networks rapidly and the ability to offer video to consumers are linked intrinsically." Chairman Martin's remarks to the Phoenix Center, Dec. 6, 2006, available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-268845A1.doc.

³ NOI, 21 FCC Rcd 12231, ¶ 4.

⁴ *Id.*, 21 FCC Rcd 12237-12238, 12246-12248, ¶¶ 21, 49, 51-53.

⁵ A survey was sent to 705 rural incumbent LECs, including both members and non-members of

While approximately 47 percent of respondents indicated that they provide video via traditional coaxial cable, 73 percent of respondents reported providing video using DSL or FTTH. This is up from 65 percent a year ago,⁶ indicating that rural carriers continue to invest in robust networks capable of delivering high-bandwidth advanced services, such as video, to consumers.⁷ While 30 percent of respondents do not provide video currently, only 15 percent indicated that they do not expect to provide video within the next 18 months. The majority of respondents (52 percent) indicated that they offer a discount on their video services when bundled with high-speed Internet access services.

The survey also revealed the following:

HOMES PASSED – Respondents’ video services pass an average of 5,171 homes. On a company-by-company basis, the range is wide, from as few as 200 homes to as many as 24,000, with a median of 3,100.

SUBSCRIBERS – On average, respondents serve 2,403 video customers. Again, the range is significant, from as few as zero customers (for those just launching) to as many as 15,000, with a median of 1,250.

FRANCHISE or OPEN VIDEO SYSTEM (OVS) – Sixty-eight percent of respondents reported providing video under a franchise from local authorities. Less than three percent indicated they did so under OVS provisions.⁸

OPASTCO. Seventy-three companies replied, for a response rate of over 10 percent.

⁶ OPASTCO reply comments in MB Docket No. 05-255, (fil. Oct. 11, 2005), p. 3.

⁷ The survey asked respondents to identify the specific technology they use to provide video services. The results were as follows: Coaxial cable/Hybrid Fiber Coax – 46.58%; ADSL (Internet Protocol (IP)) – 24.66%; VDSL (IP) – 1.37%; ADSL (Asynchronous Transfer Mode (ATM)) – 9.59%; VDSL (ATM) – 6.85%; FTTH (Radio Frequency (RF)) – 12.33%; FTTH (IP) – 17.81%; Terrestrial Wireless (Multichannel Multipoint Distribution Service (MMDS)) – 1.37%.

⁸ The remaining balance of survey respondents did not reply to this question.

DIFFICULTY OBTAINING FRANCHISES – Significantly, respondents that serve as MVPDs in multiple jurisdictions, or in areas where they face competition from large cable companies, reported major roadblocks to obtaining franchises from local authorities. Resistance from incumbents and high fees from localities were prevalent in these cases.⁹ While these carriers represented only seven percent of the respondents to the survey, their experience stands in stark contrast to those respondents that act as the sole MVPD in their local community. Almost none of these respondents reported any trouble obtaining a franchise.

COMPETITION – Approximately half of the respondents (49 percent) indicated that their video service faces competition from a cable operator; 12 percent reported competition from another telephone company; over 67 percent compete against Direct Broadcast Satellite carriers; and just under three percent face competition from an overbuilder. Only one percent reported no effective competition.

LOCAL CONTENT – Over 80 percent of respondents produced some sort of local content, often using more than one medium.¹⁰ Ten percent use their own studio to create local content, while 38 percent work with schools and other community institutions to do so. Forty-four percent provide a community bulletin board, and 16 percent display local content on their web site. Less than 20 percent reported providing no local content.

⁹ OPASTCO supports measured steps to streamline the franchising process. OPASTCO reply comments in MB Docket No. 05-311 (fil. Mar. 28, 2006).

¹⁰ It is notable that a number of rural LECs are striving to better serve their local community through the production and facilitation of original video content. Viodi, LLC has produced successful workshops specifically for rural LECs to learn various ways to create content that is relevant to their communities. The content produced includes biographies of local luminaries, documentaries of local historical interest, political debates, children's programming, home and auto repair, school sporting events, concerts and information on local school activities.

III. SIGNIFICANT BARRIERS TO ENTRY INTO THE MVPD MARKET BY RURAL LECS REMAIN AND CONTINUE TO IMPEDE THE COMMISSION'S GOALS OF INCREASED VIDEO COMPETITION AND MORE WIDESPREAD BROADBAND DEPLOYMENT

The NOI inquires about “barriers to entry into smaller and rural video markets.”¹¹

The same factors that make providing voice and data services more difficult in rural areas apply to video as well, notably sparse, widely disbursed populations and the lack of economies of scale.¹²

More specifically, there are several factors particular to the video market that pose significant impediments to rural carriers trying to serve as MVPDs. Most have been addressed by commenters in this proceeding. They include access to programming content; retransmission consent and tying unwanted channels to the programming demanded by consumers (aka “forced carriage”); mandatory non-disclosure provisions; concerns regarding the use of shared head-ends; and predatory pricing by large cable companies.

A. Restricted Access to Programming Content at Affordable Rates and Under Reasonable Conditions Hinders Rural LECs’ Ability to Provide Video Services

A plurality of respondents to OPASTCO’s survey (42 percent), indicated that the lack of access to content at affordable rates and under reasonable conditions was the largest impediment to entry into the MVPD market. The difficulty of developing a workable business model was a close second at 40 percent. Notably, these two impediments are inexorably intertwined. Respondents often stated that the business

¹¹ NOI, 21 FCC Rcd 12247, ¶ 51.

¹² Demographic factors, such as higher customer age levels and income levels that are lower than the national average may also be factors in some rural markets. See Pew Internet & American Life Project, “Rural Areas and the Internet” (rel. Feb. 17, 2004), available at <http://www.pewinternet.org/reports/toc.asp?Report=112>.

model was so difficult largely because of the cost of access to programming. These challenges have been longstanding and pose a serious threat to the ability of rural LECs to expand video services to more consumers.

The initial comments of other parties in this proceeding thoroughly illustrate the issues rural carriers face with regard to access to content.¹³ For example, NTCA's members' experiences mirror OPASTCO's members' experiences:

The most commonly cited difficulties faced by carriers providing video in rural areas are the practices and charges of program distributors. In order to provide a video service, carriers must rely on program distributors for content. However, there is an unequal bargaining relationship which leads to some distributors charging outrageous prices and demanding unreasonable contractual terms.¹⁴

BSPs also illustrated situations faced by many rural carriers that have entered, or are considering entering, the MVPD market:

In many cases, [Broadband Service Providers (BSPs)] are dependent on program suppliers that are either partially or fully owned by the incumbent cable operators with which BSPs compete for customers. In these circumstances, suppliers face incentives to discriminate against BSPs and other non-cable competitors with respect to providing fair and equal access to programming and content.¹⁵

As time goes on, the extent of the problem has worsened, especially with regard to content owned by large companies. As AT&T states:

Indeed, if anything, the growing prospect of wireline video entry has exacerbated and entrenched the cable incumbents' incentives to restrict access to "must have" programming.¹⁶

¹³ AT&T Inc. (AT&T), p. 2; Broadband Service Providers (BSPs), pp. 11-14; Coalition for Retransmission Consent Reform, pp. 13-15; EchoStar Satellite L.L.C. (EchoStar), pp. 9-14; National Telecommunications Cooperative Association (NTCA), pp. 2-17; PVT Networks, Inc. (PVT), pp. 2-4; United States Telecom Association (USTelecom), pp. 19-21; Verizon, pp. 29-30.

¹⁴ NTCA, p. 10.

¹⁵ BSPs, p. 11.

¹⁶ AT&T, p. 14.

USTelecom expands upon this theme:

[C]able providers face growing incentives to prevent these prospective competitors from gaining access to “must have” programming, and the lack of access to attractive programming is becoming a critical problem facing telcos seeking to enter video markets.¹⁷

In addition, some commenters noted that in 2002, the Commission wisely extended the prohibition against exclusive contracts for satellite cable programming or satellite broadcast programming between vertically integrated programming vendors and cable operators.¹⁸ These commenters correctly suggest that because such exclusive contracts impede the ability of new entrants to provide video services to consumers, the Commission should take expeditious steps to again exercise its authority under section 628(c)(5) of the Communications Act of 1934 to extend this prohibition, which would otherwise expire in 2007.

BSPs also discusses problems related to terrestrial distribution, which limits terrestrial providers’ access to certain content from vertically integrated companies.¹⁹

BSPs stated:

Terrestrial distribution, however, has emerged as an alternative to satellite-based distribution...where programming such as local sports and news content, which has grown in importance, is delivered on terrestrial networks to the clustered communities. Terrestrial delivery can be justified on the basis of both economic and technical performance. However, the commission’s current interpretation, that excludes protection for terrestrial distribution, eliminates the application of current program access rules. Moreover, Section 628 also has no application to any form of IP technologies used to deliver video or other content to PCs, TVs or other end use devices. While the program access provisions have been effective they obviously need to be expanded if the Commission’s

¹⁷ USTelecom, p. 19.

¹⁸ BSPs, p. 12; USTelecom, p. 21.

¹⁹ BSPs noted legislative efforts, which OPASTCO supports, to close the “terrestrial loophole,” especially as it regards marquee sports programming, in order to spur video competition. BSPs, p. 13.

stated objective of eliminating barriers to market entry is to be more fully achieved.²⁰

OPASTCO supported the 2002 extension of the prohibition against exclusive contracts for programming.²¹ The same barriers to programming access that existed at the time still apply today. Therefore, in the interest of promoting additional competitive entry into the video market, the Commission should extend the prohibition against exclusive contracts.

Further, some rural MVPDs report that major content providers deny permission to route content over fiber networks that were jointly established by rural carriers in order to provide rural consumers with access to robust, high-capacity infrastructure. In one case, rather than route video signals over a secure and economical fiber route, a programmer presented a rural carrier with a choice between foregoing its content altogether, or paying over \$75,000 in up-front costs to install a satellite dish dedicated to this particular programmer's content, plus another \$20,000 for encrypting equipment. Ongoing maintenance costs and additional, higher satellite transport fees must also be borne by the rural MVPD and its customers.²² The Commission should discourage this kind of impediment to the provision of video services to customers.

B. The Retransmission Consent Regime and the Practice of Tying Arrangements, Also Known as Forced Carriage, Impedes Rural LEC Entry Into the MVPD Market

Another major impediment to the availability of programming content at

²⁰ BSPs, p. 12.

²¹ OPASTCO reply comments in CS Docket No. 01-290 (fil. Jan. 7, 2002).

²² Separately, this rural LEC also reports that it provides IPTV services to a market where Hispanic programming is in very high demand; yet the main national Spanish-language channels do not permit distribution via IP due to security concerns. This is despite the fact that content is encrypted from the head-end to the customer set top box, and is thus more secure than analog cable systems. *See also* NTCA's discussion of discrimination against carriers using IP transport. NTCA, p. 14.

affordable rates and under reasonable conditions is the current retransmission consent regime. Originally designed to protect local broadcasters, changes in the broadcasting industry since the rules were implemented have led to the unanticipated result of impeding market entry by new MVPDs. NTCA supplied several examples of higher fees faced by rural carriers, and noted that the American Cable Association (ACA) projects that under current rules, the next cycle of retransmission consent agreements will find rural cable and IPTV providers facing rate increases amounting to more than \$860 million as broadcasters use their market power to extract higher fees from small providers.²³

EchoStar accurately explained that the negative impacts of retransmission consent fall most heavily upon consumers, as they “are forced to choose between paying for additional programming they do not want, or foregoing the programming they do want.”²⁴ PVT Networks, Inc. (PVT) points out the pervasiveness of the problem:

[V]irtually all network affiliates and independent commercial stations with attractive programming and significant audiences... are demanding increasingly greater and more onerous consideration for the rights to carry their signals.²⁵

PVT further notes that “[r]etransmission consent inequities are even more pronounced with respect to rural cable operators...” because rural consumers usually constitute only a very small portion of broadcasters’ audiences.²⁶ Therefore, broadcasters can demand disproportionately high payments for content, knowing that if their demands are not met, they stand to lose only a small part of their audience.

²³ NTCA, pp. 2-8 (citations omitted).

²⁴ EchoStar, p. 11.

The problem, however, goes beyond higher fees, and includes the practice of tying of unwanted programming with content that is in high demand, otherwise known as “forced carriage.” The Coalition for Retransmission Consent Reform describes the situation accurately:

By threatening to withdraw “must-have” local broadcast programming, the broadcast conglomerates have used retransmission consent to launch new programming networks and to obtain higher license fees and broader distribution for those networks, thereby making them the dominant force in MVPD programming. The use of retransmission consent to launch -- and grow distribution of and fees for -- broadcaster-owned channels has been a major factor in shaping the price and composition of the package, resulting in consumers paying higher prices than they otherwise would for cable television service.²⁷

Forced carriage not only raises end-user prices, but also reduces customers’ choice of programming packages. By forcing small providers to carry unwanted programming on certain tiers, programmers prevent MVPDs from crafting tiers that are aligned with consumer demand. Small MVPDs should have more flexibility to offer programming packages that are more affordable and meet the needs of their customers. Such flexible tiering would provide a reasonable middle ground between the current situation and mandatory a la carté, which many small carriers could not provide due to technical limitations. However, those providers who wish to conduct marketplace experiments with a la carte should be permitted to do so.²⁸

In order to address the problems outlined above, the Coalition for Retransmission Consent Reform suggests that the “Commission should look closely at the impact on consumers and cable prices of continuing to afford broadcasters government-granted

²⁵ PVT, p. 2.

²⁶ *Id.*, p. 3.

²⁷ Coalition for Retransmission Consent Reform, pp. 2-6.

²⁸ OPASTCO Reply Comments in MB Docket No. 04-207 (fil. Aug. 13, 2004), p. 3.

negotiating advantages that are unavailable to all other programmers competing in the video marketplace.²⁹ EchoStar offers a more specific approach:

[T]he Commission should recognize that tying unpopular programming to must-have programming constitutes a *per se* unfair practice that has the effect of significantly hindering an MVPD from providing programming to consumers within the meaning of the program access rules.... Because must-have programming confers market power, the same result should hold *a fortiori* under the prohibition on unfair practices under the program access rules... the Commission should scrutinize closely any programmer's efforts to [tie its programming in a way that] prevents MVPDS from economically including individual networks in themed tiers. [Current tying] constitutes an unfair practice that significantly hampers competition.... The Commission should further revisit whether its program access and retransmission consent rules provide proper incentives for parties to reach private settlements and ensure prompt resolution of disputes.³⁰

EchoStar goes on to add that the Commission should revisit the adequacy of its dispute resolution process, noting that “pursuing a program access complaint at the Commission is not currently a speedy or efficient remedy.”³¹

In addition to the Coalition for Retransmission Consent Reform's and EchoStar's suggestions, the Commission should grant ACA's petition on retransmission consent.³² OPASTCO has supported this petition from the outset,³³ as it would allow small providers to bargain with alternative stations in nearby markets in order to obtain similar content. This would inject a degree of competition into the market for content, which

²⁹ Coalition for Retransmission Consent Reform, p. 4.

³⁰ EchoStar, pp. 12-13 (citations omitted).

³¹ *Id.*, p. 13.

³² *Petition of the American Cable Association for Rulemaking to Amend 47 C.F.R. §§ 76.64, 76.93, and 76.103; Retransmission Consent, Network Non-Duplication, and Syndicated Exclusivity*, MB Docket No. _____ RM No. 11203 (fil. Mar. 2, 2005) (ACA petition).

³³ OPASTCO reply comments in RM No. 11203 (fil. Apr. 18, 2005).

should help to reduce broadcasters' stranglehold over the prices charged for programming.³⁴

C. Mandatory Non-Disclosure Terms Skew the Competitive Marketplace

Contracts negotiated between content providers and MVPDs typically include mandatory non-disclosure agreements. Therefore, it is virtually impossible for rural providers to get a sense of the true market value of the programming they are purchasing. If rural carriers, who already face higher per-customer costs due to sparsely populated service areas, must pay more for programming than their larger counterparts, they will experience increased difficulty in crafting a viable business model for providing video services.

The terms of contracts for programming between content providers and MVPDs should be available to the Commission during the course of a dispute resolution process. Furthermore, EchoStar recommends that the Commission liberalize "its discovery rules to provide MVPDs with the necessary tools to demonstrate unfair and discriminatory practices."³⁵ EchoStar also sensibly advocates that the Commission grant leave for discovery proceedings in the event of a dispute; otherwise, "the victim MVPD may not be able to fully articulate the mechanism used, and therefore may not be able to effectively prosecute its complaint against the alleged violator."³⁶

D. MVPDs Using Economical Shared Head-Ends Are Facing Potential Restrictions or Even Loss of Access to Content

Sharing expensive head-end facilities is an economical way for rural LECs to provide video services to consumers. However, as NTCA points out, some rural MVPDs

³⁴ NTCA offers cogent rules to implement this proposal. NTCA, 6-7.

³⁵ EchoStar, p. 13.

utilizing shared head-ends are becoming concerned that content providers may impose more restrictions on multiple entities sharing the same head-end, or might possibly deny access to their content entirely.³⁷ While content providers have a right to compensation and reasonable assurances regarding the security of their material, rural carriers utilizing shared head-ends should not face disproportionately onerous technical or financial requirements in order to make use of this economically viable option. The Commission should make clear that small MVPDs which properly use shared head-ends should not be denied access to content, nor subject to any unwarranted financial or technical burdens by content providers.

E. Predatory Pricing By Large Cable Providers Discourages Entry By Rural MVPDs

As noted in Section II above, half of the rural MVPDs responding to the OPASTCO/Viodi survey indicated that they face competition from traditional cable companies. Many of these small providers may be vulnerable to predatory pricing, where large companies offer services at steep discounts – albeit for limited times, and only in locations where competitive entry has happened or is imminent – in order to price smaller MVPDs out of the market. Clearly such predatory pricing makes it exceedingly difficult for a small provider to stay in business and dissuades rural LECs from offering video services to more consumers.³⁸

NTCA explains how such predatory pricing would appear to violate the Cable Television and Consumer Protection Act of 1992, but for the Commission’s interpretation of a provision of the 1996 Telecommunications Act that provides an

³⁶ *Id.*, p. 14.

³⁷ NTCA, pp. 9-10.

“effective competition” exemption.³⁹ As NTCA correctly states:

Under the FCC’s interpretation... “effective competition” can be found even where the competitor has a minimal number of subscribers and where the vast majority of customers in a given area have no competitive alternative at all. Effective video competition will not be realized until this legal loophole is closed, preventing large, incumbent cable providers from engaging in practices intended to drive all competition from the market.⁴⁰

In order to remove this barrier to competitive entry into the video market by small LECs, and therefore further encourage the investment necessary to increase the deployment of broadband networks in rural areas, the Commission should re-evaluate the meaning of “effective competition” as it relates to rural LEC entry into the video market and become vigilant against predatory pricing.

IV. CONCLUSION

The record in this proceeding clearly demonstrates that, where possible, rural LECs are actively engaged in deploying telecommunications networks advanced enough for even the most bandwidth-intensive applications, notably video. The entry of rural LECs into the video market leads to more consumer choice and furthers the deployment of broadband, advancing two key policy goals of the Commission.

However, these efforts are restricted by a daunting business model that is largely the result of the excessive prices and onerous conditions demanded by programmers. Practices such as forced carriage of unwanted programming, forced inclusion of programming in certain tiers, mandatory nondisclosure provisions, higher retransmission consent fees, and predatory pricing by large video providers all serve as barriers to rural LECs’ ability to deliver video services to their communities. These barriers, in turn,

³⁸ OPASTCO reply comments in MB Docket No. 05-255, (fil. Oct. 11, 2005), p. 6.

³⁹ NTCA, pp. 15-17.

impede efforts to deploy more broadband and related advanced services to the rural communities served by these carriers.

There are specific actions the Commission can and should take in order to alleviate a number of the obstacles faced by small carriers. As discussed above, the Commission should:

- Extend the prohibition against exclusive contracts for programming as provided for in section 628;
- Grant the ACA petition on retransmission consent, and adopt NTCA's suggested rule changes;
- Examine the impacts of forced carriage on video competition, and recognize that such tying constitutes an unfair trade practice that hinders the provision of video services;
- Liberalize discovery rules to provide MVPDs with the ability to demonstrate unfair practices;
- Clarify that the use of shared head-ends cannot be used as an excuse to deny access to content nor impose unwarranted and burdensome financial or technological obligations; and
- Re-examine the interpretation of "effective competition" to reduce abusive predatory pricing practices.

By taking these steps, the Commission will provide at least a measure of relief to small carriers that are attempting to provide, or are considering providing, competitive video services, which also spur additional broadband deployment in rural areas.

⁴⁰ *Id.*, p. 17.

Respectfully submitted,

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I, Brian Ford, hereby certify that a copy of the reply comments by the Organization for the Promotion and Advancement of Small Telecommunications Companies was sent by first class United States mail, postage prepaid, or via electronic mail, on this, the 29th day of December, 2006, to those listed on the attached sheet.

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