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News

## Changing channels draws ire from FCC

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By JOHN M. ROMAN [jroman@delcotimes.com](mailto:jroman@delcotimes.com)

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The Federal Communications Commission is investigating claims that cable companies have been moving analog channels to the digital tier without reducing basic cable rates.

The FCC has already fined nine cable companies, including Comcast, for inhibiting its investigation by refusing to provide adequate information.

Harold Feld, senior vice president of the Media Access Project, a public interest law firm in Washington, D.C., Friday said, "The FCC fined Comcast and other cable operators because they refused to provide full answers to questions about the cost of programming and whether Comcast passed on any savings from shifting programming to digital to viewers.

"What is at issue here is not so much whether Comcast did anything wrong, but whether Comcast can just refuse to cooperate with the FCC's investigation.

"Consumers Union has argued that giving subscribers fewer channels while charging them the same amount of money, or requiring subscribers to buy more expensive service to get the same channels, is a price increase and requires 30 days notice under FCC rules.

"The FCC is certainly entitled to ask Comcast whether a change in the lineup comes from legitimate concern about programming costs or amounts to charging more for less.

"At any rate, Comcast has no right to tell the FCC what it can and cannot investigate anymore than Bernie Madoff can tell the Securities and Exchange Commission 'I don't feel like talking about my accounting practices.'"

Joel Kelsey, a Consumers Union policy analyst, said the FCC just released its notices of liability forfeitures. This "means that they are fining a number of cable companies for removing channels and not giving proper notice to customers," of which Comcast is one, he said.

The companies are not being fined on a national level, but in the markets from where the complaints are filed, Kelsey said.

"The larger win for consumers is that the cable companies have stopped this practice and agreed to give free set-top boxes to consumers up to one year," Kelsey said.

The FCC in Washington did not respond to a phoned voice mail message left with its media relations department.

Jeff Alexander, vice president of public relations for Comcast's Eastern Division, said the company is not commenting on the recent FCC actions.

"We absolutely notify customers in advance of any channel changes," he said. Some channel changes were made in early December in Delaware County for AMC, Style, Cartoon and C-Span 2, he said.

"Cable providers like Comcast occasionally make changes to their channel lineups, and this is entirely independent of the federally mandated changes that are scheduled to occur in February 2009," Alexander said. "We've made changes like this over the past years. Changes like those made in Delaware County in December are made to meet strong customer demand for more high-definition and On Demand programming, faster Internet speeds and other advanced digital services."

Alexander said one analog channel consumes the same amount of bandwidth as 10 digital channels or three HD channels.

"By making changes to our lineup, we can add more of the services our customers ask for: More HD, Video On Demand and faster Internet speeds," Alexander said.

If customers are impacted by changes Comcast makes to the lineup, they can bring a set-top box from Comcast into the home at no cost, he pointed out.

"This will allow them to continue viewing channels we moved, like Cartoon or AMC," he said. This also includes Style and C-Span 2. "The box delivers many benefits and there's no need to change level of service or become a 'Digital Cable customer.'"

Alexander also stressed that this is "entirely different" from the converter that some consumers will need watching broadcast channels using rabbit ears or rooftop antennas after Feb. 17. That's when the federal government has mandated the digital TV switch to free up more room in the wireless spectrum.

He said by bringing a set-top box from Comcast into the home, customers receive the same expanded basic channels, plus significant added value and advanced features including:

- n All-digital picture and sound quality on all channels, including all local broadcast stations;
- n About 10,000 Video On Demand programs, 95 percent at no additional cost;
- n More than 45 commercial-free digital music channels;
- n An interactive program guide with advanced features and options for personalization and customization;
- n Parental controls.

Meanwhile, Consumers Union has commended the introduction of legislation in Congress to delay the transition from analog to digital TV broadcasts until June 12.

Without a delay, more than 10 million consumers that depend on free, over-the-air television could lose their access to vital news and emergency information Feb. 17, Kelsey said.

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