

UPDATE February 20, 2018

Small Cable Systems Must Upload New Political Files to the FCC's Online Public File Database Beginning March 1, 2018

Beginning [March 1, 2018](#), cable systems with at least 1,000 but fewer than 5,000 subscribers must upload new political file materials to the FCC's online public inspection file database on a going-forward basis. These systems are not required to upload political file materials from prior to this date. Instead, existing records must be maintained locally until the end of the political file's two-year retention period.

Background. In January 2016, the FCC adopted an [Order](#) requiring cable operators to post their cable system public inspection files to an online database maintained by the FCC. These rules replaced existing requirements that cable systems maintain physical files on-site. While the Order retained certain exemptions for systems with fewer than 1,000 subscribers, it eliminated the previous rule that allowed systems with at least 1,000 but fewer than 5,000 subscribers to provide certain information upon request rather than maintaining it on-site. These systems were required to upload all necessary information to the FCC's online database, but were also given additional time – until March 1, 2018 – before they must upload their political file materials.

Who Must Comply. Under federal law, a cable operator is under no obligation to sell time for political advertising. However, if a cable operator does engage in political advertising sales, it must maintain a file for public examination. Under FCC rules, a cable operator is considered to be engaged in political advertising when it allows its facilities to be “used” by a “legally qualified candidate.” At that time, other candidates for the same office may request an “equal opportunity” to appear on the system.

Cable operators must comply with the political advertising public inspection file requirements even if a third party (e.g., Comcast Spotlight or Viamedia) sells the advertising for insertion on the cable operator's system.

Cable systems with fewer than 1,000 subscribers are exempt from the political file public inspection requirement and are not obligated to maintain an online public inspection file.

Required Information. [Section 76.1701](#) of the FCC's rules require cable systems engaged in political advertising sales to maintain for public inspection “complete and orderly record[s] ... of all requests for cablecast time made by or on behalf of a candidate for public office, together with an appropriate notation showing the disposition made by the system of such requests, and the charges made, if any, if the request is granted.” The “disposition” includes the schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased. If free time is provided to a candidate, a record of the free time must be placed in the political file as well.

The required records must be placed in the political file as soon as possible (absent unusual circumstances) and must be retained for two years.

Upload Procedures. Operators must upload the necessary political file documents in their existing formats (e.g., Microsoft Word). The FCC will display each document in both its original form and

as a pdf file. If a document already exists in a searchable format, it should be uploaded in that format to the extent technically feasible.

Third-party advertising vendors, like Comcast Spotlight or Viamedia, who place political advertisements for and provide the required political file documentation to cable operators may agree to upload these documents into an operator's online political file on the operator's behalf. However, the operator remains responsible for ensuring that the materials are properly uploaded and maintained.

Back-up Political Files. Even with the requirement to upload new political files to the FCC's online database, cable systems must make back-up copies of their political file documents so that they can be produced if the FCC online database is unavailable. Operators may meet this back-up requirement by periodically downloading a mirror copy of their online public file, including the political file, or by maintaining a local back-up of the political file. This backup file may be maintained electronically, so long as a computer terminal capable of accessing the database is made available, at the location of the file, to members of the public who wish to review it.

If you have any questions about political advertising or the public inspection file rules, please contact Scott Friedman at (312) 372-3930 or sfriedman@cinnamonmueller.com.

CPNI Officer's Certificate Due March 1, 2018 – CORRECTED Submission Options

On February 7, 2018, the FCC's Wireline Competition Bureau released a [Public Notice](#) reminding telecommunications carriers and interconnected VoIP providers of their obligation to file annual reports certifying compliance with the FCC's customer proprietary network information ("CPNI") rules. The certificate must be filed with the FCC by **March 1, 2018**. Importantly, filers this year must use Docket No. 06-36 in the FCC's Electronic Comment Filing System ("ECFS") to submit their certification.

Submission Procedure. Previously, carriers had the option to submit the certification either through ECFS or through an online template provided by the FCC. **The FCC's online CPNI template will not be operational in 2018.** Therefore, carriers may only submit the certification in [ECFS](#) by filing it in Docket No. 06-36. The Public Notice contains a sample CPNI certification template as an example of the filing carriers must submit in Docket No. 06-36 in ECFS. Use of the sample certification template is not mandatory, provided all required information is included.

For more information regarding the annual CPNI officer's certificate, click [here](#).

If you have further questions regarding CPNI or the filing of the officer's certificate, please contact Bruce Beard at (314) 394-1535 or via email at bbeard@cinnamonmueller.com.

Copyright Forms and Fees Due by March 1, 2018

Cable operators must file with the U.S. Copyright Office their Statement of Accounts (Form SA1-2 or SA3) and pay any royalty fees due for the July 2017 – December 2017 accounting period by March 1, 2018. The following forms apply:

- **SA1-2 Short Form.** For use by cable systems with semiannual gross receipts of less than \$527,600.
- **SA3 Long Form.** For use by cable systems with semiannual gross receipts of \$527,600 or more.

Cable operators may now electronically sign and submit their SOAs. Excel-based SA1-2E Short Form and SA3E Long Form, along with additional instructions regarding the forms, are available for download on the Copyright Office's [Section 111 webpage](#). Cable operators may choose to continue to use the paper-based forms as well.

Copyright filings must be accompanied by a filing fee in addition to the royalty payment. The filing fee is calculated based on the type of form filed:

SOA Type	Filing Fee
SA-1 (\$137,100 or less gross revenues)	\$15
SA-2 (\$137,101 – \$527,599 gross revenues)	\$20
SA-3 (\$527,600 or more gross revenues)	\$725

Operators must remit the royalty fee and filing fee in a single electronic payment. If you have any questions about copyright forms or fees, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

FCC Form 477 Due March 1, 2018

The next Form 477 is due March 1, 2018. Telephone, broadband, and interconnected VoIP providers must report information about broadband connections and local telephone service as of December 31, 2017.

As a reminder, Form 477 must be filed online through the [FCC's filing interface](#). Instructions for filers can be found [here](#). Filers can also review a brief summary of the Form 477 changes made in 2014 on the FCC's [website](#).

If you have any questions about Form 477, please contact Scott Friedman at (312) 372-3930 or sfriedman@cinnamonmueller.com.

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