

## **UPDATE**

### **June 17, 2019**

#### **New Pole Attachment Rules Now in Effect**

Last August, the FCC released a [Report and Order and Declaratory Ruling](#) that updated the FCC's pole attachment access rules. Recently, the FCC released a [Public Notice](#) announcing that these changes took effect on May 20, 2019.

The FCC adopted the new rules in an attempt to accelerate broadband deployment and reduce costs through adoption of a new "one-touch-make-ready" regime for the vast majority of pole attachments governed by federal law.

The changes made to the FCC's pole attachment rules in the August 2018 Report and Order and Declaratory Ruling include:

- Permitting new attachers to elect "one-touch make-ready" for simple make-ready for wireline attachments in the "communications space" on a pole.
- Retaining a multi-party process for new attachments where safety and reliability risks are greater.
- Codifying the FCC's existing precedent that permits attachers to "overlash" existing wires without first seeking the utility's approval while allowing the utility to request reasonable (i.e., up to 15 days) advance notice of overlash.

Importantly, the FCC's rules apply only in states that have not "reverse preempted" the FCC's authority over pole access. For a list of states that have certified that they regulate pole attachments, see [here](#).

If you have any questions about pole attachments, please contact Bruce Beard at (314) 394-1535 or [bbeard@cinnamonmueller.com](mailto:bbeard@cinnamonmueller.com).

#### **FCC Announces August 7, 2019 EAS National Test**

##### **EAS Participants Must Complete ETRS Form One by July 3, 2019**

Yesterday, June 3, 2019, the FCC's Public Safety and Homeland Security Bureau released a [Public Notice](#) announcing that FEMA, in collaboration with the FCC, will conduct an Emergency Alert System ("EAS") test on August 7, 2019 at 2:20 pm EDT with a backup date of August 21, 2019. The Public Notice also provides notice that the EAS Test Reporting System ("ETRS") is now open and accepting 2019 filings. EAS Participants, which include cable operators, must renew their identifying information in ETRS Form One by **July 3, 2019**.

The Bureau also reminded all EAS Participants that they must file the "day of test" information sought by ETRS Form Two on the EAS test date, August 7, 2019, and must file ETRS Form Three on or before September 23, 2019.

Unlike in recent years, the 2019 nationwide test will only be disseminated using a hierarchical, broadcast-based distribution system, otherwise known as the “daisy chain” and not over the Internet using the Integrated Public Alert and Warning System (“IPAWS”). Because the test will be disseminated in this manner, FEMA has indicated that “full message text and multilingual messaging will not be available.” Nonetheless, the Public Notice reminds EAS Participants that the alerts must comply with the FCC’s accessibility requirements and, as such, will include both audio and visual elements as required by the FCC’s rules.

If you have questions about EAS or about preparing your cable system for the upcoming nationwide EAS test, please contact Scott Friedman at (314) 462-9000 or [sfriedman@cinnamonmueller.com](mailto:sfriedman@cinnamonmueller.com).

### **Reminder: Cable Operators No Long Must Maintain Public Channel Lineups**

On April 12, 2019, the FCC released a [Report and Order](#) eliminating both the requirement for cable operators to maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers and the related obligation that certain cable operators make their channel lineup available through the FCC-hosted online public inspection file. The FCC took these steps as part of its continuing efforts to reduce outdated rules and unnecessary regulatory burdens that can impede competition and innovation in the media marketplace.

In the Report and Order, the FCC concluded that channel lineup information is available from many sources today and that operators have a competitive incentive to ensure that this information is widely disseminated. The FCC also recognized that its rules require cable operators to provide information to subscribers regarding the “channel positions of programming carried on the system” and “products and services offered” at the time of installation, at least annually, and at any time upon request. Further, the FCC agreed with NCTA, ACA and others that it is now easy to access channel lineup information from company websites, on-screen electronic program guides, and paper guides.

Note: Cable systems with 1,000 or more subscribers must upload their public inspection files to the FCC-hosted online database. Cable systems with fewer than 1,000 subscribers are not required to use the FCC-hosted online database. These systems may instead continue to maintain their files locally.

If you have any questions about public inspection files or other FCC regulatory requirements, please contact Scott Friedman at (314) 462-9000 or [sfriedman@cinnamonmueller.com](mailto:sfriedman@cinnamonmueller.com).

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