
UPDATE

November 5, 2020

Truth-in-Billing Compliance Deadline is Next Month

On [December 20, 2020](#), the new truth-in-billing provisions of the Television Viewer Protection Act of 2019 (“TVPA”) will go into effect. Under the TVPA, all MVPDs will be required to “give consumers a breakdown of all charges related to the MVPD’s video service” before entering into a contract with a consumer for service, and also provide consumers 24 hours in which to cancel such service without penalty. Moreover, MVPDs will be required to provide greater transparency in electronic bills and will be prohibited from charging for the use of equipment owned by the consumer. MVPDs should review their practices to ensure that they comply with the new requirements.

MVPD Video Obligations. The numerous duties imposed on MVPDs regarding the sale of MVPD services include:

Transparency Obligation. Before entering into a contract with a consumer, the MVPD must provide the consumer (by phone, in person, online, or by other reasonable means) with the total monthly charge for the service selected by the consumer, whether provided individually or as part of a bundle. The charge must include related administrative fees, equipment fees or other charges, and a good faith estimate of any taxes, fees, or government-imposed charges. If the service involves a promotional discount, the MVPD must also note the amount of the discount and when it will expire.

Formal Notice Obligation. Within 24 hours of entering into a contract with a consumer for a multichannel video programming service, the MVPD shall send the consumer by email, online link, or other reasonably comparable means, a copy of the information above.

Consumer Right to Cancel. A consumer shall have the right to cancel a contract without early cancellation or other disconnection fees or penalties within 24 hours of the MVPD sending the information to the consumer.

E-Billing Disclosure Requirements. If an MVPD provides a bill in electronic format, the bill must include (i) an itemized statement setting forth the amount charged for the provision of service and the amount of all related taxes, administrative fees, equipment fees, or other charges; (ii) the termination date of the contract between the MVPD and consumer; and (iii) the termination date of any applicable promotional discount.

Consumer Rights to Accurate Equipment Charges. Under the TVPA, an MVPD or provider of fixed broadband internet access service may not charge a consumer for (i) using covered equipment (such as a router) provided by the consumer, or (ii) renting, leasing, or otherwise providing covered equipment that the provider has not yet provided to the consumer or that the consumer has returned to the provider. A provider may assess charges for equipment that has been returned if the charges cover the period prior to its return.

If you have questions about the TVPA or billing in general, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

FCC Increases Amount of Required Video Described Programming for MVPDs

On October 27, 2020, the FCC released a [Report and Order](#) expanding the video description (now called audio description) requirements for an additional 10 DMAs each year for four years. This would include the DMA markets ranked 61st through 100. This phased-in approach will begin for markets 61-70 on the later of January 1, 2021 or the effective date of the FCC's Order. The requirements will then expand each January 1st by 10 markets per year.

Under the FCC's audio description rules, MVPDs and broadcast stations must offer audio narration of the action depicted visually in television programming ("audio description"). Audio description aids people who are blind or visually impaired by providing an oral narration of visual images present on screen during gaps in dialog or narration.

Background. Since July 1, 2012, all MVPDs have been required, **regardless of size, to "pass through" audio description provided on** both broadcast and non-broadcast programming. This requirement only applies if the MVPD has the "technical capability" to pass through the audio description and that technical capacity is not being used for another programming-related purpose. Once an MVPD airs a program with audio description it generally must include the audio description on all subsequent airings.

In addition, MVPD systems with 50,000 or more subscribers must offer 87.5 hours of audio description, per calendar quarter, for each of the top five non-broadcast channels (currently, USA, HGTV, TBS, Discovery, and History). Broadcast affiliates of the top four national networks (ABC, CBS, Fox and NBC) located in the top 60 markets must also provide 87.5 hours per calendar quarter of programming with audio description.

If you have any questions about the audio description or accessibility rules in general, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

Please visit our website at www.cinnamonmueller.com to learn more about our lawyers and practice. You can reach Cinnamon Mueller at (314) 462-9000. *This update is provided by the law firm of Cinnamon Mueller. The document is intended for informational purposes only as a service to clients of Cinnamon Mueller. It is not intended to provide specific legal advice or to substitute obtaining appropriate legal counsel. We encourage you to consult with counsel to address special compliance issues and for assistance in negotiating or handling any such matter referred to in the update.*