
UPDATE
November 17, 2020

FCC Releases Small Entity Compliance Guide for Leased Access

On November 16, 2020, the FCC released a [Compliance Guide](#) covering the FCC's leased access rules, which require cable operators to set aside channel capacity for commercial use by unaffiliated video programmers. Earlier this year, the FCC released a [Report and Order](#) modifying its leased access rate formula to reflect changes to cable rate regulation over the years.

The Compliance Guide covers the new rate formula that cable operators must use when calculating leased access rates. Leased access rates will now be calculated using information specific to the tier of carriage, as opposed to the previous weighting scheme that used data from all tiers with subscriber penetration over 50 percent. The FCC hopes that this modification will more accurately approximate the value of a particular channel, while alleviating burdens on cable operators.

Leased access has been a contentious issue at the FCC and for cable operators over the past two decades. Last year, the FCC vacated the 2008 Leased Access Order, which never went into effect due to a judicial stay and the Office of Management and Budget's disapproval of the associated information collection requirements. Moreover, the FCC also eliminated the requirement that cable operators make leased access available on a part-time basis, and it modified the FCC's rules to require cable operators, regardless of system size, to respond only to bona fide requests from prospective leased access programmers.

If you have questions about the FCC's leased access rules, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

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