

Langdon, Jeff

7/2/145

From: Crandall, Jeff
Sent: Thursday, October 20, 2016 10:17 AM
To: Langdon, Jeff
Subject: FW: Serve ticket#: 1229510 Last Name: Schlameuss

Follow Up Flag: Follow up
Flag Status: Flagged

From: FCC [mailto:consumercomplaints@fcc.gov]
Sent: Thursday, October 20, 2016 9:03 AM
To: Crandall, Jeff
Subject: Serve ticket#: 1229510 Last Name: Schlameuss

##- Please type your reply above this line -##

Rebuttal Due Date: 11/03/2016

Rebuttal Serve Date: 10/20/2016

REBUTTAL

Link to Ticket: <https://fcctest.zendesk.com/agent/tickets/1229510>

Subject: Material Degradation of Local Commercial Broadcast Signal on CATV System

Tags: availability_tv cable_tv carrier_rebuttal_response_pending carrier_response_date_added no_filing_on_behalf other pennsylvania rebuttal_review_needed

Email: rich.schlameuss@gmail.com

Method: - Cable

Issue:- Availability

Number subject to complaint:

Company Name:

Other Company Name: Blue Ridge Communications

Account #:

First: Richard

Last: Schlameuss

Address: 161 Huffman Hill Road

City: East Stroudsburg

State: pennsylvania

Zip: 18302

Phone where to be contacted: 617-270-4053

Filing on Behalf of Someone: No

Relationship:

First Name:

Last Name:

Serve Status: carrier_rebuttal_response_pending

Ticket Information:

Eric Gamage (FCC Complaints)

Oct 20, 9:02 AM EDT

Private note

Please use the macro "Rebuttal Response to FCC" when you are ready to respond.

This constitutes a follow-up to your response to this informal complaint. The complaint response you provided either did not contain a response or the response was insufficient. As soon as possible but no later than 14 days, please submit your initial response if you failed to provide it or submit an additional response addressing the below issues to the Consumer with a copy to the FCC.

If you have any questions regarding this notice, please contact the FCC at carriersupport@fcc.gov.

Rich Schlameuss

Oct 17, 8:20 PM EDT

This is in response to the the letter to the FCC from Blue Ridge Communications regarding this above complaint:

1.A. "FCC 07-170: ... 7. We retain the requirement that HD signals be carried in HD, as well as the comparative approach to determining whether material degradation has occurred. In 2001, the First Report and Order established two requirements to avoid material degradation. First, "a cable operator may not provide a digital broadcast signal in a lesser format or lower resolution than that afforded to any" other signal on the system.¹² Second, a cable operator must carry broadcast stations such that, when compared to the broadcast signal, "the difference is not really perceptible to the viewer."¹³ Thus, "a broadcast signal delivered in HDTV must be carried in HDTV."¹⁴ Because we decline to rely on measurement of bits to determine whether degradation has occurred, we do not require carriage of all content bits. Additionally, for the reasons described below, we decline to adopt the proposed negotiation framework."

1. B. "FCC 15-65: ... 2. Sections 614(b)(4)(A) and 615(g)(2) of the Act require that cable operators carry signals of commercial and noncommercial broadcast television stations, respectively, "without material degradation."⁴ In the context of the carriage of digital signals, the Commission has interpreted this requirement: (i) to prohibit cable operators from discriminating in their carriage between broadcast and non-broadcast signals; and (ii) to require cable operators to carry HD broadcast signals to their viewers in HD.⁵ "

2. In the letter received by Blue Ridge Communications, it is the prevailing view of their corporation that broadcast HD signal is only available to HD customers. This seems to be in contradiction to the above

rule. The standard definition signal is a material degradation of the originally produced and delivered HDTV signal. The rule above does not discriminate between HD customers and standard definition customers.

3. I am an HD customer, and as the letter states, I am entitled to an HDTV signal, so the DTA mini box should be provisioned with those channels.

4. Once the transition to the DTA mini box is complete, the coax signal will be rendered obsolete and non-functioning. Using it to obtain the broadcast HD QAM signal will not be an option.

I respectfully request that the ruling of the FCC should enforce that broadcast HD signals should be available to all Blue Ridge Communications customers regardless of the mode of transmission.

Jeff Crandall (FCC Complaints)

Oct 14, 11:04 AM EDT

Private note

Please see our response and attachment.

Attachment(s)

[FCC Consumer Complaint- Richard Schlameuss- Serve Ticket#1229510.doc](#)

Mary Pontious (FCC Complaints)

Oct 6, 8:58 AM EDT

Private note

Please use the Macro called "Closure Response to FCC" when you are ready to respond. To view instructions on how to respond see <https://us-fcc.box.com/how-to-respond>.

This constitutes a notice of informal complaint filed with the FCC against your company. Your response to the consumer (with a copy to the FCC) is due no later than 30 days from the date of this notice.

For more information on your legal responsibilities, see <https://us-fcc.app.box.com/complaintnotice>.

If you have any questions regarding this notice, please contact the FCC at carriersupport@fcc.gov.

Rich Schlameuss

Sep 30, 9:55 PM EDT

Rich Schlameuss was not signed in when this comment was submitted. [Learn more](#)

Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, CS Docket No. 98-120, Fifth Report and Order, 27 FCC Rcd 6529, 6546-49, ¶¶ 19-23 (2012) ("Fifth Report and Order")

Section 614(b)(4)(A) of the Act provides that:

"[t]he signals of local commercial television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal."

Blue Ridge Communications is in the process of rolling out switched digital video across its system. The new system requires every tv to have a digital transport adaptor (DTA Mini Box) or a traditional cable box. The new DTA Mini Box is HD capable. However, Blue Ridge Communications is not providing broadcast television stations in HD with the DTA Mini Box, as required in the above ruling. Instead, they are reducing the signal to standard definition. This appears to be contrary to the ruling above as it is a material degradation of signal despite the availability of the technical resources to provide the signal.

If my interpretation of the rule above is not correct, please let me know. However, if Blue Ridge Communications is not in compliance with the rule, please inform both of us.

You are an agent. Add a comment by replying to this email or [view ticket in Zendesk](#).

Ticket # 1229510
Status Open
Requester Rich Schlameuss
CCs -
Group Blue Ridge Communications
Assignee Jeff Crandall
Priority -
Type Ticket
Channel Web Form

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

October 31, 2016

Eric Gamage
Consumer Complaints
Serve Ticket#1229510 (Rebuttal)
Last Name: Schlameuss

Dear Eric Gamage,

Blue Ridge maintains that we do not degrade the signal. We are broadcasting both the HD and the SD signals. The DTA equipment we provide transmits non-HD signals. We lease different HD boxes to transmit the HD signal. The broadcast HD signal is available to customers either through their own HD capable TV with QAM tuners, or through lease of an HD box. If you have any further questions, please let me know.

Sincerely,

Jeff Langdon
Blue Ridge Communications

Cc. Richard Schlameuss

