

Public TV Digital Cable Carriage Agreement With American Cable Association

Summary of Terms

- Pre-transition: (while television stations are transmitting both analog and digital television signals):
 - HD cable systems (those systems providing digital cable services and HDTV programming) (“HD Digital Cable Systems”) will carry the free digital broadcast programming of one local Public Television station (determined by the cable system) in addition to the Public Television station’s analog signal. The digital programming to be carried includes four streams of free non-commercial digital programming from that Public Television station, including HD or standard definition (SD); program-related and formal educational material; and homeland security or other emergency public safety information (“Public Television Digital Programming”).
 - All existing digital carriage agreements between Public Television stations and cable systems will continue in effect until those agreements terminate or all television broadcasters in the market are required to operate solely in digital, whichever occurs first.
- Voluntary early transition: If a Public Television station opts to relinquish its analog channel before all the other stations in its market, the HD Digital Cable System will carry a down-converted analog version of the digital-only Public Television station’s primary digital signal and the Public Television station’s digital programming, including HD, SD, and the data referenced above.
- Post-transition: HD Digital Cable Systems will carry the Public Television digital programming, including HD, SD, and the data referenced above of all local must-carry Public Television stations, subject to the duplication parameters described below, and also will down-convert the primary digital programming stream for carriage in analog format.
- Duplication limits: HD Digital Cable Systems are not obligated to carry any Public Television station program streams that substantially duplicate the program streams of other local Public Television stations carried on the HD Digital Cable System (Duplication is defined in the current FCC analog carriage rule in Section 76.56 of the FCC Rules. That rule states that duplication analysis begins after three stations are carried. At that point a station substantially duplicates the programming of another station if it broadcasts the same programming simultaneously or non-simultaneously for more than 50 percent of prime time and more than 50 percent outside prime time over a three-month period.)

- Limits on content to be carried: HD Digital Cable Systems are not required to carry any ancillary or supplementary material broadcast by a station, nor are they required to carry material that is not program-related, except for Homeland Security information and formal educational programming material (both simultaneous and non-simultaneous) subject to technical feasibility. HD Digital Cable Systems can delete any material from a PTV Station's signal that the cable system is not required to carry.
- Carriage Subject to the Applicability of the Compulsory Copyright License: Cable operators' obligations under this agreement are contingent on the compulsory copyright license applying to the carriage of DTV signals. If additional fees are assessed for carriage of a digital signal, the Agreement may be renegotiated.
- Tier placement, program guide listings, no material degradation: The primary stream of the Public Television station must be placed on the lowest priced tier of service that includes retransmission of primary digital signals of other local digital TV stations. Cable operators have several choices for placement of the other multicast digital channels, including contiguous placement, like genre placement, or placement in the same neighborhood as major broadcast affiliates. Cable operators may not discriminate against Public Television stations in on-screen program guides. Cable operators may not materially degrade Public Television digital broadcast signals, but may employ measures to conserve bandwidth on the cable plant.
- Term: The agreement lasts for 10 years and is subject to successive 10-year renewals. After the initial term, the national organizations agree to negotiate in good faith for renewal of the agreement, taking into account changes in market conditions and technology.
- Ratification: Under the agreement, HD Digital Cable Systems and Public Television stations must ratify the agreement and agree to be bound by its terms. The terms apply to all ratifying Public Television licensees' stations, translators, repeaters, and distributed transmitters.
- Advocacy: This agreement prohibits APTS, PBS, ACA, ratifying Public Television stations, and ratifying cable systems from any legislative, administrative, or judicial advocacy designed to undo the terms covered by the agreement.