

## § 76.1907

(B) Ways in which the new service differs from services offered by any covered entity prior to December 31, 2002;

(vi) *Determination procedures.* The Commission may specify other procedures, such as oral argument, evidentiary hearing, or further written submissions directed to particular aspects, as it deems appropriate.

(b) *Complaint regarding a service not subject to notice.* In an instance in which an interested party has a substantial basis to believe and believes in good faith that a service pursuant to an undefined business model has been launched without requisite notice, such party may file a complaint pursuant to § 76.7.

## § 76.1907 Temporary bona fide trials.

The obligations and procedures as to encoding rules set forth in §§ 76.1904(b) and (c) and 76.1905(a) and (b) do not apply in the case of a temporary bona fide trial of a service.

## § 76.1908 Certain practices not prohibited.

Nothing in this subpart shall be construed as prohibiting a covered entity from:

(a) Encoding, storing or managing commercial audiovisual content within its distribution system or within a covered product under the control of a covered entity's commercially adopted access control method, provided that the outcome for the consumer from the application of the encoding rules set out in § 76.1904(a) and (b) is unchanged thereby when such commercial audiovisual content is released to consumer control, or

(b) Causing, with respect to a specific covered product, the output of content from such product in a format as necessary to match the display format of another device connected to such product, including but not limited to providing for content conversion between widely-used formats for the transport, processing and display of audiovisual signals or data, such as between analog and digital formats and between PAL and NTSC or RGB and Y,Pb,Pr.

## 47 CFR Ch. I (10–1–10 Edition)

## § 76.1909 Redistribution control of unencrypted digital terrestrial broadcast content.

(a) For the purposes of this section, the terms unencrypted digital terrestrial broadcast content, EIT, PMT, broadcast flag, covered demodulator product, and marked content shall have the same meaning as set forth in § 73.9000 of this chapter.

(b) *Encrypted retransmission.* Where a multichannel video programming distributor retransmits unencrypted digital terrestrial broadcast content in encrypted form, such distributor shall, upon demodulation of the 8-VSB, 16-VSB, 64-QAM or 256-QAM signal, inspect either the EIT or PMT for the broadcast flag, and if the broadcast flag is present:

(1) Securely and robustly convey that information to the consumer product used to decrypt the distributor's signal information, and

(2) Require that such consumer product, following such decryption, protect the content of such signal as if it were a covered demodulator product receiving marked content.

(c) *Unencrypted retransmission.* Where a multichannel video programming distributor retransmits unencrypted digital terrestrial broadcast content in unencrypted form, such distributor shall, upon demodulation:

(1) Preserve the broadcast flag, if present, in both the EIT and PMT; and

(2) Use 8-VSB, 16-VSB, 64-QAM, or 256-QAM signal modulation for the retransmission.

(d) *Unmarked content.* Where a multichannel video programming distributor retransmits unencrypted digital terrestrial broadcast content that is not marked with the broadcast flag, the multichannel video programming distributor shall not encode such content to restrict its redistribution.

[68 FR 67607, Dec. 3, 2003]

## Subpart X—Access to MDUs

## § 76.2000 Exclusive access to multiple dwelling units generally.

(a) *Prohibition.* No cable operator or other provider of MVPD service subject to 47 U.S.C. 548 shall enforce or execute any provision in a contract that grants

**Federal Communications Commission**

**Pt. 76, Index**

to it the exclusive right to provide any video programming service (alone or in combination with other services) to a MDU. All such exclusivity clauses are null and void.

(b) *Definition.* For purposes of this rule, MDU shall include a multiple dwelling unit building (such as an apartment building, condominium building or cooperative) and any other centrally managed residential real estate development (such as a gated community, mobile home park, or garden apartment); provided however, that MDU shall not include time share units, academic campuses and dormitories, military bases, hotels, rooming houses, prisons, jails, halfway houses, hospitals, nursing homes or other assisted living facilities.

[73 FR 1089, Jan. 7, 2008]

**ALPHABETICAL INDEX—PART 76**

**A**

A and B grade contours ..... 76.5

Access, Channel enforcement ..... 76.10

Address, operator or status change reports ..... 76.400

Aeronautical and marine emergency frequencies, Operation near. .... 76.616

Aeronautical band usage, Notification requirements. .... 76.615

Authority, Special temporary ..... 76.29

**B**

B and A grade contours ..... 76.5

Boundaries, TV markets ..... 76.53

Broadcast, Sports ..... 76.67

Broadcast station, TV ..... 76.5

**C**

Cable TV channel: Classes I, II, III, IV ..... 76.5

Cablecasting ..... 76.5

CATV basic signal leakage performance criteria. .... 76.611

CATV system ..... 76.5

CATV system interference ..... 76.613

Candidates for public office, Cablecast by ... 76.205

Carriage disputes ..... 76.58

Carriage, mandatory, Expiration of ..... 76.64

Carriage, Manner of ..... 76.62

Carriage of other TV signals ..... 76.60

Carriage of TV stations, Mandatory ..... 76.56

Carriage of TV stations, Mandatory, Exemption from. .... 76.70

Channel access enforcement ..... 76.10

Communities, Designated ..... 76.51

Community, Principal contour ..... 76.5

Community unit ..... 76.5

Consumer education-selector switches ..... 76.66

Cross-ownership ..... 76.501

**D**

Definitions, Part 76 ..... 76.5

Designated communities ..... 76.51

Dismissal: Special relief petitions ..... 76.8

Disputes concerning carriage ..... 76.58

Doctrine, Fairness ..... 76.209

**E**

Editorials, Political ..... 76.209

Enforcement, Channel access ..... 76.10

Enforcement, Lockbox ..... 76.11

Equal employment opportunity—

    Scope ..... 76.71

    General Policy ..... 76.73

    Program requirements ..... 76.75

    Reporting requirements ..... 76.77

    Public inspection of records ..... 76.79

Exceptions, to rules provisions—

    Network program nonduplication .... 76.95

    Signal leakage performance criteria ..... 76.618

    Frequency separation standards .... 76.618

**F**

Fairness doctrine ..... 76.209

File, Public inspection ..... 76.305

Forfeitures ..... 76.9

Forms, Report ..... 76.403

Frequency bands 108–136; 225–400 MHz, Operation in. .... 76.610

Frequency separation standards ..... 76.612

Frequency separation standards, Exception to. .... 76.618

Full network station ..... 76.5

**G**

Grandfathering, exceptions to rules provisions—

    Non-network program exclusivity ... 76.99

    Non-applicability of §§ 76.611 and 76.612. .... 76.618

    Operation in frequency bands 108–136; 225–400 mHz. .... 76.619

**H-I**

Identification Sponsorship; list retention ..... 76.221

Independent station ..... 76.5

Input selector switches ..... 76.66

Input selector switches, consumer education ..... 76.66

Input selector switches, Exemption ..... 76.70

Inspection, CATV systems, by FCC ..... 76.307

Interference from CATV system ..... 76.613

Interference, Receiver-generated, Responsibility. .... 76.617

Isolation, Terminal ..... 76.5

**J-L**

Leakage measurements, Signal ..... 76.601

Leakage, Signal, performance criteria ..... 76.611

Leakage, Signal, performance criteria, Exception. .... 76.618

List retention, Sponsorship identification ..... 76.221

Lockbox enforcement ..... 76.11

Lotteries ..... 76.213

**M**

Mandatory carriage of TV stations ..... 76.56

Mandatory carriage of TV stations, Exemption from. .... 76.70

Manner of carriage ..... 76.62

Marine and aeronautical emergency frequencies, Operation near. .... 76.716

Major TV markets ..... 76.51

Market size operation provisions—

    Measurements, Performance ..... 76.609

    Measurements, Signal leakage ..... 76.601

    Monitoring, CATV system ..... 76.614

    Must carry requirements ..... 76.55, 76.59, 76.61, 76.64

**N**

Network nonduplication: protection extent .... 76.94

Network nonduplication waivers ..... 76.97

Network program nonduplication: Exceptions ..... 76.95

Network program nonduplication: Notification. .... 76.94

Network programming ..... 76.5

Network programs: nonduplication protection	76.92
Network station, Full	76.5
Network station, Partial	76.5
Noise, System	76.5
Nonduplication protection, Network programs.	76.92
Non-network program exclusivity, exceptions	76.99
Notification requirements: aeronautical bands.	76.615
Notification requirements: network nonduplication.	76.94
O	
Operation in frequency bands 108–136 and 225–400 MHz.	76.610
Operator, address or status change reports	76.400
Order, Show cause	76.9
Ownership, Cross	76.501
P	
Partial network station	76.5
Performance measurements	76.609
Personal attacks: political cablecasts	76.209
Petitions, Dismissal of	76.8
Petitions for waiver	76.7
Political editorials	76.209
Possession of rules	76.301
Prime time	76.5
Program carriages, STV	76.64
Programming, Network	76.5
Protection extent: network nonduplication	76.94
Public inspection file	76.305
Public office, Cablecasts by candidates for	76.205
PURPOSE—Part 76	76.1
Q	
Qualified TV station, Showing	76.55
R	
Rate regulation standards	76.33
Receiver generated interference	76.617
Reference points, Major/smaller markets	76.53
Registration statement: signature	76.14
Registration statement	76.12
Relief, Special	76.7
Report forms	76.403
Reports: Change of operator, address, status.	76.400
Responsibility for receiver-generated interference.	76.617
Rule waiver	76.7
Rules, Possession	76.301
S	
Selector switches, Input	76.66
Selector switches, input, Exemption	76.70
Show cause order	76.9
Signal leakage measurements	76.601
Signal leakage performance criteria	76.611
Signature: registration statement	76.14
Significantly viewed signals	76.54
Special relief	76.7
Special relief petitions, Dismissal of	76.8
Special temporary authority	76.29
Specified zone, TV station	76.5
Sponsorship identification, List retention	76.221
Sports broadcasts	76.67
Standards for rate regulation	76.33
Standards, Technical	76.605
Station protection: network program nonduplication.	76.92
Status, operator or address change reports	76.400
Subscriber terminal	76.5
Subscribers	76.5
System community unit	76.5
System inspection (by FCC)	76.307
System monitoring	76.614

System noise	76.5
T	
Technical standards	76.605
Terminal isolation	76.5
Terminal, Subscriber	76.5
Tests, Performance	76.601
Translator station, TV	76.5
TV markets, Boundaries of	76.53
TV markets, Major	76.51
TV signals, Carriage non-mandatory	76.60
U-V	
Vertical blanking interval, Services on	76.64
W	
Waiver, Network nonduplication	76.97
Waiver, Rules	76.7
X-Y-Z	
Zone, Specified, of TV station	76.5

[50 FR 38536, Sept. 23, 1985; 50 FR 39114, Sept. 27, 1985, as amended at 51 FR 34622, Sept. 30, 1986; 52 FR 37316, Oct. 6, 1987]

## PART 78—CABLE TELEVISION RELAY SERVICE

### Subpart A—General

Sec.	
78.1	Purpose.
78.3	Other pertinent rules.
78.5	Definitions.

### Subpart B—Applications and Licenses

78.11	Permissible service.
78.13	Eligibility for license.
78.15	Contents of applications.
78.16	Who may sign applications.
78.17	Amendment of applications.
78.18	Frequency assignments.
78.19	Interference.
78.20	Acceptance of applications; public notice.
78.21	Dismissal of applications.
78.22	Objections to applications.
78.23	Equipment tests.
78.27	License conditions.
78.29	License period.
78.30	Forfeiture and termination of station authorizations.
78.31	Temporary extension of license.
78.33	Special temporary authority.
78.35	Assignment or transfer of control.
78.36	Frequency coordination.
78.40	Transition of the 1990–2025 MHz band from the Cable Television Relay Service to emerging technologies.

### Subpart C—General Operating Requirements

78.51	Remote control operation.
78.53	Unattended operation.
78.55	Time of operation.
78.57	Station inspection.