

[FCC to Review Video Programming Marketplace; Requests Data on MVPDs, Broadcast TV, and Online Video Providers](#)

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The FCC is taking a close look at the video programming marketplace and gathering data that will undoubtedly shape its rules and policies in the coming years. Its review comes in the form of a periodic assessment of the multichannel video programming industry required by the Communications Act. By its [Further Notice of Inquiry](#) issued Thursday, the FCC expanded the scope of its periodic review of the market for the delivery of video programming and renewed its previous call for data. Although the proceeding is technically an annual occurrence (and indeed is entitled the "*Annual Assessment of the Status of Competition in the Market for the Deliver of Video Programming*"), it has been over two years since the FCC last released a report on the video programming marketplace. Moreover, that report, issued in January 2009 under then-Chairman Martin, actually reported on the state of the marketplace circa 2006 as the data was a few years old by the time the report was issued.

So the FCC's current proceeding actually seeks data for the years 2007 through 2010. More importantly, the Notice of Inquiry marks a significant departure from previous reviews both in terms of the proposed structure of Commission's analysis and the scope of the review, as this proceeding will, for the first time, include information about the online distribution of video programming to consumers. The Commission seeks to analyze three categories of entities that deliver video programming: 1.) multichannel video programming distributors ("MVPDs", *i.e.* cable systems, satellite providers, and teleco providers), 2.) broadcast television stations, and 3.) online video distributors. For each of these types of providers, the Commission proposes to examine industry **structure** (number and size of providers; horizontal and vertical integration; conditions affecting competition), **conduct** (business models; advertising and marketing), and **performance** (quantity and quality of program offerings; price of service; investment and innovation).

The Commission's NOI invites comments from all interested parties, and requests data, information, and comment from entities that provide delivered video programming directly to consumers, as well as consumers and consumer groups, content creators, content aggregators, and manufacturers of consumer premises equipment. Clearly, the Commission is casting its net widely in hopes of a thorough record for its report. Given the increasingly contentious debate over the reclamation of TV spectrum, ongoing

issues regarding retransmission consent agreements, and the rise of online video programming providers, the Commission's proceeding takes on great importance, as the ultimate findings and conclusions drawn by this report will likely be used as the basis for future actions affecting video programming providers and consumers. Comments in the proceeding are due by **June 8th**, with Reply Comments due by **July 8th**. Interested parties may file comments and data with the Commission either in paper or via the Commission's [Electronic Comment Filing System](#).

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