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CableCARD Rules Now Effective

The Enforcement Bureau recently released an advisory emphasizing the need for cable operators to comply with the navigation device rules now in effect. The Bureau cautioned that it would closely monitor cable operators' compliance with the rules. The following summarizes the requirements of the newly effective rules:

- ✓ CableCARD capabilities – Cable operators must accurately explain the ability of retail CableCARD-compatible devices to tune switched digital channels.
- ✓ Package Price Reduction – For those subscribers who use retail devices, cable operators must deduct the rental cost of a set-top box from any programming packages that include a set-top box rental fee.
- ✓ Uniform Price and Disclosures – CableCARDS, whether used in a leased set-top box or in a retail device, must be priced uniformly. The fee must be prominently listed as a line item on the cable operator's website and on its annual rate card. Additionally, should a subscriber request the information, the cable operator must provide the fee information either orally or in writing.
- ✓ Service Fees – Cable operators may not charge service fees for servicing of retail set-top devices that are not charged for leased set-top boxes.
- ✓ Self-Installation – Cable operators that currently permit subscribers to self-install cable modems or operator-leased set-top boxes must likewise permit subscribers to self-install CableCARDS. Cable operators that do not currently permit self-installation must allow self-installation of CableCARDS beginning on November 1, 2011.
- ✓ Professional Installations – For professional installations, cable operators are now required to ensure that the installer brings at least the requested number of CableCARDS to an installation. Cable operators must also make a "good faith efforts" to (i) ensure that the CableCARDS brought to installation are functioning and compatible with subscriber devices; and (ii) permit subscribers to request CableCARDS in the same manner that they can request leased set-top boxes.
- ✓ Multi-Stream CableCARDS – Unless a single-stream CableCARD is requested by a subscriber, the cable operator must provide multi-stream CableCARDS.
- ✓ Access to All Linear Channels – Cable operators must ensure that the subscriber can access all linear channels within the subscriber's cable package. Retail devices must be able to tune at least four simultaneous channels or as many

switched digital channels as the operator's highest-performing set-top box, whichever is greater.

If you have any questions, contact [Mark Palchick](#), [Rebecca Jacobs](#) or any member of the firm's [Communications Law Group](#).

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