

alternative media, including large print/type; digital disk; and audio tape. Qualex International may be reached by e-mail at [Qualexint@aol.com](mailto:Qualexint@aol.com).

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 03-20093 Filed 8-4-03; 10:12 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 03-172; FCC 03-185]

### Annual Assessment of the Status of Competition in the Market for the Delivery of Video

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is required to report annually to Congress on the status of competition in markets for the delivery of video programming. This document solicits information from the public for use in preparing the competition report that is to be submitted to Congress in December 2003. The document will provide parties with an opportunity to submit comments and information to be used in conjunction with publicly available information and filings submitted in relevant Commission proceedings to assess the extent of competition in the market for the delivery of video programming.

**DATES:** Comments are due on or before September 11, 2003, and reply comments are due on or before September 26, 2003.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION, CONTACT:** Andrew Wise, Media Bureau at (202) 418-7026 or via e-mail at [Andrew.Wise@fcc.gov](mailto:Andrew.Wise@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Inquiry* (NOI), MB Docket No. 03-172, adopted July 22, 2003, and released July 30, 2003. The full text of this NOI is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554, and may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail

[qualexint@aol.com](mailto:qualexint@aol.com) or may be viewed via the Internet at <http://www.fcc.gov/mb/>.

### Synopsis of the Notice of Inquiry

1. Section 628(g) of the Communications Act of 1934, as amended, directs the Commission to report to Congress annually on the status of competition in the market for the delivery of video programming. This *Notice of Inquiry* (NOI) solicits data and information on the status of competition in the market for the delivery of video programming for our tenth annual report ("2003 Report"). We request information, comments, and analyses that will allow us to evaluate the status of competition in the video marketplace, prospects for new entrants to that market, and the effect of competition on the industry groups involved and on consumers.

2. In previous years, we have focused only on the current state of competition and changes in the competitive environment since the prior year's Report. Since the 2003 Report will be the tenth one, we have decided to take a broader view of the video marketplace, and to examine changes in the industry over the year since the last report, and in the period since the first report in 1994. Thus, we invite comments and submissions of data on the current state of competition in the video programming industry, prospects for future competition, and changes in the market since the *2002 Report*, over the last five years (*i.e.*, since 1998), and in the decade since 1994. We also seek comment, data and analyses on trends in the market, and comments on the factors that have facilitated or impeded changes in the competitive environment over these time periods.

3. The accuracy and usefulness of the 2003 Report is directly related to the data and information we receive from commenters that respond to this NOI. To facilitate our analysis of competitive trends over time, we request data as of June 30, 2003. For our historical review, we also request that, whenever possible, commenters submit data as of June 30 of the appropriate year. Comments submitted in this proceeding will be augmented with information from publicly available sources and submissions in other Commission proceedings.

### Competition in the Market for the Delivery of Video Programming

4. Video distributors using both wired and wireless technologies serve the market for the delivery of video programming. Video programming distributors include cable systems,

direct broadcast satellite ("DBS") providers, home satellite dish ("HSD") providers, private cable or satellite master antenna television ("SMATV") systems, open video systems ("OVS"), multichannel multipoint distribution services ("MMDS"), broadband service providers ("BSPs"), and over-the-air broadcast television stations.

5. We ask commenters to provide information on the most significant changes or developments in the past year, last five years and ten years. Specifically, we seek information regarding each of the video programming distributors, including the number of homes passed, the number of subscribers, the services offered, the cost for various service options, financial information on each industry, ownership information, and data on investments in plant and facility upgrades.

6. We seek information on industry and market structure and the effect of existing Commission regulations and other provisions of the law on competition in the video marketplace. We seek comments and data on consumer access to more than one video programming distributor, such as homes passed, on the number of households subscribing to one or more multichannel video programming distributor ("MVPD"), and on the number of households relying on over-the-air broadcast television for one or more of their television sets. In this context, we seek comment on mechanisms for ascertaining or estimating the extent of "effective competition" beyond the statutory definition of this term. We also seek data on relative prices to help us investigate the substitution between MVPD technologies, and information on how competition has affected prices, service offerings, and quality of service.

7. We request comment on any factors that are unique to competition in the multiple dwelling units ("MDUs") submarket. We also seek information on what barriers to entry exist in the market. Specifically, we request comment on the ability of video programming distributors to gain access to programming, rights-of-way, pole attachments, conduits, and ducts for the delivery of their services to consumers.

8. We ask commenters to provide data on existing and planned national and local programming services, and their ownership. We seek information on the extent to which programmers are affiliated with video programming distributors and to what extent programming distributors, both broadcast and non-broadcast programming services, are involved in the production of the programming they