

provide, vertically integrated or not. Further, we request data on programming services including the scope of service, launch date, identification of ownership, and number of subscribers. To what extent are video programming distributors able to acquire or license unaffiliated programming? What is the extent to which video programming distributors are and have been able to acquire or license non-vertically integrated programming? To what extent are non-cable MVPDs producing their own programming or securing exclusive rights to certain programming services? Are there certain programming services or types of services without which competitive video service providers may find themselves unable to compete effectively? We also ask for information on how video programming distributors package their programming. In addition, we seek comment as to whether non-vertically integrated programming channels and independently produced programming are able to gain distribution to consumers.

9. Further, we request comment regarding children's, locally-originated, local news, community affairs, and non-English programming. To what extent do cable operators offer public, educational, and governmental ("PEG") access and leased access channels? Commenters are asked to provide information regarding the programming provided by DBS operators in compliance with their public interest obligations. We request comment on the effectiveness of our program access, program carriage, and channel occupancy rules. We seek information regarding video programming providers' experiences offering closed captioning and video description.

10. We also ask for information on advanced service offerings (e.g., high-speed Internet access services, telephony, video-on-demand, high definition television, interactive television) and new ways of offering service (e.g., personal video recorders, streaming video) that are being deployed by video programming distributors. Specifically, we request information regarding the amount and type of programming being offered in high-definition television ("HDTV") format. We seek updated statistics such as the cost of such services, the subscribership to these services, and the number of homes to which each type of service is available. Further, we seek information on the impact that the availability of non-video services offered by video programming providers has on the nature of competition in the video marketplace. In addition, to what

extent do MVPDs offer video and non-video services together? How are the combined services offered and priced? We request comment on the number and types of electronic program guides ("EPGs") that video programming distributors offer or plan to offer and the technologies used to distribute them. We seek comment on the availability and compatibility of customer premises equipment used to provide video programming and other services. How many households have one or more devices? We seek information on the retail availability of navigation devices to consumers.

#### *Cable Television Service*

11. We plan to report on the performance of the cable television industry, and request data and comments on the current and historical state of competition in this segment of the market. We seek statistical information on the cable industry generally and specifically on the financial performance of the industry, capital acquisition and disposition, rates, channel capacity, programming costs, homes passed, subscribership, viewership, new service offerings, and the investments that cable operators have made to upgrade their plant and equipment.

12. We request information on the deployment of various technical methods used to increase capacity. For individual multiple system operators ("MSOs"), we request data on the number of systems upgraded, the analog channel capacity resulting from upgrades, the digital channel capacity resulting from upgrades, the number of systems with digital tiers, the number of households where digital services are available, and the number of subscribers to digital services. What types of programming are available on digital tiers?

13. We seek information on cable system transactions, including the names of the buyer and seller, the date of the transaction, type of transaction (i.e., sale, swap, or trade), name and location of the system, homes passed and number of subscribers, and the price. We seek similar information for non-cable video programming providers. We also request comment on the practice of clustering, whereby operators concentrate their operations in specific geographic areas. We request data regarding the effect of clustering by cable operators on competition in the video programming distribution market.

14. We seek comment on whether cable operators are changing the way they package programming. We also are interested in information on whether,

and if so how, cable operators are restructuring their programming packages and tiers of service as a result of actual or potential competition.

15. We further request information about the advanced services provided by cable operators, such as digital video, high-speed Internet access services, telephony, video-on-demand, and the amount and type of programming being offered in HDTV format. What is the status of the cable industry certification process for interoperable cable modems and to what extent are consumers now purchasing cable modem equipment certified by Cable Television Laboratories, Inc. ("CableLabs") under their Certified Cable Modem Project, rather than renting from video programming distributors? We also seek the most recent information regarding the development of specifications for interoperable set-top boxes on CableLabs' OpenCable process. What percentage of existing equipment is compatible with the OpenCable standards? What developments have taken place in the last year relating to the POD-Host Interface, or PHI license, that affect the deployment of navigation devices or their availability at retail stores? Finally, we solicit updated information on PacketCable, a CableLabs project intended to develop interoperable interface specifications for delivering advanced, real-time multimedia services over two-way cable plant. What is the status of the testing and implementation of this standard?

16. Section 612(g) of the Communications Act provides that at such time as cable systems with 36 or more activated channels are available to 70% of households within the United States and are subscribed to by 70% of those households, the Commission may promulgate any additional rules necessary to promote diversity of information sources. We request comment and supporting data that to determine whether the criteria specified under section 612(g) have been met. Under sections 614 and 615 of the Communications Act, cable operators must set aside up to one third of their channel capacity for the carriage of commercial television stations and additional channels for noncommercial stations depending on the system's channel capacity. We seek information on the extent to which cable operators currently are using all their required set-aside channels for the carriage of local broadcast signals.

#### *Direct-to-Home Satellite Services*

17. We seek current and historical information about direct-to-home ("DTH") satellite services, which