



PUBLIC NOTICE

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WTB ANNOUNCES USE OF DESIGNATED MARKET AREAS TO DETERMINE ELIGIBILITY RESTRICTIONS FOR CABLE OPERATORS FOR MULTICHANNEL VIDEO DISTRIBUTION AND DATA SERVICE LICENSEES

On July 7, 2003, the Commission released a *Third Report and Order* for the Multichannel Video Distribution and Data Service (MVDDS).¹ In the *Third R&O*, the Commission revised the service area definition and build out requirements for MVDDS. The Commission changed the service area from Component Economic Areas (CEAs) to Designated Market Areas (DMAs), finding that DMAs are more effective in affording MVDDS licensees the opportunity to provide a wide array of services and provide a better method of delineating service areas for those who seek to provide multichannel video programming distribution service offerings.²

The *Third R&O* amended Section 101.1401 of the Commission's Rules to reflect this change, but inadvertently did not amend Section 101.1412(d). Section 101.1412 addresses the eligibility restrictions for cable operators, and referred to CEAs rather than DMAs in determining whether there is a significant overlap in service area for cable operators.

The Commission has issued an Erratum, correcting Section 101.1412(d) to be consistent with the change in MVDDS service area to DMAs.³ This amended section now provides that significant overlap occurs when a cable operator's subscribers in a DMA make up thirty-five percent or more of the households in that DMA.

¹ Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band, *Third Report and Order*, ET Docket No. 98-206, FCC 03-152, released July 7, 2003, 68 Fed. Reg. 42610 (July 18, 2003) (*Third R&O*).

² *Id.* at ¶ 8.

³ Erratum, ET Docket No. 98-206, DA 04-336 (rel. Feb. 9, 2004).

Action by Chief, Broadband Division, Wireless Telecommunications Bureau.

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