

# Cable Television Law 2009: *Competition in Video, Internet & Telephony*

New York City,\* January 26-27, 2009

San Francisco, March 2-3, 2009

Live Webcast, March 2-3, 2009 — [www.pli.edu](http://www.pli.edu)

- Did the FCC's decision in the Comcast/BitTorrent dispute satisfy "net neutrality" advocates?
- "Predatory" pricing issues — MDU bulk rates and other competitive situations with new entrants
- Privacy issues raised by video and Internet-based interactive advertising initiatives
- Cable's wired and wireless voice initiatives
- FCC rules on cable carriage of new digital TV broadcast channels
- Retransmission consent vs. must-carry negotiations between cable operators and broadcasters: how to restore balance?

*\*This is an approved transitional program*

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## Why You Should Attend

The cable industry is no longer just about video. Cable companies are now major players in voice and broadband, as well as in their traditional business of video distribution. This means that cable television law now covers a wide range of issues and regulations, from traditional franchising to interconnection and privacy. At **Cable Television Law 2009: Competition in Video, Internet & Telephony**, you will hear about the full panoply of laws and rules affecting all aspects of the cable industry. Lead by Co-Chairs **Frank W. Lloyd** and **Howard J. Symons**, our expert faculty of in-house and outside counsel for leading cable operators, cable programmers, municipalities and online service providers will examine current cases and explain local, state, FCC and Congressional actions affecting your area of practice in this ever-changing field.

## What You Will Learn

- The legal and policy implications of the increasingly robust video competition between cable incumbents, telephone companies, satellite providers, and overbuilders like RCN
- How cable operators and cable programmers are addressing the transfer from analog to digital broadcast television scheduled for February 2009
- Recent court and FCC decisions on cable franchising, leased access channels, access to MDUs and ROW access
- FCC rules on cable carriage of new digital TV broadcast channels
- Retransmission consent vs. must-carry negotiations between cable operators and broadcasters: how to restore balance?
- Privacy issues raised by video and Internet-based interactive advertising initiatives
- Copyright and other legal issues presented by the advent of digital cable and the provision of cable modem service
- FCC rules and recent court decisions affecting cable's digital voice service

## Vital Questions To Be Discussed

- What is the state of broadband and cable voice competition today?
- How has the digital television transition affected cable systems, cable programmers and cable customers?
- Will cable have "network neutrality" obligations imposed on its platform by the FCC, the courts or Congress?
- Will telco video obtain additional federal and state relief from cable's franchising obligations?
- Are cable set-top boxes headed toward further design regulation?
- What can the FCC, cable operators or cities do about indecency on cable networks or on leased or PEG access channels?
- Have class actions on *a la carte* or network management made recent headway?
- How can cable operators learn lessons from the application of the FCC political programming and advertising rules during the past presidential election year?

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- Lincoln College of Law  
Telecomm Faculty Advisor, Space &  
Telecomm Law Program  
Lincoln, Nebraska

### Daniel L. Brenner

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National Cable &  
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Video Franchising and  
Broadband Deployment Group  
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### Brian A. Rankin

Vice President, Deputy General Counsel  
and Chief Telephony Counsel  
Comcast Cable Communications, LLC  
Philadelphia

### Joseph Van Eaton

Miller & Van Eaton, P.L.L.C.  
Washington, D.C.

Program Attorney: Grace O'Hanlon

# P R O G R A M

Please plan to arrive with enough time to register before the conference begins.  
A continental breakfast will be available upon your arrival.

## DAY ONE: 9:00 A.M. – 5:00 P.M.

*Morning Session: 9:00 a.m. – 12:30 p.m.*

9:00

### **Program Overview**

*NYC: Howard J. Symons*

*SF & WEB: Frank W. Lloyd*

9:15

### **Overview: Increasing Competition to Cable Incumbents and the Future of Cable Video, Voice and Data Regulation**

- The new competitive video, Internet access and telephone marketplace: its effect on municipal relations with cable operators over the past year
- Is there still a legitimate franchising authority role, given the robust competitive battles between local cable systems, DBS, and overbuilders like Verizon FiOS, AT&T U-Verse and RCN?
- How are cable operators and cities dealing with the aftermath of Verizon and AT&T's campaigns to obtain statewide franchises and special franchising rules from the FCC?

*NYC: Nicholas P. Miller, Thomas R. Nathan*

*SF & WEB: Michael Morris, Joseph Van Eaton*

10:15

### **Federal Regulation of Multichannel Video in a Competitive Environment**

- Is the Federal regulatory scheme for multichannel video appropriate in today's marketplace?
- Is the FCC treating cable and its video and broadband competitors on a level playing field?
- Is cable facing a significant threat of increased content regulation, such as required *a la carte* program delivery on the wholesale or retail level?
- What can cable anticipate in the area of program access?
- What new initiatives can be expected from the FCC and Congress in 2009

*NYC: W. Kenneth Ferree, Michael Schooler*

*SF & WEB: Daniel L. Brenner, Susan Fox*

11:15 Break

11:30

### **Broadband Network Management Issues**

- Did the FCC's decision in the Comcast/BitTorrent dispute satisfy "net neutrality" advocates?
- What developments in this area are likely from the FCC or Congress?
- Is there a middle ground?
- Practical issues of network congestion

*NYC: James L. Casserly, Harold J. Feld*

*SF & WEB: Marvin Ammori, Lesla Lehtonen*

12:30 Lunch

*Afternoon Session: 1:45 p.m. – 5:00 p.m.*

1:45

### **Refranchising, Franchising Administration and Franchise Transfers**

- Are franchise transfers still a target for new municipal demands?
- What has been the impact of federal court decisions on local telecommunications ordinances and fees?
- What do cable attorneys face regarding the current goals of cities in franchise renewal negotiations?
- How is the state franchising procedure working in those states that have adopted state-wide franchising legislation?

*NYC: Michael E. Olsen, Stephanie M. Phillipps*

*SF & WEB: Paul Glist, Stephanie M. Phillipps*

2:45 Break

## What Prior Attendees Have Said

*"As always a terrific summary of the year's telecommunications needs and issues."*

*"The CLE credits are 'icing' on the cake."*

*"Great faculty – immensely valuable course reference books that are used throughout the year!"*

*"Lively and informed debate on hot topics."*

*"[T]he presenters were all very knowledgeable and interesting."*

*"Very well organized and knowledgeable experts."*

# SCHEDULE

## DAY TWO: 9:00 A.M. – 12:30 P.M.

3:00

### Issues for Cable-Provided Voice Services

- The current state of cable-provided telephone services
- What is the appropriate role for federal regulation? State regulation?
- The FCC's IP-enabled services proceeding
- E-911 and CALEA concerns about VOIP
- Number portability and access to numbers
- Interconnection
- Retention marketing
- The FCC's pole attachment proceeding: is cable potentially facing higher rates for access to utility poles and conduits for its voice and broadband services?
- Cable's wireless voice initiatives

NYC: *Brian A. Rankin, Lauren M. Van Wazer*  
SF & WEB: *Peter A. Casciato, Brian A. Rankin*

4:00

### Cable Content Regulation: Broadcast Signal Carriage, Indecency, Children's and Political Programming and Advertising

- Issues in representing cable program networks
- Broadcast signal retransmission consent negotiations: how can they work in the public's interest?
- The FCC's digital multi-cast must-carry scheme
- The "Digital Transition": What's left to do before the February 18 "hard date" for a DTV switchover?
- Obscenity, indecency and family friendly tiers: How are cable operators and programmers faring under pressure from the FCC and Congress?
- What can cable operators learn from the application of FCC political programming and advertising rules during the past presidential election year?
- The FCC's kidvid rules: how do they apply to cable, and are they working?

NYC: *Maurita Coley, Howard B. Homonoff*  
SF & WEB: *Nicole E. Paolini-Subramanya*

5:00 Adjourn

9:00

### Dealing with Antitrust, Competition and Consumer Complaints

- FCC, DOJ and FTC scrutiny of communications, content and Internet industry mergers
- Tying/leveraging issues in retransmission consent, programming access and other cable contexts
- Litigation and FCC rulings on programming distribution/carriage rights and access to premises
- "Predatory" pricing issues – MDU bulk rates and other competitive situations with new entrants
- Consumer class actions that have been brought on bundling services, refusals to sell program networks *a la carte*, pricing, late fees, and early contract termination fees
- How the new Supreme Court is rewriting antitrust law and what you need to know about it

NYC: *Stephen R. Effros, David J. Saylor*  
SF & WEB: *Richard R. Patch*

10:15 Break

10:30

### Privacy Issues

- What are the privacy, indecency, defamation and copyright implications of offering online services and high-speed Internet access to cable customers?
- How should a cable company's agreement to provide these services be structured?
- Privacy issues raised by the advent of "targeted" advertising.

NYC: *Gerard J. Lewis, Jr., Christin S. McMeley*  
SF & WEB: *Chris Kelly, Julian Michael*

11:30

### Cable Technology for Lawyers

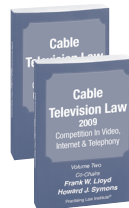
- CableCARDS: FCC rules on "separable security" and waiver standards/decisions
- <tru2way> and the Cable-Consumer Electronics MOU
- Advanced Advertising
- DOCSIS 3.0
- What's next?

NYC, SF & WEB: *Jud Cary*

12:30 Adjourn

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**Steven G. Brody** (McKee Nelson LLP, New York City) and  
**Bruce E. H. Johnson** (Davis Wright Tremaine LLP, Seattle)

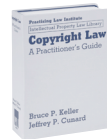


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**Bruce P. Keller** (Debevoise & Plimpton LLP, New York City) and  
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Two widely respected litigators explain major federal copyright legislation and related decisional law, giving you the legal knowledge you need to protect your clients' copyright interests in the real and virtual worlds. Covering everything from the Copyright Acts of 1909 and 1976 through the Digital Millennium Copyright Act, Copyright Law allows you to help clients register, renew, restore, assign, transfer, license, and clear copyrights • prove the key elements in prima facie cases of infringement • prove essential elements to secure statutory damages and other remedies • mount strong innocent infringement, fair use, and equitable defenses • and exploit safe harbors, including DMCA provisions, to minimize liability.

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Practising Law Institute®

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**Practising Law Institute**  
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