

INSTRUCTIONS FOR FCC FORM 1275 OPEN VIDEO SYSTEM CERTIFICATION OF COMPLIANCE

Purpose of this Form

Section 653(a)(1) of the Communications Act, 47 U.S.C. 573(a)(1), provides that an open video system operator must certify to the Commission that it complies with the Commission's regulations under Section 653(b) of the Communications Act, 47 U.S.C. 573(b). This FCC Form 1275 is to be used by an open video system applicant to obtain certification from the Commission. The Commission will publish notice of the receipt of FCC Form 1275 and will post the Form on its Internet site. The certification will be deemed approved if the Commission does not disapprove the certification within ten days of the Commission's receipt of the filing.

Please be sure to review all relevant FCC regulations and these instructions before completing this Form.

Filing Information

OVS applicants are to send certification applications, including FCC Form 1275 and all attachments, as well as notices of intent, via electronic mail (e-mail) delivery to a designated Commission e-mail address. When filing a certification application or notice of intent, applicants will be required to send all documents to the following e-mail address: OVS@fcc.gov.

Instructions

Module A: Company Information. Indicate the applicant's name, address, telephone and fax numbers and the name of a person to contact for further information.

Module B: Ownership Information. Attach a statement of ownership interest in the open video system, including all affiliated entities.

Module C: Eligibility and Compliance Representations.

Line 1: If you are a cable operator applying for certification to operate within your cable franchise area, indicate whether you are qualified to become an open video system operator under Section 76.1501 of the Commission's rules. You must also attach a brief statement explaining how you qualify under Section 76.1501. Section 76.1501 provides that a cable operator is qualified to operate within its cable franchise area if it is subject to "effective competition" in the franchise area, as defined in Section 623(l)(1) of the Communications Act, 47 U.S.C. § 543(l)(1). If a cable operator is not subject to effective competition in its cable franchise area, it may still qualify to operate an open video system under Section 76.1501, provided that the Commission has issued a finding that such operation would serve the public interest, convenience, and necessity. If you are not a cable operator applying for certification within your cable franchise area, check "N/A" to indicate that the question is not applicable.

Line 2: Indicate whether you agree to comply with Sections 76.1503, 76.1504, 76.1506(m), 76.1508, 76.1509, and 76.1513 of the Commission's rules, implementing Section 653(b) of the Communications Act. In certifying compliance with these regulations, you agree to abide by the Commission's requirements regarding non-discriminatory carriage; just and reasonable rates, terms and conditions; a one-third capacity limit on the amount of activated channel capacity on which an open video system operator may select programming when demand for carriage exceeds system capacity; channel sharing; application of the rules concerning sports exclusivity, network non-duplication, and syndicated exclusivity; and non-discriminatory treatment in presenting information to subscribers.

Line 3: Indicate whether you agree to comply with the Commission's requirements for enrollment of and for notice to unaffiliated video programming providers.

Line 4: If you are required under Section 64.903(a) of the Commission's rules to file a cost allocation manual, indicate whether you agree to file changes to your cost allocation manual at least 60 days before the commencement of service. If you are not required under Section 64.903(a) to file a cost allocation manual, check "N/A" to indicate that the question is not applicable.

Module D: System Information.

Line 1: Describe generally the anticipated communities or areas to be served upon completion of your open video system. If the space provided on the form is insufficient, attach additional sheets as necessary.

Line 2: Indicate the amount of digital capacity anticipated on the open video system.

Line 3: Indicate the amount of analog capacity anticipated on the open video system.

Line 4: For switched digital systems, indicate the anticipated number of available channel input ports.

Module E: Verification Statement.

An officer or director of the applicant must sign and date Form 1275 certifying that, to the best of his or her information and belief, all representations contained in the filing are accurate according to the most recent information available.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT (PRA)

The solicitation of information in FCC Form 1275 is authorized by the Communications Act of 1934, as amended. The information provided in this form is used by the Commission to determine that open video system operators comply with the Commission's regulations under Section 653(b) of the Communications Act. If information requested on this form is not provided, processing may be delayed. All information provided in this form will be

available for public inspection. Your response is required to obtain the requested certification. Individuals are not required to respond to a collection of information unless it displays a currently valid OMB control number.

The estimated annual reporting burden is 0.25 to 20 hours for this information collection. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on the burden estimate or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0700), Washington, DC 20554. We will also accept your comments via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember, under 5 CFR Section 1320, an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. The OMB Control Number for this collection is **3060-0700**.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, Public Law 104-13, OCTOBER 1, 1995, 44 U.S.C. Section 3507.